AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS

ORDINANCE NO. 2013-07-16

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 6, ARTICLE 6.04, DIVISION 10, ENERGY CONSERVATION CODE, SECTION 6.04.451 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, AND SECTION 6.04.452 TO PROVIDE FOR THE EXCEPTIONS AND AMENDMENTS TO THERETO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 6 of the Lancaster Code of Ordinances be, and the same is, hereby amended by adding Article 6.04, Division 10, Energy Conservation Code, Section 6.04.451 to provide for the adoption of the International Energy Conservation Code, 2012 Edition, and Section 6.04.452 to provide for the exceptions and amendments to thereto, which shall read as follows:

"ARTICLE 6.04 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

. . . .

Division 10. Energy Conservation Code

Sec. 6.04.451 Adoption

For the purpose of regulating and controlling conditions hazardous to public health, safety and welfare from the installation of energy efficient mechanical lighting and power systems the International Energy Conservation Code, 2012 Edition, as amended herein, and the same is hereby incorporated by reference as if fully copied, subject to the exceptions and amendments described in Section 6.04.452 of this Article. That one copy of each volume of such code shall be kept at all times in the office of the city secretary, together with the exceptions and amendments.

Sec. 6.04.452. Exceptions and Amendments

The energy conservation code adopted in this article shall be subject to the exceptions and amendments to the International Energy Conservation Code, 2012 Edition, as follows:

*****Section C101.4.2 and R101.4.2; change 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, are exempt from 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 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.

****Section C107.6 Work without a permit, Add new section to read as follows,**

C107.6 Work without a permit.

C107.6.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

C107.6.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code or the city fee schedule as applicable. The payment of such investigation fee shall not exempt the applicant from compliance with all other provisions of either this code or the technical codes nor from penalty prescribed by law.

****Section C107.7 Unauthorized cover up fee, added as a new section, to read as follows:**

C107.7 Unauthorized cover up fee. Any work concealed without first obtaining the required inspection in violation of Section 110 shall be assessed a fee as established by the city fee schedule.

****Section C109, Board of Appeal, Delete section in its entirety and replace with new Section, Board of Appeal as follows:**

Section C109 Board of Appeals;

(a) Any reason directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Property Standards and Appeals Board, hereinafter referred to as the "Board", provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(b) Membership, rules and procedures of the Board shall be those as determined by the governing body and State law unless otherwise so stated herein.

(1) The Board shall consist of five (5) members and (1) alternate member who are qualified by experience, common knowledge, and/or training to pass upon matters of construction and this code. Members shall be residents of the City and shall be appointed by the City Council for a term of two years. Alternates appointed shall serve a one year term. Vacancies shall be filled by appointment for unexpired terms. Any member may be removed from the Board by the City Council at will.

(2) Postponed hearing. When a quorum of the Board is not present to hear an appeal, the hearing will be postponed. A majority of the members (3) shall constitute a quorum of the Board. The act of a majority of the members which a quorum is in attendance shall constitute the act of the Board unless the act of a greater number is required by law.

(3) Chairman. The board shall annually select one of its members to serve as chairman.

(4) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(c) Notice of meeting. The boards shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

(d) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

(e) Board decision. The board shall, only by a concurring vote of a majority of those present either modify the order of the official by granting an extension of time to make all repairs and improvements necessary to meet code requirements, enforce the recommendation of the official, or reverse the decision of the code official,

(1) Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official upon request.

(2) Administration. The code official shall take immediate action in accordance with the decision of the board.

(f) Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.

(g) Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board.

****Section C202 and R202;** ***add 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 that 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.

******Section R402.2.2; amend the section to read as follows:***

R402.2.2 Ceilings without attic spaces. Where Section R402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section R402.1.1 shall be limited to 500 square feet (46 m2) ~~or 20 percent of the total insulated ceiling area, whichever is less~~. This reduction shall not apply to the U -factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

***** Table R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:***

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****** Table R402.1.3 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:***

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.

Section R402.4.1.2 Testing; modify the first paragraph to read as follows:
R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in ~~Climate Zones 1 and 2, and 3 air changes per hour in~~ Climate Zones 3 ~~through 8~~. *{Remainder of text unchanged}*

R403.2.2 Sealing (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 R403.2.2; Amend to read as follows:*
R403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts and plenums. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts

Section C402.2.9/R402.2; Add Section C402.2.9 and R402.2.13 to read as follows:

Section C402.2.9/R402.2 Insulation installed in walls. To insure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

Section R405.6.2; add the following sentence to the end of paragraph:

Acceptable performance software simulation tools may include, but are not limited to, REM RateTM, 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 C101.4.3 Additions, alterations, renovations or repairs; add exception #9 to read as follows:***

9. Replacement of existing fenestration, provided, however, that the area of the replacement fenestration does not exceed 25% of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement."

SECTION 2. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, 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 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. Providing for a penalty for violation of this ordinance not to exceed the sum of five hundred dollars ($500.00) except however, where a different penalty has been established by law for such offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars ($2,000.00) for each offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Lancaster, Texas, this the 22nd day of July, 2013.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH.aga)