

# ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2009 ICC *Performance Code for Buildings and Facilities* as an enforceable performance-based regulation governing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## SAMPLE ORDINANCE FOR ADOPTION OF THE ICC PERFORMANCE CODE FOR BUILDINGS AND FACILITIES ORDINANCE NO. \_\_\_\_\_

An ordinance of the [JURISDICTION] adopting the 2009 edition of the ICC *Performance Code for Buildings and Facilities*, regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. \_\_\_\_ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the ICC *Performance Code for Buildings and Facilities*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Performance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Performance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, conditions and terms of the *International Codes*, \_\_\_\_ edition published by the International Code Council, adopted by [JURISDICTION] Ordinance No(s). \_\_\_\_ also on file in the office of the [JURISDICTION] shall provide enforcement, permits, plan review, inspection, fees and Certificate of Occupancy requirements where not specified in the ICC *Performance Code for Buildings and Facilities*. The [JURISDICTION] also establishes the following performance groups for new and/or existing use groups or specific buildings or facilities for the application of this code<sup>1</sup>.

### ALLOCATION OF USE AND OCCUPANCY CLASSIFICATIONS AND SPECIFIC BUILDINGS OR FACILITIES TO PERFORMANCE GROUPS

| PERFORMANCE GROUP | USE AND OCCUPANCY CLASSIFICATION OR SPECIFIC BUILDINGS OR FACILITIES |
|-------------------|--|
| I                 |  |
| II                |  |
| III               |  |

**Section 3.** That Ordinance No. \_\_\_\_ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

The concept of assigning buildings or facilities to performance groups relates to the use of Chapter 3 for the determination of design performance levels. Communities may find that they have unique objectives that would require adjusting the performance groups assigned in Chapter 3 for particular buildings or facilities.

**Section 5.** That nothing in this ordinance or in the ICCPC hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

**Section 8.** That [JURISDICTION] acknowledges and agrees that the International Code Council, Inc. ("ICC") owns registered copyrights in the 2009 edition of the *Performance Code for Buildings and Facilities*. ICC makes the 2009 edition of the *Performance Code for Buildings and Facilities* and numerous other International Codes (I-Codes) available to view for free on its website at: [codes.iccsafe.org](http://codes.iccsafe.org). Without advance written permission from the copyright owner, no part of the 2009 edition of the *Performance Code for Buildings and Facilities* may be reproduced, distributed or transmitted in any form or by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information retrieval system). For information on the use rights and permissions, please contact: Publications, 4051 Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).