

ORDINANCE NO. O-2014-025-15

AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS AMENDING CHAPTER 14, BUILDINGS, STRUCTURES AND APPURTENANCES, ARTICLE XI, ENERGY CONSERVATION CODE, SECTION 14-656 OF THE HALTOM CITY CODE TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; AMENDING SECTION 14-657 TO ADOPT LOCAL AMENDMENTS TO THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR THE MODIFICATION OF THE CODES TO INCORPORATE LOCAL AMENDMENTS; PROVIDING FOR RECORDING OF THE CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council desires to adopt a nationally-recognized Energy Conservation Code containing standards regulating energy conservation; and

WHEREAS, the City Council has reviewed the available codes and has determined that the 2012 Edition of the International Energy Conservation Code most fully meets the needs of the City of Haltom City, Texas; and

WHEREAS, the City Council of the City of Haltom City, Texas, desires to provide a mechanism by which local modifications reflecting the unique needs of the City of Haltom City may be made when deemed appropriate; and

WHEREAS, the North Central Texas Council of Governments and City Staff have recommended adoption of certain amendments to the 2012 Edition of the International Energy Conservation Code to reflect locally accepted practice; and

WHEREAS, the City Council of the City of Haltom City, Texas, has determined that these local amendments are in the public interest and therefore deems it advisable to amend the 2012 Edition of the International Energy Conservation Code to incorporate these local amendments.

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

SECTION 1.

Sections 14-656 and 14-657 of the Code of Ordinances of the City of Haltom City, Texas, are hereby amended to read as follows:

"Sec. 14-656. - Adopted.

The 2012 International Energy Conservation Code is hereby adopted as the official energy conservation code of the City of Haltom City, Texas. This energy conservation code is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in the International Energy Conservation Code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the City Secretary.

Sec. 14-657. - Amendments.

The 2012 International Energy Conservation Code, as adopted herein, is hereby amended as shown on Exhibit "A" attached hereto. The material contained in Exhibit "A" to this ordinance, although fully adopted and incorporated by reference, shall not be included in the formal municipal codification of ordinances. The material contained in Exhibit "A" shall instead be maintained as a public record in the office of the City Secretary. "

SECTION 2.

The City of Haltom City may from time to time determine that additional local modifications to the codes adopted herein are necessary and appropriate to meet the unique building needs of the City of Haltom City. To effectuate modifications, the city council may enact individual ordinances amending this ordinance fully setting forth the change to be made in the specific code. Such subsequent amendments shall be consolidated as an exhibit to this ordinance, and shall be maintained as a public record in the office of the city secretary.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of the ordinances of the City of Haltom City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the first reading of this ordinance as required by Section 10.01 of the Charter of the City of Haltom City.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 8th DAY OF Sept., 2014.

PASSED AND APPROVED ON SECOND READING THIS 22nd DAY OF SEPTEMBER, 2014.


MAYOR



ATTEST:

Art Carralho

CITY SECRETARY

EFFECTIVE:

September 22, 2014

APPROVED AS TO FORM AND LEGALITY:

Wk Or

CITY ATTORNEY

**EXHIBIT A
LOCAL AMENDMENTS OF
THE CITY OF HALTOM CITY, TEXAS
TO 2012 INTERNATIONAL ENERGY CONSERVATION CODE**

**Recommended Amendments to the
2012 International Energy Conservation Code**
North Central Texas Council of Governments Region
(Climate Zone 3 of the IECC)

The following sections, paragraphs, and sentences of the *2012 International Energy Conservation Code* (IECC) are hereby amended as follows: Standard type is text from the IECC. Underlined type is text inserted. ~~Lined through type is deleted text from IECC.~~ A double (**) asterisk at the beginning of a section identifies an amendment carried over from the 2009 edition of the code and a triple (***) asterisk identifies a new or revised amendment with the 2009 code.

Note: Historically NCTCOG has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

The 2012 IECC contains separate provisions for commercial buildings (preceded by "C" for Commercial) and for residential buildings (preceded by "R" for residential buildings) 3 stories or less. Each set of provisions are separately applied to buildings within their respective scope. Each set of provisions also contains a Scope and Administration chapter, a Definitions chapter, a General Requirements chapter and a chapter containing energy efficiency requirements applicable to building within their respective scope.

Recommended amendments that match sections in each of the respective provisions ("C" and "R") are written to represent both sections rather than duplicating the recommended amendment in this document.

Sections N1101.2 through N1105 of the 2012 *International Residential Code* (IRC) are noted to be extracted from the 2012 IECC. The Building and Residential Advisory Board (BRAB) recommends amending Chapter 11 [RE] ENERGY EFFICIENCY of the 2012 IRC to refer to the residential provisions of the 2012 IECC.

As of the date of the recommendations the State Energy Conservation Office (SECO) has not adopted the 2012 IECC. Consequently the recommended amendments to the 2012 IECC have been analyzed for stringency with the current Texas Building Energy Performance Standards (TBEPS) which is the 2009 Edition of the IECC and the energy provisions of the IRC. Some amendments below are noted that if/when SECO does by rule adopt the 2012 IECC as the TBEPS, the proposed amendment would be deemed less stringent and therefore would not be considered a recommended amendment.

Section C101.1 and R101.1; change to read as follows:

C101.1/R101.1 Title. This code shall be know as the Energy Conservation Code of the City of Haltom City, Texas and shall be cited as such. It is referred to herein as "this 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, ~~are exempt from~~ 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.

(Reason: This is less restrictive than the legislative mandates. It is reasonable to expect compliance with duct sealing, replacement lighting and the installation of insulation, for example, when possible.)

****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.

(Reason: this amendment is added to allow alternative compliance in accordance with Texas HB 1365, 78th Legislature.)

****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 than 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.

(Reason: Since the window to floor area ratios have been added to the prescriptive tables, it is necessary to define glazing area.)

*****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 m²) or 20 percent of the total insulated ceiling area, whichever is less. 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.

(Reason: Retains the current 2009 language to eliminate confusion and limit the area to 500 square feet maximum)

***** 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:**

(Reason: Retain the values in the 2009 code.)

If/when SECO does by rule adopt the 2012 IECC, this proposed amendment would be deemed less stringent and therefore would not be considered a recommended amendment.

***** 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

(Reason: Retain the values in the 2009 code.)

If/when SECO does by rule adopt the 2012 IECC, this proposed amendment would be deemed less stringent and therefore would not be considered a recommended amendment.

*****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.

(Reason: The 2012 International Residential Code (IRC) and International Energy Conservation Code (IECC) include enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate unless a detailed air barrier and insulation inspection has been performed to field verify component criteria. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).

*****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 Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8.~~ {Remainder of text unchanged}

(Reason: The 2012 IECC will require mandatory door blower testing on each dwelling unit. The visual inspection is no longer an option to performance testing. This change will give some time for those builders not currently using a performance approach to adapt construction practices.)

If/when SECO does by rule adopt the 2012 IECC, this proposed amendment would be deemed less stringent and therefore would not be considered a recommended amendment.

*****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.

(Reason: The 2012 International Residential Code (IRC) and International Energy Conservation Code (IECC) include enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate unless a detailed air barrier and insulation inspection has been performed to field verify component criteria. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).

***** 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 and plenums. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts

(Reason: Continue the practice in the regions and to insure that the building thermal envelope is not compromised.)

****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.

(Reason: This will increase the performance of the insulation by ensuring that the batt insulation stays in place.)

*****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 RateTM, 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.


(Reason: These performance software tools are accredited by RESNET at the time of recommendation.)

*****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.

(Reason: Provide some level of consideration for existing buildings, matches ASHRAE 90.1-2010 Exception "g" to Section 5.1.3.)

If/when SECO does by rule adopt the 2012 IECC, this proposed amendment would be deemed less stringent and therefore would not be considered a recommended amendment.



END