

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 24-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE XV, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, 2012 EDITION, AND LOCAL AMENDMENTS THERETO; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL BE THE BOARD OF APPEALS FOR PURPOSES SET OUT HEREIN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 77th Texas Legislature passed Senate Bill 5 ("SB 5") in 2001 adopting the *International Energy Conservation Code* for all structures in Texas not otherwise regulated by the *International Residential Code*; and

WHEREAS, SB 5 requires all municipalities to adopt the *International Energy Conservation Code*, allows municipalities to adopt local amendments thereto, and further requires municipalities to review and consider adopting updates to the Code, which occur in three-year cycles; and

WHEREAS, the current energy code in the Town is the 2009 edition of the *International Energy Conservation Code*, and the Town's energy code should be updated to the most current published energy code available; and

WHEREAS, the Town of Flower Mound, together with other local governments of the North Central Texas Council of Governments region, has participated in a study of the 2012 edition of the *International Energy Conservation Code* to provide local amendments that address the conditions of the North Central Texas area; and

WHEREAS, the 2012 edition of the *International Energy Conservation Code* is the most current published code available that addresses the standard for energy efficiency of buildings and structures within the Town; and

WHEREAS, the Town Council of the Town of Flower Mound has determined that it is in the best interest of the citizens of the Town of Flower Mound to update and adopt the 2012 edition of the *International Energy Conservation Code* and has determined that this will promote the health, safety and general welfare of the citizens of the Town of Flower Mound and the general public;

WHEREAS, the Town Council of the Town of Flower Mound further desires to adopt certain local amendments to such Code reflecting the unique needs of the Town of Flower Mound;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 14-601 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "International Energy Conservation Code Adopted," is hereby deleted and replaced with the following provision:

"Sec. 14-601. International Energy Conservation Code Adopted.

The *International Energy Conservation Code*, 2012 edition, a copy of which is on file in the office of the town secretary, is hereby adopted and designated as the energy code of the town, the same as though the provisions of the *International Energy Conservation Code*, 2012 edition, were copied at length in this section, subject to the deletions, amendments, and additions provided in section 14-602."

SECTION 3

From and after the effective date of this Ordinance, Section 14-602 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Local Amendments to International Energy Conservation Code," is hereby deleted and replaced with the following provision:

"Sec. 14-602. Local Amendments to International Energy Conservation Code.

The *International Energy Conservation Code*, 2012 edition, is hereby amended by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect:

- (a) Section C101.1 and Section R101.1 of the *International Energy Conservation Code*, 2012 edition, are hereby amended to read as follows:

Section C101.1. Title. This code shall be known as the Energy Conservation Code of the Town of Flower Mound and shall be cited as such. It is referred to herein as "this code."

Section R101.1 Title. This code shall be known as the Energy Conservation Code of the Town of Flower Mound and shall be cited as such. It is referred to herein as "this code."

- (b) Section C101.4.2 and Section R101.4.2 of the *International Energy Conservation Code*, 2012 edition, are hereby amended to read as follows:

Section C101.4.2. 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 is

the subject of 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 or the Keeper of the National Register of Historic Places shall comply with all of the provisions of this code.

Exception: Whenever any provision or provisions of this code shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

Section 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 is the subject of 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 or the Keeper of the National Register of Historic Places shall comply with all of the provisions of this code.

Exception: Whenever any provision or provisions of this code shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted.

- (c) Section C102.1.2 and R102.1.2 of the *International Energy Conservation Code*, 2012 edition, are hereby added to read as follows:

Section C102.1.2. 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 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.

- (d) Section C202 and R202 of the *International Energy Conservation Code*, 2012 edition, are hereby amended by adding a new definition to the list of definitions in alphabetical order to read as follows:

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.

- (e) Table R402.1.1 of the *International Energy Conservation Code*, 2012 edition, is hereby amended by changing the Wood Frame Wall R-Value for Climate Zone 3 to read as follows:

Table R402.1.1. Insulation and Fenestration Requirements by Component. Wood Frame Wall R-Value; Climate Zone 3; **13**.

- (g) Table R402.1.3 of the *International Energy Conservation Code*, 2012 edition, is hereby amended by changing the Wood Frame Wall R-Value for Climate Zone 3 to read as follows:

Table R402.1.3. Equivalent U-Factors. Frame Wall U-Factor; Climate Zone 3; **0.082**.

- (f) Section R402.2.2 of the *International Energy Conservation Code*, 2012 edition, is hereby added to read as follows:

Section 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). 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.

- (g) Section R402.4.1.2 of the *International Energy Conservation Code*, 2012 edition, is hereby amended by changing the first sentence to read as follows and adding a paragraph to read as follows:

Section 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}*.

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.

- (h) Section R403.2.2 of the *International Energy Conservation Code*, 2012 edition, is hereby amended by adding a paragraph to read as follows:

Section R403.2.2. Sealing (Mandatory). *{Existing text unchanged}*.

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.

- (i) Section R403.2.3 of the *International Energy Conservation Code*, 2012 edition, is hereby amended to read as follows:

Section 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.

- (j) Section C402.2.9 and R402.2.13 of the *International Energy Conservation Code*, 2012 edition, are hereby added to read as follows:

Section C402.2.9. 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 R402.2.13. 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.

- (k) Section R405.6.2 of the *International Energy Conservation Code*, 2012 edition, is hereby amended by adding a sentence to the end of the paragraph to read as follows:

Section R405.6.2. Specific approval. *{Existing text unchanged}*. 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 4

From and after the effective date of this Ordinance, Section 14-603 of Chapter 14 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Board of Appeals," is hereby deleted and replaced with the following:

"Sec. 14-603. Board of Appeals

The members of the Flower Mound Board of Adjustment are hereby appointed as the Board of Appeals as provided by the *International Energy Conservation Code*, 2012 edition, and any changes in membership of said Board of Adjustment shall likewise be reflected in the membership of said Board of Appeals."

SECTION 5

All ordinances, orders, or resolutions heretofore passed and adopted by the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 6

If any section, subsection, clause, phrase, or provision of this Ordinance or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 7

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 8

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 9

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS_5th DAY OF MAY, 2014.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY