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Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

OCT 28 2010

2010 NOV -4 AM 10:01
AP

Dear Speaker Won Pat:

Transmitted herewith is Bill 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," which I signed into law on September 21, 2010 as **Public Law 30-199**.

Sinseru yan Magâhet,

FELIX P. CAMACHO
I Maga'lâhen Guahan
Governor of Guahan


Attachment: copy of Bill

Handwritten notes and stamps including a circular stamp, a date stamp '10/29/10', and the number '30-10-0912'.

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.



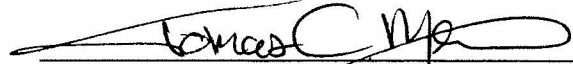
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 21 SEPT 2010

Public Law No. P.L. 30-199

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*.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

1 automatic adoption of the “latest edition of” the UBC, which was typically updated
2 every three (3) years.

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

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

21 *I Liheslatura* also finds that the *International Building Code* is intended for
22 use as a model code, and that it is common to incorporate amendments to suit the
23 unique needs of the adopting locale. As such, a Public Forum (held on August 18,
24 2010) and a series of working group meetings has networked local experts,
25 regional professional and stakeholder organizations, representatives of the
26 International Code Council, and both the Guam Fire Department (GFD) and the
27 Department of Public Works (DPW), in an effort to provide input on adapting the

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

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

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

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

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

21 **“§67101. International Building Code Adopted.** The
22 *International Building Code* (IBC), 2009 edition, including Appendices C,
23 E, F, G, H, I, J, and K, as published by the International Code Council, is
24 hereby adopted and enacted as the building code for Guam. The IBC *shall*
25 be recognized as the standard for the furtherance of the intent of Chapter 66,
26 The Building Law, of this Title, which is to secure and promote the safety,
27 health, and general welfare of the people of Guam by providing standards

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

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

6 **“§67101.1. International Fuel Gas Code Adopted.** The
7 *International Fuel Gas Code*, 2009 edition, including all Appendices, as
8 published by the International Code Council, is hereby adopted as amended.

9 **§67101.2. International Mechanical Code Adopted.** The
10 *International Mechanical Code*, 2009 edition, including Appendix A, as
11 published by the International Code Council, is hereby adopted as amended.

12 **§67101.3. International Plumbing Code Adopted.** The
13 *International Plumbing Code*, 2009 edition, including Appendices C, E, and
14 F, as published by the International Code Council, is hereby adopted as
15 amended.

16 **§67101.4. International Private Sewage Disposal Code Adopted.**
17 The *International Private Sewage Disposal Code*, 2009 edition, including
18 Appendices A and B, as published by the International Code Council, is
19 hereby adopted as amended.

20 **§67101.5. International Residential Code Adopted.** The
21 *International Residential Code*, 2009 edition, including Appendices A, B, C,
22 D, G, I, J, K, M, O, P, and Q, as published by the International Code
23 Council, is hereby adopted as amended.

24 **§67101.6. International Existing Building Code Adopted.** The
25 *International Existing Building Code*, 2009 edition, including all
26 Appendices, as published by the International Code Council, is hereby
27 adopted as amended.”

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

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

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

8 “**§73111. International Fire Code Adopted.** The *International*
9 *Fire Code*, 2009 edition, including Appendices B, C, D, E, F, G, H, I, as
10 published by the International Code Council, is hereby adopted as
11 amended.”

12 **Section 8.** §73112 (Updating of Uniform Fire Code) of Chapter 73, Title
13 10, Guam Code Annotated, is hereby *repealed*.

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

17 “(1) “**903.2.8 Group R.** An automatic sprinkler system installed in
18 accordance with Section 903.3 shall be provided throughout all
19 buildings with a Group R fire area.

20 **Exceptions.**

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

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

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

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

7 **Exceptions.**

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

10 2. For buildings equipped throughout with an *approved*
11 *automatic sprinkler system* installed in accordance with Section
12 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600
13 feet (183m).”

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

16 (3) “**903.2.8 Group R.** An automatic sprinkler system installed in
17 accordance with Section 903.3 shall be provided throughout all buildings
18 with a Group R fire area.

19 **Exceptions.**

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

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

24 **Section 11. Amendments to the International Residential Code, 2009.**

25 The following sections of the *International Residential Code*, 2009 edition, as
26 adopted, are hereby *amended* as follows:

1 (1) **“R313.1 Townhouse automatic fire sprinkler systems.**

2 An automatic residential fire sprinkler system shall be installed in
3 *townhouses*.

4 **Exceptions:**

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

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

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

13 **“§67101.7. Availability of Amended Codes.** Amendments and
14 exemptions made to the *International Fire Code*, as well as amendments and
15 exemptions made to any codes adopted by this Chapter, *shall* be made
16 available to the public, at *no* cost, through the appropriate divisions within
17 the Department of Public Works and the Guam Fire Department. This
18 subsection *does not* obligate these agencies to provide the entire code to the
19 public for free.”

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

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

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

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

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

1 **“§67101.8. Amending and Adoption of Future Code Editions.**

2 The Guam Building Code Council *shall* review and amend, as needed, future
3 editions of the *International Fire Code*, as well as all codes adopted within
4 this Chapter, inclusive of appendices and referenced codes, and forward its
5 recommendations for adoption to *I Liheslatura* (the Legislature) for action.”

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

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

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

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

1 **“§66702. Notice of Non-Conforming Construction After**
2 **Amendment.** Whenever a building inspection of the Department of Public
3 Works becomes aware of non-conforming construction in buildings which
4 does not meet current safety standards as a result of amendments or updates
5 made to the International Building Code subsequent to approval of the
6 building’s plans by the Department of Public Works, the Department shall
7 notify the building owner of the variance in writing in order that the building
8 owner be aware of the potential safety hazard.”

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

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

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

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

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

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

18 **Section 26. Severability.** *If* any of the provision of this law or its
19 application to any person or circumstances is found to be invalid or contrary to
20 law, such invalidity *shall not* affect other provisions or applications of this law
21 which can be given effect without the invalid provisions or application, and to this
22 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

MEMORANDUM

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

From: Senator Thomas C. Ada

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

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

Hafa adai Madam Speaker!

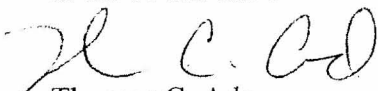
I hereby request for a waiver of the public hearing requirement on the matter of Bill 460-30 (COR) – “An act to ratify the adoption of the 2009 editions of the International Building Code, International Fire Code, International Residential Code, International Existing Building Code, and additional referenced 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



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