

3-1-11

ORDINANCE NO. 28138

An ordinance amending Chapter 59, "Dallas Energy Conservation Code," of the Dallas City Code, as amended; adopting with certain changes the 2009 Edition of the International Energy Conservation Code of the International Code Council, Inc.; providing standards and requirements for the design and construction of energy-efficient buildings and spaces within the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 59, "Dallas Energy Conservation Code," of the Dallas City Code, as amended, is amended by adopting the 2009 Edition of the International Code Council, Inc., which is attached as Exhibit A and made a part of this ordinance, with the following amendments:

1. Page vii, "Sample Ordinance for Adoption of the International Energy Conservation Code," is deleted.

2. Subsection 101.1, "Title," of Section 101, "Scope and General Requirements," of Chapter 1, "Administration," of the 2009 International Energy Conservation Code is amended to read as follows:

**"101.1 Title.** This code shall be known as the Dallas [~~International~~] Energy Conservation Code [~~of [NAME OF JURISDICTION]~~], and shall be cited as such. It is referred to herein as 'this code.'

**101.1.1 Additional administrative provisions.** Except as otherwise specified in this chapter, all provisions of Chapter 52, 'Administrative Procedures for the Construction Codes,' of the Dallas City Code apply to this code."

3. Paragraph 101.4.2, "Historic Buildings," of Subsection 101.4, "Applicability," of Section 101, "Scope and General Requirements," of Chapter 1, "Administration," of the 2009 International Energy Conservation Code is amended to read as follows:

**"101.4.2 Historic buildings.** Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within ~~with~~ a National Register listed or locally designated historic district; or identified with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer of the Keeper of the National Register of Historic Places, ~~[are exempt from]~~ shall comply with all of the provisions of this code.

Exception: If a provision invalidates or jeopardizes the historical designation or listing, that provision may be exempted."

4. Subsection 102.1, "General," of Section 102, "Alternate Materials – Method of Construction, Design or Insulating Systems," of Chapter 1, "Administration," of the 2009 International Energy Conservation Code is amended by adding new Paragraph 102.1.2, "Alternative Compliance," to read as follows:

**"102.1.2 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."

5. Section 202, "General Definitions," of Chapter 2, "Definitions," of the 2009 International Energy Conservation Code is amended by adding in alphabetical order a new defined term, "Glazing Area," to read as follows:

**“GLAZING AREA.** Total area of the glazed fenestration measured using the rough opening and including sash, curbing or other framing elements that enclose conditioned space. Glazing area includes the area of glazed fenestration assemblies in walls bounding conditioned basements. For doors where the daylight opening area is less than 50 percent of the door area, the glazing area is the daylight opening area. For all other doors, the glazing area is the rough opening area for the door including the door and the frame.”

6. Subsection 401.2, “Compliance,” of Section 401, “General,” of Chapter 4, “Residential Energy Efficiency,” of the 2009 International Energy Conservation Code is amended to read as follows:

**“401.2 Compliance.** Projects shall comply with Sections 401, 402.4, 402.5, 402.6 and 403 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive) and the use of Tables 402.1.1 and 402.1.3 are limited to a maximum glazing area of 15% window area to floor area ratio; or
2. Section 404 (performance).”

7. Subsection 402.2, “Specific Insulation Requirements (Prescriptive),” of Section 402, “Building Thermal Envelope,” of Chapter 4, “Residential Energy Efficiency,” of the 2009 International Energy Conservation Code is amended to add new Paragraph 402.2.12, “Insulation Installed in Walls,” read as follows:

**“402.2.12 Insulation installed in walls.** Insulation batts installed in walls shall be surrounded by an enclosure on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing or other equivalent material approved by the building official.”

8. Paragraph 405.4.1, “Compliance Software Tools,” of Subsection 405.4, “Documentation,” of Section 405, “Simulated Performance Alternative (Performance),” of Chapter 4, “Residential Energy Efficiency,” of the 2009 International Energy Conservation Code is amended to read as follows:

**“405.4.1 Compliance software tools.** Documentation verifying that the methods and accuracy of the compliance software tools conform to the provisions of this section shall be provided to the code official. RemRate™, Energy Gauge™, and IC3 are acceptable performance simulation programs.”

9. All chapters of the 2009 International Energy Conservation Code adopted by this ordinance are subchapters of Chapter 59 of the Dallas City Code, as amended.

10. All references in the 2009 International Energy Conservation Code to the fire code, building code, plumbing code, mechanical code, electrical code, residential code, existing building code, and fuel gas code refer, respectively, to Chapters 16, 53, 54, 55, 56, 57, 58, and 60 of the Dallas City Code.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 3. That Chapter 59 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance will take effect on April 1, 2011, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By   
Assistant City Attorney

Passed MAR - 9 2011