

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
BUILDING CODES COMMITTEE

September 15, 2010

Maricopa Association of Governments Office
Cholla Room
Phoenix, Arizona

COMMITTEE MEMBERS

Steven Hether, Mesa, Chair

Ken Sowers, Avondale

Phil Marcotte, Buckeye

*Mike Tibbett, Carefree

Mike Baxley, Cave Creek

Dave Nakagawara for Alex Banachowski,
Chandler

*Mary Dickson, El Mirage

*Peter Johnson, Fountain Hills

*John Smith, Gila Bend

*Jo Rene DeVeau, Gila River Indian
Community

A-Ray Patten, Gilbert

Tom Paradise, Glendale

Ed Kulik, Goodyear

*Chuck Ransom, Litchfield Park

Tom Ewers, Maricopa County

Bob Lee, Paradise Valley

Dennis Marks, Peoria

Tom Wandrie, Phoenix

A-Dean Wise, Queen Creek

Dustin Schroff for Michael Clack,
Scottsdale

A-Michael Williams, Tempe

Mario Rochin, Tolleson

*Jim Fox, Youngtown

Rick DeStefano, Wickenburg

Bridget Jones, Home Builders Association

OTHERS IN ATTENDANCE

Heidi Bickart, MAG

Steve Gross, MAG

Marc Sobelman, Ecotality

Alana Chavez, Ecotality

Denise McClafferty, MAG

Dennis Chase, Peoria

John Armstrong, Viega

Rick Burris, Viega

Ted Atkinson, Viega

*Those members neither present nor
represented by proxy.

A-Those members participating via
audioconference

V-Those members participating via
videoconference

1. Call to Order

Steve Hether, Chairman, called to order the September 15, 2010 meeting of the MAG Building Codes Committee (BCC) at 2:00 p.m.

2. Introductions

Voting members Dean Wise, Michael Williams, Ray Patten, attended via telephone conference call. All members introduced themselves.

3. August 18, 2010 Meeting Minutes

It was moved by Mario Rochin, seconded by Ken Sowers and unanimously recommended to approve the August 18, 2010 meeting minutes.

4. Call to the Audience

There were no comments from the audience.

5. Comments From the Committee

Bob Lee said Arizona Building Officials (AZBO) Board voted to adopt the AZBO amendments and he would like to have the AZBO amendments as a future MAG BCC agenda item. Bob Lee reminded that the AZBO Education Institute is October 4-8, 2010 and there are no scholarships available. He said there should be good attendance at the green building and energy classes.

6. Residential Fences

Tom Wandrie explained that a Phoenix resident needed to increase the height of their fence around their pool in order to comply with city of Phoenix pool barrier requirements. He said this fence was on the property line. The adjacent neighbor did not approve of the increase in height and the construction of the fence. Mr. Wandrie said the issue is in litigation. He asked for input from the MAG BCC.

Tom Wandrie said now there has to be some agreement from adjacent owner when a residential fence is built or changed and it is located on the property line. Tom Ewers asked if the city of Phoenix recorded the agreement. Tom Wandrie responded no, it is in the permit application which is scanned, not recorded. Bob Lee said Town of Paradise Valley borrowed a document from city of Scottsdale that says a person applying for a fence permit on the property line needs to get concurrence from the adjacent neighbor and there is a statement in the document on who maintains each side of the fence.

Bob Lee suggested that if someone wants to build on a property line then there needs to be an agreement from the neighbor. Bob Lee said Paradise Valley addresses fence building on a property line in the zoning code and the minimum requirement on the opposite side of the fence is stucco and paint. Bob Lee said the minimum fence height in Paradise Valley is 8 inches and the code has been amended to reflect that.

Tom Paradise asked when a permit is required. Tom Wandrie said at the city of Phoenix a permit is required when a fence is being built on a property line.

Dean Wise said most of the subdivision Covenants, Conditions and Restrictions (CC&Rs) also have restrictions stating that permission from a neighbor is required before changes can be made to a fence on a property line. Tom Wandrie said Phoenix does not get involved in CC&Rs.

Rick DeStefano asked if there a definition for fence in the codes. He asked for clarification on the definition for wall versus fence. Bob Lee said that he was not successful in obtaining different definitions for wall and fence. Steve Hether said if neighbor will not cooperate they build the barrier inside their property line. He said before litigation Mesa tries to use Neighborhood Services to mediate the issue. He said it seems like the member agencies are all over the board when it comes to residential fences. He suggested that it may not be feasible to give this topic to the BI/PE Forum.

Ken Sowers asked what the minimum distance is from building on your own property to the property line. Tom Wandrie said he does not have a measurement for that and said a footing can go across a property line underneath the ground and emphasized that everything is really supposed to be on your property.

Phil Marcotte said Buckeye permitted a fence where the footer was inside the property line and did not allow the builder of the fence to maintain the extra 4 inches on the other side so the weeds grew up and the judge granted him a temporary easement to maintain the property on the other side of the fence. Mr. Marcotte said it may be a good idea to hold it back some so there is some trespass. Tom Wandrie thanked Mr. Marcotte for his comment.

Tom Paradise asked if adverse possession comes into play where you could claim the additional property as being yours and increase the square footage of your own property. Steve Hether said for adverse possession the other party has to be using it open and notoriously and if the property owner said they have no right to use that area and took the appropriate action on it then it would take the adverse possession claim away.

Dean Wise asked if property owners are expected to maintain fences on property lines in a subdivision. Tom Wandrie said Phoenix considers it as separate properties as it is platted as separate property. Dean Wise said in his subdivision CC&Rs it states that common walls are owned in common for purposes of wall and maintenance. Tom Wandrie reiterated that Phoenix does not get involved in CC&Rs as it is a private agreement. Steve Hether said that in the instances where there are HOAs you could bring the issue to the HOA. Steve Hether said for old subdivisions the CC&Rs are not valid.

Mike Baxley said in Cave Creek they solved it by using a 12 feet setback for fences. For large lots this is feasible and the setback could be smaller for smaller lots.

Steve Hether asked the MAG BCC if they wanted to pass this issue to the BI/PE Forum. The committee decided not to bring the issue to them. Tom Wandrie said the issue is in litigation and will let the BCC know the outcome. He is trying to get agreement between the 2 property owners.

7. Electric Vehicle (EV) Project

Marc Sobelman provided an update on the EV Micro-Climate for Electric Vehicle Supply Equipment (EVSE) Location Planning.

Marc Sobelman said the Deployment Guidelines document was extremely helpful and thanked the MAG BCC for their assistance in moving it through the MAG committee process. He provided a presentation on the EV project. He said the Nissan Leafs will trickle into the Phoenix metro area beginning December 2010. He said he would like some of the valley mayors to be involved in the initial Nissan Leaf roll-out. He said Ecotality is currently working on the EV Micro-Climate Plan which is a 3 phase process. He presented a timeline and stated maps showing EV charging infrastructure will soon be available. He distributed a handout on the blink level 2 EVSE chargers. He said Ecotality hopes to have the EV MicroClimate Plan complete by end of this month. The plan will describe where people live, work and what routes they take. He said that people in Phoenix generally live less than 24 miles from work and people generally take 2 side trips a day. Marc Sobelman said that when the Installation Guide for Level 2 and Level 3 chargers is available, the MAG BCC will be requested to review the Guide.

Tom Paradise asked how many Nissan Leafs will be available in the valley. Marc Sobelman replied that 900 Nissan Leaf's will be available in the Phoenix/Tucson area as part of the EV Project. As part of this, fleets of 10 or more Nissan Leafs, will receive free chargers.

Tom Ewers asked if all EV chargers will be installed by August 2011. Marc Sobelman replied yes there will be 2100 chargers (80 percent Phoenix 20 percent Tucson) installed in residential and commercial sites by August 2011.

Marc Sobelman said the Chevy Volt will start selling in January 2011 and all the other OEMs will begin to come out with their EV and hybrid vehicles in the next couple years. Steve Hether noted that there will be EVs outside this project in the Phoenix metro market. Bob Lee asked if they are all using the same receptacle. Marc Sobelman said yes all cars will have the same inlet. He said Level 2 chargers are standardized and Level 3 will probably be standardized by end of 2011. The Nissan Leafs will all have a Level 3 charging inlet and if you are outside the EV project and buy a Nissan Leaf you will have to pay extra to get the Level 3 inlet. He said the Level 3 charger is the fast charge and these will be located along the I10 corridor from Phoenix to Tucson. Marc Sobelman thanked member agencies for their participation.

8. Flameless Pipe Joining System

John Armstrong a representative from Viega ProPress Copper & Stainless Steel Piping Systems presented information on their flameless pipe joining technology. Other manufacturers offer this technology. Mr. Armstrong said that no flame is the biggest change, and they use copper and stainless steel mainly. He said the join is very quick and very safe and can be done wet. They have all the listing and code compliance necessary. He showed the MAG BCC how the technology works.

Tom Paradise asked for clarification about testing pipe for leaks. He was concerned about the PSI limits. Dean Wise asked if this is going to be restricted to private property saying that laterals in the right of way are going to test at more than 85psi. Rick Burris said the smart connect feature works between 15-85psi and if you test it at 120psi the pipe will blow apart.

Ted Atkinson added that if system is being tested, do the initial test between 15-85psi and if the pipe has not been pressed it is guaranteed to leak and if you do a water test at 120psi the fitting will blow apart if it is not pressed. Dean Wise asked if the pipe designed for 160psi. John Armstrong replied said they don't design the pipe, it works with anybody's copper so it is good from 1-1.25 inches.

Steve Hether asked if this was being used for MedGas systems. Armstrong said no. He added that for stainless steel they have to use Viega steel. Steve Hether asked if the workers are required to be trained by Viega. John Armstrong said yes they are required to be trained.

Rick Burris explained PEX system which is part of the 2009 ICC codes dealing with plumbing/fire sprinkler systems. He said the new codes require fire sprinklers in new residential development. Bob Lee asked for test pressure on NFPA 13d. Mr. Burris said it depends on if there is a fire hydrant or a fire dept connection (FDC). If there is a FDC on one of their homes you cannot use PEX. He distributed a bronze fitting for viewing. He said Talking Stick project in Scottsdale is all Viega copper and stainless steel product. He described internal circulation system for high-rises. He said they are LEED Gold certified and did the Orange County chopper building.

Tom Paradise asked if Viega would come to City of Glendale to make a presentation. Rick Burris said yes, they would be happy to visit any jurisdictions.

Rick Burris said if you turn it more than 5 degrees then fitting should be repressed. He said you can repress the same fitting.

Ed Kulik asked how you take it apart if you needed. Rick Burris said it is same way you take apart a sweat fitting, you cut it out. Mr. Kulik asked if it has to be calibrated. Ted Atkinson said yes it does have to be calibrated. He noted that after 30000 presses you need to recalibrate tool. He said there are 2000 warning presses after 30000 presses and then the tool will shut down.

9. Updated MAG Building Codes Committee Membership

Members were encouraged to send any changes to Heidi Bickart.

10. Update on Survey of Code Adoption Document

Steve Hether encouraged members to send Heidi Bickart changes to the table.
Tom Ewers described the Maricopa County adoption of the new codes.

11. Topics for Future Agendas

Bob Lee said Arizona Building Officials (AZBO) Board voted to adopt the AZBO amendments and he would like to have the AZBO amendments as a future MAG BCC agenda item. Bob Lee suggested green construction code as a future meeting topic.

Steve Hether suggested canceling the October meeting due to the AZBO education workshop.

12. Adjournment

Ken Sowers made motion and Mario Rochin seconded motion. The meeting adjourned at 3:00 pm.