



# CP#28-05 – Code Development

Approved: 09/24/05 | Revised: 12/07/22

## 1.0 Introduction

- 1.1 **Purpose of Council Policy:** The purpose of this Council Policy is to prescribe the Rules of Procedure utilized in the continued development and maintenance of the International Codes (Codes).
- 1.2 **Objectives:** The ICC Code Development Process has the following objectives:
  - 1.2.1 The timely evaluation and recognition of technological developments pertaining to construction regulations.
  - 1.2.2 The open discussion of code change proposals by all parties desiring to participate.
  - 1.2.3 The final determination of Code text by public officials actively engaged in the administration, formulation, implementation or enforcement of laws, ordinances, rules, or regulations relating to the public health, safety, and welfare and by honorary members.
  - 1.2.4 The increased participation of all parties desiring to participate through an online submittal and voting process that includes opportunities for online collaboration.
- 1.3 **Code Publication:** The ICC Board of Directors (ICC Board) shall determine the title and the general purpose and scope of each Code published by the ICC.
  - 1.3.1 **Code Correlation:** The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur. A Group A and Group B Code Development Committee Responsibilities Matrix identifies which Code shall be the primary document, and therefore which Code Development Committee shall be responsible for maintenance of the Code text where a given subject matter or Code text could appear in more than one Code. The Matrix shall be administered by the Code Correlation Committee as approved by the ICC Board and posted prior to the code change proposal deadline. 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 5.5.
- 1.4 **Process Maintenance:** The review and maintenance of the Code Development Process and these Rules of Procedure shall be by the ICC Board. The manner in which Codes are developed embodies core principles of the organization. One of those principles is that the final content of the Codes is determined by a vote of the governmental and honorary members in accordance with Sections 10.6 and 11.1. It is the policy of the ICC Board that there shall be no change to this principle without the affirmation of two-thirds of the governmental and honorary members responding.
- 1.5 **Secretariat:** The Chief Executive Officer shall assign a Secretariat for each of the

Codes. All correspondence relating to code change proposals, comments to Committee action and public comments shall be addressed to the Secretariat. The Secretariat shall have the authority to facilitate unforeseen situations which arise in the implementation of this council policy. Staff shall maintain a record of such actions.

- 1.6 **Code Development Committee:** The members of the respective Code Development Committee presiding over the hearings are appointed by the ICC Board in accordance with Section 6.2. The term "Committee" is used throughout this Council Policy to refer to Code Development Committee members.
- 1.7 **Recording:** Individuals requesting permission to record any meeting or hearing, or portion thereof, shall be required to provide the ICC with a release of responsibility disclaimer and shall acknowledge that ICC shall retain sole ownership of the recording, and that they have insurance coverage for liability and misuse of recording materials. Equipment and the process used to record shall, in the judgment of the ICC Secretariat, be conducted in a manner that is not disruptive to the meeting. The ICC shall not be responsible for equipment, personnel or any other provision necessary to accomplish the recording. An unedited copy of the recording shall be forwarded to ICC within 30 days of the meeting. Recordings shall not otherwise be copied, reproduced or distributed in any manner. Recordings shall be returned to ICC or destroyed upon the request of ICC.
- 1.8 **Code of Ethics:** Each individual participating in the ICC Code Development Process shall comply with the posted *ICC Code of Ethics*.

## 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 4.5) and ending with publication of the Final Action on the code change proposals (see Section 13.4).
- 2.2 **New Editions:** The ICC Board shall determine the schedule for publishing new editions of the Codes. Each new edition shall incorporate the results of the code development activity since the previous edition.
- 2.3 **Interim Code Amendments:** All revisions to the International Codes shall be processed in accordance with other sections of this Council Policy except for Emergency Actions by the ICC Board complying with Section 2.3.1 and Interim Critical Amendments (ICA) complying with Section 2.3.2.
  - 2.3.1 **Emergency Actions by the ICC Board:** Emergency actions by the ICC Board are limited to those issues representing an immediate threat to health and safety that warrant a more timely response than allowed by the Code Development Process schedule.
    - 2.3.1.1 **Initial Request:** A request for an emergency action shall be based upon perceived immediate threats to health and safety and shall be reviewed by the Codes and Standards Council for referral to the ICC Board for action with their analysis and recommendation.
    - 2.3.1.2 **Board and Member Action:** In the event that the ICC Board

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

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

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

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

## **2.3.2 Interim Critical Amendments (ICA)**

**2.3.2.1 Submittal.** Anyone may propose an ICA by providing the following information:

- a) Name of submitter
- b) Contact information
- c) Submitters representation
- d) Date
- e) Relevant section(s) and code edition(s) under consideration
- f) Proposed modifications with text changes identified using underlines for new text and strikethroughs for deleted text
- g) A statement that substantiates the need for proposed changes and why the proposed submission is of such a critical nature in accordance with Section 2.3.2.3 that it cannot be left to be addressed during the next code development cycle.
- h) Written endorsement of the proposed ICA by not less than two members of the Committee(s) responsible for maintaining the affected code section(s)

**2.3.2.2 Preliminary Review.** An ICA will only be processed if the Codes and Standards Council determines that the proposed ICA appears to be of a critical nature requiring prompt action based on the criteria specified in Section 2.3.2.3. If processed, the question of critical nature shall be further considered by the responsible Committee(s) and the Codes and Standards Council. The text of a proposed ICA shall be processed as submitted or shall be changed with the approval of the submitter. The Codes and Standards Council shall process their preliminary "critical nature" determination within 45 days of the ICA submission.

**2.3.2.3 Determination of Critical Nature.** Qualification for critical nature shall be based on one or more of the following factors:

- a) The proposed ICA corrects an error or an omission that was overlooked during a regular code development process.
- b) The proposed ICA resolves a conflict within an individual code or a conflict involving two or more ICC codes.
- c) The proposed ICA mitigates a previously unknown hazard.

**2.3.2.4 Committee.** A proposed ICA that meets the provisions in Sections 2.3.2.2 and 2.3.2.3 shall be submitted to the Committee(s) responsible for the affected section(s) for a ballot and comment period of 30 calendar days. The Committee(s) shall be separately balloted on both the technical merit of the ICA and whether the ICA satisfies the critical nature criteria. Negative votes in the initial ballot, if any, shall require a reason statement and shall be circulated to the full Committee(s) to allow initial ballot votes to be changed.

A Committee recommendation for approval shall require an affirmative vote of at least three-fourths of members who voted, on both technical merit and critical nature. The following shall be omitted from the three-fourths vote calculation:

- a) Committee members who have abstained.
- b) Committee members whose negative ballots do not include a statement conveying the reason for casting a negative vote.
- c) Committee members who do not return their ballots prior to the announced ballot return deadline.

In addition to the three-fourths majority described above, the number of affirmative votes shall be not less than 50% of all Committee members who are eligible to vote. Committee members eligible to vote shall be the total number of individuals who are members of the Committee on the date of ballot distribution and shall not be adjusted based on abstentions or ballots that were not returned.

ICAs that achieve the required number of affirmative votes on both technical merit and critical nature are approved for further processing in accordance with Sections 2.3.2.5 through 2.3.2.9. ICAs that do not achieve the required number of affirmative votes on both technical merit and critical nature are rejected.

**2.3.2.5 Publication of Proposed ICA for Comment.** An ICA that is approved in accordance with Section 2.3.2.3 shall be published by ICC in appropriate media with a notice inviting the public to comment on the proposed ICA. The comment period shall be open for at least 30 calendar days from the date of posting of the notice. When a proposed ICA revises text that was changed in the most recent code development cycle, the ICA comment notice shall also be directly provided to submitters of proposals, comments to Committee action and public comments to the affected section in the most recent code development cycle.

**2.3.2.6 Additional Committee Review.** All comments shall be circulated to the responsible Committee(s) for a 30-calendar day ballot and

comment period allowing an opportunity for Committee members to change votes taken prior to the comment period. If any votes are changed to negative, negative votes shall be circulated to the full Committee, followed by a final ballot following the voting procedures Section 2.3.2.3.

Approved ICAs shall be forwarded to the Codes and Standards Council with a staff report that includes all comments, ballots, Committee member comments on ballots and concurrence by staff on which code editions should be affected by the ICA.

**2.3.2.7 Action of the Codes and Standards Council.** The Codes and Standards Council shall review the material submitted in accordance with Section 2.3.2.6 at the next Codes and Standards Council meeting. Approval of an ICA shall require an affirmative vote of at least two-thirds of the Codes and Standards Council members who cast a vote at the meeting.

**2.3.2.8 Effective Date and Publication.** ICAs that are approved by the Codes and Standards Council shall become effective 30 calendar days after approval, or in the case of an appeal in accordance with Section 2.3.2.9, 30 calendar days after a decision by the ICC Board upholding a Codes and Standards Council decision to issue an ICA.

An ICA shall apply to code editions specified by the ICC Codes and Standards Council, and ICC staff shall, by an appropriate method, publish approved ICAs and ensure that approved ICAs are distributed with future sales of affected codes. ICAs shall be distributed as a separate document and shall not be incorporated into the text of a published code until such time that the ICA has been approved by the full code development process, following submittal as a proposal in accordance with Section 2.3.2.11.

**2.3.2.9 Appeals.** A decision of the Codes and Standards Council to approve an ICA shall be appealable to the ICC Board in accordance with Council Policy 1.

**2.3.2.10 Applicability.** ICAs shall not be considered retroactive requirements.

**2.3.2.11 Subsequent Processing.** An approved ICA shall automatically become a code change proposal from the Codes and Standards Council in the following code cycle.

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

1. Code Change Agenda (Section 5.8)
2. Audio and video recording of both Committee Action Hearings for each code group (Sections 6.1 and 8.1)
3. Report of both Committee Action Hearings for each code group (Sections 6.7 and 8.5)
4. Public Comment Agenda (Section 9.6)
5. Public Comment Hearing results (Section 10.5.9.10)

6. Audio and video recording of the Public Comment Hearing (Section 10.0)
7. The Online Governmental Consensus Ballot (Section 11.3)
8. Final Action results (Section 13.4)
9. Errata to the documents noted above

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

### **3.0 Restructured Process Starting in 2024 (NEW)**

- 3.1 Process:** The 2027 I-Codes, and future editions, shall be developed utilizing a restructured code development process starting in 2024. The process includes the following key process steps:

#### **YEAR ONE**

- Code Group A code change proposals due (see Section 4.0)
- Code Group A First Committee Action Hearing (CAH #1) (see Section 6.0)
- Code Group A comments due on the action taken at CAH #1 (see Section 7.0)
- Code Group A Second Committee Action Hearing (CAH #2) (see Section 8.0)

#### **YEAR TWO**

- Code Group B code change proposals due (see Section 4.0)
- Code Group A public comments due (see Section 9.0)
- Code Group B First Committee Action Hearing (CAH #1) (see Section 6.0)
- Code Group B comments due on the action taken at CAH #1 (see Section 7.0)
- Code Group B Second Committee Action Hearing (CAH # 2) (see Section 8.0)

#### **YEAR THREE**

- Code Group B public comments due (see Section 9.0)
- Combined Code Group A & B Public Comment Hearing (see Section 10.0)
- Combined Code Group A & B Online Governmental Consensus Vote (see Section 11.0)

- 3.2 Schedule:** A schedule of Code Groups, dates, locations and process steps with deadlines shall be posted a minimum of 120 days prior to the code change submittal deadline for Code Group A codes.

### **4.0 Submittal of Code Change Proposals**

- 4.1 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.

- 4.2 Withdrawal of Proposal:** A code change proposal may be withdrawn by the proponent (WP) at any time prior to membership action on the consent agenda at the Public Comment Hearing or prior to testimony on the code change proposal on the individual consideration agenda at the Public Comment Hearing. All actions on the code change proposal shall cease immediately upon the withdrawal of the code change proposal.

- 4.3 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:

**4.3.1 Proponent:** Each code change proposal shall include the name, title and email address of the proponent. Email addresses shall be published with the code change proposals unless the proponent otherwise requests on the submittal form.

**4.3.1.1** If a group, organization or Committee submits a code change proposal, an individual with prime responsibility shall be indicated.

**4.3.1.2** If a proponent submits a code change proposal on behalf of a client, group, organization or Committee, the name and email address of the client, group, organization, or Committee shall be indicated.

**4.3.2 Code Reference:** Each code change proposal shall relate to the applicable code sections(s) in the latest edition of the Code.

**4.3.2.1** 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.

**4.3.2.2** 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.

**4.3.3 Multiple Code Change Proposals to a Code Section.** A proponent shall not submit multiple code change proposals to the same code section. Where 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 5.3. This restriction shall not apply to code change proposals that attempt to address differing subject matter within a code section.

**4.3.4 Text Presentation:** The text of the code change proposal shall be presented in the specific wording desired with deletions shown struck out with a single line and additions shown underlined with a single line.

**4.3.4.1** A charging statement shall indicate the referenced code section(s) and whether the code change proposal is intended to be an addition, deletion, or a revision to existing Code text.

**4.3.4.2** Whenever practical, the existing wording of the text shall be preserved with only such deletions and additions as necessary to accomplish the desired change.

**4.3.4.3** Each code change proposal shall be in proper code format and terminology.

**4.3.4.4** Each code change proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.

**4.3.4.5** The proposed text shall be in mandatory terms.

**4.3.5 Supporting Information:** Each code change proposal shall include sufficient supporting information to indicate how the code change proposal is intended to affect the intent and application of the Code.

- 4.3.5.1 Purpose:** The proponent shall clearly state the purpose of the code change proposal (e.g., clarify the Code; revise outdated material; substitute new or revised material for current provisions of the Code; add new requirements to the Code; delete current requirements, etc.).
- 4.3.5.2 Reasons:** The proponent shall justify changing the current Code provisions, stating why the code change proposal is superior to the current provisions of the Code. Code change proposals which add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions and explains how such code change proposals will improve the Code.
- 4.3.5.3 Substantiation:** The proponent shall substantiate the code change proposal based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 5.2 and determined as not germane to the technical issues addressed in the code change proposal may be identified as such. The proponent shall be notified that the code change proposal is considered an incomplete proposal in accordance with Section 5.3 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. Supporting documentation may be provided via a link to a website provided by the proponent and included in the reason statement. The reason statement shall include the date the link was created. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.
- 4.3.5.4 Bibliography:** The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the code change proposal and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing. Supporting documentation may be provided via a link to a website provided by the proponent and included in the bibliography. The reason statement shall include the date the link was created.
- 4.3.5.5 Copyright Release:** The proponent of code change proposals, floor modifications, comments to Committee action and public comments shall sign a copyright release developed and posted by ICC.
- 4.3.5.6 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;
  - 2) The code change proposal will decrease the cost of



- construction; or
- 3) The code change proposal will not increase or decrease the cost of construction.

The proponent shall submit information which substantiates such assertion. This information will be considered by the Committee and will be included in the published code change proposal. Supporting documentation may be provided via a link to a website provided by the proponent and included in the cost substantiation statement. The cost substantiation statement shall include the date the link was created.

Any proposal submitted which does not include the requisite cost impact information shall be considered incomplete and shall not be processed.

- 4.4 **Online Submittal:** Each code change proposal and all substantiating information shall be submitted online via cdpACCESS. One copy of each proposed new referenced standard in electronic form shall be submitted to staff. Additional electronic copies may be requested when determined necessary by the Secretariat to allow such information to be distributed to the Committee. Where such additional copies are requested, it shall be the responsibility of the proponent to secure permission to post the proposed new reference standard on a secure ICC website for Committee viewing. In lieu of electronic copies, hard copies are acceptable.
- 4.5 **Submittal Deadline:** ICC shall establish and post the submittal deadline for each cycle in accordance with Section 3.2. The posting of the deadline shall occur no later than 120 days prior to the code change deadline. Each code change proposal shall be submitted online via cdpACCESS by the posted deadline. The submitter of a code change proposal is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.
- 4.6 **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:
  - 4.6.1 **Code References:**
    - 4.6.1.1 The standard, including title and date, and the manner in which it is to be utilized shall be specifically referenced in the Code text.
    - 4.6.1.2 The need for the standard to be referenced shall be established.
  - 4.6.2 **Standard Content:**
    - 4.6.2.1 A standard or portions of a standard intended to be enforced shall be written in mandatory language.
    - 4.6.2.2 The standard shall be appropriate for the subject covered.
    - 4.6.2.3 All terms shall be defined when they deviate from an ordinarily accepted meaning or a dictionary definition.
    - 4.6.2.4 The scope or application of a standard shall be clearly described.
    - 4.6.2.5 The standard shall not have the effect of requiring proprietary materials.
    - 4.6.2.6 The standard shall not prescribe a proprietary agency for quality

control or testing.

- 4.6.2.7 The test standard shall describe, in detail, preparation of the test sample, sample selection or both.
- 4.6.2.8 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.
- 4.6.2.9 The measure of performance for which the test is conducted shall be clearly defined in either the test standard or in Code text.
- 4.6.2.10 The standard shall not state that its provisions shall govern whenever the referenced standard is in conflict with the requirements of the referencing Code.
- 4.6.2.11 The preface to the standard shall announce that the standard is promulgated according to a consensus procedure.

#### **4.6.3 New and Updated Standards with Text Revisions:**

- 4.6.3.1 Code change proposals with corresponding changes to the Code text which include a reference to a proposed new standard, or a proposed update of an existing referenced standard shall comply with this section.

**4.6.3.1.1 Proposed New Standards.** 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 4.4. If the proposed new standard is not submitted in at least consensus draft form, the code change proposal shall be considered incomplete and shall not be processed. The code change proposal shall be considered at the First Committee Action Hearing (CAH #1) by the applicable Committee responsible for the corresponding proposed changes to the code text.

If the Committee action at the Second Committee Action Hearing (CAH #2) is either As Submitted or As Modified and the standard is not completed, the code change proposal shall automatically be placed on the Public Comment Agenda with the recommendation stating that in order for the public comment to be considered, the new standard shall be completed and readily available prior to the Public Comment Hearing. If the Committee action at the Second Committee Action Hearing (CAH #2) is Disapproval, further consideration on the Public Comment Agenda shall state that in order for the public comment to be considered, the new standard shall be completed and readily available prior to the Public Comment Hearing. See Section 10.5.6.1 for availability of new standards at the Public Comment Hearing.

**4.6.3.1.2 Update of Existing Standards.** Code change proposals which include technical revisions to the Code text to coordinate with a proposed update of an existing referenced standard shall include the submission of the proposed update to the standard in at least a consensus draft form in accordance with Section 4.4. If the proposed update of the existing standard is not submitted in at least consensus draft form, the code change proposal shall be considered incomplete and shall not

be processed. The code change proposal, including the update of the existing referenced standard, shall be considered at the First Committee Action Hearing (CAH #1) by the applicable Committee responsible for the corresponding changes to the code text.

If the Committee action at the Second Committee Action Hearing (CAH #2) is either As Submitted or As Modified and the updated standard is not completed, the code change proposal shall automatically be placed on the Public Comment Agenda with the recommendation stating that in order for the public comment to be considered, the updated standard shall be completed and readily available prior to the Public Comment Hearing. If the Committee action at the Second Committee Action Hearing (CAH #2) is Disapproval, further consideration on the Public Comment Agenda shall state that in order for the public comment to be considered, the updated standard shall be completed and readily available prior to the Public Comment Hearing. See Section 10.5.6.1 for availability of updated standards at the Public Comment Hearing.

Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 5.6.

**4.6.4 Standard Promulgation:** The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

## **5.0 Processing of Code Change Proposals**

**5.1 Intent:** The processing of code change proposals is intended to ensure that each proposal complies with these Rules of Procedure and that the resulting published code change proposal accurately reflects that proponent's intent.

**5.2 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, 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 Committees, the Secretariat shall determine the Committee responsible for determining the Committee action in accordance with Section 6.6 and the Group A and Group B Code Development Committee Responsibilities Matrix (see Section 1.3.1).

**5.3 Incomplete Code Change Proposals:** When a code change proposal is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the Secretariat shall notify the proponent of the specific deficiencies and the proposal shall be held until the deficiencies are corrected, with a final date set for receipt of a corrected submittal. If the Secretariat receives the corrected code change proposal after the final date, the proposal shall be held over until the next code development cycle. Where there are otherwise no deficiencies addressed by this section, a code change proposal that incorporates a new referenced standard shall be processed with an analysis of the referenced standard's compliance with the criteria set forth in Section 4.6.

**5.4 Editorial Code Change Proposals.** When a code change proposal is submitted

that proposes an editorial or format change that, in the opinion of the Secretariat, does not affect the scope or application of the code, the proposal shall be submitted to the Code Correlation Committee who shall deem the code change proposal as editorial or send the proposal back to the Secretariat to be considered by the appropriate Committee. To be deemed editorial, such proposal shall require a majority vote of the Code Correlation Committee. Editorial proposals shall be published in the Code Change Agenda. Such proposals shall be added to the hearing agenda for consideration by the appropriate Committee upon written request to ICC by any individual. The deadline to submit such requests shall be 14 days prior to the first day of the First Committee Action Hearing (CAH #1). Code Correlation Committee proposals that are not added to a Committee hearing agenda shall be published in the next edition of the code with no further consideration.

- 5.5 Copy Editing Code Text:** The Chief Executive Officer shall have the authority at all times to make editorial style and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. Such editorial style or format changes shall not affect the scope or application of the Code requirements.
- 5.6 Updating Standards Referenced in the Codes:** Standards referenced by the Codes that do not require coordination with a code change proposal to the Code text shall be identified administratively by staff and considered by the Administrative Committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1 of the third year of each code cycle. The published version of the new edition of the Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the December 1<sup>st</sup> 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.
- 5.6.1 Updating ICC Standards Referenced in the Codes.** All standards developed by ICC and referenced by the Codes which are undergoing an update shall be announced by ICC to allow stakeholders to participate in the update process. Where the updated standard is completed and available by December 1 of the third year of the code cycle, the published version of the new edition of the Code which references the standard shall refer to the updated edition of the standard. If the standard is not available by the December 1<sup>st</sup> 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.
- 5.7 Preparation:** All code change proposals in compliance with these procedures shall be prepared in a standard manner by the Secretariat and be assigned separate, distinct, and consecutive numbers. The Secretariat shall coordinate related proposals submitted in accordance with Section 4.3.2 to facilitate the hearing process.
- 5.8 Code Change Agenda:** All code change proposals shall be posted on the ICC website at least 30 days prior to the First Committee Action Hearing (CAH #1) on those proposals and shall constitute the agenda for the hearing. Any errata to the Code Change Agenda shall be posted on the ICC website as soon as possible. Code change proposals which have not been published in the original posting or

subsequent errata shall not be considered.

## 6.0 First Committee Action Hearing (CAH #1)

- 6.1 Intent:** The intent of the First Committee Action Hearing (CAH #1) is to permit interested parties to present their views including the cost and benefits on the code change proposals on the published agenda. The Committee will consider such comments as may be presented in the development of their action on the disposition of such code change proposals.
- 6.2 Code Development Committee:** The Codes and Standards Council shall review all applications and make Committee appointment recommendations to the ICC Board. The Committees shall be appointed by the ICC Board. (See Section 1.6 for terminology).
- 6.2.1 Chairperson/Moderator:** The Chairperson and Vice-Chairperson shall be selected by the Codes and Standards Council from the appointed members of the Committee. The ICC President shall appoint one or more Moderators who shall act as presiding officer for the Committee Action Hearing.
- 6.2.2 Conflict of Interest:** A Committee member shall withdraw from and take no part in those matters with which the Committee member has an undisclosed financial, business or property interest. The Committee member shall not participate in any Committee discussion, or any Committee vote on the matter in which they have an undisclosed interest. A Committee member who is a proponent of a code change proposal shall not participate in any Committee discussion on the matter or any Committee vote. Such Committee member shall be permitted to participate in the floor discussion in accordance with Section 6.5 by stepping down from the dais.
- 6.2.3 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.
- 6.2.4 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 (General Interest category in accordance with Council Policy#7 *Committees and Members*).
- 6.3 Date and Location:** The date and location of the Committee Action Hearing shall be announced not less than 60 days prior to the date of the hearing.
- 6.4 General Procedures:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Committee Action Hearing except as a specific provision of these Rules of Procedure may otherwise dictate. A quorum shall consist of a majority of the voting members of the Committee.
- 6.4.1 Chair Voting:** The Chairperson of the Committee shall vote only when the vote cast will break a tie vote of the Committee.
- 6.4.2 Open Hearing:** The Committee Action Hearing is an open hearing. Any interested person may attend and participate in the floor discussion. Only Committee members may participate in the Committee action portion of the

hearings (see Section 6.6). Participants shall not advocate a position on specific code change proposals with Committee members other than through the methods provided in this policy.

**6.4.3 Presentation of Material at the Committee Action Hearing:** Information to be provided at the hearing shall be limited to verbal presentations and modifications submitted in accordance with Section 6.5.2. Each individual presenting information at the hearing shall state their name and affiliation, and shall identify any entities or individuals they are representing in connection with their testimony. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 4.3.5.3 and other material submitted in response to a code change proposal shall be located in a designated area in the hearing room and shall not be distributed to the Committee at the public hearing.

**6.4.4 Agenda Order:** The Secretariat shall publish a Code Change Agenda for the Committee Action Hearing, placing individual code change proposals in a logical order to facilitate the hearing. Any public hearing attendee may move to revise the agenda order as the first order of business at the hearing, or at any time during the hearing except while another code change proposal is being discussed. Preference shall be given to grouping like subjects together, and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position.

**6.4.4.1 Proponent Approval:** A motion to revise the agenda order is considered in order unless the proponent(s) of the moved code change proposals are in attendance in the hearing room and object to the move. Where such objections are raised, the motion to revise the hearing order shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 6.4.8. The motion to change the hearing order is not debatable.

**6.4.4.2 Revised Agenda Order Approved:** A motion to revise the agenda order is subject to a 2/3 vote of those present.

**6.4.5 Tabling:** Tabling of code change proposals shall be permitted. The motion to table is considered in order unless the proponent(s) of the tabled code change proposals are in attendance at the hearing and object to the tabling. Where such objections are raised, the motion to table shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 6.4.8. The motion to table is not debatable.

The motion to table must identify one of the following as to the location in the agenda when or where the code change proposal(s) will be considered:

1. To a specific date and time within the timeframe of the Code Change Agenda for the code change proposals under consideration, or
2. To a specific location in the Code Change Agenda for the code change proposals under consideration.

**6.4.5.1 Tabling approved:** A motion to table is subject to a 2/3 vote of those present.

- 6.4.5.2 Tabled code change proposals back to the floor:** The Moderator shall bring the tabled code change proposal(s) back to the floor at the applicable time/agenda location in accordance with Section 6.4.5 Items 1 or 2. The testimony on the code change proposal shall resume at the point in the process where the tabling occurred.
- 6.4.6 Reconsideration:** There shall be no reconsideration of a code change proposal after it has been voted on by the Committee in accordance with Section 6.6.
- 6.4.7 Time Limits:** Time limits shall be established as part of the agenda for testimony on all code change proposals at the beginning of each hearing session. Each person testifying on a code change proposal shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall identify the time limits on debate at the beginning of the hearing. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.
- 6.4.7.1 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.
- 6.4.7.2 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.
- 6.4.8 Points of Order:** Any person participating in the hearing may challenge a procedural ruling of the Moderator or the Chairperson. A majority vote of ICC Members in attendance shall determine the decision.
- 6.5 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:
- 6.5.1 Discussion Order:**
1. Support. The Moderator shall begin by asking the proponent and then others in support of the code change proposal for their comments.
  2. Opposition. After discussion by those in support of a code change proposal, those opposed hereto, if any, shall have the opportunity to present their views.
  3. Rebuttal in support. Those in support shall then have the opportunity to rebut points raised by those in opposition.
  4. Rebuttal in opposition. Those in opposition shall then have the opportunity to respond to the rebuttal in support.

**6.5.2 Modifications:** Modifications to code change proposals may be suggested from the floor by any person participating in the hearing. The person proposing the modification, or his/her designee, is deemed to be the proponent of the modification.

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

**6.5.2.2 Criteria.** The Chairperson 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. changes the scope of the original code change proposal; or
2. is not readily understood to allow a proper assessment of its impact on the original code change proposal or the Code.

The ruling of the Chairperson 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 6.4.8.

**6.5.2.3 Testimony.** When a modification is offered from the floor and ruled in order by the Chairperson, a specific floor discussion on that modification is to commence in accordance with the procedures listed in Section 6.5.1.

**6.5.2.3.1 Time Limits:** Time limits on testimony on a modification shall be in accordance with the following:

1. Support: 1 minute
2. Opposition: 1 minute
3. Rebuttal in support: 30 seconds
4. Rebuttal in opposition: 30 seconds

**6.6 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 Committee members. If a Committee member proposes a modification which had not been proposed during floor discussion, the Chairperson shall rule on the modification in accordance with Section 6.5.2.2. 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 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 ICC shall maintain a record of the hearing proceedings including the action on each code change proposal.

- 6.7 Report of the First Committee Action Hearing (CAH #1):** The results of the First Committee Action Hearing (CAH #1), including Committee action and reason, shall be posted on the ICC website not less than 60 days prior to the Second Committee Action Hearing (CAH #2) , except as approved by the ICC Board.

## **7.0 Submittal of Comments to the First Committee Action Hearing (CAH #1) (NEW)**

- 7.1 Intent:** Any interested person, persons or group may submit a comment noting disagreement with the action taken at the First Committee Action Hearing (CAH #1). The comment process gives attendees at the Second Committee Action Hearing (CAH #2) an opportunity to consider specific objections to the results of the First Committee Action Hearing (CAH #1) and more thoughtfully prepare for the discussion and comment consideration at the Second Committee Action Hearing (CAH #2).

**7.1.1 Public Comment Hearing consideration:** In order for a code change proposal to be considered for a further modification at the Public Comment Hearing, such proposal must have received a comment and been considered and acted upon at the Second Committee Action Hearing (CAH #2).

**7.1.2 Proposed New Reference Standards and Standards Updates:** Proposed new referenced standards and proposed updates of existing standards with coordinating text are limited to original code change submittals in accordance with Section 4.6.3. Comments proposing a new reference standard or a new proposed update of an existing standard with coordinating text shall not be permitted.

- 7.2 Deadline:** The deadline for receipt of a comment to the results of the First Committee Action Hearing (CAH #1) shall be announced at the first hearing but shall not be less than 30 days subsequent to the availability of the Report of the First Committee Action Hearing (CAH #1) (see Section 6.7).

- 7.3 Withdrawal of Comment:** A comment may be withdrawn by the commenter at any time prior to comment consideration of that comment at the Second Committee Action Hearing (CAH #2). A withdrawn comment shall not be subject to consideration at the second hearing. If the only comment to a code change proposal is withdrawn by the commenter prior to consideration at the Second Committee Action Hearing (CAH #2), such proposal will be considered as not acted upon at the second hearing and the proposal is not eligible for further modification consideration at the Public Comment Hearing in accordance with Section 7.1.1.

**7.4 Form and Content of Comments:** Any interested person, persons, or group may submit a public comment to the results of the First Committee Action Hearing (CAH #1) which will be considered when in conformance to these requirements. Each comment to a code change proposal shall be submitted separately and shall be complete in itself. Each comment shall contain the following information:

**7.4.1 Comment:** Each comment shall include the name, title, and email address of the commenter. Email addresses shall be published with the comments unless the commenter otherwise requests on the submittal form.

If a group, organization, or committee submits a comment, an individual with prime responsibility shall be indicated. If a comment is submitted on behalf a client, group, organization or committee, the name and email address of the client, group, organization or committee shall be indicated. The scope of the comment shall be consistent with the scope of the original code change proposal or the Committee action. Comments which are determined as not within the scope of the code change proposal or Committee action shall be identified as such. The commenter shall be notified that the comment is considered an incomplete comment in accordance with Section 7.5.1 and the comment shall be held until the deficiencies are corrected. A copyright release in accordance with Section 4.3.5.5 shall be provided with the comment.

**7.4.2 Code Reference:** Each comment shall include the code change proposal number.

**7.4.3 Multiple comments to a code change proposal.** A commentor shall not submit multiple comments to the same code change proposal. When a commentor submits multiple comments to the same code change proposal, the comments shall be considered as incomplete comments and processed in accordance with Section 7.5.1. This restriction shall not apply to comments that attempt to address differing subject matter within a Code section.

**7.4.4 Desired Action at the Second Committee Action Hearing (CAH #2):** In order for a comment to be considered, the comment shall indicate the desired action at the Second Committee Action Hearing (CAH #2) as one of the following:

1. Approve the code change proposal As Submitted (AS), or
2. Approve the code change proposal As Modified by the Committee modification published in the Report of the First Committee Action Hearing (AMC #1) or a comment published in the Second Committee Action Hearing Agenda (AMC #2), or
3. Disapprove the code change proposal (D)

**7.4.5 Supporting Information:** The comment shall include a statement containing a reason and justification for the desired action on the code change proposal. Reasons and justification which are reviewed in accordance with Section 7.5 and determined as not germane to the technical issues addressed in the code change proposal or first Committee action may be identified as such. The commenter shall be notified that the comment is considered an incomplete comment in accordance with Section

7.5.1 and the comment shall be held until the deficiencies are corrected. The 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 comment shall be published with the comment and the substantiating material shall be made available at the Second Committee Action Hearing (CAH #2). Supporting documentation may be provided via a link to a website provided by the commenter and included in the reason statement and bibliography. The reason statement shall include the date the link was created. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.

**7.4.6 Cost Impact:** The proponent of the comment shall indicate one of the following regarding the cost impact of the comment to the code change proposal:

- 1) The net effect of the comment and code change proposal will increase the cost of construction;
- 2) The net effect of the comment and code change proposal will decrease the cost of construction; or
- 3) The net effect of the comment and code change proposal will not increase or decrease the cost of construction.

The commenter shall submit information which substantiates such assertion. This information will be considered at the Second Committee Action Hearing (CAH #2) and will be included in the published comment. Supporting documentation may be provided via a link to a website provided by the commenter and included in the cost substantiation statement. The cost substantiation statement shall include the date the link was created.

Any comment submitted which does not include the requisite cost impact information shall be considered incomplete and shall not be processed.

**7.4.7 Online submittal:** Each comment and substantiating information shall be submitted online via cdpACCESS. Additional electronic copies may be requested when determined necessary by the Secretariat.

**7.4.8 Submittal Deadline:** ICC shall establish and post the submittal deadline for each cycle in accordance with Section 3.2. The posting of the deadline shall occur no later than 120 days prior to the comment deadline. Each comment shall be submitted online via cdpACCESS by the posted deadline. The submitter of a public comment is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.

**7.5 Review:** The Secretariat shall be responsible for reviewing all submitted comments from an editorial and technical viewpoint similar to the review of code change proposals (see Section 5.2).

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

**7.5.2 Duplications:** On receipt of duplicate or parallel comments, the Secretariat may consolidate such comments for Second Committee Action Hearing (CAH #2) comment consideration. Each commenter shall be notified of this action when it occurs.

**7.5.3 Comments Received after Deadline:** Comments received by the Secretariat after the deadline set for receipt shall not be published and shall not be considered as part of the Second Committee Action Hearing (CAH #2) consideration. This deadline shall not apply to comments submitted by the Code Correlation Committee. In order to correlate submitted comments with action taken at the First Committee Action Hearing (CAH #1) on code change proposals that did receive a comment, the Code Correlation Committee, in conjunction with staff processing of comments, shall review the submitted comments and submit the necessary comments in order to facilitate the coordination of code change proposals. Such review and submittal shall not delay the posting of the Second Committee Action Hearing (CAH #2) Agenda as required in Section 7.6.

**7.6 Second Committee Action Hearing Agenda:** The comments received to the First Committee Action Hearing (CAH #1) results on code change proposals shall constitute the Second Committee Action Hearing Agenda. The agenda shall be posted on the ICC website at least 30 days prior to the hearing. Any errata to the agenda shall be posted on the ICC website as soon as possible. Code change proposals and comments which have not been published in the original posting or subsequent errata shall not be considered.

## **8.0 Second Committee Action Hearing (CAH #2) (NEW)**

**8.1 Intent:** The intent of the Second Committee Action Hearing (CAH #2) is to permit interested parties to present their views including cost and benefits on comments received to the action taken by the Committee at the First Committee Action Hearing (CAH #1). The Committee will consider such comments as may be presented in the development of their action on the disposition of such code change proposals prior to the public comment portion of the code development process in accordance with Section 9.0.

**8.1.1 Code changes not receiving a comment:** The Committee action on code changes that do not receive a comment shall be the action taken at the First Committee Action Hearing (CAH #1) and shall not be on the agenda for the Second Committee Action Hearing (CAH #2). Such code changes will not be eligible for further modification as part of public comment consideration (see Section 7.1.1)

**8.2 Committee:** The Committee shall be the same Committee that presided over the First Committee Action Hearing (CAH #1).

**8.3 Date and Location:** The date and location of the Second Committee Action Hearing (CAH #2) shall be announced not less than 60 days prior to the date of the hearing.

**8.4 Hearing conduct:** The Second Committee Action Hearing (CAH #2) shall be conducted in the same fashion as the First Committee Action Hearing (CAH #1) in accordance with Sections 6.2 through 6.6.

**8.5 Report of the Second Committee Action Hearing (CAH #2):** The results of the

Second Committee Action Hearing (CAH #2), including Committee action and reason, shall be posted on the ICC website not less than 60 days prior to the Public Comment Hearing, except as approved by the ICC Board.

## **9.0 Submittal of Public Comments to the Second Committee Action Hearing (CAH #2)**

- 9.1 Intent:** The public comment process gives attendees at the Public Comment Hearing an opportunity to consider specific objections to the results of the Second Committee Action Hearing (CAH #2) for each code group and more thoughtfully prepare for the discussion for public comment consideration. The public comment process expedites the Public Comment Hearing by limiting the items discussed to consideration of items for which a public comment has been submitted. The Public Comment Hearing will be a combined hearing of both Code Group A and Code Group B code change proposals and public comments in accordance with Sections 3.0 and 10.0.
- 9.2 Deadline:** The deadline for receipt of a public comment to the results of the Second Committee Action Hearing (CAH #2) shall be announced at the hearing but shall not be less than 30 days subsequent to the availability of the Report of the Second Committee Action Hearing (CAH #2) for the respective code group (see Section 8.5). The public comment deadline for Code Group A codes shall be early in the second year of the cycle and the public comment deadline for Code Group B codes shall be early in the third year of the cycle with specific dates posted in accordance with Section 3.2.
- 9.3 Withdrawal of Public Comment:** A public comment may be withdrawn by the public commenter at any time prior to public comment consideration of that comment. A withdrawn public comment shall not be subject to public comment consideration. If the only public comment to a code change proposal is withdrawn by the public commenter prior to the vote on the consent agenda in accordance with Section 10.5.5, 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 10.5.5, the proposal shall continue as part of the individual consideration agenda in accordance with Section 10.5.6, however the public comment shall not be subject to public comment consideration.
- 9.4 Form and Content of Public Comments:** Any interested person, persons, or group may submit a public comment to the results of the Second Committee Action Hearing (CAH #2) 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:
- 9.4.1 Public comment:** Each public comment shall include the name, title, and email address of the public commenter. Email addresses shall be published with the public comments unless the commenter otherwise requests on the submittal form.

If a group, organization, or Committee submits a public comment, an individual with prime responsibility shall be indicated. If a public comment is submitted on behalf a client, group, organization or Committee, the name and email 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 or Committee action from the

Second Committee Action Hearing (CAH #2). Public comments which are determined as not within the scope of 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 9.5.1 and the public comment shall be held until the deficiencies are corrected. A copyright release in accordance with Section 4.3.5.5 shall be provided with the public comment.

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

**9.4.3 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 9.5.1. This restriction shall not apply to public comments that attempt to address differing subject matter within a code section.

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

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

**9.4.5 Supporting Information:** The public comment shall include a statement containing a reason and justification for the desired Final Action on the code change proposal. Reasons and justification which are reviewed in accordance with Section 9.5 and determined as not germane to the technical issues addressed in the code change proposal or Committee action may be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 9.5.1 and the public comment shall be held until the deficiencies are corrected. The public commenter shall have the right to appeal this action in accordance with the policy of the ICC Board. A bibliography of any substantiating material submitted with a public comment shall be published with the public comment and the substantiating material shall be made available at the Public Comment Hearing. Supporting documentation may be provided via a link to a website provided by the public commenter and included in the reason statement and bibliography. The reason statement shall include the date the link was created. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.

**9.4.6 Cost Impact:** The proponent of the public comment shall indicate one of the following regarding the cost impact of the public comment to the code change proposal:

- 1) The net effect of the public comment and code change proposal will increase the cost of construction;
- 2) The net effect of the public comment and code change proposal will decrease the cost of construction; or
- 3) The net effect of the public comment and code change proposal will not increase or decrease the cost of construction.

The public commenter shall submit information which substantiates such assertion. This information will be considered at the Public Comment Hearing and will be included in the published public comment. Supporting documentation may be provided via a link to a website provided by the public commenter and included in the cost substantiation statement. The cost substantiation statement shall include the date the link was created.

Any public comment submitted which does not include the requisite cost impact information shall be considered incomplete and shall not be processed.

**9.4.7 Online submittal:** Each public comment and substantiating information shall be submitted online via cdpACCESS. Additional electronic copies may be requested when determined necessary by the Secretariat.

**9.4.8 Submittal Deadline:** ICC shall establish and post the submittal deadlines for Code Groups A and B in accordance with Section 3.2. The posting of the deadline shall occur no later than 120 days prior to the public comment deadlines. Each public comment shall be submitted online via cdpACCESS by the posted deadline. The submitter of a public comment is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.

**9.5 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 5.2).

**9.5.1 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.

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

**9.5.3 Public Comments Received after Deadline:** Public comments received by the Secretariat after the deadline set for receipt shall not be published and shall not be considered as part of the public comment consideration. This deadline shall not apply to public comments submitted by the Code Correlation Committee. In order to correlate submitted public comments with action taken at the Second Committee Action Hearing (CAH #2) on code change proposals that did receive a public comment, the Code Correlation Committee, in conjunction with staff processing of public

comments, shall review the submitted public comments and submit the necessary public comments in order to facilitate the coordination of code change proposals. Such review and submittal shall not delay the posting of the Public Comment Agenda as required in Section 9.6.

- 9.6 Public Comment Agenda:** The First and Second Committee Action Hearing results on code change proposals that have not received a public comment and code change proposals from the Second Committee Action Hearing (CAH #2) which received public comments shall constitute the Public Comment Agenda. The Public Comment Agenda shall be posted on the ICC website at least 30 days prior the Public Comment Hearing. Any errata to the Public Comment Agenda shall be posted on the ICC website as soon as possible. Code change proposals and public comments which have not been published in the original posting or subsequent errata shall not be considered.

## **10.0 Public Comment Hearing**

- 10.1 Intent:** The Public Comment Hearing is the first of two steps to make a final determination on all code change proposals which have been considered in a code development cycle by a vote cast by eligible voters (see Section 12.0). The second step, which follows the Public Comment Hearing, is the Online Governmental Consensus Vote that is conducted in accordance with Section 11.0. Code change proposals from Code Groups A and B considered at the Second Committee Action Hearing (CAH #2) in accordance with Section 8.1 are eligible for public comment consideration at the Public Comment Hearing and the Online Governmental Consensus Vote.
- 10.2 Date and Location:** The date and location of the Public Comment Hearing shall be announced not less than 60 days prior to the date of the hearing.
- 10.3 Moderator:** The ICC President shall appoint one or more Moderators who shall act as presiding officer for the Public Comment Hearing.
- 10.4 Public Comment Agenda:** The Public Comment Consent Agenda shall be comprised of code change proposals which have not received a public comment. The agenda for public testimony and individual consideration shall be comprised of proposals which have a public comment (see Section 9.1).
- 10.5 Procedure:** *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Public Comment Hearing except as these Rules of Procedure may otherwise dictate.
- 10.5.1 Open Hearing:** The Public Comment Hearing is an open hearing. Any interested person may attend and participate in the floor discussion.
- 10.5.2 Agenda Order:** The Secretariat shall publish a Public Comment Agenda for the Public Comment Hearing, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any code change proposal or public comment may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position.
- 10.5.2.1 Proponent Approval:** A motion to revise the agenda order is



considered in order unless the proponent(s) of the moved code change proposals are in attendance at the hearing and object to the move. Where such objections are raised, the motion to revise the hearing order shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 6.4.8. The motion to change the hearing order is not debatable.

**10.5.2.2 Revised Agenda Order Approved:** A motion to revise the agenda order is subject to a 2/3 vote of those present.

**10.5.3 Tabling:** Tabling of code change proposals shall be permitted. The motion to table is considered in order unless the proponent(s) of the tabled code change proposals are in attendance at the hearing and object to the tabling. Where such objections are raised, the motion to table shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 6.4.8. The motion to table is not debatable.

The motion to table must identify one of the following as to the location in the agenda when or where the code change proposal(s) will be considered:

1. To a specific date and time within the timeframe of the Public Comment Agenda for the code change proposals under consideration, or
2. To a specific location in the Public Comment Agenda for the code change proposals under consideration.

**10.5.3.1 Tabling approved:** A motion to table is subject to a 2/3 vote of those present.

**10.5.3.2 Tabled code change proposals back to the floor:** The Moderator shall bring the tabled code change proposal(s) back to the floor at the applicable time/agenda location in accordance with Section 10.5.3 Items 1 or 2. The testimony on the code change proposal shall resume at the point in the process where the tabling occurred.

**10.5.4 Presentation of Material at the Public Comment Hearing:** Information to be provided at the hearing shall be limited to verbal presentations. Each individual presenting information at the hearing shall state their name and affiliation and shall identify any entities or individuals they are representing in connection with their testimony. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 9.4.5 and other material submitted in response to a code change proposal or public comment shall be located in a designated area in the hearing room.

**10.5.5 Public Comment Consent Agenda:** The Public Comment Consent Agenda (see Section 10.4) shall be placed before the assembly with a single motion for Final Action in accordance with the results of the First and Second Committee Action Hearings. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes cast by eligible voters shall decide the motion. This action shall not be subject to the Online Governmental Consensus Vote following the Public Comment Hearing (see Section 11.0).

**10.5.6 Public Comment Individual Consideration Agenda:** Upon completion of the Public Comment Consent Agenda vote, all code change proposals not on the Public Comment Consent Agenda shall constitute the Public Comment Individual Consideration Agenda and be placed before the assembly for individual consideration of each item (see Section 10.4).

**10.5.6.1 New Proposed Standard or Updated Standard Not Available.** It is the responsibility of the proponent of the code change proposal to identify whether a new standard or updated standard (where the proposal includes coordinating text revisions) is available. Where the proposed new standard or the updated standard is not available in accordance with Section 4.6.3, the code change will not be considered on the Individual Consideration Agenda and the Final Action shall be Disapproval.

**10.5.7 Reconsideration:** There shall be no reconsideration of a code change proposal after it has been voted on in accordance with Section 10.5.9.

**10.5.8 Time Limits:** Time limits shall be established as part of the agenda for testimony on all code change proposals at the beginning of each hearing session. Each person testifying on a code change proposal shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall identify the time limits on debate at the beginning of the Public Comment Hearing. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

**10.5.8.1 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.

**10.5.9 Discussion and Voting:** Discussion and voting on code change proposals being individually considered shall be in accordance with the following procedures and the voting majorities in Section 10.6:

**10.5.9.1 Proponent testimony:** The Proponent of a public comment is permitted to waive an initial statement. The Proponent of the public comment shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where a public comment is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to waive an initial statement.

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

**10.5.9.3 Eligible voters:** Voting shall be limited to eligible voters in accordance with Section 12.0.

**10.5.9.4 Allowable Final Action Motions:** The only allowable motions for Final Action are Approval as Submitted (AS), Approval as Modified by the Committee from the First or Second Committee Action Hearing (AMC) or by one or more modifications

published in the Public Comment Agenda (AMPC), and Disapproval (D).

- 10.5.9.5 Initial Motion:** The Committee action from the Second Committee Action Hearing (CAH #2) shall be the initial motion considered.
- 10.5.9.6 Motions for Modifications:** Whenever a motion under consideration is for Approval as Submitted or Approval as Modified, a subsequent motion and second for a modification published in the Public Comment Agenda may be made (see Section 9.4.4). Each subsequent motion for modification, if any, shall be individually discussed and voted before returning to the main motion. A two-thirds majority based on the number of votes cast by eligible voters shall be required for a successful motion on all modifications.
- 10.5.9.7 Voting:** After dispensing with all motions for modifications, if any, and upon completion of discussion on the main motion, the Moderator shall then ask for the vote on the main motion. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. In the event the electronic voting system is determined not to be used by ICC, a hand/standing count will be taken by the Moderator. If the motion fails to receive the majority required in Section 10.6, the Moderator shall ask for a new motion.
- 10.5.9.8 Subsequent Motion:** If the initial motion is unsuccessful, a motion for either Approval as Submitted or Approval as Modified by one or more published modifications is in order. A motion for Disapproval is not in order. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. In the event the electronic voting system is determined not to be used by ICC, a hand/standing count will be taken by the Moderator. If a successful vote is not achieved, Section 10.5.9.9 shall apply.
- 10.5.9.9 Failure to Achieve Majority Vote at the Public Comment Hearing.** In the event that a code change proposal does not receive any of the required majorities in Section 10.6, the results of the Public Comment Hearing for the code change proposal in question shall be Disapproval. The vote count that will be reported as the Public Comment Hearing result will be the vote count on the main motion in accordance with Section 10.5.9.7.
- 10.5.9.10 Public Comment Hearing Results:** The result and vote count on each code change proposal considered at the Public Comment Hearing shall be announced at the hearing. In the event the electronic voting system is not utilized and a hand/standing count is taken in accordance with Sections 10.5.9.7 and 10.5.9.8, the vote count will not be announced if an individual standing vote count is not taken. The results shall be posted and included in the Online Governmental Consensus Vote ballot (see Section 11.3).

**10.5.9.10.1 Online Governmental Consensus Ballot**

**Exceptions:** Where Disapproval is the action at all three hearings in the code group cycle (First Committee Action Hearing (CAH #1), Second Committee Action Hearing (CAH #2) and the Public Comment Hearing), the Final Action on the code change proposal shall be Disapproval and the proposal shall not be placed on the Online Governmental Consensus Vote ballot.

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

Second Committee Action Hearing (CAH #2)	Desired Final Action		
	AS	AMC/AMPC	D
AS	Simple Majority	2/3 Majority	Simple Majority
AMC	2/3 Majority	Simple Majority to sustain the Committee Action (AMC) or; 2/3 Majority on each additional modification and 2/3 Majority on entire code change proposal for AMPC	Simple Majority
D	2/3 Majority	2/3 Majority	Simple Majority

**11.0 Online Governmental Consensus Vote**

**11.1 Public Comment Hearing Results:** The results from the Individual Consideration Agenda at the combined Code Group A and Code Group B Public Comment Hearing (see Sections 10.5.6 and 10.5.9.10) shall be the basis for the Online Governmental Consensus Vote. The ballot shall include the voting options in accordance with the following table (see Section 11.1.1 for exceptions):

Second Committee Action Hearing (CAH #2)	Public Comment Hearing result and Voting Majority	Online Governmental Consensus Ballot and Voting Majority	
AS	AS: Simple Majority	AS: Simple Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AS: Simple Majority	D: Simple Majority
AMC	AS: 2/3 Majority	AS: 2/3 Majority	D: Simple Majority
	AMC: Simple Majority	AMC: Simple Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AM: Simple Majority	D: Simple Majority
D	AS: 2/3 Majority	AS: 2/3 Majority	D: Simple Majority
	AMPC: 2/3 Majority	AMPC: 2/3 Majority	D: Simple Majority
	D: Simple Majority	AS: 2/3 Majority	D: Simple Majority

**11.1.1 Online Governmental Consensus Ballot Exceptions:** Where Disapproval is the action at all three hearings in the code group cycle (First Committee Action Hearing (CAH #1), Second Committee Action Hearing (CAH #2)

and the Public Comment Hearing), the Final Action on the code change proposal shall be Disapproval and the proposal shall not be placed on the Online Governmental Consensus Vote ballot.

**11.2 Online Governmental Consensus Vote Voter Statement:** In order to vote on the Online Governmental Consensus Vote, the eligible voter is required to acknowledge the following in order to proceed to the ballot:

1. I am currently an employee or public official actively engaged either full or part time in the administration, formulation, implementation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare, or have Honorary Member status.
2. I am participating in this ICC activity in compliance with the ICC Code of Ethics (see Section 1.8), and I will avoid any circumstance that could create the appearance of a conflict of interest or otherwise compromise professional integrity.
3. As an eligible voting member, I have done my due diligence to become an informed voter on the matters that I am voting on, or as a representative of an ICC Governmental Member, my vote is being directed by the Governmental Member.
4. I am aware that voter guides that seek to influence or recommend voter positions are not endorsed by the International Code Council, and I understand that I am under no obligation to vote in accordance with any such voter guides.
5. I will not vote on any code change that would provide me with a direct personal financial benefit.
6. I will not vote on any code change that would provide a direct financial benefit to any individual or company with which I have a business interest or relationship.

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

1. The Public Comment Hearing result and vote count.
2. The allowable Online Governmental Consensus Vote actions in accordance with Section 11.1.
3. Where the Public Comment Hearing result is As Submitted (AS) or Disapproval (D), the original code change proposal will be presented.
4. Where the Public Comment Hearing result is As Modified by the Committee (AMC) or As Modified by one or more Public Comments (AMPC), the original code change and approved modification(s) will be presented.
5. The Committee action taken at the First and Second Committee Action Hearings.
6. ICC staff identification of correlation issues.
7. For those who voted at the Public Comment Hearing, the ballot will indicate how they voted, unless an electronic vote count is not taken in accordance with Section 10.5.9.10.
8. An optional comment box to provide comments.
9. Access to the Public Comment Agenda which includes: the original code change, the report of the Committee action and the submitted public comments.
10. Access to the audio and video of the First and Second Committee Action and Public Comment Hearing proceedings.
11. Identification of the ballot period for which the online balloting will be open.

**11.4 Voting process:** Voting shall be limited to eligible voters in accordance with Section 12.0. Eligible voters are authorized to vote during the Public Comment

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

**11.4.1 Participation requirement:** A minimum number of participants to conduct the Online Governmental Consensus Vote shall not be required unless the code change proposal(s) were not voted upon utilizing the electronic voting devices at the Public Comment Hearing and the resulting vote was not assigned to each eligible voting member in accordance with Sections 10.5.9.7 and 10.5.9.8. If this occurs, a minimum number of participants as determined by the ICC Board shall be required for those code change proposal(s) based on an assessment of the minimum number of votes cast during the entire Public Comment Hearing. The Online Governmental Consensus Vote shall determine the Final Action on the code change proposal(s) in accordance with Section 13.1.

## **12.0 Eligible Final Action Voters**

**12.1 Eligible Final Action Voters:** Eligible Final Action voters include ICC Governmental Member Voting Representatives and Honorary Members in good standing who have been confirmed by ICC in accordance with the Electronic Voter Validation System. Such confirmations are required to be revalidated once each code development cycle. After initial validation, changes to the list of GMVRs for the remainder of the code development cycle shall be made in accordance with Section 12.2. Eligible Final Action voters in attendance at the Public Comment Hearing and those participating in the Online Governmental Consensus Vote shall have one vote per eligible voter on all Codes. Individuals who represent more than one Governmental Member shall be limited to a single vote.

**12.2 Applications:** Applications for Governmental Membership must be received by the ICC at least 30 days prior to the Group A First Committee Action Hearing (CAH #1) in order for its designated representatives to be eligible to vote at the Code Group A and B Public Comment Hearing or Online Governmental Consensus Vote. Applications, whether new or updated, for Governmental Member Voting Representative status must be received by the Code Council 30 days prior to the commencement of the first day of the Code Group A and B Public Comment Hearing in order for any designated representative to be eligible to vote. An individual designated as a Governmental Member Voting Representative shall provide sufficient information to establish eligibility as defined in the ICC Bylaws. The Executive Committee of the ICC Board, in its discretion, shall have the authority to address questions related to eligibility.

## **13.0 Tabulation, Certification and Posting of Results**

**13.1 Tabulation and Validation:** Following the closing of the online ballot period, the votes received will be combined with the vote tally at the Code Group A and B Public Comment Hearing to determine the final vote on the code change proposal. If a hand/standing count is utilized per Subsection 10.5.9.7 or 10.5.9.8, those votes of the Public Comment Hearing will not be combined with the online ballot. ICC shall retain a record of the votes cast and the results shall be certified by a validation Committee appointed by the ICC Board. The validation Committee shall report the results to the ICC Board, either confirming a valid voting process and result or citing irregularities in accordance with Section 13.2.

**13.2 Voting Irregularities:** Where voting irregularities or other concerns with the Online

Governmental Consensus Voting process which are material to the outcome or the disposition of a code change proposal(s) are identified by the Validation Committee, such irregularities or concerns shall be immediately brought to the attention of the ICC Board. The ICC Board shall take whatever action necessary to ensure a fair and impartial Final Action vote on all code change proposals, including but not limited to:

1. Set aside the results of the Online Governmental Consensus Vote and have the vote taken again.
2. Set aside the results of the Online Governmental Consensus Vote and declare the Final Action on all code change proposals to be in accordance with the results of the Public Comment Hearing.
3. Other actions as determined by the ICC Board.

**13.3 Failure to Achieve Majority Vote:** In the event a code change proposal does not receive any of the required majorities for Final Action in Section 11.1, the Final Action on the code change proposal in question shall be Disapproval.

**13.4 Final Action Results:** The Final Action on all code change proposals shall be published as soon as practicable after certification of the results. The results shall include the Final Action taken, including the vote tallies from both the Public Comment Hearing and Online Governmental Consensus Vote, as well as the required majority in accordance with Section 11.1. ICC shall maintain a record of individual votes for auditing purposes; however, the record shall not be made public. The exact wording of any resulting text modifications shall be made available to any interested party.

## 14.0 Code Publication

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

**14.2 Code Correlation:** The Code Correlation Committee is authorized to resolve technical or editorial inconsistencies resulting from actions taken during the Code Development Process by making appropriate changes to the text of the affected code. The process to resolve technical or editorial inconsistencies shall be conducted in accordance with CP#44 *Code Correlation Committee*.

## 15.0 Appeals

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

The following actions are not appealable:

1. Variations of the results of the Code Group A and B Public Comment Hearing compared to the Final Action result in accordance with Section 13.4.
2. Denied requests to extend the voter balloting period in accordance with Section 11.4.
3. Lack of access to cdpACCESS to submit a code change proposal, to submit a comment to a Committee action, to submit a public comment or to vote.
4. Code Correlation Committee changes made in accordance with Section 14.2.

## 16.0 Violations

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

### **Sections added in December 7, 2022 revision to CP-28:**

Sections 3.0, 7.0 and 8.0 added for the new process effective with the 2024/2026 Cycle, and coordination of process requirements throughout based on these new sections

Added Section 6.5.2.3.1

Added Sections 10.5.9.10.1 and 11.1.1

### **Sections revised in July 16, 2021 revision to CP-28:**

8.2

### **Sections revised in December 3, 2020 revision to CP-28:**

3.3.5.4

3.3.5.4.1

5.4.3

5.4.3.1

5.4.4.1

5.4.4.2

5.4.4.3

5.4.4.4

5.4.5

5.4.5.1

5.4.5.2

5.4.5.3

5.4.5.4

5.4.8

5.4.8.1

### **Sections revised in November 2, 2020 revisions to CP-28:**

5.7 (removal of entire section)

2.5

5.1

5.4.2

5.8

6.1

6.4.1

6.6

7.4

### **Section revised in January 1, 2019 revision to CP-28:**

9.1

### **Sections revised in October 20, 2018 revision to CP-28:**

2.3

2.3.1

2.3.1.1



2.3.1.2  
2.3.2  
2.3.2.1  
2.3.2.2  
2.3.2.3  
2.3.2.3  
2.3.2.5  
2.3.2.6  
2.3.2.7  
2.3.2.8  
2.3.2.9  
2.3.2.10  
2.3.2.11

**Sections revised in July 27, 2018 revision to CP-28:**

4.6.1

**Sections revised in December 8, 2017 revision to CP-28:**

3.3.5.5  
8.3.1

**Sections revised in September 9, 2017 revision to CP-28:**

3.2  
3.3.5.3  
3.3.5.4  
3.3.5.6  
3.6.3.1.1  
3.6.3.1.2  
4.6  
5.4.4  
5.4.4.1  
5.4.4.2  
5.4.5  
5.4.5.1  
5.4.5.2  
5.5.2  
5.5.2.2  
6.4.5  
6.4.6  
7.5.2  
7.5.2.1  
7.5.2.2  
7.5.3  
7.5.3.1  
7.5.3.2  
7.5.9.10  
8.2 – Number 7  
11.2

