ORDINANCE NO. 22-661

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENTON, BY REPEALING THE 2015 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE* IN SECTIONS 28-253 AND 28-254 AND ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE* IN NEW SECTIONS 28-85 AND 28-86; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Health & Building Standards Commission at its March 24, 2022 meeting, the City Council now finds it is in the best interests of public health, safety, and welfare to repeal the 2015 edition of the *International Energy Conservation Code* and to adopt the 2021 edition of the *International Energy Conservation Code*; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 28, Buildings and Building Regulations, Sections 28-253 through 28-254, of the Denton Code of Ordinances are repealed in their entirety and replaced with new Article X, Sections 28-85 through 28-86, to read as follows:

Sec. 28-85. *2021 International Energy Conservation Code* adopted.

The International Energy Conservation Code, 2021 edition, published by the International Code Council, a copy of which shall be filed in the office of the city secretary and available for public inspection, is hereby adopted, the same as if copied at length herein, subject to the deletions and amendments enumerated in Section 28-86.

Section 28-86. Deletions and Amendments to the *2021 International Energy Conservation* Code.

1. Section C101.1. is deleted in its entirety and replaced with the following:

C101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Denton, hereinafter referred to as "this code."

2. A new Section C102.1.2 is added, to read as follows:

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.

3. Section C110 Board of Appeals, is deleted in its entirety and replaced by the following:

C110. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

4. Section C402.5.2 is deleted in its entirety and replaced by the following:

C402.5.2 Dwelling and sleeping unit enclosure testing. The *building thermal envelope* shall be tested in accordance with ASTM E779. ANSI/RESNET/ICC 380, ASTM E1827 or an equivalent method approved by the code official. The measured air leakage shall not exceed 0.30 cfm/ft^2 (1.5 L/s m^2) of the testing unit enclosure area at a pressure differential of 0.2 inch water gauge (50 Pa). Where multiple dwelling units or sleeping units or other occupiable conditioned spaces are contained within one *building thermal envelope*, each unit shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all testing unit results, weighted by each testing unit's enclosure area. Units shall be tested separately with an unguarded blower door test as follows:

1. Where buildings have fewer than eight testing units, each testing unit shall be tested.

2. For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations.

5. Section R101.1. is deleted in its entirety and replaced with the following:

R101.1 Title. These regulations shall be known as the Energy Conservation Code of the City of Denton, hereinafter referred to as "this code."

6. A new Section R102.1.2 (N1101.4.1) is added, to read as follows:

R102.1.2 (N1101.4.1) 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 (N1102.4.1.2) and R403.3.3 (N1103.3.3) respectively.

7. Section R110 Means of Appeals, is deleted in its entirety and replaced by the following:

R110. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official, code official, or fire marshal relative to the application and interpretation of the requirements of this Code and all other applicable codes of the City of Denton, there shall be a health and building standards commission.

8. Section R202 (N1101.6) Definitions; add the following definitions:

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change it 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.

9. Section R401.2.5 (N1101.13.5) Additional Energy efficiency; deleted in its entirety.

10. Table R402.1.2 (N1102.1.2) Maximum Assembly U-Factors[a] and Fenestration Requirements, is deleted in its entirety (Footnotes to remain) and replaced by the following:

Table R402.1.2 MAXIMUM ASSEMBLY U-FACTORS[a] AND FENESTRATION REQUIREMENTS

Climate Zone	Fenestration U-Factor[f]	Skylight U-Factor	Glazed Fenestration SHGC[d, e]	Ceiling U-Factor	Wood Frame Wall U-Factor	Mass Wall U-Factor[b]	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
3	0.32	.55	0.25	0.029	0.060	0.098	0.047	0.091[c]	0.136

For SI: 1 foot = 304.8 mm.
(Footnotes to remain)

11. Table R402.1.3 (N1102.1.3) Insulation Minimum R-Values and Fenestration Requirements by Component[a], is deleted in its entirety and replaced by the following:

TABLE R402.1.3 INSULATION MINIMUM *R*-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT

Climate Zone	Fenestration U-Factor[f]	Skylight U-Factor	Glazed Fenestration SHGC[d, e]	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall U-Value[e, g]	Floor R-Value	Basement Wall R-Value	Slab R-Value[d] & Depth	Crawl Space Wall R-Value
3	0.32	.55	0.25	42	19 or 13+3ci or 0+15	8/13	19	5 ci or 13[f]	0	5 ci or 13[f]

For SI: 1 foot = 304.8 mm.
(Footnotes to remain)

12. A new Section R402.4.1.4 is added, to read as follows:

R402.4.1.4 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R402.4.1.2 or R402.4.1.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

13. Section R402.4.6 Electrical and communication outlet boxes (air-sealed boxes). is deleted in its entirety and replaced by the following:

R402.4.6 Electrical and communication outlet boxes (air-sealed boxes). Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces.

14. A new Section R403.3.8 is added, to read as follows:

R403.3.8 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R403.3.5, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that exceeds the maximum duct leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

15. A new Section R403.6.4 is added, to read as follows:

R403.6.4 Sampling options for R2 multifamily dwelling units. For buildings with eight or more testing units that must be tested as required by R403.6.3, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit, a middle floor unit, and a unit with the largest testing unit floor area. For each tested unit that does not meet the minimum ventilation rate, an additional three units shall be tested, including a mixture of testing unit types and locations. Where buildings have fewer than eight testing units, each testing unit shall be tested.

16. Section R404.2 Interior Lighting Controls; deleted in its entirety.

17. Section R405.2 Performance-based compliance., is deleted in its entirety and replaced by the following:

R405.2 Performance-based compliance. Compliance based on total building performance requires that a proposed design meets all of the following:

1. The requirements of the sections indicated within Table R405.2.

2. The building thermal envelope greater than or equal to levels of efficiency and solar heat gain coefficients in Table R402.1.1 or R402.1.3 of the 2009 International Energy Conservation Code.

3. An annual energy cost that is less than or equal to the annual energy cost of the 2021standard reference design or 8% less than the annual energy cost of the 2018 standard reference design. Energy prices shall be taken from a source approved by the code official, such as the Department of Energy, Energy Information Administration's State Energy Data North Central Texas Council of 5 Governments Amendments Approved October 2021. System Prices and Expenditures reports. Code officials shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of conditioned floor area shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

18. Table R406.5 (N1106.5) MAXIMUM ENERGY RATING INDEX; is deleted in its entirety and replaced by the following:

TABLE R406.5 (N1106.5)[1] MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	EFFECTIVE DATES	ENERGY RATING INDEX
3	Until August 31, 2022	63
3	September 1, 2022 to August 31, 2025	59
3	September 1, 2025 to August 31, 2028	57
3	September 1, 2028	55

18. Section R408 ADDITIONAL EFFICIENCY PACKAGE OPTIONS; deleted in its entirety.

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid by any court, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are severable.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum not to exceed two thousand dollars ($2,000.00) for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. Pursuant to Section 2.09(c) of the Charter for the City of Denton and Section 214.218 of the Texas Local Government Code, this ordinance shall become effective on June 1, 2022, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage and approval.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

The motion to approve this ordinance was made by Jesse Davis and seconded by Alison Maguire, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	✓			
Vicki Byrd, District 1:	✓			
Brian Beck, District 2:	✓			
Jesse Davis, District 3:	✓			
Alison Maguire, District 4:	✓			
Deb Armintor, At Large Place 5:	✓			
Paul Meltzer, At Large Place 6:	✓			

PASSED AND APPROVED this, the 5th day of April, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____ Hilary Negron 2022.03.25 12:12:03 -05'00'