

ORDINANCE NO. 4476

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS 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 THEREBY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2015 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, as amended, 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*, 2015 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*, 2015 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*, 2015 Edition:

- (1) *Chapter 1 [CE], Scope and Administration.*

- (a) *Section C102.1.2.* Amend by adding a new Section C102.1.2 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 R102.1.2.* Amend by adding a new Section R102.1.2 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. Each one- and two-family dwellings shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3, respectively.

- (c) *Section C109.* Amend by deleting the section in its entirety and adding a new Section C109 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.

- (d) *Section R109.* Amend by deleting the section in its entirety and adding a new Section R109 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 [RE], Definitions.*

- (a) *Section R202.* Amend by adding a new definition to Section R202 to read as follows:

Dynamic glazing. Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC) or visible transmittance (VT).

(3) *Chapter 4 [RE], Residential Energy Efficiency.*

- (a) *Section R402.4.1.2.* Amend by adding another paragraph at the end of Section R402.4.1.2 to read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as 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.

- (b) *Section R403.3.3.* Amend by adding another paragraph at the end of Section R403.3.3 to read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform duct leakage testing certified by national or state organizations as 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.

- (c) *Section R405.6.2.* Amend by adding the following sentence at the end of the paragraph in Section 405.6.2 to read as follows;

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.

- (d) *Table R406.4¹.* Amend Table R406.4¹ by adding the following information:

Climate Zone: 3 Energy Rating Index: 65
effective until August 31, 2019

- (e) *Table R406.4².* Amend Table R406.4² by adding the following information:

Climate Zone: 3 Energy Rating Index: 63
effective until August 31, 2022

- (f) *Table R406.4³.* Amend Table R406.4³ by adding the following information:

Climate Zone: 3 Energy Rating Index: 59
effective on or after September 1, 2022

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 all chapters, sections and subsections amended by this ordinance are intended to amend the specified corresponding chapters, sections and subsections of the *International Energy Conservation Code*, 2015 Edition, even though applicable intervening articles and divisions or similar subparts may not be set out in this ordinance.

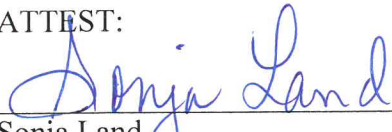
SECTION 5. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect on and after May 15, 2017.

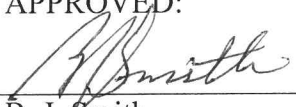
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of April, 2017.



Stan Pickett
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney