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MINA' TRENTA NA LIHESLATURAN GUÅHAN
THIRTIETH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

September 9, 2010

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 427-30(COR) and 460-30(COR) which were passed by *I Mina' Trenta Na Liheslaturan Guåhan* on September 7, 2010.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (2)

OFFICE OF THE GOVERNOR
CENTRAL FILES
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TIME 3:31 DATE 9-9-10

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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 460-30 (COR), "AN ACT TO RATIFY THE ADOPTION OF THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, AND ADDITIONAL RELATED CONSTRUCTION CODES, AS AMENDED, AND TO PROVIDE FOR A TASK FORCE TO DEVELOP A NEW *GUAM BUILDING CODE COUNCIL*",** was on the 7th day of September, 2010, duly and regularly passed.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 9 day of Sept., 2010, at 3:31 o'clock P .M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 460-30 (COR)

Introduced by: T. C. Ada
J. V. Espaldon
Adolpho B. Palacios, Sr.
R. J. Respicio
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO RATIFY THE ADOPTION OF THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, AND ADDITIONAL RELATED CONSTRUCTION CODES, AS AMENDED, AND TO PROVIDE FOR A TASK FORCE TO DEVELOP A NEW *GUAM BUILDING CODE COUNCIL*.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that P.L. 14-112, adopted in 1978, established the Uniform Building Code (UBC) as Guam's building code. P.L. 17-76, adopted in 1984, further required the

automatic adoption of the "latest edition of" the UBC, which was typically updated every three (3) years.

I Liheslatura further finds that at the time these public laws were enacted, the UBC was one (1) of three (3) distinct, regional building codes utilized across the United States. The International Council of Building Officials developed the *Uniform Building Code*, the Building Officials and Code Administrators International developed the *BOCA National Building Code*, and the Southern Building Code Congress International developed the *Standard Building Code*; and these building codes were used in the western, eastern, and southeastern regions, respectively. Beginning in 1994, these three (3) organizations merged to create the International Code Council (ICC), with the expressed goal of creating a single building code. The resulting *International Building Code* (IBC), and related codes, was first published by the ICC in 2000. Prior codes, including the UBC, are *no longer* updated, as the IBC is its successor.

Guam currently utilizes the 1997 edition of the Uniform Building Code (UBC 97) as its building code. The International Building Code, the successor to the UBC, has undergone four (4) editions (2000, 2003, 2006 and 2009), incorporating newer technologies and building practices, which provide for safer and less expensive construction. Until the IBC is adopted, Guam continues to use an outdated set of building standards.

I Liheslatura also finds that the *International Building Code* is intended for use as a model code, and that it is common to incorporate amendments to suit the unique needs of the adopting locale. As such, a Public Forum (held on August 18, 2010) and a series of working group meetings has networked local experts, regional professional and stakeholder organizations, representatives of the International Code Council, and both the Guam Fire Department (GFD) and the Department of Public Works (DPW), in an effort to provide input on adapting the

IBC for use on Guam. Following this input, both GFD and DPW have provided their informed recommendations to *I Liheslatura* for ratification. These recommendations for adopting the *International Building Code*, *International Fire Code*, and related codes, are incorporated into the sections that follow.

I Liheslatura further finds that, per the recommendation of local stakeholders, DPW and GFD, and as stipulated in Section 113 of the *International Building Code*, a *Guam Building Code Council (GBCC)* is needed to serve both as an appeals board, and to review and provide recommendations for the adoption of future editions of the IBC. As such, Section 15 of this Act requires that the Chairperson of the Legislative Committee with oversight of Public Works convene a task force to develop rules and regulations for a *Guam Building Code Council.* The resulting output from this task force will be forwarded to *I Liheslatura* for ratification.

For the purpose of providing for clarity during Session discussion, earlier laws pertaining to the adoption of the IBC (i.e. P.L. 30-25, P.L. 30-84, and P.L. 30-159) are repealed, and all pertinent and necessary sections of these previous laws are incorporated into this bill.

Section 2. P.L. 30-25, P.L. 30-84, and P.L. 30-159 are hereby *repealed.*

Section 3. § 67101 of Article 1, Chapter 67, Title 21, Guam Code Annotated, is *amended* to read:

"**§67101. International Building Code Adopted.** The *International Building Code* (IBC), 2009 edition, including Appendices C, E, F, G, H, I, J, and K, as published by the International Code Council, is hereby adopted and enacted as the building code for Guam. The IBC *shall* be recognized as the standard for the furtherance of the intent of Chapter 66, The Building Law, of this Title, which is to secure and promote the safety, health, and general welfare of the people of Guam by providing standards

for the location , design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal, and demolition of buildings, structures and appurtenances thereto in Guam."

Section 4. New §§ 67101.1 through 67101.6 of Chapter 67, Title 21, Guam Code Annotated, are hereby *added* to read:

"**§67101.1. International Fuel Gas Code Adopted.** The *International Fuel Gas Code*, 2009 edition, including all Appendices, as published by the International Code Council, is hereby adopted as amended.

§67101.2. International Mechanical Code Adopted. The *International Mechanical Code*, 2009 edition, including Appendix A, as published by the International Code Council, is hereby adopted as amended.

§67101.3. International Plumbing Code Adopted. The *International Plumbing Code*, 2009 edition, including Appendices C, E, and F, as published by the International Code Council, is hereby adopted as amended.

§67101.4. International Private Sewage Disposal Code Adopted. The *International Private Sewage Disposal Code*, 2009 edition, including Appendices A and B, as published by the International Code Council, is hereby adopted as amended.

§67101.5. International Residential Code Adopted. The *International Residential Code*, 2009 edition, including Appendices A, B, C, D, G, I, J, K, M, O, P, and Q, as published by the International Code Council, is hereby adopted as amended.

§67101.6. International Existing Building Code Adopted. The *International Existing Building Code*, 2009 edition, including all Appendices, as published by the International Code Council, is hereby adopted as amended."

Section 5. §§ 67102 (Mechanical Standard), 67104 (Plumbing Installations), and 67105 (Concrete/Masonry Standards) of Article 1, Chapter 67, Title 21, Guam Code Annotated, are *repealed.*

Section 6. Article 4 (Housing Code) of Chapter 67, Title 21, Guam Code Annotated, is *repealed.*

Section 7. §73111 (Uniform Fire Code) of Chapter 73, Title 10, Guam Code Annotated, is hereby *repealed* and *reenacted* to read:

"**§73111. International Fire Code Adopted.** The *International Fire Code*, 2009 edition, including Appendices B, C, D, E, F, G, H, I, as published by the International Code Council, is hereby adopted as amended."

Section 8. §73112 (Updating of Uniform Fire Code) of Chapter 73, Title 10, Guam Code Annotated, is hereby *repealed.*

Section 9. Amendments to the International Building Code, 2009. The following sections of the *International Building Code*, 2009 edition, as adopted, are hereby *amended* as follows:

"(1) "**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions.

1. This requirement shall not apply to Group R one- and two-family dwelling units.

2. This requirement shall not apply to Group R one- and two- story townhouses up to and including 15 dwelling units."

Section 10. Amendments to the International Fire Code, 2009. The following sections of the *International Fire Code*, 2009 edition, as adopted, are hereby amended as follows:

(1) "**507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility of building, on-site fire hydrants and mains shall be provided where required by the *fire code official.*

Exceptions.

1. For Group U occupancies, the distance requirement shall be 600 feet (183 m).

2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m)."

(2) Section 510 (Emergency Responder Radio Coverage) is hereby *repealed.*

(3) "**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions.

1. This requirement shall not apply to Group R one- and two-family dwelling units.

2. This requirement shall not apply to Group R one- and two- story townhouses up to and including 15 dwelling units."

Section 11. Amendments to the International Residential Code, 2009. The following sections of the *International Residential Code*, 2009 edition, as adopted, are hereby *amended* as follows:

(1) "**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required when *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.

2. This requirement shall not apply to Group R one- and two- story townhouses up to and including 15 dwelling units."

Section 12. A new §67101.7 of Chapter 67, Title 21, Guam Code Annotated, is hereby *added* to read:

"**§67101.7. Availability of Amended Codes.** Amendments and exemptions made to the *International Fire Code*, as well as amendments and exemptions made to any codes adopted by this Chapter, *shall* be made available to the public, at *no* cost, through the appropriate divisions within the Department of Public Works and the Guam Fire Department. This subsection *does not* obligate these agencies to provide the entire code to the public for free."

Section 13. Archiving of Codes. Subject to the availability of funds, the Compiler of Laws *shall* keep on file one (1) copy of all codes, appendices, and amendments cited in Article 1 of Chapter 67, Title 21, Guam Code Annotated.

Section 14. Public Access to Codes. Subject to the availability of funds, the Guam Law Library *shall* keep an additional two (2) copies of all codes, appendices, and amendments cited in Article 1 of Chapter 67, Title 21, Guam Code Annotated, and provide on-premises access to such documents to the public at *no* cost.

Section 15. Guam Building Code Council. The Chairperson of the Legislative Committee with oversight of Public Works s*hall* convene a task force to propose the structuring of a Guam Building Code Council (GBCC). Both this temporary task force, and the task force's proposal for the GBCC, *shall* be comprised of members from both the government of Guam and the community, including representatives from associations of professional architects, engineers, realtors, and contractors. The Guam Building Code Council *shall* be designed to review and propose amendments for the adoption and adaptation of existing and future editions of the *International Fire Code* and all codes adopted in this Chapter, and to also serve as the Board of Appeals as outlined in Section 113 of the *International Building Code*, 2009 edition. The task force *shall* provide the recommended structuring of this Guam Building Code Council to *I Liheslatura* (the Legislature) within sixty (60) days following enactment of this Act for subsequent ratification by *I Liheslatura* (the Legislature).

Section 16. Further Review of Codes. The Guam Building Code Council formed in Section 15 of this Act *shall* also provide recommendations for further amending or adding to the codes adopted with this legislation, including the possible amending or adoption of Appendices A, B, and D of the *International Building Code*, 2009 edition, the International Property Maintenance Code, 2009 edition, the International Energy Conservation Code, 2009 edition, the Model Tropical Energy Code, and any other construction codes as the Council may deem appropriate. The task force *shall* provide such recommendations to *I Liheslatura* (the Legislature) within ninety (90) days following establishment of the Council for subsequent ratification by *I Liheslatura* (the Legislature).

Section 17. A new §67101.8 of Chapter 67, Title 21, Guam Code Annotated, is hereby *added* to read:

"**§67101.8. Amending and Adoption of Future Code Editions.** The Guam Building Code Council *shall* review and amend, as needed, future editions of the *International Fire Code*, as well as all codes adopted within this Chapter, inclusive of appendices and referenced codes, and forward its recommendations for adoption to *I Liheslatura* (the Legislature) for action."

Section 18. § 66403 (d) of Article 4 of Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read as follows:

"(d) Inspections: general. All construction or work for which a permit is required *shall* be subject to inspection by the building official and all such construction or work *shall* remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction *shall* have continuous inspection as specified in Sections 305, 306 and 307 of the 1991 edition of the Uniform Building Code promulgated by the International Conference of Building Officials (the "UBC"), or its equivalent in the 2009 International Building Code and related codes, which sections are hereby incorporated by reference in the Building Law of Guam, *except* that subsections (d) and (e) of subparagraph (c) of said Section 306 of the UBC, or its equivalent in the 2009 International Building Code and related codes, permitting the waiver of special inspections, and periodic special inspections, respectively, are *not* included in the incorporation of such section in the Building Law of Guam and *shall not* be so incorporated except by specific statute."

Section 19. §66403(e) of Article 4 of Chapter 66, Title 21, Guam Code Annotated, is hereby *repealed.*

Section 20. §66702 of Article 7 of Chapter 66, Title 21, Guam Code Annotated, is hereby *amended* to read as follows:

"**§66702. Notice of Non-Conforming Construction After Amendment.** Whenever a building inspection of the Department of Public Works becomes aware of non-conforming construction in buildings which does not meet current safety standards as a result of amendments or updates made to the International Building Code subsequent to approval of the building's plans by the Department of Public Works, the Department shall notify the building owner of the variance in writing in order that the building owner be aware of the potential safety hazard."

Section 21. §4904(a) of Article 9, Chapter 4, Title 12, Guam Code Annotated, is hereby *amended* to read as follows:

"(a) '*Affordable housing unit*' shall mean a single family dwelling unit inclusive of land, built in accordance with the Uniform Building Code or its successor codes as adopted by Chapter 67 of Title 21, Guam Code Annotated, and in consonance with the Guam zoning and subdivision laws whose selling price meets the criteria set forth in the Guam Economic Development Authority Rules and Regulations pertaining to 'affordable housing' adopted pursuant to Public Law Number 24-266."

Section 22. Fees. All fees in effect upon the enactment of this Act *shall* continue to be in effect. However, during the transitional period outlined in Section 25 of this Act, the Guam Fire Department shall be permitted to apply its existing fee schedule when reviewing permits seeking approval under the *International Fire Code*, provided that such application attempts to appropriately match the existing fee schedule with comparable permitting activities with the International Fire Codes. Applicants may appeal fees incurred during the transition period to the Guam Building Code Council, who in turn shall determine the appropriateness of such fees and amend them if necessary.

Section 23. Judicial Matters. The adoption of codes stipulated in this Act *shall not* be construed to affect any suit *or* proceeding pending in any court, *or* any rights acquired, *or* liability incurred, *or* any cause *or* causes of action acquired *or* existing, under any act *or* regulation hereby *repealed* as cited in this Act; *nor shall* any just *or* legal right *or* remedy of any character be lost, impaired *or* affected by this Act.

Section 24. Resolution of Conflicts Between Codes and Existing Law. Should discrepancies or conflicts exist between the codes adopted by this Act and any sections of the Guam Code Annotated, the Guam Code Annotated shall take precedence.

Section 25. Effective Date. This Act *shall* be effective on October 1, 2010, after which a transitional period *shall* be instituted wherein either the Uniform Building Code 1997 and Uniform Fire Code 1997 or the codes adopted in this Act *shall* be applicable, as designated by the applicant, for a period of *no more than* ninety (90) days for projects submitted during the transition period. Following the last day of the transitional period, December 29, 2010, *only* the codes adopted in this Act *shall* be applicable.

Section 26. Severability. *If* any of the provision of this law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this law which can be given effect without the invalid provisions or application, and to this end the provisions of this law are severable.

Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

September 7, 2010

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date Sept 7, 2010
Time 10:25 AM
Received by

MEMORANDUM

To: **Speaker Judith T. Won Pat, Ed.D.**

From: **Senator Thomas C. Ada**

Subject: **Request for Public Hearing Waiver - Bill 460-30 (COR)**

Hafa adai Madam Speaker!

I hereby request for a waiver of the public hearing requirement on the matter of Bill 460-30 (COR) – "An act to ratify the adoption of the 2009 editions of the International Building Code, International Fire Code, International Residential Code, International Existing Building Code, and additional referenced codes, as amended, and to provide for a task force to develop a new Guam Building Code Council."

In accordance with P.L. 30-159, the Committee on Utilities, Transportation, Public Works and Veterans Affairs held a Public Forum on August 18, 2010. During this forum, the Department of Public Works (DPW) and the Guam Fire Department (GFD), as well as local professional organizations and individual stakeholders, provided valuable feedback and discussion on the adoption of the International Building Code (IBC) and referenced Codes. A series of working group meetings were also held between the aforementioned entities on August 6, 10, 13, 17, 27 and September 3, during which specific concerns of the IBC bill were identified. The input and comments received from the Public Forum and the working group meetings enabled substantial coordination between the government agencies and stakeholders, whose joint recommendations are now reflected in Bill 460-30.

Based on the success of the Public Forum and working group meetings, I hope you will agree that Bill 460-30 has had sufficient discussion to allow for appropriately amended building and fire codes for Guam, and that the recent Public Forum satisfies legislative requirements for a public hearing. I believe it imperative that we progress expeditiously to meet the October 1, 2010 implementation date established by P.L. 30-159. Thus, I respectfully request the waiver of the public hearing requirement to allow Bill 460-30 (COR) to be moved into the second reading file for discussion.

I look forward to your favorable response.

Si Yu'os ma'åse'!

Thomas C. Ada

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Phone: (671) 473-3301 • Fax: (671) 473-3303 • Email: Tom@SenatorAda.org • www.SenatorAda.org

OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

September 7, 2010

To: *I Mina' Trenta Na Liheslaturan Guahan*

RE: Waiver of Public Hearing Request on Bill 460-30

After careful evaluation for a request to waive the requirements for a public hearing on bill no. 460-30

> **Bill No. Bill No. 460-30 (LS) –** - An act to ratify the adoption of the 2009 editions of the International Building Code, International Fire Code, International Residential Code, International Existing Building Code, and additional referenced codes, as amended, and to provide for a task force to develop a new Guam Building Code Council.

I certify that Bill 460-30(LS) meets a condition set forth in 2 GCA §2103(a), and that the requirements for a public hearing on bill no. B433-30 (COR) is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Senator Thomas C. Ada
Clerk of the Legislature

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