

ORDINANCE NO. 4145

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, 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, 2009 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*, 2009 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*, 2009 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*, 2009 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.

- (b) *Section 109.* Amend by deleting the section in its entirety and adding a new Section 109 to read as follows:

Appeals. Any person shall have the right to appeal a decision of the Code Official to the Building Standards Board established in Section 5-25 according to the procedures and time for appeal set forth therein.

(2) *Chapter 2, Definitions.*

- (a) *Section 202.* Amend by adding a new definition to Section 202 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.

(3) *Chapter 4, Residential Energy Efficiency.*

- (a) *Section 401.2.1.* Amend by deleting Item 1 in the section in its entirety and adding a new Item 1 in Section 401.2.1 to read as follows:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1(prescriptive) and the use of Tables 402.1.1 and 402.1.3 are limited to a maximum glazing area of 15 percent window area to floor area ratio or ...

- (b) *Section 402.2.* Amend by adding a new Section 402.2.12 to read as follows:

Insulation installed in walls. Insulation batts installed in walls shall be totally surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the Building Official.

- (c) *Section 405.4.1.* Amend Section 405.4.1 by adding a sentence at the end of the paragraph to read as follows:

RemRate*, Energy Guide* and IC3 are deemed acceptable performance simulation programs. *TM

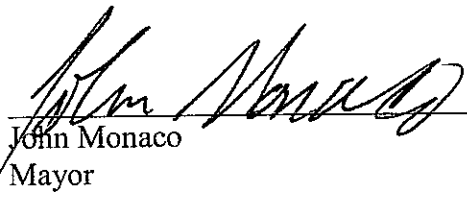
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

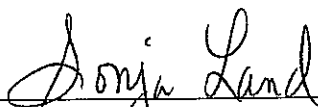
SECTION 5. That this ordinance shall take effect on and after June 1, 2011.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of May, 2011.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney