

LEGISLATION

Jurisdictions wishing to adopt the 2021 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 legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE ICC PERFORMANCE CODE FOR BUILDINGS AND FACILITIES ORDINANCE NO. _____

A[N] [ORDINANCE/STATUTE/REGULATION] of the [JURISDICTION] adopting the 2021 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/STATUTE/REGULATION] No. _____ of the [JURISDICTION] and all other ordinances or parts of laws 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*, 2021 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 legislation, 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 therefor, and each and all of the regulations, provisions, conditions and terms of the *International Codes*, 2021 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*. To facilitate adoption, Section 101.1 contains a blank for fill-in information that needs to be supplied by the adopting jurisdiction as part of the adoption legislation. In addition, the jurisdiction must also establish the following performance groups for new and/or existing use groups or specific buildings or facilities for the application of this code (see Chapter 3).¹

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	
IV	

Section 3. That [ORDINANCE/STATUTE/REGULATION] No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation 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

¹ 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.

declares that it would have passed this law, 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.

Section 5. That nothing in this legislation or in the Performance Code 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 law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation 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 law 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 2021 edition of the ICC *Performance Code for Buildings and Facilities*. ICC makes the 2021 edition of the ICC *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. Without separate written permission from the copyright owner, no part of the 2021 edition of the ICC *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 and/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).