

**ORDINANCE**

**NO. OR09-2017-55**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS, AMENDING TITLE XV: LAND USAGE, CHAPTER 150: BUILDING REGULATIONS, SECTION 150.015 (C) "BUILDING CODES ADOPTED" OF THE CODE OF ORDINANCES ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE WITH THE RECOMMENDED AMENDMENTS GUIDE AND METHODOLOGY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, House Bill 1736 requires all cities within Texas to adopt the 2015 International Energy Conservation Code. Therefore, the North Central Texas Council of Governments (NCTCOG) recommends that all cities adopt the 2015 International Energy Conservation Code with their recommended amendments; and

**WHEREAS**, staff has reviewed the proposed NCTCOG amendments and made any additional changes necessary to meet the needs of the City of Cleburne. Should the City Council approve the proposed Code amendments, the effective date shall be January 1, 2018; and

**WHEREAS**, staff has developed a public outreach plan to ensure all parties affected by the Code amendments are aware of the updates and any new requirements.

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

**SECTION ONE.** Title XV: Land Usage; Chapter 150: Building Regulations, Section 150.015 (C): Building Codes Adopted, of the Code of Ordinances of the City of Cleburne is hereby repealed in its entirety with amendments and shall hereafter read as follows:

**§ 150.015 (C) BUILDING CODE ADOPTED.**

(C) The *2015 International Energy Conservation Code* as well as recommended amendments are fully incorporated by reference as though copied into this section in its entirety. The material contained in the *International Energy Conservation Code* shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record and will be available for public inspection and copying during regular business hours.

**SECTION TWO. Cumulative Clause.** That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are

hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION THREE. Severability Clause.** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

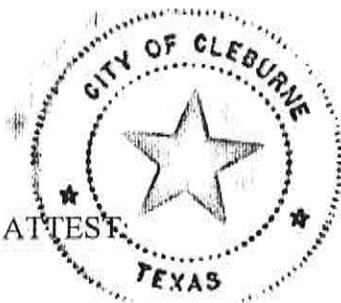
**SECTION FOUR. Savings Clause.** That all provisions of the Code of Ordinances of the City of Cleburne, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION FIVE. 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 Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION SIX. Publication Clause.** The City Secretary of the City of Cleburne, Texas, is directed to publish the caption, including the penalty of this Ordinance at least once within 10 days after its passage in the official newspaper of the City of Cleburne, Texas, as authorized by Section 3.16 of the Cleburne City Charter.

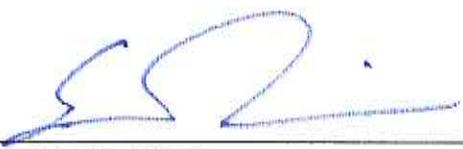
**SECTION SEVEN. Effective Clause.** This Ordinance shall become effective January 1, 2018 and upon its publication as required by law.

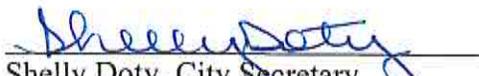
**PASSED AND APPROVED** this the 26th day of September, 2017 at a Regular Meeting of the City Council of the City of Cleburne, Texas.



CITY OF CLEBURNE

BY:

  
Scott Cain, Mayor

  
Shelly Doty, City Secretary

**EXHIBIT "A"**

**Amendments to the 2015 International Energy Conservation Code  
Adopted by Cleburne City Council Ordinance #OR09-2017-55  
Section 150.015 (C): Building Codes Adopted**

The following sections, paragraphs, and sentences of the *2015 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 2012 edition of the code and a triple (\*\*\*) asterisk identifies a new or revised amendment with the 2015 code.

**\*\*Section C102/R102; add Section C102.1.2 and R102.1.2 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 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 and R403.3.3 respectively.

**Delete entire section C109**

**~~BOARD OF APPEALS~~**

**~~C109.1 General.~~** ~~In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *code official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

**Section C202 and R202; 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 Glazed fenestration SHGC was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2009, 2012 and 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

**Section R202; 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).

**\*\*\*Section R402.3.2 Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:**

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

**Table R402.3.2 SHGC Multipliers for Permanent Projections <sup>a</sup>**

Projection Factor	SHGC Multiplier (all Other Orientation)	SHGC Multiplier (North Oriented)
0 - 0.10	1.00	1.00
>0.10 – 0.20	0.91	0.95
>0.20 – 0.30	0.82	0.91
>0.30 – 0.40	0.74	0.87
>0.40 – 0.50	0.67	0.84
>0.50 – 0.60	0.61	0.81
>0.60 – 0.70	0.56	0.78
>0.70 – 0.80	0.51	0.76
>0.80 – 0.90	0.47	0.75
>0.90 – 1.00	0.44	0.73

<sup>a</sup> North oriented means within 45 degrees of true north.

**\*\*Section R402.4.1.2 Testing; modify the first paragraph to read as follows:**

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in ~~Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8.~~ *{Remainder of text unchanged}*

**NOTE:** Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

**\*\*\*R402.4.1.2 Testing; Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

**\*\*\* R403.3.3 Duct Testing (Mandatory) Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

**\*\*Section C402.2.7/R402.2; Add Section C402.2.9 and R402.2.14 to read as follows:**

**Section C402.2.7/R402.2.14 Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, or other equivalent material approved by the building official.

**\*\*\*Section R405.6.2; add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

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

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

CLIMATE ZONE	ENERGY RATING INDEX
3	65

<sup>1</sup> This table is effective until August 31, 2019.

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

CLIMATE ZONE	ENERGY RATING INDEX
3	63

<sup>2</sup> The table is effective from September 1, 2019 to August 31, 2022.

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

CLIMATE ZONE	ENERGY RATING INDEX
3	59

<sup>3</sup> This table is effective on or after September 1, 2022.

**APPENDIX**

In addition to the recommended amendments, the EAGB endorses the attached universal testing form and encourages municipalities to consider incorporating the use of the form locally to minimize the number of forms that the third party testers and energy providers are required to maintain.

YOUR CITY LOGO  
HERE

**2015 IECC PERFORMANCE TESTING  
COMPLIANCE CERTIFICATE**

Job Address: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

**DUCT LEAKAGE TESTING VERIFICATION**

**Choose option used for compliance:** per 2015 IECC Section R403.3.4, system tested @ 25 Pascals across, including the manufacturer’s air handler enclosure.

**Rough-In Test Option** (see code for test specifics): Results of test: \_\_\_\_\_CFM.

**Post Construction Option** (see code for test specifics): Results of test: \_\_\_\_\_CFM.

I certify that I have conducted a **duct blaster test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, and have not installed the HVAC system; nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency:  
\_\_\_\_\_

Signature of Inspector/Testing Technician:  
\_\_\_\_\_

Printed Name of Inspector/Testing Technician:  
\_\_\_\_\_

**BUILDING THERMAL ENVELOPE LEAKAGE TESTING VERIFICATION**

**Compliance requirements:** per 2015 IECC Section R402.4.1.2, building thermal envelope tested @ 50 Pascals in accordance with ASTM E 779 or ASTM E1827 to verify air leakage.

**Building Thermal Envelope Leakage Testing:**

Results of test: \_\_\_\_\_ air changes per hour.

I certify that I have conducted an **air leakage test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform air infiltration testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency: \_\_\_\_\_

Signature of Inspector/Testing Technician:

\_\_\_\_\_

Printed Name of Inspector/Testing Technician:

\_\_\_\_\_