

ORDINANCE NO. 1912

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE IX "ENERGY CONSERVATION CODE", OF THE BRYAN CITY CODE; REPEALING 2003 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND ADOPTING LOCAL AMENDMENTS TO THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION IN THE NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council of the City of Bryan, Texas to repeal the 2003 Edition of the International Energy Conservation Code; and

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2009 Edition of the International Energy Conservation Code, published by the International Code Council; and

WHEREAS, the adoption of additional local amendments to the code will facilitate proper inspection activities by the City of Bryan, Texas relating to the construction and maintenance of buildings within the corporate limits of the City and relating to public, health, safety and welfare;

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

1.

That Chapter 14, Article IX, "Energy Conservation Code" is amended to read as follows:

ARTICLE IX. ENERGY CONSERVATION CODE

Sec. 14-266. International Energy Conservation Code adopted by reference.

(a) The International Energy Conservation Code, 2009 Edition, published by the International Code Council (the "2009 International Energy Conservation Code") is adopted and incorporated by reference into this section as if set out at length herein with deletions and amendments contained in subsection (b) and in section 14-267 (local amendments to the 2009 energy conservation code). From the date on which this section shall take effect, the provisions contained therein shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.

(b) The following provisions of the 2009 Energy Conservation Code are deleted:
Section 109 (Board of Appeals).

(c) The city secretary shall retain a copy of the amendments to the 2009 International Energy Conservation Code, with the official ordinances of the city. A copy of the 2009 International Energy Conservation Code shall be maintained on file by the chief building official.

Sec. 14-267. Amendments to code.

The following sections of the International Energy Conservation Code are hereby amended:

Section 106.1 (General) is amended by adding the following to said section: Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the city.

Section 107 (Fees) is amended by deleting this section entirely and replacing with the following: Section 107 Fees shall be per the adopted International Building Code and amendments as adopted. Violation penalties are as follows: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the chief building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by section 1-14 of the Bryan Code.

Section 108.4 (Failure to comply). Is amended by deleting this section entirely and replacing with the following: Section 108.4 (Failure to comply) shall be per the adopted International Building Code and amendments as adopted.

Section 202 (General definitions) is amended by adding the following term:

Townhouse: A single-family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends a common wall from foundation to roof and with open space on at least two sides.

Section 401.3 (Certificate) is amended by deleting the following existing text at the end of said section:

“The certificate shall list types the types and efficiencies of heating, cooling and service water heating equipment. Where a gas fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list “gas-fired unvented room heater,” “electric furnace” or “baseboard electric heater,” as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.”

Section 402 (Building Thermal Envelope) is amended by adding the following sections to the end of the section:

Section 402.1.5 Single pane windows shall not be allowed in the building envelope.

Section 402.1.6 Attached garages shall also have all header and top plate penetrations sealed in accordance with this section.

Table 402.1.1 (Insulation And Fenestration Requirements By Component) is amended by deleting the 0.30 solar heat gain coefficient in the Glazed Fenestration SHGC column for Climate Zone 2 and replacing with 0.35.

Section 403 (Systems) is amended by adding the following section at the end of the section:

Section 403.10 Electrical resistance heat may be used as the primary source of heating for new residential buildings or spaces which have 1200 square feet or less of heated floor area. In addition: Programmable thermostats are required,

a minimum R-value of 38 ceiling insulation is required, and a duct with minimum R-value of 8 is required when electric resistant heat is used.

Exception: Existing installations with electric resistant heat may be replaced with new electric resistant heat provided a programmable thermostat is installed and the ceiling insulation is upgraded to a minimum of R-value of 38.

Section 403.2.1 (Insulation (Prescriptive)) is amended by adding the following to the end of the section:

“Supply ducts in unconditioned attics may have an insulation R-value of 6 when installed in conjunction with an air conditioner having a minimum SEER rating of 14.”

Section 403.2.2 (Sealing (Mandatory)) is amended by adding the following to said section:

“3. Visual inspection option: Duct tightness shall be considered acceptable when the items listed below, applicable to the methods of construction, are field verified:

Flexible Duct Connections:

- a. Seal core to collar with UL listed mastic or at least 2 wraps of UL 181 listed tape.
- b. Secure connection with mechanical clamp placed over the core and tape.
- c. Pull jacket and insulation back over core. Use a mechanical clamp, two wraps of UL 181 listed tape or UL listed mastic to secure insulation.

Flexible Duct Splices:

- a. Butt two cores together on a 4” length metal sleeve.
- b. Secure core and sleeve with UL listed mastic or two wraps of UL 181 listed tape.
- c. Secure connection with 2 clamps placed over the taped core ends.
- d. Pull jacket and insulation back over core. Use two wraps of UL 181 listed tape or UL listed mastic to secure insulation.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That, the City Secretary is directed to publish this Ordinance in a newspaper of general circulation in the City of Bryan in accordance with the provisions of Section 9 of the City Charter, which publication shall be sufficient if it contains the title, penalty, and effective date of this Ordinance.

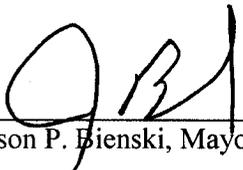
8.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be June 1, 2010.

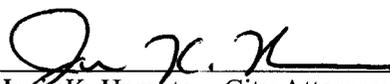
PRESENTED AND GIVEN first reading the 10 day of May, 2011, at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 24 day of May, 2011, by a vote of 7 yeases and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:


Mary Lynne Stratta, City Secretary


Jason P. Bienski, Mayor

APPROVED AS TO FORM:


James K. Hampton, City Attorney