

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

January 15, 2003
Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

*Unappointed, El Mirage	Armando Rivas, Paradise Valley
Ken Sowers, Avondale	Cheryl Levandowski for Dennis Marks, Peoria
*Mike Tibbett, Carefree	George Leon for Rick Doell, Phoenix
Bob Lee, Cave Creek	Tim Wegner, Queen Creek
Alex Banachowski, Chandler	Dave Potter, Scottsdale
Pam Anderson, Fountain Hills	*Forrest Fielder, Surprise
*Unappointed, Gila Bend	*Michael Williams, Tempe
A - JoRene Deveau, Gila River Indian Community	Mario Rochin, Tolleson
A- Ray Patten, Gilbert	*Skip Blunt, Wickenburg
Bill Griffiths for Deborah Mazoyer, Glendale	*Bob Cooperider, Youngtown
Steve Burger, Goodyear	*Tom Ewers, Maricopa County
Chuck Ransom, Litchfield Park	Rus Brock, Home Builders Association *Orion Goff, Mesa

*Those members neither present nor represented by proxy.

A-Those members participating via audioconference

V-Those members participating via videoconference

OTHERS IN ATTENDANCE

David Nakagawara, City of Peoria	Anthony Floyd, Scottsdale
Peter Johnson, Fountain Hills	Constance Kish, MAG
Michelle Green, MAG	

1. Call to Order

Bob Lee, the Chair of the Committee called the meeting to order at 2:00 p.m. Mr. Lee then requested that people introduce themselves for the benefit of new committee members and audio conference participants. Mr. Lee then requested that introductions be placed on the agenda as a regular item.

2. Approval of December 15, 2002 Meeting Minutes

Ken Sowers moved to accept the minutes as written. Steve Burger seconded the motion. The chair asked for comment and then requested a vote to accept the minutes. A roll call vote was taken and the vote passed unanimously.

3. Call to the Public

The chair asked if anyone from the public or the committee would like to discuss a topic that is not on the agenda. Steve Burger spoke up explaining that he had three documents regarding National Fire Protection Association (NFPA) codes. The first is a comparison of NFPA and ICC, prepared by the Code Review Committee of the Building Codes Division of Department of Business and consumer Services, Oregon State Fire Marshal Office – Division of the State Police. The second document is a complaint of the League of California Cities to the ANSI Executive Standards Council Regarding National Fire Protection Association Standards 1710 and 1720. The third document is a report prepared by the American Institute of Architects Codes and Standards Committee report on NFPA 5000. Mr. Burger noted that the reports are straightforward and make for interesting reading.

The chair then circulated a list of future meeting dates noting that the August meeting may change if it conflicts with the AZBO meeting. Mr. Lee then requested that the committee consider meeting longer so that the committee might reduce the number of meetings by meeting every other month. The Chair indicated that this is just for consideration at this meeting and that it will be discussed at the February meeting.

Cheryl Levandowski provided a report on the activities of the Building Inspectors and Plans Examiners Committee and asked if anyone had any topics that they would like the committee to work on.

Bob asked about fire blocking and what the practice is, and how are jurisdictions handling different methods of blocking. For example, some contractors propose using loose insulation to jam in the spaces around a fireplace while some require fire retardant caulking.

Cheryl responded by saying that the caulking is ok as long as it is true fire caulking.

Bob indicated that some contractors propose using expanding foam.

Steve Burger stated that it should state on the can that the product is not to be used for that purpose.

Bob said that some building officials do allow it. Mr. Lee then asked about P268.05 of the IRC.

Cheryl responded by stating that they do not open that section of the book and added that she would ask the committee.

Mario indicated that they have gone through this discussion and have excluded plumbing sections.

Tim indicated that they have adopted the I-codes and that he will look at it.

Bob then indicated that he had satisfactory answers from the committee on the plumbing section of the I-codes and asked Cheryl to leave that one out of the review. Bob then asked about standards for steel bollards for hot water heaters in garages and when you need to apply them.

Ken Sowers responded by saying that if it is possible to hit them then you need the steel bollard protection. However if the hot water heater is on a raised platform and is more than two feet back it should be ok.

Bill Griffith asked about ventless fireplaces.

Bob stated that Cave Creek does allow them because based on AGA testing; guidelines on BTU requirements are based on square footage.

Tim asked how many require occupants to do something additional such as open a window? He asked if the concept could be expanded to consider that because typically if the homeowner needs to do something else we do not allow it because there is no way to guarantee that the homeowner or subsequent homeowners will comply.

Bob indicated that this issue should be addressed for uniformity.

4. Ventless Attics

Bob Lee indicated that he is going back to a simpler version of the text, which does not involve a code change or mandate. Bob made a motion that the Maricopa Association of Governments Building Codes Committee endorse the following statement, "Due to the climatic conditions in our area and recent research into the field of energy conservation, the Maricopa Association of Governments Building Codes Committee recognizes that there are circumstances and methods that allow the use of ventless attics. This recognition would encourage member jurisdictions to look at those circumstances and those methods with the goal of energy conservation in mind."

The motion was seconded by Steve Burger.

Cheryl asked if this kind of authority is already in place.

Bob replied that although the authority may be in place, the interpretation around the valley is not consistent. For example, he explained that from his survey of 14 member agencies, he found that 5 agencies did not allow ventless attics at all. Bob indicated that this practice that can save the building owner money. He also pointed out that this process does not require the stamp of a design professional.

Mario indicated that the statement that Bob made sounds like a resolution.

Steve asked to have the statement read again prior to reiterating his support for the motion on the table. Mr. Burger indicated that it is a step towards uniformity.

Cheryl requested that the vote be postponed because she could not understand the need for the committee to endorse such a statement. She indicated that she felt it is an unnecessary action.

Bob explained that the statement would provide support for those member agencies that are sitting on the fence on this issue or it may persuade another to look at it differently and consider it now where they would not have prior to this action.

With the discussion ended the chair called for a vote on the issue. The motion passed 15-1.

6. Legislative Issues

The chair decided to move to item # 6 on the agenda because the presenter for item #5 was not available yet.

Steve Burger provided an update on the activities of the State Plumbing Code Commission Meeting. There was no quorum so no business could be conducted but there was some discussion. Mr. Burger said that there was some discussion about which version to look at and compare. Some felt that the 2003 version would be out soon and that rather than waste time looking at a code that would soon be outdated the Commission should focus on the 2003 version. Mr. Burger recommended that people who have a position on this should write to the Chair of the Plumbing Commission. Mr. Burger then asked that the Plumbing Code Commission be returned as a monthly agenda item.

Cheryl asked who the chair of the Plumbing Commission is.

Steve responded by stating that Brian Townsend is Chair of the State Plumbing Code Commission.

Bob Lee mentioned HB2325 and Mr. Burger responded by stating that it is being reviewed and the concern is whether this bill would apply to cities, towns and counties or if it applies to counties only.

Steve also stated that building officials have the discretion to allow alternate standards if they are considered to be equal to the state code or more stringent than the state code. Mr. Burger also stated the opinion that there is no penalty if you do not adopt the state plumbing code. He also stated that a town or city attorney should advise the state does allow variances on a case-by-case basis.

Tim indicated that the Attorney General said that it would be safe.

Steve added that the State of California IAPMO was going to allow the use of I-codes until they realized that it is unacceptable to make exceptions carte blanche.

Steve indicated that MAG member agencies are divided in terms of the codes they adopt and added that AZBO supports the use of I-codes.

Cheryl indicated that the State Plumbing Code must be used whether it's adopted or not.

5. Permit Requirements for Solar Hot Water Systems

Michael L. Neary of the Arizona Chapter of the Solar Energy Industries Association out of Washington gave a presentation regarding the need to streamline a permitting process for solar water-heating systems. A copy of this presentation is attached with these minutes or the presentation is available from Michelle Green at (602) 254-6300.

Anthony Floyd expressed interest in coming back to the committee in February to present a proposed permitting process. He indicated that ARS 33-439 makes restrictions on solar heating null and void.

Cheryl asked Mr. Neary if he had met with planning yet because there could be a planning and zoning component to this.

Mr. Neary responded by stating that the problem he usually faces is with CC&R's. He indicated that he had not met with planning at this time because the focus of the organization at this point is on streamlining an approval process.

Bob asked if streamlined meant specific piping schematics and the like.

Mr. Neary responded by saying yes they have standard details (OG 300)

Bill asked if Mr. Neary was referring to potable or non-potable water because with non-potable water he explained, no permit would be required. Bill added that the weight of any structure added to the roof would be a concern.

Bob asked if the water that they are referring to (OG 300) is potable.

Mr. Neary replied that it is.

Mr. Brock indicated that in most Homeowners Associations only allow solar equipment on the roof if that is the only possible place to put it. If there is another alternative that where the equipment would be less visible then it should be placed there.

Mr. Neary responded by stating that often there is not enough room on the lot to place the equipment.

Armando asked if SRP is involved in a rebate program.

Mr. Neary replied that there is no program in place now but he did work with the State Legislature on a bill that failed.

Bob asked if Mr. Neary if he had compared the different codes.

Mr. Neary explained the next step is to look at the codes and identify issues.

Anthony indicated that some of the systems are recessed in the roofing so that their appearance is much like a skylight.

7. Currently Adopted Codes

Mr. Lee referred committee members to a draft listing of the current codes adopted by each city and asked if anyone had anything to add. Alex responded by stating that Chandler has adopted the I-Codes.

8. Updated MAG Building Codes Committee Membership

The membership list is e-mailed every month. David Nakagawara was introduced as the new member for the City of Peoria.

9. Topics for Future Agendas

Topics suggested for future agenda items Include the following:

1. Plumbing Codes Commission
2. Mission Statement goals and objectives
3. Solar Hot Water Heating

4. Janis Jennings ADA issues
5. Fair Housing Issues
6. Eisenberg – Green Building
7. Wood Truss Council
8. Report from the Building Inspectors and Plans Examiners Committee.
9. Mr. Bizal for a presentation on NFPA 70.

10. Adjournment

The next meeting will be February 15, 2003 in the Cholla Room. Anthony Floyd made the motion to adjourn, Bob Lee seconded the motion, and the meeting was adjourned at 3:20 pm.