

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2019- 2344

2015 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 2015 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, in 2015 the Texas Legislature approved House Bill 1736 (2015), which provides the authority for the City Council of the City of The Colony, Texas, to adopt the 2015 Edition of the *International Energy Conservation Code* as the energy conservation code throughout the City; and

WHEREAS, the City Council of the City of The Colony, Texas, is of the opinion that the 2015 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.

Adoption. The *International Energy Conservation Code*, 2015 edition, is hereby adopted and designated as the Energy Conservation Code for the City of The Colony, Texas. A copy of the 2015 Edition of the *International Energy Conservation Code* is on file in the office of

the city secretary.

Local Amendments. The following provisions are local amendments to the 2015 *International Energy Conservation Code*. Each provision in this subsection is a substitute for the identically numbered provision contained in the 2015 *International Energy Conservation Code* or is an additional provision added to the 2015 *International Energy Conservation Code*.

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

C101.1/R101.1 Title. This code shall be known as the *International Energy Conservation Code* of the City of The Colony, and shall be cited as such. It is referred to herein as “this code.”

****Section C101 and R101; add Section C102.1.2 and R102.1.2 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 Building 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.

*****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.

*****R403.3.3 Duct Testing (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 R405.6.2 Specific Approval to read as follows:**

R405.6.2 Specific approval. Performance analysis tools meeting the applicable provisions of Section R405 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *building official* shall be permitted to approve tools for a specified application or limited scope. 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 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 15th day of January, 2019.



Joe McCourry, Mayor

ATTEST:

Tina Stewart

Tina Stewart, TRMC, City Secretary

APPROVED AS TO FORM:

Jeff Moore

Jeff Moore, City Attorney

