

ORDINANCE NO. 3940

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 5-469 AND 5-470 OF ARTICLE XIV IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-469 AND 5-470 OF ARTICLE XIV THEREBY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION, AND PROVIDING CERTAIN ADDITIONS AND DELETIONS THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Sections 5-469 and 5-470 of Article XIV in their entirety and adding new Sections 5-469 and 5-470 of Article XIV to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**ARTICLE XIV. ENERGY CODE**

**DIVISION 1. GENERAL**

**Sec. 5-469. Adopted.**

The *International Energy Conservation Code*, 2006 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official energy code of the City of Mesquite to the same extent as if such were copied verbatim in this Article subject to the amendments prescribed in this Article. The Code shall be applicable and shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment which will enable effective use of energy in new building construction. A copy of the *International Energy Conservation Code*, 2006 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the city.

**DIVISION 2. AMENDMENTS**

**Sec. 5-470. Amendments and deletions.**

The following amendments are made to the *International Energy Conservation Code*, 2006 Edition:

(1) *Chapter 1, Administration.*

- (a) *Section 103.1.1.* Amend by adding a new Section 103.1.1 to read as follows:

*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.

(2) Chapter 2, Definitions

- (a) *Section 202.* Amend Section 202 by adding 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% 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.

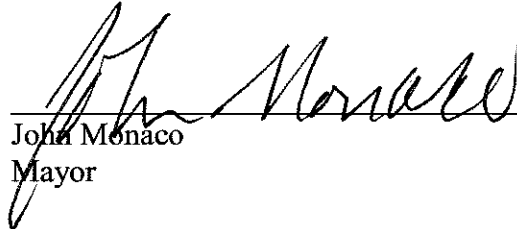
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

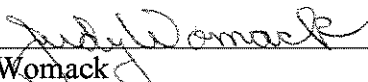
SECTION 5. That this ordinance shall take effect on April 16, 2008.

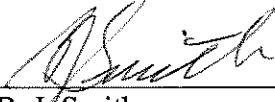
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 17th day of March, 2008.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

  
\_\_\_\_\_  
B. J. Smith  
City Attorney