

ORDINANCE NO. XX-XX

AN ORDINANCE AMENDING CHAPTER XXX OF THE CODE OF ORDINANCES OF THE CITY/TOWN/COUNTY OF XXXXXX, XX, TO ADD ARTICLE XXX, ENTITLED THE "MODEL CODES AND STANDARDS ADVISORY BOARD"

WHEREAS, the City/Town/County Council of XXXXXX, XX desires to create a Model Codes and Standards Advisory Board to analyze and review all proposals by City/Town/County Council members, officials and other parties to incorporate model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances;

WHEREAS, the City/Town/County Council of XXXXXX, XX recognizes that incorporation of model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances is necessary to provide acceptable levels of public protection and consistency with regard to the construction, renovation, maintenance and use of buildings and building systems;

WHEREAS, the City/Town/County Council of XXXXXX, XX further recognizes the potential impact that the incorporation of model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances has upon a wide range of issues and interests, including but not limited to public safety and housing, as well as the design, construction and business communities; and

WHEREAS, the goal of the Model Codes and Standards Advisory Board is to provide an official platform through which each stakeholder affected by the incorporation of model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances may be granted the opportunity to analyze, review and make recommendations concerning all such proposals, NOW THEREFORE:

BE IT ORDAINED BY THE CITY/TOWN/COUNTY COUNCIL OF XXXXXX, XX:

Section I. Establishment.

THAT Chapter XXX of the Code of Ordinances of XXXXXX, XX is hereby amended by adding Article XXX, which shall be entitled the "Model Codes and Standards Advisory Board," as follows:

Section XX-XXX. Definitions.

(1) For purposes of this article:

- (A) "the Board" shall mean the Model Codes and Standards Advisory Board of the City/Town/County of XXXXXX, XX.
- (B) "Model Codes and Standards" shall refer to model codes and standards typically developed, promulgated and revised through a legislative or consensus-based process by non-governmental organizations, associations and councils, whose members represent various professional interests and specializations and who retain the requisite knowledge and expertise concerning certain and/or several facets of structural safety and fire prevention practices and techniques.

Such codes and standards, which are generally intended to serve as templates for laws to be adopted at both the state and local levels of government, and are often adhered to and/or enforced by federal agencies, include, but are not limited to, the International Building Code, the International Residential Code, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Property Maintenance Code, National Fire Protection Agency Codes and Standards, the National Green Building Standard, as well as other standards developed, promulgated and revised by the American National Standards Institute and the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

Section XX-XXX. Created

There is hereby created and established a board to be known as the Model Building, Construction and Fire Codes and Standards Advisory Board.

Section XX-XXX. Membership.

- (1) The Board shall consists of fifteen (15) voting members appointed by the City/Town/County Council, including one (1) "Technical Specialist" appointed by the Board for temporary membership and whose appointment shall be based upon that person's subject matter knowledge of the trade, industry or profession relevant to the proposed code or standard actively under the Board's consideration.
- (2) Members of the Board shall include:
 - (A) a code enforcement officer currently employed by the city/town/county;
 - (B) the city/town/county fire marshal/chief or a designee of the fire marshal/chief;
 - (C) an active builder of single and/or two-family homes;
 - (D) an active and XXXXXX(STATE)-licensed builder of commercial buildings;
 - (E) an active and XXXXXX(STATE)-licensed builder of residential buildings;
 - (F) an active XXXXXX (STATE)-licensed general contractor
 - (G) a practicing XXXXXX(STATE)-licensed architect;
 - (H) a practicing XXXXXX(STATE)-licensed heating, ventilation and air conditioning contractor;
 - (I) a practicing XXXXXX(STATE)-licensed engineer;
 - (J) a practicing XXXXXX(STATE)-licensed master electrician;
 - (K) a practicing XXXXXX(STATE)-licensed master plumber;
 - (L) an owner or management company representative of a multifamily housing community;

- (M) an owner or manager of an industrial, manufacturing or warehouse facility;
- (N) a building facilities manager of a major institutional or educational facility; and
- (O) a “Technical Specialist” who shall be a practicing representative of the trade, industry or profession directly affected by adoption of the code or standard actively under the Board’s consideration and who shall be able to demonstrate his or her technical expertise regarding that trade, industry or profession to members of the City/Town/County Council.

- (3) Subsequent to the appointment of the Board’s first standing members, the Board shall elect from among its membership a chairperson and vice-chairperson.
- (4) In conformity with Subsection 1 of this section, City/Town/County Council members shall:
 - (A) make every attempt necessary to ensure that no two members of the Board shall represent the same organization, professional association, trade group, company, public agency or department;
 - (B) make every attempt necessary to ensure that no two members of the Board shall have financial interests in the same company and/or organization;
 - (C) make every attempt necessary to ensure that each of the Board’s fifteen (15) voting members, including the Board’s “Technical Specialist,” is a City/Town/County Resident; and
 - (D) make every attempt necessary to ensure that buildings, warehouses and/or facilities owned and/or managed by members of the board as set forth Subsections (2)(m) and (2)(n) of this Section are located within the City/Town/County limits.

Section XX-XXX. Chairman and Vice Chairman.

- (1) The Chairman of the Board, being elected from among the Board’s membership, is responsible for ensuring the Board maintains the purpose of its charge when executing assigned duties.
- (2) The Vice Chairman of the Board, being elected from among the Board’s membership, shall act as the Chairman in instances whereupon the Chairman is absent or unable to perform his or her duties.

Section XX-XXX. Terms, Vacancies and Removal

- (1) Except for the Board’s technical specialist, members appointed to the board by the City/Town/County Council shall serve four-year terms and shall be eligible for reappointment upon expiration of the term.
- (2) The Board’s technical specialist shall:
 - (A) be appointed to the Board by the City/Town/County Council on an ad hoc basis;

(B) serve as a voting member of the Board in conformity with his or her duties, as set forth in Sec. XX-XXX(2)(n); and

(C) shall serve only for the period of time which it takes the Board to consider and deliberate matters germane to issues for which they have convened.

(3) In the event of a membership vacancy, members of the City/Town/County Council shall immediately convene to fill that vacancy for the remainder of the unexpired term, in accordance with Sec. XX-XXX.

(4) A Board member may be removed from the Board for any cause by a majority vote of the City/Town/County Council.

Section XX-XXX. Meetings; quorum.

(1) The Board shall meet at such times necessary to execute its duties, as set forth under this article.

(2) Eight voting members of the Board shall constitute a quorum for the transaction of business under this article.

(3) A majority vote of the quorum shall be required for any action taken by the Board, except that no action to determine the Board's final recommendation shall be taken in absence of the Board's technical specialist.

(4) The board shall make every attempt to solicit testimony from:

(A) all parties affected by the incorporation into the City/Town/County Code of Ordinances of model codes and/or standards, or of any amendment to existing City/Town/County codes and/or standards; and

(B) subject-matter experts with demonstrated knowledge of the model code and/or standard under the board's review.

Section XX-XXX. Duties and Powers.

(1) The Board is charged with the responsibility to review and analyze all proposals by City/Town/County Council members, officials and/or other parties to incorporate model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances.

(2) In addition to other duties and powers set forth in this article, the Board shall:

(A) Adopt, in accordance with XXXXXX (State) law, technical rules governing conduct necessary to execute its duties.

(B) Adopt rules for the review of all proposals by City/Town/County Council members, officials and/or other parties to incorporate model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances;

- (C) Require that no proposal to incorporate model codes and standards or amended versions and/or sections of model codes and standards into the City/Town/County Code of Ordinances shall be deliberated, debated, voted upon or adopted by the City/Town/County Council without first being reviewed and analyzed by the Board.
- (D) Require all proposals submitted to the Board by City/Town/County Council members, officials and/or other parties that incorporate model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances be accompanied by an economic impact statement, which shall include:
- (1) An identification of the types of businesses affected by implementation of the proposed amendment or amendments;
 - (2) An analysis of the probable impact on affected businesses;
 - (3) An analysis of the probable impact on housing affordability in City/Town/County;
 - (4) An analysis of the probable impact on the continued maintenance and long-term viability on the City/Town/County's building stock;
 - (5) An analysis of the probable impact on economic development in City/Town/County;
 - (6) An analysis of the probable impact on costs relative to the enforcement of the proposed amendment or amendments; and
 - (7) A description of alternatives for achieving the intent of the proposed amendment or amendments.
- (E) A process for identifying whether the proposed incorporation of model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances is necessary to:
- (1) Ensure critical public and/or life safety needs;
 - (2) Ensure consistency with state and/or federal rules and/or regulations; and
 - (3) Correct technical errors and omissions in the existing City/Town/County Code of Ordinances.
- (F) Provide formal reports and recommendations to the City/Town/County Council regarding its findings relative to the proposed incorporation of model codes and standards or amended versions of model codes and standards into the City/Town/County Code of Ordinances