

2010 SEP - 7
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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 460-30 (COR)

Introduced by:

T.C. Ada
J.V. Espaldon
A. B. Palacios, Sr.
R.J. Respicio

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) as
4 Guam's building code. P.L. 17-76, adopted in 1984, further required the automatic
5 adoption of the "latest edition of" the UBC, which was typically updated every three
6 years.

7 *I Liheslatura* further finds that at the time these public laws were enacted,
8 the UBC was one of three distinct, regional building codes utilized across the United
9 States. The International Council of Building Officials developed the *Uniform*
10 *Building Code*, the Building Officials and Code Administrators International
11 developed the *BOCA National Building Code*, and the Southern Building Code
12 Congress International developed the *Standard Building Code*; these building codes
13 were used in the western, eastern, and southeastern regions respectively.
14 Beginning in 1994, these three organizations merged to create the International
15 Code Council (ICC) with the expressed goal of creating a single building code. The
16 resulting *International Building Code* (IBC), and related codes, was first published by

1 the ICC in 2000; prior codes, including the UBC, are no longer updated, as the IBC is
2 its successor.

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 Until the IBC is adopted, Guam continues to use an outdated set of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

9 *I Liheslatura* also finds that the *International Building Code* is intended for
10 use as a model code, and that it is common to incorporate amendments to suit the
11 unique needs of the adopting locale. As such, a Public Forum (held on August 18,
12 2010) and a series of working group meetings has networked local experts, regional
13 professional and stakeholder organizations, representatives of the International
14 Code Council, and both GFD and DPW, in an effort to provide input on adapting the
15 IBC for use on Guam. Following this input, both GFD and DPW have provided their
16 informed recommendations to *I Liheslatura* for ratification. These
17 recommendations for adopting the *International Building Code, International Fire*
18 *Code*, and related codes, are incorporated into the sections that follow.

19 *I Liheslatura* further finds that, per the recommendation of local
20 stakeholders, DPW, and GFD, and as stipulated in Section 113 of the *International*
21 *Building Code*, a *Guam Building Code Council (GBCC)* is needed to both serve as an
22 Appeals Board and to review and provide recommendations for the adoption of
23 future editions of the IBC. As such, Section 16 of this legislation requires that the
24 Chairperson for the Legislative Committee with oversight for Public Works convene
25 a task force to develop rules and regulations for a *Guam Building Code Council*. The
26 resulting output from this task force will be forwarded to *I Liheslatura* for
27 ratification.

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

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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. ~~(a) All sections and appendices of the 2009 edition of the International Building Code (IBC) and those updates adopted pursuant to the Administrative Adjudication Law, inclusive, are enacted and added to Division 2 of Title 21, Guam Code Annotated. 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. The Compiler of Laws shall number the sections of the IBC appropriately to correlate with provisions of this Title not repealed by this Act."~~

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

1 **§ 67101.3. International Plumbing Code Adopted.** *International*
2 *Plumbing Code*, 2009 edition, including Appendices C, E, and F, as published
3 by the International Code Council, is hereby adopted as amended.

4 **§ 67101.4. International Private Sewage Disposal Code Adopted.**
5 *International Private Sewage Disposal Code*, 2009 edition, including
6 Appendices A and B, as published by the International Code Council, is
7 hereby adopted as amended.

8 **§ 67101.5. International Residential Code Adopted.** *International*
9 *Residential Code*, 2009 edition, including Appendices A, B, C, D, G, I, J, K, M, O,
10 P, and Q, as published by the International Code Council, is hereby adopted as
11 amended.

12 **§ 67101.6. International Existing Building Code Adopted.**
13 *International Existing Building Code*, 2009 edition, including all Appendices,
14 as published by the International Code Council, is hereby adopted as
15 amended.”

16
17 **Section 5.** §§ 67102 (Mechanical Standard), 67104 (Plumbing Installations),
18 and 67105 (Concrete/Masonry Standards) of Article 1, Chapter 67, Title 21, Guam
19 Code Annotated, are *repealed*.

20
21 **Section 6.** Article 4 (Housing Code) of Chapter 67, Title 21, Guam Code
22 Annotated, is *repealed*.

23
24 **Section 7:** § 73111 (Uniform Fire Code) of Chapter 73, Title 10, Guam Code
25 Annotated, is hereby repealed and reenacted to read:

26 **“§ 73111. International Fire Code Adopted.** *International Fire*
27 *Code*, 2009 edition, including Appendices B, C, D, E, F, G, H, I, as published by
28 the International Code Council, is hereby adopted as amended.”

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

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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 R-3~~ and 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).”

- 1 2) Section 510 (Emergency Responder Radio Coverage) is hereby
- 2 repealed.
- 3 3) **“903.2.8 Group R.** An automatic sprinkler system installed in
- 4 accordance with Section 903.3 shall be provided throughout all
- 5 buildings with a Group R fire area.
- 6 Exceptions.
- 7 1. This requirement shall not apply to Group R one- and two-
- 8 family dwelling units.
- 9 2. This requirement shall not apply to Group R one- and two-
- 10 story townhouses up to and including 15 dwelling units.”

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

13 The following sections of the *International Residential Code*, 2009 edition, as

14 adopted, are hereby amended as follows:

- 15 1) **“R313.1 Townhouse automatic fire sprinkler systems.** An
- 16 automatic residential fire sprinkler system shall be installed in
- 17 *townhouses.*
- 18 **Exceptions:**
- 19 1. An automatic residential fire sprinkler system shall not be
- 20 required when *additions* or *alterations* are made to existing
- 21 *townhouses* that do not have an automatic residential fire
- 22 sprinkler system installed.
- 23 2. This requirement shall not apply to Group R one- and two-
- 24 story townhouses up to and including 15 dwelling units.”
- 25 2) **“~~R313.2 One- and two-family dwellings automatic fire~~**
- 26 **systems.** Effective January 1, 2011, an automatic residential fire
- 27 sprinkler system shall be installed in ~~one- and two- family~~
- 28 ~~*dwellings.*~~
- 29 **Exceptions:**
- 30 1. ~~An automatic residential fire sprinkler system shall not be~~
- 31 required for ~~*additions* or *alterations*~~ to existing buildings that are

1 not already provided with an automatic residential sprinkler
2 system.”

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

6 **“§ 67101.7. Availability of Amended Codes.** Amendments and
7 exemptions made to the *International Fire Code*, as well as amendments and
8 exemptions made to any codes adopted by this Chapter, shall be made
9 available to the public, at no cost, through the appropriate divisions within
10 the Department of Public Works and the Guam Fire Department. This
11 subsection does not obligate these agencies to provide the entire code to the
12 public for free.”

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

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

22
23 **Section 15. Guam Building Code Council.** The Chairperson for the
24 Legislative Committee with oversight for Public Works shall convene a task force to
25 propose the structuring of a Guam Building Code Council (GBCC). Both this
26 temporary task force, and the task force’s proposal for the GBCC, shall be comprised
27 of members from both the Government of Guam and the community, including
28 representatives from associations of professional architects, engineers, realtors, and
29 contractors. The Guam Building Code Council shall be designed to review and
30 propose amendments for the adoption and adaptation of existing and future
31 editions of the *International Fire Code* and all codes adopted in this Chapter, and to

1 also serve as the Board of Appeals as outlined in Section 113 of the *International*
2 *Building Code*, 2009 edition. The task force shall provide the recommended
3 structuring of this Guam Building Code Council to the Legislature within 60 days
4 following enactment of this Act for subsequent ratification by the Legislature.

5
6 **Section 16. Further Review of Codes.** The Guam Building Code Council
7 formed in Section 15 of this Act shall also provide recommendations for further
8 amending or adding to the codes adopted with this legislation, including the
9 possible amending or adoption of Appendices A, B, and D of the *International*
10 *Building Code*, 2009 edition, the International Property Maintenance Code, 2009
11 edition, the International Energy Conservation Code, 2009 edition, the Model
12 Tropical Energy Code, and any other construction codes as the Council may deem
13 appropriate. The task force shall provide such recommendations to the Legislature
14 within 90 days following establishment of the Council for subsequent ratification by
15 the Legislature.

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

19 **“§ 67101.8. Amending and Adoption of future code Editions.** The
20 Guam Building Code Council shall review and amend as needed future
21 editions of the *International Fire Code*, as well as all codes adopted within
22 this Chapter, inclusive of appendices and referenced codes, and forward its
23 recommendations for adoption to the Legislature for action.”

24
25 **Section 18.** § 66403 (d) of Chapter 66, Title 21, Guam Code Annotated, is
26 hereby amended to read as follows:

27 **“(d) Inspections: general.** All construction or work for which a permit
28 is required shall be subject to inspection by the building official and all such
29 construction or work shall remain accessible and exposed for inspection
30 purposes until approved by the building official. In addition, certain types of
31 construction shall have continuous inspection as specified in Sections 305,

1 306 and 307 of the 1991 edition of the Uniform Building Code promulgated
2 by the International Conference of Building Officials (the "UBC"), or its
3 equivalent in the 2009 International Building Code and related codes, which
4 sections are hereby incorporated by reference in the Building Law of Guam,
5 except that subsections (d) and (e) of subparagraph (c) of said Section 306 of
6 the UBC), or its equivalent in the 2009 International Building Code and
7 related codes, permitting the waiver of special inspections, and periodic
8 special inspections, respectively, are not included in the incorporation of
9 such section in the Building Law of Guam and shall not be so incorporated
10 except by specific statute."

11
12 **Section 19.** § 66403(e) of Chapter 66, Title 21, GCA, is hereby repealed.

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

16 **"§ 66702. Notice of Non-Conforming Construction After**
17 **Amendment.** Whenever a building inspection of the Department of Public
18 Works becomes aware of non-conforming construction in buildings which
19 does not meet current safety standards as a result of amendments or updates
20 made to the ~~Uniform~~ International Building Code subsequent to approval of
21 the building's plans by the Department of Public Works, the Department shall
22 notify the building owner of the variance in writing in order that the building
23 owner be aware of the potential safety hazard."

24
25 **Section 21.** § 4904 of Chapter 4, Title 12, Guam Code Annotated, is hereby
26 amended to read as follows:

27 "(a) 'Affordable housing unit' shall mean a single family dwelling unit
28 inclusive of land, built in accordance with the Uniform Building Code or its
29 successor codes as adopted by Chapter 67 of Title 21, Guam Code Annotated,
30 and in consonance with the Guam zoning and subdivision laws whose selling
31 price meets the criteria set forth in the Guam Economic Development

1 Authority Rules and Regulations pertaining to 'affordable housing' adopted
2 pursuant to Public Law Number 24-266."
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4 **Section 22. Fees.** All fees in effect upon the enactment of this Act shall
5 continue to be in effect. However, during the transitional period outlined in Section
6 20 of this Act, the Guam Fire Department shall be permitted to apply its existing fee
7 schedule when reviewing permits seeking approval under the *International Fire*
8 *Code*, provided that such application attempts to appropriately match the existing
9 fee schedule with comparable permitting activities with the International Fire
10 Codes. Applicants may appeal fees incurred during the transition period to the
11 Guam Building Code Council, who in turn shall determine the appropriateness of
12 such fees and amend them if necessary.
13

14 **Section 23. Judicial Matters.** The adoption of codes stipulated in this Act
15 *shall not be* construed to affect any suit *or* proceeding pending in any court, *or* any
16 rights acquired, *or* liability incurred, *or* any cause *or* causes of action acquired *or*
17 existing, under any act *or* regulation hereby *repealed* as cited in this Act; *nor shall*
18 any just *or* legal right *or* remedy of any character be lost, impaired *or* affected by this
19 Act.
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21 **Section 24. Resolution of Conflicts between Codes and Existing Law.**
22 Should discrepancies or conflicts exist between the codes adopted by this Act and
23 any sections of the Guam Code Annotated, the Guam Code Annotated shall take
24 precedence.
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26 **Section 25. Effective Date.** This act shall be effective on October 1, 2010,
27 after which a transitional period shall be instituted wherein either the Uniform
28 Building Code 1997 and Uniform Fire Code 1997 or the codes adopted in this Act
29 shall be applicable, as designated by the applicant, for a period of no more than
30 ninety (90) days for projects submitted during the transition period. Following the

1 last day of the transitional period, December 29, 2010, only the codes adopted in
2 this Act shall be applicable.

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