

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 14, ARTICLE IX “ENERGY CONSERVATION CODE”, OF THE BRYAN CITY CODE; REPEALING 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND ADOPTING LOCAL AMENDMENTS TO THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Council for the City of Bryan, Texas to adopt the 2018 edition of the International Energy Conservation Code, published by the International Code Council, as well as local amendments to same, and to repeal the 2015 edition currently in effect; 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;

WHEREAS, the City of Bryan’s Board of Adjustment and Appeals recommended approving the adoption of the 2018 edition of the International Energy Conservation Code with local amendments during a public meeting held on October 4, 2021.

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, 2018 Edition, published by the International Code Council (the "2018 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 2018 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 2018 International Energy Conservation Code are deleted:

Sections C and R 109 (Board of Appeals).

(c) The city secretary shall retain a copy of the amendments to the 2018 International Energy Conservation Code, with the official ordinances of the city. A copy of the 2018 International Energy Conservation Code shall be maintained on file by the chief building official.

Sec. 14-267. - Amendments to code.

(a) The following sections of the Commercial and Residential portions of the International Energy Conservation Code are hereby amended:

Sections C and R 104 (Fees) are amended by deleting these sections entirely and replacing with the following: Fees. Fees shall be per the International Building Code as adopted and amended by the city.

Sections C and R 107.1 (Referenced Codes and Standards) are amended by adding the following to said sections: Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the city.

Sections C and R 108.4 (Failure to comply) are amended by deleting the body of these sections and replacing the text with the following: Any violation of this section shall be addressed in the same manner as per the International Building Code as adopted and amended by the city.

(b) The following sections of the Residential portion of the International Energy Conservation Code are hereby amended:

Section R 202 (General definitions) is amended 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 C303 (Materials, Systems and Equipment) is amended by adding the following: An approved manufactured insulated door or exterior grade side hinged swinging door installed in a frame is required to be installed in attic wall assemblies separating non-conditioned and conditioned spaces or insulated walls that are part of the building envelope insulation system. Removable make shift foam panels or other site built access panels will not be allowed in the building envelope assembly.

Section R401.3 (Certificate) is amended by deleting the following text from said section:

“The certificate shall list 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 R 402.4.1.2. (Testing) is amended by adding an exception:

"Exception: Building envelope tightness and installed insulation shall be considered acceptable when the items listed in Table R 402.4.1.1, applicable to the method of construction, are field inspected by the City. Where approved or required by the building official, an approved third

party, independent from the installer, shall inspect and approve the air barrier, thermal envelope, and insulation installation per this section."

R 403.3.1 Insulation (Prescriptive) is amended by adding the following to the end of the section but before the exception:

"Supply and return 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 15."

R 403.3.3.3 Duct Testing (Mandatory) is amended by adding the following exception to sub-section 2 (Postconstruction test):

"Exception 2: Visual inspection option: Duct tightness shall be considered acceptable when the items listed below, applicable to the methods of construction, are field verified by city inspection staff or approved third party (RE: amendment to R 402.4.1.2):

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."

Section R 403 Systems is amended to add a new section R 403.13 which reads as follows:

"Section R 403.13 Electrical resistance heat. 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, the envelope and ducts shall be tested in accordance with sections R 402.4.1.2 and R 403.3.3, 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 R-value of 38."

- (c) The following sections of the Commercial portion of the International Energy Conservation Code are hereby amended:

Section C 402.5 Air leakage-thermal envelope (Mandatory) is amended by adding an exception at the end of the first paragraph which reads as follows:

"Exception: The air leakage-thermal envelope shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field inspected by the city. Where approved or required by the building official, an approved third party, independent from the installer, shall inspect and approve the air barrier, thermal envelope, and insulation installation per this section."

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 meeting at which this Ordinance was passed was 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 meeting 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 January 1, 2022.

PASSED, ADOPTED, AND APPROVED after the first and only reading on the 9th day of November, 2021, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of 6 yeases and 0 noes.

ATTEST:

Mary L. Stratta

Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

Andrew Nelson

Andrew Nelson, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper

Thomas A. Leeper, Interim City Attorney

