

To: **Board of Directors, VBCOA**

Subject: **2017 Mid-Year Meeting Report of the State Technical Review Board**

Meetings: Since the 2016 VBCOA Annual Meeting in September, the Virginia State Building Code Technical Review Board (STRB) has met four times: November 10, January 20, February 17, and April 21.

Appeals: In those meetings, the STRB heard and rendered decisions in five appeal cases.

Interpretations: The DHCD staff forwarded three requests for interpretation to the STRB.

One of those interpretation requests concerned repair facilities for vehicles using lighter than air fuels. The board declined to issue an interpretation, requesting that additional information be provided. There has been no further action on that request.

Another interpretation request concerned the ability of local maintenance code officials to require installation of smoke detectors in dwellings not so equipped. In researching the question, it was discovered that an opinion has been issued by the Attorney General which addresses the issue.

(<http://virginiaplmlaw.com/resources/AGO%20on%20Local%20Govt%20Powers%20Over%20Smoke%20Detectors.pdf>) The code official was informed of the existence of the AG's opinion and advised to consult with the jurisdiction's legal counsel.

The third interpretation request concerned the clear space requirements for pool enclosures contained in the 2012 International Pool and Spa Code. An excerpt from the minutes of the meeting on January 20 is attached which details the board action on Interpretation 1/2017. Note that the STRB recognized how this requirement of the IPSC would be viewed as problematic by pool owners, contractors and code officials. In issuing the interpretation, the board also requested DHCD staff to work to generate a code change a proposal for consideration by the Board of Housing to address the issue. At our April 27, 2017, meeting, Cindy Davis informed the board that a code change proposal had been submitted to simply eliminate the clear space requirement (copy attached). That proposal has been reviewed by the appropriate code change work group and it will go to the Board of Housing as a non-consensus item.

Board Members: The following individuals have been appointed in recent months to fill vacancies on the STRB:

Rudy Middleton, Electrical Contractor

Aaron Zdinak, Professional Engineer

A complete listing of members is attached.

Respectfully submitted;

J. Robert Allen, CBO

MEMBERS OF THE SBCTRB:

J. Robert Allen, CBO, Chairman

Virginia Building and Code Officials Association

Alan D. Givens

Va. PHCC

Vince Butler

Virginia Homebuilders Association

W. Shaun Pharr, Esq.

AOBA of Metro. Washington

Matthew Arnold

Virginia Society of American Institute of Architects

Aaron L. Zdinak, PE

Virginia Society of Professional Engineers

Joanne D. Monday

Virginia Building Owners and
Manager Association

Joseph A. Kessler, III

Associated General Contractors of Virginia

W. Keith Brower, Jr.

Commonwealth at large

James R. Dawson, Vice Chairman

Virginia Fire Chiefs Association

Eric Mays, PE, CBO

Virginia Building & Code Officials Association

E. G. Middleton III

Electrical Contractor

Alan McMahan, CBO

Secretary to the Board

Patricia S. O'Bannon

Commonwealth at large

J. Daniel Crigler

Virginia Association of Plumbing-Heating-Cooling
Contractors and
the Virginia Chapters of the Air Conditioning
Contractors of America

Excerpt from January 20, 2017 Minutes, concerning Interpretation 1/2017

An interpretation request from Prince William County Building Department was considered concerning the 2012 International Swimming Pool and Spa Code, as referenced in the Virginia Uniform Statewide Building Code, on Section 305.9 concerning the minimum clear zone requirements.

After discussion, Mr. Kessler moved to issue the following interpretation of Section 3059 of the 2012 International Swimming Pool Code as Interpretation No. 1/2017.

QUESTION #1: May a clear zone, as required by 305.2.9, be satisfied by being located on an adjacent property?

ANSWER: No, unless the pool owner has provided written legal proof of a continuing right to use the adjacent property as long as the pool exists.

QUESTION #2: Is the property owner that is constructing the swimming pool required to install barriers a minimum of 36 inches from the property line to create the clear zone on their own property?

ANSWER: Yes, unless previously satisfied by statement above.

The motion was seconded by Mr. Butler and it passed with Mr. Mays abstaining. The Review Board then directed staff to generate a proposed code change based on the interpretation for the 2015 Virginia Uniform Statewide Building Code code change process.

CTS-305.2.9 cdpVA-15

Proponent : Ronald Clements, Jr (clementsro@chesterfield.gov)

2015 International Swimming Pool and Spa Code

~~**305.2.9 Clear zone.** There shall be a clear zone of not less than 36 inches (914 mm) between the exterior of the barrier and any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.~~

Reason: The requirement for a clear zone adjacent to a pool barrier prohibits placement of fences and barriers on or within 3 feet of a property line per TRB ruling 1/2017. This seems like an excessive requirement. The code provision goes on to prevent pool equipment and climbable structures within the zone but there are any number of other allowable climbable things that could be placed adjacent to a pool barrier such as lawn furniture, swing sets, garbage cans, wood piles, vehicles. There is also no prohibition of trees and bushes that can be planted adjacent to the barrier, which provide a method to climb over the structure. So all the provision does is prevent two of an endless list of things that could be used to intentionally defeat the barrier. The barrier itself should be sufficient to satisfy the intent of the code which is to provide an impediment to accessing the pool. The code cannot be written to prevent intentional defeat of safety provisions provided by the code.

Cost Impact: This proposal will not increase the cost of construction.

Public Comments (0)

Workgroup Recommendation

Workgroup 2 Recommendation: None

Workgroup 2 Reason: None

Workgroup 3 Recommendation: None

Workgroup 3 Reason: None

Workgroup 4 Recommendation: None

Workgroup 4 Reason: None

Board Decision

None

Workgroup Disposition

- Consensus for Approval
- Consensus for Disapproval
- Non-Consensus Final
- Pending
- None

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