

**INTERNATIONAL CODE COUNCIL
2009/2010 CODE DEVELOPMENT CYCLE**

**2009/2010 REPORT OF THE PUBLIC HEARING
ON THE 2009 EDITIONS OF THE**

ICC ADMINISTRATIVE CODE PROVISIONS
INTERNATIONAL BUILDING CODE®
INTERNATIONAL ENERGY CONSERVATION CODE®
INTERNATIONAL EXISTING BUILDING CODE®
INTERNATIONAL FIRE CODE®
INTERNATIONAL FUEL GAS CODE®
INTERNATIONAL MECHANICAL CODE®
INTERNATIONAL PLUMBING CODE®
INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE®
INTERNATIONAL PROPERTY MAINTENANCE CODE®
INTERNATIONAL RESIDENTIAL CODE®
INTERNATIONAL WILDLAND-URBAN INTERFACE CODE®
INTERNATIONAL ZONING CODE®

**HELD IN BALTIMORE, MARYLAND
OCTOBER 24 – NOVEMBER 11, 2009**

**PUBLIC COMMENT DEADLINES:
FOR CODE CHANGE PROPOSALS HEARD IN
DALLAS, TX: FEBRUARY 8, 2010
CHARLOTTE, NC: JULY 1, 2010**



First Printing

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By

International Code Council, Inc.

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INTRODUCTION

This publication contains the 2009/2010 Report of the Public Hearing on the proposed revisions to the *International Building Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Property Maintenance Code*, *International Residential Code*, *International Wildland-Urban Interface Code*, and *International Zoning Code* held in Baltimore, Maryland, October 24 – November 11, 2009.

This report includes the recommendation of the code development committee and the committee's reason on each proposed item. It also includes actions taken by the assembly in accordance with Section 5.7 of the *ICC Council Policy CP#28-05 Code Development (CP #28)*. Where the committee or assembly action was Approved as Modified, the proposed change, or a portion thereof, is included herein with the modification indicated in strikeout/underline format. Where this report indicates Withdrawn by Proponent the proposed change was withdrawn by the proponent and is not subject to any further consideration.

The text of the original code change proposals is published in the monograph titled 2009/2010 Code Development Cycle Proposed Changes to the 2009 Editions of the *International Building Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Property Maintenance Code*, *International Residential Code*, *International Wildland-Urban Interface Code*, and *International Zoning Code*.

There will be two Final Action Hearings held in 2010. On the following page, the codes or portions of codes to be considered at each Final Action Hearing are listed below the dates of their respective Final Action Hearing. For instance, the IFC Final Action Agenda will be heard during the hearings **May 14 – 23, 2010 at the Sheraton Dallas Hotel in Dallas, TX**. The IECC Final Action Agenda will be heard during the hearings **October 28 - November 1, 2010 at the Charlotte Convention Center in Charlotte, NC**.

Proposals on which there was a successful assembly action will be automatically included on the applicable final action agenda for individual consideration and voting by eligible voting members in accordance with Section 6.1.2 of CP #28.

Persons who wish to recommend an action other than that taken at the public hearing may submit a public comment in accordance with Section 6.0 of the *ICC CP#28-05 Code Development* (see page xii). **The deadline for receipt of public comments is February 8, 2010 for code change proposals to be heard in Dallas, TX and July 1, 2010 for code change proposals to be heard Charlotte, NC.** Proposals which receive a public comment will be included on the final action agenda for individual consideration and voting by eligible voting members in accordance with Section 6.1.1 of CP #28.

PUBLIC COMMENTS SHOULD BE SENT TO THE FOLLOWING OFFICE VIA REGULAR MAIL OR EMAIL:

Send to:

Chicago District Office
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795
Fax: 708/799-0320
publiccomments@iccsafe.org

Acronym ICC Code Name (Code change number prefix)

Public Comments Due February 8, 2010 for hearings in Dallas, TX (May 16-23, 2010)

IBC	International Building Code (E, FS, G, S)
IEBC	International Existing Building Code (EB)
IFC	International Fire Code (F)
IFGC	International Fuel Gas Code (FG)
IMC	International Mechanical Code (M)
IPC	International Plumbing Code (P)
IPSDC	International Private Sewage Disposal Code (PSD)
IRC	International Residential Code (RB, RM, RP)
IWUIC	International Wildland-Urban Interface Code (WUIC)

Public Comments Due July 1, 2010 for hearings in Charlotte, NC (October 28-November 1, 2010)

IADMIN	ICC Administrative Code Provisions (ADM)
IECC	International Energy Conservation Code (EC)
IPMC	International Property Maintenance Code (PM)
IRC (ENERGY)	International Residential Code (RE)
IZC	International Zoning Code (Z)

ICC WEBSITE - [WWW.ICCSAFE.ORG](http://www.iccsafe.org)

While great care has been exercised in the publication of this document, errata may occur. Errata will be posted on the ICC website at www.iccsafe.org. Users are encouraged to review the ICC Website for errata to the 2009/2010 Code Development Cycle Proposed Changes and the 2009/2010 Report of the Public Hearing.

REFERENCED STANDARDS UPDATES

In accordance with Section 4.5 of ICC Council Policy #CP28-05, referenced standards updates were included in a single code change proposal and heard at the Code Development Hearings by the ICC Administrative Code Development Committee (IADMIN). This single code change proposal is ADM39-09/10. Any public comments on ADM39-09/10 will be heard during the hearings in Charlotte, NC, October 28 – Nov. 1, 2010.

Code change proposal ADM39-09/10 provides a comprehensive list of all standards that the respective standards promulgators have indicated have been, or will be, updated from the listing in the 2009 Editions of the International Codes. According to Section 4.5 of ICC Council Policy #CP 28, Code Development Policy, the updating of standards referenced by the Codes shall be accomplished administratively by the Administrative Code Development Committee. Therefore, referenced standards that are to be updated for the 2012 edition of any of the I-Codes are listed in this single code change proposal. This is unlike the way these standards were updated in the past code change cycles, where updates for standards were dealt with by each committee for their respective codes. The code change includes standards that the promulgators have already updated or will have updated by December 1, 2011 in accordance with CP#28.

MODIFICATIONS BY PUBLIC COMMENT

Section 6.4.3 of CP #28 allows modifications to be proposed by a public comment to code changes for consideration at the Final Action Hearings. For the modification to be considered at the Final Action Hearings, the public comment must request Approval as Modified with the specific modification included in the public comment. The modification must be within the scope of the original proposed code change and relevant to the specific issue in the original code change.

FINAL ACTION CONSIDERATION

In summary, the items that will be on the agenda for individual consideration and action are:

1. Proposed changes that received a successful Assembly Action (Section 5.7); or
2. Proposed changes that received a public comment (Section 6.0).

CALL FOR ADOPTION INFORMATION

Please take a minute to visit the ICC Code Adoption Maps at www.iccsafe.org/gr/Pages/adoptions.aspx scroll to the bottom of the page and click on one of the jurisdiction maps and review the information as it relates to your jurisdiction. To see state/jurisdiction in chart form (PDF), go to Related Links (right side of screen) and choose the related file. If your jurisdiction is not listed, or is listed with incorrect information, click on the Code Adoption Resources (left side of screen), and click on Submit Adoption Info and provide correct information.

CP# 28-05 CODE DEVELOPMENT

Approved: 9/24/05

Revised: 2/27/09

CP # 28-05 is an update to ICC's *Code Development Process for the International Codes* dated May 15, 2004.

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 proposals by all parties desiring to participate.
 - 1.2.3** The final determination of Code text by officials representing code enforcement and regulatory agencies and by honorary members.
- 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. Where a given subject matter or code text could appear in more than one Code, the ICC Board shall determine which Code shall be the primary document, and therefore which code development committee shall be responsible for review and maintenance of the code text. 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 4.4.
- 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 ICC codes are developed embodies core principles of the organization. One of those principles is that the final content of ICC codes is determined by a majority vote of the governmental and honorary members. It is the policy of the 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.
- 1.6 Video Taping:** Individuals requesting permission to video tape any meeting, or portion thereof, shall be required to provide the ICC with a release of responsibility disclaimer and shall acknowledge that they have insurance coverage for liability and misuse of video tape materials. Equipment and the process used to video tape 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 videotaping. An unedited copy of the video tape shall be forwarded to ICC within 30 days of the meeting.

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 final action on the code change proposals (see Section 7.6).

- 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 last edition.
- 2.3 Supplements:** The results of code development activity between editions may be published.
- 2.4 Emergency Procedures:** In the event that the ICC Board determines that an emergency amendment to any Code 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 ICC Governmental Member 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.

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 Final Action Consideration of that proposal. A withdrawn code change proposal shall not be subject to a public hearing, motions, or Final Action Consideration.
- 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.
 - 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 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 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 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 proposal shall be in proper code format and terminology.
- 3.3.4.4** Each 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 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 proposed code change (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 proposal is superior to the current provisions of the Code. 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 proposals will improve the Code.
- 3.3.5.3 Substantiation:** The proponent shall substantiate the proposed code change 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 proposed code change shall be identified as such. The proponent shall be notified that the 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.
- 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 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. This information will be included in the published code change proposal.

3.4 Number: One copy of each code change proposal, two copies of each proposed new referenced standard and one copy of all substantiating information 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. A copy of the code change proposal in electronic form is preferred.

3.5 Submittal Deadline: Each code change proposal shall be received at the office of the Secretariat by the posted deadline. Such posting shall occur no later than 120 days prior to the code change deadline. The submitter of a proposed code change 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 shall comply with this section. The standard shall be completed and readily available prior to Final Action Consideration based on the cycle of code development which includes the proposed 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. Updating of standards without corresponding

code text changes shall be accomplished administratively in accordance with Section 4.5.

3.6.3.2 The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

4.0 Processing of 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 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.
- 4.3 Incomplete 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 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 proposal that incorporates a new referenced standard shall be processed with an analysis of referenced standard's compliance with the criteria set forth in Section 3.6.
- 4.4 Editorial:** The Chief Executive Officer shall have the authority at all times to make editorial and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. An editorial or format change is a text change that does not affect the scope or application of the code requirements.
- 4.5 Updating Standards:**
- 4.5.1 Standards referenced in the 2012 Edition of the I-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, 2011. The published version of the 2012 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.
- 4.5.2 Standards referenced in the 2015 Edition and following Editions of the I-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 multiple standards to be updated may be included in a single proposal. The standard shall be completed and readily available prior to Final Action Consideration of the Administrative code change proposal which includes the proposed update.
- 4.6 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.
- 4.7 Publication:** All code change proposals shall be posted on the ICC website at least 30 days prior to the public hearing on those proposals and shall constitute the agenda for the public hearing. Code change proposals which have not been published shall not be considered.

5.0 Public Hearing

- 5.1 Intent:** The intent of the public 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 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 Code Development Committees shall be appointed by the applicable ICC Council.
- 5.2.1 Chairman/Moderator:** The Chairman and Vice-Chairman shall be appointed by the Steering Committee on Councils from the appointed members of the committee. The ICC President shall appoint one or more Moderators who shall act as presiding officer for the public 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 on the matter or any committee vote. Violation thereof shall result in the immediate removal of the committee member from the committee. A committee member who is a proponent of a 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 each public hearing shall be announced not less than 60 days prior to the date of the public hearing.
- 5.4 General Procedures:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the public 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 Meetings:** Public hearings of the Code Development Committees are open meetings. Any interested person may attend and participate in the Floor Discussion and Assembly Consideration portions of the hearing. Only eligible voters (see Section 5.7.4) are permitted to vote on Assembly Considerations. Only Code Development Committee members may participate in the Committee Action portion of the hearings (see Section 5.6).
- 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. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 3.3.4.4 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 an agenda for each public 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 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 proposed code change after it has been voted on by the committee in accordance with Section 5.6; or, in the case of assembly consideration, there shall be no reconsideration of a proposed code change after it has been voted on by the assembly in accordance with Section 5.7.

5.4.6 Time Limits: Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change 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 the eligible voters as determined in Section 5.7.4 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 proposal for their comments.
2. *Opponents.* After discussion by those in support of a 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. *Rerebuttal in opposition.* Opponents shall then have the opportunity to respond to the proponent's rebuttal.

5.5.2 Modifications: Modifications to 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 and Written Copies. All modifications must be written, unless determined by the Chairman to be either editorial or minor in nature. The modification proponent shall provide 20 copies to the Secretariat for distribution to the committee.

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 proposal; or
3. is not readily understood to allow a proper assessment of its impact on the original 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 public hearing shall be established by the committee's action. If a motion in accordance with Section 5.7.1 is brought forward and is sustained in accordance with Section 5.7.3, both the committee's action and the assemblies' action shall be reported as the results of the public hearing. Where a motion is sustained in accordance with Section 5.7.3, such action shall be the initial motion considered at Final Action Consideration in accordance with Section 7.3.8.2.

5.7.1 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 Discussion: On receipt of a second to the floor motion, the Moderator shall place the motion before the assembly for a vote. No additional testimony shall be permitted.

5.7.3 Assembly Action: The assembly action shall be in accordance with the following majorities based on the number of votes cast by eligible voters (See 5.7.4).

Committee Action	Desired Assembly Action		
	ASF	AMF	DF
AS	--	² / ₃ Majority	² / ₃ Majority
AM	² / ₃ Majority	² / ₃ Majority	² / ₃ Majority
D	² / ₃ Majority	² / ₃ Majority	--

5.7.4 Eligible Voters: All members of ICC in attendance at the public hearing shall be eligible to vote on floor motions. Only one vote authorized for each eligible attendee. Code Development Committee members shall be eligible to vote on floor motions. Application, whether new or updated, for ICC membership must be received by the Code Council ten days prior to the commencement of the first day of the public hearing.

5.8 Report of the Public Hearing: The results of the public hearing, including committee action and successful assembly action, shall be posted on the ICC website not less than 60 days prior to Final Action Consideration except as approved by the ICC Board.

6.0 Public Comments

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

- 6.1.1** Consideration of items for which a public comment has been submitted; and
- 6.1.2** Consideration of items which received a successful assembly action at the public hearing.

6.2 Deadline: The deadline for receipt of a public comment to the results of the public hearing shall be announced at the public hearing but shall not be less than 30 days from the availability of the report of the results of the public 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 Final Action Consideration of that comment. A withdrawn public comment shall not be subject to Final Action 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 7.3.4, 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 7.3.4, the proposal shall continue as part of the individual consent agenda in accordance with Section 7.3.5, however the public comment shall not be subject to Final Action 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 public 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. If 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 3.3.4.5 shall be provided with the public comment.

- 6.4.2 Code Reference:** Each public comment shall include the code change proposal number and the results of the public hearing, including successful assembly actions, on the code change proposal to which the public comment is directed.
- 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:** 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 (AM) by one or more specific modifications published in the Results of the Public Hearing or published in a public comment, or
 3. Disapprove the code change proposal (D)
- 6.4.5 Supporting Information:** The public comment shall include in 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 6.4 and determined as not germane to the technical issues addressed in the code change proposal or committee 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. 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 Final Action Hearing.
- 6.4.6 Number:** One copy of each public comment and one copy of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat. A copy of the public comment in electronic form is preferred.
- 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 Final Action 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 Final Action Consideration.
- 6.6 Publication:** The public hearing results on code change proposals that have not been public commented and the code change proposals with public commented public hearing results and successful assembly actions shall constitute the Final Action Agenda. The Final Action Agenda shall be posted on the ICC website at least 30 days prior to Final Action consideration.

7.0 Final Action Consideration

- 7.1 Intent:** The purpose of Final Action Consideration is to make a final determination of all code change proposals which have been considered in a code development cycle by a vote cast by eligible voters (see Section 7.4).
- 7.2 Agenda:** The final action consent agenda shall be comprised of proposals which have neither an 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 Sections 5.7 and 6.0).
- 7.3 Procedure:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Final Action Consideration except as these Rules of Procedure may otherwise dictate.
- 7.3.1 Open Meetings:** Public hearings for Final Action Consideration are open meetings. Any interested person may attend and participate in the Floor Discussion.
- 7.3.2 Agenda Order:** The Secretariat shall publish an agenda for Final Action Consideration, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any 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.
- 7.3.3 Presentation of Material at the Public Hearing:** Information to be provided at the hearing shall be limited to verbal presentations. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 6.4.4 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.
- 7.3.4 Final Action Consent Agenda:** The final action consent agenda (see Section 7.2) shall be placed before the assembly with a single motion for final action in accordance with the results of the public 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.
- 7.3.5 Individual Consideration Agenda:** Upon completion of the final action consent vote, all proposed changes not on the final action consent agenda shall be placed before the assembly for individual consideration of each item (see Section 7.2).
- 7.3.6 Reconsideration:** There shall be no reconsideration of a proposed code change after it has been voted on in accordance with Section 7.3.8.
- 7.3.7 Time Limits:** Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change 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.
- 7.3.7.1 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.
- 7.3.8 Discussion and Voting:** Discussion and voting on proposals being individually considered shall be in accordance with the following procedures:
- 7.3.8.1 Allowable Final Action Motions:** The only allowable motions for final action are Approval as Submitted, Approval as Modified by one or more modifications published in the Final Action Agenda, and Disapproval.

7.3.8.2 Initial Motion: The Code Development Committee action shall be the initial motion considered, unless there was a successful assembly action in accordance with Section 5.7.3. If there was a successful assembly action, it shall be the initial motion considered. If the assembly action motion fails, the code development committee action shall become the next motion considered.

7.3.8.3 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 Final Action Agenda may be made (see Section 6.4.3). 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.

7.3.8.4 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. If the motion fails to receive the majority required in Section 7.5, the Moderator shall ask for a new motion.

7.3.8.5 Subsequent Motion: If the initial motion is unsuccessful, a motion for one of the other allowable final actions shall be made (see Section 7.3.8.1) and dispensed with until a successful final action is achieved. If a successful final action is not achieved, Section 7.5.1 shall apply.

7.3.9 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.

7.3.10 Points of Order: Any person participating in the public hearing may challenge a procedural ruling of the Moderator. A majority vote of the eligible voters as determined in Section 5.7.4 shall determine the decision.

7.4 Eligible voters: ICC Governmental Member Representatives and Honorary Members in attendance at the Final Action Hearing shall have one vote per eligible attendee on all International Codes. Applications, whether new or updated, for governmental member voting representative status must be received by the Code Council ten days prior to the commencement of the first day of the Final Action Hearing in order for any designated representative to be eligible to vote.

7.5 Majorities for Final Action: The required voting majority based on the number of votes cast of eligible voters shall be in accordance with the following table:

Public Hearing Action (see note)	Desired Final Action		
	AS	AM	D
AS	Simple Majority	$\frac{2}{3}$ Majority	Simple Majority
AM	$\frac{2}{3}$ Majority	Simple Majority to sustain the Public Hearing Action or; $\frac{2}{3}$ Majority on additional modifications and $\frac{2}{3}$ on overall AM	Simple Majority
D	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	Simple Majority

Note: The Public Hearing Action includes the committee action and successful assembly action.

7.5.1 Failure to Achieve Majority Vote: In the event that a code change proposal does not receive any of the required majorities for final action in Section 7.5, final action on the code change proposal in question shall be disapproval.

7.6 Publication: The Final action on all proposed code changes shall be published as soon as practicable after the determination of final action. The exact wording of any resulting text modifications shall be made available to any interested party.

8.0 Appeals

8.1 Right to Appeal: Any person may appeal an action or inaction in accordance with CP-1.

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CODE CHANGE PROPOSALS FOR FINAL ACTION:

**MAY 14 – 23, 2010
DALLAS, TEXAS**

The following group of code change proposals will be considered for Final Action during the Final Action Hearings at the **Sheraton Dallas Hotel in Dallas, TX, May 14 – 23, 2010.**

The deadline for public comments is **February 8, 2010.**

Code changes that will be placed on the agenda for *individual consideration* include:

1. Proposed changes that receive a public comment by **February 8, 2010.** (See Section 6.0 of CP#28-05.)
2. Proposed changes that received a successful Assembly Action. (See Section 5.7 of CP#28-05.)

All other code changes will be ratified in a vote on the Final Action Consent Agenda, which will be placed before the assembly during each separate portion of the Final Action Hearings with a single motion for final action in accordance with the results of the public hearing in Baltimore. (See Section 7.3.4 of CP28.)

- *International Building Code*[®]
 - Fire Safety (FS)
 - General (G)
 - Means of Egress (E)
 - Structural (S)
- *International Existing Building Code*[®] (EB)
- *International Fire Code*[®] (F)
- *International Fuel Gas Code*[®] (FG)
- *International Mechanical Code*[®] (M)
- *International Plumbing Code*[®] (P)
- *International Residential Code*[®]
 - Building (RB)
 - Mechanical (RM)
 - Plumbing (RP)
- *International Wildland-Urban Interface Code*[®] (IWUIC)

2009/2010 INTERNATIONAL FIRE/WILDLAND-URBAN INTERFACE COMMITTEE

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Deputy State Fire Administrator
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Assistant State Fire Marshal
CALFIRE - Office of the State Fire Marshal
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City of Saint Paul Department of Safety and Inspections
Saint Paul, MN

Michael Love

Rep: International Association of Fire Chiefs
Division Chief
Montgomery County Fire and Rescue Service
Rockville, MD

Joe McElvaney, Jr.

Fire Protection Engineer
City of Phoenix
Phoenix, AZ

Peter Merrill

Rep: National Association of Home Builders
President & CEO, Construction Dispute Resolution
Construction Dispute Resolution Services, LLC
Santa Fe, NM

Richard Soltis, Jr.

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Lawrence, NJ 08648

Mark S. Wassom, PE

Rep: National Association of State Fire Marshals
Fire Protection Engineer/Fire Prevention Section
State of Colorado - Division of Fire Safety
Centennial, CO

Gilbert Watt

Assistant Fire Marshal
City of San Marcos, TX
New Braunfels, TX

Staff Secretariat:

Bill Rehr

Senior Technical Staff
International Code Council

2009/2010 INTERNATIONAL WILDLAND- URBAN INTERFACE CODE HEARING RESULTS

WUIC1-09/10

Committee Action: **Disapproved**

Committee Reason: The committee did not feel that the proposal accomplished its stated objectives, especially with respect to sign mounting height.

Assembly Action: **None**

WUIC2-09/10

Note: The following analysis was not in the Code Change monograph but was published on the ICC website at <http://www.iccsafe.org/cs/codes/Documents/2009-10cycle/ProposedChanges/Standards-Analysis.pdf> :

Analysis: Review of the proposed new standards ASTM E119-2008a and UL 263-03 indicated that the standards are currently referenced in the IBC and IRC.

Committee Action: **Approved as Submitted**

Committee Reason: The committee agreed with the proponent's reason statement and felt that it was a needed and logical addition to the code since several references to fire-resistance-rated construction are made in the code but are currently without a testing standard reference.

Assembly Action: **None**

WUIC3-09/10

Note: The following analysis was not in the Code Change monograph but was published on the ICC website at <http://www.iccsafe.org/cs/codes/Documents/2009-10cycle/ProposedChanges/Standards-Analysis.pdf> :

Analysis: Review of the proposed new standard FM 4470 (1986) indicated that it is currently referenced in the IBC.

Committee Action: **Disapproved**

Committee Reason: The committee did not feel that there is sufficient loss history to justify the proposal and felt that it would be inappropriate to approve a change that would eliminate a wide variety of products that are currently acceptable.

Assembly Action: **None**

WUIC4-09/10

Note: The following analysis was not in the Code Change monograph but was published on the ICC website at <http://www.iccsafe.org/cs/codes/Documents/2009-10cycle/ProposedChanges/Standards-Analysis.pdf> :

Analysis: Review of the proposed new standard ASTM E 1354-09 indicated that it is currently referenced in the IBC.

Committee Action: **Disapproved**

Committee Reason: The committee felt that the proposal does not achieve its intent, is inconsistent with the definition of ignition resistant material and is the wrong test proposed for the wrong chapter. The lack of an appropriate radiant heat flux incidence was also noted.

Assembly Action: **None**

WUIC5-09/10

Note: This code change was contained in the errata posted on the ICC website on October 19, 2009. Please go to <http://www.iccsafe.org/cs/codes/Pages/09-10ProposedChanges.aspx>.

Note: The following analysis was not in the Code Change monograph but was published on the ICC website at <http://www.iccsafe.org/cs/codes/Documents/2009-10cycle/ProposedChanges/Standards-Analysis.pdf> :

Analysis: Review of the proposed new standard FM 4470 (1986) indicated that it is currently referenced in the IBC.

Committee Action: **Disapproved**

Committee Reason: The proposal is inconsistent with Section 504.2 which regulates roof assemblies, not the individual components of an assembly. The proposal could also exclude the use of other materials that are currently acceptable. Disapproval is also consistent with the action taken on code change WUIC3-09/10.

Assembly Action: **None**

WUIC6-09/10

Note: This code change was contained in the errata posted on the ICC website. Please go to <http://www.iccsafe.org/cs/codes/Pages/09-10ProposedChanges.aspx>.

Committee Action: **Disapproved**

Committee Reason: The committee felt that the proposal has merit but appears to be still in the draft stages. Areas that, in the committee's opinion, are in need of additional clarification included: 1) the scope of the occupancy list in Section 1102.1 should be more inclusive of occupancies having similar characteristics to those listed; 2) it is unclear what would trigger the implementation of the plans; 3) it is unclear as to whether the requirements would apply to new or existing neighborhoods, or both; 4) the scope should be expanded to include types of facilities that are not buildings and, therefore, are not assigned an occupancy group designation, such as campgrounds, etc. and 5) it was felt that specific employees should be designated in Section 1106.1.

Assembly Action: **None**
