# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012011 – Community Gardens |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 1 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts |
| **Support/Opposition:** | No known opposition. Two emails of support. |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2012011 is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012011 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. Two emails of support have been received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Friday, April 05, 2013 9:06 AM
**To:** 'carolmcp060@yahoo.com'
**Subject:** RE: Regulatory Outreach

Ms. McPherson: this email is to document our previous telephone conversations that you support TA2012011. I'll note your support to the Planning & Zoning Commission. Darren

**From:** carolmcp060@yahoo.com [mailto:carolmcp060@yahoo.com]
**Sent:** Saturday, March 16, 2013 12:37 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012011 – Community Gardens

Citizen's Name: Carol McPherson

City: Peoria
Zip: 85383
Phone Number: 602-501-5819
Phone Type: mobile
Email: carolmcp060@yahoo.com

Does citizen want to be contacted: yes

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Comment is regarding: express support

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**Comments:**
I would like to speak with somone about the text amendment

Time of Request: 3/16/2013 12:37:21 PM

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**From:** Darren Gerard - PLANDEVX
**Sent:** Tuesday, April 30, 2013 1:57 PM
**To:** 'Ann Hutchinson'
**Subject:** RE: TA2012011 New River/Desert Hills Community Association response ATTACHMENT

Thank you for your input and interest in this matter. Your comments will be provided to the P&Z Commission.

**From:** Ann Hutchinson [mailto:behomes@q.com]
**Sent:** Friday, April 26, 2013 2:31 PM
**To:** Regulatory
**Subject:** TA2012011 New River/Desert Hills Community Association response ATTACHMENT
[EMAILED MEMO ATTACHED AT END OF REPORT]

There have been no suggestions to alter the proposed language. There is no known opposition to the proposed language.

4. The proposed verbatim language is shown below, with added text underscored and deleted text is struck-through):

**Chapter 2 - Definitions**

**GARDEN:**
A private facility for the cultivation of fruits, vegetables, flowers and ornamental plants by one person. Accessory sales of products cultivated on site are permissible.

**GARDEN, COMMUNITY:**
A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on site are permissible.

**Chapter 5 – Rural Zoning Districts**

**Article 501.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

4. Gardens, community gardens and fFarms as defined in Chapter 2.

**Chapter 6 – Single Family Residential Zoning Districts**

**Article 601.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

**Chapter 8 – Commercial Zoning Districts**

**Article 802.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

15. Gardens and community gardens as defined in Chapter 2.

**Article 803.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

50. Gardens and community gardens as defined in Chapter 2.

**Chapter 9 – Industrial Zoning Districts**

**Article 901.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

**Recommendation:**

5. Staff recommends the Commission recommend **approval** of **TA2012011** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: Memo of support from NR/DHCA (1 page)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

**PAUL H. McALLISTER**
**201 W. Circle Mountain Road**
**New River, AZ 85087**
**Date: 20 October 2012**

**To:** NR-DHCA, INC.

**Review By Date:** ASAP but no later than 2 November 2012.

**Case:** TA2012011 Community Gardens
**Related Case:** None.
**Planner:** Terri Hogan.
**Type case:** ☐ TAC ☐ BOA ☐ Other Text Amendment.
**Meeting Date:** Planning & Zoning Commission, 11/15/2012. Tentatively Board of Supervisors 12/12/2012.

**Applicant:** Maricopa County.

**Request for:** Text Amendment.

**Background:** There is no background; Gardens/Community, Gardens have never been addressed. Will be added as new definitions to Chapter 2 of the Zoning Ordinances for the Unincorporated Areas of Maricopa County.

**Opinion:** This 'Text Amendment' will not affect those people that wish to possess a garden on their lot for their own private use. You shall be allowed to put in a Garden/Community Garden on a lot as the primary use and sell products produced on site. This use cannot be used for any other purpose. This Text Amendment if approved will add 501.2.4. Rural Residential Zoning District, 601.2.22. Single Family Residential Zoning District, 802.2.15. Commercial Zoning District (C O), 803.2.50. Commercial Zoning District (C-1, which includes C-2 and C-3) and 901.2.22. Industrial Zoning District (General) and shall be allowed in 902. Light Industrial Zone District (allowed in C-2).
I can find nothing that would be detrimental to the area if approved. I would recommend approval.

**Recommendation:** ☐ Denial ☒ Approval ☐ Other _____

Sincerely,

Paul H. McAllister

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012011 – Community Gardens |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 2 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts |
| **Support/Opposition:** | No known opposition. One email of support. |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food. The proposed language follows (added text is underscored, deleted text is struck-through):

**Chapter 2 - Definitions**

**GARDEN:**
A private facility for the cultivation of fruits, vegetables, flowers and ornamental plants by one person. Accessory sales of products cultivated on site are permissible.

**GARDEN, COMMUNITY:**
A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on site are permissible.

**Chapter 5 – Rural Zoning Districts**

**Article 501.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

4. Gardens, community gardens and ~~f~~Farms as defined in Chapter 2.

**Chapter 6 – Single Family Residential Zoning Districts**

**Article 601.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

**Chapter 8 – Commercial Zoning Districts**

**Article 802.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

15. Gardens and community gardens as defined in Chapter 2.

**Article 803.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

50. Gardens and community gardens as defined in Chapter 2.

**Chapter 9 – Industrial Zoning Districts**

**Article 901.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

22. Gardens and community gardens as defined in Chapter 2.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. A single email of support was received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Friday, April 05, 2013 9:06 AM
**To:** 'carolmcp060@yahoo.com'
**Subject:** RE: Regulatory Outreach

Ms. McPherson: this email is to document our previous telephone conversations that you support TA2012011. I'll note your support to the Planning & Zoning Commission. Darren

**From:** carolmcp060@yahoo.com [mailto:carolmcp060@yahoo.com]
**Sent:** Saturday, March 16, 2013 12:37 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012011 – Community Gardens

Citizen's Name: Carol McPherson
City: Peoria
Zip: 85383
Phone Number: 602-501-5819
Phone Type: mobile
Email: carolmcp060@yahoo.com

Does citizen want to be contacted: yes

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Comment is regarding: express support

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**Comments:**
I would like to speak with somone about the text amendment

Time of Request: 3/16/2013 12:37:21 PM

## Recommendation:

Staff recommends the Commission **initiate TA2012011**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment: TA2012011** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit gardens as a primary use in all zoning districts – Community Gardens.

Darren Gerard, Deputy Planning Director, presented the above item, stating staff's recommendation was that the Commission initiate. He anticipated bringing this back at the June 6th Planning and Zoning Commission hearing. The specific language proposed was not anticipated to change and it was included in the Commissioners' packet. He stated they were defining garden and community garden and introducing gardens and community gardens as permitted principal uses in every zoning district in the County.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if this would come back before the Commission and Mr. Gerard responded it was anticipated that it would come back on June 6th.

Vice-Chairman Smith asked if there would be some specifics on size, etc. Mr. Gerard indicated there would not be and the proposed language was not anticipated to change. He explained the Enhanced Regulatory Outreach Program (EROP) required a public meeting to initiate and a separate public meeting for public input at a hearing, unless Staff chose to expedite it, and in this instance, they were not expediting. Mr. Gerard stated comments received through the EROP process had not been negative. He stated today, you could have a garden accessory to your residence, and what staff was stating was a community was permitted to have a community garden on a vacant lot as the principal use and they could have fences and stands and other structures associated with that.

Chairman Deutsch asked about size limits, and Mr. Gerard responded there was no size limit. Mr. Gerard stated five acres used for commercial production could qualify for an agricultural exemption, but did not believe that would happen. He thought they were talking about an apartment complex or a neighborhood having some type of a garden or a community co-op growing food for themselves, having educational classes and selling surplus produce.

Commissioner Aster asked if it mattered if the vacant lot was publicly or privately owned. Mr. Gerard responded it did not matter as long as they had the right to use that lot.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012011 – Community Gardens**



DRAFT

Chairman Deutsch asked if anyone here from the public wished to speak and if there was other discussion amongst the Commissioners.

Commissioner Hiatt asked about the motivation for these items. Mr. Gerard stated these were an effort towards more sustainable development patterns in an effort to provide fresh and healthy food to citizens without their office being an obstacle to that access. Commissioner Hiatt asked if there were recent circumstances where they had been an obstacle. Mr. Gerard had no specific examples, but stated, historically, a large scale community garden on a lot would not have been permitted as a principal use and the sale of produce from that site would not have been allowed.

Commissioner Aster asked if there would be any restrictions in terms of how it would be enclosed. Mr. Gerard stated there were no restrictions in the zoning ordinance. Commissioner Aster clarified it could be completely open or fenced. Mr. Gerard responded, "Yes," and stated a fence is a principal structure, requiring a permit.

Chairman Deutsch asked if someone took out the permit, was it their job to close it if it was not working and was there an ending. Mr. Gerard responded there was not, stating staff viewed this as a very simple matter and just wanted to promote community gardening.

Chairman Deutsch asked if there was any other discussion.

**COMMISSION ACTION: Commissioner Burrows moved to initiate Z2012011; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

DRAFT

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012012 – Chickens |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 2 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts |
| **Support/Opposition:** | One (1) email of opposition, and one (1) email of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2012012 is part of an effort to promote sustainability, active and healthy communities, and access to fresh and healthy food. The proposed text amendment would permit the keeping of up to five (5) chicken hens on lots in the residential zoning districts. It will not permit the keeping of roosters in residential zoning.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012012 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. Two emails have been received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Wednesday, May 08, 2013 12:55 PM
**To:** 'galactica4@seoskyline.com'
**Subject:** RE: Regulatory Outreach re: TA2012012

**Dear Sir or Madam: your opposition to TA2012012 will be noted for the Planning & Zoning Commission. I must admit that I'm confused by your comment. If you have any specific comments, questions or concerns please don't hesitate to contact me directly. Darren**

**From:** galactica4@seoskyline.com [mailto:galactica4@seoskyline.com]
**Sent:** Tuesday, May 07, 2013 11:55 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012012 – Chickens

Citizen's Name: link wheel link wheel
Organization: ADBAPbEjvke
City: New York
Zip: 28389
Phone Number: 28188827040
Phone Type: work
Email: galactica4@seoskyline.com

Does citizen want to be contacted: yes

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Comment is regarding: express opposition

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**Comments:**
Muchos Gracias for your blog.Really thank you! Fantastic.

Time of Request: 5/7/2013 11:55:22 PM

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**From:** Darren Gerard - PLANDEVX
**Sent:** Monday, May 06, 2013 5:59 PM
**To:** 'behomes@msn.com'
**Subject:** RE: Regulatory Outreach

Thank you for your input and interest in this matter. Your comments will be provided to the P&Z Commission.

**From:** behomes@q.com [mailto:behomes@q.com]
**Sent:** Friday, April 26, 2013 2:52 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012012 – Chickens

Citizen's Name: New River-Desert Hills  Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type: home
Email: behomes@q.com

Does citizen want to be contacted: no

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Comment is regarding: express support

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**Comments:**
The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following TA2012012 –permit the keeping of up to five chicken hens on lots in the Residential zoning districts. RECOMMENDATION: Approval Please see our consultant's review attached

Time of Request: 4/26/2013 2:51:32 PM

There have been no suggestions to alter the proposed language. There has been one opposition registered. The New River / Desert Hills Community Association (NRDHCA) registered support.

4. The proposed verbatim language is shown below, with added text underscored and no language proposed for deletion:

**Chapter 6 – Single Family Residential Zoning Districts**

**Article 601.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

**14. Accessory buildings and uses customarily incidental to the above uses, including:**

a. The keeping of a farm animals limited to the following:

1. Up to **five** chicken hens.

2. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than **40 feet** and contain at least **1,200 square feet** of area for each horse kept therein. The keeping of horses on properties located in residential zoning districts in other than permitted corral areas is prohibited.

**Recommendation:**

5. Staff recommends the Commission recommend **approval** of **TA2012012** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012012 – Chickens |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 3 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts |
| **Support/Opposition:** | None known |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is part of an effort to promote sustainability and access to fresh and healthy food. The proposed text amendment would permit the keeping of up to five (5) chicken hens on lots in the residential zoning districts. It will not permit the keeping of roosters in residential zoning. (Although future text amendments may consider the keeping of other small and medium size animals for urban agriculture that is not being considered at this time.) The proposed language follows (added text is underscored, deleted text is struck-through):

**Chapter 6 – Single Family Residential Zoning Districts**

**Article 601.2.** **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

**14. Accessory buildings and uses customarily incidental to the above uses, including:**

a. The keeping of a farm animals limited to the following:

1. Up to **five** chicken hens.

2. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than **40 feet** and contain at least **1,200 square feet** of area for each horse kept therein. The keeping of horses on properties located in residential zoning districts in other than permitted corral areas is prohibited.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. A single email of support was received via EROP:

**From:** Charles Johnson [mailto:bigchuckjohnson@gmail.com]
**Sent:** Tuesday, April 09, 2013 10:39 PM
**To:** Darren Gerard - PLANDEVX
**Subject:** Re: Regulatory Outreach

Thank you. I understand. Didn't catch the distinction in zoning.

On Apr 9, 2013 7:55 PM, "Darren Gerard - PLANDEVX" <DarrenGerard@mail.maricopa.gov> wrote:
Sir: most of Waddell is zoned Rural-43 which already permits the keeping of chickens accessory to a single-family residence without limitation to number. The subject text amendment is only in regard to the residential zoning districts. At present they may not keep chickens. It's proposed to permit the keeping of five chicken hens on a lot within a residential zoning district.

**From:** bigchuckjohnson@gmail.com [mailto:bigchuckjohnson@gmail.com]
**Sent:** Monday, April 08, 2013 11:35 AM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012012 – Chickens

Citizen's Name: Charles Johnson
City: WADDELL
Zip: 85355
Phone Number:
Phone Type: mobile
Email: bigchuckjohnson@gmail.com

Does citizen want to be contacted: yes

Comment is regarding: express support

**Comments:**
Could the ordinance allow for scaling up the number of chickens based on the number of occupants. There are seven in my house and we can go through 18 eggs at breakfast. Five hens probably won't support that level of consumption.

Time of Request: 4/8/2013 11:34:59 AM

**Recommendation:**

Staff recommends the Commission **initiate TA2012012.**

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment: TA2012012** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the keeping of up to five chicken hens in residential zoning districts – Chickens.

Darren Gerard, Deputy Planning Director, presented the above item. The impetus behind this is access to healthy and fresh foods. Over the years, there have been a number of zoning violations where people were keeping chickens in residential zones. Our ordinance does not call it out as a permitted accessory use. There are other jurisdictions in the County that do, in particular, the cities of Scottsdale, Tempe and Phoenix permit the keeping of five chicken hens in residential zoning. Staff was only talking about hens not roosters. Staff did know that there were many subdivisions in their jurisdictions that had deed restrictions and this would not affect that. As far as zoning, if the keeping of five chicken hens would pass and be permitted, the community HOAs could still enforce their deeds to not permit the keeping of chickens. In residential zoning, the keeping of horses was permitted, which was the only farm type animal that was specifically called out. Horses were allowed if they had at least 1200 square feet of open corral area per animal and the corrals were setback 40 feet. In that same section, staff was adding the keeping of up to five chicken hens.

Chairman Deutsch asked if there were questions.

Commissioner Hiatt asked if the number five was consistent with other jurisdictions. Mr. Gerard responded it was consistent with Scottsdale and Tempe and believed it was with Phoenix.

Commissioner Aster assumed there were no roosters because nobody wanted to hear them at 5 a.m., and Mr. Gerard believed that was the issue.

Chairman Deutsch asked if anyone from the public wished to speak.

Vice-Chairman Smith asked if this was all zoning districts. Mr. Gerard clarified this was single family residential zoning, as this was already permitted in rural zoning under the clause "accessory uses customarily incidental to."

Vice-Chairman Smith asked if the setbacks were the same as the horses. Mr. Gerard responded there would be no setback requirements for chickens, explaining the setbacks for horses were because of the animal's size and the impact associated with larger animals, which limited lots to at least a half or quarter acre for an animal and probably larger for multiple animals.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012012 – Chickens**

Chairman Deutsch confirmed if there was a structure, there would have to be setbacks for the chickens. Mr. Gerard stated a chicken coop would have to meet setbacks for an accessory structure, which could be three feet in the required rear or required side yards.

Commissioner Aster asked if this had been floated within the HOA community or other entities and clarified this was any zoning residential district. Mr. Gerard explained these were going through the Enhanced Regulatory Outreach Program, which provides notice to stakeholders and all registered community groups received the notice. Mr. Gerard stated staff had interacted with some HOAs with deed restrictions and the HOAs understood this was coming and the HOAs could enforce their deed restrictions separate from County zoning.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012012; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.**

DRAFT

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012015 – RV Storage / Parking |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 3 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of RVs in other than the required front yard |
| **Support/Opposition:** | One (1) email of opposition, and two (2) emails of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2012015 is an effort to bring code into alignment with community values. At present, an RV may only be stored in the rear yard of a lot. The proposed text amendment would permit the storage of RVs on a lot in other than the required front yard. This means it would permit storage in a side yard and in portions of a front yard but no closer to the street than the front setback line for the respective zoning district.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012015 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. Three emails have been received via EROP (note, first email thread contains an erroneous case tracking number reference):

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Tuesday, April 30, 2013 1:54 PM
> **To:** 'behomes@q.com'
> **Subject:** RE: Regulatory Outreach
>
> Thank you for your comments. They'll be shared with the P&Z Commission. The recommendation specifically includes attached carports because storage in such location will not be visually screened but will be immediately adjacent to the bulk of the residence. Detached carports would allow for lack of visual screening away from the bulk of the residence. It's important to note this standard applies to residential zoning districts of a more urban density as well. In areas such as New River and Desert Hills it may be possible to visually

screen from the street in a detached carport dependent upon where such structure was located on the property.

**From:** behomes@q.com [mailto:behomes@q.com]
**Sent:** Friday, April 26, 2013 3:05 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012015 – RV Storage/Parking

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

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Comment is regarding: express support

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**Comments:**
The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following: TA2012016 - permit the storage of three (e) unregistered and/or inoperable vehicles in both the rear and side yards, but no closer than front plane of principal building if screened from view of the street or in a carport. Note: NRDHCA suggests that the county delete the word "attached" to allow "attached carports". Please see our consultant's review attached.

Time of Request: 4/26/2013 3:04:55 PM

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**From:** Conrad Carruthers [mailto:cgc_in_az@yahoo.com]
**Sent:** Tuesday, April 30, 2013 4:34 PM
**To:** Darren Gerard - PLANDEVX
**Subject:** Re: Regulatory Outreach -- PD-TA2012015 – RV Storage/Parking - Opposition

Thank you for the clarification. If this us the case then I support the change.

Thank you

Conrad

*Sent from my Verizon Wireless 4G LTE DROID*

**From:** Darren Gerard - PLANDEVX
**Sent:** Tuesday, April 30, 2013 1:42 PM
**To:** 'cgc_in_az@yahoo.com'
**Subject:** RE: Regulatory Outreach -- PD-TA2012015 – RV Storage/Parking - Opposition

Mr. Carruthers: thanks for your input and your interest in this matter. Please note that the County Zoning Ordinance presently only permits the storage/parking of an RV in the rear yard of a residence. TA2012015 is a proposed text amendment to provide more flexibility by permitting storage/parking of an RV in the rear yard of a residence as well as the side yard so long as it does

not extend beyond the front plane of the residence. You have suggested an even more liberal approach and I'll share your comments with the P&Z Commission. However, please be aware that there is registered opposition to the text amendment. Darren

**From:** cgc_in_az@yahoo.com [mailto:cgc_in_az@yahoo.com]
**Sent:** Tuesday, April 30, 2013 11:14 AM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012015 – RV Storage/Parking

Citizen's Name: Conrad Carruthers
Organization:
City: Mesa
Zip:
Phone Number:
Phone Type:
Email: cgc_in_az@yahoo.com

Does citizen want to be contacted:

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Comment is regarding: express opposition

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**Comments:**
I feel that the the RV Storae and Parking goes above and beyond reasonable expectations. I live in an unicoporated area of Mesa, and park my RV next to my home. It extens partially before the primary plane, which cannot be controlled due to flood control projects etc. I would ask that the board review this with careful consideration, as I am sure there are many properties with similar issues.

Time of Request: 4/30/2013 11:14:05 AM

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**From:** Paul Wilson [mailto:PWilson@slfd.org]
**Sent:** Tuesday, April 16, 2013 5:42 PM
**To:** Darren Gerard - PLANDEVX
**Cc:** Terri Hogan - PLANDEVX
**Subject:** Reply to Regulatory Outreach - TA2012015 - RV Storage/Parking

Mr. Gerard,

Thank you for the opportunity to provide stakeholder input.

The last sentence in the proposed amendment improves the egress for occupants attempting to escape a fire, in a residential structure.

It will also provide firefighters and emergency response personnel better access to suppress a fire and control utilities.

However, the enforcement of the "clear path" is almost impossible, once storage is permitted in a side or rear yard, behind a screened or solid gate.

The overall life safety and fire protection issue is the storage of a mobile home,

camping trailer, truck camper or motor home which can lead to illegal occupancy and/or excessive storage. These uses could threaten the primary and adjacent residences, in the event of a fire.

The storage of recreational units adjacent to residential structures does not improve community values, when life safety is the primary goal of the community.

Thank you for your consideration.

Respectfully,
Paul S. Wilson, Fire Chief
Sun Lakes Fire District
25020 S. Alma School Rd.
Sun Lakes, AZ. 85248
(480) 895-9343 office
pwilson@slfd.org

**From:** Darren Gerard - PLANDEVX
**Sent:** Tuesday, April 16, 2013 5:07 PM
**To:** 'pwilson@slfd.org'
**Cc:** Terri Hogan - PLANDEVX
**Subject:** RE: Regulatory Outreach

Mr. Wilson: you raise some very good points in your opposition expressed for TA2012015 – RV Storage/Parking. See the attached staff report and note the verbatim language being proposed will require a 5' clear path be maintained around any structures (such as buildings and walls) . Does this caveat alleviate any of your concerns? Occupied RVs would remain a zoning violation. I'll print your email and hand it out at the 4/25 P&Z meeting. Darren

**From:** pwilson@slfd.org [mailto:pwilson@slfd.org]
**Sent:** Tuesday, April 16, 2013 2:42 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012015 – RV Storage/Parking

Citizen's Name: Paul Wilson
City: Sun Lakes
Zip: 85248
Phone Number: (480) 895-9343
Phone Type: work
Email: pwilson@slfd.org

Does citizen want to be contacted: no

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Comment is regarding: express opposition

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**Comments:**
The fire department believes this amendments could comprise public safety. A fire initiating from a stored mobile home, travel trailer, aircraft, boat, camping trailer, truck camper,or motor home stored in a side yard could extend to an adjacent home or business, due to the limited set-back requirements of side yards, between neighboring properties. Additionally, the size or number of

vehicles stored in a side yard presents a safety issue for residents attempting to escape a building if it's on fire. Also, firefighter safety may be compromised if the emergency response personnel have to negotiate through the stored vehicles to suppress a fire and shut off utilities to the building. Lastly, allowing a mobile home or large RV to be stored in a side yard invites unauthorized occupancy of the unit, as a permanent residence. A mobile home or travel trailer stored indefinitely in a side yard can lead to illegal usage for residency or excessive storage. A mobile home packed full of stored items increases the fire load and presents a fire exposure problem for the neighboring properties. The risk to the primary occupants of the subject property, adjacent neighbors / buildings and emergency response personnel is not in the best interest of fire safe communities. The Sun Lakes Fire District requests the existing Maricopa County zoning not be amended. Respectfully, Paul S. Wilson, Fire Chief Sun Lakes Fire District 25020 S. Alma School Rd. Sun Lakes, AZ. 85248 (480) 895-9343 office pwilson@slfd.org

Time of Request: 4/16/2013 2:41:43 PM

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There have been no specific suggestions to alter the proposed language. There has been one opposition registered. The Sun Lakes Fire District remains concerned with increased potential for excessive storage inside or illegal occupancy of an RV stored in a side yard (as opposed to a rear yard). The New River / Desert Hills Community Association (NRDHCA) registered support. An individual that registered opposition, upon further review rescinded and stated support.

4. Earlier versions of TA2012015 spoke to storage of RVs "in the rear yard of the lot or side yard of the lot but no closer to the street than the front plane of the principal building". The language now proposed further liberalizes the text amendment to simply state you may store an RV "in the rear yard of the lot or side yard of the lot, but not within the required front yard". This will allow units to potentially be stored in front of the front plane of the principal building but would limit storage of an RV to the same locations on a lot where an accessory building could be placed.

   Expressed concerns about potential for illegal occupancy or excessive storage are noted, but staff disagrees. Location in a side yard will usually be more visible than location in a rear yard and thus less likely to be occupied or to be used for storage. (The ordinance limits placement of unregistered/inoperable vehicles.)

   The proposed language "Such storage shall maintain a five (5) foot clear path around any structures" remains in place. The purpose of this language is to ensure adequate egress for occupants attempting to escape a fire as well as access for emergency response personnel. It's important to note that even accounting for clear paths that cross property lines and open carports/canopies, this requirement will limit where units can be placed in relationship to buildings, walls and other structures.

5. The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

**SECTION 1114. LOCATION OF MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS & MOTOR HOMES**

**Article 1114.1** **REGULATIONS:** At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below:

**1114.1.1.** Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.

**1114.1.2.** If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot or side yard of the lot, but not within the required front yard except that ~~placement in other than the rear yard~~ for loading and unloading purposes may be permitted for a period of time not to exceed **72 hours.** Such storage shall maintain a **five (5) foot** clear path around any structures.

**Recommendation:**

6. Staff recommends the Commission recommend **approval** of **TA2012015** as shown in paragraph 5 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (2 Pages)

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012015 – RV Storage / Parking |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 4 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance permit the storage of RVs in both the rear and side yards, but no closer to the street than the front plane of the principal building |
| **Support/Opposition:** | None known |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is an effort to bring code into alignment with community values. The proposed language follows (added text is underscored, deleted text is struck-through):

**SECTION 1114. LOCATION OF MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS & MOTOR HOMES**

**Article 1114.1** **REGULATIONS:** At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below:

**1114.1.1.** Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.

**1114.1.2.** If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot <u>or side yard of the lot but no closer to the street than the front plane of the principal building</u>, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed **72 hours.**

Such storage shall maintain a **five (5) foot** clear path around any structures.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. However, previous staff discussion raised concern about blocking access to firefighters in event of an emergency. Staff added a sentence requiring a clear path be maintained around any structures in order to address this concern.

**Recommendation:**

Staff recommends the Commission **initiate TA2012015**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment: TA2012015** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of RVs in both the rear and side yards, but no closer to the street than the front plane of the principal building – RV Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Mr. Gerard noted the ordinance currently permits the keeping of mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes within the rear yard and this would amend Article 1114.1.2 to say "or side yard of the lot, but no closer to the street than the front plane of the principal building." This is designed to accommodate some of the more moderate to higher density neighborhoods where there may not be alley access or access into the rear. It would allow people to pull an RV or boat along the driveway to the side of their house. The Sun Lakes Fire District had a concern, which was in the handout passed out at the meeting. They did appreciate that staff added language that said "such storage shall maintain a five foot clear path around structures." Sun Lakes Fire had remaining concerns that the mobile home or RV storage would permit materials being stored inside the unit, which could increase the unit's flammability, and if the unit was stored in the side yard, it was likely to be closer to an adjacent dwelling than it would be in the rear yard. Sun Lakes Fire also expressed concerns that side yard storage was more likely to be occupied. Mr. Gerard pointed out that an occupied RV would be a zoning violation today, and it would be even if this were to pass. He stated what was before the Commissioners was to simply initiate. Mr. Gerard stated this was the only negative comment staff received, and believed it was partially addressed with the language that was presented. Mr. Gerard stated any language revisions would be brought back to the Commission on June 6th, but at this time, he did not believe there would be any unless directed by this body.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if it could be crafted to specify recreational vehicles only, whether it be motor homes, boats or whatever it was, and it could not be used as a storage facility. He had concerns along with Sun Lakes Fire.

Mr. Gerard asked if he meant flammable materials could not be stored inside.

Vice-Chairman Smith clarified that a motor home that was not running and not being used would be pulled in and used for a storage building.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

DRAFT

Mr. Gerard stated you were permitted to have one unregistered or inoperable vehicle on the property, so today, there was the potential to have an inoperable RV on the property, and a storage requirement was it had to be screened from view of the street, which segued into the next item. Mr. Gerard asked if he could present these items as a whole now and have separate motions.

Chairman Deutsch agreed.

**Text Amendment: TA2012016** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles – Unregistered/Inoperable Vehicles Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Today, in Article 1102.9.5, one unregistered or inoperable motor vehicle may be stored on a parcel. What is proposed would be to change that number to three. The impetus behind this is there are a lot of hobby car enthusiasts in the valley, and usually, if you are restoring a vehicle, you will have a vehicle for parts and a vehicle being restored. An anecdotal observation over time is that code enforcement has a number of violators that have two and three vehicles and they are almost always car enthusiast that are restoring some type of muscle car or historic vehicle or some specialty vehicle. Other violations where people have 12, 20 and 30 cars are people who are running some type of business or have a junk yard. With TA2012016, staff is trying to separate out those people who are car enthusiasts and restorers from those people that are running junk yards and businesses. Staff believes the appropriate number to do that would be three unregistered or inoperable vehicles. What is proposed is raising the number from one to three and also adding language.

Mr. Gerard stated today's ordinance reads: "Not more than one unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street or right-of-way."

Mr. Gerard read the proposed language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any



DRAFT

rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." He stated language was added in anticipation of a similar type of concern from the fire district.

Mr. Gerard also read alternative language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in a rear yard or side yard, but no closer to the street than the front plane of the principal building such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." The alternative language would bring this section closer in alignment with the language proposed for storage of boats and RVs. The idea being that they can be stored on the side but must be behind the front plane of the house and cannot be within the required front yard, which means in rural zoning 40 feet from the front and in residential zoning 20 feet from the front.

Addressing Commissioner Smith's concerns regarding junk vehicles, Mr. Gerard stated that today an RV or any automobile could be a junk vehicle in their jurisdiction, but it had to be parked in the rear. Using the term "junk" in a worst case scenario, because it could simply be an unregistered or inoperable vehicle, he stated they were proposing a person could have three junk vehicles that were visually screened from the street, unless they were parked in an attached carport.

Vice-Chairman Smith thought recreational vehicle storage was okay, but was not crazy about mobile home storage. Mr. Gerard stated that was a good point and as part of the amendment, they should strike that from the title of Section 1114, noting that the language spoke to travel trailers and campers. Vice-Chairman Smith indicated his agreement.

Chairman Deutsch asked if camper and motor home would be dropped in the paragraph. Mr. Gerard responded, "No," and clarified that Vice-Chairman Smith's concern was regarding mobile homes, which were more akin to a residence as opposed to a travel trailer. Vice-Chairman Smith stated recreational vehicle covered most of that - travel trailers and all. Mr. Gerard stated they would look at a clearer title, explaining vernacular language changes over time and some of the articles were written in 1969.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

Chairman Deutsch asked if there were any other questions for staff.

Regarding TA2012016, Item No. 5, Commissioner Hiatt asked if "setback" should be added after the word "yard" where it said, "other than the required front yard." Mr. Gerard explained the "required front yard" was very specific and defined as the space between the street line and the front setback line.

Chairman Deutsch clarified that the Commissioners were looking at both TA2012015 and TA2012016. Mr. Gerard stated they were and if the Commissioners had a direction, staff would move forward with that direction to the June 6th Planning & Zoning Commission Meeting. Commissioner Hiatt clarified if the Commissioners did not have a direction, staff would look at both of them. Mr. Gerard confirmed they would and would have a recommendation for the Commissioners.

Chairman Deutsch asked if anyone from the public wished to speak on Items TA2012015 and TA2012016.

Ann Hutchinson, New River Desert Hills Community Association, stated they would like to see the changes so they could provide any comments for June 6th.

Regarding TA2012015, Commissioner Aster expressed concern that the 72 hour limit to unload sounded like a long time and might cause some potential problems. Mr. Gerard explained that was existing language in the ordinance and it had not presented a problem. He stated it allowed someone who was getting ready for or returning from a trip to pull their RV into the driveway and load or unload. He explained if there was a complaint, staff would check it out and then recheck in four days, and if it was still there, staff would bring them into a hearing.

Chairman Deutsch asked if there were any questions for staff, and discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Aster moved to initiate TA2012015; Commissioner Hiatt and Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012016; Commissioner Burrows seconded the motion which passed with a unanimous vote of 6-0.**

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

Debra Stark, Planning and Development Director, and Terri Hogan, Current Planning Supervisor, clarified the term mobile homes could not be struck from the section title because of other articles under that section. Mr. Gerard stated staff would clarify in the language of the article itself they were not speaking about units that could be occupied when staff brought this back to the Commission on June 6th.

DRAFT

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012016 – Unregistered/Inoperable Vehicles |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 4 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of three (3) unregistered and/or inoperable vehicles in the rural and residential zoning districts |
| **Support/Opposition:** | Two (2) emails of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2012016 is an effort to bring code into alignment with community values. At present, one (1) unregistered and/or inoperable vehicle may be stored on a lot, and must be stored such that it cannot be seen from the street. The proposed text amendment would permit the storage of up to three (3) unregistered and/or inoperable vehicles. The text would be further amended to permit storage within an attached carport, but otherwise must remain visually screened from the street.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012016 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. Two emails of support have been received via EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Tuesday, April 30, 2013 1:52 PM
> **To:** 'Ann Hutchinson'
> **Subject:** RE: TA2012016 New River/Desert Hills Community Association response ATTACHMENT
>
> Thank you for your comments. They'll be shared with the P&Z Commission. The recommendation specifically includes attached carports because storage in such location will not be visually screened but will be immediately adjacent to the bulk of the residence. Detached carports would allow for lack of visual screening away from the bulk of the residence. It's important to note this standard applies to residential zoning districts of a more urban density as well. In areas such as New River and Desert Hills it may be possible to visually

screen from the street in a detached carport dependent upon where such structure was located on the property.

**From:** behomes@q.com [mailto:behomes@q.com]
**Sent:** Friday, April 26, 2013 3:10 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012016 – Unregistered/Inoperable Vehicles Storage/Parking

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

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Comment is regarding: express support

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**Comments:**
The New River-Desert Hills Community Association (NR/DHCA) board has a quorum for the following: TA2012016 - permit the storage of three (e) unregistered and/or inoperable vehicles in both the rear and side yards, but no closer than front plane of principal building if screened from view of the street or in a carport. Note: NRDHCA suggests that the county delete the word "attached" to allow "attached carports". Please see our consultant's review attached.

Time of Request: 4/26/2013 3:09:35 PM

**From:** Ann Hutchinson [mailto:behomes@q.com]
**Sent:** Friday, April 26, 2013 3:04 PM
**To:** Regulatory
**Subject:** TA2012016 New River/Desert Hills Community Association response ATTACHMENT
[MEMO ATTACHED AT END OR REPORT]

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**From:** Darren Gerard - PLANDEVX
**Sent:** Monday, April 15, 2013 11:38 AM
**To:** 'judy@shadowlakes.com'
**Subject:** RE: Regulatory Outreach

Ms. Hoelscher: please note the proposed language is that the unregistered/inoperable vehicles must be stored/parked so that they are visually screened from public or private streets unless within an attached carport. Visually screening can include fencing or tarps. The current ordinance language nor the proposed language would require visually screening from neighboring lots uphill. I trust this answers your question. Please feel free to call or email me directly with any additional questions. Darren

**From:** judy@shadowlakes.com [mailto:judy@shadowlakes.com]
**Sent:** Thursday, April 11, 2013 3:40 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012016 – Unregistered/Inoperable Vehicles Storage/Parking

Citizen's Name: Judy Hoelscher
City: New River
Zip: 85087
Phone Number: 6234654767
Phone Type: mobile
Email: judy@shadowlakes.com

Does citizen want to be contacted: yes

Comment is regarding: express support

**Comments:**
I would like to give input on this. I live in a place that there is no way to sheild view of cars from neighbors as we live with neighbors on hill above, so it is not always possible to hide cars from view, I hope this new text amendment will apply fairly and uniformly to all Maricopa County residents and not just those fortunate to own flat land that a fence can shield personal property. I have a code violation and am unable to comply hiding my unregistered car from view, in my case it cannot be seen from the street but it can from my complaining nieghbors back yard, the code enforcement gave me only one option and that is to remove the car from my property. Thank you for this text amendment allowing 3 cars.

Time of Request: 4/11/2013 3:39:23 PM

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP and sent a memo, attached. An individual registered support via EROP.

4. There have been no specific suggestions to alter the proposed language, but staff has changed the proposed language to clarify if the vehicles are stored out of doors they must be visually screened from the street unless within an attached carport, and must be stored in other than the required front yard. Maintaining an open and clean front yard would keep this article consistent with language throughout the ordinance.

5. The proposed verbatim language is shown below, with added text underscored and deleted language struck-through. Changes to the proposed language since the ZIPPOR meeting are highlighted:

**ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:**

**1102.9.5.** Not more than ~~one~~ **three** unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles if stored out of doors shall be stored in other than the required front yard and such that it ~~cannot be seen from~~ is visually screened from any public or private street or right-of-way unless stored within an attached carport. Such storage shall maintain a **five (5) foot** clear path around any structures.

**Recommendation:**

6. Staff recommends the Commission recommend **approval** of **TA2012016** as shown in paragraph 5 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: NRDHCA support memo (1 page)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

**PAUL H. McALLISTER**
**201 W. Circle Mountain Road**
**New River, AZ 85087**
**Date: 21 October 2012**

**To:** NR-DHCA, INC.

**Review By Date:** ASAP but no later than 2 November 2012.

**Case:** TA2012016.
**Related Case:** None.
**Planner:** Terri Hogan.
**Type case:** ☐ TAC ☐ BOA ☒ Other Text Amendment Request.
**Meeting Date:** Planning & Zoning Commission, 11/15/2012. Tentatively Board of Supervisors 12/12/2012.

**Applicant:** Maricopa County.

**Request for:** Text Amendment approval.

**Background:** There is little background/history behind this case other than at present only one unregistered or inoperable vehicle can be stored on any lot if unable to be seen by the public.

**Opinion:** By adding to Article 1102.9 ONE now becomes THREE, invisible to the public and can be stored in an attached carport (a detached carport does not qualify). This is a problem within this area that is known to me personally. What the county is trying to accomplish is to make the ordinances less of a hardship on some residences. Due to this action I would recommend approval.

The one problem I see is the approval would exclude unattached carports. To an untrained eye an attached and an unattached car port would look identical. I can only suggest that the county delete the word "attached".

**Recommendation:** ☐ Denial ☒ Approval ☐ Other _____

Sincerely,

Paul H. McAllister

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012016 – Unregistered / Inoperable Vehicles Storage / Parking |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 5 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three unregistered and/or inoperable vehicles |
| **Support/Opposition:** | None known |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is an effort to bring code into alignment with community values and is expected to mitigate a number of violation cases. Note that car hobby enthusiasts often keep a second car for parts while rehabilitating a classic car, muscle car, etc. The proposed language follows (added text is underscored, deleted text is struck-through):

**ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:**

**1102.9.5.** Not more than ~~one~~ three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it ~~cannot be seen from~~ is visually screened from any public or private street or right-of-way unless stored within an attached carport. Such storage shall maintain a **five (5) foot** clear path around any structures.

At present, one unregistered/inoperable vehicle may be stored on a property. The proposal is to increase that number to three. Another option would be to strengthen the regulation of where such vehicles may be stored. This would seem reasonable given the increased latitude proposed. Alternative language would be (added text is underscored, deleted text is struck-through):

**ARTICLE 1102.9 ADDITIONAL PARKING REGULATIONS:**

**1102.9.5.** Not more than ~~one~~ three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning

district, and such unregistered or inoperable vehicles shall be stored in a rear yard or side yard but no closer to the street than the front plane of the principal building such that it ~~cannot be seen from~~ is visually screened from any public or private street or right-of-way unless stored within an attached carport. Such storage shall maintain a **five (5) foot** clear path around any structures.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language. However, staff added a sentence requiring a clear path be maintained around any structures in order to maintain access for firefighters in event of an emergency.

A single email of support was received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Monday, April 15, 2013 11:38 AM
**To:** 'judy@shadowlakes.com'
**Subject:** RE: Regulatory Outreach

Ms. Hoelscher: please note the proposed language is that the unregistered/inoperable vehicles must be stored/parked so that they are visually screened from public or private streets unless within an attached carport. Visually screening can include fencing or tarps. The current ordinance language nor the proposed language would require visually screening from neighboring lots uphill. I trust this answers your question. Please feel free to call or email me directly with any additional questions. Darren

*Darren V. Gérard, AICP, Deputy Director*
Maricopa County Planning & Development Department
501 N. 44th St. # 200 Phoenix, AZ 85008
602-506-7139, 602-506-3711 (fax)
darrengerard@mail.maricopa.gov
www.maricopa.gov/planning
www.mygreengovernment.com
www.CleanAirMakeMore.com

Our office is located three blocks north of the 44th St. Light Rail Station, and along Bus Route 44. See www.valleymetro.org for trip information.

**From:** judy@shadowlakes.com [mailto:judy@shadowlakes.com]
**Sent:** Thursday, April 11, 2013 3:40 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012016 – Unregistered/Inoperable Vehicles Storage/Parking

Citizen's Name: Judy Hoelscher
City: New River
Zip: 85087
Phone Number: 6234654767
Phone Type: mobile
Email: judy@shadowlakes.com

Does citizen want to be contacted: yes

---

Comment is regarding: express support

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**Comments:**
I would like to give input on this. I live in a place that there is no way to sheild view of cars from neighbors as we live with neighbors on hill above, so it is not always possible to hide cars from view, I hope this new text amendment will apply fairly and uniformly to all Maricopa County residents and not just those fortunate to own flat land that a fence can shield personal property. I have a code violation and am unable to comply hiding my unregistered car from view, in my case it cannot be seen from the street but it can from my complaining nieghbors back yard, the code enforcement gave me only one option and that is to remove the car from my property. Thank you for this text amendment allowing 3 cars.

Time of Request: 4/11/2013 3:39:23 PM

## Recommendation:

Staff recommends the Commission **initiate TA2012016**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment: TA2012015** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of RVs in both the rear and side yards, but no closer to the street than the front plane of the principal building – RV Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Mr. Gerard noted the ordinance currently permits the keeping of mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes within the rear yard and this would amend Article 1114.1.2 to say "or side yard of the lot, but no closer to the street than the front plane of the principal building." This is designed to accommodate some of the more moderate to higher density neighborhoods where there may not be alley access or access into the rear. It would allow people to pull an RV or boat along the driveway to the side of their house. The Sun Lakes Fire District had a concern, which was in the handout passed out at the meeting. They did appreciate that staff added language that said "such storage shall maintain a five foot clear path around structures." Sun Lakes Fire had remaining concerns that the mobile home or RV storage would permit materials being stored inside the unit, which could increase the unit's flammability, and if the unit was stored in the side yard, it was likely to be closer to an adjacent dwelling than it would be in the rear yard. Sun Lakes Fire also expressed concerns that side yard storage was more likely to be occupied. Mr. Gerard pointed out that an occupied RV would be a zoning violation today, and it would be even if this were to pass. He stated what was before the Commissioners was to simply initiate. Mr. Gerard stated this was the only negative comment staff received, and believed it was partially addressed with the language that was presented. Mr. Gerard stated any language revisions would be brought back to the Commission on June 6th, but at this time, he did not believe there would be any unless directed by this body.

Chairman Deutsch asked if there were any questions for staff.

Vice-Chairman Smith asked if it could be crafted to specify recreational vehicles only, whether it be motor homes, boats or whatever it was, and it could not be used as a storage facility. He had concerns along with Sun Lakes Fire.

Mr. Gerard asked if he meant flammable materials could not be stored inside.

Vice-Chairman Smith clarified that a motor home that was not running and not being used would be pulled in and used for a storage building.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

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Mr. Gerard stated you were permitted to have one unregistered or inoperable vehicle on the property, so today, there was the potential to have an inoperable RV on the property, and a storage requirement was it had to be screened from view of the street, which segued into the next item. Mr. Gerard asked if he could present these items as a whole now and have separate motions.

Chairman Deutsch agreed.

**Text Amendment: TA2012016** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to permit the storage of up to three (3) unregistered and/or inoperable vehicles – Unregistered/Inoperable Vehicles Storage/Parking.

Darren Gerard, Deputy Planning Director, presented the above item. Today, in Article 1102.9.5, one unregistered or inoperable motor vehicle may be stored on a parcel. What is proposed would be to change that number to three. The impetus behind this is there are a lot of hobby car enthusiasts in the valley, and usually, if you are restoring a vehicle, you will have a vehicle for parts and a vehicle being restored. An anecdotal observation over time is that code enforcement has a number of violators that have two and three vehicles and they are almost always car enthusiast that are restoring some type of muscle car or historic vehicle or some specialty vehicle. Other violations where people have 12, 20 and 30 cars are people who are running some type of business or have a junk yard. With TA2012016, staff is trying to separate out those people who are car enthusiasts and restorers from those people that are running junk yards and businesses. Staff believes the appropriate number to do that would be three unregistered or inoperable vehicles. What is proposed is raising the number from one to three and also adding language.

Mr. Gerard stated today's ordinance reads: "Not more than one unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street or right-of-way."

Mr. Gerard read the proposed language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any



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rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in other than the required front yard such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." He stated language was added in anticipation of a similar type of concern from the fire district.

Mr. Gerard also read alternative language: "Not more than three unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles shall be stored in a rear yard or side yard, but no closer to the street than the front plane of the principal building such that it is visually screened from any public or private street or right-of-way unless stored within an attached carport, such storage shall maintain a five foot clear path around any structures." The alternative language would bring this section closer in alignment with the language proposed for storage of boats and RVs. The idea being that they can be stored on the side but must be behind the front plane of the house and cannot be within the required front yard, which means in rural zoning 40 feet from the front and in residential zoning 20 feet from the front.

Addressing Commissioner Smith's concerns regarding junk vehicles, Mr. Gerard stated that today an RV or any automobile could be a junk vehicle in their jurisdiction, but it had to be parked in the rear. Using the term "junk" in a worst case scenario, because it could simply be an unregistered or inoperable vehicle, he stated they were proposing a person could have three junk vehicles that were visually screened from the street, unless they were parked in an attached carport.

Vice-Chairman Smith thought recreational vehicle storage was okay, but was not crazy about mobile home storage. Mr. Gerard stated that was a good point and as part of the amendment, they should strike that from the title of Section 1114, noting that the language spoke to travel trailers and campers. Vice-Chairman Smith indicated his agreement.

Chairman Deutsch asked if camper and motor home would be dropped in the paragraph. Mr. Gerard responded, "No," and clarified that Vice-Chairman Smith's concern was regarding mobile homes, which were more akin to a residence as opposed to a travel trailer. Vice-Chairman Smith stated recreational vehicle covered most of that - travel trailers and all. Mr. Gerard stated they would look at a clearer title, explaining vernacular language changes over time and some of the articles were written in 1969.

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

Chairman Deutsch asked if there were any other questions for staff.

Regarding TA2012016, Item No. 5, Commissioner Hiatt asked if "setback" should be added after the word "yard" where it said, "other than the required front yard." Mr. Gerard explained the "required front yard" was very specific and defined as the space between the street line and the front setback line.

Chairman Deutsch clarified that the Commissioners were looking at both TA2012015 and TA2012016. Mr. Gerard stated they were and if the Commissioners had a direction, staff would move forward with that direction to the June 6th Planning & Zoning Commission Meeting. Commissioner Hiatt clarified if the Commissioners did not have a direction, staff would look at both of them. Mr. Gerard confirmed they would and would have a recommendation for the Commissioners.

Chairman Deutsch asked if anyone from the public wished to speak on Items TA2012015 and TA2012016.

Ann Hutchinson, New River Desert Hills Community Association, stated they would like to see the changes so they could provide any comments for June 6th.

Regarding TA2012015, Commissioner Aster expressed concern that the 72 hour limit to unload sounded like a long time and might cause some potential problems. Mr. Gerard explained that was existing language in the ordinance and it had not presented a problem. He stated it allowed someone who was getting ready for or returning from a trip to pull their RV into the driveway and load or unload. He explained if there was a complaint, staff would check it out and then recheck in four days, and if it was still there, staff would bring them into a hearing.

Chairman Deutsch asked if there were any questions for staff, and discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Aster moved to initiate TA2012015; Commissioner Hiatt and Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012016; Commissioner Burrows seconded the motion which passed with a unanimous vote of 6-0.**

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012015 – RV Storage/Parking**
**Case Number: - TA2012016 - Unregistered/Inoperable Vehicles Storage/Parking**

Debra Stark, Planning and Development Director, and Terri Hogan, Current Planning Supervisor, clarified the term mobile homes could not be struck from the section title because of other articles under that section. Mr. Gerard stated staff would clarify in the language of the article itself they were not speaking about units that could be occupied when staff brought this back to the Commission on June 6th.

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# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012033 – Rural-43 Lot Coverage |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 5 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to increase the Maximum Lot Coverage of the Rural-43 zoning district from 15% to 25% |
| **Support/Opposition:** | One (1) email of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2012033 is text amendment to the Maricopa County Zoning Ordinance, Art. 503.5.4 to raise the maximum permitted Lot Coverage (cumulative area under roof) from 15% to 25% of the total lot area. The original proposal of 20% was increased after the Stakeholder Meeting. This will bring unincorporated Maricopa County zoning jurisdiction in alignment with the City of Phoenix RE-43 and most other area jurisdictions' equivalent to Rural-43 (see table in paragraph 6). A Lot Coverage increase in the Rural-70 and Rural-190 zoning districts is not being considered at this time because those locations tend to be remote from emergency fire protection.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2012033 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. One email of support was received via EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Friday, April 05, 2013 9:10 AM
> **To:** 'Geverland@aol.com'
> **Subject:** RE: Regulatory Outreach
>
> George: this email it to document are previous discussions on this subject. Your support of TA2012033 will be noted for the Planning &
> Zoning Commission. At this time staff is only addressing the Rural-43 zoning district and not the Rural-70 or Rural-190. Further, we're not changing treatment of lot coverage for open

structures versus enclosed buildings; however, staff is proposing to increase the Rural-43 Maximum Lot Coverage from 15% to 25% (rather than to just 20%). Darren

**From:** Geverland@aol.com [mailto:Geverland@aol.com]
**Sent:** Thursday, March 21, 2013 10:58 AM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012033 – Rural-43 Lot Coverage

Citizen's Name: George Everland
City: Phoenix
Zip: 85085
Phone Number: 623-764-5286
Phone Type: mobile
Email: Geverland@aol.com

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**
I am a Civil Engineer and attended the 3/22 stakeholder meeting. I have several recommendations: 1. In the R-43 I suggest the Lot Coverage be increased to a "total of 25% of enclosed structures" and a "total of 35% of all roofed structures, enclosed or open" I believe there is a recent definition of "open structures" ? I also believe a similar increase needs to apply to the R-70 & R-170 zones to allow for the open structures, especially due to the extensive equestrian nature and increased emphasis on Passive Green development such as additional shade areas.

Time of Request: 3/21/2013 10:57:55 AM

There is no known opposition. One individual registered early support via EROP. There have been no suggestions to alter the language proposed at the ZIPPOR meeting.

4. The proposed verbatim language is shown below, with added text underscored and deleted language struck-through:

**Chapter 5 – Rural Zoning Districts**

**SECTION 503. RURAL-43** (Rural Zoning District – One Acre Per Dwelling Unit)

**ARTICLE 503.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum lot area of **one acre**.

2. ***Lot Width:*** Each lot shall have a minimum width of **145 feet**.

3. ***Lot Area per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **one acre**.

1. ***Lot Coverage:*** The maximum lot coverage shall be ~~**15%**~~ ***25%*** of the lot area.

5. The following table contrasts the County's existing Rural-43 lot coverage against a sample of other area jurisdictions. The County's existing standard is far lower than that of the other jurisdictions which range from 20% to 40% and tend to remain slightly higher than the proposed 25%.

| Jurisdiction | Lot Coverage for 1 DU/AC Zoning | | Ordinance Reference |
|---|---|---|---|
| Maricopa County | 15% | Rural-43 | 503.5.4 |
| Phoenix | 20% | RE-43 | 605 B(5) |
| Glendale | 20% | RR-45 | 5.127 |
| Mesa | 25% | RS-43 | 11-5-3 |
| Chandler | 40% | AG-1 | 35-403 (5) |
| Scottsdale | 20% | R1-43 | 5.102(B)8b |
| Peoria | 30% | R1-43 | 14-5-6 (A) |
| Gilbert | 30% | SF-43 | 2.104 |
| Buckeye | 30% | SF-43 | 4.1.1 |

**Recommendation:**

6. Staff recommends the Commission recommend **approval** of **TA2012033** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (3 Pages)

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2012033 – Rural-43 Lot Coverage |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 6 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 503.5.4 to raise the Maximum Lot Coverage from 15% to 25% in the Rural-43 zoning district |
| **Support/Opposition:** | No known opposition. One email of support. |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is part of an effort to bring unincorporated Maricopa County zoning jurisdiction in alignment with most other area jurisdictions' equivalent to Rural-43 which is generally "suburban estate" type development (See table on next page). Lot coverage is the cumulative area under roof of a given parcel. A lot coverage increase is not being considered for the Rural-70 and Rural-190 zoning districts because those locations tend to be rural and remote from emergency fire protection. The proposed language follows (added text is underscored, deleted text is struck-through):

**Chapter 5 – Rural Zoning Districts**

**SECTION 503. RURAL-43** (Rural Zoning District – One Acre Per Dwelling Unit)

**ARTICLE 503.5.** **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum lot area of **one acre.**

2. ***Lot Width:*** Each lot shall have a minimum width of **145 feet.**

3. ***Lot Area per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **one acre.**

   1. ***Lot Coverage:*** The maximum lot coverage shall be ~~15%~~ <u>25%</u> of the lot area.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) At that time, staff was proposing a max. 20% Rural-43 lot coverage but the stakeholders overwhelmingly agreed that a max. 25% Rural-43 lot coverage was more appropriate. There is no known opposition to the proposed language. A single email of support was received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Friday, April 05, 2013 9:10 AM
**To:** 'Geverland@aol.com'
**Subject:** RE: Regulatory Outreach

George: this email it to document are previous discussions on this subject. Your support of TA2012033 will be noted for the Planning &
Zoning Commission. At this time staff is only addressing the Rural-43 zoning district and not the Rural-70 or Rural-190. Further, we're not changing treatment of lot coverage for open structures versus enclosed buildings; however, staff is proposing to increase the Rural-43 Maximum Lot Coverage from 15% to 25% (rather than to just 20%). Darren

**From:** Geverland@aol.com [mailto:Geverland@aol.com]
**Sent:** Thursday, March 21, 2013 10:58 AM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2012033 – Rural-43 Lot Coverage

Citizen's Name: George Everland
City: Phoenix
Zip: 85085
Phone Number: 623-764-5286
Phone Type: mobile
Email: Geverland@aol.com

Does citizen want to be contacted:

---

Comment is regarding: express support

---

**Comments:**
I am a Civil Engineer and attended the 3/22 stakeholder meeting. I have several recommendations: 1. In the R-43 I suggest the Lot Coverage be increased to a "total of 25% of enclosed structures" and a "total of 35% of all roofed structures, enclosed or open" I believe there is a recent definition of "open structures" ? I also believe a similar increase needs to apply to the R-70 & R-170 zones to allow for the open structures, especially due to the extensive equestrian nature and increased emphasis on Passive Green development such as additional shade areas.

Time of Request: 3/21/2013 10:57:55 AM

The following table contrasts the County's existing Rural-43 lot coverage against a sample of other area jurisdictions. The County's existing standard is far lower than that of the other jurisdictions which range from 20% to 40% and tend to remain slightly higher than the proposed 25%.

| Jurisdiction | Lot Coverage for 1 DU/AC Zoning | | Ordinance Reference |
|---|---|---|---|
| Maricopa County | 15% | Rural-43 | 503.5.4 |
| Phoenix | 20% | RE-43 | 605 B(5) |
| Glendale | 20% | RR-45 | 5.127 |
| Mesa | 25% | RS-43 | 11-5-3 |
| Chandler | 40% | AG-1 | 35-403 (5) |
| Scottsdale | 20% | R1-43 | 5.102(B)8b |
| Peoria | 30% | R1-43 | 14-5-6 (A) |
| Gilbert | 30% | SF-43 | 2.104 |
| Buckeye | 30% | SF-43 | 4.1.1 |

**Recommendation:**

Staff recommends the Commission **initiate TA2012033**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment: TA2012033** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance to increase the permitted Maximum Lot Coverage in the Rural-43 zoning district from 15% to 25% – Rural-43 Lot Coverage.

Darren Gerard, Deputy Planning Director, presented the above item. This went to a stakeholder meeting and had a tremendous amount of input and was well received. The original proposal was to raise lot coverage from 15% to 20%; however, after the stakeholder meeting, staff conducted a survey of other jurisdictions and realized lot coverage was 25% to 40% in equivalent zoning. The 25% lot coverage would bring the County into line with the other jurisdictions. Lot coverage is the aggregate/cumulative area under roof, including mare motels, sheds, and the dwelling unit, subtracting out certain eave overhangs. Mr. Gerard explained there was discussion about changing the definition of lot coverage so staff looked at open structures differently than enclosed structures, but there was concern that was ripe for error and for misinterpretation. Staff believed area under roof and a larger figure of 25% were appropriate. This only applies to Rural-43 in Article 503.5.3.1. Because of a public safety issue, Staff was not looking at Rural-70 and Rural-190, which have a 5% lot coverage that worked to minimize intensity of structure, because these areas tended to be remote and isolated and did not have emergency fire protection. Again, staff was looking to raise Rural-43 lot coverage from 15% to 25%. There was no known opposition.

Chairman Deutsch asked if there were any questions for staff, if anyone from the public wished to speak and if there was any discussion.

**COMMISSION ACTION: Commissioner Hiatt moved to initiate TA2012033; Commissioner Aster seconded the motion which passed with a unanimous vote of 6-0.**

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**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2012033 – Rural-43 Lot Coverage**

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 6 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment Maricopa County Local Additions & Addenda to adopt and amend updated construction safety codes |
| **Support/Opposition:** | One (1) email of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2013001 is a text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the following:

   - 2012 International Building Code
   - 2012 International Residential Code
   - 2012 International Plumbing Code
   - 2012 International Mechanical Code
   - 2012 International Fuel Gas Code
   - 2012 International Green Construction Code
   - 2012 International Energy Conservation Code
   - 2012 International Existing Building Code
   - 2011 National Electric Code

   The proposed text amendment language is a repeal and replace of the existing document language for the Maricopa County Local Additions & Addenda. These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. The Commission initiated TA2013001 at the April 25, 2013 ZIPPOR meeting. The matter was discussed at the April 9, 2013 Building Code Advisory Board (BCAB) meeting, and the BCAB voted to initiate the amendments at their April 30, 2013 meeting. The matter will be revisited by the BCAB at the May 21, 2013 (the 5/21/13 BCAB packet is attached but as of the writing of this report the results of that meeting are not known). If the

Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. One email of support was received via EROP:

**From:** Darren Gerard - PLANDEVX
**Sent:** Tuesday, April 16, 2013 5:20 PM
**To:** 'Ann Hutchinson'; Alan & Candy Muller
**Cc:** Debra Stark - PLANDEVX; Michael Norris - PLANDEVX; Lynn Favour - PLANDEVX
**Subject:** RE: TA2013001-002--003 New River-Desert Hills Community Association Response

Ann & Alan: your comments are appreciated and will be printed for hand out at the 4/24 P&Z meeting. The agenda and staff reports with attachments are available online. Please note regarding TA2013001 that the green construction codes will be voluntary. Also regarding TA2013003, please note that administrative drainage waivers will have site posting giving neighbors opportunity to provide comment, and that the administrative determination may be appealed to the Drainage Review Board. Please let me know if this alleviates your concerns. Darren

**From:** Ann Hutchinson [mailto:behomes@q.com]
**Sent:** Thursday, April 11, 2013 12:31 PM
**To:** Darren Gerard - PLANDEVX
**Cc:** Alan & Candy Muller
**Subject:** TA2013001-002--003 New River-Desert Hills Community Association Response
[MEMO ATTACHED AT END OF REPORT]
Darren,

The attached has the New River - Desert Hills response and consultant's analysis for TA2013001, TA2013002, and TA2013003

Thank you for your consideration,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

There is no known opposition to TA2013001 as of the writing of this report. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP and sent a memo, attached. Salt River Project (SRP) provided early written support at the stakeholder meeting, attached. There have been no suggestions to alter the language proposed at the ZIPPOR meeting.

4. The proposed verbatim language is attached.

**Recommendation:**

5. Staff recommends the Commission recommend **approval** of **TA2013001** as shown in the attachment and as recommended by the BCAB.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: NRDHCA memo of support (2 pages)
SRP letter of support (1 page)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (41 Pages)
DRAFT May 21, 2013 BCAB minutes (not available as of the writing of this report)
May 21, 2013 BCAB packet (116 pages)

NEW RIVER/
DESERT HILLS
Community
Association, Inc.

New River/Desert Hills Community Association, Inc.
515 E. Carefree Hwy. #300
Phoenix, AZ 85085-8839
Phone 602-432-2800
Fax: 623-465-1177
Website: www.NRDHCA.ORG
President's email: Alan@NRDHCA.com

April 11, 2013

Darren Gerard
Maricopa County Planning and Development
501 North 44th Street, Suite 200
Phoenix, AZ 85008

Dear Darren,

The President of the New River/Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendations:

- **TA2013001 – 2012 International Codes.** For the most part, this seems appropriate. **Concern:** There is concern about the implementation of the International Green Construction Code since may be greatly increase the cost of a new residencies. We suggest that the county phase this into the requirements to mitigate undue hardships.
- **TA2013002 - Hillside Retaining Walls.** This seems appropriate. **No concern:** It appears to merely clarifies the existing ordinance.
- **TA2013003 - Drainage Waivers.** For the most part, this seems appropriate. **Concern:** There is concern that there does not seem to be any checks and balances. Therefore it is not obvious that the administrative hearings will adequate and that there will not be an opportunity for public input. .

Please consider the attached letter from our consultant.

Regards,

Ann Hutchinson

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

**Attachment:** Consultant's analysis

**PAUL H. McALLISTER**
**201 W. Circle Mountain Road**
**New River, AZ 85087**
**Date: 31 March 2013**

**To:** NR-DHCA, INC.

I have reviewed the proposed TAs (Text Amendments) TA2013001, TA2013002 and TA2013003. TA2013001 proposes adopting 2012 International, Building, Residential, Plumbing, Mechanical, Fuel/Gas, Green Construction, Energy Conservation, Existing Building Codes. If Green Construction and Energy Conservation Codes are required, I can only hope Maricopa County does not require sealed plans/documents as part of the approval process.

**TA2013001** incorporates The International Green Construction Code. This will elevate the cost of a new residence but only slightly. The new products on the market are tried and proven to bettor or as good as the older required products. Presently the newer (Green) materials are much cheaper than their accepted older materials.

When it comes to energy conservation, my experience in California was that energy efficacy compliance on the plans had to be documented and sealed for approval. This seal provided by a registered Architectural Engineer or a Engineer was required for approval.

Energy Conservation is often an expensive process and will increase the cost of a new residencies considerably. Insulation R designation (walls, attic, floors), windows shading, window size, air intrusion sealing (windows and doors mostly) all will become part of this change. Energy conservation in this area is a good thing but what cost is acceptable? The county should only require certain modifications to the structure and slowly, not enter all at once thereby avoiding anything that might be considered as a hardship.

I do not possess a copy of the International Existing Building Code and thereby know very little about it. I know virtually nothing about what requirements are in this code but it does not sound good (i.e. sounds expensive for little value).

**TA2013002** this proposed addition to Chapter 11 will make no new requirements only spells-out those requirements that exist and clear up any confusion that currently exist.

**TA2013003** Will allow drainage requirements to be approved administratively and not require (in some cases) approval only by the Drainage Review Board (a public meeting). The only objection to this method is that the county may use this method to approve everything. This TA provides no checks and balances but is open-ended.

Sincerely,

Paul H. McAllister

file in Adoption of 2012 I Codes

March 19, 2013

Debra W. Stark, AICP
Maricopa County Planning and Development Director
501 N. 44th Street, Suite 200
Phoenix, AZ 85008

RE: Adoption of the 2012 I Codes

Ms. Debra Stark:

Thank you for taking the time to meet with me yesterday. I enjoyed our conversation about Maricopa County, and I hope I was able to provide some helpful information on why the adoption of the 2012 IECC is so important to our collective future. I will keep you posted as new information becomes available. Senate Bills 1365 and 1321 have been a concern to us all; SRP supports the right of Maricopa Co to define their own future, and determine what is best for their residents.

SRP supports your efforts to adopt the 2012 Codes, as well as your efforts to encourage design and building techniques that reduce energy consumption thereby saving Maricopa Counties businesses and residents money. It makes good business sense for the County to encourage building practices that protect their infrastructure. SRP's mission of providing reliable and reasonably priced electricity relies upon efforts such as this to assure our ability to meet future and current power demands.

Building Energy Codes are the most cost effective method of obtaining energy efficiency. SRP supports the adoption of the 2012 International Energy Conservation Code as a means to obtain reduced demand on your infrastructure and our generation facilities. The construction costs associated with building additional generation facilities will be born by all of us; all of us can contribute to postponing that work, allowing American ingenuity time to develop the next great energy generating resource.

Currently SRP obtains power from many types of generation facilities: hydro, nuclear, natural gas, wind, geothermal, solar, landfill gas, biomass, and fuel cell technology. In 2012 we met 9% of power demand with sustainable resources. During the past few years, SRP has introduced more than 25 energy efficiency programs. Through these rebate programs we have supported a movement in the market that has resulted in better built, more energy efficient homes and businesses. We support and encourage your adoption of the 2012 IECC as a means to continue this trend, saving your residents and business money in the most cost effective way.

If we can be of any support, including providing training and code books, please let us know.

Sincerely,

Sharon Bonesteel, RA, CBO, CP
Senior Policy Analyst – Codes & Standards Initiative
Office 602-236-4498, Cell 602-814-7357

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09-0669-01

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 7 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Local Additions & Addenda to adopt construction safety codes as amended |
| **Support/Opposition:** | No known opposition. One letter of support. |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is to ensure updated construction safety codes. This item was presented to the Maricopa County Building Code Advisory Board on April 9 for discussion and will be presented again on April 30, 2013 for recommendation. The April 9, 2013 BCAB report and proposed language are attached.

A text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the following:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2012 International Green Construction Code
- 2012 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code

The proposed text amendment language is a repeal and replace of the existing document language for the Maricopa County Local Additions & Addenda. The rewritten document is attached in its entirety. These are code updates and not substantial changes from current codes, except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. If these items are initiated at today's ZIPPOR, and positively acted on at the April 30, 2013 BCAB, the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The regulations will take immediate effect upon approval.

The stakeholder meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) The stakeholders indicated compliance with the green construction codes should be optional, and that an alternative to energy code compliance must be offered. Staff is proposing an alternative approach to compliance by documenting a Home Energy Rating System (HERS) Index of 70 or less. There is no known opposition to the proposed language. A letter of support was received from SRP, attached.

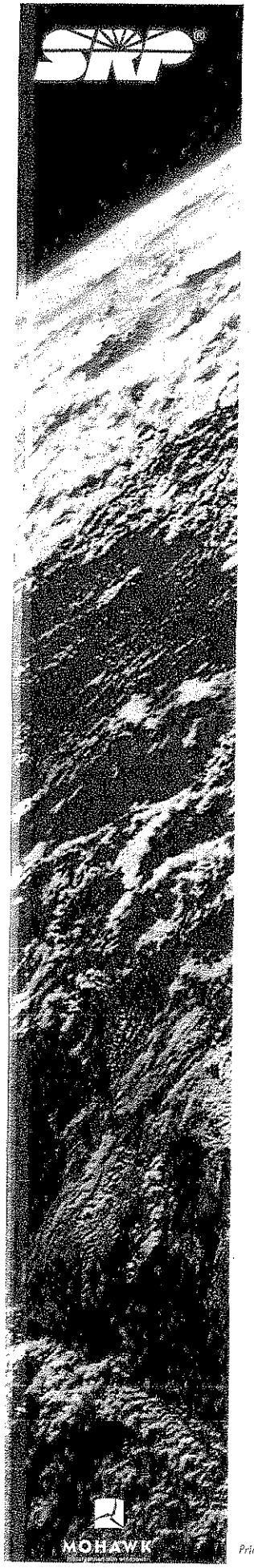
**Recommendation:**

Staff recommends the Commission **initiate TA2013001**.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachments: SRP letter (1 page)
4/9/13 BCAB report (3 pages)
Proposed language (35 pages)

No large size enclosures.



file in Adoption of 2012 I Codes

March 19, 2013

Debra W. Stark, AICP
Maricopa County Planning and Development Director
501 N. 44th Street, Suite 200
Phoenix, AZ 85008

*RE: Adoption of the 2012 I Codes*

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If we can be of any support, including providing training and code books, please let us know.

Sincerely,

Sharon Bonesteel, RA, CBO, CP
Senior Policy Analyst – Codes & Standards Initiative
Office 602-236-4498, Cell 602-814-7357

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09-0669-01

# Maricopa County
Planning & Development Department

Tom Ewers
Plan Review Manager
501 N. 44th St., Suite 200
Phoenix, Arizona 85008
Phone: (602) 506-7145
www.maricopa.gov/planning

TO: BUILDING CODE ADVISORY BOARD
FROM: TOM EWERS, PLAN REVIEW DIVISION MANAGER
DATE: March 15, 2013
RE: April 9, 2013 BCAB MEETING

**Approval of Minutes:**

At your April 9, 2013 meeting please approve the attached minutes of your January 8, 2013 meeting.

**New Business:**

1. **2012 ICC Code Adoption – 2013 Maricopa County Local Additions and Addenda**

Attached please find the 2013 Maricopa County Local Additions and Addenda which we use to adopt and amend the following International Codes:

2012 International Building Code
2012 International Residential Code
2012 International Mechanical Code
2012 International Plumbing Code
2011 National Electrical Code
2003 International Fire Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code

We had hoped to have new codebooks available for the BCAB members but we can't order them until we have a clear idea of exactly which codes will be adopted. Then we can do a bulk order for the BCAB and our plan review and inspections staff.

In general the 2012 ICC Codes, and 2011 NEC Code, did not contain many actual changes, other than housekeeping changes to move all definitions to chapter two and not include related code language in every section, but just refer to the related code sections. This resulted in far fewer pages in each code book. The only big actual changes to the IBC and IRC are clarifications to wind load design, earthquake design and wall bracing.

Maricopa County
Planning & Development
Department
411 N. Central St., 3rd Floor
Phoenix, Arizona 85004-2191
Phone: (602) 506-6150
Fax: (602) 506-8510



We are adding the Green Construction Code, Energy Conservation Code and Existing Building Code.

Similarly, the Local Additions and Addenda are not changing much other than to update the referenced code sections. We are still recommending adoption of the MAG/AZBO Amendments for the IBC, IRC, IMC, IPC and IFGC and the City of Phoenix Amendments for the NEC, IGCC , IECC and IEBC.

I will describe more specifically the changes to the Local Additions and Addends and the ICC/NEC Codes:

**Cover Page:**

1. Updated to March 2013.

**Table of Contents:**

1. Updated to reference the 2012 codes and add the IGCC, IECC and IEBC.

**Chapter 1:**

1. No Changes.

**Chapter 2:**

1. Removed the $75 fee for Expedited in-house plan review, since this is not a service we offer.
2. Section 209. Noise Level Reduction. Updated Zoning Ordinance reference from Section 1007 to 1010 to reflect a change made to the Zoning Ordinance.
3. Section 210.2 Definitions, Swimming Pool. Added "This does not include decorative fountains that contain water under 12" deep". Without this language, we were requiring pool barriers around fountains.
4. Section 211.1.5 of Residential Woodburning Regulations completely changed to match current Arizona Revised Statutes (ARS) for the four types of allowable fireplaces/wood stoves.

**Chapter 3:**

1. Section 301. Adopts and amends 2012 IBC and Appendix G Flood Resistance Construction. We don't usually adopt appendices, but this one is necessary to maintain our standing in the NFIP.
    a. Section 202 through Section 3109 are the MAG/AZBO amendments that did not change other than some slight editorial corrections. We are still exempting single family residences from fire sprinkler requirements.

Maricopa County
Planning & Development
Department
411 N. Central St., 3rd Floor
Phoenix, Arizona 85004-2191
Phone: (602) 506-6150
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2. Section 302. Adopts and amends 2012 IRC. No changes other than some code section corrections. We are still exempting single family residences from fire sprinkler requirements.
3. Section 303. Adopts and amends 2012 IMC with new MAG/AZBO amendments for Domestic Systems and Standards.
4. Section 304. Adopts and amends 2012 IPC with new MAG/AZBO amendment for Water Closet clearances. Kept same MAG/AZBO amendments for Discharge Piping and Vent Through Roof.
5. Section 305. Adopts and amends 2011 NEC with the City of Phoenix Amendments, which haven't changed except for section number corrections to fit the new code.
6. Section 306. Adopts and amends 2003 IFC. No changes, still only applies to County owned buildings.
7. Section 307. Adopts and amends 2012 IFGC with same MAG/AZBO amendment for Burial Depth.
8. Section 308. Adopts and amends 2012 IGCC with City of Phoenix proposed amendments. Specifies that code is optional.
9. Section 309. Adopts and amends 2012 IECC with City of Phoenix and SRP proposed amendments for scoping and the RESNET testing and HERS ratings and pool motor requirements recommended by MAG/AZBO.
10. Section 310. Adopts 2012 IEBC with no amendments.

It is staff's recommendation that the BCAB recommend that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopts and amends the 2012 ICC codes and the 2011 NEC code.

# Maricopa County
# Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

March 2013

Maricopa County

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

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# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 1 – Purpose & Title

### SECTION 101. PURPOSE

The purpose of this document is to provide all local addenda, amendments, and additions to the adopted national building codes in one location.

### SECTION 102. TITLE

This document shall be referred to and known as "Local Additions & Addenda".

### SECTION 103. SEPARABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

### SECTION 104. AMENDMENT

This document may be amended from time to time. It may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.

### SECTION 105. REVOCATION

This document shall abolish, replace, and/or supercede any previous amendments, changes or additions to the national codes previously approved by Maricopa County.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 2 – Administration

### SECTION 201. PURPOSE

The purpose of this Chapter is to provide all local changes to the adopted national building codes that relate to the administration of those codes in on location.

### SECTION 202. VIOLATION & PENALTY (Reserved)

### SECTION 203. BUILDING CODE ADVISORY BOARD (Reserved)

### SECTION 204. ORGANIZATION & ENFORCEMENT

Code Enforcement Agency

The Code Enforcement Agency created under the building code shall be defined in Maricopa County as the Planning and Development Department. This Planning and Development Department is charged by the Board of Supervisors to implement the building code and other pertinent laws, ordinances and/or regulations through the County's One Stop Shop Program.

Building Official

The Building Official shall be the Director of the Planning and Development Department (or his/her duly authorized representatives), who is charged with the administration and enforcement of the building code and Building Safety Ordinance.

General

Wherever the building code refers to the intent, purpose, implementation, inspection, enforcement, regulation, issuance of documents, compliance or other similar activity related to "this code", the phrase for purposed of implementing the "One Stop Shop Program" shall mean "this code or other pertinent laws, ordinances, and/or regulations implemented through the Code Enforcement Agency."

### SECTION 205. PERMITS

**Building Permits:** A building permit shall not be required for a detached non-habitable accessory building that is single story and no greater than 200 square feet in floor area, provided such building does not include plumbing, electrical, or mechanical services or equipment. A building permit shall not be required to replace an existing water heater provided the work is done in accordance with manufacturer's specifications.

**Permit Expiration:** A permit may be renewed within one year of expiration provided that no change in ownership or engineer/architect of record has occurred. Renewal after expiration for

more than one year shall not be permitted. Any such permit shall be deemed to be revoked and a new permit must be issued.

The design and construction of structures located within the unincorporated areas of Maricopa County shall comport to the codes in effect at the time of permit application, provided the specific permit remains valid, regardless of whether or not the County adopts subsequent codes. When approved by the Building Official, utility-scale solar generating facilities in which permit applications have been submitted, the design and construction may continue to utilize the codes in effect at the time of initial permit application, regardless of the number of permits required to complete the project, provided that 1) all construction is covered by an issued permit, 2) any permits issued for construction remain valid, and 3) continuous construction takes place until the facility is commissioned for commercial service and the facility receives final inspection. Once the above conditions have been met, subsequent construction activity shall comply with the codes in effect at the time of the subsequent permit applications. Further, should a permit lapse, the work contemplated by the permit shall be subject to a new permit application and shall comport to the codes in effect at the time the new permit application is submitted. For purposes of this section, the term "Utility-Scale" shall be as defined by the Maricopa County Zoning Ordinance.

**Temporary Event Permit Exemption:** Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following the end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

## SECTION 206. INSPECTIONS

**Pre-Permit Inspection:** A pre-permit inspection may be necessary and shall be the responsibility of the permit holder to post the property in a manner approved by the Building Official.

**Permit Holder Responsibilities:** It shall be the responsibility of the permit holder to:

1. Call for an inspection.
2. Stake property corners.
3. Designate property lines prior to the inspection of any primary use.
4. Post the inspection card.
5. Provide a copy of the approved plans on the site.
6. Provide access to the site.
7. Have someone at the site during the inspection.

Failure to complete the above shall result in no inspection at the time and an assessment of a re-inspection fee. A survey of the lot may be required by the Building Official to verify that the building/structure is located in accordance with the approved plans.

**Partial Inspections:** Partial inspections may be requested and conducted when necessary due to common construction practices. If a partial inspection is approved, documentation shall be maintained during construction that identifies what segments of work have obtained what types of partial inspection approval.

**Re-inspections:** Re-inspection fees shall apply when:

1. Property lines have not been designated as required.
2. The inspection card is not posted or available on the work site.
3. Approved plans are not readily available to the inspector on the site.
4. There is no access on the date for which the inspection is requested.
5. Work is not ready for inspection.
6. Work has been covered.
7. Late cancellation.
8. There is a deviation from plans significant enough to require approval of revised plans.

To obtain a re-inspection, the applicant shall follow the same procedures required for an inspection after paying a re-inspection fee.

## SECTION 207. CERTIFICATE OF OCCUPANCY

The purpose of a Certificate of Occupancy is to insure that all department requirements have been met. A Certificate of Occupancy is required for all permits except those issued over the counter.

**Temporary Certificate:** A Temporary Certificate of Occupancy may be issued with the concurrence of all impacted departments and when appropriate fees are paid. Bonding, if required, shall be provided in accordance with the direction of the Building Official prior to issuance of a Temporary Certificate.

**Permanent Utility Authorization:** Permanent utility approval shall be not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy or letter of approval.

## SECTION 208. FEES

**Determination of Value:** Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

**Additional Value Determinations:**

Walls and fences:

| | |
|---|---|
| Retaining walls | Per lineal foot |
| 0-2′ | $15 |
| 2-4′ | $25 |
| 4-6′ | $42 |
| 6′ or more | $86 |
| Chain link | $ 6 |
| CMU | |
| 4″ 6′ or less | $14 |
| 4″ more than 6′ | $21 |
| 8″ block or other | $22 |
| Wrought iron | $16 |
| Iron wood | $18 |
| Wood | $11 |
| 3 strand barbed wire | $ 3 |
| Rail | $ 6 |

| | |
|---|---|
| In ground pools | $200 per perimeter foot |

Wood frame or masonry patio covers shall be valued as open carports.

Metal patio covers and covered pipe-rail horse corrals shall be valued at 50 percent of the value of a wood or masonry patio cover.

Non-habitable accessory buildings, other than covered pipe-rail horse corrals, shall be valued as a private garage.

Water/sewer collection and distribution lines shall be valued as determined by the building official.

Shell buildings shall be valued at 80% of new building value.

Alterations shall be valued at 20% of new building value.

**Processing:** All plan review fees (65 percent of calculated permit fee) required to be paid shall entitle the applicant to three submissions and reviews of documents submitted. If the applicant is unable to obtain approval of his application with these three attempts, the application shall be denied. The applicant may then resubmit and the submittal shall be treated as a new application. Should these circumstances occur or the permit has been expired in accordance with the Building Code, the Building Official may use information located in the denied/expired files to

expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

**Fees:** The Building Official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

TABLE 1-A – BUILDING CODE/PERMIT FEES

| Total Valuation | Fee |
|---|---|
| $1 to $500 | $23.50 |
| $501 to $2,000 | $23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000 |
| $2,001 to $25,000 | $69.25 for the first $2,000 plus $14.00 for each additional $1000, or fraction thereof, to and including $25,000 |
| $25,001 to $50,000 | $391.75 for the first $25,000 plus $10.10 for each additional $1000, or fraction thereof, to and including $50,000 |
| $50,001 to $100,000 | $643.75 for the first $50,000 plus $7.00 for each additional $1000, or fraction thereof, to and including $100,000 |
| $100,001 to $500,000 | $993.75 for the first $100,000 plus $5.60 for each additional $1000, or fraction thereof, to and including $500,000 |
| $500,001 to $1,000,000 | $3,233.75 for the first $500,000 plus $4.75 for each additional $1000, or fraction thereof, and including $1,000,000 |
| $1,000,001 and up | $5,608.75 for the first $1,000,000 plus $3.65 for each additional $1000, or fraction thereof |

**Other Inspections and Fees:**

| | |
|---|---|
| 1. Inspections outside of normal business hours | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 2. Reinspection fees | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 3. Inspections for which no fee is indicated | $ 150 per inspection |
| 4. Expedited plan review by consultant | Actual costs |
| 5. Standard plan review (5 options) | 2 times normal plan review fee |
| 6. Change to approved plan (includes standards) | $ 250 |
| 7. Code Modification | $ 100 per request |
| 8. Alternate material, design or methods | $ 100 per request |
| 9. Tests required | $ 100 per test & test fees paid by applicant |
| 10. Appeal to the Building Code Advisory Board | $ 500 |
| 11. Amendment to the Code | $1500 |
| 12. Requested/needed staff directive | $ 250 |
| 13. Requested staff research report | $ 100 residential property<br>$ 250 commercial property |

**Flat Rate Fees:**

| | |
|---|---|
| Air conditioner | $ 50 |
| Elec. Serv Residential 1 – 200 amps | $ 50 |
| Elec. Serv Res or Comm 201 – 400 amps | $ 75 |
| Elec. Serv over 400 amps | $ 120 |
| Temporary meter | $ 50 |
| Evaporative cooler | $ 50 |
| Gas Line (connect or clearance) | $ 50 |
| Mobile home "Pre-HUD Upgrade" | $ 50 |
| Plumbing sewer line SFR | $ 50 |
| Irrigation System | $ 50 |
| Sprinkler | $ 50 |
| Mechanical | $ 50 |
| Plumbing (Install or replace Equip/fixture/devices) | $ 50 |
| Demolition Permit | $ 50 |
| Manufactured/Mobile Home Setup/Installation | $ 300 |
| Commercial Manufactured Building (factory built building) | Based on installation value & Table 1-A |
| Occupancy Change | $ 75 |
| Hot tub or Spa (in or above ground) | $ 75 |
| Swimming pool above ground | $ 75 |
| Compliance Inspection | $ 100 |
| Move on House (compliance inspection | $ 100 |
| Renew permit for final | $ 100 |

| | |
|---|---|
| Special Event Fee (tents) | $ 100 per event |

**Additional Fees:**

| | |
|---|---|
| Plumbing (water/sewer collector lines) | $30 min based on valuation |
| Amendment to approved plan data | $30 |
| Unpaved Parking Area Paving | $100 |
| Temporary Certificate of Occupancy | |
| Without bonding | $250 |
| With bonding | $500 |
| Subdivision Infrastructure Permit | $300 |
| Ground mounted residential solar system (Less than six (6) feet high) | $500 |
| Roof mounted residential solar system | $300 |

**Copy Charges:**

| | |
|---|---|
| Additional copy of: | |
| Permit | $ 2 |
| Job card | $ 2 |
| Certificate of Occupancy | $ 2 |
| Copy (Approved Plans – per set) | $ 15 per set (Restamping Only) |
| Copy (per page) | |
| Standard copier | $ 1 |
| Oversize copier | $ 6 |

**Grading Fees:**

**Plan Review Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | No fee |
| 50 – 100 cubic yards | $ 23.50 |
| 101 – 1,000 cubic yards | $ 37.00 |
| 1,001 – 10,000 cubic yards | $ 49.25 |
| 10,001 – 200,000 cubic yards | $ 49.25 plus $ 24.50 for each additional |

| | |
|---|---|
| | 10,000 cubic yards or fraction thereof |
| 200,001 or more cubic yards | $269.75 plus $ 7.25 for each additional 10,000 cubic yards or fraction thereof |
| Additional plan review required by changes, additions, or revisions to approved plans | $ 50.00 |

**Permit Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | $ 23.50 |
| 50 – 100 cubic yards | $ 37.00 |
| 101 – 1,000 cubic yards | $ 37.00 plus $ 17.50 for each additional 100 cubic yards or fraction thereof |
| 1,001 – 10,000 cubic yards | $194.50 plus $ 14.50 for each additional 1,000 cubic yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $325.00 plus $ 66.00 for each additional 10,000 cubic yards or fraction thereof |
| 100,001 or more cubic yards | $919.00 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |

**Payment of Fees:** No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Local Additions and Addenda", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission.*1*2

## SECTION 209. ADDITIONAL REGULATIONS

**NOISE LEVEL REDUCTION:** Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas

within noise contours described in Section 1010. of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

## SECTION 210. BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS

### SECTION 210.1 - GENERAL

#### 210.1.1

**Scope.** The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

#### 210.1.2

**Standards of Quality.** In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504.)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

### SECTION 210.2 – DEFINITIONS

For the purpose of this section, certain terms, words and phrases are defined as follows:

**ABOVEGROUND/ON-GROUND POOL.** See definition of "swimming pool."

**BARRIER** is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

**GRADE** is the underlying surface, such as earth or a walking surface.

**HOT TUB.** See definition of "spa, nonself-contained" and "spa, self-contained."

**IN-GROUND POOL.** See definition of "swimming pool."

**SEPARATION FENCE** is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

**SPA, NONSELF-CONTAINED** is a hydro massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610mm) deep.

**SPA, SELF-CONTAINED** is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

**SWIMMING POOL** is any structure intended for swimming or recreational bathing that contains water over 18 inches deep and/or wider than 8 feet at any point. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. This does not include decorative fountains that contain water less than 12 inches deep.

**SWIMMING POOL, INDOOR** is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR** is any swimming pool that is not an indoor pool.

## SECTION 210.3 – REQUIREMENTS

**210.3.1** **Outdoor Swimming Pool.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 54 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 ¾-inch-diamenter (44.5 mm) sphere.

**EXCEPTIONS:**

1. When vertical spacing between such openings is 54 inches or more, the opening size may be increased such the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 54 inches or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 210.3.1 shall be provided.

**EXCEPTIONS:** When approved by the Building Official, one the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means such a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
4. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a

barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

**210.3.2** **Indoor Swimming Pool.** For an indoor swimming pool, protection shall comply with the requirements of Section 210.3.1 Item 5

**210.3.3** **Spas and Hot Tubs.** For a nonself-contained and self-contained spa or hot tub protection shall comply with the requirements of Section 210.3.1

**EXCEPTION:** A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 210.3.1

**210.3.4** Where a window faces a swimming pool enclosure, said window shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4" or a latching device located not less than 54" above the floor. Emergency escape or rescue windows in bedrooms which face swimming pool enclosures shall be equipped with a latching device located no less than 54" above the floor.

**210.3.5** Protective enclosures shall be located at a minimum horizontal distance of 54" from any equipment, permanent structures, planters, or similar objects that could be used to climb the enclosure. This provision shall not apply to the area between the pool and the protective enclosure if the protective enclosure is a solid wall with no openings.

## SECTION 211. RESIDENTIAL WOODBURING REGULATIONS

### 211.1 FIREPLACE RESTRICTIONS

#### 211.1.1 Purpose

The purpose of this subsection is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

#### 211.1.2 Applicability

The Residential Woodburning Restriction Ordinance applies to any residential wood burning device in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections.

**AREA A** – As defined in Arizona Revised Statues (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East

Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South Range 5 West through Range 1 East
Township 4 South Range 5 West Through Range 1 East

### 211.1.3 Effective Date

The effective date of the regulations and prohibitions set forth this subsection shall be December 31, 1998.

### 211.1.4 Definitions

For purposes of this subsection, the following words and terms shall be defined as follows:

**FIREPLACE** means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**SOLID FUEL** includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

**WOOD STOVE** means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

### 211.1.5 Installation Restrictions

(a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

1. Provides the sole or primary source of heat or fuel for cooking for a residence.
2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990, or sold at retail on or after July 1,

1992, as prescribed by 40 Code of Federal Regulations Part 60, Subpart AAA.

3. Burns gaseous fuels, including gas logs.
4. Meets rules adopted by the Board of Supervisors as prescribed in ARS § 49-479 for burning wood in approved appliances.

### 211.1.6 Permits Required

In addition to the provisions and restrictions of this subsection, construction, installation or alteration of all fireplaces, wood stoves and gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the County Building Code and shall be subject to the permits and inspections required by the County Building Code.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 3 – Adoption of National Codes

### SECTION 301. 2012 INTERNATIONAL BUILDING CODE

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Building Code:**

Adopt Appendix G Flood-Resistant Construction

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees*. Said fee to be the building permit fee doubled.

**SECTION 202 DEFINITIONS.**

**PERSONAL CARE SERVICE** is assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

**SUPERVISORY CARE SERVICE** is general supervision, including daily awareness of resident functioning and continuing needs.

**DIRECTED CARE SERVICE** is care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

**ASSISTED LIVING FACILITY** is a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

**ASSISTED LIVING CENTER** is an assisted living facility that provides resident rooms to eleven or more residents.

**ASSISTED LIVING HOME** is an assisted living facility that provides resident rooms to ten or fewer residents.

**INSTITUTIONAL GROUP I**

**308.3 Institutional Group I-1.** This occupancy shall include buildings, structures or portions thereof for more than 10 persons who reside on a 24 hour basis in a supervised

environment, receive custodial care and are capable of self-preservation, except as provided for assisted living centers. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living centers

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

**308.3.2 Six to Ten Persons Receiving Care.** A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as Group R-4, except as provided for assisted living homes.

**308.4 Institutional Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Assisted living centers

Psychiatric hospitals

**SECTION 310.2 DEFINITIONS.** The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY

ASSISTED LIVING CENTER

ASSISTED LIVING HOME

BOARDING HOUSE

CONGREGATE LIVING FACILITIES

DIRECTED CARE SERVICES

DORMITORY

GROUP HOME

PERSONAL CARE SERVICE

SUPERVISORY CARE SERVICES

TRANSIENT

**310.5.1 Care facilities with a dwelling.** Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted provided that the requirements of Section 425 of this code are met.

**310.6 Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation, except as provided for assisted living homes. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code and Section 425.

**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as Group I-2.

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

**SECTION 425. ASSISTED LIVING HOMES**

**425.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all the applicable provisions of Group R-3.

**425.2 General.** Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

**425.3 Special Provisions.** R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

**425.3.1 Mixed Uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

**425.4 Access and Means of Egress Facilities.**

**425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

**425.4.2 Exits.**

**425.4.2.1 Number of Exits.** Every story, basement or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

**425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**425.4.2.3 Emergency Exit Illumination.** In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

**425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

**425.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1,2,4,5 and 6.

**425.5 Smoke Alarms and Sprinkler Systems.**

**425.5.1 Smoke Alarms.** R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

**425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of, or containing, combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

**1008.1.2 Door Swing.** Delete the text of Exception #4 and replace with the following:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in 101.2 and R-4.

**Section 903.2.8 Group R:** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2 Door Swing**. Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2012 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls**. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.

**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 25. *Residential* | | |
| One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 25) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302. 2012 INTERNATIONAL RESIDENTIAL CODE

The 2012 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following amendments.

### Amendments to the 2012 International Residential Code:

Revise Table R 301.5 as follows:

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.12.1 Individual Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.

11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2012 INTERNATIONAL MECHANICAL CODE

The 2012 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Mechanical Code:**

Revise the following sections to read:

**505.1 Domestic Systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with an approved transition fitting.

**1004.1 Standards.** Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code* and Arizona Boiler Rules, Title 20 Chapter 5.

## SECTION 304. 2012 INTERNATIONAL PLUMBING CODE

The 2012 International Plumbing Code has been adopted as the plumbing code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Plumbing Code:**

Add to Section 405.3.1:

Exception: Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

Add to Section 904.1:

All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2011 NATIONAL ELECTRICAL CODE

The 2011 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following amendments.

Revise the following sections to read:

### ARTICLE 210 – Branch Circuits

### Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel

**(B) Other Than Dwelling Units.** All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210.8(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

**(6)** Indoor damp and wet locations.

**ARTICLE 250 – Grounding and Bonding**

**250.118 Types of Equipment Grounding Conductors.**

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

(1) A copper, aluminum or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electric metallic tubing with an additional equipment grounding conductor.

(5) Listed flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(6) Listed liquidtight flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. For metric designators 12 through 16 (trade sizes 3/8 through 1/2), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. For metric designators 21 through 35 (trade sizes 3/4 through 1-1/4), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metal tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through 1/2) in the ground-fault current path.

d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:

a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

(8) Armor of Type AC cable as provided in 320.108.

(9) The copper sheath of mineral-insulated, metal-sheathed cable.

(10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:

a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(11) Cable trays as permitted in 392.10 and 392.60.

(12) Cablebus framework as permitted in 370.3

(13) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(14) Surface metal raceways listed for grounding.

## ARTICLE 334 – Nonmetallic-Sheathed Cable; Types NM, NMC and NMS

### II. Installation

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

(1) One- and two- family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings permitted to be of Types III, IV and V construction except as prohibited in 334.12.

(3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and 334.10 (2) and other provisions of this Code.

(4) Cable trays in structures permitted to be Types III, IV or V in accordance with 334.10(1) and (2) where the cables are identified for the use.

(5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

**(A) Type NM.** Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:

(1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe or similar finish.

**C) Type NMS.** Type NMS cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC and NMS.** Type NM, Type NMC and Type NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (3).

(2) As service-entrance cable.

(3) In hoistways or on elevators or escalators

(4) Embedded in poured cement, concrete or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:

(1) Where exposed to corrosive fumes or vapors.

(2) Where embedded in masonry, concrete, adobe, fill or plaster.

(3) In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.

(4) In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE:

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2012 INTERNATIONAL FUEL GAS CODE

The 2012 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.11.1, and one revision as follows:

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

Delete Section 404.12.1

## SECTION 308. 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

The 2012 International Green Construction Code has been adopted as the Green Construction Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Green Construction Code:**

Revise the following sections to read:

**SECTION 101 GENERAL**

**[A] 101.1 Title.**
These regulations shall be known as the Maricopa County Green Construction Code hereinafter referred to as "this code."

**101.2 General.**
The use of this code is optional, unless specifically required through ordinance by Maricopa County. This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

**TABLE 302.1**
**REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section | Section Title of Description and Directives | Jurisdictional Requirements | |
|---|---|---|---|
| | **CHAPTER 1. SCOPE** | | |
| 101.3 Exception 1.1 | Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | Yes | |
| 101.3 Exception 1.2 | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | Yes | |
| 101.3 Exception 1.3 | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | Yes | |
| | **CHAPTER 4. SITE DEVELOPMENT AND LAND USE** | | |
| 402.2.1 | Flood hazard area preservation, general | | No |
| 402.2.2 | Flood hazard area preservation, specific | | No |
| 402.3 | Surface water protection | | No |
| 402.5 | Conservation area | Yes | |

| | | | |
|---|---|---|---|
| 402.7 | Agricultural land | Yes | |
| 402.8 | Greenfield sites | Yes | |
| 407.4.1 | High-occupancy vehicle parking | Yes | |
| 407.4.2 | Low-emissions, hybrid and electric vehicle parking | Yes | |
| 409.1 | Light pollution control | Yes | |
| **CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY** | | | |
| 503.1 | Minimum percentage of waste material diverted from landfills. | 50% | |
| **CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO2e EMISSIONS REDUCTION** | | | |
| 302.1, 302.1.1, 602.1 | zEPI of Jurisdictional Choice . The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance. | Occupancy: _____ zEPI: _____ | |
| 604.1 | Automated demand response infrastructure | | No |
| **CHAPTER 7. WATER RESOURCES CONSERVATION, QUALITY AND EFFICIENCY** | | | |
| 702.7 | Municipal reclaimed water | | No |
| **CHAPTER 8. INDOOR ENVIRONMENT QUALITY AND COMFORT** | | | |
| 804.2 | Post-Construction Pre-Occupancy Baseline IAQ Testing | | No |
| 807.1 | Sound transmission and sound levels | Yes | |
| **CHAPTER 10. EXISTING BUILDINGS** | | | |
| 1007.2 | Evaluation of existing buildings | Yes | |
| 1007.3 | Post Certificate of Occupancy zEPI, energy demand and CO2e emissions reporting | | No |

## SECTION 309. 2012 INTERNATIONAL ENERGY CONSERVATION CODE

The 2012 International Energy Conservation Code has been adopted as the Energy Conservation Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Energy Conservation Code:**

Revise the following sections to read:

**C101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Commercial Building by Section C202, shall have the option of complying under the Residential Provisions of the code,

regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

**R101.2 Scope.** This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Add Section R102.1.2

**R102.1.2 RESNET Testing & Inspection Protocol.** The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
    a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
    b. R402.4.1.2 – Testing – Air Leakage Rate
    c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

**R401.2.1 Alternative Approach for Compliance.** A Home Energy Rating System ("HERS") Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Delete Section R403.9.3 and replace with:

**R403.9.3** Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum

rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

## SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.

# Report to the Building Code Advisory Board

Prepared by the Maricopa County Planning and Development Department

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| | |
|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | May 21, 2013 |
| **Agenda Item:** | 1 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Motion to Re-consider a Recommendation for a Text Amendment to the Maricopa County Local Additions & Addenda to adopt construction safety codes as amended |
| **Support/Opposition:** | No written opposition. One letter of support. One general comment letter. |
| **Recommendation:** | **Recommend Approval** |

**Discussion:**

This matter was presented to the BCAB at the April 9, 2013 Regular Meeting and the April 30, 2013 Special Meeting.

Maricopa County has been made aware of possible opposition to adoption of these codes. In order to allow additional input we are requesting that the BCAB reconsider TA2013001 to allow anyone interested in participating or offering additional testimony the chance to do so.

At your May 21, 2013 Special Meeting staff recommends that a BCAB Member, who voted affirmatively for the adoption of the new codes at the April 30, 2013 Special Meeting, make a motion to reconsider TA2013001 for the purpose of accepting additional public input. If this motion receives a second from an additional BCAB member who voted affirmatively at your last meeting, and then a majority vote to approve, then the public hearing will be reopened.

The staff report and attachments remain the same as those presented at your April 30, 2013 Special Meeting, with the addition of the minutes of that meeting.

After listening to the testimony of any interested parties, and asking any questions you might have, staff recommends that you adopt a motion reaffirming your prior action and that the BCAB recommend that the Maricopa County Planning and Zoning Commission and Board of Supervisors approve TA2013001 and adopt the 2013 Maricopa County Local Additions and Addenda which adopt and amend the 2012 ICC Codes and the 2011 NEC Code.

Prepared by Tom Ewers, Plan Review Manager

Attachments: April 30, 2013 BCAB Minutes (4 pages)
April 30, 2013 Staff Report (4 pages)
SRP letter (1 page)
New River/Desert Hills email (2 pages) and letter (2 pages)
April 9, 2013 BCAB minutes (4 pages)
Proposed language (50 pages)

# MARICOPA COUNTY
## Planning & Development Department
## AGENDA

SPECIAL MEETING OF THE MARICOPA COUNTY BUILDING CODE ADVISORY BOARD, TUESDAY, MAY 21, 2013, AT 2:00 P.M. IN THE DEPARTMENT OF PLANNING AND DEVELOPMENT GOLD CONFERENCE ROOM, 501 NORTH 44TH STREET, 1st FLOOR, PHOENIX. All items on this agenda are for Board action unless otherwise noted.

Maricopa County has an aggressive strategy to provide accessibility for all citizens to these programs, activities and services, as required by the American with Disabilities Act (ADA). Accommodations for Individuals with Disabilities alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, 602-506-3766, Fax 602-506-6402, TTY 506-2000 and on the internet at http://www.maricopa.gov/agendas/default.asp. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

**CALL TO ORDER BY THE CHAIRMAN**

**ROLL CALL**

**APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF**
April 30, 2013

**REPORT OF COMMITTEES**
None

**UNFINISHED BUSINESS**
None

**NEW BUSINESS**
None

**OTHER BUSINESS**
New Hearing: 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

**NEXT REGULAR MEETING**
July 9, 2013

**ADJOURNMENT**

Maricopa County
Planning and Development Department

Follow the Regulatory Process for Maricopa County

# Enhanced Regulatory Outreach Program
# MARICOPA COUNTY BUILDING CODE ADVISORY BOARD SPECIAL MEETING

## Date/Time: Tuesday, May 21, 2013 at 2:00 p.m.
## Location: Gold/Platinum Conference Rooms, 501 N. 44th St. 1st Floor

**The Maricopa County Planning & Development Department will host a Maricopa County Building Advisory Board (BCAB) Meeting to conduct a public hearing to discuss a proposed ordinance amendment to consider recommendation of the following to the Board of Supervisors:**

**TA2013001 – 2012 International Codes:** A text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the following:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2012 International Green Construction Code
- 2012 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code

These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary.

**The public may submit comments to the project manager, Darren Gerard, at:** http://www.maricopa.gov/regulations/comments.aspx.

# BUILDING CODE ADVISORY BOARD
# MEETING MINUTES

**DATE:** April 30, 2013
**TIME:** 2:00 p.m.

**LOCATION:** 501 North 44th Street, 1st Floor
Phoenix, AZ 85008

**MEMBERS PRESENT:**

Mr. Tracy Finley, Chairman
Mr. John Kight
Mr. Robert Ghan
Mr. Arthur Luera

**STAFF PRESENT:**

Tom Ewers, Plan Review Manager/Chief Building Official
Lynn Favour, Deputy Director
Ralph Shepard, Plan Review Supervisor
Kathy Semder, Administrative Assistant

## ROLL CALL

Chairman Finley called the meeting to order at 2:03 p.m.

## APPROVAL OF MINUTES

Chairman Finley asked if everyone looked at the minutes from the previous April 9, 2013 meeting and were there any comments. Member Ghan made a motion to approve the minutes. Member Kight seconded the motion. Motion passed unanimously.

## REPORT OF COMMITTEES

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

### 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

Mr. Ewers explained that the meeting packet is similar to the one from the previous meeting however this one is more robust with leg-edits of the amendments to be more in line with the processes of our other County departments and regulations. Also, they use a process of adopting several motions, one to initiate a text amendment and another to recommend and approve that text amendment. Mr. Ewers will be asking this Board to do those same two types of motions at the end of this meeting.

Although there is no new information from what was presented at the previous meeting, Mr. Ewers did follow up on some questions that were raised on April 9, 2013. Returning to Vice Chairman Territo's question regarding ADA Standards, Mr. Ewers confirmed that the references in the Local Additions and Addenda that point directly back to the 2010 Standards that have been adopted as the Federal Standards for Accessibility. Public attendee Mr. Jackson Moll had questioned the energy code to which Mr. Ewers has determined that we do in fact allow the give –and-take of the MAG and AZBO Energy Code by adopting their Energy Code Amendments, which allows for mix-and-match ways to meet the energy standards.

Aside from those questions there is no other public input or opposition. Mr. Ewers explained that part of the suggested motion would allow us to initiate the text amendment and by a separate motion, recommend approving as an expedited EROP processing for the Planning & Zoning Commission and the Board of Supervisors to approve the Local Additions and Addenda and 2012 I-Codes and the 2011 NEC Code.

Chairman Finley pointed out that there are several letters from the public in the meeting packet and most seemed to be concerned with the Green Code, which he confirmed is a voluntary code that the public may not have understood. Mr. Ewers confirmed that all those questions raised by the letters have been addressed. Mr. Luera asked if the questions were answered verbally or in writing and Mr. Ewers replied that emails and letters were sent in response and they are included in the meeting packet. Mr. Luera requested further clarification for Mr. Paul McAllister's letter to which Mr. Ewers confirmed Deputy Director Darren Gerard sent an email explaining the code was voluntary.

Before adopting a motion there are some procedural items that need to be read into the record by Mr. Ewers. The second motion, after initiating, which recommends in favor of an expedited program, is allowable because we meet the requirements of the Enhanced Regulatory Outreach Program (EROP) as follows:

- The amendment was the subject of at least one (actually two) stakeholder-type public meetings
- Advance notice was provided on the County website
- A draft of the regulatory change was available on the EROP website at least two weeks prior to the Board Hearing
- The BCAB has received no opposition to the request

Ms. Favour clarified that the EROP is a new procedure as discussed with the BCAB Members and the Assistant County Manager in January. The BCAB Members are really the EROP Board for these types of amendments because it is their expertise that is needed to work with the public. This text amendment is also going through the Planning Commission (it was initiated on April 25, 2013), so we have two processes running parallel; the one mandated by the State and the County process. Today you have two choices; you can initiate and have yet another meeting or initiate and ask to expedite where it would just go straight to the Planning Commission in June and the Board in July.

Mr. Luera asked where the initiation process starts and Mr. Ewers explained that the start of the process is via memo to the County Manager then a Stakeholders' meeting with participation and then the technical initiation of the text amendment follows a vote by the BCAB members. Ms. Favour advised that the focus of the EROP process is to be more transparent and push more information to the public before things really get moving through the regulatory process. If people have an interest or comments they have the option to participate through various mediums before the formal initiation of the text amendment. Mr. Luera then asked if, by following this process of initiating and expediting, it prohibits the public from commenting to the BCAB and/or the County. Ms. Favour confirmed we are in compliance with all the required criteria as Mr. Ewers read aloud earlier to everyone. There are still two public hearings remaining, one at the Planning Commission in June and the other at the Board of Supervisors a month later. At both of these hearings the public can comment before the Board makes a final decision.

Member Kight made a motion to initiate TA2013001, Member Ghan seconded and the motion passed unanimously. Member Kight made a motion that TA2013001 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopt and amend the 2012 ICC Codes and the 2011 NEC Code. Member Luera seconded the motion and it passed unanimously.

**OTHER BUSINESS**

None

## SET DATE OF NEXT MEETING

Chairman Finley confirmed the next regular meeting is scheduled for July 9, 2013, at 2:00 p.m., and that no special meeting is required at this time.

## ADJOURNMENT

Member Ghan made a motion to adjourn the meeting. Member Kight seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:17 p.m.

Minutes prepared by Kathy Semder, Administrative Assistant
May 2, 2013

Minutes Reviewed by Thomas F. Ewers, Chief Building Official

# Amended Report to the Building Code Advisory Board

Prepared by the Maricopa County Planning and Development Department

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| | |
|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | April 30, 2013 |
| **Agenda Item:** | 1 |
| **Supervisor District**: | All |
| **Applicant:** | Staff |
| **Request:** | Initiate and Consider a Recommendation for a Text Amendment to the Maricopa County Local Additions & Addenda to adopt construction safety codes as amended |
| **Support/Opposition:** | No known opposition. One letter of support. One general comment letter. |
| **Recommendation:** | **Recommend Approval** |

**Discussion:**

A text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the following:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2012 International Green Construction Code
- 2012 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code

This text amendment to the Maricopa County Local Additions and Addenda proposes to replace the currently-adopted 2009 suite of building codes, with local amendments, with the updated 2012 suite of international building codes, with local amendments. In addition, three new construction codes are being considered for adoption. These codes include (1) the 2012 International Existing Building Code, (2) the 2012 International Energy Conservation Code, and (3) the 2012 International Green Construction Code (voluntary basis only). The purpose of the text amendment is to ensure updated construction safety codes with the Maricopa Association of Governments / Arizona Building Officials (MAG/AZBO) amendments that are consistent with other jurisdictions in the county and state. The April 9, 2013 BCAB meeting


Amended Staff Report changing report format, adding leg-edit of the proposed language and public comments.
Original staff report posted to the EROP Web Site on 4/16/2013 is attached at the end of the amended report.

minutes and the leg-edit Local Additions and Addenda showing all proposed changes are attached.
As noted, the proposed text amendment language is a repeal and replace of the existing document language for the Maricopa County Local Additions & Addenda. The leg-edit revised document is attached in its entirety. These are code updates and not substantial changes from current codes, except that the County has not previously adopted the Green Construction Code, Energy Conservation Code or the Existing Building Code – all of which are anticipated to be a benefit to our customers. Note that compliance to the Green Construction Code will be voluntary.

More specifically, the changes to the Local Additions and Addenda and the ICC/NEC Codes, shown in leg-edit form on the attached proposed language exhibit, are as follows:

**Cover Page:**

1. Updated to March 2013.
   Reason for change: Update to current year.

**Table of Contents:**

1. Updated to reference the 2012 codes and add the IGCC, IECC and IEBC.
   Reason for change: Update to correct year reference and add the new codes.

**Chapter 1:**

1. No Changes.

**Chapter 2:**

1. Removed the $75 fee for Expedited in-house plan review.
   Reason for change: This is not a service we offer.

2. Section 209. Noise Level Reduction. Updated Zoning Ordinance reference from Section 1007 to 1010.
   Reason for change: To reflect a change made to the Zoning Ordinance section.

3. Section 210.2 Definitions, Swimming Pool. Added "This does not include decorative fountains that contain water under 12" deep".
   Reason for change: Without this language, pool barriers are required around fountains, which is not necessary or practical.

4. Section 211.1.5 of Residential Woodburning Regulations. Text changed in its entirety to match current Arizona Revised Statutes (ARS) for the four types of allowable fireplaces/wood stoves.
   Reason for change: To be consistent with ARS.

**Chapter 3:**

1. Section 301. Adopts and amends 2012 IBC and Appendix G Flood Resistance Construction.
   Reason for change: We don't usually adopt appendices, but this one is necessary to maintain our standing in the National Flood Insurance Program (NFIP).

Of note, Section 202 through Section 3109 are the MAG/AZBO amendments that did not change other than some slight editorial corrections. We are still exempting single family residences from fire sprinkler requirements.

2. Section 302. Adopts and amends 2012 IRC. No changes other than some code section corrections. We are still exempting single family residences from fire sprinkler requirements.
   Reason for change: To update code section references.

3. Section 303. Adopts and amends 2012 IMC with new MAG/AZBO amendments for Domestic Systems and Standards.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

4. Section 304. Adopts and amends 2012 IPC with new MAG/AZBO amendment for Water Closet clearances. Kept same MAG/AZBO amendments for Discharge Piping and Vent Through Roof.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

5. Section 305. Adopts and amends 2011 NEC with the City of Phoenix Amendments, which haven't changed except for section number corrections to fit the new code.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

6. Section 306. Adopts and amends 2003 IFC.
   No changes: This code still only applies to County-owned buildings.

7. Section 307. Adopts and amends 2012 IFGC with same MAG/AZBO amendment for Burial Depth.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

8. Section 308. Adopts and amends 2012 IGCC with City of Phoenix proposed amendments. Specifies that code is optional.
   Reason for change: To allow optional use of code for builders who want to be energy conscious.

9. Section 309. Adopts and amends 2012 IECC with City of Phoenix and SRP proposed amendments for scoping and the RESNET testing and HERS ratings and pool motor requirements recommended by MAG/AZBO.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

10. Section 310. Adopts 2012 IEBC with no amendments.
    Reason for change: To allow greater flexibility in the redevelopment of existing buildings.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. This item was presented to the Maricopa County Building Code Advisory Board (BCAB) on April 9th for discussion and will be presented on April 30, 2013 for initiation and possible recommendation. At the April 30th meeting, the BCAB may recommend that the text amendment process be expedited. An expedited process recommendation means that the BCAB would both initiate and make a

recommendation regarding the text amendment at the same meeting. To be considered for the expedited process, the following three criteria must be met: (1) the amendment has been the subject of at least one Stakeholder Workshop (posted on the County's web site at least two weeks in advance); (2) a draft of the regulatory change was available on the EROP web site at least two weeks prior to the Board hearing; and (3) the BCAB has received no opposition to the proposed text amendment and is recommending approval of the proposed language. If the BCAB does not make a recommendation for expedited processing, an additional hearing date must be scheduled.

In accordance with state statutes, this text amendment will also be heard by the Maricopa County Planning and Zoning Commission (Commission). If these items are initiated at the April 25, 2013 Commission meeting, and positively acted on at the April 30, 2013 BCAB, the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The regulations will take immediate effect upon approval, but with a three month grace period where compliance with either the 2009 or 2012 ICC Codes will be allowed. This schedule is subject to change depending on information and recommendations received by the public and by the actions of the BCAB, Commission and/or BOS.

The initial February 22nd Stakeholder Meeting was well attended and this matter was discussed. (No minutes of the meeting were prepared.) The stakeholders indicated compliance with the Green Construction Codes should be optional, and that an alternative to energy code compliance must be offered. Staff is proposing an alternative approach to compliance by documenting a Home Energy Rating System (HERS) Index of 70 or less. There is no known opposition to the proposed language. A letter of support was received from SRP, attached. A general letter from the New River/Desert Hills Community is attached. They did receive an email response that compliance with the Green Construction Code will be optional. At the April 9, 2013 BCAB meeting BCAB members and a representative from the Home Builders Association had questions that were answered by staff as shown on the attached minutes from that meeting.

**Recommendation:**

Staff recommends that the BCAB initiate TA2013001.

Staff further recommends, if the EROP criteria are met, that the BCAB recommend that TA2013001 be approved for expedited EROP processing and that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopt and amend the 2012 ICC Codes and the 2011 NEC Code.

If the EROP criteria are not met, staff recommends that the BCAB take action to set a Special Meeting to hear TA2013001 on June 11, 2013.

Prepared by Tom Ewers, Plan Review Manager

Attachments: SRP letter (1 page)
New River/Desert Hills email (2 pages) and letter (2 pages)
4/9/13 BCAB minutes (4 pages)
Proposed language (50 pages)

file in Adoption of 2012 I Codes

March 19, 2013

Debra W. Stark, AICP
Maricopa County Planning and Development Director
501 N. 44th Street, Suite 200
Phoenix, AZ 85008

RE: Adoption of the 2012 I Codes

Ms. Debra Stark:

Thank you for taking the time to meet with me yesterday. I enjoyed our conversation about Maricopa County, and I hope I was able to provide some helpful information on why the adoption of the 2012 IECC is so important to our collective future. I will keep you posted as new information becomes available. Senate Bills 1365 and 1321 have been a concern to us all; SRP supports the right of Maricopa Co to define their own future, and determine what is best for their residents.

SRP supports your efforts to adopt the 2012 Codes, as well as your efforts to encourage design and building techniques that reduce energy consumption thereby saving Maricopa Counties businesses and residents money. It makes good business sense for the County to encourage building practices that protect their infrastructure. SRP's mission of providing reliable and reasonably priced electricity relies upon efforts such as this to assure our ability to meet future and current power demands.

Building Energy Codes are the most cost effective method of obtaining energy efficiency. SRP supports the adoption of the 2012 International Energy Conservation Code as a means to obtain reduced demand on your infrastructure and our generation facilities. The construction costs associated with building additional generation facilities will be born by all of us; all of us can contribute to postponing that work, allowing American ingenuity time to develop the next great energy generating resource.

Currently SRP obtains power from many types of generation facilities: hydro, nuclear, natural gas, wind, geothermal, solar, landfill gas, biomass, and fuel cell technology. In 2012 we met 9% of power demand with sustainable resources. During the past few years, SRP has introduced more than 25 energy efficiency programs. Through these rebate programs we have supported a movement in the market that has resulted in better built, more energy efficient homes and businesses. We support and encourage your adoption of the 2012 IECC as a means to continue this trend, saving your residents and business money in the most cost effective way.

If we can be of any support, including providing training and code books, please let us know.

Sincerely,

Sharon Bonesteel, RA, CBO, CP
Senior Policy Analyst – Codes & Standards Initiative
Office 602-236-4498, Cell 602-814-7357

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## Lynn Favour - PLANDEVX

**From:** Darren Gerard - PLANDEVX
**Sent:** Wednesday, April 17, 2013 12:52 PM
**To:** 'Ann Hutchinson'; Alan & Candy Muller
**Cc:** Debra Stark - PLANDEVX; Michael Norris - PLANDEVX; Lynn Favour - PLANDEVX
**Subject:** RE: TA2013001-002--003 New River-Desert Hills Community Association Response

Ann: I'm sorry about this lack of attention to detail on my part, yes, it was a typo in my email yesterday. The P&Z (ZIPPOR) is here at the county planning office on Thursday 4/25, 9:30 a.m. TA2013001 also goes to the Building Code Advisory Board which is meeting Tuesday 4/30. If you're subscribed to EROP for automated email or text reply then you should be getting a notice when items are posted to the site. Next time your down this way let's make sure that you're subscribed to receive automated notices. Darren

---

**From:** Ann Hutchinson [mailto:behomes@q.com]
**Sent:** Wednesday, April 17, 2013 12:23 PM
**To:** Darren Gerard - PLANDEVX; Alan & Candy Muller
**Cc:** Debra Stark - PLANDEVX; Michael Norris - PLANDEVX; Lynn Favour - PLANDEVX
**Subject:** Re: TA2013001-002--003 New River-Desert Hills Community Association Response

Darren,
Thanks for this acknowledgement. Thanks for explanation too. We also found the link to the April 30 agenda (which includes the April 9 notes) that helped too.

I note that you say "at the 4/24 P&Z meeting. However, this is the first notification that we've received about this meeting. I think you may have a typo. The Enhanced Regulatory Outreach Program shows April 25 On the Step 4: Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission and Step 5: Public Meeting to Initiate Regulatory Change. The link for that is for a ZIPPOR meeting. Additionally for 001, the EROP shows April 30 with the Code Advisory Board; The link to the April 30 agenda (which includes the April 9 notes) helped us too. Which dates are correct? In any case, we did not receive any notifications. I have the EROP as my home page hoping that I monitor it more on my own – it is just a bit hard to figure out sometimes ... or notice any changes.

Thanks,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

**From:** Darren Gerard - PLANDEVX
**Sent:** Tuesday, April 16, 2013 5:19 PM

**To:** 'Ann Hutchinson' ; Alan & Candy Muller
**Cc:** Debra Stark - PLANDEVX ; Michael Norris - PLANDEVX ; Lynn Favour - PLANDEVX
**Subject:** RE: TA2013001-002--003 New River-Desert Hills Community Association Response

Ann & Alan: your comments are appreciated and will be printed for hand out at the 4/24 P&Z meeting. The agenda and staff reports with attachments are available online. Please note regarding TA2013001 that the green construction codes will be voluntary. Also regarding TA2013003, please note that administrative drainage waivers will have site posting giving neighbors opportunity to provide comment, and that the administrative determination may be appealed to the Drainage Review Board. Please let me know if this alleviates your concerns. Darren

***Darren V. Gérard, AICP, Deputy Director***
Maricopa County Planning & Development Department
501 N. 44th St. # 200 Phoenix, AZ 85008
602-506-7139, 602-506-3711 (fax)
darrengerard@mail.maricopa.gov
www.maricopa.gov/planning
www.mygreengovernment.com
www.CleanAirMakeMore.com

**Our office is located three blocks north of the 44th St. Light Rail Station, and along Bus Route 44. See www.valleymetro.org for trip information.**

---

**From:** Ann Hutchinson [mailto:behomes@q.com]
**Sent:** Thursday, April 11, 2013 12:31 PM
**To:** Darren Gerard - PLANDEVX
**Cc:** Alan & Candy Muller
**Subject:** TA2013001-002--003 New River-Desert Hills Community Association Response

Darren,

The attached has the New River - Desert Hills response and consultant's analysis for TA2013001, TA2013002, and TA2013003

Thank you for your consideration,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

New River/Desert Hills Community Association, Inc.
515 E. Carefree Hwy. #300
Phoenix, AZ 85085-8839
Phone 602-432-2800
Fax: 623-465-1177
Website: www.NRDHCA.ORG
President's email: Alan@NRDHCA.com

April 11, 2013

Darren Gerard
Maricopa County Planning and Development
501 North 44th Street, Suite 200
Phoenix, AZ 85008

Dear Darren,

The President of the New River/Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendations:

- **TA2013001 – 2012 International Codes.** For the most part, this seems appropriate. **Concern:** There is concern about the implementation of the International Green Construction Code since may be greatly increase the cost of a new residencies. We suggest that the county phase this into the requirements to mitigate undue hardships.
- **TA2013002 - Hillside Retaining Walls.** This seems appropriate. **No concern:** It appears to merely clarifies the existing ordinance.
- **TA2013003 - Drainage Waivers.** For the most part, this seems appropriate. **Concern:** There is concern that there does not seem to be any checks and balances. Therefore it is not obvious that the administrative hearings will adequate and that there will not be an opportunity for public input. .

Please consider the attached letter from our consultant.

Regards,

Ann Hutchinson

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

**Attachment:** Consultant's analysis

**PAUL H. McALLISTER**
**201 W. Circle Mountain Road**
**New River, AZ 85087**
**Date: 31 March 2013**

**To:** NR-DHCA, INC.

I have reviewed the proposed TAs (Text Amendments) TA2013001, TA2013002 and TA2013003. TA2013001 proposes adopting 2012 International, Building, Residential, Plumbing, Mechanical, Fuel/Gas, Green Construction, Energy Conservation, Existing Building Codes. If Green Construction and Energy Conservation Codes are required, I can only hope Maricopa County does not require sealed plans/documents as part of the approval process.

**TA2013001** incorporates The International Green Construction Code. This will elevate the cost of a new residence but only slightly. The new products on the market are tried and proven to bettor or as good as the older required products. Presently the newer (Green) materials are much cheaper than their accepted older materials.

When it comes to energy conservation, my experience in California was that energy efficacy compliance on the plans had to be documented and sealed for approval. This seal provided by a registered Architectural Engineer or a Engineer was required for approval.

Energy Conservation is often an expensive process and will increase the cost of a new residencies considerably. Insulation R designation (walls, attic, floors), windows shading, window size, air intrusion sealing (windows and doors mostly) all will become part of this change. Energy conservation in this area is a good thing but what cost is acceptable? The county should only require certain modifications to the structure and slowly, not enter all at once thereby avoiding anything that might be considered as a hardship.

I do not possess a copy of the International Existing Building Code and thereby know very little about it. I know virtually nothing about what requirements are in this code but it does not sound good (i.e. sounds expensive for little value).

**TA2013002** this proposed addition to Chapter 11 will make no new requirements only spells-out those requirements that exist and clear up any confusion that currently exist.

**TA2013003** Will allow drainage requirements to be approved administratively and not require (in some cases) approval only by the Drainage Review Board (a public meeting). The only objection to this method is that the county may use this method to approve everything. This TA provides no checks and balances but is open-ended.

Sincerely,

Paul H. McAllister

# BUILDING CODE ADVISORY BOARD
# MEETING MINUTES

**DATE:** April 9, 2013
**TIME:** 2:00 p.m.

**LOCATION:** 501 North 44th Street, 1st Floor
Phoenix, AZ 85008

**MEMBERS PRESENT:**

Mr. Tracy Finley, Chairman
Mr. Vincent Territo, Vice Chairman
Mr. John Kight
Mr. Robert Ghan

**STAFF PRESENT:**

Tom Ewers, Plan Review Manager/Chief Building Official
Lynn Favour, Deputy Director
Ralph Shepard, Plan Review Supervisor
Debra Stark, Director
Valerie Beckett, Ombudsman
Kathy Semder, Administrative Assistant

**PUBLIC PRESENT:**

Gabriel Millican
Jackson Moll

## ROLL CALL

Chairman Finley called the meeting to order at 2:01 p.m.

## APPROVAL OF MINUTES

Chairman Finley asked if everyone looked at the minutes from the previous January 8, 2013 meeting and were there any comments. Member Kight made a motion to approve the minutes. Member Ghan seconded the motion. Motion passed unanimously.

## REPORT OF COMMITTEES

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

### 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

Mr. Ewers advised that Maricopa County is in the process of adopting the new I-Codes and updating our Local Additions and Addenda. There is a new hearing process, the Enhanced Regulatory Outreach Program (EROP); and part of that is to give the public more access to our processes and provide more public notice for meetings. Unfortunately this was not done so this meeting is for discussion purposes only and Mr. Ewers will ask Chairman Finley to set a Special Meeting for April 30, 2013, at 2:00 p.m. to take any action, if necessary.

Mr. Ewers explained we are looking at adopting the following International Codes:

2012 International Building Code
2012 International Residential Code
2012 International Mechanical Code
2012 International Plumbing Code
2011 National Electric Code
2003 International Fire Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code

Mr. Ewers then stated that we will do a bulk order for code books for the BCAB Members as well as our Staff once we have a clear idea of which codes will be adopted. A letter from Sharon Bonesteel of SRP was handed out to the Members showing general support for the adoption of the 2012 IECC.

In general, the updates from 2009 to 2012 are mainly that all Definitions can now be found in Chapter 2 of each of the Codes and they stopped including one Code within another, instead they just make reference to the relevant Code. This has cut down the total number of pages considerably for the new Code books. The only other main changes are clarifications to wind load design, earthquake design and wall bracing, to reflect different language.

The Local Additions and Addenda, which is the vehicle for adopting these National Codes, is updating the referenced code sections and other minor changes which Mr. Ewers then detailed by Section and Chapter. Everything in Chapter 3 is new and Section 301 adopts and amends the 2012 IBC and Appendix G Flood Resistance Construction. Although we don't normally adopt appendices, Mr. Ewers explained this is necessary to maintain our membership in the National Flood Insurance Program (NFIP). The Arizona Building Officials (AZBO) proposes Code changes to the International Code Commission every cycle and when they are approved they no longer have to be a Local Amendment. When those changes are not accepted, we must use the Local Amendments. Mr. Ewers went on to list each of the Chapter 3 Sections which adopt and amend the new International Codes mentioned earlier in the meeting. In Section 309, Mr. Ewers explained the acronyms for the energy testing and ratings systems and that there is currently legislation pending that the State may change the HERS ratings, which we would then have to amend as well.

Chairman Finley then opened the meeting for discussion to the Members. Member Kight asked if Section 309 is optional, similar to Sections 308 and 310 to which Mr. Ewers replied no, it includes energy conservation measures for both residential and commercial structures. Member Kight then asked if we intend to convert the optional Codes to mandatory at some point and Mr. Ewers answered not at this time but we cannot predict what the Board may decide in the future.

Vice Chairman Territo stated that he thought 18 inches was the standard and Mr. Ewers explained that the pool definition states 18 inches depth in water and 8 feet wide. In response to Vice Chairman Territo asking about training for Section 308, Mr. Ewers advised that we will look into third party reports. Vice Chairman Territo made a recommendation to make the ICC's errata, which is a correction for errors, automatically accepted but Chairman Finley said we would bring it back to the BCAB for review first rather than having them automatically adopted. In Chapter 3, page 6, Vice Chairman Territo advised that Section 1101.3 has now been revised to the 2010 ADA Standards to which Mr. Ewers explained that our Local Additions and Addenda require that we comply to the ADA and Arizonans with Disabilities Act and he will further investigate Vice Chairman Territo's concern that the statutes are not up to date. Mr. Ewers also advised that we intentionally did not include a year in the Section 304, page 9 Exception to stay in compliance with state and federal regulations.

Member Ghan asked if the 2003 IFC applied to County owned properties in the City of Phoenix, where would an applicant with a commercial property fall under. Mr. Ewers responded they would reference the International Building Code which covers all the requirements for fire alarms and sprinklers. We don't adopt the Fire Code, other than specifically for County owned properties in the City of Phoenix due to an existing IGA, because we don't maintain any Fire Departments or equipment or water systems. Outside of the cities, you would have to meet the adopted Codes of the Fire jurisdiction that you're in, such as Daisy Mountain.

Chairman Finley asked for any additional discussion from the Board Members and then opened the meeting to the public. Jackson Moll, of the Homebuilders Association, is on the City of Phoenix Advisory Board and wanted to know if some items discussed in Phoenix regarding the Energy Conservation Code were brought up here as well. For example, the trade-off table created by the City of Phoenix for supply duct insulation where the requirements are now R-8 insulation but R-6 could be used if certain criteria were met to maintain the relative energy efficiency. Mr. Ewers advised he looked at what is currently before the City of Phoenix for proposals to adopt these National Codes and Amendments. Chairman Finley agreed that he didn't see the trade-off table included in the proposal and that it was adopted by MAG and AZBO which then rolled over to the City of Phoenix. Mr. Moll then mentioned a reference to the air-handler requirement. Mr. Moll also questioned if it is the same for the IRC and Mr. Ewers explained that for the IRC we use the same Amendments we had in the past and our Local Additions and Addenda. Mr. Moll further clarified a grandfathering situation for certain lots already under preliminary plan review prior to 2007 and having only a 3 foot setback. Mr. Ewers advised this was discussed during the 2009 Adoption phase because of the difference with 3 and 5 foot setbacks. In the County we have larger lots where it's not as much of an issue and we require fire rating within 5 feet of the property line. We previously changed our Zoning Code to allow no separation between principal and accessory structures as well as between accessory structures and also reduced setbacks in side and rear yards, but the IRC doesn't require fire rating on residential structures on the same lot.

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## SET DATE OF NEXT MEETING

Mr. Ewers requested to close the discussion at this time and asked for a Special Meeting in three weeks to take any action. Member Ghan made a motion to have the Special Meeting scheduled for April 30, 2013, at 2:00 p.m., Member Kight seconded the motion. The motion passed unanimously.

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## ADJOURNMENT

Member Kight made a motion to adjourn the meeting. Member Ghan seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:31 p.m.

---

Minutes prepared by Kathy Semder, Administrative Assistant
April 10, 2013

Minutes Reviewed by Thomas F. Ewers, Chief Building Official

# Maricopa County
# Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

March ~~2012~~ 2013

Maricopa County

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

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# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 1 – Purpose & Title

### SECTION 101. PURPOSE

The purpose of this document is to provide all local addenda, amendments, and additions to the adopted national building codes in one location.

### SECTION 102. TITLE

This document shall be referred to and known as "Local Additions & Addenda".

### SECTION 103. SEPARABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

### SECTION 104. AMENDMENT

This document may be amended from time to time. It may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.

### SECTION 105. REVOCATION

This document shall abolish, replace, and/or supercede any previous amendments, changes or additions to the national codes previously approved by Maricopa County.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 2 – Administration

### SECTION 201. PURPOSE

The purpose of this Chapter is to provide all local changes to the adopted national building codes that relate to the administration of those codes in on location.

### SECTION 202. VIOLATION & PENALTY (Reserved)

### SECTION 203. BUILDING CODE ADVISORY BOARD (Reserved)

### SECTION 204. ORGANIZATION & ENFORCEMENT

Code Enforcement Agency

The Code Enforcement Agency created under the building code shall be defined in Maricopa County as the Planning and Development Department. This Planning and Development Department is charged by the Board of Supervisors to implement the building code and other pertinent laws, ordinances and/or regulations through the County's One Stop Shop Program.

Building Official

The Building Official shall be the Director of the Planning and Development Department (or his/her duly authorized representatives), who is charged with the administration and enforcement of the building code and Building Safety Ordinance.

General

Wherever the building code refers to the intent, purpose, implementation, inspection, enforcement, regulation, issuance of documents, compliance or other similar activity related to "this code", the phrase for purposed of implementing the "One Stop Shop Program" shall mean "this code or other pertinent laws, ordinances, and/or regulations implemented through the Code Enforcement Agency."

### SECTION 205. PERMITS

**Building Permits:** A building permit shall not be required for a detached non-habitable accessory building that is single story and no greater than 200 square feet in floor area, provided such building does not include plumbing, electrical, or mechanical services or equipment. A building permit shall not be required to replace an existing water heater provided the work is done in accordance with manufacturer's specifications.

**Permit Expiration:** A permit may be renewed within one year of expiration provided that no change in ownership or engineer/architect of record has occurred. Renewal after expiration for

more than one year shall not be permitted. Any such permit shall be deemed to be revoked and a new permit must be issued.

The design and construction of structures located within the unincorporated areas of Maricopa County shall comport to the codes in effect at the time of permit application, provided the specific permit remains valid, regardless of whether or not the County adopts subsequent codes. When approved by the Building Official, utility-scale solar generating facilities in which permit applications have been submitted, the design and construction may continue to utilize the codes in effect at the time of initial permit application, regardless of the number of permits required to complete the project, provided that 1) all construction is covered by an issued permit, 2) any permits issued for construction remain valid, and 3) continuous construction takes place until the facility is commissioned for commercial service and the facility receives final inspection. Once the above conditions have been met, subsequent construction activity shall comply with the codes in effect at the time of the subsequent permit applications. Further, should a permit lapse, the work contemplated by the permit shall be subject to a new permit application and shall comport to the codes in effect at the time the new permit application is submitted. For purposes of this section, the term "Utility-Scale" shall be as defined by the Maricopa County Zoning Ordinance.

**Temporary Event Permit Exemption:** Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following the end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

## SECTION 206. INSPECTIONS

**Pre-Permit Inspection:** A pre-permit inspection may be necessary and shall be the responsibility of the permit holder to post the property in a manner approved by the Building Official.

**Permit Holder Responsibilities:** It shall be the responsibility of the permit holder to:

1. Call for an inspection.
2. Stake property corners.
3. Designate property lines prior to the inspection of any primary use.
4. Post the inspection card.
5. Provide a copy of the approved plans on the site.
6. Provide access to the site.
7. Have someone at the site during the inspection.

Failure to complete the above shall result in no inspection at the time and an assessment of a re-inspection fee. A survey of the lot may be required by the Building Official to verify that the building/structure is located in accordance with the approved plans.

**Partial Inspections:** Partial inspections may be requested and conducted when necessary due to common construction practices. If a partial inspection is approved, documentation shall be maintained during construction that identifies what segments of work have obtained what types of partial inspection approval.

**Re-inspections:** Re-inspection fees shall apply when:

1. Property lines have not been designated as required.
2. The inspection card is not posted or available on the work site.
3. Approved plans are not readily available to the inspector on the site.
4. There is no access on the date for which the inspection is requested.
5. Work is not ready for inspection.
6. Work has been covered.
7. Late cancellation.
8. There is a deviation from plans significant enough to require approval of revised plans.

To obtain a re-inspection, the applicant shall follow the same procedures required for an inspection after paying a re-inspection fee.

## SECTION 207. CERTIFICATE OF OCCUPANCY

The purpose of a Certificate of Occupancy is to insure that all department requirements have been met. A Certificate of Occupancy is required for all permits except those issued over the counter.

**Temporary Certificate:** A Temporary Certificate of Occupancy may be issued with the concurrence of all impacted departments and when appropriate fees are paid. Bonding, if required, shall be provided in accordance with the direction of the Building Official prior to issuance of a Temporary Certificate.

**Permanent Utility Authorization:** Permanent utility approval shall be not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy or letter of approval.

## SECTION 208. FEES

**Determination of Value:** Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

**Additional Value Determinations:**

Walls and fences:

| | |
|---|---|
| Retaining walls | Per lineal foot |
| 0-2′ | $15 |
| 2-4′ | $25 |
| 4-6′ | $42 |
| 6′ or more | $86 |
| Chain link | $ 6 |
| CMU | |
| 4″ 6′ or less | $14 |
| 4″ more than 6′ | $21 |
| 8″ block or other | $22 |
| Wrought iron | $16 |
| Iron wood | $18 |
| Wood | $11 |
| 3 strand barbed wire | $ 3 |
| Rail | $ 6 |

| | |
|---|---|
| In ground pools | $200 per perimeter foot |

Wood frame or masonry patio covers shall be valued as open carports.

Metal patio covers and covered pipe-rail horse corrals shall be valued at 50 percent of the value of a wood or masonry patio cover.

Non-habitable accessory buildings, other than covered pipe-rail horse corrals, shall be valued as a private garage.

Water/sewer collection and distribution lines shall be valued as determined by the building official.

Shell buildings shall be valued at 80% of new building value.

Alterations shall be valued at 20% of new building value.

**Processing:** All plan review fees (65 percent of calculated permit fee) required to be paid shall entitle the applicant to three submissions and reviews of documents submitted. If the applicant is unable to obtain approval of his application with these three attempts, the application shall be denied. The applicant may then resubmit and the submittal shall be treated as a new application. Should these circumstances occur or the permit has been expired in accordance with the Building Code, the Building Official may use information located in the denied/expired files to

expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

**Fees:** The Building Official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

TABLE 1-A – BUILDING CODE/PERMIT FEES

| **Total Valuation** | **Fee** |
|---|---|
| $1 to $500 | $23.50 |
| $501 to $2,000 | $23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000 |
| $2,001 to $25,000 | $69.25 for the first $2,000 plus $14.00 for each additional $1000, or fraction thereof, to and including $25,000 |
| $25,001 to $50,000 | $391.75 for the first $25,000 plus $10.10 for each additional $1000, or fraction thereof, to and including $50,000 |
| $50,001 to $100,000 | $643.75 for the first $50,000 plus $7.00 for each additional $1000, or fraction thereof, to and including $100,000 |
| $100,001 to $500,000 | $993.75 for the first $100,000 plus $5.60 for each additional $1000, or fraction thereof, to and including $500,000 |
| $500,001 to $1,000,000 | $3,233.75 for the first $500,000 plus $4.75 for each additional $1000, or fraction thereof, and including $1,000,000 |
| $1,000,001 and up | $5,608.75 for the first $1,000,000 plus $3.65 for each additional $1000, or fraction thereof |

**Other Inspections and Fees:**

| | |
|---|---|
| 1. Inspections outside of normal business hours | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 2. Reinspection fees | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 3. Inspections for which no fee is indicated | $ 150 per inspection |
| ~~4. Expedited in-house plan review~~ | ~~$ 75 per hour~~ |
| ~~5~~4. Expedited plan review by consultant | Actual costs |
| ~~6~~5. Standard plan review (5 options) | 2 times normal plan review fee |
| ~~7~~6. Change to approved plan (includes standards) | $ 250 |
| ~~8~~7. Code Modification | $ 100 per request |
| ~~9~~8. Alternate material, design or methods | $ 100 per request |
| ~~10~~9. Tests required | $ 100 per test & test fees paid by applicant |
| ~~11~~10. Appeal to the Building Code Advisory Board | $ 500 |
| ~~12~~11. Amendment to the Code | $1500 |
| ~~13~~12. Requested/needed staff directive | $ 250 |
| ~~14~~13. Requested staff research report | $ 100 residential property<br>$ 250 commercial property |

**Flat Rate Fees:**

| | |
|---|---|
| Air conditioner | $ 50 |
| Elec. Serv Residential 1 – 200 amps | $ 50 |
| Elec. Serv Res or Comm 201 – 400 amps | $ 75 |
| Elec. Serv over 400 amps | $ 120 |
| Temporary meter | $ 50 |
| Evaporative cooler | $ 50 |
| Gas Line (connect or clearance) | $ 50 |
| Mobile home "Pre-HUD Upgrade" | $ 50 |
| Plumbing sewer line SFR | $ 50 |
| Irrigation System | $ 50 |
| Sprinkler | $ 50 |
| Mechanical | $ 50 |
| Plumbing (Install or replace Equip/fixture/devices) | $ 50 |
| Demolition Permit | $ 50 |
| Manufactured/Mobile Home Setup/Installation | $ 300 |
| Commercial Manufactured Building (factory built building) | Based on installation value & Table 1-A |
| Occupancy Change | $ 75 |
| Hot tub or Spa (in or above ground) | $ 75 |
| Swimming pool above ground | $ 75 |
| Compliance Inspection | $ 100 |
| Move on House (compliance inspection | $ 100 |

| | |
|---|---|
| Renew permit for final | $ 100 |
| Special Event Fee (tents) | $ 100 per event |

**Additional Fees:**

| | |
|---|---|
| Plumbing (water/sewer collector lines) | $30 min based on valuation |
| Amendment to approved plan data | $30 |
| Unpaved Parking Area Paving | $100 |
| Temporary Certificate of Occupancy | |
| Without bonding | $250 |
| With bonding | $500 |
| Subdivision Infrastructure Permit | $300 |
| Ground mounted residential solar system (Less than six (6) feet high) | $500 |
| Roof mounted residential solar system | $300 |

**Copy Charges:**

| | |
|---|---|
| Additional copy of: | |
| Permit | $ 2 |
| Job card | $ 2 |
| Certificate of Occupancy | $ 2 |
| Copy (Approved Plans – per set) | $ 15 per set (Restamping Only) |
| Copy (per page) | |
| Standard copier | $ 1 |
| Oversize copier | $ 6 |

**Grading Fees:**

**Plan Review Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | No fee |
| 50 – 100 cubic yards | $ 23.50 |
| 101 – 1,000 cubic yards | $ 37.00 |
| 1,001 – 10,000 cubic yards | $ 49.25 |

| | |
|---|---|
| 10,001 – 200,000 cubic yards | $ 49.25 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |
| 200,001 or more cubic yards | $269.75 plus $ 7.25 for each additional 10,000 cubic yards or fraction thereof |
| Additional plan review required by changes, additions, or revisions to approved plans | $ 50.00 |

**Permit Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | $ 23.50 |
| 50 – 100 cubic yards | $ 37.00 |
| 101 – 1,000 cubic yards | $ 37.00 plus $ 17.50 for each additional 100 cubic yards or fraction thereof |
| 1,001 – 10,000 cubic yards | $194.50 plus $ 14.50 for each additional 1,000 cubic yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $325.00 plus $ 66.00 for each additional 10,000 cubic yards or fraction thereof |
| 100,001 or more cubic yards | $919.00 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |

**Payment of Fees:** No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Local Additions and Addenda", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission.*1*2

## SECTION 209. ADDITIONAL REGULATIONS

**NOISE LEVEL REDUCTION:** Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December

31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas within noise contours described in Section ~~1007~~ 1010 of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

## SECTION 210. BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS

### SECTION 210.1 - GENERAL

### 210.1.1

**Scope.** The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

### 210.1.2

**Standards of Quality.** In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504.)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

### SECTION 210.2 – DEFINITIONS

For the purpose of this section, certain terms, words and phrases are defined as follows:

**ABOVEGROUND/ON-GROUND POOL.** See definition of "swimming pool."

**BARRIER** is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

**GRADE** is the underlying surface, such as earth or a walking surface.

**HOT TUB.** See definition of "spa, nonself-contained" and "spa, self-contained."

**IN-GROUND POOL.** See definition of "swimming pool."

**SEPARATION FENCE** is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

**SPA, NONSELF-CONTAINED** is a hydro massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610mm) deep.

**SPA, SELF-CONTAINED** is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

**SWIMMING POOL** is any structure intended for swimming or recreational bathing that contains water over 18 inches deep and/or wider than 8 feet at any point. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. <u>This does not include decorative fountains that contain water less than 12 inches deep.</u>

**SWIMMING POOL, INDOOR** is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR** is any swimming pool that is not an indoor pool.

## SECTION 210.3 – REQUIREMENTS

**210.3.1 Outdoor Swimming Pool.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 54 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 ¾-inch-diamenter (44.5 mm) sphere.

**EXCEPTIONS:**

1. When vertical spacing between such openings is 54 inches or more, the opening size may be increased such the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 54 inches or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 210.3.1 shall be provided.

**EXCEPTIONS:** When approved by the Building Official, one the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means such a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.

4. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

**210.3.2** **Indoor Swimming Pool.** For an indoor swimming pool, protection shall comply with the requirements of Section 210.3.1 Item 5

**210.3.3** **Spas and Hot Tubs.** For a nonself-contained and self-contained spa or hot tub protection shall comply with the requirements of Section 210.3.1

**EXCEPTION:** A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 210.3.1

**210.3.4** Where a window faces a swimming pool enclosure, said window shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4" or a latching device located not less than 54" above the floor. Emergency escape or rescue windows in bedrooms which face swimming pool enclosures shall be equipped with a latching device located no less than 54" above the floor.

**210.3.5** Protective enclosures shall be located at a minimum horizontal distance of 54" from any equipment, permanent structures, planters, or similar objects that could be used to climb the enclosure. This provision shall not apply to the area between the pool and the protective enclosure if the protective enclosure is a solid wall with no openings.

## SECTION 211. RESIDENTIAL WOODBURING REGULATIONS

### 211.1 FIREPLACE RESTRICTIONS

#### 211.1.1 Purpose

The purpose of this subsection is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

#### 211.1.2 Applicability

The Residential Woodburning Restriction Ordinance applies to any residential wood burning device in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections.

**AREA A** – As defined in Arizona Revised Statues (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South Range 5 West through Range 1 East
Township 4 South Range 5 West Through Range 1 East

### 211.1.3 Effective Date

The effective date of the regulations and prohibitions set forth this subsection shall be December 31, 1998.

### 211.1.4 Definitions

For purposes of this subsection, the following words and terms shall be defined as follows:

**FIREPLACE** means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**SOLID FUEL** includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

**WOOD STOVE** means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

### 211.1.5 Installation Restrictions

(a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

~~1. A fireplace which has a permanently installed gas or electric log insert.~~

~~2. A fireplace, wood stove or other solid fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~

~~3. A fireplace, wood stove or other solid fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards, equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~

~~4. A fireplace, wood stove or other solid fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~

~~5. A fireplace which has a permanently installed wood stove insert which complies with subparagraphs 2, 3, or 4 above.~~

~~(b) The following installations are not regulated by this Article and are not prohibited by this Article:~~

~~1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.~~

~~2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.~~

~~3. Fire pits, barbecue grills, and other outdoor fireplaces.~~

**~~211.1.6 Fireplace or Wood Stove Alterations Prohibited~~**

~~(a) On or after December 31, 1998 no person, firm or corporation shall alter or remove a gas or electric log insert or a wood stove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.~~

~~(b) On or after December 31, 1998 no person, firm or corporation shall alter a fireplace, wood stove or other solid fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this subsection.~~

1. Provides the sole or primary source of heat or fuel for cooking for a residence.
2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990, or sold at retail on or after July 1, 1992, as prescribed by 40 Code of Federal Regulations Part 60, Subpart AAA.
3. Burns gaseous fuels, including gas logs.
4. Meets rules adopted by the Board of Supervisors as prescribed in ARS § 49-479 for burning wood in approved appliances.

**211.1.~~7~~6 Permits Required**

In addition to the provisions and restrictions of this subsection, construction, installation or alteration of all fireplaces, wood stoves and gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the County Building Code and shall be subject to the permits and inspections required by the County Building Code.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 3 – Adoption of National Codes

### ~~SECTION 301. 2009 INTERNATIONAL BUILDING CODE~~

The 2009 International Building Code has been adopted as the building code for Maricopa County along with the following M.A.G. amendments:

**Amendments to the 2009 International Building Code:**

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees.* Said fee to be the building permit fee doubled.

**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Residential board and care facilities
Assisted living centers
Halfway houses
Group homes
Congregate care facilities
Social rehabilitation facilities
Alcohol and drug abuse centers
Convalescent facilities

A facility such as the above with 10 or fewer persons shall be classified as a Group R-4 Condition 1 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 424 of this code.

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal or directed care on a 24-hour basis of more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to the following:

Child care facilities
Hospitals
Nursing homes (both intermediate-care facilities and skilled nursing facilities)
~~Mental hospitals~~

~~Detoxification facilities~~

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis of more than 10 persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten or fewer persons shall be classified as R-4 Condition 2.

**310.1 R-4** Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

**310.1.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

**310.1.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code, and Section 424 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 424 of this code.

**310.1 Definitions**

**Personal Care Service.** Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

**Directed Care Service.** Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

**Supervisory Care Service.** General supervision, including daily awareness of resident ~~functioning and continuing needs.~~

~~**Residential Care/Assisted Living Home.** A building or part thereof housing a maximum of~~ 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living homes, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

**424 Residential Care/Assisted Living Homes**

**424.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides licensed cares services. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

**424.2 General.** Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

**424.3 Special Provisions.** R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

**424.3.1 Mixed Uses.** R-4 occupancies shall be separated from other uses as provided in Table 508.4.

**424.4 Access and Means of Egress Facilities.**

**424.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route per the Arizonans with Disabilities Act. Sleeping rooms and associated toilets shall be accessible.

> Exception: Existing buildings shall comply with Section 3409. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A 117.1.

**424.4.2 Exits**

**424.4.2.1 Number of Exits.** Every story, basement, or portion thereof shall have not less than ~~two exits.~~

~~Exception: Basements and stories above the first floor containing no sleeping rooms may~~ have one means of egress as provided in Chapter 10.

**424.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1014, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**424.4.2.3 Emergency Exit Illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the ICC Electric Code.

**424.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception 1 to Section 1029.1 does not apply to R-4 occupancies.

**424.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.4.4, and items 1, 2, 4, 5 and 6, or 1008.1.9.8.

**424.4 Smoke Detectors and Sprinkler Systems**

**424.5.1 Smoke Alarms.** All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.11.

**424.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.3. Sprinkler systems installed under this Section shall be installed throughout, including attached garages, and in Condition 2 facilities shall include attics and concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

Add new exception to **716.5.4**

Exceptions:

4. Such walls are penetrated by ducted HVAC systems, have a required fire-resistance rating of 1 hour or less and are in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.3.1 or 903.3.1.2. For the purposes of this exception, a ducted HVAC system shall be a duct system for conveying supply, return or exhaust air as part of the structure's HVAC system. Such a duct system shall be constructed of sheet steel not less than 26 gage thickness and shall be continuous from the air-handling appliance or ~~equipment to the air outlet and inlet terminals.~~

~~**Section 903.2.8, Group R:** An automatic sprinkler system installed in accordance with Section~~ 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2, Door Swing**. Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2006 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls**. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Chapter 13 Energy Efficiency is deleted in its entirety.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be ~~assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.~~

~~**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall~~ be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 27. Residential | | |
| One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 27) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302. 2009 INTERNATIONAL RESIDENTIAL CODE

The 2009 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following M.A.G. amendments.

~~**Amendments to the 2009 International Residential Code:**~~

~~Revise Table R 301.5 as follows:~~

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted

Chapter 11 Energy Efficiency is deleted in it entirety.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building (no other changes)

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.10 (404.9) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.10.1 Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except ~~where the discharge is to the outdoors, not subject to freezing and the piping~~

~~terminates not less than 6 inches (152mm) and not more that 12 inches (305mm)~~ above grade.

3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2009 INTERNATIONAL MECHANICAL CODE

The 2009 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County with one amendment to delete Section 301.2.

## SECTION 304. 2009 INTERNATIONAL PLUMBING CODE

The 2009 International Plumbing Code has been adopted as the plumbing code for Maricopa County with two amendments.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge ~~full size to the air gap.~~

4. ~~Serve a single relief device and shall not connect to piping serving any other relief~~ device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**904.1 Roof extension** All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2008 NATIONAL ELECTRICAL CODE

The 2008 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following M.A.G. amendments.

Revise the following sections to read:

### 210-8. Ground-Fault Circuit-Interrupter Protection for Personnel

FPN: See 215.9 for ground-fault circuit-interrupter protection for personnel on feeders.

**(A) All Occupancies.** All 125-volt, single-phase, 15 and 20-ampere receptacles installed in the locations specified in (1) through (9) shall have ground-fault circuit-interrupter protection for personnel.

1. Bathrooms
2. Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas and areas of similar use.
3. ~~Outdoors~~

~~Exception No. 1 to (3): Receptacles that are not readily accessible and are supplied by a~~ dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

Exception No. 2 to (3): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(2) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.

4. Crawl Spaces – at or below grade level

5. Unfinished basements – for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

FPN: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

6. Kitchens –
   (a) Dwelling units – where the receptacles are installed to serve countertop surfaces
   (b) Other that dwelling units – all locations

7. Sinks – where the receptacle are installed within 1.8m (6 ft) of the outside edge of the sink.

Exception No. 1 to (7): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall b e permitted to be installed without GFCI protection.

Exception No. 2 to (7): For receptacles located in patient care areas of health care facilities other than those covered under 210.8(A)(1), GFCI protection shall not be required.

8. Boathouses

9. Indoors:
   ~~(a) Damp locations~~

~~(b) Wet locations~~

**(B) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that supply boat hoists installed in dwelling unit locations.

**250.118 Types of Equipment Grounding Conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

FPN: For effective ground-fault current pate, see 250.2 Definition.

1. A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
2. Rigid metal conduit.
3. Intermediate metal conduit.
4. Electrical metallic tubing with an additional equipment grounding conductor.
5. Listed flexible metal conduit with an additional equipment grounding conductor, and meeting all the following conditions:
   a. The conduit is terminated in listed fittings.
   b. The combined length of flexible metal conduit and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft) for feeders and 15 m (50ft) for branch circuits.
   c. The additional equipment grounding conductor is terminated at each termination or junction point.
6. Listed liquidtight flexible metal conduit meeting all the following conditions:
   a. The conduit is terminated in listed fittings.
   b. For metric designators 12 through 16 (trade sizes 3/8 through ½), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.
   c. For metric designators 21 through 35 (trade sizes ¾ through 11/4), the circuit conductors contained in the conduit are protected of overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metallic tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through ½) in the grounding path.
   d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft).
   e. Where used to connect equipment where flexibility is necessary after installation, an equipment grounding conductor shall be installed.
7. Listed liquidtight flexible metal conduit with an additional equipment grounding ~~conductor and meeting all of the following conditions:~~

a. The conduit is terminated in listed fittings.
b. The combined length of liquidtight flexible metal conduit and flexible metal conduit in the same ground return path does not exceed 15 m (50ft) for branch circuits and 1.8 m (6ft) for feeders.
c. The additional equipment grounding conductor is terminated at each termination or junction point.

8. Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:
   a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.
   b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft).
9. Armor of Type AC cable with an additional equipment grounding conductor and as provided in 320.108.
10. The copper sheath of mineral-insulated, metal-sheathed cable.
11. Type MC cable where listed and identified for grounding in accordance with the following:
    a. The combined metallic sheath and grounding conductor of interlocked metal tape-type MC cable.
    b. The metallic sheath or the combined metallic sheath and grounding conductors of the smooth or corrugated tube-type MC cable.
12. Cable trays as permitted in 392.3 and 392.7.
13. Cablebus framework as permitted in 370.3.
14. Other listed electrically continuous metal raceways and listed auxiliary gutters.
15. Surface metal raceways listed for grounding.

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

1. One-and two-family dwellings.
2. Multifamily dwellings permitted to be of Types III, IV, and V construction
3. Other dwelling unit accessory buildings and structures in accordance with 334.10 (1) and (2).

   FPN No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-2006, *Standard on Types of Building Construction*, or the applicable building code, or both.

   FPN No. 2: See Annex E for determination of building types [NFPA 220, Table 3-1].

4. Cable trays in structures permitted to be Types III, IV, or V where the cables are identified for the use.

~~FPN: See 310.10 for temperature limitation of conductors.~~

**(A) Type NM.** Type NM cable shall be permitted as follows:
1. For both exposed and concealed work in normally dry locations.
2. To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:
1. For both exposed and concealed work in dry, moist, damp, or corrosive locations.
2. In outside and inside walls of masonry block or tile.
3. In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe, or similar finish.

**(C) Type NMS.** Type NMS cable shall be permitted as follows:
1. For both exposed and concealed work in normally dry locations.
2. To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as follows:
1. In any dwelling or structure not specifically permitted in 334.10 (1), (2), and (3).
2. As service-entrance cable.
3. In hoistways or on elevators or escalators.
4. Embedded in poured cement, concrete, or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:
1. Where exposed to corrosive fumes or vapors.
2. Where embedded in masonry, concrete, adobe, fill or plaster.
3. In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.
4. In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with ~~the following amendments:~~

~~AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE~~

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2009 INTERNATIONAL FUEL GAS CODE

The 2009 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.9.1, and one revision as follows:

**404.9 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

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NEW TEXT FOR

CHAPTER 3.

## SECTION 301. 2012 INTERNATIONAL BUILDING CODE

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Building Code:**

Adopt Appendix G Flood-Resistant Construction

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees*. Said fee to be the building permit fee doubled.

**SECTION 202 DEFINITIONS.**

**PERSONAL CARE SERVICE** is assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

**SUPERVISORY CARE SERVICE** is general supervision, including daily awareness of resident functioning and continuing needs.

**DIRECTED CARE SERVICE** is care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

**ASSISTED LIVING FACILITY** is a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

**ASSISTED LIVING CENTER** is an assisted living facility that provides resident rooms to eleven or more residents.

**ASSISTED LIVING HOME** is an assisted living facility that provides resident rooms to ten or fewer residents.

**INSTITUTIONAL GROUP I**

**308.3 Institutional Group I-1.** This occupancy shall include buildings, structures or portions thereof for more than 10 persons who reside on a 24 hour basis in a supervised

environment, receive custodial care and are capable of self-preservation, except as provided for assisted living centers. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living centers

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

**308.3.2 Six to Ten Persons Receiving Care.** A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as Group R-4, except as provided for assisted living homes.

**308.4 Institutional Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Assisted living centers

Psychiatric hospitals

**SECTION 310.2 DEFINITIONS.** The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY

ASSISTED LIVING CENTER

ASSISTED LIVING HOME

BOARDING HOUSE

CONGREGATE LIVING FACILITIES

DIRECTED CARE SERVICES

DORMITORY

GROUP HOME

PERSONAL CARE SERVICE

SUPERVISORY CARE SERVICES

TRANSIENT

**310.5.1 Care facilities with a dwelling.** Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted provided that the requirements of Section 425 of this code are met.

**310.6 Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation, except as provided for assisted living homes. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code and Section 425.

**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as Group I-2.

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

**SECTION 425. ASSISTED LIVING HOMES**

**425.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all the applicable provisions of Group R-3.

**425.2 General.** Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

**425.3 Special Provisions.** R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

**425.3.1 Mixed Uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

**425.4 Access and Means of Egress Facilities.**

**425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

**425.4.2 Exits.**

**425.4.2.1 Number of Exits.** Every story, basement or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

**425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**425.4.2.3 Emergency Exit Illumination.** In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

**425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

**425.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1,2,4,5 and 6.

**425.5 Smoke Alarms and Sprinkler Systems.**

**425.5.1 Smoke Alarms.** R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

**425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of, or containing, combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

**1008.1.2 Door Swing.** Delete the text of Exception #4 and replace with the following:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in 101.2 and R-4.

**Section 903.2.8 Group R:** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2 Door Swing.** Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2012 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls.** Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.

**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 25. Residential | | |
| One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 25) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302. 2012 INTERNATIONAL RESIDENTIAL CODE

The 2012 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Residential Code:**

Revise Table R 301.5 as follows:

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.12.1 Individual Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.

11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2012 INTERNATIONAL MECHANICAL CODE

The 2012 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Mechanical Code:**

Revise the following sections to read:

**505.1 Domestic Systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with an approved transition fitting.

**1004.1 Standards.** Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code* and Arizona Boiler Rules, Title 20 Chapter 5.

## SECTION 304. 2012 INTERNATIONAL PLUMBING CODE

The 2012 International Plumbing Code has been adopted as the plumbing code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Plumbing Code:**

Add to Section 405.3.1:

Exception: Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

Add to Section 904.1:

All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2011 NATIONAL ELECTRICAL CODE

The 2011 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following amendments.

Revise the following sections to read:

**ARTICLE 210 – Branch Circuits**

**Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel**

**(B) Other Than Dwelling Units.** All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210.8(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

**(6)** Indoor damp and wet locations.

**ARTICLE 250 – Grounding and Bonding**

**250.118 Types of Equipment Grounding Conductors.**

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

(1) A copper, aluminum or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electric metallic tubing with an additional equipment grounding conductor.

(5) Listed flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(6) Listed liquidtight flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. For metric designators 12 through 16 (trade sizes 3/8 through 1/2), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. For metric designators 21 through 35 (trade sizes 3/4 through 1-1/4), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metal tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through 1/2) in the ground-fault current path.

d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:

a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

(8) Armor of Type AC cable as provided in 320.108.

(9) The copper sheath of mineral-insulated, metal-sheathed cable.

(10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:

a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(11) Cable trays as permitted in 392.10 and 392.60.

(12) Cablebus framework as permitted in 370.3

(13) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(14) Surface metal raceways listed for grounding.

**ARTICLE 334 – Nonmetallic-Sheathed Cable; Types NM, NMC and NMS**

**II. Installation**

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

(1) One- and two- family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings permitted to be of Types III, IV and V construction except as prohibited in 334.12.

(3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and 334.10 (2) and other provisions of this Code.

(4) Cable trays in structures permitted to be Types III, IV or V in accordance with 334.10(1) and (2) where the cables are identified for the use.

(5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

**(A) Type NM.** Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:

(1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe or similar finish.

**C) Type NMS.** Type NMS cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC and NMS.** Type NM, Type NMC and Type NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (3).

(2) As service-entrance cable.

(3) In hoistways or on elevators or escalators

(4) Embedded in poured cement, concrete or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:

(1) Where exposed to corrosive fumes or vapors.

(2) Where embedded in masonry, concrete, adobe, fill or plaster.

(3) In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.

(4) In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE:

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2012 INTERNATIONAL FUEL GAS CODE

The 2012 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.11.1, and one revision as follows:

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

Delete Section 404.12.1

## SECTION 308. 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

The 2012 International Green Construction Code has been adopted as the Green Construction Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Green Construction Code:**

Revise the following sections to read:

**SECTION 101 GENERAL**

**[A] 101.1 Title.**
These regulations shall be known as the Maricopa County Green Construction Code hereinafter referred to as "this code."

**101.2 General.**
The use of this code is optional, unless specifically required through ordinance by Maricopa County. This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

**TABLE 302.1**
**REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section | Section Title of Description and Directives | Jurisdictional Requirements | |
|---|---|---|---|
| | **CHAPTER 1. SCOPE** | | |
| 101.3 Exception 1.1 | Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.2 | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.3 | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| | **CHAPTER 4. SITE DEVELOPMENT AND LAND USE** | | |
| 402.2.1 | Flood hazard area preservation, general | | **No** |
| 402.2.2 | Flood hazard area preservation, specific | | **No** |
| 402.3 | Surface water protection | | **No** |
| 402.5 | Conservation area | **Yes** | |

| | | | |
|---|---|---|---|
| 402.7 | Agricultural land | **Yes** | |
| 402.8 | Greenfield sites | **Yes** | |
| 407.4.1 | High-occupancy vehicle parking | **Yes** | |
| 407.4.2 | Low-emissions, hybrid and electric vehicle parking | **Yes** | |
| 409.1 | Light pollution control | **Yes** | |
| **CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY** | | | |
| 503.1 | Minimum percentage of waste material diverted from landfills. | **50%** | |
| **CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO2e EMISSIONS REDUCTION** | | | |
| 302.1, 302.1.1, 602.1 | zEPI of Jurisdictional Choice . The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance. | Occupancy: _____ zEPI: _____ | |
| 604.1 | Automated demand response infrastructure | | **No** |
| **CHAPTER 7. WATER RESOURCES CONSERVATION, QUALITY AND EFFICIENCY** | | | |
| 702.7 | Municipal reclaimed water | | **No** |
| **CHAPTER 8. INDOOR ENVIRONMENT QUALITY AND COMFORT** | | | |
| 804.2 | Post-Construction Pre-Occupancy Baseline IAQ Testing | | **No** |
| 807.1 | Sound transmission and sound levels | **Yes** | |
| **CHAPTER 10. EXISTING BUILDINGS** | | | |
| 1007.2 | Evaluation of existing buildings | **Yes** | |
| 1007.3 | Post Certificate of Occupancy zEPI, energy demand and CO2e emissions reporting | | **No** |

## SECTION 309. 2012 INTERNATIONAL ENERGY CONSERVATION CODE

The 2012 International Energy Conservation Code has been adopted as the Energy Conservation Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Energy Conservation Code:**

Revise the following sections to read:

**C101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Commercial Building by Section C202, shall have the option of complying under the Residential Provisions of the code,

regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

**R101.2 Scope.** This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Add Section R102.1.2

**R102.1.2 RESNET Testing & Inspection Protocol.** The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
    a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
    b. R402.4.1.2 – Testing – Air Leakage Rate
    c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

**R401.2.1 Alternative Approach for Compliance.** A Home Energy Rating System ("HERS") Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Delete Section R403.9.3 and replace with:

**R403.9.3** Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum

rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

## SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.

# ORIGINAL STAFF REPORT POSTED TO THE EROP WEBSITE ON APRIL 16, 2013

# MARICOPA COUNTY
## Planning & Development Department
## AGENDA

SPECIAL MEETING OF THE MARICOPA COUNTY BUILDING CODE ADVISORY BOARD, TUESDAY, APRIL 30, 2013, AT 2:00 P.M. IN THE DEPARTMENT OF PLANNING AND DEVELOPMENT GOLD CONFERENCE ROOM, 501 NORTH 44TH STREET, 1st FLOOR, PHOENIX. All items on this agenda are for Board action unless otherwise noted.

Maricopa County has an aggressive strategy to provide accessibility for all citizens to these programs, activities and services, as required by the American with Disabilities Act (ADA). Accommodations for Individuals with Disabilities alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the Office of the Clerk of the Board, 301 West Jefferson Avenue, Tenth Floor, Phoenix, Arizona 85003, 602-506-3766, Fax 602-506-6402, TTY 506-2000 and on the internet at http://www.maricopa.gov/agendas/default.asp. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

**CALL TO ORDER BY THE CHAIRMAN**

**ROLL CALL**

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF**
April 9, 2013

**REPORT OF COMMITTEES**
None

**UNFINISHED BUSINESS**
None

**NEW BUSINESS**

1. 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

**OTHER BUSINESS**

**NEXT REGULAR MEETING**
July 9, 2013

**ADJOURNMENT**

# Maricopa County
**Planning & Development Department**

Tom Ewers
Plan Review Manager
501 N. 44th St., Suite 200
Phoenix, Arizona 85008
Phone: (602) 506-7145
www.maricopa.gov/planning

TO: BUILDING CODE ADVISORY BOARD
FROM: TOM EWERS, PLAN REVIEW DIVISION MANAGER
DATE: April 11, 2013
RE: April 30, 2013 BCAB MEETING

**Approval of Minutes:**

At your April 30, 2013 meeting please approve the attached minutes of your April 9, 2013 meeting.

**New Business:**

1. **2012 ICC Code Adoption – 2013 Maricopa County Local Additions and Addenda**

Attached please find the 2013 Maricopa County Local Additions and Addenda which we use to adopt and amend the following International Codes:

2012 International Building Code
2012 International Residential Code
2012 International Mechanical Code
2012 International Plumbing Code
2011 National Electrical Code
2003 International Fire Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code

We had hoped to have new codebooks available for the BCAB members but we can't order them until we have a clear idea of exactly which codes will be adopted. Then we can do a bulk order for the BCAB and our plan review and inspections staff.

In general the 2012 ICC Codes, and 2011 NEC Code, did not contain many actual changes, other than housekeeping changes to move all definitions to chapter two and not include related code language in every section, but just refer to the related code sections. This resulted in far fewer pages in each code book. The only big actual changes to the IBC and IRC are clarifications to wind load design, earthquake design and wall bracing.

Maricopa County
Planning & Development
Department
411 N. Central St., 3rd Floor
Phoenix, Arizona 85004-2191
Phone: (602) 506-6150
Fax: (602) 506-8510



We are adding the Green Construction Code, Energy Conservation Code and Existing Building Code.

Similarly, the Local Additions and Addenda are not changing much other than to update the referenced code sections. We are still recommending adoption of the MAG/AZBO Amendments for the IBC, IRC, IMC, IPC and IFGC and the City of Phoenix Amendments for the NEC, IGCC , IECC and IEBC.

I will describe more specifically the changes to the Local Additions and Addends and the ICC/NEC Codes:

**Cover Page:**
1. Updated to March 2013.

**Table of Contents:**
1. Updated to reference the 2012 codes and add the IGCC, IECC and IEBC.

**Chapter 1:**
1. No Changes.

**Chapter 2:**
1. Removed the $75 fee for Expedited in-house plan review, since this is not a service we offer.
2. Section 209. Noise Level Reduction. Updated Zoning Ordinance reference from Section 1007 to 1010 to reflect a change made to the Zoning Ordinance.
3. Section 210.2 Definitions, Swimming Pool. Added "This does not include decorative fountains that contain water under 12" deep". Without this language, we were requiring pool barriers around fountains.
4. Section 211.1.5 of Residential Woodburning Regulations completely changed to match current Arizona Revised Statutes (ARS) for the four types of allowable fireplaces/wood stoves.

**Chapter 3:**
1. Section 301. Adopts and amends 2012 IBC and Appendix G Flood Resistance Construction. We don't usually adopt appendices, but this one is necessary to maintain our standing in the NFIP.
    a. Section 202 through Section 3109 are the MAG/AZBO amendments that did not change other than some slight editorial corrections. We are still exempting single family residences from fire sprinkler requirements.

Maricopa County
Planning & Development
Department
411 N. Central St., 3rd Floor
Phoenix, Arizona 85004-2191
Phone: (602) 506-6150
Fax: (602) 506-8510



2. Section 302. Adopts and amends 2012 IRC. No changes other than some code section corrections. We are still exempting single family residences from fire sprinkler requirements.
3. Section 303. Adopts and amends 2012 IMC with new MAG/AZBO amendments for Domestic Systems and Standards.
4. Section 304. Adopts and amends 2012 IPC with new MAG/AZBO amendment for Water Closet clearances. Kept same MAG/AZBO amendments for Discharge Piping and Vent Through Roof.
5. Section 305. Adopts and amends 2011 NEC with the City of Phoenix Amendments, which haven't changed except for section number corrections to fit the new code.
6. Section 306. Adopts and amends 2003 IFC. No changes, still only applies to County owned buildings.
7. Section 307. Adopts and amends 2012 IFGC with same MAG/AZBO amendment for Burial Depth.
8. Section 308. Adopts and amends 2012 IGCC with City of Phoenix proposed amendments. Specifies that code is optional.
9. Section 309. Adopts and amends 2012 IECC with City of Phoenix and SRP proposed amendments for scoping and the RESNET testing and HERS ratings and pool motor requirements recommended by MAG/AZBO.
10. Section 310. Adopts 2012 IEBC with no amendments.

It is staff's recommendation that the BCAB recommend that the Maricopa County Planning and Zoning Commission and Board of Supervisors adopt the 2013 Maricopa County Local Additions and Addenda which adopts and amends the 2012 ICC codes and the 2011 NEC code.

# BUILDING CODE ADVISORY BOARD
# MEETING MINUTES

**DATE:** April 9, 2013
**TIME:** 2:00 p.m.

**LOCATION:** 501 North 44th Street, 1st Floor
Phoenix, AZ 85008

**MEMBERS PRESENT:**

Mr. Tracy Finley, Chairman
Mr. Vincent Territo, Vice Chairman
Mr. John Kight
Mr. Robert Ghan

**STAFF PRESENT:**

Tom Ewers, Plan Review Manager/Chief Building Official
Lynn Favour, Deputy Director
Ralph Shepard, Plan Review Supervisor
Debra Stark, Director
Valerie Beckett, Ombudsman
Kathy Semder, Administrative Assistant

**PUBLIC PRESENT:**

Gabriel Millican
Jackson Moll

## ROLL CALL

Chairman Finley called the meeting to order at 2:01 p.m.

## APPROVAL OF MINUTES

Chairman Finley asked if everyone looked at the minutes from the previous January 8, 2013 meeting and were there any comments. Member Kight made a motion to approve the minutes. Member Ghan seconded the motion. Motion passed unanimously.

## REPORT OF COMMITTEES

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

### 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

Mr. Ewers advised that Maricopa County is in the process of adopting the new I-Codes and updating our Local Additions and Addenda. There is a new hearing process, the Enhanced Regulatory Outreach Program (EROP); and part of that is to give the public more access to our processes and provide more public notice for meetings. Unfortunately this was not done so this meeting is for discussion purposes only and Mr. Ewers will ask Chairman Finley to set a Special Meeting for April 30, 2013, at 2:00 p.m. to take any action, if necessary.

Mr. Ewers explained we are looking at adopting the following International Codes:

2012 International Building Code
2012 International Residential Code
2012 International Mechanical Code
2012 International Plumbing Code
2011 National Electric Code
2003 International Fire Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code

Mr. Ewers then stated that we will do a bulk order for code books for the BCAB Members as well as our Staff once we have a clear idea of which codes will be adopted. A letter from Sharon Bonesteel of SRP was handed out to the Members showing general support for the adoption of the 2012 IECC.

In general, the updates from 2009 to 2012 are mainly that all Definitions can now be found in Chapter 2 of each of the Codes and they stopped including one Code within another, instead they just make reference to the relevant Code. This has cut down the total number of pages considerably for the new Code books. The only other main changes are clarifications to wind load design, earthquake design and wall bracing, to reflect different language.

The Local Additions and Addenda, which is the vehicle for adopting these National Codes, is updating the referenced code sections and other minor changes which Mr. Ewers then detailed by Section and Chapter. Everything in Chapter 3 is new and Section 301 adopts and amends the 2012 IBC and Appendix G Flood Resistance Construction. Although we don't normally adopt appendices, Mr. Ewers explained this is necessary to maintain our membership in the National Flood Insurance Program (NFIP). The Arizona Building Officials (AZBO) proposes Code changes to the International Code Commission every cycle and when they are approved they no longer have to be a Local Amendment. When those changes are not accepted, we must use the Local Amendments. Mr. Ewers went on to list each of the Chapter 3 Sections which adopt and amend the new International Codes mentioned earlier in the meeting. In Section 309, Mr. Ewers explained the acronyms for the energy testing and ratings systems and that there is currently legislation pending that the State may change the HERS ratings, which we would then have to amend as well.

Chairman Finley then opened the meeting for discussion to the Members. Member Kight asked if Section 309 is optional, similar to Sections 308 and 310 to which Mr. Ewers replied no, it includes energy conservation measures for both residential and commercial structures. Member Kight then asked if we intend to convert the optional Codes to mandatory at some point and Mr. Ewers answered not at this time but we cannot predict what the Board may decide in the future.

Vice Chairman Territo stated that he thought 18 inches was the standard and Mr. Ewers explained that the pool definition states 18 inches depth in water and 8 feet wide. In response to Vice Chairman Territo asking about training for Section 308, Mr. Ewers advised that we will look into third party reports. Vice Chairman Territo made a recommendation to make the ICC's errata, which is a correction for errors, automatically accepted but Chairman Finley said we would bring it back to the BCAB for review first rather than having them automatically adopted. In Chapter 3, page 6, Vice Chairman Territo advised that Section 1101.3 has now been revised to the 2010 ADA Standards to which Mr. Ewers explained that our Local Additions and Addenda require that we comply to the ADA and Arizonans with Disabilities Act and he will further investigate Vice Chairman Territo's concern that the statutes are not up to date. Mr. Ewers also advised that we intentionally did not include a year in the Section 304, page 9 Exception to stay in compliance with state and federal regulations.

Member Ghan asked if the 2003 IFC applied to County owned properties in the City of Phoenix, where would an applicant with a commercial property fall under. Mr. Ewers responded they would reference the International Building Code which covers all the requirements for fire alarms and sprinklers. We don't adopt the Fire Code, other than specifically for County owned properties in the City of Phoenix due to an existing IGA, because we don't maintain any Fire Departments or equipment or water systems. Outside of the cities, you would have to meet the adopted Codes of the Fire jurisdiction that you're in, such as Daisy Mountain.

Chairman Finley asked for any additional discussion from the Board Members and then opened the meeting to the public. Jackson Moll, of the Homebuilders Association, is on the City of Phoenix Advisory Board and wanted to know if some items discussed in Phoenix regarding the Energy Conservation Code were brought up here as well. For example, the trade-off table created by the City of Phoenix for supply duct insulation where the requirements are now R-8 insulation but R-6 could be used if certain criteria were met to maintain the relative energy efficiency. Mr. Ewers advised he looked at what is currently before the City of Phoenix for proposals to adopt these National Codes and Amendments. Chairman Finley agreed that he didn't see the trade-off table included in the proposal and that it was adopted by MAG and AZBO which then rolled over to the City of Phoenix. Mr. Moll then mentioned a reference to the air-handler requirement. Mr. Moll also questioned if it is the same for the IRC and Mr. Ewers explained that for the IRC we use the same Amendments we had in the past and our Local Additions and Addenda. Mr. Moll further clarified a grandfathering situation for certain lots already under preliminary plan review prior to 2007 and having only a 3 foot setback. Mr. Ewers advised this was discussed during the 2009 Adoption phase because of the difference with 3 and 5 foot setbacks. In the County we have larger lots where it's not as much of an issue and we require fire rating within 5 feet of the property line. We previously changed our Zoning Code to allow no separation between principal and accessory structures as well as between accessory structures and also reduced setbacks in side and rear yards, but the IRC doesn't require fire rating on residential structures on the same lot.

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## SET DATE OF NEXT MEETING

Mr. Ewers requested to close the discussion at this time and asked for a Special Meeting in three weeks to take any action. Member Ghan made a motion to have the Special Meeting scheduled for April 30, 2013, at 2:00 p.m., Member Kight seconded the motion. The motion passed unanimously.

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## ADJOURNMENT

Member Kight made a motion to adjourn the meeting. Member Ghan seconded the motion. The motion passed unanimously and the meeting was adjourned at 2:31 p.m.

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Minutes prepared by Kathy Semder, Administrative Assistant
April 10, 2013

Minutes Reviewed by Thomas F. Ewers, Chief Building Official

# Maricopa County
# Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

March 2013

Maricopa County

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

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# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 1 – Purpose & Title

### SECTION 101. PURPOSE

The purpose of this document is to provide all local addenda, amendments, and additions to the adopted national building codes in one location.

### SECTION 102. TITLE

This document shall be referred to and known as "Local Additions & Addenda".

### SECTION 103. SEPARABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

### SECTION 104. AMENDMENT

This document may be amended from time to time. It may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.

### SECTION 105. REVOCATION

This document shall abolish, replace, and/or supercede any previous amendments, changes or additions to the national codes previously approved by Maricopa County.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 2 – Administration

### SECTION 201. PURPOSE

The purpose of this Chapter is to provide all local changes to the adopted national building codes that relate to the administration of those codes in on location.

### SECTION 202. VIOLATION & PENALTY (Reserved)

### SECTION 203. BUILDING CODE ADVISORY BOARD (Reserved)

### SECTION 204. ORGANIZATION & ENFORCEMENT

Code Enforcement Agency

The Code Enforcement Agency created under the building code shall be defined in Maricopa County as the Planning and Development Department. This Planning and Development Department is charged by the Board of Supervisors to implement the building code and other pertinent laws, ordinances and/or regulations through the County's One Stop Shop Program.

Building Official

The Building Official shall be the Director of the Planning and Development Department (or his/her duly authorized representatives), who is charged with the administration and enforcement of the building code and Building Safety Ordinance.

General

Wherever the building code refers to the intent, purpose, implementation, inspection, enforcement, regulation, issuance of documents, compliance or other similar activity related to "this code", the phrase for purposed of implementing the "One Stop Shop Program" shall mean "this code or other pertinent laws, ordinances, and/or regulations implemented through the Code Enforcement Agency."

### SECTION 205. PERMITS

**Building Permits:** A building permit shall not be required for a detached non-habitable accessory building that is single story and no greater than 200 square feet in floor area, provided such building does not include plumbing, electrical, or mechanical services or equipment. A building permit shall not be required to replace an existing water heater provided the work is done in accordance with manufacturer's specifications.

**Permit Expiration:** A permit may be renewed within one year of expiration provided that no change in ownership or engineer/architect of record has occurred. Renewal after expiration for

more than one year shall not be permitted. Any such permit shall be deemed to be revoked and a new permit must be issued.

The design and construction of structures located within the unincorporated areas of Maricopa County shall comport to the codes in effect at the time of permit application, provided the specific permit remains valid, regardless of whether or not the County adopts subsequent codes. When approved by the Building Official, utility-scale solar generating facilities in which permit applications have been submitted, the design and construction may continue to utilize the codes in effect at the time of initial permit application, regardless of the number of permits required to complete the project, provided that 1) all construction is covered by an issued permit, 2) any permits issued for construction remain valid, and 3) continuous construction takes place until the facility is commissioned for commercial service and the facility receives final inspection. Once the above conditions have been met, subsequent construction activity shall comply with the codes in effect at the time of the subsequent permit applications. Further, should a permit lapse, the work contemplated by the permit shall be subject to a new permit application and shall comport to the codes in effect at the time the new permit application is submitted. For purposes of this section, the term "Utility-Scale" shall be as defined by the Maricopa County Zoning Ordinance.

**Temporary Event Permit Exemption:** Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following the end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

## SECTION 206. INSPECTIONS

**Pre-Permit Inspection:** A pre-permit inspection may be necessary and shall be the responsibility of the permit holder to post the property in a manner approved by the Building Official.

**Permit Holder Responsibilities:** It shall be the responsibility of the permit holder to:

1. Call for an inspection.
2. Stake property corners.
3. Designate property lines prior to the inspection of any primary use.
4. Post the inspection card.
5. Provide a copy of the approved plans on the site.
6. Provide access to the site.
7. Have someone at the site during the inspection.

Failure to complete the above shall result in no inspection at the time and an assessment of a re-inspection fee. A survey of the lot may be required by the Building Official to verify that the building/structure is located in accordance with the approved plans.

**Partial Inspections:** Partial inspections may be requested and conducted when necessary due to common construction practices. If a partial inspection is approved, documentation shall be maintained during construction that identifies what segments of work have obtained what types of partial inspection approval.

**Re-inspections:** Re-inspection fees shall apply when:

1. Property lines have not been designated as required.
2. The inspection card is not posted or available on the work site.
3. Approved plans are not readily available to the inspector on the site.
4. There is no access on the date for which the inspection is requested.
5. Work is not ready for inspection.
6. Work has been covered.
7. Late cancellation.
8. There is a deviation from plans significant enough to require approval of revised plans.

To obtain a re-inspection, the applicant shall follow the same procedures required for an inspection after paying a re-inspection fee.

## SECTION 207. CERTIFICATE OF OCCUPANCY

The purpose of a Certificate of Occupancy is to insure that all department requirements have been met. A Certificate of Occupancy is required for all permits except those issued over the counter.

**Temporary Certificate:** A Temporary Certificate of Occupancy may be issued with the concurrence of all impacted departments and when appropriate fees are paid. Bonding, if required, shall be provided in accordance with the direction of the Building Official prior to issuance of a Temporary Certificate.

**Permanent Utility Authorization:** Permanent utility approval shall be not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy or letter of approval.

## SECTION 208. FEES

**Determination of Value:** Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

**Additional Value Determinations:**

Walls and fences:

| | |
|---|---|
| Retaining walls | Per lineal foot |
| 0-2′ | $15 |
| 2-4′ | $25 |
| 4-6′ | $42 |
| 6′ or more | $86 |
| Chain link | $ 6 |
| CMU | |
| 4″ 6′ or less | $14 |
| 4″ more than 6′ | $21 |
| 8″ block or other | $22 |
| Wrought iron | $16 |
| Iron wood | $18 |
| Wood | $11 |
| 3 strand barbed wire | $ 3 |
| Rail | $ 6 |

| | |
|---|---|
| In ground pools | $200 per perimeter foot |

Wood frame or masonry patio covers shall be valued as open carports.

Metal patio covers and covered pipe-rail horse corrals shall be valued at 50 percent of the value of a wood or masonry patio cover.

Non-habitable accessory buildings, other than covered pipe-rail horse corrals, shall be valued as a private garage.

Water/sewer collection and distribution lines shall be valued as determined by the building official.

Shell buildings shall be valued at 80% of new building value.

Alterations shall be valued at 20% of new building value.

**Processing:** All plan review fees (65 percent of calculated permit fee) required to be paid shall entitle the applicant to three submissions and reviews of documents submitted. If the applicant is unable to obtain approval of his application with these three attempts, the application shall be denied. The applicant may then resubmit and the submittal shall be treated as a new application. Should these circumstances occur or the permit has been expired in accordance with the Building Code, the Building Official may use information located in the denied/expired files to

expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

**Fees:** The Building Official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

TABLE 1-A – BUILDING CODE/PERMIT FEES

| **Total Valuation** | **Fee** |
|---|---|
| $1 to $500 | $23.50 |
| $501 to $2,000 | $23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000 |
| $2,001 to $25,000 | $69.25 for the first $2,000 plus $14.00 for each additional $1000, or fraction thereof, to and including $25,000 |
| $25,001 to $50,000 | $391.75 for the first $25,000 plus $10.10 for each additional $1000, or fraction thereof, to and including $50,000 |
| $50,001 to $100,000 | $643.75 for the first $50,000 plus $7.00 for each additional $1000, or fraction thereof, to and including $100,000 |
| $100,001 to $500,000 | $993.75 for the first $100,000 plus $5.60 for each additional $1000, or fraction thereof, to and including $500,000 |
| $500,001 to $1,000,000 | $3,233.75 for the first $500,000 plus $4.75 for each additional $1000, or fraction thereof, and including $1,000,000 |
| $1,000,001 and up | $5,608.75 for the first $1,000,000 plus $3.65 for each additional $1000, or fraction thereof |

**Other Inspections and Fees:**

| | |
|---|---|
| 1. Inspections outside of normal business hours | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 2. Reinspection fees | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 3. Inspections for which no fee is indicated | $ 150 per inspection |
| 4. Expedited plan review by consultant | Actual costs |
| 5. Standard plan review (5 options) | 2 times normal plan review fee |
| 6. Change to approved plan (includes standards) | $ 250 |
| 7. Code Modification | $ 100 per request |
| 8. Alternate material, design or methods | $ 100 per request |
| 9. Tests required | $ 100 per test & test fees paid by applicant |
| 10. Appeal to the Building Code Advisory Board | $ 500 |
| 11. Amendment to the Code | $1500 |
| 12. Requested/needed staff directive | $ 250 |
| 13. Requested staff research report | $ 100 residential property<br>$ 250 commercial property |

**Flat Rate Fees:**

| | |
|---|---|
| Air conditioner | $ 50 |
| Elec. Serv Residential 1 – 200 amps | $ 50 |
| Elec. Serv Res or Comm 201 – 400 amps | $ 75 |
| Elec. Serv over 400 amps | $ 120 |
| Temporary meter | $ 50 |
| Evaporative cooler | $ 50 |
| Gas Line (connect or clearance) | $ 50 |
| Mobile home "Pre-HUD Upgrade" | $ 50 |
| Plumbing sewer line SFR | $ 50 |
| Irrigation System | $ 50 |
| Sprinkler | $ 50 |
| Mechanical | $ 50 |
| Plumbing (Install or replace Equip/fixture/devices) | $ 50 |
| Demolition Permit | $ 50 |
| Manufactured/Mobile Home Setup/Installation | $ 300 |
| Commercial Manufactured Building (factory built building) | Based on installation value & Table 1-A |
| Occupancy Change | $ 75 |
| Hot tub or Spa (in or above ground) | $ 75 |
| Swimming pool above ground | $ 75 |
| Compliance Inspection | $ 100 |
| Move on House (compliance inspection | $ 100 |
| Renew permit for final | $ 100 |

| | |
|---|---|
| Special Event Fee (tents) | $ 100 per event |

**Additional Fees:**

| | |
|---|---|
| Plumbing (water/sewer collector lines) | $30 min based on valuation |
| Amendment to approved plan data | $30 |
| Unpaved Parking Area Paving | $100 |
| Temporary Certificate of Occupancy | |
| Without bonding | $250 |
| With bonding | $500 |
| Subdivision Infrastructure Permit | $300 |
| Ground mounted residential solar system (Less than six (6) feet high) | $500 |
| Roof mounted residential solar system | $300 |

**Copy Charges:**

| | |
|---|---|
| Additional copy of: | |
| Permit | $ 2 |
| Job card | $ 2 |
| Certificate of Occupancy | $ 2 |
| Copy (Approved Plans – per set) | $ 15 per set (Restamping Only) |
| Copy (per page) | |
| Standard copier | $ 1 |
| Oversize copier | $ 6 |

**Grading Fees:**

**Plan Review Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | No fee |
| 50 – 100 cubic yards | $ 23.50 |
| 101 – 1,000 cubic yards | $ 37.00 |
| 1,001 – 10,000 cubic yards | $ 49.25 |
| 10,001 – 200,000 cubic yards | $ 49.25 plus $ 24.50 for each additional |

| | |
|---|---|
| | 10,000 cubic yards or fraction thereof |
| 200,001 or more cubic yards | $269.75 plus $ 7.25 for each additional 10,000 cubic yards or fraction thereof |
| Additional plan review required by changes, additions, or revisions to approved plans | $ 50.00 |

**Permit Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | $ 23.50 |
| 50 – 100 cubic yards | $ 37.00 |
| 101 – 1,000 cubic yards | $ 37.00 plus $ 17.50 for each additional 100 cubic yards or fraction thereof |
| 1,001 – 10,000 cubic yards | $194.50 plus $ 14.50 for each additional 1,000 cubic yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $325.00 plus $ 66.00 for each additional 10,000 cubic yards or fraction thereof |
| 100,001 or more cubic yards | $919.00 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |

**Payment of Fees:** No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Local Additions and Addenda", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission.*1*2

## SECTION 209. ADDITIONAL REGULATIONS

**NOISE LEVEL REDUCTION:** Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas

within noise contours described in Section 1010. of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

## SECTION 210. BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS

### SECTION 210.1 - GENERAL

#### 210.1.1

**Scope.** The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

#### 210.1.2

**Standards of Quality.** In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504.)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

### SECTION 210.2 – DEFINITIONS

For the purpose of this section, certain terms, words and phrases are defined as follows:

**ABOVEGROUND/ON-GROUND POOL.** See definition of "swimming pool."

**BARRIER** is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

**GRADE** is the underlying surface, such as earth or a walking surface.

**HOT TUB.** See definition of "spa, nonself-contained" and "spa, self-contained."

**IN-GROUND POOL.** See definition of "swimming pool."

**SEPARATION FENCE** is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

**SPA, NONSELF-CONTAINED** is a hydro massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610mm) deep.

**SPA, SELF-CONTAINED** is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

**SWIMMING POOL** is any structure intended for swimming or recreational bathing that contains water over 18 inches deep and/or wider than 8 feet at any point. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. This does not include decorative fountains that contain water less than 12 inches deep.

**SWIMMING POOL, INDOOR** is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR** is any swimming pool that is not an indoor pool.

## SECTION 210.3 – REQUIREMENTS

**210.3.1** **Outdoor Swimming Pool.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 54 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 ¾-inch-diamenter (44.5 mm) sphere.

**EXCEPTIONS:**

1. When vertical spacing between such openings is 54 inches or more, the opening size may be increased such the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 54 inches or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 210.3.1 shall be provided.

**EXCEPTIONS:** When approved by the Building Official, one the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means such a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.
3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
4. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a

barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

**210.3.2** **Indoor Swimming Pool.** For an indoor swimming pool, protection shall comply with the requirements of Section 210.3.1 Item 5

**210.3.3** **Spas and Hot Tubs.** For a nonself-contained and self-contained spa or hot tub protection shall comply with the requirements of Section 210.3.1

**EXCEPTION:** A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 210.3.1

**210.3.4** Where a window faces a swimming pool enclosure, said window shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4" or a latching device located not less than 54" above the floor. Emergency escape or rescue windows in bedrooms which face swimming pool enclosures shall be equipped with a latching device located no less than 54" above the floor.

**210.3.5** Protective enclosures shall be located at a minimum horizontal distance of 54" from any equipment, permanent structures, planters, or similar objects that could be used to climb the enclosure. This provision shall not apply to the area between the pool and the protective enclosure if the protective enclosure is a solid wall with no openings.

## SECTION 211. RESIDENTIAL WOODBURING REGULATIONS

### 211.1 FIREPLACE RESTRICTIONS

#### 211.1.1 Purpose

The purpose of this subsection is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

#### 211.1.2 Applicability

The Residential Woodburning Restriction Ordinance applies to any residential wood burning device in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections.
**AREA A –** As defined in Arizona Revised Statues (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East

Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South Range 5 West through Range 1 East
Township 4 South Range 5 West Through Range 1 East

### 211.1.3 Effective Date

The effective date of the regulations and prohibitions set forth this subsection shall be December 31, 1998.

### 211.1.4 Definitions

For purposes of this subsection, the following words and terms shall be defined as follows:

**FIREPLACE** means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**SOLID FUEL** includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

**WOOD STOVE** means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

### 211.1.5 Installation Restrictions

(a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

1. Provides the sole or primary source of heat or fuel for cooking for a residence.
2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990, or sold at retail on or after July 1,

1992, as prescribed by 40 Code of Federal Regulations Part 60, Subpart AAA.

3. Burns gaseous fuels, including gas logs.
4. Meets rules adopted by the Board of Supervisors as prescribed in ARS § 49-479 for burning wood in approved appliances.

### 211.1.6 Permits Required

In addition to the provisions and restrictions of this subsection, construction, installation or alteration of all fireplaces, wood stoves and gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the County Building Code and shall be subject to the permits and inspections required by the County Building Code.

## SECTION 301. 2012 INTERNATIONAL BUILDING CODE

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Building Code:**

Adopt Appendix G Flood-Resistant Construction

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees*. Said fee to be the building permit fee doubled.

**SECTION 202 DEFINITIONS.**

**PERSONAL CARE SERVICE** is assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

**SUPERVISORY CARE SERVICE** is general supervision, including daily awareness of resident functioning and continuing needs.

**DIRECTED CARE SERVICE** is care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

**ASSISTED LIVING FACILITY** is a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

**ASSISTED LIVING CENTER** is an assisted living facility that provides resident rooms to eleven or more residents.

**ASSISTED LIVING HOME** is an assisted living facility that provides resident rooms to ten or fewer residents.

**INSTITUTIONAL GROUP I**

**308.3 Institutional Group I-1.** This occupancy shall include buildings, structures or portions thereof for more than 10 persons who reside on a 24 hour basis in a supervised

environment, receive custodial care and are capable of self-preservation, except as provided for assisted living centers. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living centers

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

**308.3.2 Six to Ten Persons Receiving Care.** A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as Group R-4, except as provided for assisted living homes.

**308.4 Institutional Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Assisted living centers

Psychiatric hospitals

**SECTION 310.2 DEFINITIONS.** The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY

ASSISTED LIVING CENTER

ASSISTED LIVING HOME

BOARDING HOUSE

CONGREGATE LIVING FACILITIES

DIRECTED CARE SERVICES

DORMITORY

GROUP HOME

PERSONAL CARE SERVICE

SUPERVISORY CARE SERVICES

TRANSIENT

**310.5.1 Care facilities with a dwelling.** Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted provided that the requirements of Section 425 of this code are met.

**310.6 Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation, except as provided for assisted living homes. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code and Section 425.

**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as Group I-2.

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

**SECTION 425. ASSISTED LIVING HOMES**

**425.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all the applicable provisions of Group R-3.

**425.2 General.** Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

**425.3 Special Provisions.** R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

**425.3.1 Mixed Uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

**425.4 Access and Means of Egress Facilities.**

**425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

**425.4.2 Exits.**

**425.4.2.1 Number of Exits.** Every story, basement or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

**425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**425.4.2.3 Emergency Exit Illumination.** In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

**425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

**425.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1,2,4,5 and 6.

**425.5 Smoke Alarms and Sprinkler Systems.**

**425.5.1 Smoke Alarms.** R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

**425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of, or containing, combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

**1008.1.2 Door Swing.** Delete the text of Exception #4 and replace with the following:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in 101.2 and R-4.

**Section 903.2.8 Group R:** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2 Door Swing**. Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2012 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls**. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.

**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 25. Residential<br>One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 25) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302. 2012 INTERNATIONAL RESIDENTIAL CODE

The 2012 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following amendments.

### Amendments to the 2012 International Residential Code:

Revise Table R 301.5 as follows:

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.12.1 Individual Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.

11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2012 INTERNATIONAL MECHANICAL CODE

The 2012 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County along with the following amendments.

### Amendments to the 2012 International Mechanical Code:

Revise the following sections to read:

**505.1 Domestic Systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with an approved transition fitting.

**1004.1 Standards.** Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code* and Arizona Boiler Rules, Title 20 Chapter 5.

## SECTION 304. 2012 INTERNATIONAL PLUMBING CODE

The 2012 International Plumbing Code has been adopted as the plumbing code for Maricopa County along with the following amendments.

### Amendments to the 2012 International Plumbing Code:

Add to Section 405.3.1:

Exception: Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

Add to Section 904.1:

All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2011 NATIONAL ELECTRICAL CODE

The 2011 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following amendments.

Revise the following sections to read:

### ARTICLE 210 – Branch Circuits

### Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel

**(B) Other Than Dwelling Units.** All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210.8(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

**(6)** Indoor damp and wet locations.

## ARTICLE 250 – Grounding and Bonding

### 250.118 Types of Equipment Grounding Conductors.

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

(1) A copper, aluminum or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electric metallic tubing with an additional equipment grounding conductor.

(5) Listed flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(6) Listed liquidtight flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. For metric designators 12 through 16 (trade sizes 3/8 through 1/2), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. For metric designators 21 through 35 (trade sizes 3/4 through 1-1/4), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metal tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through 1/2) in the ground-fault current path.

d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:

a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

(8) Armor of Type AC cable as provided in 320.108.

(9) The copper sheath of mineral-insulated, metal-sheathed cable.

(10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:

a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(11) Cable trays as permitted in 392.10 and 392.60.

(12) Cablebus framework as permitted in 370.3

(13) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(14) Surface metal raceways listed for grounding.

## ARTICLE 334 – Nonmetallic-Sheathed Cable; Types NM, NMC and NMS

### II. Installation

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

(1) One- and two- family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings permitted to be of Types III, IV and V construction except as prohibited in 334.12.

(3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and 334.10 (2) and other provisions of this Code.

(4) Cable trays in structures permitted to be Types III, IV or V in accordance with 334.10(1) and (2) where the cables are identified for the use.

(5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

**(A) Type NM.** Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:

(1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe or similar finish.

**C) Type NMS.** Type NMS cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC and NMS.** Type NM, Type NMC and Type NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (3).

(2) As service-entrance cable.

(3) In hoistways or on elevators or escalators

(4) Embedded in poured cement, concrete or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:

(1) Where exposed to corrosive fumes or vapors.

(2) Where embedded in masonry, concrete, adobe, fill or plaster.

(3) In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.

(4) In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE:

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2012 INTERNATIONAL FUEL GAS CODE

The 2012 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.11.1, and one revision as follows:

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

Delete Section 404.12.1

## SECTION 308. 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

The 2012 International Green Construction Code has been adopted as the Green Construction Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Green Construction Code:**

Revise the following sections to read:

**SECTION 101 GENERAL**

**[A] 101.1 Title.**
These regulations shall be known as the Maricopa County Green Construction Code hereinafter referred to as "this code."

**101.2 General.**
The use of this code is optional, unless specifically required through ordinance by Maricopa County. This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

**TABLE 302.1**
**REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section | Section Title of Description and Directives | Jurisdictional Requirements | |
|---|---|---|---|
| | **CHAPTER 1. SCOPE** | | |
| 101.3 Exception 1.1 | Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.2 | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.3 | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| | **CHAPTER 4. SITE DEVELOPMENT AND LAND USE** | | |
| 402.2.1 | Flood hazard area preservation, general | | **No** |
| 402.2.2 | Flood hazard area preservation, specific | | **No** |
| 402.3 | Surface water protection | | **No** |
| 402.5 | Conservation area | **Yes** | |

| | | | |
|---|---|---|---|
| 402.7 | Agricultural land | **Yes** | |
| 402.8 | Greenfield sites | **Yes** | |
| 407.4.1 | High-occupancy vehicle parking | **Yes** | |
| 407.4.2 | Low-emissions, hybrid and electric vehicle parking | **Yes** | |
| 409.1 | Light pollution control | **Yes** | |
| **CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY** | | | |
| 503.1 | Minimum percentage of waste material diverted from landfills. | **50%** | |
| **CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO2e EMISSIONS REDUCTION** | | | |
| 302.1, 302.1.1, 602.1 | zEPI of Jurisdictional Choice . The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance. | Occupancy: _____ zEPI: _____ | |
| 604.1 | Automated demand response infrastructure | | **No** |
| **CHAPTER 7. WATER RESOURCES CONSERVATION, QUALITY AND EFFICIENCY** | | | |
| 702.7 | Municipal reclaimed water | | **No** |
| **CHAPTER 8. INDOOR ENVIRONMENT QUALITY AND COMFORT** | | | |
| 804.2 | Post-Construction Pre-Occupancy Baseline IAQ Testing | | **No** |
| 807.1 | Sound transmission and sound levels | **Yes** | |
| **CHAPTER 10. EXISTING BUILDINGS** | | | |
| 1007.2 | Evaluation of existing buildings | **Yes** | |
| 1007.3 | Post Certificate of Occupancy zEPI, energy demand and CO2e emissions reporting | | **No** |

## SECTION 309. 2012 INTERNATIONAL ENERGY CONSERVATION CODE

The 2012 International Energy Conservation Code has been adopted as the Energy Conservation Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Energy Conservation Code:**

Revise the following sections to read:

**C101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Commercial Building by Section C202, shall have the option of complying under the Residential Provisions of the code,

regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

**R101.2 Scope.** This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Add Section R102.1.2

**R102.1.2 RESNET Testing & Inspection Protocol.** The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
    a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
    b. R402.4.1.2 – Testing – Air Leakage Rate
    c. R403.2.2 – Sealing – Duct Tightness
4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

**R401.2.1 Alternative Approach for Compliance.** A Home Energy Rating System ("HERS") Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

Delete Section R403.9.3 and replace with:

**R403.9.3** Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum

rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

## SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.

# Addendum to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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| | |
|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 6 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment Maricopa County Local Additions & Addenda to adopt and amend updated construction safety codes |

This addendum is to attach public comments received since the Commission report was originally linked onto the Enhanced Regulatory Outreach Program (EROP) website. This addendum is provided to the Commission in tandem with the report. It includes public comments received via EROP, public comments sent directly to the Board of Supervisors (BOS) offices, and the draft extract 4/25/13 ZIPPOR minutes.

The most recent comment from the New River – Desert Hills Community Association, date 5/15/13, expresses some concern with TA2013001. Three (3) people have registered opposition to TA2013001 via EROP. Eighteen (18) people sent emails of opposition to the BOS offices (two of which were duplicates of opposition registered on EROP).

This matter was discussed at the May 21st Building Code Advisory Board (BCAB) meeting. They answered technical questions from the audience, and voted unanimously to recommend approval of TA2013001 to the BOS.

dvg

Attachments: Additional Public Comments Received via EROP (4 pages)
Additional Public Comments (24 pages)
Extract DRAFT 4/25/13 ZIPPOR minutes (2 pages)

# ADDITIONAL PUBLIC COMMENTS RECEIVED VIA EROP

New River - Desert Hills Community Association
Rusdon Ray- GER Drafting Services
Michael Fink
Doris Siefker

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 16, 2013 2:49 PM
**To:** 'Plan-Dev@nrdhca.com'
**Subject:** FW: Regulatory Outreach

Dear sir or madam: thank you for your comments and interest in this subject. These comments will be provided to the BCAB at their 5/21/13 meeting, and to the P&Z at their 6/6/13 meeting.

**From:** Plan-Dev@nrdhca.com [mailto:Plan-Dev@nrdhca.com]
**Sent:** Wednesday, May 15, 2013 3:20 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2013001 – 2012 International Codes

Citizen's Name: Ann Hutchinson
Organization: New River - Desert Hills Community Association
City: New River - Desert Hills
Zip: 85087
Phone Number: 623-742-6514
Phone Type: home
Email: Plan-Dev@nrdhca.com

Does citizen want to be contacted: no

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Comment is regarding: other

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**Comments:**
The President of the New River - Desert Hills Community Association ask that these "Considerations and Questions" be submitted for the May 21 Building Code Advisory Council meeting. • Have you considered that going from having Energy Code to the 2012 Code will have a tremendous impact on anyone that has been planning (includes the engineering and financial side)? It is common practice for the planning to occur at least one year before submitting any documents to the County. Not only will the cost of materials be more, but there will be the mandatory cost of construction documents prepared by a design professional (designer, architect or engineer) plus the additional testing. • Has there been any research regarding the availability of materials? From an informal study, it appears that many existing doors and windows do not meet the codes. It is not evident that the manufactures have caught up with the code. • What is the cost and availability of 3rd Party contractors to do the additional testing procedure (even the REISNET and HERS alternative) • Could you clarify how remodeling (only those portions unaltered will be exempted) would comply to the code without having to change the other portions of the home (i.e. if the walls or roof insulation need to be changed, it is virtually impossible not to have to change the rest of the home)? • Could remodeling be exempt while additions not be exempt? • Construction documents to be prepared by a design professional (designer, architect or engineer). • Could the County make the 2012 International Energy Conservation Code optional

for 1 year to allow builders/people to get acquainted with the code (or at least the residential portion)?

Time of Request: 5/15/2013 3:20:05 PM

-

**From:** Rusdon Ray [mailto:houseplansinaweek@gmail.com]
**Sent:** Thursday, May 16, 2013 2:54 PM
**To:** Darren Gerard - PLANDEVX
**Subject:** RE: Regulatory Outreach

Awesome. I hope I'm able to be to those meetings as well.

Thanks for your reply Darren.

Rusdon Ray
GER Drafting Services
2243 E. Claxton
Gilbert, AZ 85297
(480)988-2472 Office
(480)988-5359 Fax
www.houseplansinaweek.com

The Defenders of Liberty
God - Religion - Freedom - Peace - Family

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**From:** Darren Gerard - PLANDEVX [mailto:DarrenGerard@mail.maricopa.gov]
**Sent:** Thursday, May 16, 2013 2:50 PM
**To:** 'houseplansinaweek@gmail.com'
**Subject:** RE: Regulatory Outreach

Mr. Ray: thank you for your comments and interest in this subject. These comments will be provided to the BCAB at their 5/21/13 meeting, and to the P&Z at their 6/6/13 meeting.

**From:** houseplansinaweek@gmail.com [mailto:houseplansinaweek@gmail.com]
**Sent:** Thursday, May 16, 2013 11:18 AM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2013001 – 2012 International Codes

Citizen's Name: Rusdon Ray
Organization:
City: Queen Creek
Zip: 85142
Phone Number:
Phone Type:
Email: houseplansinaweek@gmail.com

Does citizen want to be contacted: yes

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Comment is regarding: express opposition

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**Comments:**
I hear the 2012 Codes are up for adoption. We have for the first time done our research into the ICC Codes and find them to be over the top now in just about every aspect and now they are doubling down and exponentially increasing building cost etc. not to mention a loss of personal choices by adding in the green and energy codes. Please do not adopt or encourage the adoption of these outrageous codes.

Time of Request: 5/16/2013 11:17:53 AM

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Friday, May 17, 2013 9:45 AM
**To:** 'michael.j.fink@intel.com'
**Cc:** Lynn Favour - PLANDEVX
**Subject:** RE: Regulatory Outreach - Another Comment Re: TA2013001

Mr. Fink: thank you for your comments and interest in this subject. These comments will be provided to the BCAB at their 5/21/13 meeting, and to the P&Z at their 6/6/13 meeting. Please note the BCAB is well versed in the existing and proposed codes.

**From:** michael.j.fink@intel.com [mailto:michael.j.fink@intel.com]
**Sent:** Thursday, May 16, 2013 2:55 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2013001 – 2012 International Codes

Citizen's Name: Michael Fink
Organization: self
City: Phoenix
Zip: 85045
Phone Number:
Phone Type:
Email: michael.j.fink@intel.com

Does citizen want to be contacted:

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Comment is regarding: express opposition

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**Comments:**
As I suspected, just doing 5 minutes worth of research on these codes turned up all sorts of nefarious intentions and results. These come from United Nations' Agenda21. There are many stories of innocent, law-abiding individuals being persecuted under these codes for no good reason. That should be enough to reject these codes, but here are some more reasons: I'll bet the council members haven't read a single word of these documents. Therefore I'm sure they have not thought about how they can be abused, how they fall short in some areas, and how they

are overkill in others. Lastly, I'm sure the councilmembers cannot answer the question, "what problem are we trying to solve?"

Time of Request: 5/16/2013 2:54:58 PM
**From:** Lynn Favour - PLANDEVX
**Sent:** Tuesday, May 21, 2013 8:56 AM
**To:** 'dks7@cox.net'
**Subject:** RE: Regulatory Outreach

Ms. Siefker,

Thank you for your interest in this subject and for your insights. Your comments are important to us and will be provided to the Building Code Advisory Board at their 5/21/13 meeting and to the Maricopa County Planning and Zoning Commission at their 6/6/13 meeting.

**From:** dks7@cox.net [mailto:dks7@cox.net]
**Sent:** Monday, May 20, 2013 3:42 PM
**To:** Regulatory
**Subject:** Regulatory Outreach

**Citizen Comments**

**Issue:** PD-TA2013001 – 2012 International Codes

Citizen's Name: Doris Siefker
Organization:
City: Glendale
Zip: 85306
Phone Number: 602.938.0052
Phone Type: home
Email: dks7@cox.net

Does citizen want to be contacted: no

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Comment is regarding: express opposition

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**Comments:**
While looking for a ranch property I've done extensive research on International codes. These codes are very long and boring, they remove the property owner from the decision process of their own property. ie: R303 required temp in your house should be between 70 and 90. Really? Sorry, hot flashes must have temps lower than that. R302.1 required automatic sprinkler system in every room, how can we afford that? As you can see this is no different than the IRS. ALL CODE ENFORCEMENT PROCEDURES MUST INCLUDE THE 4TH AMENDMENT “SEARCH AND SEIZURE” PROTECTIONS AS WELL AS DUE PROCESS APPEAL PROCEDURES. NO to the International Codes

Time of Request: 5/20/2013 3:42:20 PM

# ADDITIONAL PUBLIC COMMENTS RECEIVED

Marlene Lyons
Kathryn L. Bowman
Sandi Bartlett
Judi Morris
Danny Ray
Lina Hatch
Susan Hicks
Anita Christy
Edward J. Sullivan
Randy Hatch
Rusdon Ray – GER Drafting Services
P.J. O'Malley
Maurio Fischbeck
Cory Carpenter
Edie Gallacher
Khyl Powell – Contractor Storage Yards LLC
Jane Stapp
Suzanne Jordan

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:30 AM
**To:** 'marlyons@aol.com'
**Subject:** TA2013001

Ms. Lyons: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** marlyons@aol.com [mailto:marlyons@aol.com]
**Sent:** Monday, May 20, 2013 4:37 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; mrwilcox@mail.caripopa.gov
**Subject:** Council Members

Please vote YES to return the 2006 ICC codes back to suggestions and recommendations for which they were written and intended. This action would take effect 3-6 months after a vote in which time we can review, revise and approve a Life-Safety set of Gilbert Governing Codes.

Marlene Lyons
District 12

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**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:29 AM
**To:** 'kl_bowman@msn.com'
**Subject:** TA2013001

Ms. Bowman: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Kathryn Bowman [mailto:kl_bowman@msn.com]
**Sent:** Monday, May 20, 2013 6:09 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** ICC 2012 International Codes

Dear Maricopa County Board of Supervisors,

I did not weigh in on this issue when it came before the Gilbert Town Council, since I live in a county island. But I certainly will not stand idly by while the Maricopa Planning and Development Department appears to be recommending that you pass the next round of the ICC's 2012 International Codes. More than likely, these staff members haven't even read these thousands of pages of codes. Like the federal government's Affordable Care Act, "you need to pass them in order to find out what's in them."

The bottom line for me is this: If a building, construction, plumbing, electrical, etc., code isn't a life-safety issue, why use the force of LAW to mandate codes that should be left to the free market decisions of professionals in the industry? Especially when those codes add thousands of dollars to the cost of a home and create interminable delays?

As a politically active blogger friend pointed out, the language in the "*Enhanced Regulatory Outreach Program. Maricopa County Building Code Advisory Board Special Meeting"* definitely has a problem when it states:

"These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary."

"Customers"should have the freedom to make their own decisions about where they want to shop and what they want to buy! If professionals in the building industry were treated like "customers" by government planners, developers, building inspectors, and code enforcers, those professionals would be able to pick and choose among the non-life/safety codes and decide what to offer their own customers. Their customers, the home buyers, would in turn decide if they want what those professionals have recommended.

Please use a healthy degree of skepticism in thinking that this is what Maricopa County voters want. What we need everywhere in Maricopa County right now is LESS GOVERNMENT REGULATION, not MORE MANDATES!!!

Kathryn L. Bowman

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:28 AM
**To:** 'sbartlett5@cox.net'
**Subject:** TA2013001

Ms. Bartlett: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Sandi Bartlett [mailto:sbartlett5@cox.net]
**Sent:** Monday, May 20, 2013 7:38 PM
**To:** Undisclosed-Recipient:;
**Subject:** Please Don't Pass Unnecessary Laws that Depress our Economy

Dear Maricopa County Board of Supervisors,

Your Planning and Development Department appears to be poised to recommend that you pass the next round of the ICC's 2012 International Codes. More than likely, these staff members haven't read these thousands of pages of codes. Like the federal government's Affordable Care Act, "you need to pass them in order to find out what's in them."

The ICC (International Code Council) has been around for less than 10 years. Yet, they are wielding incredible power over municipalities across America, with their code recommendations. They are hardly "international," unless you count Guam, the US Virgin Islands, and Puerto Rico. http://www.iccsafe.org/gr/Pages/adoptions.aspx.

The ICC is made up of wonderful, official, illustrious, and well-intended people in "professional" positions, but the bottom line is this: If a building, construction, plumbing, electrical, etc., code isn't a life-safety issue, why use the force of LAW to mandate codes that should be left to the free market decisions of professionals in the industry? Especially when those codes add thousands of dollars to the cost of a home and create interminable delays?

Over the last few months, Rusdon Ray, a local Gilbert draftsman and home designer, along with several tradesmen and home owners, have been working with Gilbert management and council members to stop the ICC's 2012 International Codes from becoming law.

For background, please go to www.nonewcodes.com. Attached is a flier, which has been distributed to several communities via email. Rusdon and his team have also drafted a Proposal to the Gilbert Town Council, attached.

Also, please note the language in the attached *"Enhanced Regulatory Outreach Program. Maricopa County Building Code Advisory Board Special Meeting."*

"These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our
customers. Note the green construction code will be voluntary.

"Our customers"? Customers have the freedom to make their own decisions about where they want to shop and what they want to buy. If professionals in the building industry were treated like "customers" by government planners, developers, building inspectors, and code enforcers, those professionals would be able to pick and

choose among the non-life/safety codes and decide what's best for their own customers. Their customers, the home buyers, would in turn decide if they want what those professionals have recommended.

Respectfully,
Sandi Bartlett
AZ GOP LD17 Corresponding Secretary
LD17 PC and State Committeeman
sbartlett5@cox.net
480 600 2874

Dear Council Members,
We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.
Whereas: The current ICC building codes have a direct impact on the citizens of Gilbert
yet were not written by anyone from or familiar with Gilbert; and
Whereas: Those in the building industry have been rebuffed by plan reviewers and
building inspectors in working together in a common sense fashion in the best interests of
the home owners and citizens of Gilbert, due to the existing 2006 ICC codes; and
Whereas: Our earnest requests have been met with insults and retaliatory measures from
Town Staff, having the negative effect on tradesmen and citizens alike, causing them to
resort to silent compliance to illogical and nonsensical requirements; and
Whereas: The current town management has been unable and unwilling to work with the
citizens or those in the trades to put together a simple set of comprehensible life/safety
codes while these current 2006 ICC codes are still in place as law as passed by previous
councils; and
Whereas: The current ICC building codes were passed into law by previous and current
council members without having been read or understood, we ask you to rescind them as
mandated law on the citizens of Gilbert and return them to their rightful place in the free
market economy as suggestions and recommendations as intended.

•2006 International Building Code
•2006 International Residential Code
•2006 International Mechanical Code
•2006 International Plumbing Code
•2006 International Fuel Gas Code
•2006 International Energy Conservation Code
•2006 International Fire Code
•2005 National Electrical Code
•The Arizonans with Disabilities Act and Implementing Rules
•Significant Changes and Amendments to the IRC - 2006 Edition
We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:27 AM
**To:** 'spoiledjudi@cox.net'
**Subject:** TA2013001

Ms. Morris: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** judi [mailto:spoiledjudi@cox.net]
**Sent:** Monday, May 20, 2013 8:46 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** Don't pass ICC

Dear Maricopa County Board of Supervisors,

Your Planning and Development Department appears to be poised to recommend that you pass the next round of the ICC's 2012 International Codes. More than likely, these staff members haven't read these thousands of pages of codes. Like the federal government's Affordable Care Act, "you need to pass them in order to find out what's in them." Really?

The ICC (International Code Council) has been around for less than 10 years. Yet, they are wielding incredible power over municipalities across America, with their code recommendations. They are hardly "international," unless you count Guam, the US Virgin Islands, and Puerto Rico. http://www.iccsafe.org/gr/Pages/adoptions.aspx.

The ICC is made up of wonderful, official, illustrious, and well-intended people in "professional" positions, but the bottom line is this: If a building, construction,

plumbing, electrical, etc., code isn't a life-safety issue, why use the force of LAW to mandate codes that should be left to the free market decisions of professionals in the industry? Especially when those codes add thousands of dollars to the cost of a home and create interminable delays?

Over the last few months, Rusdon Ray, a local Gilbert draftsman and home designer, along with several tradesmen and home owners, have been working with Gilbert management and council members to stop the ICC's 2012 International Codes from becoming law.

For background, please go to www.nonewcodes.com. Attached is a flier, which has been distributed to several communities via email. Rusdon and his team have also drafted a Proposal to the Gilbert Town Council, attached.

Also, please note the language in the attached *"Enhanced Regulatory Outreach Program. Maricopa County Building Code Advisory Board Special Meeting."*

"These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary."

"Our customers"? Customers have the freedom to make their own decisions about where they want to shop and what they want to buy. If professionals in the building industry were treated like "customers" by government planners, developers, building inspectors, and code enforcers, those professionals would be able to pick and choose among the non-life/safety codes and decide what's best for their own customers. Their customers, the home buyers, would in turn decide if they want what those professionals have recommended.

Thank you for your consideration.
j morris

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:26 AM
**To:** 'dray1977@hotmail.com'
**Subject:** TA2013001

Mr. Ray: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** D Ray [mailto:dray1977@hotmail.com]
**Sent:** Monday, May 20, 2013 9:23 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton

Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** Unnecessary codes

I find it hard to believe that new laws and codes could be passed with out those who are passing them reading them. That boggles my mind that elected Representatives vote for laws which they haven't even read. As you weigh the decision as to whether or not to accept the ICC 2012 codes please think about that. What makes the 2012 codes better then the 2009 codes or 2006 codes or so on. Has the ability to build a safe house or building changed? I would have to say NO. These new codes are arbitrarily put together to control consumers and markets. Whatever happened to private property rights or citizens not having there money wasted? Safety is one thing but the construction industry has been building things safely for a long time why over regulate. This seems to be the new mantra is "REGULATION REGULATION cause we know best." Some regulation has a place but that really should only be for safety and we have gone way past that. If I want to build an energy efficient house and save money so be it, but on the other side if I want to build a not energy efficient house let me pay the bill and the taxes on the energy. Thank you for your time.

Danny Ray

Licensed Contractor for the last 10 years in Mesa, AZ

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:14 AM
**To:** 'linahatch@hotmail.com'
**Subject:** TA2013001

Ms. Hatch: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** lina hatch [mailto:linahatch@hotmail.com]
**Sent:** Monday, May 20, 2013 10:45 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** FW: Please Don't Pass Unnecessary Laws that Depress our Economy

We are suffering from too much top down government control in our country, in Arizona, and even in our local communities. We must regain control over our lives, especially in our own homes and property.

Dear Maricopa County Board of Supervisors,

Your Planning and Development Department appears to be poised to recommend that you pass the next round of the ICC's 2012 International Codes. More than likely, these staff members haven't read these thousands of pages of codes. Like the federal government's Affordable Care Act, "you need to pass them in order to find out what's in them."

The ICC (International Code Council) has been around for less than 10 years. Yet, they are wielding incredible power over municipalities across America, with their code recommendations. They are hardly "international," unless you count Guam, the US Virgin Islands, and Puerto Rico. http://www.iccsafe.org/gr/Pages/adoptions.aspx.

The ICC is made up of wonderful, official, illustrious, and well-intended people in "professional" positions, but the bottom line is this: If a building, construction, plumbing, electrical, etc., code isn't a life-safety issue, why use the force of LAW to mandate codes that should be left to the free market decisions of professionals in the industry? Especially when those codes add thousands of dollars to the cost of a home and create interminable delays?

Over the last few months, Rusdon Ray, a local Gilbert draftsman and home designer, along with several tradesmen and home owners, have been working with Gilbert management and council members to stop the ICC's 2012 International Codes from becoming law.

For background, please go to www.nonewcodes.com. Attached is a flier, which has been distributed to several communities via email. Rusdon and his team have also drafted a Proposal to the Gilbert Town Council, attached.

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Lina Hatch
LD17 PC
Gilbert

Dear Council Members,
We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.
Whereas: The current ICC building codes have a direct impact on the citizens of Gilbert
yet were not written by anyone from or familiar with Gilbert; and
Whereas: Those in the building industry have been rebuffed by plan reviewers and
building inspectors in working together in a common sense fashion in the best interests of
the home owners and citizens of Gilbert, due to the existing 2006 ICC codes; and
Whereas: Our earnest requests have been met with insults and retaliatory measures from
Town Staff, having the negative effect on tradesmen and citizens alike, causing them to
resort to silent compliance to illogical and nonsensical requirements; and
Whereas: The current town management has been unable and unwilling to work with the
citizens or those in the trades to put together a simple set of comprehensible life/safety
codes while these current 2006 ICC codes are still in place as law as passed by previous
councils; and
Whereas: The current ICC building codes were passed into law by previous and current
council members without having been read or understood, we ask you to rescind them as
mandated law on the citizens of Gilbert and return them to their rightful place in the free
market economy as suggestions and recommendations as intended.
•2006 International Building Code
•2006 International Residential Code
•2006 International Mechanical Code
•2006 International Plumbing Code
•2006 International Fuel Gas Code
•2006 International Energy Conservation Code
•2006 International Fire Code
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•The Arizonans with Disabilities Act and Implementing Rules
•Significant Changes and Amendments to the IRC - 2006 Edition

We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:25 AM
**To:** 'bshicks3@msn.com'
**Subject:** TA2013001

Ms. Hicks: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Susan HICKS [mailto:bshicks3@msn.com]
**Sent:** Monday, May 20, 2013 11:28 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X
**Subject:** *Maricopa County is Considering Passing the 2012 International Codes

*Maricopa County is Considering Passing the 2012 International Codes*

I hear the County Board of Supervisors is poised to pass thousands of pages of building codes as LAW without reading them. Reminds me of Obamacare?

DON'T DO THIS....IT SHOULD BE ARIZONA'S CODES NOT INTERNATIONAL CODES!
Set our own codes and do it wisely! PLEASE!

Respectfully,
Susan Hicks
Gilbert, AZ

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 11:12 AM
**To:** 'anitalchristy@cox.net'
**Subject:** TA2013001

Ms. Christy: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Anita Christy [mailto:anitalchristy@cox.net]
**Sent:** Monday, May 20, 2013 3:28 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** Please Don't Pass Unnecessary Laws that Depress our Economy

Dear Maricopa County Board of Supervisors,

Your Planning and Development Department appears to be poised to recommend that you pass the next round of the ICC's 2012 International Codes. More than likely, these staff members haven't read these thousands of pages of codes. Like the federal government's Affordable Care Act, "you need to pass them in order to find out what's in them."

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The ICC is made up of wonderful, official, illustrious, and well-intended people in "professional" positions, but the bottom line is this: If a building, construction, plumbing, electrical, etc., code isn't a life-safety issue, why use the force of LAW to mandate codes that should be left to the free market decisions of professionals in the industry? Especially when those codes add thousands of dollars to the cost of a home and create interminable delays?

Over the last few months, Rusdon Ray, a local Gilbert draftsman and home designer, along with several tradesmen and home owners, have been working with Gilbert management and council members to stop the ICC's 2012 International Codes from becoming law.

For background, please go to www.nonewcodes.com. Attached is a flier, which has been distributed to several communities via email. Rusdon and his team have also drafted a Proposal to the Gilbert Town Council, attached.

Also, please note the language in the attached *"Enhanced Regulatory Outreach Program. Maricopa County Building Code Advisory Board Special Meeting."*

"These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary."

"Our customers"? Customers have the freedom to make their own decisions about where they want to shop and what they want to buy. If professionals in the building industry were treated like "customers" by government planners, developers, building inspectors, and code enforcers, those professionals would be able to pick and choose among the non-life/safety codes and decide what's best for their own customers. Their customers, the home buyers, would in turn decide if they want what those professionals have recommended.

Thank you for your consideration.

In the name of God, Family, and Civic Duty,
Anita Christy
www.GilbertWatch.com

Dear Council Members,
We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.
Whereas: The current ICC building codes have a direct impact on the citizens of Gilbert
yet were not written by anyone from or familiar with Gilbert; and
Whereas: Those in the building industry have been rebuffed by plan reviewers and
building inspectors in working together in a common sense fashion in the best interests of
the home owners and citizens of Gilbert, due to the existing 2006 ICC codes; and
Whereas: Our earnest requests have been met with insults and retaliatory measures from
Town Staff, having the negative effect on tradesmen and citizens alike, causing them to
resort to silent compliance to illogical and nonsensical requirements; and
Whereas: The current town management has been unable and unwilling to work with the
citizens or those in the trades to put together a simple set of comprehensible life/safety
codes while these current 2006 ICC codes are still in place as law as passed by previous
councils; and
Whereas: The current ICC building codes were passed into law by previous and current
council members without having been read or understood, we ask you to rescind them as
mandated law on the citizens of Gilbert and return them to their rightful place in the free
market economy as suggestions and recommendations as intended.
•2006 International Building Code
•2006 International Residential Code
•2006 International Mechanical Code
•2006 International Plumbing Code
•2006 International Fuel Gas Code

•2006 International Energy Conservation Code
•2006 International Fire Code
•2005 National Electrical Code
•The Arizonans with Disabilities Act and Implementing Rules
•Significant Changes and Amendments to the IRC - 2006 Edition
We ask for you to vote YES to return these 2006 ICC codes back to suggestions and
recommendations for which they were written and intended. This action would take
effect 3-6 months after a vote in which time we can review, revise and approve a Life-
Safety set of Gilbert Governing Codes.

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 12:22 PM
**To:** 'edsull4217@msn.com'
**Subject:** RE: International2012 ICC Codes

Mr. Sullivan: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** EDWARD J SULLIVAN [mailto:edsull4217@msn.com]
**Sent:** Sunday, May 19, 2013 12:45 PM
**To:** Stephen Chucri - DIST2X
**Subject:** International2012 ICC Codes

Please vote against this further invasion of our schools. e j sullivan

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 12:47 PM
**To:** 'dks7@cox.net'
**Subject:** RE: NO to Passing the 2012 International Codes

Ms. Siefker: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Doris K Siefker [mailto:dks7@cox.net]
**Sent:** Sunday, May 19, 2013 8:37 AM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** NO to Passing the 2012 International Codes

**I DID THE RESEARCH, DID YOU????**

You are implementing a policy that will untimely eliminate ALL OF OUR freedoms and destroy our way of life. You need to know what's going on to stop this process. You are selling Arizonans out to global regional development with help from the *International Council for Local Environmental Initiatives (ICLEI): Local Governments for Sustainability* (established via Executive Order by Bill Clinton).

Our founding fathers understood that private property rights are the basis of individual freedom and economic security. Without private property rights there is no way to check the power of the state over the individual. When the state gains control over private property rights the ability to create wealth stagnates or even declines, thereby creating poverty and misery rather than freedom and wealth. History is full of examples of how *unnecessary* state control of property rights produces poverty and misery.

In communities that have adopted the International code discover that they cannot build a house for grandma on five acres of their own land because the county's comprehensive plan requires no more than one home per 40-acres. Many communities discover that their comprehensive plan includes a provision to incorporate by reference the entire set of 13 different codes developed by the International Code Council. Each of these codes amounts to government dictating human behavior.

These codes go far beyond building and fire safety codes. They include: residential, property maintenance, energy conservation, wild land interface, and other behavior modification codes.

The only way to protect our community and our property and profit if FOR YOU TO REJECT the entire concept of government-dictated land use and behavior codes.

**HAVE YOU READ THEM?????** These codes are very long and exceedingly boring, and those that write them know that hardly anyone will ever read them.
This code essentially removes the property owner from the decision process, and authorizes government to make key decisions about the use of the owners' property. There is neither authorization nor justification for this function of government in any Constitution.

The legitimate function of government is to (1) protect the rights of its citizens, and (2) provide the services the citizens authorize.

> 1) The 'Code Official' – anybody the jurisdiction calls – a 'Code Official' – is the sole interpreter – no due process – Gestapo!
> 2) Every day an offense occurs is a separate mandatory misdemeanor – $555/day and/or a month in jail in Charleston, W.Va. They can fine you out of your home and jail you at their whim!
> 3) Anything the 'Code Official' says is not in good working condition – sticky window, dented or plugged gutter, torn window screen – whatever he says is not in good working order – hundreds of dollars of fines per day and/or jail time – usually a month – for every day the offense occurs.
> 4) Any unsanitary condition – whatever the 'Code Official' says is an 'unsanitary condition' – empty pop cans – puddles – dog droppings on your property – same deal – same fines and/or jail time – every day.
> 5) Any plant that the 'Code Official' says is a 'noxious weed' – same deal – same fines and/or jail time – every day. He can steal raw land.
> 6) He can fine you out of your home and jail you with no due process. Any court proceedings are window dressing as there is no remedy associated with this 'code.'
> 7) It can be 'adopted' – just by an 'administrative decree.'

WITHOUT COURT ACTION OR NOTICE THE CODE OFFICIAL CAN:

- Enter your house whenever he – the sole interpreter – deems reasonable.

- Prevent you from entering your house.
- Tear your house down with your stuff in it.
- Bill you for the demolition.
- Place a lien on it for fines and/or demolition charges – steal it.
- And 'best' of all, no insurance will cover the losses.
- Homeowners are left with an unpaid mortgage, any remaining fines, any remaining taxes, and any remaining demolition charges after they steal your property

These codes restrict what homeowners can do with their own properties in thousands of different ways. If you rebel against one of the codes, the penalties can be extremely harsh.

And there is often "selective enforcement" of these codes. That means that they will leave most people alone but they will come down really hard on people that they do not like.

You think I am being an extremist? Look what the IRS has done!

**ALL CODE ENFORCEMENT PROCEDURES MUST INCLUDE THE 4TH AMENDMENT "SEARCH AND SEIZURE" PROTECTIONS AS WELL AS DUE PROCESS APPEAL PROCEDURES.**

# NO TO PASSING THE 2012 INTERNATIONAL CODES

*Doris K Siefker*
*Free trade, less Government, lower taxes, sound money and the necessity for character in Government.*

**From:** Anita Christy [mailto:anitalchristy@cox.net]
**Sent:** Saturday, May 18, 2013 11:11 AM
**To:** Anita Christy
**Subject:** Maricopa County is Considering Passing the 2012 International Codes - Don't Call Me "honey"

Dear Friends of Liberty,

I have a pet peeve. I don't like it when total strangers--less than 70 years of age--call me "honey." What does that have to do with Maricopa County considering passage of the 2012 International Codes? You'll see.

Have you been following this issue of town and city governments passing into **Law** thousands of pages of codes all across Arizona without even reading them? To bring you up to date, please see the email below from Rusdon Ray, a local draftsman and home designer, who has been fighting this nonsense. Please attend the Maricopa County meeting May 21 if you can. Or send the MCBOS an email. For background, please go to www.nonewcodes.com. Attached is a flier, which you are encouraged to distribute in

your neighborhood. Rusdon and his team have also drafted a Proposal to the Gilbert Town Council, attached.

Back to "Don't Call Me Honey." I want to draw your attention to the language tyrants typically use when trying to convince you that you are glad they are holding your head in a bucket of water.

Look at the first attachment. It's titled *"Enhanced Regulatory Outreach Program. Maricopa County Building Code Advisory Board Special Meeting."* What's wrong with this paragraph?

"These are code updates and not expected to be substantial changes from current codes except that the County has not previously adopted the green construction code, energy conservation code or the existing building code – all of which are anticipated to be a benefit to our customers. Note the green construction code will be voluntary."

Imagine how professional draftsmen, builders, contractors, electricians, plumbers, architects, home owners, etc., feel when Code Enforcers force them to follow unnecessary, expensive codes, and then have the gall to call them "our customers."

Customers have the freedom to make their own decisions about where they want to shop and what they want to buy. If professionals in the building industry were treated like "customers" by government planners, developers, building inspectors, and code enforcers, those professionals would be able to pick and choose among the non-life/safety codes and decide what's best for their own customers. Their customers, the home buyers, would in turn decide if they want what those professionals have recommended.

Don't insult and offend the builders, tradesmen, and home buyers you are forcing to follow arbitrary codes by calling them "customers." You don't treat them like customers. You treat them like victims of a tyrannical top down government…….

honey.

In the name of God, Family, and Civic Duty

Anita Christy
www.GilbertWatch.com

**From:** Rusdon Ray [mailto:houseplansinaweek@gmail.com]
**Sent:** Thursday, May 16, 2013 1:30 PM
**To:** 'Rusdon Ray'
**Subject:** Maricopa County is Considering to Pass the 2012 International Codes

We knew this was coming but didn't think it would be so soon. Maricopa County is also proposing to adopt these new International 2012 ICC codes. (See the attached EROP Notice). Below are the emails of the 5 members of the Maricopa County Board of

Supervisors. Please take a moment and send them an email. Let them know how you feel about our representatives passing books of International mandates on their citizens especially when they have not even read or understand them. www.nonewcodes.com

You can email them all at once. Just copy and paste.
barneyd@mail.maricopa.gov
chucris@mail.maricopa.gov
akunasek@mail.maricopa.gov
chickman@mail.maricopa.gov
mrwilcox@mail.maricopa.gov

P.S. - We are making progress in Gilbert, and they are reviewing and considering our proposal to write our own local Gilbert set of readable & understandable life-safety codes. Attached is Our Proposal to members of the Gilbert Town Council that they are reviewing.

Rusdon Ray
GER Drafting Services
2243 E. Claxton
Gilbert, AZ 85297
(480)988-2472 Office
(480)988-5359 Fax
www.houseplansinaweek.com

The Defenders of Liberty
God - Religion - Freedom - Peace – Family

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**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 2:06 PM
**To:** 'Americanpride Last'
**Subject:** RE: Mr. Chucri, I am concerned about Housing Codes

Sir: The hearing will be held at 9:30 a.m. Thursday , June 6th in the BOS Auditorium, 205 W. Jefferson St. in downtown Phoenix. Attached is a hearing notice with regard to proposed regulatory amendments. (Please note that on-street and garage parking is metered. The Light Rail Line does have a stop in this vicinity and park-n-ride facilities along the outer portions of its route.) Darren

**From:** Americanpride Last [mailto:redmountainteaparty@gmail.com]
**Sent:** Thursday, May 23, 2013 1:59 PM
**To:** Darren Gerard - PLANDEVX
**Subject:** Re: Mr. Chucri, I am concerned about Housing Codes

Thank you very much.

If possible, I might try to attend that meeting. What time of the day will it be held?

Randy Hatch

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:02 PM
**To:** 'redmountainteaparty@gmail.com'
**Subject:** RE: Mr. Chucri, I am concerned about Housing Codes

Mr. Hatch: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Americanpride Last [mailto:redmountainteaparty@gmail.com]
**Sent:** Monday, May 20, 2013 3:41 PM
**To:** Stephen Chucri - DIST2X
**Subject:** Mr. Chucri, I am concerned about Housing Codes

Mr. Chucri,

I am very concerned about the continued expansion of government control at every level of government including the county. We understand that you are currently considering the passage of additional international building codes.

I call upon you as my representative to vote NO on any new building codes. We are already buried under the weight of overwhelming government regulation.

Thank you for your consideration of this request.

Randy Hatch

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Click Here To Join My Email List

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**From:** Rusdon Ray [mailto:houseplansinaweek@gmail.com]
**Sent:** Thursday, May 23, 2013 1:50 PM
**To:** Darren Gerard - PLANDEVX
**Subject:** RE: 2012 ICC Codes - Please do not adopt them - See Attached Research

Thanks Darren.

Rusdon Ray
GER Drafting Services
2243 E. Claxton
Gilbert, AZ 85297
(480)988-2472 Office
(480)988-5359 Fax
www.houseplansinaweek.com

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:24 PM
**To:** houseplansinaweek@gmail.com
**Subject:** RE: 2012 ICC Codes - Please do not adopt them - See Attached Research

Mr. Ray: thank you for attending and speaking at the 5/21 BCAB meeting. These additional comments will be provided to the Planning & Zoning Commission at the June 6th public hearing.
Darren

**From:** Rusdon Ray [mailto:houseplansinaweek@gmail.com]
**Sent:** Thursday, May 16, 2013 12:07 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** 2012 ICC Codes - Please do not adopt them - See Attached Research

Dear Maricopa County Board of Supervisors,
Are you aware that you will soon be voting on whether or not to adopt the International 2012 ICC Codes?
I am a Resident of Maricopa County and have been involved with these codes in my profession. I deal with them daily but not until recently have I questioned them or even known where they even come from. Do any of you know? Not only have you not written them or even read them, but you probably don't even know who has written them.

I have provided in this email some important info to consider before the vote on whether or not to adopt the New International 2012 ICC Codes. Thanks for your service.

Here's a list of 17 things that are reasons why the new 2012 ICC codes should not be adopted as law.
1. Manual J-calcs required on all homes(Chapter 11 Energy Code)
2. Drains in window wells (R310.2.2)
3. Air infiltration design (Chapter 11 Energy Code)
4. Air duct leakage test (Chapter 11 Energy Code)
5. Blower door test (Chapter 11 Energy Code)
6. 75% of light bulbs to be high efficiency type (Chapter 11 Energy Code)
7. Locking caps required on refrigerant lines on all refrigerators required (M1411.6)
8. Larger range hoods required (M1503.4)
9. Whole house venting required (Chapter 11 Energy Code)
10. No commercial appliances allowed in residential (M1901.3)
11. Outside Air Venting Requirement (M1507.3)
12. Exterior plug required on decor balconies (E3901.7)
13. Additional outlets required in entryways of homes (E3901.11)
14. All exterior plugs required to be GFCI protected (E309.2/.5)
15. AFCI plugs required on every outlet in entire house (E3902.12)
16. New Style Tamper resistant outlets required on every outlet throughout house (E4002.14)
17. Two Layers of Water proof Wrap required (Section 2510)

Now this is only a small sample. Even if all these were taken out, there would still be hundreds of new requirements and regulations added to the existing thousands of pages of existing Codes.

Here's a better list of relaxed codes.
1. Independent Garage HVAC systems allowed (M1601.6)
2. "Gooseneck" handrails now allowed (R311.7.8.1)
3. Smoke Alarms. Now recognizes wireless systems (R314 wireless interconnection.)
4. SIP Panels now recognized (R613)

5. Water heaters allowed on garage floor (M307.3)

These are really insignificant compared to the hundreds of new requirements and do not justify the adoption of the new 2012 codes by any means, but rather justify exactly the opposite and this is why. These relaxed requirements are a list of things that have been required for the past decade unnecessarily, and hundreds if not more of just these sorts of things would be implemented in the New 2012 codes and are still existing in the 2006 codes.
All said and done, these new 2012 codes would be taking us another step backwards in Maricopa County. On step closer to government making all our decisions for us. **With Freedom comes responsibility and your responsibility is to protect our freedom**. We will stand with you in those efforts.

The current ICC building codes have a direct impact on the citizens of Maricopa County yet were not written by anyone from or familiar with Maricopa County.
The over burdensome codes have a negative effect on tradesmen and citizens alike, causing them to resort to silent compliance to illogical and nonsensical requirements.
The current board of Supervisors should instead work with the citizens or those in the trades to put together a simple set of comprehensible life/safety codes rather than add onto the existing thousands of pages of unread codes hundreds of new unread codes.
The current ICC building codes were passed into law by previous and current council members without having been read or understood. We ask you to Not follow suit by readopting and passing thousands of pages of laws on the citizens of Maricopa County, especially when these codes have not been read or understood by those passing them into law.

**Check out the web page www.nonewcodes.com especially the video link of Nancy Pelosi.**

The guiding principles that our country was founded on dealing with the free market are these:
"Life and Liberty are secure only so long as the right of property is secure"
"The highest level of prosperity occurs when there is a Free Market and a minimum of government regulations"
"Only limited and carefully defined powers should be delegated to government, all other being retained by the people"
"Strong local self-government in the keystone to preserving human freedom"
(See the 28 Principles of Liberty in The 5000 Year Leap)
I appreciate you contacting and meeting with us. I hope we can continue the conversation.

Please read this informative article by Henry Lamb directly addressing the ICC codes?
http://www.renewamerica.com/columns/lamb/110424
If you have not read it, will you read it and let me know what you think? It's not too long. Thanks. Henry Lamb died a year ago. Earl Taylor with NCCS recommends his books. This article addresses the codes.

Thanks for the careful consideration of this issue. I know you are hearing both sides. There are always two sides to every issue. Tyranny thrives on ignorance.

Let me know if you have any questions. We've been doing a lot of research on these codes recently. I would appreciate a response. Thanks.

Rusdon Ray
GER Drafting Services
2243 E. Claxton
Gilbert, AZ 85297
(480)988-2472 Office
(480)988-5359 Fax
www.houseplansinaweek.com

The Defenders of Liberty
God - Religion - Freedom - Peace - Family

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**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:30 PM
**To:** 'pjomal@aol.com'
**Subject:** FW: International building codes

Mr. O'Malley: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** PJ O'Malley [mailto:pjomal@aol.com]
**Sent:** Thursday, May 16, 2013 4:03 PM
**To:** Stephen Chucri - DIST2X
**Subject:** International building codes

Dear Supervisor Chucri: I understand that Maricopa County is considering adopting ICC building codes. They were not written by anyone from or familiar with our fine county; international codes have little to nothing to do with us.
ICC building codes have been passed into law by several Arizona cities without the council members having read or understood them.
I ask that you refuse to adopt these international codes whose main objective is to make it easier to mesh us into a one-world system of total governance.
PJ O'Malley
Mesa

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:34 PM
**To:** 'mountainviewteaparty@gmail.com'
**Subject:** RE: International 2012 ICC Codes

Mr. Fischbeck: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Mountain View Tea Party [mailto:mountainviewteaparty@gmail.com]
**Sent:** Thursday, May 16, 2013 9:51 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** International 2012 ICC Codes

Dear Advisory Board Members,

Before you vote on passing the 2012 International Codes, please read them. The part that i read would put more costs on a new home buyer. Mesa is not adopting the 2012 codes. We just built a new house in Mesa in 2012. There were many code compliant regulations as the codes stand now. The things i read should remain optional to the home buyer if he wants them or not. They were not safety issues.

Please vote "No.t'

Thanks,

Maurio Fischbeck
1634 E Laurel Cir
Mesa, AZ 85203

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:36 PM
**To:** 'corycarpenter13@gmail.com'
**Subject:** RE: 2012 ICC Codes

Mr. Carpenter: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Cory Carpenter [mailto:corycarpenter13@gmail.com]
**Sent:** Saturday, May 18, 2013 6:47 AM
**Subject:** 2012 ICC Codes

Maricopa County Supervisors,

I am a resident of Maricopa County. I am opposed to the adoption of any new international construction codes. I suggest we move toward a plan to repeal all international construction codes and to adopt local codes written with Maricopa County and its resident in mind with input from the people under these jurisdictions.

Thank you,

Cory Carpenter
Maricopa Couny Resident
480-231-3968
corycarpenter13@gmail.com

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:41 PM
**To:** 'gallacher1@cox.net'
**Subject:** RE: NO to the 2012 International Codes

Ms. Gallacher: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Edie Gallacher [mailto:gallacher1@cox.net]
**Sent:** Saturday, May 18, 2013 1:48 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** NO to the 2012 International Codes

Dear Maricopa County Board of Supervisors,

Please do not put into law the 2012 International Building Codes. I am confident that I care more about my family's health and safety than does a board of international citizens who write "one-size-fits-all" building codes. I can make educated choices with my freedoms rather than being forced to accept all of the international standards.

I urge you not to pass the 2012 International Building Codes.

Thank you,
Edie Gallacher

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:45 PM
**To:** 'khyl@cox.net'
**Subject:** RE: No new 2012 building codes

Mr. Powell: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Khyl Powell [mailto:khyl@cox.net]
**Sent:** Saturday, May 18, 2013 4:32 PM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** No new 2012 building codes

Honorable members of the Maricopa County Board of Supervisors, When is it all going to end. Yes, technology and building materials advance. Of course, builders and home owners should be encouraged to take advantage of new savings and improvements in the building industry. However, mandating and/or adopting new international building codes is NOT NECESSARY. WE DON'T NEED MORE RULES AND EXCESSIVE REGULATIONS. Please vote NO and block the adoption of new mandatory building regulations.

Khyl Powell

Contractor Storage Yards LLC
5235 E. Southern Ave. D106 - 180
Mesa, Arizona 85206
www.csyards.com
Office 480-813-0627
Fax 480-813-0626

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:49 PM
**To:** 'hotmail_b45f2cf5c6416822@live.com'
**Subject:** RE: NO to Passing the 2012 International Codes

Ms. Stapp: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** hotmail_b45f2cf5c6416822@live.com [mailto:hotmail_b45f2cf5c6416822@live.com] **On Behalf Of** Jane Stapp
**Sent:** Sunday, May 19, 2013 3:21 PM
**To:** Doris K Siefker; Denny Barney - DIST1X; Stephen Chucri - DIST2X; Andrew Kunasek - DIST3X; Clinton Hickman - DIST4X; MaryRose Wilcox - DIST5X
**Subject:** RE: NO to Passing the 2012 International Codes

No to passing the International Codes...please

-

**From:** Darren Gerard - PLANDEVX
**Sent:** Thursday, May 23, 2013 1:58 PM
**To:** 'mamasue.jordan@gmail.com'
**Subject:** RE: No to new International Codes

Mr. & Mrs. Jordan: thank you for your comments and interest in this subject. Your comments will be provided to the Planning & Zoning Commission at the June 6th public hearing. Darren

**From:** Suzanne Jordan [mailto:mamasue.jordan@gmail.com]
**Sent:** Monday, May 20, 2013 11:00 AM
**To:** Denny Barney - DIST1X; Stephen Chucri - DIST2X; Clinton Hickman - DIST4X; Andrew Kunasek - DIST3X; MaryRose Wilcox - DIST5X
**Subject:** No to new International Codes

Once again we are astonished that anyone would even be considering this new level of regulations! And why you as commissioners would be giving away local control to international rules! We must keep control of our communities, our cities, our counties. Please do not vote in any international codes that we would have to live with!!!

Suzanne and Kenneth Jordan, PCs and State Committeemen

**Text Amendment: TA2013001** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the 2012 International Building Code, 2012 International Residential Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code, 2012 International Green Construction Code, 2012 International Energy Conservation Code, 2012 International Existing Building Code, and the 2011 National Electric Code – 2012 International Codes.

Darren Gerard, Deputy Planning Director, presented the above item and read the list of the codes being adopted into the record:

2012 International Building Code
2012 International Residential Code
2012 International Plumbing Code
2012 International Mechanical Code
2012 International Fuel Gas Code
2012 International Green Construction Code
2012 International Energy Conservation Code
2012 International Existing Building Code
2011 National Electric Code

Mr. Gerard noted this item was going to the Building Code Advisory Board (BCAB) for technical review and what was before the Commission was the formatting of the ordinance itself. He stated the Green Codes would be written into the Local Additions and Addenda as voluntary. They were optional and would not be mandated on the general citizenry; however, someone might be able to take advantage of the Green Codes as a reason for progressive design to warrant a RUPD overlay zoning district or something along those lines, which would then be mandated for that development. The Energy Conservation Code was going to have an alternative so that if it was demonstrated that a residence had a 70 HERS rating or less that would be considered to comply with the energy code. Staff believed the existing Building Code was going to be of significant assistance to our community because it would allow existing structures that had additions or existing structures that perhaps were not permitted properly to be able to come in under the previous code at the time that it was constructed. This would ensure that life safety issues were addressed, but it would not place the burden of the building having to meet all current codes in place at this time. Staff had verbatim language before the Commissioners, but would have a clean leg-edit version for the meeting

DRAFT

on June 6th and the Chief Building Official would be in attendance to address any technical questions the Commissioners might have at that time.

Chairman Deutsch asked if there were any questions for staff.

Commissioner Aster asked if most everything before them would come back for an approval or non-approval vote on June 6th, and Mr. Gerard responded, "Yes."

Chairman Deutsch asked if there were any questions for staff; if anyone from the public wished to speak; and if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Vice-Chairman Smith moved to initiate TA2013001; Commissioners Aster and Burrows seconded the motion which passed with a unanimous vote of 6-0.**

DRAFT

# Second Addendum to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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|---|---|
| **Cases:** | TA2013001 – 2012 International Codes |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 6 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Local Additions & Addenda to adopt construction safety codes as amended |
| **Support/Opposition:** | 21 opposition emails, one (1) letter of support, and one (1) general comment letter. |
| **Recommendation:** | **Approval** per revised language from the 5/21/13 BCAB, attached. |

**Discussion:**

This addendum is to provide the Commission with updated text amendment language as recommended by staff after the May 21, 2013 Building Code Advisory Board (BCAB) meeting.

TA2013001 is a text amendment to the Maricopa County Local Additions & Addenda (adopted construction safety codes) to adopt and amend the following:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Plumbing Code
- 2012 International Mechanical Code
- 2012 International Fuel Gas Code
- 2012 International Green Construction Code
- 2012 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code

This text amendment to the Maricopa County Local Additions and Addenda proposes to replace the currently-adopted 2009 suite of building codes, with local amendments, with the updated 2012 suite of International Building Codes, with local amendments. In addition, three new construction codes are being considered for adoption. These codes include (1) the 2012 International Existing Building Code, (2) the 2012 International Energy Conservation Code, and (3) the 2012 International Green Construction Code (voluntary basis only). The purpose of the text amendment is to ensure updated construction safety codes with the Maricopa Association of Governments / Arizona Building Officials (MAG/AZBO) amendments that are

consistent with other jurisdictions in the County and State. The April 9, 2013, April 30, 2013 and May 21, 2013 BCAB meeting minutes and the leg-edit Local Additions and Addenda showing all proposed changes are attached. Also attached are the specific pages amended as a result of the May 21, 2013 BCAB meeting to:

| | |
|---|---|
| Cover page: | to update to May 2013 draft |
| Chapter 2: | page 7 to add Licensing Time Frame Fees recently approved by the Board of Supervisors |
| Chapter 3: | page 8 to add Home Builders Association amendments |
| Chapter 3: | pages 18 and 19 to add Home Builders Association amendments |

The attached proposed text amendment language is a repeal and replace of the existing document language for the Maricopa County Local Additions & Addenda. The leg-edit revised document is attached in its entirety. Most of the changes are code updates and not substantial changes from current codes. The County has not previously adopted the Green Construction Code, which will be voluntary; the Existing Building code, which will benefit adaptive reuse for existing buildings; and the Energy Conservation Code.

More specifically, the changes to the Local Additions and Addenda and the ICC/NEC Codes, shown in leg-edit form on the attached proposed language exhibit, are as follows:

**Cover Page:**

1. Updated to March 2013, now May 2013.
   Reason for change: Update to current year.

**Table of Contents:**

1. Updated to reference the 2012 codes and add the IGCC, IECC and IEBC.
   Reason for change: Update to correct year reference and add the new codes.

**Chapter 1:**

1. No Changes.

**Chapter 2:**

1. Removed the $75 fee for "Expedited in-house plan review". Now added the Licensing Time Frame Fees.
   Reason for change: This is not a service we offer. Licensing fees approved by BOS.

2. Section 209. Noise Level Reduction. Updated Zoning Ordinance reference from Section 1007 to 1010.
   Reason for change: To reflect a change made to the Zoning Ordinance section.

3. Section 210.2 Definitions, Swimming Pool. Added "This does not include decorative fountains that contain water under 12" deep".
   Reason for change: Without this language, pool barriers are required around fountains, which is not necessary or practical.

4. Section 211.1.5 of Residential Woodburning Regulations. Text changed in its entirety to match current Arizona Revised Statutes (ARS) for the four types of allowable fireplaces/wood stoves.

Reason for change: To be consistent with ARS.

**Chapter 3:**

1. Section 301. Adopts and amends 2012 IBC and Appendix G Flood Resistance Construction.
   Reason for change: We don't usually adopt appendices, but this one is necessary to maintain our standing in the National Flood Insurance Program (NFIP).

   Of note, Section 202 through Section 3109 are the MAG/AZBO amendments that did not change other than some slight editorial corrections. We are still exempting single family residences from fire sprinkler requirements.

2. Section 302. Adopts and amends 2012 IRC. No changes other than some code section corrections. We are still exempting single family residences from fire sprinkler requirements. Also added the Home Builders Association amendments.
   Reason for change: To update code section references.

3. Section 303. Adopts and amends 2012 IMC with new MAG/AZBO amendments for Domestic Systems and Standards.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

4. Section 304. Adopts and amends 2012 IPC with new MAG/AZBO amendment for Water Closet clearances. Kept same MAG/AZBO amendments for Discharge Piping and Vent Through Roof.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

5. Section 305. Adopts and amends 2011 NEC with the City of Phoenix Amendments, which have not changed except for section number corrections to fit the new code.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

6. Section 306. Adopts and amends 2003 IFC.
   No changes: This code still only applies to County-owned buildings.

7. Section 307. Adopts and amends 2012 IFGC with same MAG/AZBO amendment for Burial Depth.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

8. Section 308. Adopts and amends 2012 IGCC with City of Phoenix proposed amendments. Specifies that code is optional.
   Reason for change: To allow optional use of code for builders who want to be energy conscious.

9. Section 309. Adopts and amends 2012 IECC with City of Phoenix and SRP and Home Builders Association proposed amendments for scoping and the RESNET testing and HERS ratings and pool motor requirements recommended by MAG/AZBO.
   Reason for change: To be consistent with MAG/AZBO jurisdictions.

10. Section 310. Adopts 2012 IEBC with no amendments.
    Reason for change: To allow greater flexibility in the redevelopment of existing buildings.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on February 22, 2013. This item was presented to the Maricopa County Building Code Advisory Board (BCAB) on April 9th for discussion and was presented and approved on April 30, 2013, for initiation and recommendation. In order to provide ample opportunity for additional public testimony another BCAB hearing was held on May 21, 2013, where the BCAB affirmed its prior recommendation for approval.

In accordance with state statutes, this text amendment is also presented to the Commission. Assuming Commission action today, the Board of Supervisors (BOS) hearing for adoption will be July 17, 2013. The regulations will take immediate effect upon approval, but with a three month grace period where compliance with either the 2009 or 2012 ICC Codes will be allowed. This schedule is subject to change depending on information and recommendations received by the public and by the actions of the BOS.

Staff has not received any additional opposition since preparation of the first Addendum Report. There have been 21 emails of opposition, one (1) letter of support and (1) general comment letter.

**Recommendation:**

Staff recommends that the Commission recommend **Approval of TA2013001 revised per the language attached** to this Addendum - to the BOS.

Prepared by Tom Ewers, Plan Review Manager

Attachments: Updated LAA pages per BCAB recommendation (5 pages)
May 21, 2013 BCAB Minutes (6 pages)
Proposed language (50 pages)

# Maricopa County
# Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

~~March 2013~~ May 2013

Maricopa County

| | |
|---|---|
| Special Event Fee (tents) | $ 100 per event |

**Additional Fees:**

| | |
|---|---|
| Plumbing (water/sewer collector lines) | $30 min based on valuation |
| Amendment to approved plan data | $30 |
| Unpaved Parking Area Paving | $100 |
| Temporary Certificate of Occupancy | |
| Without bonding | $250 |
| With bonding | $500 |
| Subdivision Infrastructure Permit | $300 |
| Ground mounted residential solar system (Less than six (6) feet high) | $500 |
| Roof mounted residential solar system | $300 |

**Licensing Time Frame Fees:**

$350 – Pre-application meeting fee for non residential projects
$150 – Pre-application meeting fee for residential projects subject to a violation
$50 – Pre-application meeting fee for residential projects not subject to a violation
$50 – Fee for a change to an application for a license in progress
$50 – Fee for an application to be added to an application for a license in progress
$50 – Fee to re-initiate application for a license administratively denied due to time (within 180 days)
$150 – Fee to appeal administrative denial of a license (within 30 days)

**Copy Charges:**

| | |
|---|---|
| Additional copy of: | |
| Permit | $ 2 |
| Job card | $ 2 |
| Certificate of Occupancy | $ 2 |
| Copy (Approved Plans – per set) | $ 15 per set (Restamping Only) |
| Copy (per page) | |
| Standard copier | $ 1 |
| Oversize copier | $ 6 |

**Grading Fees:**

**Plan Review Fees:**

**Section R313 Automatic fire sprinkler systems** is deleted.

N1101.15.1 Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in Section 401.2 above. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

N1101.17 Testing. All mandatory compliance testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

~~N1103.2.2.1 Sealed air handler. Air handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.~~

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.12.1 Individual Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
b. R402.4.1.2 – Testing – Air Leakage Rate
c. R403.2.2 – Sealing – Duct Tightness

4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

R401.2.1 Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in Section 401.2 above. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

R401.4 Testing. All mandatory compliance testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

R403.2 Ducts. Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

Exceptions: Ducts or portions thereof located completely inside the building thermal envelope.

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
   - 2.1 Minimum SEER rating of space heating/cooling system is increased to 15.
   - 2.2 Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to .022 for all fenestration products.
   - 2.3 Wall cavity insulation minimum R-value is increased to R-19.
   - 2.4 Residential buildings that meet the requirements of Sections R102.1.1 or R405.

2.5 Residential buildings with attic radiant barriers in accordance with ASTMC 1313, installed in accordance with ASTM C1743.

~~R403.2.2.1 Sealed air handler. Air handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.~~

~~**R401.2.1 Alternative Approach for Compliance.** A Home Energy Rating System ("HERS") Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.~~

Delete Section R403.9.3 and replace with:

**R403.9.3** Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

## SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.

# BUILDING CODE ADVISORY BOARD
# MEETING MINUTES

**DATE:** May 21, 2013
**TIME:** 2:00 p.m.

**LOCATION:** 501 North 44th Street, 1st Floor
Phoenix, AZ 85008

**MEMBERS PRESENT:**

Mr. Tracy Finley, Chairman
Mr. Vincent Territo, Vice Chairman
Mr. John Kight
Mr. Robert Ghan
Mr. Gabriel Millican
Mr. Arthur Luera

**STAFF PRESENT:**

Tom Ewers, Plan Review Manager/Chief Building Official
Lynn Favour, Deputy Director
Ralph Shepard, Plan Review Supervisor
Debra Stark, Director
Kathy Semder, Administrative Assistant

**PUBLIC PRESENT:**

Bruce Bartholomew
Jackson Moll
Candice Copple
Jerry Clingman
Ann Hutchinson
Alan Muller
Rusdon Ray

## ROLL CALL

Chairman Finley called the meeting to order at 2:01 p.m.

## APPROVAL OF MINUTES

Chairman Finley asked if everyone looked at the minutes from the previous April 30, 2013 meeting and were there any comments. Member Kight made a motion to approve the minutes. Member Luera seconded the motion. Motion passed unanimously.

## REPORT OF COMMITTEES

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

None

## OTHER BUSINESS

### New Hearing for the 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda

Ms. Stark advised that this Special Meeting for the 2012 ICC Code Adoptions – 2013 Maricopa County Local Additions and Addenda is being held today because the Board of Supervisors have received emails and phone calls from the public with regards to this process. Because of our newly adopted Enhanced Regulatory Outreach Program (EROP) it was decided to have the process fully vetted with the public by having another meeting. The concerns seem to be mostly about the energy requirements and we want to ensure that when this matter reaches the Board of Supervisors everything has already been thoroughly addressed. We have some members from the public here in the audience today that wish to speak on the issues and amendments. Ms. Stark went on to explain that last week the City of Phoenix just adopted the 2012 Codes pretty much the same way Maricopa County is looking to adopt them, including the voluntary Green codes and some different options for the Energy codes.

Mr. Ewers explained that a Member of the Building Code Advisory Board (BCAB) must first make a procedural motion to reopen the hearing. Member Kight made the motion to reconsider TA2013001 for the purpose of accepting additional public input. Member Luera seconded the motion. Motion passed unanimously. Chairman Finley added Vice Chairman Territo to the roll call.

Chairman Finley announced the first public speaker, Jackson Moll of the Home Builders Association of Central Arizona. Mr. Moll explained that his organization generally separates building codes into two categories, life safety issues and non-life safety issues, such as the Energy Conservation and Green Construction Codes. Typically the Association is opposed to the adoption of those energy

codes, however sometimes they do favor the voluntary adoption of the codes. There are four amendments they have adopted relative to the 2012 codes that they would like to see Maricopa County adopt as well, whether the codes are adopted as voluntary or mandatory standards. Two amendments were included in the packet, the first is the use of the HERS (Home Energy Rating System) index as an alternative method of compliance which creates a 100 percent performance based path to compliance. The City of Phoenix adopted this amendment with a score of 73 last week and Chandler is currently in the process. The second amendment relates to the use of sample testing, because the Energy Code requires a number of different testings, such as blower door and duct testing, for every home. The industry has developed a way to sample test production homes, with a number of quality assurance standards in place.

There are two additional amendments that went through the City of Phoenix that Mr. Moll can provide to the Committee for review. The first addresses a requirement in the code related to air handlers with a 2 percent leakage rate and an overall 4 percent leakage rate for the entire house. Because the overall leakage rate is already included in the regulations they do not see a need for redundant regulation for this matter. The second amendment relates to a trade off table created for supply duct insulation because the code requires R8 insulation. They have found that in some instances it doesn't actually fit so the trade off table maintains the relative energy efficiency and provides additional options for compliance. To summarize, Mr. Moll does support the idea of a voluntary compliance with the code for both Energy Conservation and Green Construction, but with the four amendments added. On pure life safety codes it is more complicated, there are legitimate arguments that the government does have an interest in regulating life safety issues. Because Maricopa County has been on the 2009 Codes and is preparing to move to the 2012 Codes, they are primarily concerned with the International Residential Code but haven't received any feedback from their members.

Chairman Finley announced the next public speakers, Alan Muller and Ann Hutchinson of the New River – Desert Hills Community Association. Mr. Muller explained that they don't have a problem with the adoption of the 2012 Codes, but they would like the adoption process to move at a slower pace. They view some of the proposed changes as very drastic and feel it would drive up the cost of construction, approximately 30 percent of the home building costs, if everything was implemented immediately. Mr. Muller asked Member Luera his background and experience related to the six different areas represented. Member Luera addressed Mr. Muller's concerns by explaining that although costs will increase those higher costs are already in the standards for the construction jobs being done today. The energy savings and these stipulations have already been in practice for the past 10 years so it's not exactly new and what Maricopa County is trying to do is simply make these processes part of their governing laws. Mr. Muller asked the board if they have objections to any of the codes or how fast the process is moving, to which none of the Members acknowledged having any issues. Another concern for Mr. Muller is the certification requirement

which he believes will hurt the "little guy" who builds only one or two houses a year and to offset that he is interested in the possibility of a County sponsored certification program. Mr. Ewers explained that several agencies currently offer training and energy consulting such as RESNET, RESCHECK, Leeds, etc. and part of the amendments under consideration by the BCAB Members is to not require certification for every house plan. Member Luera asked Mr. Muller to provide a list of his concerns which would help them understand and try to resolve any items.

Ms. Hutchinson explained that the Energy and Green Codes are not life safety issues so she doesn't see why there seems to be a rush to adopt these codes. Her concern is for smaller builders and homeowners whose costs will increase significantly, especially if these new product requirements are not readily available in the marketplace. Ms. Hutchinson feels that by making the Energy Code voluntary it will give people time to adjust to the changes while still allowing Maricopa County to move forward with energy efficiency. This will also allow stores the opportunity to increase their energy saving product choices since she believes the products out there now, such as windows, wouldn't meet the new codes. Ms. Hutchinson then introduced Mr. Hutchinson, who was a homebuilder for thirty years and now works as a technical consultant for the Desert Hills Community, and he provided the background building information for her and Mr. Muller.

Member Luera commented that Ms. Hutchinson is correct in stating the materials not being to code can increase costs because that is happening now in some instances however the savings in energy within a year will offset those initial increased costs. Member Luera asked how long of a time period for consideration and Ms. Hutchinson replied that probably a year or two at most would be beneficial to everyone before making it mandatory. Mr. Muller stated that there should also be some verbiage added to allow for alternatives if a specific product is not available. Vice Chairman Territo explained that the code does allow for modifications and alternative materials already.

Member Ghan clarified that Ms. Hutchinson is looking to have the Energy Code be voluntary like the Green Code. He explained that the City of Phoenix has already been using the energy codes for years and compliance is not as cost prohibitive as Ms. Hutchinson might think. Ms. Stark advised that Maricopa County will probably have an implementation strategy similar to what the City of Phoenix did for the adoption of the residential codes within a specified time frame. Chairman Finley commented that when the energy codes first came out in the 2000 IRC there was a big push against it but it was determined that by doing a simple energy analysis of the entire structure there was very little increased costs because the homes were already very energy efficient. Vice Chairman Territo explained that the Energy Code is for the health, safety and general welfare of the public. A major concern is to protect the unsuspecting public from people who want to cheaply build and flip homes without adhering to standards.

Chairman Finley announced the final public speaker, Rusdon Ray of Queen Creek. Mr. Ray stated that property values are now going up for several reasons, especially areas not governed by a Homeowners Association (HOA) because people don't like over-regulation. He agrees that the codes have good intentions however he doesn't feel that these good intentions will be realized through mandates and enforcement of the law. Mr. Ray explained that increased home costs and longer building construction times are the results of over-regulation, which hurts both the builders and the home owners. Mr. Ray asked if anyone in Maricopa County wrote the ICC Codes to which Vice Chairman Territo replied that they adopt the codes. Member Luera asked Mr. Ray to clarify his specific point related to the topic of the meeting. Mr. Ray would like Maricopa County to only adopt the 2012 Codes as optional because it would be ideal to move toward more self-government and less regulation. Vice Chairman Territo asked Mr. Ray if he is proposing Maricopa County stays with the 2009 Codes forever and Mr. Ray replied that it would be better to go through what is already on record and reduce all non life-safety issues, such as the electrical outlet tamper resistant codes which just add unnecessary costs to the home building project. Member Kight advised that Mr. Ray's example of a paper clip in an outlet is true because the circuit is not complete, however once something is grounded you can get shocked. Member Kight explained that the codes are developed on a three year cycle with input from the panel members and the ICC takes their electrical code verbatim from the National Electric Code which is a consensus based group. This group reviews evidence and data to make knowledgeable decisions and then vote on what becomes code. It is up to us here on the BCAB to assess whether those consensus based panels are doing their job properly and Member Kight believes they are to date.

Mr. Ray stated that he is here not only for himself but also to represent the homeowners who are hampered by this over regulation. Chairman Finley asked Mr. Ray if he was proposing the town of Gilbert to write a specific building code just for the town, which is still regulation and basically switching regulation from one group to another. Mr. Ray explained that is would be switching to a local government that is voted into service. Member Millican asked how it would work if every local jurisdiction adopts a different code, because the point of adopting a greater code is to provide a consistent set of regulations across a large amount of building area. He further questioned if we would have to wait for the same disaster to occur in each city before that particular city creates a regulation to prevent it. Mr. Ray replied that it would be more efficient to have less of those regulations mandated by law because they just increase costs for non life safety issues. Mr. Ray stated that there are requirement inconsistencies already between the different cities because you can't have efficient enforcement of laws when there are thousands of pages to regulate. Chairman Finley responded that the inconsistencies would happen here in Maricopa County if we choose not to adopt the 2012 Codes because three other municipalities have already adopted them and more jurisdictions are currently in the process. Vice Chairman Territo commented that we are trying to keep pace with the new codes because there is an impact to the homeowners insurance based on what codes you do, and do

not, adopt. Ms. Stark explained that when City of Phoenix did not adopt the 2009 Codes, they received the worst ever rating from the ISO, which translated to higher insurance rates for residents and businesses. The other issue is training so that all of our employees and contractors/builders are trained on the new codes to provide greater consistency in application of the codes. Mr. Ray believes that adoption of the codes is limiting choice in the free market and will lead to less prosperity.

Chairman Finley asked if there were any other members of the public who wished to speak. Member Kight asked if we proceed with a second motion now would everything progress as it would have before and Chairman Finley answered yes it would. Vice Chairman Territo asked what the ramifications would be for delaying just that code and Mr. Ewers explained that by recommending an implementation schedule that wouldn't affect the adoption of the code but be more of a procedural matter after adoption, set by the Board of Supervisors. Chairman Finley asked if the procedural matter would come back to the BCAB and Mr. Ewers advised it would go to the Board of Supervisors.

Member Kight made a motion to reaffirm a prior action and recommend to the Maricopa County Board of Supervisors to approve TA2013001 and adopt the 2013 Maricopa County Local Additions and Addenda which adopted would then amend the 2012 ICC Codes and 2011 NEC Code. Member Kight made a further motion to include the two additional amendments from the Home Builders Association. Member Millican seconded the motion. The motion passed unanimously.

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## SET DATE OF NEXT MEETING

Chairman Finley confirmed the next regular meeting is scheduled for July 9, 2013.

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## ADJOURNMENT

Member Kight made a motion to adjourn the meeting. Vice Chairman Territo seconded the motion. The motion passed unanimously and the meeting was adjourned at 3:01 p.m.

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Minutes prepared by Kathy Semder, Administrative Assistant
May 24, 2013

Minutes Reviewed by Thomas F. Ewers, Chief Building Official

# Maricopa County
# Local Additions & Addenda

Maricopa County Planning and Development Department
501 N. 44th St.
Phoenix, AZ 85008

~~March 2013~~ May 2013

Maricopa County

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

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# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 1 – Purpose & Title

### SECTION 101. PURPOSE

The purpose of this document is to provide all local addenda, amendments, and additions to the adopted national building codes in one location.

### SECTION 102. TITLE

This document shall be referred to and known as "Local Additions & Addenda".

### SECTION 103. SEPARABILITY

If any section, subsection, sentence clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

### SECTION 104. AMENDMENT

This document may be amended from time to time. It may be amended by simple motion of the Board of Supervisors, provided all state required legal advertising for amending a Building Code has been satisfied. Staff may correct typographical errors and/or reformat this document without being considered an amendment.

### SECTION 105. REVOCATION

This document shall abolish, replace, and/or supercede any previous amendments, changes or additions to the national codes previously approved by Maricopa County.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 2 – Administration

### SECTION 201. PURPOSE

The purpose of this Chapter is to provide all local changes to the adopted national building codes that relate to the administration of those codes in on location.

### SECTION 202. VIOLATION & PENALTY (Reserved)

### SECTION 203. BUILDING CODE ADVISORY BOARD (Reserved)

### SECTION 204. ORGANIZATION & ENFORCEMENT

Code Enforcement Agency

The Code Enforcement Agency created under the building code shall be defined in Maricopa County as the Planning and Development Department. This Planning and Development Department is charged by the Board of Supervisors to implement the building code and other pertinent laws, ordinances and/or regulations through the County's One Stop Shop Program.

Building Official

The Building Official shall be the Director of the Planning and Development Department (or his/her duly authorized representatives), who is charged with the administration and enforcement of the building code and Building Safety Ordinance.

General

Wherever the building code refers to the intent, purpose, implementation, inspection, enforcement, regulation, issuance of documents, compliance or other similar activity related to "this code", the phrase for purposed of implementing the "One Stop Shop Program" shall mean "this code or other pertinent laws, ordinances, and/or regulations implemented through the Code Enforcement Agency."

### SECTION 205. PERMITS

**Building Permits:** A building permit shall not be required for a detached non-habitable accessory building that is single story and no greater than 200 square feet in floor area, provided such building does not include plumbing, electrical, or mechanical services or equipment. A building permit shall not be required to replace an existing water heater provided the work is done in accordance with manufacturer's specifications.

**Permit Expiration:** A permit may be renewed within one year of expiration provided that no change in ownership or engineer/architect of record has occurred. Renewal after expiration for

more than one year shall not be permitted. Any such permit shall be deemed to be revoked and a new permit must be issued.

The design and construction of structures located within the unincorporated areas of Maricopa County shall comport to the codes in effect at the time of permit application, provided the specific permit remains valid, regardless of whether or not the County adopts subsequent codes. When approved by the Building Official, utility-scale solar generating facilities in which permit applications have been submitted, the design and construction may continue to utilize the codes in effect at the time of initial permit application, regardless of the number of permits required to complete the project, provided that 1) all construction is covered by an issued permit, 2) any permits issued for construction remain valid, and 3) continuous construction takes place until the facility is commissioned for commercial service and the facility receives final inspection. Once the above conditions have been met, subsequent construction activity shall comply with the codes in effect at the time of the subsequent permit applications. Further, should a permit lapse, the work contemplated by the permit shall be subject to a new permit application and shall comport to the codes in effect at the time the new permit application is submitted. For purposes of this section, the term "Utility-Scale" shall be as defined by the Maricopa County Zoning Ordinance.

**Temporary Event Permit Exemption:** Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following the end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.

## SECTION 206. INSPECTIONS

**Pre-Permit Inspection:** A pre-permit inspection may be necessary and shall be the responsibility of the permit holder to post the property in a manner approved by the Building Official.

**Permit Holder Responsibilities:** It shall be the responsibility of the permit holder to:

1. Call for an inspection.
2. Stake property corners.
3. Designate property lines prior to the inspection of any primary use.
4. Post the inspection card.
5. Provide a copy of the approved plans on the site.
6. Provide access to the site.
7. Have someone at the site during the inspection.

Failure to complete the above shall result in no inspection at the time and an assessment of a re-inspection fee. A survey of the lot may be required by the Building Official to verify that the building/structure is located in accordance with the approved plans.

**Partial Inspections:** Partial inspections may be requested and conducted when necessary due to common construction practices. If a partial inspection is approved, documentation shall be maintained during construction that identifies what segments of work have obtained what types of partial inspection approval.

**Re-inspections:** Re-inspection fees shall apply when:

1. Property lines have not been designated as required.
2. The inspection card is not posted or available on the work site.
3. Approved plans are not readily available to the inspector on the site.
4. There is no access on the date for which the inspection is requested.
5. Work is not ready for inspection.
6. Work has been covered.
7. Late cancellation.
8. There is a deviation from plans significant enough to require approval of revised plans.

To obtain a re-inspection, the applicant shall follow the same procedures required for an inspection after paying a re-inspection fee.

## SECTION 207. CERTIFICATE OF OCCUPANCY

The purpose of a Certificate of Occupancy is to insure that all department requirements have been met. A Certificate of Occupancy is required for all permits except those issued over the counter.

**Temporary Certificate:** A Temporary Certificate of Occupancy may be issued with the concurrence of all impacted departments and when appropriate fees are paid. Bonding, if required, shall be provided in accordance with the direction of the Building Official prior to issuance of a Temporary Certificate.

**Permanent Utility Authorization:** Permanent utility approval shall be not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy or letter of approval.

## SECTION 208. FEES

**Determination of Value:** Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

**Additional Value Determinations:**

Walls and fences:

| | |
|---|---|
| Retaining walls | Per lineal foot |
| 0-2′ | $15 |
| 2-4′ | $25 |
| 4-6′ | $42 |
| 6′ or more | $86 |
| Chain link | $ 6 |
| CMU | |
| 4″ 6′ or less | $14 |
| 4″ more than 6′ | $21 |
| 8″ block or other | $22 |
| Wrought iron | $16 |
| Iron wood | $18 |
| Wood | $11 |
| 3 strand barbed wire | $ 3 |
| Rail | $ 6 |

| | |
|---|---|
| In ground pools | $200 per perimeter foot |

Wood frame or masonry patio covers shall be valued as open carports.

Metal patio covers and covered pipe-rail horse corrals shall be valued at 50 percent of the value of a wood or masonry patio cover.

Non-habitable accessory buildings, other than covered pipe-rail horse corrals, shall be valued as a private garage.

Water/sewer collection and distribution lines shall be valued as determined by the building official.

Shell buildings shall be valued at 80% of new building value.

Alterations shall be valued at 20% of new building value.

**Processing:** All plan review fees (65 percent of calculated permit fee) required to be paid shall entitle the applicant to three submissions and reviews of documents submitted. If the applicant is unable to obtain approval of his application with these three attempts, the application shall be denied. The applicant may then resubmit and the submittal shall be treated as a new application. Should these circumstances occur or the permit has been expired in accordance with the Building Code, the Building Official may use information located in the denied/expired files to

expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

**Fees:** The Building Official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

TABLE 1-A – BUILDING CODE/PERMIT FEES

| **Total Valuation** | **Fee** |
|---|---|
| $1 to $500 | $23.50 |
| $501 to $2,000 | $23.50 for the first $500 plus $3.05 for each additional $100, or fraction thereof, to and including $2,000 |
| $2,001 to $25,000 | $69.25 for the first $2,000 plus $14.00 for each additional $1000, or fraction thereof, to and including $25,000 |
| $25,001 to $50,000 | $391.75 for the first $25,000 plus $10.10 for each additional $1000, or fraction thereof, to and including $50,000 |
| $50,001 to $100,000 | $643.75 for the first $50,000 plus $7.00 for each additional $1000, or fraction thereof, to and including $100,000 |
| $100,001 to $500,000 | $993.75 for the first $100,000 plus $5.60 for each additional $1000, or fraction thereof, to and including $500,000 |
| $500,001 to $1,000,000 | $3,233.75 for the first $500,000 plus $4.75 for each additional $1000, or fraction thereof, and including $1,000,000 |
| $1,000,001 and up | $5,608.75 for the first $1,000,000 plus $3.65 for each additional $1000, or fraction thereof |

**Other Inspections and Fees:**

| | |
|---|---|
| 1. Inspections outside of normal business hours | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 2. Reinspection fees | $ 150 per residential inspection<br>$ 250 per commercial inspection |
| 3. Inspections for which no fee is indicated | $ 150 per inspection |
| ~~4. Expedited in-house plan review~~ | ~~$ 75 per hour~~ |
| ~~5~~4. Expedited plan review by consultant | Actual costs |
| ~~6~~5. Standard plan review (5 options) | 2 times normal plan review fee |
| ~~7~~6. Change to approved plan (includes standards) | $ 250 |
| ~~8~~7. Code Modification | $ 100 per request |
| ~~9~~8. Alternate material, design or methods | $ 100 per request |
| ~~10~~9. Tests required | $ 100 per test & test fees paid by applicant |
| ~~11~~10. Appeal to the Building Code Advisory Board | $ 500 |
| ~~12~~11. Amendment to the Code | $1500 |
| ~~13~~12. Requested/needed staff directive | $ 250 |
| ~~14~~13. Requested staff research report | $ 100 residential property<br>$ 250 commercial property |

**Flat Rate Fees:**

| | |
|---|---|
| Air conditioner | $ 50 |
| Elec. Serv Residential 1 – 200 amps | $ 50 |
| Elec. Serv Res or Comm 201 – 400 amps | $ 75 |
| Elec. Serv over 400 amps | $ 120 |
| Temporary meter | $ 50 |
| Evaporative cooler | $ 50 |
| Gas Line (connect or clearance) | $ 50 |
| Mobile home "Pre-HUD Upgrade" | $ 50 |
| Plumbing sewer line SFR | $ 50 |
| Irrigation System | $ 50 |
| Sprinkler | $ 50 |
| Mechanical | $ 50 |
| Plumbing (Install or replace Equip/fixture/devices) | $ 50 |
| Demolition Permit | $ 50 |
| Manufactured/Mobile Home Setup/Installation | $ 300 |
| Commercial Manufactured Building (factory built building) | Based on installation value & Table 1-A |
| Occupancy Change | $ 75 |
| Hot tub or Spa (in or above ground) | $ 75 |
| Swimming pool above ground | $ 75 |
| Compliance Inspection | $ 100 |
| Move on House (compliance inspection | $ 100 |

| | |
|---|---|
| Renew permit for final | $ 100 |
| Special Event Fee (tents) | $ 100 per event |

**Additional Fees:**

| | |
|---|---|
| Plumbing (water/sewer collector lines) | $30 min based on valuation |
| Amendment to approved plan data | $30 |
| Unpaved Parking Area Paving | $100 |
| Temporary Certificate of Occupancy | |
| Without bonding | $250 |
| With bonding | $500 |
| Subdivision Infrastructure Permit | $300 |
| Ground mounted residential solar system (Less than six (6) feet high) | $500 |
| Roof mounted residential solar system | $300 |

**Licensing Time Frame Fees:**

$350 – Pre-application meeting fee for non residential projects
$150 – Pre-application meeting fee for residential projects subject to a violation
$50 – Pre-application meeting fee for residential projects not subject to a violation
$50 – Fee for a change to an application for a license in progress
$50 – Fee for an application to be added to an application for a license in progress
$50 – Fee to re-initiate application for a license administratively denied due to time (within 180 days)
$150 – Fee to appeal administrative denial of a license (within 30 days)

**Copy Charges:**

| | |
|---|---|
| Additional copy of: | |
| Permit | $ 2 |
| Job card | $ 2 |
| Certificate of Occupancy | $ 2 |
| Copy (Approved Plans – per set) | $ 15 per set (Restamping Only) |
| Copy (per page) | |
| Standard copier | $ 1 |
| Oversize copier | $ 6 |

**Grading Fees:**

**Plan Review Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | No fee |
| 50 – 100 cubic yards | $ 23.50 |
| 101 – 1,000 cubic yards | $ 37.00 |
| 1,001 – 10,000 cubic yards | $ 49.25 |
| 10,001 – 200,000 cubic yards | $ 49.25 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |
| 200,001 or more cubic yards | $269.75 plus $ 7.25 for each additional 10,000 cubic yards or fraction thereof |
| Additional plan review required by changes, additions, or revisions to approved plans | $ 50.00 |

**Permit Fees:**

| Volume of material (Cut and Fill) | Fee |
|---|---|
| <50 cubic yards | $ 23.50 |
| 50 – 100 cubic yards | $ 37.00 |
| 101 – 1,000 cubic yards | $ 37.00 plus $ 17.50 for each additional 100 cubic yards or fraction thereof |
| 1,001 – 10,000 cubic yards | $194.50 plus $ 14.50 for each additional 1,000 cubic yards or fraction thereof |
| 10,001 – 100,000 cubic yards | $325.00 plus $ 66.00 for each additional 10,000 cubic yards or fraction thereof |
| 100,001 or more cubic yards | $919.00 plus $ 24.50 for each additional 10,000 cubic yards or fraction thereof |

**Payment of Fees:** No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Local Additions and Addenda", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought

current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission.*1*2

## SECTION 209. ADDITIONAL REGULATIONS

**NOISE LEVEL REDUCTION:** Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas within noise contours described in Section ~~1007~~ 1010 of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

## SECTION 210. BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS

### SECTION 210.1 - GENERAL

### 210.1.1

**Scope.** The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

### 210.1.2

**Standards of Quality.** In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504.)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

### SECTION 210.2 – DEFINITIONS

For the purpose of this section, certain terms, words and phrases are defined as follows:

**ABOVEGROUND/ON-GROUND POOL.** See definition of "swimming pool."

**BARRIER** is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

**GRADE** is the underlying surface, such as earth or a walking surface.

**HOT TUB.** See definition of "spa, nonself-contained" and "spa, self-contained."

**IN-GROUND POOL.** See definition of "swimming pool."

**SEPARATION FENCE** is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

**SPA, NONSELF-CONTAINED** is a hydro massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610mm) deep.

**SPA, SELF-CONTAINED** is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches deep.

**SWIMMING POOL** is any structure intended for swimming or recreational bathing that contains water over 18 inches deep and/or wider than 8 feet at any point. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools. <u>This does not include decorative fountains that contain water less than 12 inches deep.</u>

**SWIMMING POOL, INDOOR** is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR** is any swimming pool that is not an indoor pool.

## SECTION 210.3 – REQUIREMENTS

**210.3.1 Outdoor Swimming Pool.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on

the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the aboveground pool structure. When barriers have horizontal members spaced less than 54 inches apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 ¾-inch-diamenter (44.5 mm) sphere.

**EXCEPTIONS:**

1. When vertical spacing between such openings is 54 inches or more, the opening size may be increased such the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 54 inches or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 210.3.1 shall be provided.

**EXCEPTIONS:** When approved by the Building Official, one the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dBA when measured indoors at 10 feet

(3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means such a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
4. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded by a barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

**210.3.2** **Indoor Swimming Pool.** For an indoor swimming pool, protection shall comply with the requirements of Section 210.3.1 Item 5

**210.3.3** **Spas and Hot Tubs.** For a nonself-contained and self-contained spa or hot tub protection shall comply with the requirements of Section 210.3.1

**EXCEPTION:** A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Section 210.3.1

**210.3.4** Where a window faces a swimming pool enclosure, said window shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4" or a latching device located not less than 54" above the floor. Emergency escape or rescue windows in bedrooms which face swimming pool enclosures shall be equipped with a latching device located no less than 54" above the floor.

**210.3.5** Protective enclosures shall be located at a minimum horizontal distance of 54" from any equipment, permanent structures, planters, or similar objects that could be used to climb the enclosure. This provision shall not apply to the area between the pool and the protective enclosure if the protective enclosure is a solid wall with no openings.

## SECTION 211. RESIDENTIAL WOODBURING REGULATIONS

### 211.1 FIREPLACE RESTRICTIONS

#### 211.1.1 Purpose

The purpose of this subsection is to regulate fireplaces, wood stoves, or other solid-fuel burning devices to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

### 211.1.2 Applicability

The Residential Woodburning Restriction Ordinance applies to any residential wood burning device in sections of Area A that are within Maricopa County or within incorporated cities and towns in such sections.
**AREA A** – As defined in Arizona Revised Statues (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South Range 5 West through Range 1 East
Township 4 South Range 5 West Through Range 1 East

### 211.1.3 Effective Date

The effective date of the regulations and prohibitions set forth this subsection shall be December 31, 1998.

### 211.1.4 Definitions

For purposes of this subsection, the following words and terms shall be defined as follows:

**FIREPLACE** means a built in place masonry hearth and fire chamber of a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**SOLID FUEL** includes but is not limited to wood, coal, or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood-burning devices.

**WOOD STOVE** means a solid-fuel burning heating appliance, including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

**211.1.5 Installation Restrictions**

(a) On or after December 31, 1998, no person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

~~1. A fireplace which has a permanently installed gas or electric log insert.~~
~~2. A fireplace, wood stove or other solid fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~
~~3. A fireplace, wood stove or other solid fuel burning appliance which has been tested and listed by a nationally recognized testing agency to meet performance standards, equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~
~~4. A fireplace, wood stove or other solid fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations Part 60, Subpart AAA as in effect on July 1, 1990.~~
~~5. A fireplace which has a permanently installed wood stove insert which complies with subparagraphs 2, 3, or 4 above.~~

~~(b) The following installations are not regulated by this Article and are not prohibited by this Article:~~
~~1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.~~
~~2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.~~
~~3. Fire pits, barbecue grills, and other outdoor fireplaces.~~

~~**211.1.6 Fireplace or Wood Stove Alterations Prohibited**~~

~~(a) On or after December 31, 1998 no person, firm or corporation shall alter or remove a gas or electric log insert or a wood stove insert from a fireplace for purposes of converting the fireplace to directly burn wood or other solid fuel.~~

~~(b) On or after December 31, 1998 no person, firm or corporation shall alter a fireplace, wood stove or other solid fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this subsection.~~

1. Provides the sole or primary source of heat or fuel for cooking for a residence.

2. Meets performance standards for new residential wood heaters manufactured on or after July 1, 1990, or sold at retail on or after July 1, 1992, as prescribed by 40 Code of Federal Regulations Part 60, Subpart AAA.
3. Burns gaseous fuels, including gas logs.
4. Meets rules adopted by the Board of Supervisors as prescribed in ARS § 49-479 for burning wood in approved appliances.

**211.1.~~7~~6 Permits Required**

In addition to the provisions and restrictions of this subsection, construction, installation or alteration of all fireplaces, wood stoves and gas, electric or solid-fuel burning appliances and equipment shall be done in compliance with provisions of the County Building Code and shall be subject to the permits and inspections required by the County Building Code.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 3 – Adoption of National Codes

### ~~SECTION 301. 2009 INTERNATIONAL BUILDING CODE~~

The 2009 International Building Code has been adopted as the building code for Maricopa County along with the following M.A.G. amendments:

**Amendments to the 2009 International Building Code:**

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees.* Said fee to be the building permit fee doubled.

**308.2 Group I-1.** This occupancy shall include buildings, structures or parts thereof housing more than 10 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a residential environment that provides supervisory care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Residential board and care facilities
Assisted living centers
Halfway houses
Group homes
Congregate care facilities
Social rehabilitation facilities
Alcohol and drug abuse centers
Convalescent facilities

A facility such as the above with 10 or fewer persons shall be classified as a Group R-4 Condition 1 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 424 of this code.

**308.3 Group I-2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, custodial, personal or directed care on a 24-hour basis of more than five persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to the following:

Child care facilities
Hospitals
Nursing homes (both intermediate-care facilities and skilled nursing facilities)
~~Mental hospitals~~

~~Detoxification facilities~~

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

This occupancy shall also include buildings and structures used for assisted living homes providing supervisory, personal, or directed care on a 24-hour basis of more than 10 persons who are not capable of self-preservation by responding to an emergency situation without physical assistance from staff. A facility such as the above with ten or fewer persons shall be classified as R-4 Condition 2.

**310.1 R-4** Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living homes including not more than 10 occupants, excluding staff.

**310.1.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as a Group I-1.

**310.1.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-2.

R-4 occupancies shall meet the requirements for construction as defined in Group R-3 except as otherwise provided for in this code, and Section 424 or shall comply with the *International Residential Code* in accordance with Section 101.2 where the building is in compliance with Section 424 of this code.

**310.1 Definitions**

**Personal Care Service.** Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments.

**Directed Care Service.** Care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

**Supervisory Care Service.** General supervision, including daily awareness of resident functioning and continuing needs.

~~**Residential Care/Assisted Living Home.** A building or part thereof housing a maximum of~~ 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides supervisory, personal, or directed services. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living homes, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

**424 Residential Care/Assisted Living Homes**

**424.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides licensed cares services. Except as specifically required by this division, R-4 occupancies shall meet all applicable provisions of Group R-3.

**424.2 General.** Buildings or portions of buildings classified as R-4 occupancies shall meet all the applicable provisions of Group R-3, may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building, and shall not exceed 2000 square feet above the first story except as provided in Section 506.

**424.3 Special Provisions.** R-4 occupancies having more than 2000 square feet of floor area above the first floor shall be of not less than one-hour fire-resistive construction throughout.

**424.3.1 Mixed Uses.** R-4 occupancies shall be separated from other uses as provided in Table 508.4.

**424.4 Access and Means of Egress Facilities.**

**424.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route per the Arizonans with Disabilities Act. Sleeping rooms and associated toilets shall be accessible.

> Exception: Existing buildings shall comply with Section 3409. Bathing and toilet facilities need not be made accessible, but shall be provided with grab bars in accordance with ICC/ANSI A 117.1.

**424.4.2 Exits**

**424.4.2.1 Number of Exits.** Every story, basement, or portion thereof shall have not less than ~~two exits.~~

~~Exception: Basements and stories above the first floor containing no sleeping rooms may~~ have one means of egress as provided in Chapter 10.

**424.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1014, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**424.4.2.3 Emergency Exit Illumination.** In the event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the ICC Electric Code.

**424.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception 1 to Section 1029.1 does not apply to R-4 occupancies.

**424.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with Sections 1008.1.4.4, and items 1, 2, 4, 5 and 6, or 1008.1.9.8.

**424.4 Smoke Detectors and Sprinkler Systems**

**424.5.1 Smoke Alarms.** All habitable rooms and hallways in R-4 occupancies shall be provided with smoke alarms installed in accordance with Section 907.2.11.

**424.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with Section 903.3. Sprinkler systems installed under this Section shall be installed throughout, including attached garages, and in Condition 2 facilities shall include attics and concealed spaces of or containing combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In R-4 Condition 2 occupancies, such systems shall contain water-flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

Add new exception to **716.5.4**

Exceptions:

~~4.~~ Such walls are penetrated by ducted HVAC systems, have a required fire-resistance rating of 1 hour or less and are in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.3.1 or 903.3.1.2. For the purposes of this exception, a ducted HVAC system shall be a duct system for conveying supply, return or exhaust air as part of the structure's HVAC system. Such a duct system shall be constructed of sheet steel not less than 26 gage thickness and shall be continuous from the air-handling appliance or ~~equipment to the air outlet and inlet terminals.~~

~~**Section 903.2.8, Group R:** An automatic sprinkler system installed in accordance with Section~~ 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2, Door Swing**. Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2006 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls**. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Chapter 13 Energy Efficiency is deleted in its entirety.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be ~~assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.~~

~~**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall~~ be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 27. Residential | | |
| One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 27) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302 2009 INTERNATIONAL RESIDENTIAL CODE

The 2009 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following M.A.G. amendments.

~~**Amendments to the 2009 International Residential Code:**~~

~~Revise Table R 301.5 as follows:~~

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted

Chapter 11 Energy Efficiency is deleted in it entirety.

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building (no other changes)

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.10 (404.9) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.10.1 Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except ~~where the discharge is to the outdoors, not subject to freezing and the piping~~

~~terminates not less than 6 inches (152mm) and not more that 12 inches (305mm)~~ above grade.

3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2009 INTERNATIONAL MECHANICAL CODE

The 2009 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County with one amendment to delete Section 301.2.

## SECTION 304. 2009 INTERNATIONAL PLUMBING CODE

The 2009 International Plumbing Code has been adopted as the plumbing code for Maricopa County with two amendments.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge ~~full size to the air gap.~~

4. ~~Serve a single relief device and shall not connect to piping serving any other relief~~ device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**904.1 Roof extension** All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2008 NATIONAL ELECTRICAL CODE

The 2008 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following M.A.G. amendments.

Revise the following sections to read:

**210-8. Ground-Fault Circuit-Interrupter Protection for Personnel**

FPN: See 215.9 for ground-fault circuit-interrupter protection for personnel on feeders.

**(A) All Occupancies.** All 125-volt, single-phase, 15 and 20-ampere receptacles installed in the locations specified in (1) through (9) shall have ground-fault circuit-interrupter protection for personnel.

1. Bathrooms
2. Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas and areas of similar use.
3. ~~Outdoors~~

~~Exception No. 1 to (3): Receptacles that are not readily accessible and are supplied by a~~ dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

Exception No. 2 to (3): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(2) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.

4. Crawl Spaces – at or below grade level

5. Unfinished basements – for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

FPN: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

6. Kitchens –
   (a) Dwelling units – where the receptacles are installed to serve countertop surfaces
   (b) Other that dwelling units – all locations

7. Sinks – where the receptacle are installed within 1.8m (6 ft) of the outside edge of the sink.

Exception No. 1 to (7): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall b e permitted to be installed without GFCI protection.

Exception No. 2 to (7): For receptacles located in patient care areas of health care facilities other than those covered under 210.8(A)(1), GFCI protection shall not be required.

8. Boathouses

9. Indoors:
   ~~(a) Damp locations~~

~~(b) Wet locations~~

**(B) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that supply boat hoists installed in dwelling unit locations.

**250.118 Types of Equipment Grounding Conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

FPN: For effective ground-fault current pate, see 250.2 Definition.

1. A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
2. Rigid metal conduit.
3. Intermediate metal conduit.
4. Electrical metallic tubing with an additional equipment grounding conductor.
5. Listed flexible metal conduit with an additional equipment grounding conductor, and meeting all the following conditions:
   a. The conduit is terminated in listed fittings.
   b. The combined length of flexible metal conduit and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft) for feeders and 15 m (50ft) for branch circuits.
   c. The additional equipment grounding conductor is terminated at each termination or junction point.
6. Listed liquidtight flexible metal conduit meeting all the following conditions:
   a. The conduit is terminated in listed fittings.
   b. For metric designators 12 through 16 (trade sizes 3/8 through ½), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.
   c. For metric designators 21 through 35 (trade sizes ¾ through 11/4), the circuit conductors contained in the conduit are protected of overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metallic tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through ½) in the grounding path.
   d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft).
   e. Where used to connect equipment where flexibility is necessary after installation, an equipment grounding conductor shall be installed.
7. Listed liquidtight flexible metal conduit with an additional equipment grounding ~~conductor and meeting all of the following conditions:~~

a. The conduit is terminated in listed fittings.
b. The combined length of liquidtight flexible metal conduit and flexible metal conduit in the same ground return path does not exceed 15 m (50ft) for branch circuits and 1.8 m (6ft) for feeders.
c. The additional equipment grounding conductor is terminated at each termination or junction point.

8. Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:
   a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.
   b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground return path does not exceed 1.8 m (6ft).
9. Armor of Type AC cable with an additional equipment grounding conductor and as provided in 320.108.
10. The copper sheath of mineral-insulated, metal-sheathed cable.
11. Type MC cable where listed and identified for grounding in accordance with the following:
    a. The combined metallic sheath and grounding conductor of interlocked metal tape-type MC cable.
    b. The metallic sheath or the combined metallic sheath and grounding conductors of the smooth or corrugated tube-type MC cable.
12. Cable trays as permitted in 392.3 and 392.7.
13. Cablebus framework as permitted in 370.3.
14. Other listed electrically continuous metal raceways and listed auxiliary gutters.
15. Surface metal raceways listed for grounding.

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

1. One-and two-family dwellings.
2. Multifamily dwellings permitted to be of Types III, IV, and V construction
3. Other dwelling unit accessory buildings and structures in accordance with 334.10 (1) and (2).

   FPN No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-2006, *Standard on Types of Building Construction*, or the applicable building code, or both.

   FPN No. 2: See Annex E for determination of building types [NFPA 220, Table 3-1].

4. Cable trays in structures permitted to be Types III, IV, or V where the cables are identified for the use.

~~FPN: See 310.10 for temperature limitation of conductors.~~

**(A) Type NM.** Type NM cable shall be permitted as follows:
1. For both exposed and concealed work in normally dry locations.
2. To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:
1. For both exposed and concealed work in dry, moist, damp, or corrosive locations.
2. In outside and inside walls of masonry block or tile.
3. In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe, or similar finish.

**(C) Type NMS.** Type NMS cable shall be permitted as follows:
1. For both exposed and concealed work in normally dry locations.
2. To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as follows:
1. In any dwelling or structure not specifically permitted in 334.10 (1), (2), and (3).
2. As service-entrance cable.
3. In hoistways or on elevators or escalators.
4. Embedded in poured cement, concrete, or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:
1. Where exposed to corrosive fumes or vapors.
2. Where embedded in masonry, concrete, adobe, fill or plaster.
3. In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.
4. In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with ~~the following amendments:~~

~~AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE~~

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2009 INTERNATIONAL FUEL GAS CODE

The 2009 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.9.1, and one revision as follows:

**404.9 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

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NEW TEXT FOR

CHAPTER 3.

# MARICOPA COUNTY LOCAL ADDITIONS & ADDENDA

## Chapter 3 – Adoption of National Codes

### SECTION 301. 2012 INTERNATIONAL BUILDING CODE

The 2012 International Building Code has been adopted as the building code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Building Code:**

Adopt Appendix G Flood-Resistant Construction

Revise the following Sections to read:

**109.4 Work** commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the Building Official that shall be in addition to the required *permit fees*. Said fee to be the building permit fee doubled.

**SECTION 202 DEFINITIONS.**

**PERSONAL CARE SERVICE** is assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications or treatments.

**SUPERVISORY CARE SERVICE** is general supervision, including daily awareness of resident functioning and continuing needs.

**DIRECTED CARE SERVICE** is care of residents, including personal care services, who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

**ASSISTED LIVING FACILITY** is a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.

**ASSISTED LIVING CENTER** is an assisted living facility that provides resident rooms to eleven or more residents.

**ASSISTED LIVING HOME** is an assisted living facility that provides resident rooms to ten or fewer residents.

**INSTITUTIONAL GROUP I**

**308.3 Institutional Group I-1.** This occupancy shall include buildings, structures or portions thereof for more than 10 persons who reside on a 24 hour basis in a supervised

environment, receive custodial care and are capable of self-preservation, except as provided for assisted living centers. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living centers

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

**308.3.2 Six to Ten Persons Receiving Care.** A facility such as above, housing not fewer than six and not more than 10 persons receiving such care, shall be classified as Group R-4, except as provided for assisted living homes.

**308.4 Institutional Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Assisted living centers

Psychiatric hospitals

**SECTION 310.2 DEFINITIONS.** The following terms are defined in Chapter 2:

ASSISTED LIVING FACILITY

ASSISTED LIVING CENTER

ASSISTED LIVING HOME

BOARDING HOUSE

CONGREGATE LIVING FACILITIES

DIRECTED CARE SERVICES

DORMITORY

GROUP HOME

PERSONAL CARE SERVICE

SUPERVISORY CARE SERVICES

TRANSIENT

**310.5.1 Care facilities with a dwelling.** Licensed care facilities for 10 or fewer persons receiving care that are within a single-family dwelling are permitted provided that the requirements of Section 425 of this code are met.

**310.6 Residential Group R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation, except as provided for assisted living homes. This group shall include, but not be limited to, the following:

Alcohol and drug centers

Assisted living homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Residential board and custodial care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code and Section 425.

**310.6.1 Condition 1.** This occupancy condition shall include facilities licensed to provide supervisory care services, in which occupants are capable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 1 facilities housing more than 10 persons shall be classified as Group I-2.

**310.6.2 Condition 2.** This occupancy condition shall include facilities licensed to provide personal or directed care services, in which occupants are incapable of self-preservation by responding to an emergency situation without physical assistance from staff. Condition 2 facilities housing more than 10 persons shall be classified as Group I-1.

**SECTION 425. ASSISTED LIVING HOMES**

**425.1 Applicability.** The provisions of this section shall apply to a building or part thereof housing not more than 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment, which provides licensed care services. Except as specifically required by this division, R-4 occupancies shall meet all the applicable provisions of Group R-3.

**425.2 General.** Building or portions of buildings classified as R-4 may be constructed of any materials allowed by this code, shall not exceed two stories in height nor be located above the second story in any building and shall not exceed two thousand square feet above the first story, except as provided in Section 506.

**425.3 Special Provisions.** R-4 occupancies having more than 2000 square feet above the first story shall be of not less than one-hour fire-resistive construction throughout.

**425.3.1 Mixed Uses.** R-4 occupancies shall be separated from other occupancies as provided in Table 508.4.

**425.4 Access and Means of Egress Facilities.**

**425.4.1 Accessibility.** R-4 occupancies shall be provided with at least one accessible route as provided in Section 1104.1.

**425.4.2 Exits.**

**425.4.2.1 Number of Exits.** Every story, basement or portion thereof shall have not less than two exits.

Exception: Basements and stories above the first floor containing no sleeping rooms used by residents may have only one means of egress as provided in Chapter 10.

**425.4.2.2 Distance to Exits.** The maximum travel distance shall comply with Section 1016, except that the maximum travel distance from the center point of any sleeping room to an exit shall not exceed 75 feet.

**425.4.2.3 Emergency Exit Illumination.** In event of a power failure, exit illumination shall be automatically provided from an emergency system powered by storage batteries or an onsite generator set installed in accordance with the International Electric Code.

**425.4.2.4 Emergency Escape and Rescue.** R-4 occupancies shall comply with the requirements of Section 1029, except that Exception #1 to 1029 does not apply to R-4 occupancies.

**425.4.2.5 Delayed Egress Locks.** In R-4 Condition 2 occupancies, delayed egress locks shall be permitted in accordance with 1008.1.9.7, Items 1,2,4,5 and 6.

**425.5 Smoke Alarms and Sprinkler Systems.**

**425.5.1 Smoke Alarms.** R-4 occupancies shall be provided with smoke alarms installed in accordance with 907.2.11.2, and such alarms shall be installed in all habitable rooms.

**425.5.2 Sprinkler Systems.** R-4 occupancies shall be provided with a sprinkler system installed in accordance with 903.3.1.3. Sprinkler systems installed under this section shall be installed throughout, including attached garages, and in Condition 2 facilities, shall include concealed spaces of, or containing, combustible materials. Such systems may not contain unsupervised valves between the domestic water riser control valve and the sprinklers. In Condition 2 occupancies, such systems shall contain water flow switches electrically supervised by an approved supervising station, and shall sound an audible signal at a constantly attended location.

**1008.1.2 Door Swing.** Delete the text of Exception #4 and replace with the following:

4. Doors within or serving a single dwelling unit in Groups R-2 and R-3, as applicable in 101.2 and R-4.

**Section 903.2.8 Group R:** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area except one and two family dwellings.

**Section 1008.1.2 Door Swing**. Egress doors shall be side-hinged swinging.

Exceptions:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4

Add 1101.3 as follows:

**1101.3 Other Regulations:** In addition to the requirements of this code all structures and sites must comply with the "Arizonans with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonans with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4). These regulations incorporate the federal "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities". These requirements will apply to new construction and alterations and are not applicable in existing buildings or portions of existing buildings that do not meet the standards and specifications of these regulations. These regulations are hereby adopted and made a part hereof as though fully set forth in this section. Where these regulations differ from the requirements of Chapter 11 of the 2012 International Building Code, the stricter shall apply.

Revise as follows:

**1210.2 Walls**. Walls within 2 feet (10 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of 4 feet (1219 mm) above the floor and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

**1503.4.4 Where Required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal.

**1503.4.5 Roof Design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked. Design shall be based on 6" rainfall in 1 hour.

**1503.4.6 Overflow Drainage Required.** Overflow (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1503.4.6.1 Separate Systems Required.** Overflow roof drain systems shall have the end point of discharge separate from the primary system. Discharge shall be above grade, in a location, which would normally be observed by the building occupants or maintenance personnel.

**1503.4.6.2 Overflow Drains and Scuppers.** Where roof drains are required, overflow drains having the same size as the roof drains shall be installed with the inlet flow line located 2 inches (51mm) above the low point of the roof, or overflow scuppers having three times the size of the roof drains may be installed in the adjacent parapet walls. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by the plumbing code. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

Table 1607.1 Revise as follows:

| OCCUPANCY OR USE | UNIFORM (PSF) | CONCENTRATED (LBS.) |
|---|---|---|
| 25. Residential | | |
| One- and two-family dwellings | | |
| Uninhabitable attics with limited storage | 40 | |
| Habitable attics and sleeping areas | 40 | |
| (no other changes in item 25) | | |

**Section 3109 Swimming Pool Enclosures** is deleted.

## SECTION 302. 2012 INTERNATIONAL RESIDENTIAL CODE

The 2012 International Residential Code has been adopted as the Residential Building Code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Residential Code:**

Revise Table R 301.5 as follows:

| Use | Live Load |
|---|---|
| Attics with limited storage [b,g] | 40 |
| Habitable attics and attics served with fixed stairs | 40 |
| Sleeping rooms | 40 |

No other changes to table

**Section R313 Automatic fire sprinkler systems** is deleted.

N1101.15.1 Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in Section 401.2 above. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

N1101.17 Testing. All mandatory compliance testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

~~N1103.2.2.1 Sealed air handler. Air handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.~~

M1307.7 Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

**M1503.1 General.** Range hoods shall discharge to the outdoors though a single wall duct. The duct serving the hood shall have a smooth interior surface, shall be airtight, and shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with a pre-manufactured transition fitting. Ducts serving range hoods shall not terminate in an attic or crawl space or areas inside the building.

G2406.2 Add new item 6 text after the exceptions as follows:

6. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

G2415.12 Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

**SECTION G2415.12.1 Individual Outside appliances** is deleted

**SECTION P2803.6.1 Requirements for discharge piping.** The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller that the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed so as to flow by gravity.
10. Not terminate more that 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 605.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

**SECTION P2904 DWELLING UNIT FIRE SPRINKLER SYSTEMS** is deleted.

## SECTION 303. 2012 INTERNATIONAL MECHANICAL CODE

The 2012 International Mechanical Code has been adopted as the Mechanical Code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Mechanical Code:**

Revise the following sections to read:

**505.1 Domestic Systems.** Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwelling units, such hoods and appliances shall discharge to the outdoors through sheet metal ducts constructed of galvanized steel, stainless steel, aluminum or copper. Such ducts shall have smooth inner walls, shall be air tight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Changes in size or direction shall be accomplished with an approved transition fitting.

**1004.1 Standards.** Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers shall be designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code* and Arizona Boiler Rules, Title 20 Chapter 5.

## SECTION 304. 2012 INTERNATIONAL PLUMBING CODE

The 2012 International Plumbing Code has been adopted as the plumbing code for Maricopa County along with the following amendments.

**Amendments to the 2012 International Plumbing Code:**

Add to Section 405.3.1:

Exception: Side clearances for accessible or ambulatory water closets shall comply with ICC/ANSI A117.1.

504.6 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater except where the discharge is to the outdoors, not subject to freezing and the piping terminates not less than 6 inches (152mm) and not more that 12 inches (305mm) above grade.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.
9. Be installed as to flow by gravity.
10. Not terminate more than 6 inches (152mm) above the floor or waste receptor.
11. Not have a threaded connection at the end of such piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials listed in Section 6-5-.4 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Direct the discharge in a downward direction.

Add to Section 904.1:

All open vent pipes that extend through a roof shall be terminated at least six inches (152mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134mm) above the roof.

## SECTION 305. 2011 NATIONAL ELECTRICAL CODE

The 2011 National Electrical Code has been adopted as the electrical code for Maricopa County along with the following amendments.

Revise the following sections to read:

### ARTICLE 210 – Branch Circuits

**Section 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel**

**(B) Other Than Dwelling Units.** All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210.8(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel.

**(6)** Indoor damp and wet locations.

### ARTICLE 250 – Grounding and Bonding

**250.118 Types of Equipment Grounding Conductors.**

The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

(1) A copper, aluminum or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered or bare; and in the form of a wire or a busbar of any shape.

(2) Rigid metal conduit.

(3) Intermediate metal conduit.

(4) Electric metallic tubing with an additional equipment grounding conductor.

(5) Listed flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(6) Listed liquidtight flexible metal conduit meeting all the following conditions:

a. The conduit is terminated in listed fittings.

b. For metric designators 12 through 16 (trade sizes 3/8 through 1/2), the circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. For metric designators 21 through 35 (trade sizes 3/4 through 1-1/4), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metal tubing, or liquidtight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes 3/8 through 1/2) in the ground-fault current path.

d. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:

a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

b. The combined length of flexible metal conduit and flexible metallic tubing and liquidtight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft).

(8) Armor of Type AC cable as provided in 320.108.

(9) The copper sheath of mineral-insulated, metal-sheathed cable.

(10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:

a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(11) Cable trays as permitted in 392.10 and 392.60.

(12) Cablebus framework as permitted in 370.3

(13) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(14) Surface metal raceways listed for grounding.

**ARTICLE 334 – Nonmetallic-Sheathed Cable; Types NM, NMC and NMS**

**II. Installation**

**334.10 Uses Permitted.** Type NM, Type NMC and Type NMS cables shall be permitted to be used in the following:

(1) One- and two- family dwellings and their attached or detached garages, and their storage buildings.

(2) Multifamily dwellings permitted to be of Types III, IV and V construction except as prohibited in 334.12.

(3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and 334.10 (2) and other provisions of this Code.

(4) Cable trays in structures permitted to be Types III, IV or V in accordance with 334.10(1) and (2) where the cables are identified for the use.

(5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

**(A) Type NM.** Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**(B) Type NMC.** Type NMC cable shall be permitted as follows:

(1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

(2) In outside and inside walls of masonry block or tile.

(3) In a shallow chase in masonry, concrete or adobe protected against nails or screws by a steel plate at least 1.59 mm (1/16 in.) thick and covered with plaster, adobe or similar finish.

**C) Type NMS.** Type NMS cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations.

(2) To be installed or fished in air voids in masonry block or tile walls.

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC and NMS.** Type NM, Type NMC and Type NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (3).

(2) As service-entrance cable.

(3) In hoistways or on elevators or escalators

(4) Embedded in poured cement, concrete or aggregate.

**(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following conditions or in the following locations:

(1) Where exposed to corrosive fumes or vapors.

(2) Where embedded in masonry, concrete, adobe, fill or plaster.

(3) In a shallow chase in masonry, concrete or adobe and covered with plaster, adobe or similar finish.

(4) In wet or damp locations.

## SECTION 306. 2003 INTERNATIONAL FIRE CODE

The 2003 International Fire Code has been adopted as the Fire Code only for properties owned by Maricopa County, regardless of the jurisdiction within which the property lies, along with the following amendments:

AMENDMENTS TO THE 2003 INTERNATIONAL FIRE CODE:

Delete all references to the International Existing Building Code from sections 102.3, 102.4, 102.5 and any other sections.

Revise section 104.6 to read:
104.6 Official Records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than ninety (90) days after final occupancy approval, unless otherwise provided by other regulations.

Delete Section 105 Permits.

Delete Section 107 Maintenance.

Delete Section 109.3 Violation Penalties.

Delete all Appendices A through G.

## SECTION 307. 2012 INTERNATIONAL FUEL GAS CODE

The 2012 International Fuel Gas Code has been adopted as the Fuel Gas Code for Maricopa County with one amendment to delete sections 301.2 and 404.11.1, and one revision as follows:

**404.12 Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457mm) for plastic piping.

Delete Section 404.12.1

## SECTION 308. 2012 INTERNATIONAL GREEN CONSTRUCTION CODE

The 2012 International Green Construction Code has been adopted as the Green Construction Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Green Construction Code:**

Revise the following sections to read:

**SECTION 101 GENERAL**

**[A] 101.1 Title.**
These regulations shall be known as the Maricopa County Green Construction Code hereinafter referred to as "this code."

**101.2 General.**
The use of this code is optional, unless specifically required through ordinance by Maricopa County. This code is an overlay document to be used in conjunction with the other codes and standards adopted by the jurisdiction. This code is not intended to be used as a standalone construction regulation document and permits are not to be issued under this code. This code is not intended to abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances.

**TABLE 302.1**
**REQUIREMENTS DETERMINED BY THE JURISDICTION**

| Section | Section Title of Description and Directives | Jurisdictional Requirements | |
|---|---|---|---|
| **CHAPTER 1. SCOPE** | | | |
| 101.3 Exception 1.1 | Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.2 | Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| 101.3 Exception 1.3 | Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700. | **Yes** | |
| **CHAPTER 4. SITE DEVELOPMENT AND LAND USE** | | | |
| 402.2.1 | Flood hazard area preservation, general | | **No** |
| 402.2.2 | Flood hazard area preservation, specific | | **No** |
| 402.3 | Surface water protection | | **No** |
| 402.5 | Conservation area | **Yes** | |
| 402.7 | Agricultural land | **Yes** | |
| 402.8 | Greenfield sites | **Yes** | |
| 407.4.1 | High-occupancy vehicle parking | **Yes** | |
| 407.4.2 | Low-emissions, hybrid and electric vehicle parking | **Yes** | |
| 409.1 | Light pollution control | **Yes** | |
| **CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY** | | | |
| 503.1 | Minimum percentage of waste material diverted from landfills. | **50%** | |
| **CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO2e EMISSIONS REDUCTION** | | | |
| 302.1, 302.1.1, 602.1 | zEPI of Jurisdictional Choice . The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance. | Occupancy: _____ zEPI: _____ | |
| 604.1 | Automated demand response infrastructure | | **No** |
| **CHAPTER 7. WATER RESOURCES CONSERVATION, QUALITY AND EFFICIENCY** | | | |
| 702.7 | Municipal reclaimed water | | **No** |
| **CHAPTER 8. INDOOR ENVIRONMENT QUALITY AND COMFORT** | | | |
| 804.2 | Post-Construction Pre-Occupancy Baseline IAQ Testing | | **No** |
| 807.1 | Sound transmission and sound levels | **Yes** | |

| CHAPTER 10. EXISTING BUILDINGS | | | |
|---|---|---|---|
| 1007.2 | Evaluation of existing buildings | Yes | |
| 1007.3 | Post Certificate of Occupancy zEPI, energy demand and CO2e emissions reporting | | No |

## SECTION 309. 2012 INTERNATIONAL ENERGY CONSERVATION CODE

The 2012 International Energy Conservation Code has been adopted as the Energy Conservation Code for Maricopa County along with the following amendments:

**Amendments to the 2012 International Energy Conservation Code:**

Revise the following sections to read:

**C101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Commercial Building by Section C202, shall have the option of complying under the Residential Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

**R101.2 Scope.** This code applies to residential buildings and the building sites and associated systems and equipment. Group R-2 when defined as a Residential Building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

Add Section R102.1.2

**R102.1.2 RESNET Testing & Inspection Protocol.** The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections shall be deemed to meet the requirements of sections R402.4.1.1, R402.4.1.2 and R403.2.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:

a. R402.4.1.1 – Building Envelope – Thermal and Air Barrier Checklist
b. R402.4.1.2 – Testing – Air Leakage Rate
c. R403.2.2 – Sealing – Duct Tightness

4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Add Section R401.2.1

R401.2.1 Alternative approach for compliance. A Home Energy Rating System ("HERS") Index of 73 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in Section 401.2 above. Compliance may be demonstrated by use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

R401.4 Testing. All mandatory compliance testing and inspections required by this chapter shall be conducted in accordance with Chapter 8 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network. Compliance with mandatory testing may be demonstrated through the use of sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.

R403.2 Ducts. Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. Ducts in floor trusses shall be insulated to a minimum of R-6.

Exceptions: Ducts or portions thereof located completely inside the building thermal envelope.

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
   - 2.1 Minimum SEER rating of space heating/cooling system is increased to 15.
   - 2.2 Maximum U-factor is decreased to 0.35 and maximum SHGC is decreased to .022 for all fenestration products.
   - 2.3 Wall cavity insulation minimum R-value is increased to R-19.
   - 2.4 Residential buildings that meet the requirements of Sections R102.1.1 or R405.

2.5 Residential buildings with attic radiant barriers in accordance with ASTMC 1313, installed in accordance with ASTM C1743.

~~R403.2.2.1 Sealed air-handler. Air handlers shall have a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested in accordance with ASHRAE 193.~~

~~**R401.2.1 Alternative Approach for Compliance.** A Home Energy Rating System ("HERS") Index of 70 or less, confirmed in writing by a Residential Energy Services Network certified energy rater may be used in place of the approach described in section 401.2 above. Compliance may be demonstrated by sampling in accordance with Chapter 6 of the Mortgage Industry National Home Energy Rating Systems Standard as adopted by the Residential Energy Services Network.~~

Delete Section R403.9.3 and replace with:

**R403.9.3** Motors with a total horsepower of one or more for pools and in-ground permanently installed spas shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the motor's maximum rotation rate and shall be operated with a pump control with the capability of operating the pump at two or more speeds. Residential pool pump motor controls that are sold for use with a two or more speed motor shall have a default circulation speed setting no more than one-half of the motor's maximum rotation rate. Any high speed override capability shall be for a temporary period not to exceed one twenty-four hour cycle without resetting to the default setting.

## SECTION 310. 2012 INTERNATIONAL EXISTING BUILDING CODE

The 2012 International Existing Building Code has been adopted as the Existing Building Code for Maricopa County with no amendments.

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013002 – Hillside Retaining Walls |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 7 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance regarding maximum height of retaining walls |
| **Support/Opposition:** | One (1) email of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2013002 is a housekeeping text amendment to the Maricopa County Zoning Ordinance, Art. 1111.5.2 to reference the fact that Art. 1201.4 permits retaining walls subject to hillside slopes to have a max. 30' height (where they are otherwise limited to a max. 6' height).

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. The Commission initiated TA2013002 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. One email of support was received via EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Tuesday, April 30, 2013 1:44 PM
> **To:** 'behomes@q.com'
> **Subject:** RE: Regulatory Outreach
>
> Thank you for your comments. They'll be shared with the P&Z Commission.
>
> **From:** behomes@q.com [mailto:behomes@q.com]
> **Sent:** Friday, April 26, 2013 3:19 PM
> **To:** Regulatory
> **Subject:** Regulatory Outreach
>
> **Citizen Comments**
>
> **Issue:** PD-TA2013002 – Hillside Retaining walls

Citizen's Name: New River-Desert Hills Community Association
City: New River-Desert Hills
Zip:
Phone Number: 623-742-6514
Phone Type:
Email: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

**Comments:**
New River-Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendation: TA2013002 - Hillside Retaining Walls. This seems appropriate. No concern: It appears to merely clarifies the existing ordinance.
RECOMMENDATION: Approval

Time of Request: 4/26/2013 3:18:53 PM

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP. There have been no suggestions to alter the proposed language.

4. The proposed verbatim language is shown below, with added text underscored and no language proposed for deletion:

> 1111.5.2.4. Retaining walls shall not exceed a height of **six (6) feet** as measured from the low side finished grade to the top of the earth being retained, except as permitted in Article 1201.4 of this Ordinance.

**Recommendation:**

5. Staff recommends the Commission recommend **approval** of **TA2013002** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (1 Page)

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013002 – Hillside Retaining Walls |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 8 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 regarding retaining walls subject to hillside slopes |
| **Support/Opposition:** | None known |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is a housekeeping item revising Maricopa County Zoning Ordinance, Article 1111.5.2.4 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a max. 30' height (where they are otherwise limited to a max. 6' height). The proposed language follows (added text is underscored, no language is proposed for deletion):

> 1111.5.2.4. Retaining walls shall not exceed a height of **six (6) feet** as measured from the low side finished grade to the top of the earth being retained, <u>except as permitted in Article 1201.4 of this Ordinance</u>.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was had slight attendance but this matter was discussed. (No minutes of the meeting were prepared.) There were no suggestions to alter the proposed language. There is no known opposition to the proposed language.

**Recommendation:**

Staff recommends the Commission **initiate TA2013002**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**<u>Text Amendment TA2013002</u>:** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Article 1111.5.2 to reference the fact that Article 1201.4 permits retaining walls subject to hillside slopes to have a maximum height of 30' – Hillside Retaining Walls.

Darren Gerard, Deputy Planning Director, presented the above item. This is a text amendment to the Zoning Ordinance, Article 1111.5.2, regarding retaining walls that are subject to hillside slopes of 15% or greater. Elsewhere in the ordinance under Chapter 12 for the hillside regulations, all structures, specifically including retaining walls, are limited to a maximum 30 foot height. Regarding 1111.5.2.4, Staff is adding language that points a reader of the ordinance to Chapter 12 so there is no confusion that retaining walls are limited to a 6 foot height throughout the County, except in areas of hillside slope, they can go up to 30 feet. This is a housekeeping item that clarifies and makes our ordinance more user friendly.

Chairman Deutsch asked if there were questions for staff and if anyone from the public wished to speak on this item.

Ann Hutchinson, New River Desert Hills Community Association, thought it seemed like a good change.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Burrows moved to initiate TA2013002; Vice-Chairman Smith seconded the motion which passed with a unanimous vote of 6-0.**

DRAFT

**Extracts of the Zoning, Infrastructure, Policy, Procedure, and Ordinance Review (ZIPPOR) Committee of April 25, 2013**

**Case Number: - TA2013002 – Hillside Retaining Walls**

# Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013003 – Drainage Waivers |
| **Meeting Date:** | June 6, 2013 |
| **Agenda Item:** | 8 |
| **Supervisor District**: | All |
| **Applicant:** | Commission-initiated |
| **Request:** | Text Amendment to the Maricopa County Zoning Ordinance, Sec. 1205 to allow administrative approval of drainage waivers |
| **Support/Opposition:** | One (1) email of support |
| **Recommendation:** | **Approval** |

**Discussion:**

1. TA2013003 is an effort to streamline the development process and part of the Department's ongoing regulatory reform.

2. This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. The Commission initiated TA2013003 at the April 25, 2013 ZIPPOR meeting. If the Commission acts positively today, the matter will go to the July 17, 2013 Board of Supervisors public hearing, and if adopted will take immediate effect.

3. One email of support was received via EROP:

> **From:** Darren Gerard - PLANDEVX
> **Sent:** Tuesday, April 16, 2013 5:20 PM
> **To:** 'Ann Hutchinson'; Alan & Candy Muller
> **Cc:** Debra Stark - PLANDEVX; Michael Norris - PLANDEVX; Lynn Favour - PLANDEVX
> **Subject:** RE: TA2013001-002--003 New River-Desert Hills Community Association Response
>
> Ann & Alan: your comments are appreciated and will be printed for hand out at the 4/24 P&Z meeting. The agenda and staff reports with attachments are available online. Please note regarding TA2013001 that the green construction codes will be voluntary. Also regarding TA2013003, please note that administrative drainage waivers will have site posting giving neighbors opportunity to provide comment, and that the administrative determination may be appealed to the Drainage Review Board. Please let me know if this alleviates your concerns. Darren
>
> **From:** Ann Hutchinson [mailto:behomes@q.com]
> **Sent:** Thursday, April 11, 2013 12:31 PM
> **To:** Darren Gerard - PLANDEVX

**Cc:** Alan & Candy Muller
**Subject:** TA2013001-002--003 New River-Desert Hills Community Association Response
[MEMO ATTACHED AT END OF REPORT]
Darren,

The attached has the New River - Desert Hills response and consultant's analysis for TA2013001, TA2013002, and TA2013003

Thank you for your consideration,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

There is no known opposition. The New River / Desert Hills Community Association (NRDHCA) registered support via EROP and sent a memo, attached. There have been no suggestions to alter the proposed language.

4. The proposal is to delete Articles 1205.4.4, 1205.4.5 & 1205.4.6; add Articles 1205.3.9 & 1205.6.4; revise Articles 1205.5 & 1205.6; and to renumber the articles accordingly. The proposed verbatim language is shown below, with added text underscored and deleted language is struck-through:

ARTICLE 1205.3 ADMINISTRATION: This article sets forth the duties and powers of the Drainage Administrator and the limitations on regulation.

1205.3.1 Drainage Administrator: The Board of Supervisors of Maricopa County shall appoint the Director of the Maricopa County Planning and Development Department or a duly authorized representative as the Drainage Administrator who shall enforce the provisions of this Regulation.

1205.3.2 Mandatory Duties:

The Drainage Administrator shall:
1. Review drainage reports and plans for all developments of land covered by this ordinance and approve such plans when the requirements of this section are met.
2. Investigate violations and complaints of non-compliance with the Ordinance.
3. Keep copies of all documents or other submissions made pursuant to the requirements of this section.
4. Issue notices or orders necessary to enforce the provisions of this section.

5. Upon determination that development of land subject to this Ordinance has proceeded without drainage clearance, take action necessary to obtain compliance with this Ordinance.

1205.3.3 **Discretionary Powers:**
The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.
2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Ordinance.
3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, record a notice of non-compliance or disclaimer with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.
4. Issue notices of violation pursuant to this Ordinance.
5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Ordinance.
6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this section.
7. Establish, collect and regulate fees, which have been which have been approved by the BOS, for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.
8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:
a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;
b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;
c. A development that has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;
d. A project that has more than one phase and the schedule of construction of all phases is longer than one year.

*9. Grant Drainage Waivers pursuant to Article 1205.6 of this Ordinance.*

**ARTICLE 1205.4 DRAINAGE REVIEW BOARD**

Pursuant to the authority granted in ARS 11-251, the Board of Supervisors shall appoint each member of the Maricopa County Board of Adjustment as a member of the Drainage Review Board (DRB) which shall hear requests for waivers to this section and appeals from interpretations made by the Drainage Administrator in accordance with the rules of this section.
1205.4.1**.** The Drainage Review Board shall select a chair and a vice chair from among its own members who shall have the power to administer oaths and take evidence.
1205.4.2. The Drainage Review Board shall by resolution fix the time and place of its meetings. The meetings shall be open to the public; minutes of its proceedings and records of its examinations and other official actions shall be kept and filed

in the office of the Maricopa County Planning and Development Department as a public record.

1205.4.3. The Drainage Review Board shall adopt rules of procedure consistent with the provisions of this Ordinance for the conduct of Drainage Review Board business including establishment of a fee schedule to cover in part administrative costs incurred in the processing of appeals, drainage clearances, drainage waivers, plans review and performance bonds. The fee schedule shall be effective when approved by the Board of Supervisors and may be separately amended from time to time as deemed necessary by the Board of Supervisors.

~~1205.4.4. Property shall be posted a minimum of fifteen days prior to a public Drainage Review Board hearing date.~~

~~1205.4.5. The Drainage Review Board may prescribe, in connection with the grant of any waiver or appealed clearance, conditions determined necessary to fully carry out the provisions and intent of this section.~~

~~1205.4.6. If the Drainage Review Board has cause to believe, after approval of a waiver, that any stipulations or conditions may have been violated, it may set a hearing for the purpose of determining whether to revoke the waiver for such violation. The Drainage Review Board may revoke the waiver upon finding a violation of the stipulations or conditions or it may grant a limited time to allow the violator to correct the violation in order to avoid revocation of the waiver.~~

## ARTICLE 1205.5 APPEALS

1205.5.1 Appeals of any decision of the Drainage Administrator to the Drainage Review Board shall be filed with the Drainage Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Drainage Administrator. The notice of appeal shall specify the grounds for said appeal.

1205.5.2 During the pendency of an appeal all matters regarding the proceeding shall be stayed unless the Drainage Administrator certifies to the Drainage Review Board that by reason of facts surrounding the appeal the stay would, in the opinion of the Drainage Administrator, cause imminent peril to life or property. In such cases the other matters shall not be stayed.

1205.5.3 The Drainage Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Drainage Review Board shall hear and decide the appeal within a reasonable time.

1205.5.4. After public hearing, the Drainage Review Board shall render its decision whereby the Board may either affirm or reverse the decision of the Drainage Administrator.

1205.5.~~4~~5 Any person aggrieved by a decision of the Drainage Review Board may, within 30 days of such decision, appeal to Superior Court ~~the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors on a form provided by the Drainage Administrator. Said notice of appeal shall specify the grounds of appeal. The Board of Supervisors shall conduct the appeal under such rules of procedure as they shall adopt. The decision of the Board of Supervisors shall be a final decision~~.

## ARTICLE 1205.6 DRAINAGE WAIVER

1205.6.1 The Drainage ~~Review Board~~ Administrator shall hear and decide requests for waiver from the requirements of this section.
1205.6.2 Before granting a waiver the Drainage ~~Review Board~~ Administrator shall find that each of the following criteria is met:
a. The grant will not result in an increase in the 100-year peak flow or discharge; and
b. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulation would deprive the property of privileges enjoyed by similar property; and
~~c. The waiver would not constitute a grant of special privilege inconsistent with the limitations on similar property; and~~
~~d~~c. The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and
~~e~~d. There is a showing of good and sufficient cause; and
~~f. Failure to grant the waiver would result in exceptional hardship to the applicant; and~~
~~g~~e. Granting the waiver will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the waiver does not conflict with existing local laws or ordinances.
1205.6.3 The Drainage ~~Review Board~~Administrator may attach such conditions or restrictions to the granting of a waiver as ~~it~~ the Drainage Administrator determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the waiver. The applicant may be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.
1205.6.4 Property shall be posted a minimum of fifteen days prior to the Drainage Administrator's decision.

**Recommendation:**

5. Staff recommends the Commission recommend **approval** of **TA2013003** as shown in paragraph 4 of this report.

Prepared by: Darren V. Gerard, AICP, Deputy Director

Attachments: NRDHCA support memo (2 pages)
DRAFT April 25, 2013 ZIPPOR minutes (not available as of the writing of this report)
April 25, 2013 ZIPPOR packet (4 pages)

New River/Desert Hills Community Association, Inc.
515 E. Carefree Hwy. #300
Phoenix, AZ 85085-8839
Phone 602-432-2800
Fax: 623-465-1177
Website: www.NRDHCA.ORG
President's email: Alan@NRDHCA.com

April 11, 2013

Darren Gerard
Maricopa County Planning and Development
501 North 44th Street, Suite 200
Phoenix, AZ 85008

Dear Darren,

The President of the New River/Desert Hills Community Association (NR/DHCA) has authorized me to submit following comments and recommendations:

- **TA2013001 – 2012 International Codes.** For the most part, this seems appropriate. **Concern:** There is concern about the implementation of the International Green Construction Code since may be greatly increase the cost of a new residencies. We suggest that the county phase this into the requirements to mitigate undue hardships.
- **TA2013002 - Hillside Retaining Walls.** This seems appropriate. **No concern:** It appears to merely clarifies the existing ordinance.
- **TA2013003 - Drainage Waivers.** For the most part, this seems appropriate. **Concern:** There is concern that there does not seem to be any checks and balances. Therefore it is not obvious that the administrative hearings will adequate and that there will not be an opportunity for public input. .

Please consider the attached letter from our consultant.

Regards,

Ann Hutchinson

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
515 E. Carefree Highway, #300
Phoenix, AZ 85085-8839
Email: behomes@q.com
www.nrdhca.org
623-742-6514

**Attachment:** Consultant's analysis

**PAUL H. McALLISTER**
**201 W. Circle Mountain Road**
**New River, AZ 85087**
**Date: 31 March 2013**

**To:** NR-DHCA, INC.

I have reviewed the proposed TAs (Text Amendments) TA2013001, TA2013002 and TA2013003. TA2013001 proposes adopting 2012 International, Building, Residential, Plumbing, Mechanical, Fuel/Gas, Green Construction, Energy Conservation, Existing Building Codes. If Green Construction and Energy Conservation Codes are required, I can only hope Maricopa County does not require sealed plans/documents as part of the approval process.

**TA2013001** incorporates The International Green Construction Code. This will elevate the cost of a new residence but only slightly. The new products on the market are tried and proven to bettor or as good as the older required products. Presently the newer (Green) materials are much cheaper than their accepted older materials.

When it comes to energy conservation, my experience in California was that energy efficacy compliance on the plans had to be documented and sealed for approval. This seal provided by a registered Architectural Engineer or a Engineer was required for approval.

Energy Conservation is often an expensive process and will increase the cost of a new residencies considerably. Insulation R designation (walls, attic, floors), windows shading, window size, air intrusion sealing (windows and doors mostly) all will become part of this change. Energy conservation in this area is a good thing but what cost is acceptable? The county should only require certain modifications to the structure and slowly, not enter all at once thereby avoiding anything that might be considered as a hardship.

I do not possess a copy of the International Existing Building Code and thereby know very little about it. I know virtually nothing about what requirements are in this code but it does not sound good (i.e. sounds expensive for little value).

**TA2013002** this proposed addition to Chapter 11 will make no new requirements only spells-out those requirements that exist and clear up any confusion that currently exist.

**TA2013003** Will allow drainage requirements to be approved administratively and not require (in some cases) approval only by the Drainage Review Board (a public meeting). The only objection to this method is that the county may use this method to approve everything. This TA provides no checks and balances but is open-ended.

Sincerely,

Paul H. McAllister

**Report to the Planning and Zoning Commission**
Prepared by the Maricopa County Planning and Development Department

| | |
|---|---|
| **Cases:** | TA2013003 – Drainage Waivers |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Item:** | 9 |
| **Supervisor District:** | All |
| **Applicant:** | Staff |
| **Request:** | Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1205 Drainage Regulations to allow drainage waivers to be granted administratively |
| **Support/Opposition:** | None known |
| **Recommendation:** | **Initiate** |

**Discussion:**

This is an effort to streamline the development permitting process. The proposal is to revise Maricopa County Zoning Ordinance, Section 1205 Drainage Regulations to delete Articles 1205.4.4, 1205.4.5 & 1205.4.6; add Articles 1205.3.9 & 1205.6.4; and revise Articles 1205.5 & 1205.6. The proposed language follows (added text is underscored, deleted language is struck-through):

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ARTICLE 1205.3 ADMINISTRATION: This article sets forth the duties and powers of the Drainage Administrator and the limitations on regulation.

1205.3.1 Drainage Administrator: The Board of Supervisors of Maricopa County shall appoint the Director of the Maricopa County Planning and Development Department or a duly authorized representative as the Drainage Administrator who shall enforce the provisions of this Regulation.

1205.3.2 Mandatory Duties:

The Drainage Administrator shall:
1. Review drainage reports and plans for all developments of land covered by this ordinance and approve such plans when the requirements of this section are met.
2. Investigate violations and complaints of non-compliance with the Ordinance.
3. Keep copies of all documents or other submissions made pursuant to the requirements of this section.
4. Issue notices or orders necessary to enforce the provisions of this section.

5. Upon determination that development of land subject to this Ordinance has proceeded without drainage clearance, take action necessary to obtain compliance with this Ordinance.

1205.3.3 **Discretionary Powers:**
The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.
2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Ordinance.
3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, record a notice of non-compliance or disclaimer with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.
4. Issue notices of violation pursuant to this Ordinance.
5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Ordinance.
6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this section.
7. Establish, collect and regulate fees, which have been which have been approved by the BOS, for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.
8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:
a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;
b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;
c. A development that has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;
d. A project that has more than one phase and the schedule of construction of all phases is longer than one year.

*9. Grant Drainage Waivers pursuant to Article 1205.6 of this Ordinance.*

**ARTICLE 1205.4 DRAINAGE REVIEW BOARD**

Pursuant to the authority granted in ARS 11-251, the Board of Supervisors shall appoint each member of the Maricopa County Board of Adjustment as a member of the Drainage Review Board (DRB) which shall hear requests for waivers to this section and appeals from interpretations made by the Drainage Administrator in accordance with the rules of this section.
1205.4.1. The Drainage Review Board shall select a chair and a vice chair from among its own members who shall have the power to administer oaths and take evidence.
1205.4.2. The Drainage Review Board shall by resolution fix the time and place of its meetings. The meetings shall be open to the public; minutes of its proceedings and records of its examinations and other official actions shall be kept and filed in the office of the Maricopa County Planning and Development Department as a public record.

1205.4.3. The Drainage Review Board shall adopt rules of procedure consistent with the provisions of this Ordinance for the conduct of Drainage Review Board business including establishment of a fee schedule to cover in part administrative costs incurred in the processing of appeals, drainage clearances, drainage waivers, plans review and performance bonds. The fee schedule shall be effective when approved by the Board of Supervisors and may be separately amended from time to time as deemed necessary by the Board of Supervisors.
~~1205.4.4. Property shall be posted a minimum of fifteen days prior to a public Drainage Review Board hearing date.~~
~~1205.4.5. The Drainage Review Board may prescribe, in connection with the grant of any waiver or appealed clearance, conditions determined necessary to fully carry out the provisions and intent of this section.~~
~~1205.4.6. If the Drainage Review Board has cause to believe, after approval of a waiver, that any stipulations or conditions may have been violated, it may set a hearing for the purpose of determining whether to revoke the waiver for such violation. The Drainage Review Board may revoke the waiver upon finding a violation of the stipulations or conditions or it may grant a limited time to allow the violator to correct the violation in order to avoid revocation of the waiver.~~

## ARTICLE 1205.5 APPEALS

1205.5.1 Appeals of any decision of the Drainage Administrator to the Drainage Review Board shall be filed with the Drainage Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Drainage Administrator. The notice of appeal shall specify the grounds for said appeal.
1205.5.2 During the pendency of an appeal all matters regarding the proceeding shall be stayed unless the Drainage Administrator certifies to the Drainage Review Board that by reason of facts surrounding the appeal the stay would, in the opinion of the Drainage Administrator, cause imminent peril to life or property. In such cases the other matters shall not be stayed.
1205.5.3 The Drainage Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Drainage Review Board shall hear and decide the appeal within a reasonable time.
1205.5.4. After public hearing, the Drainage Review Board shall render its decision whereby the Board may either affirm or reverse the decision of the Drainage Administrator.
1205.5.4~~5~~ Any person aggrieved by a decision of the Drainage Review Board may, within 30 days of such decision, appeal to Superior Court ~~the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board of Supervisors on a form provided by the Drainage Administrator. Said notice of appeal shall specify the grounds of appeal. The Board of Supervisors shall conduct the appeal under such rules of procedure as they shall adopt. The decision of the Board of Supervisors shall be a final decision~~.

## ARTICLE 1205.6 DRAINAGE WAIVER

1205.6.1 The Drainage ~~Review Board~~ Administrator shall hear and decide requests for waiver from the requirements of this section.

1205.6.2 Before granting a waiver the Drainage ~~Review Board~~ Administrator shall find that each of the following criteria is met:
a. The grant will not result in an increase in the 100-year peak flow or discharge; and
b. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulation would deprive the property of privileges enjoyed by similar property; and
~~c. The waiver would not constitute a grant of special privilege inconsistent with the limitations on similar property; and~~
~~d~~c. The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and
~~e~~d. There is a showing of good and sufficient cause; and
~~f. Failure to grant the waiver would result in exceptional hardship to the applicant; and~~
~~g~~e. Granting the waiver will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the waiver does not conflict with existing local laws or ordinances.
1205.6.3 The Drainage ~~Review Board~~Administrator may attach such conditions or restrictions to the granting of a waiver as ~~it~~ the Drainage Administrator determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the waiver. The applicant may be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.
1205.6.4 Property shall be posted a minimum of fifteen days prior to the Drainage Administrator's decision.

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This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on March 22, 2013. If these items are initiated at today's ZIPPOR the anticipated Commission hearing for recommendation to the BOS is June 6, 2013 and the tentative BOS hearing for adoption is July 17, 2013. The ordinance amendments will take immediate effect upon approval.

The stakeholder meeting was had slight attendance but this matter was discussed at length. (No minutes of the meeting were prepared.) As a result of stakeholder discussion, the proposed language was altered to require site posting prior to the Drainage Administrator's decision. There is no known opposition to the proposed language.

**Recommendation:**

Staff recommends the Commission **initiate TA2013003**.

Prepared by Darren V. Gerard, AICP, Deputy Director

No attachments or enclosures.

**Text Amendment TA2013003** **All Districts**

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1205, and Drainage Regulations to allow drainage waivers to be granted administratively – Drainage Waivers.

Darren Gerard, Deputy Planning Director, presented the above item. This will allow drainage waivers to be granted administratively rather than automatically going before the Drainage Review Board. There was significant, verbatim language attached that was in leg-edit. Staff was adding language to grant drainage waivers administratively under the discretionary powers of the Drainage Administrator, who is the Department Director and can delegate that power to staff, such as the Drainage Engineering Supervisor. Staff was striking language under the Drainage Review Board. This matter may still be appealed to the Drainage Review Board and the Superior Court. Instead of posting for the Drainage Review Board, there will be a posting period advising of the drainage waiver that could be reviewed administratively. The public is still noticed that a drainage waiver is being considered, and if that waiver is approved or denied, that decision can be appealed. Staff believed previous concerns that were stated had been addressed. Before the Commissioners were some concerns expressed by the New River Desert Hills Community Association, but Mr. Gerard believed those were alleviated at this point, but would let them speak to that.

Chairman Deutsch asked if there were questions for staff.

Commissioner Hiatt asked if the appeal was now to Superior Court instead of the Board of Supervisors. Mr. Gerard stated the appeal of the administrative decision would go to the Drainage Review Board, specific to drainage waivers, and that was appealable to Superior Court, so it would be the same process as other administrative decisions, which are appealable to the Board of Adjustment and that was appealable to Superior Court.

Chairman Deutsch asked if there were any other questions.

Mr. Gerard stated there was very significant support for this from the development community.

Chairman Deutsch asked if anyone from the public wished to speak.

Ann Hutchinson, New River Desert Hills Community Association, stated that in some ways this seemed good and helped end some of the bureaucracy, but



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expressed concerned that because it could be administratively determined, there would be no opportunity to appeal. She had concerns that sometimes drainage would be approved that maybe would not be such a good idea. She stated they just wanted a public input process. Ms. Hutchinson stated they would like to see the language, but it sounded like Mr. Gerard had addressed it.

Mr. Gerard stated the language was verbatim, leg-edit in the staff report and the staff report was online and he could give Ms. Hutchinson a copy now.

Chairman Deutsch asked if there was any discussion amongst the Commissioners.

**COMMISSION ACTION: Commissioner Aster moved to initiate TA2013003; Commissioner Hiatt seconded the motion which passed with a unanimous vote of 6-0.**

DRAFT