

ORDINANCE NO. 4945

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE BY REVISING ARTICLE XII – ENERGY CONSERVATION CODE (I.E.C.C.) BY MAKING CERTAIN ADDITIONS AND DELETIONS TO THE LOCAL AMENDMENTS OF THE 2018 EDITION OF THE INTERNATIONAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (I.C.C.) REGARDING APPEALS OF ADMINISTRATIVE DECISIONS AND AN EXCEPTION TO THE STANDARDS FOR HOW A PERSON MAY INSULATE CERTAIN BUILDINGS OVER 100,000 SQUARE FEET; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City shall have the power to provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings in respect to proper wiring for electric lights and other electrical appliances, piping for gas, flues, chimneys, plumbing, and sewer connections; and to enforce proper regulations in regard thereto; and the City shall also have the power to provide for license, permit, and inspection fees, pursuant to Article III, [Section 28](#) of the Mesquite City Charter; and

WHEREAS, on **JANUARY 13, 2022**, the Building Standards Board held a public hearing to receive public comments regarding revising Article XII – Energy Conservation Code (I.E.C.C.) regarding appeals of administrative decisions and an exception to the standards for how a person may insulate certain buildings over 100,000 square feet; and

WHEREAS, the Building Standards Board, by majority vote, has recommended the City Council adopt the attached revision to Chapter 5, Article XII – Energy Conservation Code (I.E.C.C.)(**EXHIBIT A**); and

WHEREAS, upon the favorable recommendation of the Building Standards Board and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT: Revising Chapter 5, Article XII – Energy Conservation Code (I.E.C.C.). The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, thereby revising Chapter 5, Article XII – Energy Conservation Code (I.E.C.C.), and said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

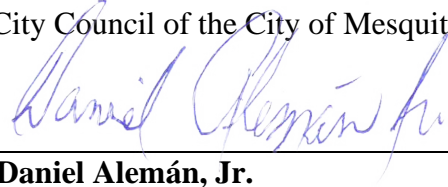
SECTION 5. Savings Clause. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Penalty Clause. Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 7. Publication. This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

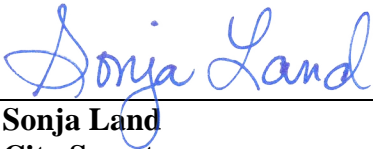
SECTION 8. Effective Date. This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the **21st day of MARCH, 2022.**



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4945

MESQUITE CITY CODE
Amending Chapter 5, Article XII – Energy Conservation Code.

MESQUITE CITY CODE

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CHAPTER 5 – BUILDINGS AND CONSTRUCTION

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ARTICLE XII. – ENERGY CONSERVATION CODE

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[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

DIVISION 2. – AMENDMENTS

Sec. 5-831. Local Amendments to the International Energy Conservation Code, 2018 Edition.

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TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE		
No.	IECC Code Section No. Title	Local Amendment to IECC
***	* * *	* * *
08	IECC R109 Appeals.	<p><i>Amend section in its entirety to read as follows:</i></p> <p style="text-align: center;">SECTION R109 APPEALS</p> <p>R109.1 General. Any person shall have the right to appeal a decision, relative to the application and interpretation of this code, of the Building Official to the Building Standards Board, established in Mesquite City Code, Chapter 5, Section 5-5, according to the appeal procedures and time for filing set forth therein. <u>Any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</u></p> <p><u>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</u></p> <p><u>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</u></p>
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10	* * *	* * *

<u>11</u>	<u>IECC C401.2</u> <u>Application.</u>	<p><u>Amend section by adding an exception [at the end after the item No. 3] to read as follows:</u></p> <p><u>C401.2 Application.</u> <u>Commercial buildings shall comply with one of the following:</u></p> <p style="margin-left: 40px;"><u>1. . . .</u> <u>2. . . .</u> <u>3. . . .</u></p> <p style="text-align: center;"><u>***</u></p> <p><u>Exception.</u> <u>Low-energy buildings over 100,000 square feet may comply with the requirements of ASHRAE 90.1 – 2013 edition.</u></p>
11 <u>12</u>	IECC Table R <u>G</u> 406.4 Maximum energy rating index.	<p><i>Amend table to read as follows:</i></p> <p>Climate Zone: 3 Energy Rating Index: 63 effective until August 31, 2022</p>
12 <u>13</u>	IECC Table R406.4 Maximum energy rating index.	<p><i>Amend table to read as follows:</i></p> <p>Climate Zone: 3 Energy Rating Index: 59 effective on or after September 1, 2022</p>

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