
INTERNATIONAL CODE COUNCIL

2004/2005 CODE DEVELOPMENT CYCLE

2005 FINAL ACTION AGENDA FOR THE PROPOSED CHANGES TO THE 2003 EDITIONS OF THE

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

September 28 - October 2, 2005

COBO CENTER
DETROIT, MICHIGAN

Bring this book with you to the Public Hearings in Detroit, MI



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by

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INTRODUCTION

This publication contains the Final Action Agenda for consideration at the Final Action Hearings of the International Code Council on September 28-October 2, 2005 at the COBO Center in Detroit, Michigan (see page viii).

It contains information necessary for final action consideration of the proposed code changes which have been considered in the ICC Code Development Hearings held on February 22-March 4, 2004 at the Millennium Hotel in Cincinnati, Ohio. More specifically, this agenda addresses final action consideration for proposed code changes to the *International Building Code*, *ICC Electrical Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *ICC Performance Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Property Maintenance Code*, *International Residential Code*, *International Urban-Wildland Interface Code*, and *International Zoning Code*, considered by the respective Code Committee at the Code Development Hearings.

AGENDA FORMAT

The Final Action Agenda includes the Consent Agenda and the Individual Consideration Agenda. The Consent Agenda is comprised of proposed changes to the 2003 editions of the International Codes (including 2004 Supplement), which did not receive a successful assembly action or public comment and therefore are not listed on the Individual Consideration Agenda.

The Individual Consideration Agenda is comprised of proposed changes to the 2003 editions of the International Codes (including 2004 Supplement), which received a successful assembly action or received a public comment in response to the Code Committee's action at the Code Development Hearings.

Items on the Individual Consideration Agenda are published with information as originally published for the Code Development Hearing as well as the published hearing results. Following the hearing results is the reason that the item is on the Individual Consideration Agenda followed by the public comments which were received.

Public testimony will follow the *ICC Code Development Process for the International Codes* as published on page xiii. Refer to the tentative hearing order on page xxiii.

NOTICE: If you or your companions require special accommodations to participate fully, please advise ICC of your needs.

MODIFICATIONS BY ASSEMBLY ACTION AND PUBLIC COMMENT

The *ICC Code Development Process for the International Codes* allows modifications to be proposed by the assembly at the Code Development Hearings and by a public comment to code changes for consideration on the Individual Consideration Agenda at the Final Action Hearings. Therefore, some proposed changes may have up to five possible motions - Approval as Submitted, Approval as Modified by the Code Committee, Approval as Modified by a successful Assembly Action, Approval as Modified by a Public Comment, or Disapproval.

CONSENT AGENDA

The Final Action Consent Agenda consists of proposals which have neither an assembly action nor public comments. The Final Action Consent Agenda will be placed before the assembly with a single motion for final action in accordance with the results of the Code Development Hearing.

INDIVIDUAL CONSIDERATION AGENDA

The Final Action Individual Consideration Agenda is comprised of proposals which have an assembly action or public comment. This includes code changes which affect only one code (i.e. P8-04/05) and code changes which affect multiple codes and were considered individually at the Code Development Hearings by the respective Code Committee (i.e. P22-04/05). Where a public comment was submitted to both parts of the code change proposal (i.e. P22-04/05), the code change is heard with the code in which the proposal was originally published, but each public comment is considered separately. In some cases, code change proposals which affect multiple codes received a public comment to only one code (i.e. RB176-04/05). In such cases, the public comment to the code change is heard with the code that is the subject of the public comment (in this case, the IRC-B/E). All proposed changes on the Individual Consideration Agenda shall be placed before the assembly for individual consideration of each item. The hearing order is found on page xxiii and the agenda starts on page 1.

WITHDRAWN CODE CHANGES

In addition to the code changes listed as "Withdrawn by Proponent" in the 2005 Report of the Public Hearing, the following code changes have been subsequently withdrawn by the proponent: FS190 Part I, FS190 Part II, M84.

ICC WEBSITE - WWW.ICCSAFE.ORG

While great care has been exercised in the publication of this document, there may be errata posted for the Final Action Agenda. Errata, if any, identified prior to the Final Action Hearings will be posted on the ICC website at www.iccsafe.org. Users are encouraged to periodically review the ICC Website for updates to errata to the 2005 Final Action Agenda.

FINAL ACTION HEARING DATES

Wednesday, September 28, 2005:	8:00 a.m. - 5:00 p.m.
Thursday, September 29, 2005:	8:00 a.m. - 8:00 p.m.
Friday, September 30, 2005:	8:00 a.m. - 8:00 p.m.
Saturday, October 1, 2005:	8:00 a.m. - 8:00 p.m.
Sunday, October 2, 2005:	Noon- 8:00 p.m.

NOTE: Start and finish times may be adjusted to complete the agenda. See Page xxii for schedule.

VIEW THE FINAL ACTION HEARINGS ON YOUR PC

The Final Action Hearings are scheduled to be “webcast”. Streaming video broadcast over the Internet will provide a gateway for all International Code Council members, the construction industry and other interested parties anywhere in the world to view and listen to the hearings. Logging on to the Internet broadcast will be as simple as going to the International Code Council web site, www.iccsafe.org, and clicking on a link. [Actual site to be determined - be sure to check the ICC web site for further details].

The hearings can be seen free by anyone with Internet access. Minimum specifications for viewing the hearings are an Internet connection, sound card and Microsoft Windows Media Player. DSL, ISDN, Cable Modems or other leased-line connections are recommended for the best viewing experience. A dial-up modem connection will work, but with reduced video performance.

ADVANCE REGISTRATION

The Final Action Hearings are only one component of the 2005 ICC Annual Conference. The full schedule of activities is listed on page viii. **All attendees to the ICC Annual Conference and Final Action Hearings are required to register. Registration (see page ix) for the Final Action Hearings is FREE, and is necessary to verify voting status (see Section 7.4 of the *ICC Code Development Process for the International Codes* on page xx.) You are encouraged to register prior to the Annual Conference.**

2006/2007 ICC CODE DEVELOPMENT SCHEDULE

(Dates tentative)

STEP IN CODE DEVELOPMENT CYCLE	DATE
DEADLINE FOR RECEIPT OF APPLICATIONS FOR CODE COMMITTEES	January 3, 2006
DEADLINE FOR RECEIPT OF CODE CHANGE PROPOSALS	March 24, 2006
PUBLICATION DATE FOR MONOGRAPH OF "PROPOSED CHANGES TO THE I-CODES"	July 14, 2006
CODE DEVELOPMENT HEARINGS (CDH)	September 20 - 30, 2006 Coronado Springs Resort Lake Buena Vista, Florida
PUBLICATION DATE FOR "REPORT OF THE PUBLIC HEARING"	December 1, 2006
DEADLINE FOR RECEIPT OF PUBLIC COMMENTS	January 24, 2007
PUBLICATION DATE OF PUBLIC COMMENTS "FINAL ACTION AGENDA"	April 6, 2007
FINAL ACTION HEARINGS (FAH)	May 22 - 25, 2007* Location TBD
ANNUAL CONFERENCES	September 17- 30, 2006 2006 ICC Annual Conference and CDH Coronado Springs Resort Lake Buena Vista, Florida September 30 - October 4, 2007 2007 ICC Annual Educational Conference Reno Hilton Reno, Nevada
RESULTING PUBLICATION	2007 SUPPLEMENT

See "Call for Committees" on page xi.

Publication dates indicate when the printed copy of the document will be available. These documents will be posted on the ICC website approximately 4 weeks prior to availability of the printed version.

2006/2007 CALL FOR COMMITTEES

At this time, ICC is receiving applications for the following Codes & Standards Committees for the 2006/2007 Cycle. The term of each of the appointments is from January 1, 2006 to June 30, 2007. The ICC Building, Fire and Mechanical/Plumbing Code Councils are the appointing authority. Committee applications can be downloaded from the ICC website at www.iccsafe.org. **The application deadline is January 3, 2006.**

Code Committees

The ICC Code Committees are an instrumental part of the ICC Code Development Process. There are currently 16 Code Committees, responsible for the review and evaluation of code change proposals submitted to 14 *International Codes*. The Code Committees for the 2006/2007 Code Development Cycle will hear the code change proposals at the 2006 Code Development Hearing in September 20-30, 2006. Current Code Committee members interested in serving are required to re-apply.

Interpretation Committees

The purpose of the ICC Interpretation Committees is to provide technical support for adopting jurisdictions by processing official interpretations for the *International Codes*. Committee Interpretations represent the official position of the ICC but in all cases, the final authority on matters of interpretation is the code official. There are currently 5 ICC Interpretation Committees. Committee travel is not anticipated - The committee conducts its business via correspondence. Current Interpretation Committee members interested in serving are required to re-apply.

Code Correlation Committee

The Code Correlation Committee is responsible for evaluating matters of consistency, coordination and format in the *International Codes*. This includes determining matters of maintenance responsibility of Code Committees and identification of technical and editorial revisions necessary in the *International Codes*. Committee travel is anticipated. Current Code Correlation Committee members interested in serving are required to re-apply.

STAFF SECRETARIES

To contact a staff secretary, please call: 888-ICC-SAFE followed by the extension listed below.

IBC-General Chapters 1-6, 12, 13, 27-34	IBC-Fire Safety Chapters 7, 8, 9, 14, 15, 26	IBC-Means of Egress Chapters 10, 11	IBC-Structural Chapters 16-25
Beth Tubbs ICC Massachusetts Field Office 508/234-8762 FAX: 419/730-6531 btubbs@iccsafe.org	Dave Bowman ICC Chicago District Office x4323 FAX: 708/799-0320 dbowman@iccsafe.org	Kim Paarlberg ICC Chicago District Office x4306 FAX: 708/799-0320 kpaarlberg@iccsafe.org	Alan Carr ICC Washington Field Office x7601 FAX: 425-637-8939 acarr@iccsafe.org
ICC EC	IECC	IEBC	IFC
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Bill Rehr ICC Chicago District Office x4342 FAX: 708/799-0320 brehr@iccsafe.org	Ed Wirtschoreck ICC Chicago District Office x4317 FAX: 708/799-0320 ewirtschoreck@iccsafe.org		



CODE DEVELOPMENT PROCESS *for the* INTERNATIONAL CODES

1.0 Introduction

1.1 Purpose: The purpose of the International Code Council (ICC) Code Development Process 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. The timely evaluation and recognition of technological developments pertaining to construction regulations.
2. The open discussion of proposals by all parties desiring to participate.
3. The final determination of Code text by officials representing code enforcement and regulatory agencies.

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 one with 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 useability 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.

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 videotape 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 video taping. 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 the code development activity between editions shall be published as a supplement to the Codes.

2.4 Emergency Procedure: In the event that the ICC Board determines 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 ICC Governmental Member Representatives 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 or supplement shall not be considered as a retro-active requirement to the Code or supplement. Incorporation of the emergency amendment into the adopted Code or supplement 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 and telephone number of the proponent.

1. If a group, organization or committee submits a code change proposal, an individual with prime responsibility shall be indicated.
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 section(s) in the latest edition of the Code and any supplement thereto.

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.
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 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.

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.
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. Each proposal shall be in proper code format and terminology.
4. Each proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.
5. The proposed text shall be in mandatory terms.

3.3.4 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.

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.).
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. *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.
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.
5. *Copyright Release:* The proponent 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 this proposal. 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."
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: Two copies of each code change proposal, two copies of each proposed new referenced standard and two copies of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat. A copy of the code change proposal in electronic form may be requested.

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:

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.
2. The need for the standard to be referenced shall be established.

3.6.2 Standard Content:

1. A standard or portions of a standard intended to be enforced shall be written in mandatory language.
2. The standard shall be appropriate for the subject covered.
3. All terms shall be defined when they deviate from an ordinarily accepted meaning or a dictionary definition.
4. The scope or application of a standard shall be clearly described.
5. The standard shall not have the effect of requiring proprietary materials.
6. The standard shall not prescribe a proprietary agency for quality control or testing.
7. The test standard shall describe, in detail, preparation of the test sample, sample selection or both.
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.
9. The measure of performance for which the test is conducted shall be clearly defined in either the test standard or in Code text.
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.
11. The preface to the standard shall announce that the standard is promulgated according to a consensus procedure.

3.6.3 Standard Promulgation:

1. The standard shall be readily available.
2. The standard shall be developed and maintained through a consensus process such as ASTM or ANSI. Standards developed using the ANSI Canvass Method shall comply with the *Report of ICC Modifications to the ANSI general procedures and to ANSI Annex B - Procedures for Canvass by an Accredited Sponsor.*

4.0 Processing of Proposals

4.1 Intent: The processing of code change proposals is intended to insure that each proposal complies with these Rules of Procedure and that the resulting draft of the proposal accurately reflects the 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.

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 a 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: The updating of standards referenced by the Codes shall be accomplished administratively by the appropriate code development committee in accordance with these full procedures except that multiple standards to be updated may be included in a single proposal.

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 published and made available 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 elected by the Committee 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.

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 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. Only Code Development Committee members may participate in the Committee Action portion of the hearings (see Section 5.6).

5.4.2 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. The proponents or opponents of any proposal 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.

5.4.3 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.

5.4.4 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.

5.4.4.1 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. Sergeants-at-arms shall maintain appropriate decorum during all testimony.

5.4.4.2 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.

5.4.5 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.

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 thereto, if any, shall have the opportunity to present their views.
3. *Rebuttal.* Proponents shall then have the opportunity to rebut points raised by the opponents.
4. *Re-rebuttal.* 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.

1. *Criteria.* The modifications shall be legible, readily understood and within the scope of the original proposal.
2. *Written Copies.* Modifications offered from the floor shall be in writing. The modification proponent shall provide to the Moderator a minimum number of copies, as established by the Moderator, based on the size of the Code Development Committee.
3. *Testimony.* When a modification is offered from the floor and accepted 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 raises a matter of issue 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. 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.

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 (ASF), or
2. Approve the code change proposal as modified (AM F) with a specific modification that has been offered from the floor and accepted by the Chairman during floor discussion (see Section 5.5.2) or has been offered by a member of the Committee and accepted by the Chairman during Committee discussion (see Section 5.6), or
3. Disapprove the code change proposal (DF).

5.7.2 Discussion: On receipt of a second to the floor motion, the Moderator shall place the motion before the hearing for discussion in accordance with Section 5.5.1.

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 Section 5.7.4).

Committee Action	Desired Assembly Action		
	ASF	AMF	DF
AS	--	Majority	Majority
AM	Majority	Majority	Majority
D	Majority	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 is authorized for each eligible attendee. Code Development Committee members shall be eligible to vote on floor motions.

5.8 Report of the Public Hearing: The results of the public hearing shall be published and made available 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:

1. Consideration of items for which a public comment has been submitted; and
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 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:

6.3.1 Public comment: Each public comment shall include the name, title, mailing address and telephone number of the public comment. 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 of a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated.

6.3.2 Code Reference: Each public comment shall include the code change proposal number and the results of the public hearing on the code change proposal to which the public comment is directed.

6.3.3 Desired Final Action: The public comment shall indicate the desired final action as one of the following:

1. Approve the code change proposal (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).

6.3.4 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 6.4 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 6.4.1 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.

6.3.5 Number: Two copies of each public comment and two copies 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 may be requested.

6.4 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).

6.4.1 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.

6.4.2 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.

6.4.3 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.

6.5 Publication: The list of public hearing results on code change proposals that have not been public commented and the code change proposals with public commented public hearing results shall constitute the final action agenda. The final action agenda shall be published and made available 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 an 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 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.

7.3.4 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).

7.3.5 Discussion and voting: Discussion and voting on proposals being individually considered shall be in accordance with the following procedures:

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.
2. **Initial Motion:** The Code Development Committee action shall be the initial motion considered.
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 6.3.3). 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.
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.
5. **Subsequent Motion:** If the initial motion is unsuccessful, a motion for one of the other allowable final actions shall be made (see Section 7.3.3[1]) and dispensed with until a successful final action is achieved.

7.3.6 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.

7.3.7 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 in attendance at the Final Action Hearing shall have one vote per eligible attendee on all International Codes.

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

Committee Action	Desired Final Action		
	AS	AM	D
AS	Simple Majority	2/3 Majority	Simple Majority
AM	2/3 Majority	Simple Majority to sustain the Committee or; 2/3 majority on additional modifications and 2/3 on overall AM	Simple Majority
D	2/3 Majority	2/3 Majority	Simple Majority

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 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 shall have the right to appeal a substantive or procedural action or inaction in accordance with the policy of the ICC Board.

Appeals shall be based on substantive or procedural criteria, or both, and include a statement as to why the ICC action should be modified. The ICC will not render decisions on the relative merits of technical matters, but will consider whether due process was afforded technical concerns.

The following sections of the April 30, 1999(e) procedures were revised on: *June 21, 1999:* 3.6.3 (2), 5.2, 5.2.4, 5.2.5, 5.2.6; *July 21, 1999:* 7.3.1; *September 16, 1999:* 1.6; *December 11, 1999:* 7.5; *April 20, 2000:* 3.3.4(6), 3.4, 5.7.1, 5.7.3, 5.7.4, 5.7.4.1, 5.7.4.2, 5.7.4.3, 6.3.3, 6.3.5, 7.3.3, 7.4.2, 7.5, 7.5.1; *April 28, 2000:* 5.2.4, 5.2.5, 5.2.6; *November 12, 2000:* 3.6.3, 5.7.4; *October 31, 2001:* 3.5, 4.5, 5.7.1, 7.3.3; *February 9, 2002:* 2.4, 6.1; *April 13, 2002:* 2.4, 4.4, 5.2.2, 5.4.4, 5.4.4.1, 5.4.4.2; *June 29, 2002:* 3.5; 6.3.2; *April 6, 2003:* 1.5, 2.4, 3.3.4(4), 3.4, 4.4, 5.2, 5.2.1, 5.5.2(1), 5.5.2(2), 5.7.1(2), 5.7.4, 6.1, 7.3.3(2), 7.4; *January 19, 2004:* 3.3.4(3), 4.3, 6.3.4, 6.4.1; *May 15, 2004:* 1.6, 2.4, 3.3.4(5), 3.6.1(1), 4.6, 5.2.2, 5.5.2(1), 5.7.1(2), 5.7.3, 7.3.1, 7.3.2, 7.3.6, 7.3.7

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NOTE: There were no code changes submitted to the ICC Performance Code in the 2004-2005 Cycle (ICC PC). Code changes to the International Private Sewage Disposal Code (IPSDC) did not receive any public comment

