



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

September 23, 2022

Mr. Andrew L. Chapin
Connor, Gwyn, Schenck, PLLC Attorneys at Law
306 East Market Street, Suite One
Greensboro, NC 27401
P.O. BOX 20744
Greensboro, NC 27420

RE: 2018 NC Building Code Section 1001.1 General and 1003.1 Applicability

Mr. Chapin:

This letter is in response to your request for formal interpretation dated August 2, 2022, that was received in NCDOT by email on August 2, 2022. Your request for formal interpretation states:

“WCCC submits this request seeking a formal interpretation in connection with certain steps/stairs constructed on the project. For location reference purposes, please see the attached Exhibit “A,” Location Key for Stair Runs, that identifies the runs of stairs on the project with letters A-W.

Request No. 1: Whether the steps in the aisles labeled B through F and J through N may be considered landscape steps?

Request No. 2: Without necessarily agreeing that any steps associated with the stage and labeled O through W are considered egress steps that may not comply with the building code (WCCC expressly reserves the right to argue otherwise), to the extent that such steps are considered egress steps that do not comply with building code, can the steps be brought into compliance with the building code with the use of a barrier?”

Remarks:

Code sections noted in this letter are referring to the 2018 edition of the NC Building Code unless otherwise noted.

Attachment A is comprised of the request for formal interpretation as well as all supporting information submitted with the request.

Code Analysis:

Means of egress from buildings or portions thereof shall comply with the provision of Chapter 10 Means of Egress.

1001.1 General. Buildings or portions thereof shall be provided with a *means of egress* system as required by this chapter. The provisions of this chapter shall control the design, construction

and arrangement of *means of egress* components required to provide an *approved means of egress* from structures and portions thereof.

1001.3 Applicability. The general requirements specified in Sections 1003 through 1015 shall apply to all three elements of the *means of egress* system, in addition to those specific requirements for the *exit access*, the *exit* and the *exit discharge* detailed elsewhere in this chapter.

Chapter 2 defines relative terms related to egress as follows:

MEANS OF EGRESS. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a *public way*. A means of egress consists of three separate and distinct parts: the *exit access*, the *exit* and the *exit discharge*.

EXIT ACCESS. That portion of a *means of egress* system that leads from any occupied portion of a building or structure to an *exit*.

EXIT. That portion of a *means of egress* system between the *exit access* and the *exit discharge* or *public way*. Exit components include exterior exit doors at the *level of exit discharge*, *interior exit stairways and ramps*, *exit passageways*, *exterior exit stairways and ramps* and *horizontal exits*.

EXIT DISCHARGE. That portion of a *means of egress* system between the termination of an *exit* and a *public way*.

[A] PUBLIC WAY. A street, alley or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated or otherwise permanently appropriated to the public for public use and which has a clear width and height of not less than 10 feet (3048 mm).

Comments: These sections and definitions are the starting point for evaluating the minimum requirements for emergency evacuation of all occupants from buildings, portions thereof and sites to a safe location.

Egress courts such as courts and yards are permitted by code to be used for exit discharge.

1028.4 Egress Courts. *Egress courts* serving as a portion of the *exit discharge* in the *means of egress* system shall comply with the requirements of Sections 1028.4.1 and 1028.4.2.

EGRESS COURT. A *court* or *yard* which provides access to a *public way* for one or more exits.

YARD. An open space, other than a *court*, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

1028.4.1 Width or Capacity. The required capacity of *egress courts* shall be determined as specified in Section 1005.1, but the minimum width shall be not less than 44 inches (1118 mm), except as specified herein. *Egress courts* serving Group R-3 and U occupancies shall be not less

than 36 inches (914 mm) in width. The required capacity and width of *egress courts* shall be unobstructed to a height of 7 feet (2134 mm).

Exception: Encroachments complying with Section 1005.7.

Where an *egress court* exceeds the minimum required width and the width of such *egress court* is then reduced along the path of exit travel, the reduction in width shall be gradual. The transition in width shall be affected by a guard not less than 36 inches (914 mm) in height and shall not create an angle of more than 30 degrees (0.52 rad) with respect to the axis of the *egress court* along the path of egress travel. The width of the *egress court* shall not be less than the required capacity.

1028.4.2 Construction and Openings. Where an *egress court* serving a building or portion thereof is less than 10 feet (3048 mm) in width, the *egress court* walls shall have not less than 1-hour *fire-resistance-rated* construction for a distance of 10 feet (3048 mm) above the floor of the *egress court*. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

Exceptions:

1. *Egress courts* serving an *occupant load* of less than 10.
2. *Egress courts* serving Group R-3.

1028.5 Access to a public way. The *exit discharge* shall provide a direct and unobstructed access to a *public way*.

Exception: Where access to a *public way* cannot be provided, a safe dispersal area shall be provided where all of the following are met:

1. The area shall be of a size to accommodate not less than 5 square feet (0.46 m²) for each person.
2. The area shall be located on the same lot not less than 50 feet (15 240 mm) away from the building requiring egress.
3. The area shall be permanently maintained and identified as a safe dispersal area.
4. The area shall be provided with a safe and unobstructed path of travel from the building.

1018.1 General. *Aisles* and *aisle accessways* serving as a portion of the *exit access* in the *means of egress* system shall comply with the requirements of this section. *Aisles* or *aisle accessways* shall be provided from all occupied portions of the *exit access* that contain seats, tables, furnishings, displays and similar fixtures or equipment. The minimum width or required capacity of *aisles* shall be unobstructed.

Exception: Encroachments complying with Section 1005.7.

Comments: A yard can be utilized for exit discharge if the yard is at grade level and is not within the confines of an enclosed building. If exit discharge is accomplished from ends of each of the aisles, aisle accessways are no longer required to be used for exit access to the aisles.

Conclusions: *Since a code-compliant means of egress system is provided via each end of the seating rows to a yard at grade level, stairs B thru F and J thru N are considered landscape steps. Landscape steps are not required to comply with the means of egress requirements of the 2018 NC Building Code. A code-compliant means of egress system from the stage is provided at stairs O and W. With the addition of a barrier along the curved portion of the stage at stairs P thru V, egress from the stage is prevented from stairs P thru V. Since these steps are no longer used for egress, they become decorative steps and are not regulated by the 2018 NC Building code.*

Please call or email if you have comments or questions.

Sincerely,

A handwritten signature in black ink that reads "D.B. Rittlinger". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David B. Rittlinger, PE, LEED AP
Chief Code Consultant
NCDOI-OSFM Engineering & Codes Division

cc: File
Bridget Herring, Chair – BCC
Mark Matheny, Vice-Chair - BCC
Michael Ali, Chair, Commercial Super Committee – BCC
Terence Friedman, Assistant Attorney General, Insurance Section - NCDOJ

ATTACHMENT A



**CONNER
GWYN
SCHENCK PLLC**
ATTORNEYS AT LAW

3141 JOHN HUMPHRIES WYND, SUITE 100
RALEIGH, NORTH CAROLINA 27612
P.O. BOX 30933, RALEIGH, NC 27622
Telephone: (919) 789-9242
Fax: (919) 789-9210

306 EAST MARKET STREET, SUITE ONE
GREENSBORO, NORTH CAROLINA 27401
P.O. BOX 20744, GREENSBORO, NC 27420
Telephone: (336) 691-9222
Fax: (336) 691-9259

August 2, 2022

Via Electronic Mail Only
Mike.Causey@ncdoi.gov

Marshal Mike Causey
Commissioner of Insurance
Engineering Section of the North Carolina Department of Insurance
430 North Salisbury Street
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: Request for Formal Interpretation

Rowan Cabarrus Community College Outdoor Classroom Phase II
1333 S. Jake Alexander Blvd., Salisbury, NC

Dear Commissioner Causey,

My firm and I represent W.C. Construction Company, LLC ("WCCC"), the original general contractor on the referenced project. WCCC submits this request seeking a formal interpretation in connection with certain steps/stairs constructed on the project. For location reference purposes, please see the attached Exhibit "A," Location Key for Stair Runs, that identifies the runs of stairs on the project with letters A-W.

Request No. 1: Whether the steps in the aisles labeled B through F and J through N may be considered landscape steps?

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WCCC and I appreciate your consideration of the foregoing requests and thank you in advance for your assistance. Please let me know if any further information is required in connection with this request.

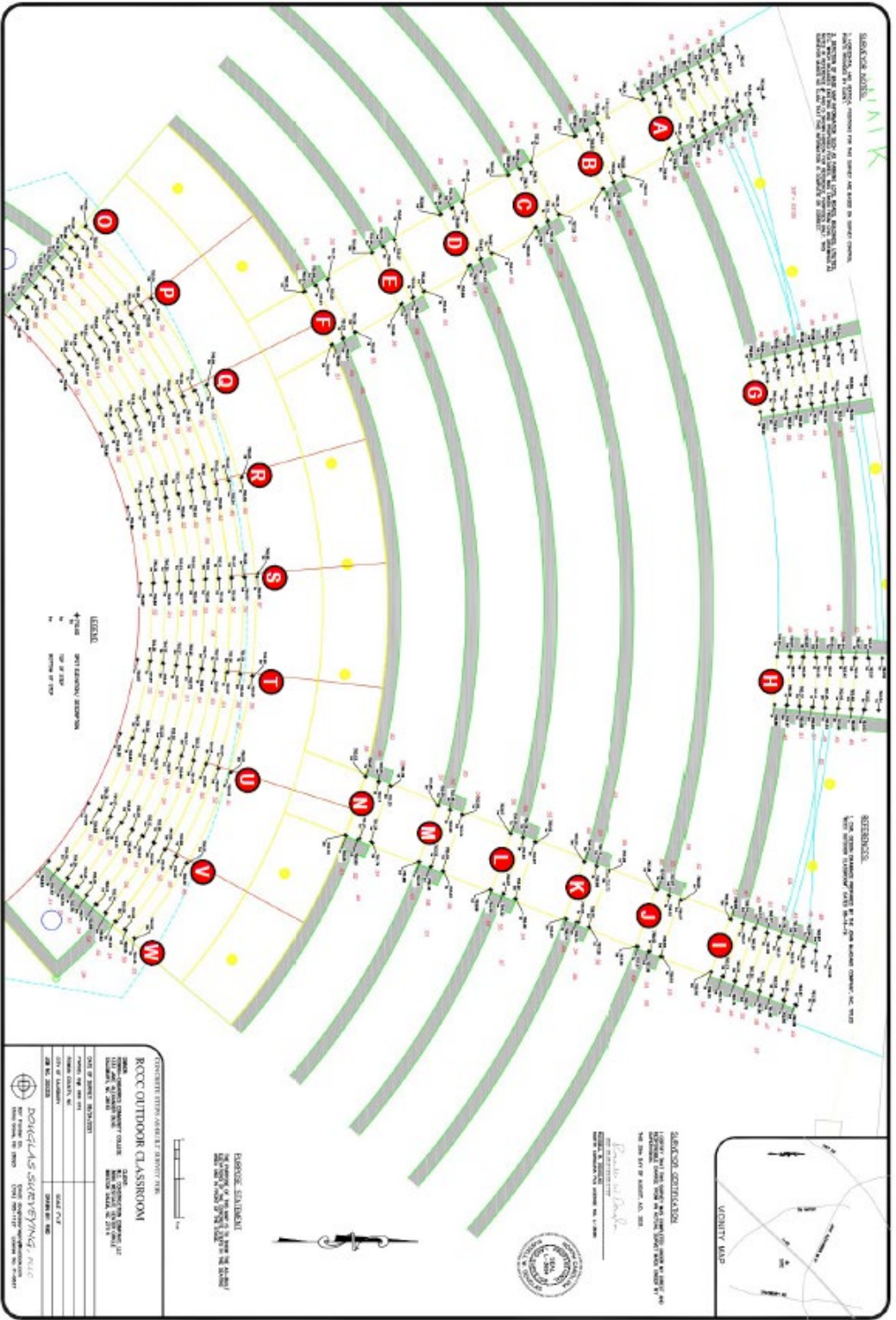
Sincerely,

Andrew L. Chapin

Attachment

www.cgspilc.com





Location Key for Stair Runs

Exhibit "A"

[External] RE: Request for Formal Interpretation by W.C. Construction



Chapin, Andrew <AChapin@cgspllc.com>
To: Rittlinger, David B
Cc: Friedman, Terence D; Bernier, James; Martin, Carl

Reply Reply All Forward Fri 8/5/2022 10:08 AM

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Thank you, Mr. Rittlinger.

From: Rittlinger, David B <david.rittlinger@ncdoi.gov>
Sent: Friday, August 5, 2022 9:57 AM
To: Chapin, Andrew <AChapin@cgspllc.com>
Cc: Friedman, Terence D <tfriedman@ncdoi.gov>; Bernier, James <jbarnier@ncdoi.gov>; Martin, Carl <Carl.Martin@ncdoi.gov>
Subject: RE: Request for Formal Interpretation by W.C. Construction

Mr. Chapin,
I am in receipt of your request for a formal interpretation. Our office will provide a formal interpretation letter to you as soon as possible.
Thank you

David B. Rittlinger, PE, LEED AP
Code Interpretations Supervisor
Chief Code Consultant
Chief Mechanical & Fuel Gas Code Consultant
Engineering Division



N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0008

david.rittlinger@ncdoi.gov

From: Friedman, Terence <tfriedman@ncdoi.gov>
Sent: Thursday, August 4, 2022 4:21 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Cc: Bernier, James <jbarnier@ncdoi.gov>
Subject: [External] Fw: Request for Formal Interpretation by W.C. Construction

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Carl:

This has already been submitted to the OSFM but just in case it hasn't reached you yet. Also, could you forward it to the fellow who'll be addressing it?

Thanks so much,

Terence D. Friedman
Assistant Attorney General
Insurance Section

From: Chapin, Andrew <AChapin@cgspllc.com>
Sent: Tuesday, August 2, 2022 4:17 PM
To: Friedman, Terence <tfriedman@ncdoi.gov>
Subject: FW: Request for Formal Interpretation by W.C. Construction

Terence,
Attached is WCC's request for formal interpretation that I just forwarded to Commissioner Causey's office via email. I used the same framework and nomenclature that RCCC used in its submission, although I did not copy the list of people that RCCC did on its submission.
I will leave it to you decide whether it should be forwarded to anyone else.

Thanks,
Drew

From: Chapin, Andrew
Sent: Tuesday, August 2, 2022 4:15 PM
To: Mike.Causey@ncdoi.gov
Subject: Request for Formal Interpretation by W.C. Construction

Dear Commissioner Causey,

Please see attached Request for Formal Interpretation.

Sincerely,
Drew Chapin

Andrew L. ("Drew") Chapin
CONNER GWYN SCHENCK PLLC
306 East Market Street, Suite One (27401)
P.O. Box 20744
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error, please contact the sender by reply e-mail or by phone.