

**Public Hearing Rules and Procedures
For the Adoption of the
2010 Denver Building Code Amendments**

100 Introduction

The purpose of this set of rules and procedures is to outline the process by which amendments to the 2009 series of International Codes will be considered and adopted by the City of Denver Combined Fire and Building Code Boards of Appeals (CBOA). The foremost goals of the process herein outlined are:

- The timely adoption of the 2009 International Codes.
- The open and transparent public discussion of amendment proposals by all parties desiring to participate.

These rules and procedures establish a four step process for consideration and adoption of the 2010 Denver Building Code and Amendments:

1. Establishment of the Combined Board of Appeals (CBOA),
2. Development of proposed amendments,
3. First public consideration, and
4. Final public consideration.

200 Establishment of the Combined Board of Appeals (CBOA)

The CBOA is comprised of all members of the standing Building Code Board of Appeals and those members of the Fire Code Board of Appeals as appointed by the Manager of Safety.

201 General Procedures: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the public hearing except as a specific provision of these Rules of Procedure may otherwise dictate. A quorum shall consist of a majority of the members of the CBOA.

202 Chairperson/Moderator: The CBOA shall select from amongst the members a Chairperson and Vice-Chairperson. The Chairperson, or in his/her absence, the Vice Chairperson shall act as Moderator and presiding officer for all public hearings. The Chairperson may participate in all discussions and considerations.

202.1 Chair Voting: The Chairperson shall vote only when the vote cast will break a tie vote of the CBOA.

203 Secretary: Development Services (DS) shall provide a Secretary to keep record of all meetings of the CBOA.

300 Development of Proposed Amendments

The development of proposed amendments to the 2009 International Codes shall consist of the complete consideration of amendment proposals in accordance with the procedures herein specified, commencing with the submission of amendment proposals (see Section 303) and ending with final action on the proposal by the CBOA (see Section 508).

301 Submittal of Amendment Proposals: Any interested person, persons or group may submit a proposal to amend the 2009 International Codes which will be fully considered when in conformance to these Rules.

301.1 Withdrawal of Proposal: An amendment proposal may be withdrawn by the proponent at any time prior to final action on that proposal by the CBOA. A withdrawn proposal shall not be subject to a public hearing, motions, or final consideration.

302 Submittal Deadline: Each amendment proposal must be complete and received by DS by the posted deadline. The submitter of a proposed amendment is responsible for the proper and timely receipt of all pertinent materials by DS.

303 Form and Content of Submittals: Each amendment proposal shall be submitted separately, electronically, on the standard forms provided and shall be complete in its self. Each submittal shall contain the following information:

303.1 Proponent/Sponsor: Each proposal shall include the name, title, mailing address, telephone number, and email address of the proponent/sponsor of the proposal. If a group, organization or committee submits a proposal, an individual with prime responsibility shall be indicated as the proponent/sponsor. If a proponent/sponsor submits an amendment on behalf of a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall also be indicated.

303.2 Code Reference: Each proposal shall relate to the applicable code sections(s) in the 2009 edition of the International Codes. If more than one section in the Code is affected by a proposal, appropriate proposals shall be included for all such affected sections. If more than one Code is affected by an amendment proposal, appropriate proposals shall be included for all such affected Codes and appropriate cross referencing shall be included in the supporting information.

303.3 Multiple Amendment Proposals to a Code Section: A proponent/sponsor shall not submit multiple proposals to the same Code section. When a proponent/sponsor submits multiple proposals to the same section, all such proposals shall be considered as incomplete proposals and processed in accordance with Section 304.1. This restriction shall not apply to amendment proposals that attempt to address differing subject matter within a single Code section.

303.4 Text Presentation: The text proposal shall be presented in the specific wording desired with deletions shown struck out with a single line and additions shown underlined with a single line.

303.4.1 A charging statement shall indicate the referenced code section(s) and whether the proposal is intended to be an addition, a deletion or a revision to existing Code text.

303.4.2 Whenever practical, the existing wording of the text shall be preserved with only such deletions and additions as necessary to accomplish the desired change.

303.4.3 Each proposal shall be in proper code format and terminology.

303.4.4 Each proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.

303.4.5 The proposed text shall be in mandatory terms.

303.5 Supporting Information: Each proposal shall include sufficient supporting information to indicate how the proposal is intended to affect the intent and application of the Code.

303.5.1 Purpose: The proponent/sponsor shall clearly state the purpose of the proposed amendment (e.g. clarify the Code; tailor the Code to accommodate conditions specific to Denver, etc.)

303.5.2 Reasons: The proponent/sponsor shall justify amending the current Code provisions, stating why the proposal is superior to the current provisions of the Code. Proposals which add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code

provisions are inadequate, specifies the shortcomings of the current Code provisions and explains how such proposals will improve the Code.

303.5.3 Substantiation: The proponent/sponsor shall substantiate the proposed amendment based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 304 and determined as not germane to the technical issues addressed in the proposed amendment shall be identified as such. The proponent/sponsor shall be notified that the proposal is considered an incomplete proposal in accordance with Section 304.1 and the proposal shall be held until the deficiencies are corrected, or the deadline for submissions. The burden of providing substantiating material lies with the proponent/sponsor of the amendment proposal.

303.5.4 Bibliography: The proponent/sponsor shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the proposed amendment and the proponent/sponsor shall make the substantiating materials available for review at the public hearings.

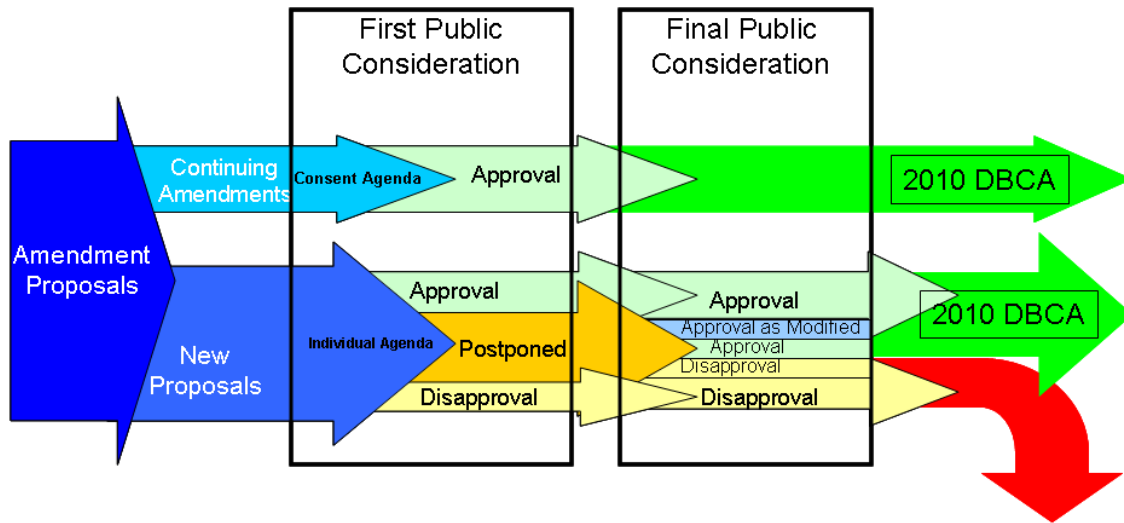
304 Processing of Proposals: The processing of amendment proposals is intended to ensure that each proposal complies with these Rules and that the resulting published proposal accurately reflects that proponent's intent. Upon receipt in the office of DS, the amendment proposals will be checked for compliance with these Rules.

304.1 Incomplete Proposals: When an amendment proposal is submitted with incorrect format, without the required information or judged as not in compliance with these Rules, DS shall notify the proponent/sponsor of the specific deficiencies and the proposal shall be held until the deficiencies are corrected, with receipt of a corrected submittal before the submittal deadline. If DS receives the corrected proposal after the submittal deadline, the proposal shall be returned to the proponent/sponsor and not considered.

304.2 Editorial: DS shall have the authority at all times to make editorial and format changes, or any necessary changes, consistent with the intent, provisions and style of the Code, to the text of any amendment proposal.

304.3 Preparation: All amendment proposals in compliance with these procedures shall be prepared in a standard manner by DS and be assigned separate, distinct and consecutive numbers. DS shall coordinate related proposals submitted in accordance with Section 3.3.2 to facilitate the hearing process.

304.4 Publication: All amendment proposals shall be consolidated and posted on the DS website (www.DenverGov.org/CPD) 30 days prior to first public consideration and shall constitute the agenda for the public hearing. Amendment proposals which have not been published shall not be considered.



400 First Public Consideration

The intent of the first public hearing is to permit interested parties to present their views on the amendment proposals on the published agenda and take final action on those proposals that are deemed acceptable. The CBOA will consider such comments as may be presented in the development of their action on the disposition of such proposals.

401 Date and Location: The date and location of the first public hearing shall be announced not less than 30 days prior to the date of the public hearing.

401.1 Open Meetings: Public hearings of the CBOA are open meetings. Any interested person may attend and participate in the discussion portion of the hearing.

402 Presentation of Material at the Public Hearing: Information to be provided at the hearing shall be limited to verbal presentations and modifications submitted in accordance with Section 406. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 303.5 and other material submitted in support of a proposed amendment shall be located in a designated area in the hearing room and shall not be distributed to the CBOA or any other attendees at the public hearing.

403 Agenda: DS shall publish an agenda for the first public hearing, consisting of a first consideration consent agenda and an agenda of individual consideration. The first consideration consent agenda shall be comprised of the body of amendments continued without substantial modification from the 2008 Denver Building Code Amendments. The individual consideration agenda shall consist of all newly proposed amendments and those amendments called out of the first consideration consent agenda for further discussion. The individual consideration agenda shall place individual amendment proposals in a logical order to facilitate the hearing. Once the individual consideration agenda is established by the CBOA no motion to revise the agenda order shall be considered.

403.1 First Consideration Consent Agenda: The first consideration consent agenda shall be placed before the CBOA for bloc consideration. The Moderator shall entertain motions from the CBOA to remove individual amendment proposals from the consent agenda for placement on the individual consideration agenda. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes shall decide removal of the individual amendment proposal from the consent agenda. When no further amendments are called out for individual consideration the Moderator shall entertain a motion for consideration of the consent agenda. When the motion has been seconded, the vote

shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes shall decide the consent vote.

403.2 Individual Consideration Agenda: Upon completion of the first consideration consent vote, all proposed changes not on the first consideration consent agenda shall be placed before the CBOA for individual consideration of each item.

403.3 Reconsideration: There shall be no reconsideration of a proposed amendment after it has been voted on by the CBOA.

404 Time Limits: Time limits shall be established as part of the agenda for testimony on all proposed amendments at the beginning of the hearing session. Each person requesting to testify on a proposal shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

405 Floor Discussion: The Moderator shall place each amendment proposal on the individual consideration agenda before the hearing for discussion by identifying the proposal and by regulating discussion as follows:

405.1 Discussion Order:

1. Proponent/Sponsor. The Moderator shall begin by asking the proponent/sponsor for their comments. (4 minutes)
2. Opponents. After discussion by the proponent/sponsor in support of a proposal, those opposed hereto, if any, shall have the opportunity to present their views. (4 minutes)
3. Rebuttal in support. Proponents, including or in addition to the sponsor, shall then have the opportunity to rebut points raised by the opponents. (1 minute)
4. Rebuttal in opposition. Opponents shall then have the opportunity to respond to the proponent's rebuttal. (1 minute)

406 Modifications: Modifications to amendment proposals may be suggested from the floor by any person participating in the public hearing during individual consideration. The person proposing the modification is deemed to be the proponent of the modification.

406.1 Submission and Written Copies: All modifications must be written, unless determined by the Moderator to be either editorial or minor in nature.

406.2 Criteria: The Moderator shall rule proposed modifications in or out of order before they are discussed on the floor. The ruling of the Chairman on whether or not the modification is in or out of order shall be final. A proposed modification shall be ruled out of order if it:

1. Changes the scope of the original proposal, or
2. Is not readily understood to allow a proper assessment of its impact on the original proposal.

406.3 Modification Action: When a modification is offered from the floor and ruled in order by the Moderator, floor discussion of the proposed amendment is suspended and consideration of the proposal is postponed until the final public hearing.

407 CBOA Action: Following the floor discussion of each amendment proposal, one of the following motions shall be made and seconded by members of the Combined Board of Appeals:

1. Approve the amendment proposal as submitted, or
2. Postpone consideration of the amendment proposal, or

3. Disapprove the amendment proposal.

Discussion on this motion shall be limited to CBOA members. If a board member proposes a modification which had not been proposed during floor discussion, the Moderator shall rule on the modification in accordance with Section 406. If a board member raises a matter of issue which has not been proposed or discussed during the floor discussion, the Moderator shall suspend the board discussion and shall reopen the floor discussion for comments on the specific matter or issue. Upon receipt of all comments from the floor, the Moderator shall resume committee discussion.

The CBOA shall vote on each motion with the majority dictating the board's action. Board action on each amendment proposal shall be completed when one of the motions noted above has been approved.

The CBOA shall maintain a record of its proceedings including the action on each amendment proposal.

408 Report of First Public Consideration: The results of the first public hearing, including board action, shall be posted on the DS website not less than 30 days prior to Final Public Consideration.

500 Final Public Consideration

The purpose of Final Public Consideration is for the Combined Board of Appeals to make a final determination of all amendment proposals which have been considered.

501 Date and Location: The date and location of the final public hearing shall be announced not less than 30 days prior to the date of the public hearing.

502 Presentation of Material at the Public Hearing: Information to be provided at the final public hearing shall be limited to verbal presentations. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 303.5 and other material submitted in support of a proposed amendment shall be located in a designated area in the hearing room and shall not be distributed to the CBOA or any other attendees at the public hearing.

503 Agenda: DS shall publish an agenda for the final public hearing, consisting of a final consideration consent agenda and an agenda of individual consideration. The final consideration consent agenda shall be comprised of proposals which, as the outcome of the first public consideration, resulted in a successful motion to approve the amendment proposal as submitted or disapprove the amendment proposal. The individual consideration agenda shall place individual amendment proposals in a logical order to facilitate the hearing. No motion to revise the agenda order shall be considered.

503.1 Final Consideration Consent Agenda: The final consideration consent agenda shall be placed before the CBOA with a single motion for final consideration in accordance with the results of the first public hearing. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes shall decide the motion.

503.2 Individual Consideration Agenda: Upon completion of the final consideration consent vote, all proposed changes not on the final consideration consent agenda shall be placed before the CBOA for individual consideration of each item.

503.3 Reconsideration: There shall be no reconsideration of a proposed amendment after it has been voted on by the CBOA.

504 Procedure: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the final public consideration except as these Rules may otherwise dictate.

505 Time Limits: Time limits shall be established as part of the agenda for testimony on all proposed amendments at the beginning of the hearing session. Each person requesting to testify on a proposal shall be given equal time. In the interest of time and fairness

to all hearing participants, the Moderator shall have authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

506 Floor Discussion: The Moderator shall place the amendment proposals on the individual consideration agenda before the hearing for discussion by identifying the proposal and by regulating discussion as follows:

506.1 Discussion Order:

1. Proponent/Sponsor. The Moderator shall begin by asking the proponent/sponsor for their comments. (4 minutes)
2. Opponents. After discussion by the proponent/sponsor in support of a proposal, those opposed hereto, if any, shall have the opportunity to present their views. (4 minutes)
3. Rebuttal in support. Proponents, including or in addition to the sponsor, shall then have the opportunity to rebut points raised by the opponents. (1 minute)
4. Rebuttal in opposition. Opponents shall then have the opportunity to respond to the proponent's rebuttal. (1 minute)

507 Modifications: New modifications to amendment proposals shall not be accepted in the final public consideration. Final action on modifications to proposals made in the first hearing, and ruled in order by the Moderator, shall be carried out through the individual consideration agenda.

508 CBOA Final Action: Following the floor discussion of each amendment proposal, one of the following motions shall be made and seconded by members of the Combined Board of Appeals:

1. Final approval of the amendment proposal as submitted, or
2. Final approval of the amendment proposal as modified from the floor, or
3. Final disapproval of the amendment proposal.

Discussion on this motion shall be limited to CBOA members. If a board member raises a matter of issue which has not been proposed or discussed during the floor discussion, the Moderator shall suspend the board discussion and shall reopen the floor discussion for comments on the specific matter or issue. Upon receipt of all comments from the floor, the Moderator shall resume committee discussion.

The CBOA shall vote on each motion with the majority dictating the board's action. Board action on each amendment proposal shall be completed when one of the motions noted above has been approved.

508.1 Subsequent Motion: If the initial motion is unsuccessful, a motion for one of the other allowable final actions shall be made and dispensed with until a successful final action is achieved.

508.2 Failure to Achieve Majority Vote: In the event that an amendment proposal does not receive any of the required majorities for final action in Section 508, final action on the amendment proposal in question shall be disapproval.

509 Publication: The final action on all proposed amendments shall be published as soon as practicable after the determination of final action by the CBOA.