



CP #28-05 CODE DEVELOPMENT

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1.0 Introduction

- 1.1 **Purpose:** The purpose of this Council Policy is to prescribe the Rules of Procedure utilized in the continued development and maintenance of the International Codes (Codes).
- 1.2 **Objectives:** The ICC Code Development Process has the following objectives:
 - 1.2.1 The timely evaluation and recognition of technological developments pertaining to construction regulations.
 - 1.2.2 The open discussion of code change proposals by all parties desiring to participate.
 - 1.2.3 The final determination of Code text by public officials actively engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare and by honorary members.
 - 1.2.4 The increased participation of all parties desiring to participate through an online submittal and voting process that includes opportunities for online collaboration.
- 1.3 **Code Publication:** The ICC Board of Directors (ICC Board) shall determine the title and the general purpose and scope of each Code published by the ICC.
 - 1.3.1 **Code Correlation:** The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur. A Code Scoping Coordination Matrix shall determine which Code shall be the primary document, and therefore which code development committee shall be responsible for maintenance of the code text where a given subject matter or code text could appear in more than one Code. The Code Scoping Coordination Matrix shall be administered by the Code Correlation Committee as approved by the ICC Board. Duplication of content or text between Codes shall be limited to the minimum extent necessary for practical usability of the Codes, as determined in accordance with Section 4.5.
- 1.4 **Process Maintenance:** The review and maintenance of the Code Development Process and these Rules of Procedure shall be by the ICC Board. The manner in which Codes are developed embodies core principles of the organization. One of those principles is that the final content of the Codes is determined by a majority vote of the governmental and honorary members. It is the policy of the ICC Board that there shall be no change to this principle without the affirmation of two-thirds of the governmental and honorary members responding.
- 1.5 **Secretariat:** The Chief Executive Officer shall assign a Secretariat for each of the Codes. All correspondence relating to code change proposals and public comments shall be addressed to the Secretariat. The Secretariat shall have the authority to facilitate unforeseen situations which arise in the implementation of this council policy. Staff shall maintain a record of such actions.
- 1.6 **Recording:** Individuals requesting permission to record any meeting or hearing, or portion thereof, shall be required to provide the ICC with a release of responsibility disclaimer and shall acknowledge that ICC shall retain sole ownership of the recording, and that they have insurance coverage for liability and misuse of recording materials. Equipment and the process used to record shall, in the judgment of the ICC Secretariat, be conducted in a manner that is not disruptive to the meeting. The ICC shall not be responsible for equipment, personnel or any other provision necessary to accomplish the recording. An

unedited copy of the recording shall be forwarded to ICC within 30 days of the meeting. Recordings shall not otherwise be copied, reproduced or distributed in any manner. Recordings shall be returned to ICC or destroyed upon the request of ICC.

2.0 Code Development Cycle

2.1 Intent: The code development cycle shall consist of the complete consideration of code change proposals in accordance with the procedures herein specified, commencing with the deadline for submission of code change proposals (see Section 3.5) and ending with publication of the Final Action on the code change proposals (see Section 10.4).

2.2 New Editions: The ICC Board shall determine the schedule for publishing new editions of the Codes. Each new edition shall incorporate the results of the code development activity since the previous edition.

2.3 Supplements: The results of code development activity between editions may be published.

2.4 Emergency Action Procedures:

2.4.1 Scope: Emergency actions are limited to those issues representing an immediate threat to health and safety that warrant a more timely response than allowed by the Code Development Process schedule.

2.4.2 Initial Request: A request for an emergency action shall be based upon perceived threats to health and safety and shall be reviewed by the Codes and Standards Council for referral to the ICC Board for action with their analysis and recommendation.

2.4.3 Board and Member Action: In the event that the ICC Board determines that an emergency amendment to any Code or supplement thereto is warranted, the same may be adopted by the ICC Board. Such action shall require an affirmative vote of at least two-thirds of the ICC Board.

The ICC membership shall be notified within ten days after the ICC Boards' official action of any emergency amendment. At the next Annual Business Meeting, any emergency amendment shall be presented to the members for ratification by a majority of the Governmental Member Voting Representatives and Honorary Members present and voting.

All code revisions pursuant to these emergency procedures and the reasons for such corrective action shall be published as soon as practicable after ICC Board action. Such revisions shall be identified as an emergency amendment.

Emergency amendments to any Code shall not be considered as a retro-active requirement to the Code. Incorporation of the emergency amendment into the adopted Code shall be subjected to the process established by the adopting authority.

2.5 Code Development Record. The code development record shall include the official documents and records developed in support of the given code development cycle. This includes the following:

1. Code Change Agenda (Section 4.8)
2. Audio and video recording of the Committee Action Hearing (Section 5.1)
3. The Online Assembly Floor Motion Ballot (Section 5.7.3)
4. Report of the Committee Action Hearing (Section 5.8)
5. Public Comment Agenda (Section 6.6)
6. Public Comment Hearing results (Section 7.5.8.10)
7. Audio and video recording of the Public Comment Hearing (Section 7.1)
8. The Online Governmental Consensus Ballot (Section 8.2)
9. Final Action results (Section 10.4)
10. Errata to the documents noted above

The information resulting from online collaboration between interested parties shall not be part of the code development record.

3.0 Submittal of Code Change Proposals

- 3.1 Intent:** Any interested person, persons or group may submit a code change proposal which will be duly considered when in conformance to these Rules of Procedure.
- 3.2 Withdrawal of Proposal:** A code change proposal may be withdrawn by the proponent (WP) at any time prior to public comment consideration of that proposal. All actions on the code change proposal shall cease immediately upon the withdrawal of the code change proposal.
- 3.3 Form and Content of Code Change Submittals:** Each code change proposal shall be submitted separately and shall be complete in itself. Each submittal shall contain the following information:
- 3.3.1 Proponent:** Each code change proposal shall include the name, title, mailing address, telephone number, and email address of the proponent. Email addresses shall be published with the code change proposals unless the proponent otherwise requests on the submittal form.
- 3.3.1.1** If a group, organization or committee submits a code change proposal, an individual with prime responsibility shall be indicated.
- 3.3.1.2** If a proponent submits a code change proposal on behalf of a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated.
- 3.3.2 Code Reference:** Each code change proposal shall relate to the applicable code sections(s) in the latest edition of the Code.
- 3.3.2.1** If more than one section in the Code is affected by a code change proposal, appropriate proposals shall be included for all such affected sections.
- 3.3.2.2** If more than one Code is affected by a code change proposal, appropriate proposals shall be included for all such affected Codes and appropriate cross referencing shall be included in the supporting information.
- 3.3.3 Multiple Code Change Proposals to a Code Section.** A proponent shall not submit multiple code change proposals to the same code section. When a proponent submits multiple code change proposals to the same section, the proposals shall be considered as incomplete proposals and processed in accordance with Section 4.3. This restriction shall not apply to code change proposals that attempt to address differing subject matter within a code section.
- 3.3.4 Text Presentation:** The text of the code change proposal shall be presented in the specific wording desired with deletions shown struck out with a single line and additions shown underlined with a single line.
- 3.3.4.1** A charging statement shall indicate the referenced code section(s) and whether the code change proposal is intended to be an addition, a deletion or a revision to existing Code text.
- 3.3.4.2** Whenever practical, the existing wording of the text shall be preserved with only such deletions and additions as necessary to accomplish the desired change.
- 3.3.4.3** Each code change proposal shall be in proper code format and terminology.
- 3.3.4.4** Each code change proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.
- 3.3.4.5** The proposed text shall be in mandatory terms.
- 3.3.5 Supporting Information:** Each code change proposal shall include sufficient supporting information to indicate how the code change proposal is intended to affect the intent and application of the Code.
- 3.3.5.1 Purpose:** The proponent shall clearly state the purpose of the code change proposal (e.g. clarify the Code; revise outdated material; substitute new or revised material for current provisions of the Code; add new requirements to the Code; delete current requirements, etc.)

- 3.3.5.2 Reasons:** The proponent shall justify changing the current Code provisions, stating why the code change proposal is superior to the current provisions of the Code. Code change proposals which add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions and explains how such code change proposals will improve the Code.
- 3.3.5.3 Substantiation:** The proponent shall substantiate the code change proposal based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 4.2 and determined as not germane to the technical issues addressed in the code change proposal may be identified as such. The proponent shall be notified that the code change proposal is considered an incomplete proposal in accordance with Section 4.3 and the proposal shall be held until the deficiencies are corrected. The proponent shall have the right to appeal this action in accordance with the policy of the ICC Board. The burden of providing substantiating material lies with the proponent of the code change proposal. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.
- 3.3.5.4 Bibliography:** The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the code change proposal and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing.
- 3.3.5.5 Copyright Release:** The proponent of code change proposals, floor modifications and public comments shall sign a copyright release reading: "I hereby grant and assign to ICC all rights in copyright I may have in any authorship contributions I make to ICC in connection with any proposal and public comment, in its original form submitted or revised form, including written and verbal modifications submitted in accordance Section 5.5.2. I understand that I will have no rights in any ICC publications that use such contributions in the form submitted by me or another similar form and certify that such contributions are not protected by the copyright of any other person or entity."
- 3.3.5.6 Cost Impact:** The proponent shall indicate one of the following regarding the cost impact of the code change proposal: 1) the code change proposal will increase the cost of construction; or 2) the code change proposal will not increase the cost of construction. The proponent shall submit information which substantiates either assertion. This information will be considered by the code development committee and will be included in the bibliography of the published code change proposal. Any proposal submitted which does not include the requisite cost information shall be considered incomplete and shall not be processed.
- 3.4 Online Submittal:** Each code change proposal and all substantiating information shall be submitted online at the website designated by ICC. Two copies of each proposed new referenced standard in hard copy or one copy in electronic form shall be submitted. Additional copies may be requested when determined necessary by the Secretariat to allow such information to be distributed to the code development committee. Where such additional copies are requested, it shall be the responsibility of the proponent to send such copies to the respective code development committee.
- 3.5 Submittal Deadline:** ICC shall establish and post the submittal deadline for each cycle. The posting of the deadline shall occur no later than 120 days prior to the code change deadline. Each code change proposal shall be submitted online at the website designated by ICC by the posted deadline. The submitter of a code change proposal is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.
- 3.6 Referenced Standards:** In order for a standard to be considered for reference or to continue to be referenced by the Codes, a standard shall meet the following criteria:

3.6.1 Code References:

- 3.6.1.1 The standard, including title and date, and the manner in which it is to be utilized shall be specifically referenced in the Code text.
- 3.6.1.2 The need for the standard to be referenced shall be established.

3.6.2 Standard Content:

- 3.6.2.1 A standard or portions of a standard intended to be enforced shall be written in mandatory language.
- 3.6.2.2 The standard shall be appropriate for the subject covered.
- 3.6.2.3 All terms shall be defined when they deviate from an ordinarily accepted meaning or a dictionary definition.
- 3.6.2.4 The scope or application of a standard shall be clearly described.
- 3.6.2.5 The standard shall not have the effect of requiring proprietary materials.
- 3.6.2.6 The standard shall not prescribe a proprietary agency for quality control or testing.
- 3.6.2.7 The test standard shall describe, in detail, preparation of the test sample, sample selection or both.
- 3.6.2.8 The test standard shall prescribe the reporting format for the test results. The format shall identify the key performance criteria for the element(s) tested.
- 3.6.2.9 The measure of performance for which the test is conducted shall be clearly defined in either the test standard or in Code text.
- 3.6.2.10 The standard shall not state that its provisions shall govern whenever the referenced standard is in conflict with the requirements of the referencing Code.
- 3.6.2.11 The preface to the standard shall announce that the standard is promulgated according to a consensus procedure.

3.6.3 Standard Promulgation:

- 3.6.3.1 Code change proposals with corresponding changes to the code text which include a reference to a proposed new standard or a proposed update of an existing referenced standard shall comply with this section. The standard shall be completed and readily available prior to the Public Comment Hearing based on the cycle of code development which includes the code change proposal. In order for a new standard to be considered for reference by the Code, such standard shall be submitted in at least a consensus draft form in accordance with Section 3.4. If a new standard is not submitted in at least draft form, the code change proposal shall be considered incomplete and shall not be processed. Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 4.6.
- 3.6.3.2 The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

4.0 Processing of Code Change Proposals

- 4.1 **Intent:** The processing of code change proposals is intended to ensure that each proposal complies with these Rules of Procedure and that the resulting published code change proposal accurately reflects that proponent's intent.
- 4.2 **Review:** Upon receipt in the Secretariat's office, the code change proposals will be checked for compliance with these Rules of Procedure as to division, separation, number of copies, form, language, terminology, supporting statements and substantiating data. Where a code change proposal consists of multiple parts which fall under the maintenance responsibilities of different code committees, the Secretariat shall determine the code committee responsible for determining the committee action in accordance with Section 5.6 and the Code Scoping Coordination Matrix (see Section 1.3.1).
- 4.3 **Incomplete Code Change Proposals:** When a code change proposal is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the Secretariat shall notify the proponent of the specific deficiencies and the proposal shall be held until the deficiencies are corrected, with a final date set for receipt of a corrected submittal. If the Secretariat receives the corrected code change proposal after the final date, the proposal shall be held over until

the next code development cycle. Where there are otherwise no deficiencies addressed by this section, a code change proposal that incorporates a new referenced standard shall be processed with an analysis of the referenced standard's compliance with the criteria set forth in Section 3.6.

- 4.4 Editorial Code Change Proposals.** When a code change proposal is submitted that proposes an editorial or format change that, in the opinion of the Secretariat, does not affect the scope or application of the code, the proposal shall be submitted to the Code Correlation Committee who shall deem the code change proposal as editorial or send the proposal back to the Secretariat to be considered by the appropriate code development committee. To be deemed editorial, such proposal shall require a majority vote of the Code Correlation Committee. Editorial proposals shall be published in the Code Change Agenda. Such proposals shall be added to the hearing agenda for consideration by the appropriate code development committee upon written request to ICC by any individual. The deadline to submit such requests shall be 14 days prior to the first day of the Committee Action Hearing. Code Correlation Committee proposals that are not added to a code development committee hearing agenda shall be published in the next edition of the code with no further consideration.
- 4.5 Copy Editing Code Text:** The Chief Executive Officer shall have the authority at all times to make editorial style and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. Such editorial style or format changes shall not affect the scope or application of the Code requirements.
- 4.6 Updating Standards Referenced in the Codes:** The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative Code Development Committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1 of the third year of each code cycle. The published version of the new edition of the Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the deadline, the edition of the standard as referenced by the newly published Code shall revert back to the reference contained in the previous edition and an errata to the Code issued. Multiple standards to be updated may be included in a single proposal.
- 4.7 Preparation:** All code change proposals in compliance with these procedures shall be prepared in a standard manner by the Secretariat and be assigned separate, distinct and consecutive numbers. The Secretariat shall coordinate related proposals submitted in accordance with Section 3.3.2 to facilitate the hearing process.
- 4.8 Code Change Agenda:** All code change proposals shall be posted on the ICC website at least 30 days prior to the Committee Action Hearing on those proposals and shall constitute the agenda for the Committee Action Hearing. Any errata to the Code Change Agenda shall be posted on the ICC website as soon as possible. Code change proposals which have not been published in the original posting or subsequent errata shall not be considered.

5.0 Committee Action Hearing

- 5.1 Intent:** The intent of the Committee Action Hearing is to permit interested parties to present their views including the cost and benefits on the code change proposals on the published agenda. The code development committee will consider such comments as may be presented in the development of their action on the disposition of such code change proposals. At the conclusion of the code development committee deliberations, the committee action on each code change proposal shall be placed before the hearing assembly for consideration in accordance with Section 5.7.
- 5.2 Committee:** The Codes and Standards Council shall review all applications and make committee appointment recommendations to the ICC Board. The Code Development Committees shall be appointed by the ICC Board.
- 5.2.1 Chairman/Moderator:** The Chairman and Vice-Chairman shall be appointed by the Codes and Standards Council from the appointed members of the committee. The ICC President shall appoint one or more Moderators who shall act as presiding officer for the Committee Action Hearing.
- 5.2.2 Conflict of Interest:** A committee member shall withdraw from and take no part in those matters with which the committee member has an undisclosed financial, business or property

interest. The committee member shall not participate in any committee discussion or any committee vote on the matter in which they have an undisclosed interest. A committee member who is a proponent of a code change proposal shall not participate in any committee discussion on the matter or any committee vote. Such committee member shall be permitted to participate in the floor discussion in accordance with Section 5.5 by stepping down from the dais.

- 5.2.3 Representation of Interest:** Committee members shall not represent themselves as official or unofficial representatives of the ICC except at regularly convened meetings of the committee.
- 5.2.4 Committee Composition:** The committee may consist of representation from multiple interests. A minimum of thirty-three and one-third percent (33.3%) of the committee members shall be regulators.
- 5.3 Date and Location:** The date and location of the Committee Action Hearing shall be announced not less than 60 days prior to the date of the hearing.
- 5.4 General Procedures:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Committee Action Hearing except as a specific provision of these Rules of Procedure may otherwise dictate. A quorum shall consist of a majority of the voting members of the committee.
 - 5.4.1 Chair Voting:** The Chairman of the committee shall vote only when the vote cast will break a tie vote of the committee.
 - 5.4.2 Open Hearing:** The Committee Action Hearing is an open hearing. Any interested person may attend and participate in the floor discussion and assembly consideration portions of the hearing. Only code development committee members may participate in the committee action portion of the hearings (see Section 5.6). Participants shall not advocate a position on specific code change proposals with committee members other than through the methods provided in this policy.
 - 5.4.3 Presentation of Material at the Public Hearing:** Information to be provided at the hearing shall be limited to verbal presentations and modifications submitted in accordance with Section 5.5.2. Each individual presenting information at the hearing shall state their name and affiliation, and shall identify any entities or individuals they are representing in connection with their testimony. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 3.3.5.3 and other material submitted in response to a code change proposal shall be located in a designated area in the hearing room and shall not be distributed to the code development committee at the public hearing.
 - 5.4.4 Agenda Order:** The Secretariat shall publish a Code Change Agenda for the Committee Action Hearing, placing individual code change proposals in a logical order to facilitate the hearing. Any public hearing attendee may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another code change proposal is being discussed. Preference shall be given to grouping like subjects together, and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a 2/3 vote of those present and voting.
 - 5.4.5 Reconsideration:** There shall be no reconsideration of a code change proposal after it has been voted on by the committee in accordance with Section 5.6.
 - 5.4.6 Time Limits:** Time limits shall be established as part of the agenda for testimony on all code change proposals at the beginning of each hearing session. Each person requesting to testify on a code change proposal shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.
 - 5.4.6.1 Time Keeping:** Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. The Moderator shall maintain

appropriate decorum during all testimony.

5.4.6.2 Proponent Testimony: The Proponent is permitted to waive an initial statement. The Proponent shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where the code change proposal is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to be allotted additional time for rebuttal.

5.4.7 Points of Order: Any person participating in the public hearing may challenge a procedural ruling of the Moderator or the Chairman. A majority vote of ICC Members in attendance shall determine the decision.

5.5 Floor Discussion: The Moderator shall place each code change proposal before the hearing for discussion by identifying the proposal and by regulating discussion as follows:

5.5.1 Discussion Order:

1. Proponents. The Moderator shall begin by asking the proponent and then others in support of the code change proposal for their comments.
2. Opponents. After discussion by those in support of a code change proposal, those opposed hereto, if any, shall have the opportunity to present their views.
3. Rebuttal in support. Proponents shall then have the opportunity to rebut points raised by the opponents.
4. Re-rebuttal in opposition. Opponents shall then have the opportunity to respond to the proponent's rebuttal.

5.5.2 Modifications: Modifications to code change proposals may be suggested from the floor by any person participating in the public hearing. The person proposing the modification is deemed to be the proponent of the modification.

5.5.2.1 Submission. All modifications shall be submitted electronically to the ICC Secretariat in a format determined by ICC unless determined by the Chairman to be either editorial or minor in nature. The modification will be forwarded electronically to the members of the code development committee during the hearing and will be projected on the screen in the hearing room.

5.5.2.2 Criteria. The Chairman shall rule proposed modifications in or out of order before they are discussed on the floor. A proposed modification shall be ruled out of order if it:

1. is not legible, unless not required to be written in accordance with Section 5.5.2.1; or
2. changes the scope of the original code change proposal; or
3. is not readily understood to allow a proper assessment of its impact on the original code change proposal or the Code.

The ruling of the Chairman on whether or not the modification is in or out of order shall be final and is not subject to a point of order in accordance with Section 5.4.7.

5.5.2.3 Testimony. When a modification is offered from the floor and ruled in order by the Chairman, a specific floor discussion on that modification is to commence in accordance with the procedures listed in Section 5.5.1.

5.6 Committee Action: Following the floor discussion of each code change proposal, one of the following motions shall be made and seconded by members of the committee:

1. Approve the code change proposal As Submitted (AS) or
2. Approve the code change proposal As Modified with specific modifications (AM), or
3. Disapprove the code change proposal (D)

Discussion on this motion shall be limited to code development committee members. If a committee member proposes a modification which had not been proposed during floor discussion, the Chairman shall rule on the modification in accordance with Section 5.5.2.2. If a committee member raises a matter of issue, including a proposed modification, which has not been proposed or discussed during the floor discussion, the Moderator shall suspend the committee discussion and shall reopen the floor discussion for comments on the specific matter or issue. Upon receipt of all comments from the floor, the Moderator shall resume committee discussion.

The code development committee shall vote on each motion with the majority dictating the committee's action. Committee action on each code change proposal shall be completed when one of the motions noted above has been approved. Each committee vote shall be supported by a reason.

The code development committee shall maintain a record of its proceedings including the action on each code change proposal.

5.7 Assembly Consideration: At the conclusion of the committee's action on a code change proposal and before the next code change proposal is called to the floor, the Moderator shall ask for a motion from the public hearing attendees who may object to the committee's action. If a motion in accordance with Section 5.7.1 is not brought forward on the committee's action, the results of the Committee Action Hearing shall be established by the committee's action.

5.7.1 Assembly Floor Motion: Any attendee may raise an objection to the committee's action in which case the attendee will be able to make a motion to:

1. Approve the code change proposal As Submitted from the Floor (ASF), or
2. Approve the code change proposal As Modified from the Floor (AMF) with a specific modification that has been previously offered from the floor and ruled in order by the Chairman during floor discussion (see Section 5.5.2) or has been offered by a member of the Committee and ruled in order by the Chairman during committee discussion (see Section 5.6), or
3. Disapprove the code change proposal from the floor (DF).

5.7.2 Assembly Floor Motion Consideration: On receipt of a second to the floor motion, the Moderator shall accept the motion and the second and notify the attendees that the motion will be considered in an online ballot following the hearing in accordance with Section 5.7.3. No additional testimony shall be permitted.

5.7.3 Online Assembly Floor Motion Ballot: Following the Committee Action Hearing, all assembly floor motions which received a second shall be compiled into an online ballot. The ballot will include:

1. The code change proposal as published.
2. The committee action and reason from the Committee Action Hearing.
3. The floor motion, including modifications which are part of the floor motion.
4. Access to the audio and video of the Committee Action Hearing proceedings.
5. Identification of the ballot period for which the online balloting will be open.

5.7.4 Eligible Online Assembly Motion Voters: All members of ICC shall be eligible to vote on online assembly floor motions. Each member is entitled to one vote, except that each Governmental Member Voting Representative may vote on behalf of its Governmental Member. Individuals who represent more than one Governmental Member shall be limited to a single vote. Application, whether new or updated, for ICC membership must be received by the Code Council 30 days prior to the first day of the Committee Action Hearing. The ballot period will not be extended beyond the published period except as approved by the ICC Board.

5.7.5 Assembly Action: A successful assembly action shall be a majority vote of the votes cast by eligible voters (see Section 5.7.4). A successful assembly action results in an automatic public comment to be considered at the Public Comment Hearing (see Section 7.4).

5.8 Report of the Committee Action Hearing: The results of the Committee Action Hearing, including committee action and reason, online assembly floor motion vote results and the total vote count for each

assembly floor motion shall be posted on the ICC website not less than 60 days prior to the Public Comment Hearing, except as approved by the ICC Board.

6.0 Public Comments

6.1 Intent: The public comment process gives attendees at the Public Comment Hearing an opportunity to consider specific objections to the results of the Committee Action Hearing and more thoughtfully prepare for the discussion for public comment consideration. The public comment process expedites the Public Comment Hearing by limiting the items discussed to the following:

1. Consideration of items for which a public comment has been submitted; and
2. Consideration of items which received a successful assembly action.

6.2 Deadline: The deadline for receipt of a public comment to the results of the Committee Action Hearing shall be announced at the Committee Action Hearing but shall not be less than 30 days subsequent to the availability of the Report of the Committee Action Hearing (see Section 5.8).

6.3 Withdrawal of Public Comment: A public comment may be withdrawn by the public commenter at any time prior to public comment consideration of that comment. A withdrawn public comment shall not be subject to public comment consideration. If the only public comment to a code change proposal is withdrawn by the public commenter prior to the vote on the consent agenda in accordance with Section 7.5.4, the proposal shall be considered as part of the consent agenda. If the only public comment to a code change proposal is withdrawn by the public commenter after the vote on the consent agenda in accordance with Section 7.5.4, the proposal shall continue as part of the individual consideration agenda in accordance with Section 7.5.5, however the public comment shall not be subject to public comment consideration.

6.4 Form and Content of Public Comments: Any interested person, persons, or group may submit a public comment to the results of the Committee Action Hearing which will be considered when in conformance to these requirements. Each public comment to a code change proposal shall be submitted separately and shall be complete in itself. Each public comment shall contain the following information:

6.4.1 Public comment: Each public comment shall include the name, title, mailing address, telephone number and email address of the public commenter. Email addresses shall be published with the public comments unless the commenter otherwise requests on the submittal form.

If a group, organization, or committee submits a public comment, an individual with prime responsibility shall be indicated. If a public comment is submitted on behalf a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated. The scope of the public comment shall be consistent with the scope of the original code change proposal, committee action or successful assembly action. Public comments which are determined as not within the scope of the code change proposal, committee action or successful assembly action shall be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. A copyright release in accordance with Section 3.3.5.5 shall be provided with the public comment.

6.4.2 Code Reference: Each public comment shall include the code change proposal number.

6.4.3 Multiple public comments to a code change proposal. A proponent shall not submit multiple public comments to the same code change proposal. When a proponent submits multiple public comments to the same code change proposal, the public comments shall be considered as incomplete public comments and processed in accordance with Section 6.5.1. This restriction shall not apply to public comments that attempt to address differing subject matter within a code section.

6.4.4 Desired Final Action: In order for a public comment to be considered, the public comment shall indicate the desired Final Action as one of the following:

1. Approve the code change proposal As Submitted (AS), or
2. Approve the code change proposal As Modified by the committee modification published in the Report of the Committee Action Hearing (AM) or published in a public comment in the Public Comment Agenda (AMPC), or
3. Disapprove the code change proposal (D)

6.4.5 Supporting Information: The public comment shall include a statement containing a reason and justification for the desired Final Action on the code change proposal. Reasons and justification which are reviewed in accordance with Section 6.5 and determined as not germane to the technical issues addressed in the code change proposal or committee action may be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. The public commenter shall have the right to appeal this action in accordance with the policy of the ICC Board. A bibliography of any substantiating material submitted with a public comment shall be published with the public comment and the substantiating material shall be made available at the Public Comment Hearing. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.

6.4.6 Online submittal: Each public comment and substantiating information shall be submitted online at the website designated by ICC. Additional copies may be requested when determined necessary by the Secretariat.

6.4.7 Submittal Deadline: ICC shall establish and post the submittal deadline for each cycle. The posting of the deadline shall occur no later than 120 days prior to the public comment deadline. Each public comment shall be submitted online at the website designated by ICC by the posted deadline. The submitter of a public comment is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.

6.5 Review: The Secretariat shall be responsible for reviewing all submitted public comments from an editorial and technical viewpoint similar to the review of code change proposals (see Section 4.2).

6.5.1 Incomplete Public Comment: When a public comment is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the public comment shall not be processed. The Secretariat shall notify the public commenter of the specific deficiencies and the public comment shall be held until the deficiencies are corrected, or the public comment shall be returned to the public commenter with instructions to correct the deficiencies with a final date set for receipt of the corrected public comment.

6.5.2 Duplications: On receipt of duplicate or parallel public comments, the Secretariat may consolidate such public comments for public comment consideration. Each public commenter shall be notified of this action when it occurs.

6.5.3 Deadline: Public comments received by the Secretariat after the deadline set for receipt shall not be published and shall not be considered as part of the public comment consideration. This deadline shall not apply to public comments submitted by the Code Correlation Committee. In order to correlate submitted public comments with action taken at the Committee Action Hearing on code change proposals that did receive a public comment, the Code Correlation Committee, in conjunction with staff processing of public comments, shall review the submitted public comments and submit the necessary public comments in order to facilitate the coordination of code change proposals. Such review and submittal shall not delay the posting of the Public Comment Agenda as required in Section 6.6.

6.6 Public Comment Agenda: The Committee Action Hearing results on code change proposals that have not received a public comment and code change proposals which received public comments or successful assembly actions shall constitute the Public Comment Agenda. The Public Comment Agenda shall be posted on the ICC website at least 30 days prior the Public Comment Hearing. Any errata to the Public Comment Agenda shall be posted on the ICC website as soon as possible. Code change proposals and public comments which have not been published in the original posting or subsequent errata shall not be considered.

7.0 Public Comment Hearing

- 7.1 Intent:** The Public Comment Hearing is the first of two steps to make a final determination on all code change proposals which have been considered in a code development cycle by a vote cast by eligible voters (see Section 9.0). The second step, which follows the Public Comment Hearing, is the Online Governmental Consensus Vote that is conducted in accordance with Section 8.0.
- 7.2 Date and Location:** The date and location of the Public Comment Hearing shall be announced not less than 60 days prior to the date of the hearing.
- 7.3 Moderator:** The ICC President shall appoint one or more Moderators who shall act as presiding officer for the Public Comment Hearing.
- 7.4 Public Comment Agenda:** The Public Comment Consent Agenda shall be comprised of code change proposals which have neither a successful assembly action nor public comment. The agenda for public testimony and individual consideration shall be comprised of proposals which have a successful assembly action or public comment (see Section 6.1).
- 7.5 Procedure:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Public Comment Hearing except as these Rules of Procedure may otherwise dictate.
- 7.5.1 Open Hearing:** The Public Comment Hearing is an open hearing. Any interested person may attend and participate in the floor discussion.
- 7.5.2 Agenda Order:** The Secretariat shall publish a Public Comment Agenda for the Public Comment Hearing, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any code change proposal or public comment may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a 2/3 vote of those present and voting.
- 7.5.3 Presentation of Material at the Public Comment Hearing:** Information to be provided at the hearing shall be limited to verbal presentations. Each individual presenting information at the hearing shall state their name and affiliation, and shall identify any entities or individuals they are representing in connection with their testimony. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 6.4.5 and other material submitted in response to a code change proposal or public comment shall be located in a designated area in the hearing room.
- 7.5.4 Public Comment Consent Agenda:** The Public Comment Consent Agenda (see Section 7.4) shall be placed before the assembly with a single motion for Final Action in accordance with the results of the Committee Action Hearing. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes cast by eligible voters shall decide the motion. This action shall not be subject to the Online Governmental Consensus Vote following the Public Comment Hearing (see Section 8.0).
- 7.5.5 Public Comment Individual Consideration Agenda:** Upon completion of the Public Comment Consent Agenda vote, all code change proposals not on the Public Comment Consent Agenda shall be placed before the assembly for individual consideration of each item (see Section 7.4).
- 7.5.6 Reconsideration:** There shall be no reconsideration of a code change proposal after it has been voted on in accordance with Section 7.5.8.
- 7.5.7 Time Limits:** Time limits shall be established as part of the agenda for testimony on all code change proposals at the beginning of each hearing session. Each person requesting to testify on a code change proposal shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

- 7.5.7.1 Time Keeping:** Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. The Moderator shall maintain appropriate decorum during all testimony.
- 7.5.8 Discussion and Voting:** Discussion and voting on code change proposals being individually considered shall be in accordance with the following procedures and the voting majorities in Section 7.6:
- 7.5.8.1 Proponent testimony:** The Proponent of a public comment is permitted to waive an initial statement. The Proponent of the public comment shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where a public comment is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to waive an initial statement.
- 7.5.8.2 Points of Order:** Any person participating in the public hearing may challenge a procedural ruling of the Moderator. A majority vote of ICC Members in attendance shall determine the decision.
- 7.5.8.3 Eligible voters:** Voting shall be limited to eligible voters in accordance with Section 9.0.
- 7.5.8.4 Allowable Final Action Motions:** The only allowable motions for Final Action are Approval as Submitted (AS), Approval as Modified by the committee (AM) or by one or more modifications published in the Public Comment Agenda (AMPC), and Disapproval (D).
- 7.5.8.5 Initial Motion:** The code development committee action shall be the initial motion considered.
- 7.5.8.6 Motions for Modifications:** Whenever a motion under consideration is for Approval as Submitted or Approval as Modified, a subsequent motion and second for a modification published in the Public Comment Agenda may be made (see Section 6.4.4). Each subsequent motion for modification, if any, shall be individually discussed and voted before returning to the main motion. A two-thirds majority based on the number of votes cast by eligible voters shall be required for a successful motion on all modifications.
- 7.5.8.7 Voting:** After dispensing with all motions for modifications, if any, and upon completion of discussion on the main motion, the Moderator shall then ask for the vote on the main motion. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. If the motion fails to receive the majority required in Section 7.6, the Moderator shall ask for a new motion.
- 7.5.8.8 Subsequent Motion:** If the initial motion is unsuccessful, a motion for either Approval as Submitted or Approval as Modified by one or more published modifications is in order. A motion for Disapproval is not in order. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. If a successful vote is not achieved, Section 7.5.8.9 shall apply.
- 7.5.8.9 Failure to Achieve Majority Vote at the Public Comment Hearing.** In the event that a code change proposal does not receive any of the required majorities in Section 7.6, the results of the Public Comment Hearing for the code change proposal in question shall be Disapproval. The vote count that will be reported as the Public Comment Hearing result will be the vote count on the main motion in accordance with Section 7.5.8.7.
- 7.5.8.10 Public Comment Hearing Results:** The result and vote count on each code change proposal considered at the Public Comment Hearing shall be announced at

the hearing. The results shall be posted and included in the Online Governmental Consensus Ballot (see Section 8.2).

7.6 Majorities for Final Action: The required voting majority for code change proposals individually considered shall be based on the number of votes cast of eligible voters at the Public Comment Hearing shall be in accordance with the following table:

Committee Action	Desired Final Action		
	AS	AM/AMPC	D
AS	Simple Majority	2/3 Majority	Simple Majority
AM	2/3 Majority	Simple Majority to sustain the Committee Action or; 2/3 Majority on each additional modification and 2/3 Majority on entire code change proposal for AMPC	Simple Majority
D	2/3 Majority	2/3 Majority	Simple Majority

8.0 Online Governmental Consensus Vote

8.1 Public Comment Hearing Results: The results from the Individual Consideration Agenda at the Public Comment Hearing (see Sections 7.5.5 and 7.5.8.10) shall be the basis for the Online Governmental Consensus Vote. The ballot shall include the voting options in accordance with the following table:

Committee Action	Public Comment Hearing result and Voting Majority	Online Governmental Consensus Ballot and Voting Majority	
AS	AS: Simple Majority	AS: Simple Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AS: Simple Majority	D: Simple Majority
AM	AS: 2/3 Majority	AS: 2/3 Majority	D: Simple Majority
	AM: Simple Majority	AM: Simple Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AM: Simple Majority	D: Simple Majority
D	AS: 2/3 Majority	AS: 2/3 Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AS: 2/3 Majority	D: Simple Majority

8.2 Online Governmental Consensus Ballot: The ballot for each code change proposal considered at the Public Comment Hearing will include:

1. The Public Comment Hearing result and vote count.
2. The allowable Online Governmental Consensus Vote actions in accordance with Section 8.1.
3. Where the Public Comment Hearing result is As Submitted (AS) or Disapprove (D), the original code change proposal will be presented.
4. Where the Public Comment Hearing result is As Modified by the committee (AM) or As Modified by one or more Public Comments (AMPC), the original code change and approved modification(s) will be presented.
5. The committee action taken at the Committee Action Hearing.
6. ICC staff identification of correlation issues.
7. For those who voted at the Public Comment Hearing, the ballot will indicate how they voted.
8. An optional comment box to provide comments.
9. Access to the Public Comment Agenda which includes: the original code change, the report of the committee action and the submitted public comments.
10. Access to the audio and video of the Committee Action and Public Comment Hearing proceedings.
11. Identification of the ballot period for which the online balloting will be open.

8.3 Voting process: Voting shall be limited to eligible voters in accordance with Section 9.0. Eligible voters are authorized to vote during the Public Comment Hearing and during the Online Governmental

Consensus Vote; however, only the last vote cast will be included in the final vote tabulation. The ballot period will not be extended beyond the published period except as approved by the ICC Board.

9.0 Eligible Final Action Voters

- 9.1 Eligible Final Action Voters:** Eligible Final Action voters include ICC Governmental Member Voting Representatives and Honorary Members in good standing who have been confirmed by ICC in accordance with the Electronic Voter Validation System. Such confirmations are required to be revalidated annually. Eligible Final Action voters in attendance at the Public Comment Hearing and those participating in the Online Governmental Consensus Vote shall have one vote per eligible voter on all Codes. Individuals who represent more than one Governmental Member shall be limited to a single vote.
- 9.2 Applications:** Applications for Governmental Membership must be received by the ICC at least 30 days prior to the Committee Hearing in order for its designated representatives to be eligible to vote at the Public Comment Hearing or Online Governmental Consensus Vote. Applications, whether new or updated, for Governmental Member Voting Representative status must be received by the Code Council 30 days prior to the commencement of the first day of the Public Comment Hearing in order for any designated representative to be eligible to vote. An individual designated as a Governmental Member Voting Representative shall provide sufficient information to establish eligibility as defined in the ICC Bylaws. The Executive Committee of the ICC Board, in its discretion, shall have the authority to address questions related to eligibility.

10.0 Tabulation, certification and posting of results

- 10.1 Tabulation and Validation:** Following the closing of the online ballot period, the votes received will be combined with the vote tally at the Public Comment Hearing to determine the final vote on the code change proposal. ICC shall retain a record of the votes cast and the results shall be certified by a validation committee appointed by the ICC Board. The validation committee shall report the results to the ICC Board, either confirming a valid voting process and result or citing irregularities in accordance with Section 10.2.
- 10.2 Voting Irregularities:** Where voting irregularities or other concerns with the Online Governmental Consensus Voting process which are material to the outcome or the disposition of a code change proposal(s) are identified by the validation committee, such irregularities or concerns shall be immediately brought to the attention of the ICC Board. The ICC Board shall take whatever action necessary to ensure a fair and impartial Final Action vote on all code change proposals, including but not limited to:
1. Set aside the results of the Online Governmental Consensus Vote and have the vote taken again.
 2. Set aside the results of the Online Governmental Consensus Vote and declare the Final Action on all code change proposals to be in accordance with the results of the Public Comment Hearing.
 3. Other actions as determined by the ICC Board.
- 10.3 Failure to Achieve Majority Vote:** In the event a code change proposal does not receive any of the required majorities for Final Action in Section 8.0, Final Action on the code change proposal in question shall be Disapprove.
- 10.4 Final Action Results:** The Final Action on all code change proposals shall be published as soon as practicable after certification of the results. The results shall include the Final Action taken, including the vote tallies from both the Public Comment Hearing and Online Governmental Consensus Vote, as well the required majority in accordance with Section 8.0. ICC shall maintain a record of individual votes for auditing purposes, however, the record shall not be made public. The exact wording of any resulting text modifications shall be made available to any interested party.

11.0 Code Publication

- 11.1 Next Edition of the Codes:** The Final Action results on code change proposals shall be the basis for the subsequent edition of the respective Code.

11.2 Code Correlation: The Code Correlation Committee is authorized to resolve technical or editorial inconsistencies resulting from actions taken during the code development process by making appropriate changes to the text of the affected code. Any such changes to a Code shall require a 2/3 vote of the Code Correlation Committee. Technical or editorial inconsistencies not resolved by the Code Correlation Committee shall be forwarded to the ICC Board for resolution.

12.0 Appeals

12.1 Right to Appeal: Any person may appeal an action or inaction in accordance with Council Policy 1 Appeals. Any appeal made regarding voter eligibility, voter fraud, voter misrepresentation or breach of ethical conduct must be supported by credible evidence and must be material to the outcome of the final disposition of a code change proposal(s).

The following actions are not appealable:

1. Variations of the results of the Public Comment Hearing compared to the Final Action result in accordance with Section 10.4.
2. Denied requests to extend the voter balloting period in accordance with Sections 5.7.4 or 8.3.
3. Lack of access to the internet based online collaboration and voting platform to submit a code change proposal, to submit a public comment or to vote.
4. Code Correlation Committee changes made in accordance with Section 11.2.

13.0 Violations

13.1 ICC Board Action on Violations: Violations of the policies and procedures contained in this Council Policy shall be brought to the immediate attention of the ICC Board for response and resolution. Additionally, the ICC Board may take any actions it deems necessary to maintain the integrity of the code development process.