

Cause No. 06-26

Name: City of Indianapolis

Administrative Law Judge: William K. Teegarden

Date: February 27, 2007

Commission Action: Affirmed

FINDINGS OF FACT

1. The SBC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 22-13, the Indiana Residential Building Code (“IRC”) and the Indiana Electrical Code (“IEC”) apply to this proceeding.
3. The Fire Prevention and Building Commission (“Commission”) is the ultimate authority within the meaning of IC 4-21.5 with respect to written interpretations of the IEC and IRC by the SBC.
4. At all times relevant to this proceeding, Pools of Fun was involved in the construction of swimming pools for single family homes in Central Indiana including Marion County.
5. At some point, the City and Pools of Fun had a dispute about an equipotential bonding grid, installed in a pool in Marion County.
6. On April 28, 2006, Pools of Fun requested a written interpretation of the IRC and/or the IEC pursuant to IC 22-13-5.
7. On May 5, 2006, the SBC issued his interpretation, a copy of which is attached as Exhibit A.
8. The City filed a timely petition for review.
9. Following several telephone conferences and the submission of additional data by Pools of Fun, the parties agreed to a summary judgment briefing schedule.
10. The City filed its brief on September 8, 2006. The City filed its brief on October 23, 2006, and the City filed a reply on November 30, 2006.
11. IRC Section 4104.3 discusses methods of bonding parts of residential swimming pools and hot tubs.
12. IEC Section 680.26(c) discusses Equipotential Bonding Grids on swimming pools in general.
13. Both code sections are attached and labeled Exhibits B and C, respectively.
14. The only significant difference appears to be an expanded Alternate Means in the IEC which is the newer code. To use this section the grid must be copper wire.
15. The written interpretation of the SBC correctly states the code in that “Bare or galvanized structural reinforcing steel in the form of rods of any diameter or welded wire reinforcing of any diameter and grid size within a concrete deck are acceptable.”
16. There is no required diameter for the steel reinforcement.
17. That apparently answered the question posed by Pools of Fun and to this extent, the City does not object to the SBC’s interpretation.

18. The City, however, is concerned that the interpretation also includes alternate methods and materials which would apply to pools other than concrete pools.
19. The pool in question may well be a fiberglass pool and the interpretation written by the SBC may not resolve the underlying conflict between the City and Pools of Fun.
20. However, based on the question apparently asked and the interpretation given, the interpretation is a valid one and should be affirmed.
21. The question of alternate methods and materials for fiberglass pools and the effect of Interim Amendment 05-2 of NFA 70, not adopted by the Commission, as an alternate was not presented to the SBC and not specifically considered in the interpretations.

NONFINAL ORDER

The interpretation of the State Building Compliance Officer dated May 7, 2006, is affirmed with respect to the question it answered. The interpretation as written does not find that welded wire mesh is an alternate method or material for a fiber glass pool.