CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2014-2043

2012 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL AMENDMENTS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING CHAPTER 6, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF THE COLONY, TEXAS, BY REPEALING IN ITS ENTIRETY SECTION 6-5.2, ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION ADOPTED AND AMENDED," AND REPLACING IT WITH A NEW SECTION 6-5.2, ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED," BY ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, AND LOCAL AMENDMENTS TO THE *INTERNATIONAL ENERGY CONSERVATION CODE*; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of The Colony, Texas, is of the opinion that the 2012 Edition of the *International Energy Conservation Code*, along with local amendments hereto, should be adopted as the Energy Conservation Code for the City of The Colony.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS:

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the Code of Ordinances of the City of The Colony, Texas, be, and the same is, hereby amended by amending Chapter 6, Article I, by repealing in its entirety Section 6-5.2, and replacing it with a new Section 6-5.2, entitled "International Energy Conservation Code Adopted" which shall read as follows:

"Sec. 6-5.2. International Energy Conservation Code Adopted.

(a) *Adoption*. The *International Energy Conservation Code*, 2012 edition, is hereby adopted and designated as the Energy Conservation Code for the City of The Colony, Texas. A copy of the 2012 Edition of the *International Energy Conservation Code* is on file in the office of the city secretary.

(b) *Local Amendments*. The following provisions are local amendments to the 2012 *International Energy Conservation Code*. Each provision in this subsection is a substitute for the identically numbered provision contained in the 2012 *International Energy*

Conservation Code or is an additional provision added to the 2012 *International Energy Conservation Code*.

Section C101.4.2 and R101.4.2; change to read as follows:

C101.4.2/R101.4.2 Historic Buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer of the Keeper of the National Register of Historic Places, shall comply with all of the provisions of this code.

Exception: Whenever a provision or provisions shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

Section C102/R102; add Section C102.1.2 and R102.1.2 to read as follows:

C102.1.2/R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

Section C202 and R202; *add the following definition:*

GLAZING AREA. Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less that 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.

Section R402.2.2; amend the section to read as follows:

R402.2.2 Ceilings without attic spaces. Where Section R402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section R402.1.1 shall be limited to 500 square feet (46 m^2). This reduction shall not apply to the U -factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

*** *Table R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:*

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*** *Table R402.1.3 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:*

0.082

****R402.4.1.2 Testing; Add a last paragraph to read as follows:*

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

****Section R402.4.1.2 Testing; modify the first paragraph to read as follows:*

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zone 3. *{Remainder of text unchanged}*

****R403.2.2 Sealing (Mandatory); Add a last paragraph to read as follows:*

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that installed the duct system.

*** *Section R403.2.2; Amend to read as follows:*

R403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts

***Section C402.2.9/R402.2; Add Section C402.2.9 and R402.2.13 to read as follows:*

Section C402.2.9/R402.2 Insulation installed in walls. To insure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

Section R405.6.2; add the following sentence to the end of paragraph:

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

Section C101.4.3 Additions, alterations, renovations or repairs; add exception #9 to read as follows:

9. Replacement of existing fenestration, provided, however, that the area of the replacement fenestration does not exceed 25% of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement."

SECTION 3. If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

SECTION 6. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, THIS 4TH **day of** February **, 2014.**

Joe McCourry, Mayor

ATTEST:

Christie Wilson, City Secretary

APPROVED AS TO FORM:

Jeff Moore, City Attorney