

**ORDINANCE NO. 611-23**

**AN ORDINANCE OF THE CITY OF SANSOM PARK, TEXAS AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE SANSOM PARK CODE OF ORDINANCES, ARTICLE 3.02 "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS", DIVISION 7 "ENERGY CONSERVATION CODE" BY REPEALING AND REPLACING SECTION 3.02.301 TO ADOPT THE 2021 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND LOCAL AMENDMENTS THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR EACH VIOLATION; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sansom Park, Texas (the "City") is a Type "A" General Law city located in Tarrant County, Texas; and

**WHEREAS**, a new edition of the *International energy conservation code* ("IECC") is produced every three (3) years, and the 2021 Edition of the IECC has recently been issued by the International Code Council ("ICC"); and

**WHEREAS**, the International Conference of Building Officials ("ICBO") in conjunction with the ICC have developed the IECC, and in addition it is reviewed by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments ("NCTCOG"); and

**WHEREAS**, the adoption of the 2021 Edition of the IECC, including local amendments, will provide the most current life safety applications with respect to construction, occupancy, use and maintenance of buildings and structures in the City; and

**WHEREAS**, the current Energy Conservation Code in the City is the 2006 edition of the IECC, and the City's Energy Conservation Code should be updated to the most current published code available; and

**WHEREAS**, the City Council of the City of Sansom Park, Texas, has determined that it is in the best interest of the citizens of the City of Sansom Park to update and adopt the 2021 edition of the IECC as the minimum standards for continued construction, occupancy, use and maintenance of buildings and structures, as set forth herein and as the code specifically modified by the ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS:**

**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 City of Sansom Park, 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 City not so repealed are hereby retained in full force and effect.

## SECTION 3.

From and after the effective date of this ordinance, Section 3.02.301 of the Code of Ordinances of the City of Sansom Park, entitled "Adopted; amendments," is hereby repealed and replaced with a new Section 3.02.301 entitled "International Energy Conservation Code Adopted," to read as follows:

### **Sec. 3.02.301 International Energy Conservation Code Adopted**

The 2021 edition of the International Energy Conservation Code (IECC, 2021 edition), a copy of which is on file with the City Secretary, is hereby adopted and designated as the energy conservation code of the city the same as though the provisions of the IECC, 2021 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. Where an amendment is not clear or is silent regarding a certain requirement, the requirements of the IECC, 2021 edition, shall be met.

### **2021 International Energy Conservation Code And the energy provisions of the 2021 International ENERGY CONSERVATION (Climate Zone 2 & 3 of the IECC)**

The following sections, paragraphs, and sentences of the *2021 International Energy Conservation Code* (IECC) are hereby amended as follows: Standard type is text from the IECC. Underlined type is text inserted. ~~Lined through type is deleted text from IECC~~. A double (\*\*) asterisk at the beginning of a section identifies an amendment carried over from the 2021 edition of the code and a triple (\*\*\*) asterisk identifies a new or revised amendment with the 2021 code. Section numbers in parenthesis represent the corresponding numbers of the energy provisions of the 2021 *International ENERGY CONSERVATION* for parallel amendments.

### **2021 IECC (Energy Provisions of the 2021 IRC)**

**\*\*\*Section 105.2 Required Inspections; Changed numbering and to read as follows:**

**R105.2.1 Footing and foundation inspection.**

Inspections associated with footings and foundations shall verify compliance with the code as to R-value, location, thickness, depth of burial and protection of insulation as required by the code and approved plans and specifications.

**R105.2.2 Framing and Air Barrier rough-in inspection.**

Inspections at framing and rough-in shall be made before application of interior finish insulation and shall verify compliance with the code as to: ~~types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties such as U-factor and SHGC and proper installation;~~ air leakage controls as required by the code; and approved plans and specifications.

**R105.2.3 Insulation and Fenestration rough-in inspection.**

Inspections at framing and rough-in shall be made before application of interior finish and shall verify compliance with the code as to: types of insulation and corresponding R-values and their correct location and proper installation; fenestration properties such as U-factor and SHGC and proper installation.

**R105.2.34 Plumbing rough-in inspection.**

Inspections at plumbing rough-in shall verify compliance as required by the code and approved plans and specifications as to types of insulation and corresponding R-values and protection and required controls.

**R105.2.45 Mechanical rough-in inspection.**

Inspections at mechanical rough-in shall verify compliance as required by the code and approved plans and specifications as to installed HVAC equipment type and size, required controls, system insulation and corresponding R-value, system air leakage control, programmable thermostats, dampers, whole-house ventilation, and minimum fan efficiency.

**Exception:** Systems serving multiple dwelling units shall be inspected in accordance with Section C105.2.4.

**R105.2.56 Final inspection.**

The building shall have a final inspection and shall not be occupied until approved. The final inspection shall include verification of the installation of all required building systems, equipment and controls and their proper operation and the required number of high-efficacy lamps and fixtures.

**\*\*Section C102/R102 General; add Section C102.1.2 and R102.1.2 (N1101.4.1) 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.

**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.

*(Reason: This amendment is added to allow alternative compliance in accordance with Texas HB 1365, 78<sup>th</sup> Legislature. Codified in Chapter 388 Texas Building Energy Performance Standards; §388.003(i). The last sentence to Section R102.1.2 (N1101.4.1) was added to ensure that every house is tested in accordance with the mandatory provisions of the code.)*

**Section R202 (N1101.6) Definitions; add the following definition:**

**\*\*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.

*(Reason: The amendment to Section 402.3.2 (N1102.3.2) Glazed fenestration SHGC was proposed by the TAB. ESL determined the proposal to be not less restrictive than the 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

**Section R202 (N1101.6) Definitions; add the following definition:**

**\*\*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).

*(Reason: This term is referenced in Section R402.3.2. This definition of DYNAMIC GLAZING is also found in the Commercial provisions of the code.)*

**\*\*\*Table 402.1.2 Maximum Assembly/Climate Zone items: amend table as follows.**

Climate Zone	Fenestration U-Factor <sup>f</sup>	Ceiling U-Factor
2	.40	0.26-0.29
3	0.30 0.32	0.26-0.29

**\*\*\*Table 402.1.3 Insulation/Climate Zone items: amend table as follows.**

Climate Zone	Fenestration U-Factor <sup>b,i</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Slab R-Value & Depth
2	.40	49-42	13 or 0 + 10	0
3	0.30 0.32	49-42	19 or 13+53ci, 0+15	10ci, 2-ft 0

*(Reason: Amended table to meet current building techniques, market conditions and product availability. Amended to avoid conflict between North Texas termite zone and slab R value in code.)*

**\*\*\*Section C402.5.2 Dwelling and sleeping unit enclosure testing. Added the underlined to read as follows**

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<sup>2</sup> (1.5 Us m<sup>2</sup>) 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 two three units shall be tested, including a mixture of testing unit types and locations.

*(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass. These amendments are in line with RESNET sampling guidelines.)*

**\*\*\*Section R402.4.1 Building thermal envelope; add section R402.4.1.4 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.

*(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass. These amendments are in line with the commercial provisions of the commercial 2021 IECC and RESNET sampling guidelines.)*

**\*\*\*Section R403.3 Ducts; add section R403.3.8 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.

*(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass. These amendments are in line with the commercial provisions of the commercial 2021 IECC and RESNET sampling guidelines.)*

**\*\*\*Section R403.6 Mechanical Ventilation; add section R403.6.4 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.

*(Reason: For many multifamily (R2 classifications) projects, it is very costly and time consuming to test each dwelling unit for projects where there may be dozens of dwelling units in each building. Considering that the same tradesman generally constructs a building, it is reasonable to deem that construction practices are consistent and that if a reasonable sampling of units tested pass then all units would pass.*

These amendments are in line with the commercial provisions of the commercial 2021 IECC IECC and RESNET sampling guidelines.)

**\*\*\*R405.2 Performance-based compliance. Added to underlined to read as follows.**

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 2021 standard reference design or 8% less than the annual energy cost of the 2021 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 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.

*(Reason: At the time of the approval of these recommended amendments, software to calculate and show compliance with section R405 of the 2021 IECC was not available. The underlined amendment allows an alternative option to show compliance until software is available.)*

**\*\*\*Section R401.2.5 Additional Energy efficiency; deleted in its entirety.**

*(Reason: The deletion is based on the Complexity of the section and lack of tools to verify compliance and due to conflict with HB2439, 86th Regular Session)*

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

*(Reason: The deletion is based on the omission of R401.2.5 and R408 no longer applies and due to conflict with HB2439, 86th Regular Session.)*

**\*\*\* Section R402.4.6 Electrical and Communication outlet boxes. Delete after the first sentence to read as follows.**

~~\*\*\*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. Electrical and communication outlet boxes shall be tested in accordance with NEMA OS 4, Requirements for Air-Sealed Boxes for Electrical and Communication Applications, and shall have an air leakage rate of not greater than 2.0 cubic feet per minute (0.944 L/s) at a pressure differential of 1.57 psf (75 Pa). Electrical and communication outlet boxes shall be marked "NEMA OS 4" or "OS 4" in accordance with NEMA OS 4. Electrical and communication outlet boxes shall be installed per the manufacturer's instructions and with any supplied components required to achieve compliance with NEMA OS 4.~~

*(Reason: Allow for alternatives and Avoid requiring proprietaries products.)*

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

(Reason: The deletion is to eliminate confusion as the intent does not reflect what is written.)

**\*\*TABLE R406.4 (N1106.4) MAXIMUM ENERGY RATING INDEX; amend to read as follows:**

**TABLE R406.4 (N1106.4) <sup>1</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	52-63
3	52-63

<sup>1</sup> This table is effective until August 31, 2022.

**TABLE R406.4 (N1106.4) <sup>2</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	52-59
3	52-59

<sup>2</sup> The table is effective from September 1, 2022 to August 31, 2025.

**TABLE R406.4 (N1106.4) <sup>3</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	52-57
3	52-57

<sup>3</sup> The table is effective from September 1, 2025 to August 31, 2028.

**TABLE R406.4 (N1106.4) <sup>4</sup>  
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
2	52-55
3	52-55

<sup>4</sup> This table is effective on or after September 1, 2028.

(Reason: The tables reflect the values and timetable set forth in HB 3215, 87<sup>th</sup> Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003.)

**NOTE : HB 3215 was signed into law by the Governor on June 14, 2021 as part of the 87<sup>th</sup> Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003 (i), (j), and (k). HB 3215 now allows a Home Energy Rating System Index (ex. HERS Index) utilizing ANSI/RESNET/ICC Standard 301 (as it existed on January 1, 2021) shall be considered in compliance with State law provided that:**

- o The home includes compliance with the Mandatory requirements of 2021 IECC Section R406.2.
- o The home includes compliance with Building thermal envelope provisions of Table R402.1.2 or Table R402.1.4 of the 2021 IECC

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**SECTION 4.  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of all other ordinances of the City of Sansom Park, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.  
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Sansom Park 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 shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.  
SAVINGS CLAUSE**

All rights or remedies of the City of Sansom Park, Texas are expressly saved as to any and all violations of the provisions of any ordinance affecting zoning or land use, which have accrued at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 8.  
ENGROSSMENT AND ENROLLMENT**



The City Secretary of the City of Sansom Park is hereby directed to engross and enroll this Ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the Ordinance in the Ordinance Records of the City.

**SECTION 9.  
PUBLICATION**

The City Secretary of the City of Sansom Park is hereby directed to publish in the official newspaper of the City of Sansom Park, the caption, the penalty clause, publication clause, and effective date clause of this ordinance as provided by law.

**SECTION 10.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** on 19<sup>th</sup> day of January, 2023.

CITY OF SANSON PARK

By: \_\_\_\_\_

Jim Barnett, Jr., Mayor

**ATTEST:**

Wendy Blocker  
Wendy Blocker, TRMC City Secretary



**APPROVED AS TO FORM AND LEGALITY:**

Will A. Pruitt  
Will A. Pruitt, City Attorney