

ORDINANCE NO. 2016-30

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, BY AMENDING SEC. 22-51 – ADOPTION OF THE INTERNATIONAL BUILDING, RESIDENTIAL AND EXISTING BUILDING CODES, 2009 EDITION; PROVIDING FOR PENALTIES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 388.003 of the State of Texas Health and Safety Code, in order to achieve energy conservation in residential construction, has mandated that effective September 1, 2016, the energy efficiency chapter of the 2015 International Residential Code is the State energy code for single-family construction; and

WHEREAS, Said Section 388.003 additionally permits a municipality to establish procedures to adopt local amendments to the energy conservation chapter of the 2015 International Residential Code; and

WHEREAS, Provisions of said Section 388.003 prohibiting amendments less stringent than the base code are reserved for counties deemed affected, or a nonattainment area by Section 368 of the State of Texas Health and Safety Code; and

WHEREAS, Neither Burnet County, nor the City of Burnet is identified as an affected county, or nonattainment area; and

WHEREAS, The energy efficiency chapter of the 2105 International Energy Code designates Burnet County as being in Climate Zone 3A while the abutting Williamson County is designated as being in Climate Zone 2A; and

WHEREAS, documented climatic differences between Burnet and Williamson Counties are negligible; and

WHEREAS, code compliance standards established for Climate Zone 3A are substantially more rigorous than standards in effect for Zone 2A; and

WHEREAS, a home located in Burnet County and built to the 2015 International Energy Conservation Code established for Climate Zone 2A will perform at substantially the same level of energy efficiency as an identical home located in Williamson County:

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Sec. 22-51 – Adoption of the International Building, Residential and Existing Building Codes, 2009 edition amended.

- (a) Paragraph (c) of Sec. 22-51 – Adoption of the International Building, Residential and Existing Building Codes, 2009 edition is hereby amended as follows:

A certain document, a copy of which is on file in the office of the city secretary, being marked and designated as the International Residential Code for One- and Two-Family Dwellings, 2009 edition, including appendix chapters A, B, C, D, E, F, G, H, J, K, M, N, O, and P as published by the International Code Council, ~~be and is hereby adopted as the residential building code for one- and two-family dwellings of the City of Burnet, in the State of Texas, save and except that Chapter 11, Energy Efficiency is hereby replaced by Chapter 11, Energy Efficiency of the International Residential Code, 2015 edition, said Chapter 11 being amended as specified in paragraph (d) below. for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential building code on file in the office of the city secretary, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in [subsection (d)] of this section.~~

- (b) Paragraph (d) Amendments, of Section 22-51 – Adoption of the International Building, Residential and Existing Building Codes, 2009 edition is hereby amended as follows:

Table N1101.7 (R301.1) Climate Zones, Moisture Regimes, and Warm-Humid Designations in State, County and Territory
TEXAS
3A-2A Burnet

Section 3. Penalties. Any person who shall violate any of the provisions of this article, or shall fail to comply herewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$2,000.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 4. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Burnet, Texas, except where the provisions of the

Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 5. Severability. 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 phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

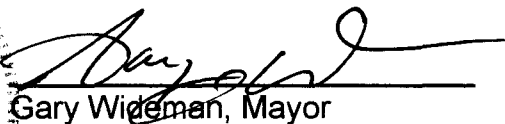
Section 6. Effective Date. This Ordinance shall become effective September 1, 2016, and following approval and publication as provided by law.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter. 551, Local Government Code.

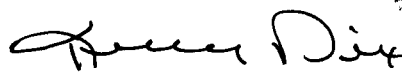
PASSED AND APPROVED on First Reading this 11th day of October, 2016.

FINALLY PASSED AND APPROVED on this 27th day of October, 2016.

CITY OF BURNET, TEXAS


Gary Wideman, Mayor

ATTEST:


Kelly Dix, City Secretary

