

TOWN OF BARTONVILLE, TEXAS

ORDINANCE NO. 702-21

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING CHAPTER 3, "BUILDINGS REGULATIONS," ARTICLE 3.01, OF THE CODE OF ORDINANCES OF THE TOWN OF BARTONVILLE, BY REPEALING AND REPLACING DIVISION 8. TO PROVIDE FOR ADOPTION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, 2018 EDITION, AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the *International Energy Conservation Code* has been prepared by the International Code Council (ICC), and in addition reviewed by the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

WHEREAS, the 77th Texas Legislature passed Senate Bill 5 ("SB 5") in 2001 adopting the *International Energy Conservation Code* for all structures in Texas not otherwise regulated by the *International Residential Code*; and

WHEREAS, SB 5 requires all municipalities to adopt the *International Energy Conservation Code*, and further requires municipalities to review and consider adopting updates to the Code, which occur in three-year cycles; and

WHEREAS, SB 5 provides that municipalities may adopt local amendments to the *International Energy Conservation Code*; and

WHEREAS, the *International Energy Conservation Code* is designed to reduce the air pollutant emissions that affect the health of persons in the state and Town, assist in moderating future peak electric power demand, and reduce energy consumption by residents and businesses in the state and Town; and

WHEREAS, the current energy code in the Town is the 2009 edition of the *International Energy Conservation Code*, and the Town's energy code should be updated to the most current published code available; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the citizens of the Town of Bartonville to update and adopt the 2018 edition of the *International Energy Conservation Code*, along with the local amendments hereto and has determined that this will promote the health, safety and general welfare of the citizens of the Town of Bartonville and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

SECTION 1.

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.

All ordinances and provisions of the Town of Bartonville, Texas, that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said Town not so repealed are hereby retained in full force and effect.

SECTION 3.

From and after the effective date of this Ordinance, Section 3.02.221 of the Code of Ordinances of the Town of Bartonville, entitled "International Energy Conservation Code Adopted," is hereby repealed and replaced with the following:

"Sec. 3.02.221 International Energy Conservation Code Adopted

The *International Energy Conservation Code*, 2018 edition, a copy of which is on file with the town secretary, is hereby adopted and designated as the energy conservation code of the town, the same as though the provisions of the *International Energy Conservation Code*, 2018 edition, were copied at length in this section, subject to and modified by amending only the enumerated sections and provisions, as follows, and all sections and provisions not expressly amended or deleted shall remain in full force and effect.

- (a) Section C102.1.2 and R102.1.2 of the *International Energy Conservation Code*, 2018 edition, are hereby added to read as follows:

Section C102.1.2. 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 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. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4.1.2 and R403.3.3 respectively.

- (b) Section C202 and R202 of the *International Energy Conservation Code*, 2018 edition, are hereby amended by adding a new definition of “Projection Factor” to the list of definitions, adding the definition of “Dynamic Glazing” to R202 only, in alphabetical order 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).

PROJECTION FACTOR. The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

- (c) Table R402.1.2 of the *International Energy Conservation Code*, 2018 edition, is hereby amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR
3	<u>0.35</u>

- (d) Table R402.1.4 of the *International Energy Conservation Code*, 2018 edition, is hereby amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR
3	<u>0.35</u>

- (e) Section R402.3.2 of the *International Energy Conservation Code*, 2018 edition, is hereby amended by adding a paragraph and table following the exception to read as follows:

Section R402.3.2. Glazed fenestration SHGC. *{Existing text unchanged}*.

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

Table R402.3.2 SHGC Multipliers for Permanent Projections ^a

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

^a North oriented means within 45 degrees of true north.

- (f) Section R402.4.1.2 of the *International Energy Conservation Code*, 2018 edition, is hereby amended by adding a paragraph at the end to read as follows:

Section R402.4.1.2. Testing. *{Existing text unchanged}* ...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.

- (g) Section R402.4.1.3 of the *International Energy Conservation Code*, 2018 edition, is hereby amended by to read as follows:

Section R402.4.1.3 Testing option – ACH tradeoff. As an option to the air leakage rate set out in Section R402.4.1.2, 1- and 2-family homes meeting all of the listed criteria below and the *thermal envelope* requirements in Table R402.4.1.3 will be considered compliant when tested and verified as having an air leakage rate to not less than or equal to four air changes per hour when tested and reported in accordance with the testing standards and reporting criteria listed in Section R402.4.1.2.

The compliance equivalency is limited as follows:

1. Limited to a conditioned floor area between 1,000 and 6,000 square feet,
2. Limited to between 2 to 6 bedrooms,
3. Assumes all ductwork and mechanical equipment is located in the unconditioned attic,

- 4. Assumes typical wood framing in the walls and roof, and
- 5. Assumes one of the following heating/cooling systems:
 - a. All electric system with a heat pump for heating, or
 - b. A system with electric cooling and natural gas heating.

Dwellings using electric resistance strip heating do not qualify for this tradeoff.

TABLE R402.4.1.3 (N1102.4.1.3)^a

Envelope Component	Option #1	Option #2
R402.4 Air Leakage	≤ 4 ACH50	≤ 4 ACH50
Wall Insulation <i>R</i> -value	R13 + R3 ^b	R13 + R3 ^b
Fenestration <i>U</i> -factor	≤ 0.32	≤ 0.32
Fenestration SHGC	≤ 0.25	≤ 0.25
Ceiling <i>R</i> -value	$\geq R49$	$\geq R49$
Duct Insulation <i>R</i> -value	R8	R6
Radiant Barrier Required	No	Yes

^a Except for the values listed in the table, all other mandatory code provisions are applicable.

^b The first value listed is the *R*-value of cavity insulation, the second value is the *R*-value of the continuous insulation or insulated siding.

- (h) Section R403.3.3 of the *International Energy Conservation Code*, 2018 edition, is hereby amended by adding a paragraph at the end to read as follows:

Section R403.3.3. Duct testing. (Mandatory). *{Existing text unchanged}*.

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individual must be an independent third-party entity, and may not be employed or have any financial interest in the company that constructs the structure.

- (i) Section R404.1 of the *International Energy Conservation Code*, 2018 edition, is hereby revised in its entirety as follows:

Section R404.1 Lighting equipment (Mandatory).

Not less than 75 percent of the lamps in permanently installed lighting fixtures or not less than 75 percent of the permanently installed lighting fixtures shall contain only high-efficacy lamps.

- (j) Section R405.6.2 of the *International Energy Conservation Code*, 2018 edition, is hereby amended by adding a sentence to the end of the paragraph to read as follows:

Section R405.6.2. Specific approval. *{Existing text unchanged}*. 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.

- (k) Table R406.4 of the *International Energy Conservation Code*, 2018 edition, is hereby amended to read as follows:

TABLE R406.4¹
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	65

¹ This table is effective until August 31, 2019.

TABLE R406.4²
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	63

² The table is effective from September 1, 2019 to August 31, 2022.

TABLE R406.4³
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
3	59

³ This table is effective on or after September 1, 2022.”

SECTION 4.

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

SECTION 5.

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any provision of any prior ordinance of the Town whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the Town whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 7.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine in accordance with the general penalty provision set forth in section 1.01.009 of the Code of Ordinances for each offense. Each day that a violation is permitted to exist shall constitute a separate offense, and such violation is hereby declared to be a common nuisance which may be abated by the town in any manner authorized by law, including injunction and an action for damages.

SECTION 8.

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 9.

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption of this Ordinance for two (2) days.

SECTION 10.

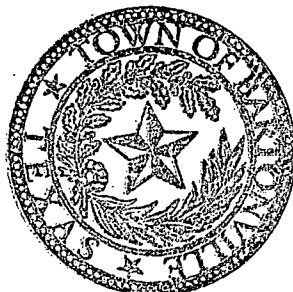
This Ordinance shall take effect and be in full force from and after its passage and publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS 18th DAY OF MAY 2021.

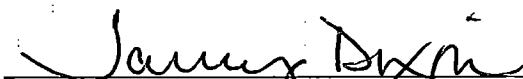
APPROVED:



Bill Scherer, MAYOR



ATTEST:



Tammy Dixon, Town Secretary