3) The building contractor's mailing address and phone number;

4) The building contractor's state license in his or her area of service, if applicable;

5) The name, address, and phone number of an agent of the building contractor who shall be available to respond to questions or complaints;

6) Proof of comprehensive general liability insurance, held with a company with a rating of B+ or better as published in the most recent edition of Best's Insurance Reports-Property Casualty Volume, with minimum limits of $300,000.00 for death or bodily injury and $300,000.00 for property damage, per occurrence; and

7) A copy of the building contractor's current state driver's license.

Section 1-6. Code Appendices.

The City does not intend to adopt any appendix to any construction code adopted or amended by this Ordinance unless either: (i) such appendix is adopted or required by the adoption of the specific construction code as the minimum required standard under state law; or (ii) such appendix is expressly listed in the adoption provisions for the applicable code.

SECTION 2. ADOPTED CODES.

Section 2-1. International Building Code.

The International Building Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 103, Code Compliance Agency,* including all subsections, is deleted.

3) *Section 113.3, Qualifications,* is amended to read as follows:

   The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

4) *Sections 115, Stop Work Order, and 116, Unsafe Structures and Equipment,* are amended as follows:

   Notwithstanding any procedure provided in this Code, the City's Building Official shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or notice unsafe structure/equipment.

5) *Section 1612.3 Establishment of flood hazard areas,* is amended to read as follows:

   The flood hazard map shall include, at a minimum, areas of special flood hazard as set forth in the adopted flood hazard map and supporting data adopted by Fort Bend County, unless a newer version of the flood hazard map is adopted by the City. Flood

hazard areas shall include those shown on the FEMA Effective Flood Insurance Rate Map effective at the date of submittal of plans or construction documents. The FEMA effective models are incorporated by reference.

Section 2-2. International Fire Code.

The International Building Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 101.2,* Scope, is amended by adding the following additional exception:

   Exception for regulation by state law: To the extent any provision of this code relates any aspect or phase of the liquefied petroleum gas industry, Chapter 113 of the Texas Natural Resources Code and the rules adopted by the Texas Railroad Commission pursuant to that Chapter shall preempt and supersede the provisions of this code to the extent and only to the extent of Section 113.054 of the Texas Natural Resources Code.

3) *Section 111.3, Qualifications,* is amended to read as follows:

   The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

4) *Sections 110, Service Utilities, 113, Stop Work Order,* and 114, *Unsafe Structures or Equipment,* are amended as follows:

   Notwithstanding any procedure provided in this Code, the code official, building official or fire marshal taking action shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or notice unsafe structure/equipment.

5) *Section 112.4, Violation Penalties,* is amended to read as follows:

   112.4 Violation Penalties Governed by State Law. Notwithstanding any other provision to the contrary, offenses and penalties under this code shall be subject to a maximum fine upon conviction of $2,000 per day per violation as applicable under state law for a Class C Misdemeanor.

6) *Section 1103.5.3, Group I-2, Condition 2,* is amended by replacing "Date by which sprinkler system must be installed" with "Compliance with this Section for all occupancies subject to this section is required by: (i) March 21, 2023 for all new construction or changes in occupancy occurring after March 21, 2023; and (ii) January 1, 2024 for all existing occupancies subject to this section."

7) *Section 1103.5.1, Group A-2, is amended by adding the following sentence to the subsection.*

Compliance with this section shall be required only for: (i) a change in occupancy of an existing building; (ii) any remodel, renovation or addition to an existing building resulting in an increased occupant load that also exceeds 300; (iii) any building that is deemed unsafe under the property maintenance code; and (iv) any building that is destroyed or partially destroyed by fire, flood or other natural disaster or act of god and therefore requires renovation, remodel or addition to any structural portion of the building or more than 50% of the floor area of the building. It is the intended that all lawfully existing Group A-2 occupancies that serve alcohol and have an occupant load of 300 or more at the time of adoption of this code shall not be required to make changes to comply with this section, except when changes to the building are made or required to be made.

8) To the extent any provision of this code requires the jurisdiction to specify areas where storage tanks are not prohibited, such tanks shall be authorized, subject to compliance with all state laws, proof of all required state permits submitted to the City, and proof of compliance with all applicable safety requirements imposed by this code.

Section 2-3. International Fuel Gas Code.

The International Fuel Gas Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 101.2,* Scope, is amended by adding the following additional exception:

   Exception for regulation by state law: To the extent any provision of this code relates any aspect or phase of the liquefied petroleum gas industry, Chapter 113 of the Texas Natural Resources Code and the rules adopted by the Texas Railroad Commission pursuant to that Chapter shall preempt and supersede the provisions of this code to the extent and only to the extent of Section 113.054 of the Texas Natural Resources Code.

3) *Section 103, Code Compliance Agency,* including all subsections, is deleted.

4) *Section 110, Service Utilities,* is amended as follows:

   Notwithstanding any procedure provided in this Code, the City's Building Official shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or disconnection of utility service.

5) *Section 113.3, Qualifications,* is amended to read as follows:

   The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

6) *Section 114, Board of Appeals,* is deleted.

7) *Section 115.4, Violation Penalties,* is amended to read as follows:

   115.4 Violation Penalties Governed by State Law. Notwithstanding any other provision to the contrary, offenses and penalties under this code shall be subject to a maximum fine upon conviction of $2,000 per day per violation as applicable under state law for a Class C Misdemeanor.

8) *Section 115.6, Unsafe Installations*, is amended by adding the following sentence at the end of the section:

   Any action by the code official to disconnect utilities or abate unsafe conditions shall be performed pursuant to the requirements of Section 214.0011 of the Texas Local Government Code. Compliance with Section 214.0011 of the Texas Local Government Code shall be deemed to satisfy any notice requirement of this Section.

Section 2-4. International Mechanical Code adopted.

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 103, Code Compliance Agency,* including all subsections, is deleted.

3) *Sections 112, Service Utilities, and 113, Stop Work Order,* are amended as follows:

   Notwithstanding any procedure provided in this Code, the City's Building Official shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or disconnection of utility service.

4) *Section 114.3, Qualifications,* is amended to read as follows:

   The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

5) *Section 115.4, Violation Penalties,* is amended to read as follows:

   115.4 Violation Penalties Governed by State Law. Notwithstanding any other provision to the contrary, offenses and penalties under this code shall be subject to a maximum fine upon conviction of $2,000 per day per violation as applicable under state law for a Class C Misdemeanor.

6) *Section 115.6, Unsafe Mechanical Systems*, is amended by adding the following sentence at the end of the section:

   Any action by the code official to disconnect utilities or abate unsafe conditions shall be performed pursuant to the requirements of Section 214.0011 of the Texas Local Government Code. Compliance with Section 214.0011 of the Texas Local Government Code shall be deemed to satisfy any notice requirement of this Section.

Section 2-5. International Plumbing Code.

The International Plumbing Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 103, Code Compliance Agency,* including all subsections, is deleted.

3) *Sections 110, Service Utilities, and 115, Stop Work Order,* are amended as follows:

   Notwithstanding any procedure provided in this Code, the City's Building Official shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or disconnection of utility service.

4) *Section 114.3, Qualifications,* is amended to read as follows:

   The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

5) *Subsection 305.4.1, Sewer Depth,* is amended to provide as follows:

   305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

6) *Subsection 903.1.1, Roof Extension,* is amended to provide as follows:

   903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated at least six inches (152 mm) above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven feet (2,134 mm) above the roof.

Section 2-6. International Property Maintenance Code; Minimum Property Standards.

The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section and is adopted as the minimum standards applicable within the City pursuant to Section 214.001(b)(1) of the Texas Local Government Code. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Sections 103 code compliance agency.*

3) Section 107 of the property maintenance code is deleted, including all subsections, and new section 107 is substituted and shall read as follows:

107 Means of Appeal

107.1. Appeals. Appeals of orders, decisions or determinations made by the city's building official in interpreting or applying this code shall be to the City Council or, if designated by City Council, to the City's Zoning Board of Adjustment. The Board of Appeals may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. Any reference to the board of appeals in this code shall be the City's Zoning Board of Adjustment.

107.2 Application for appeal; deadline. Any person directly affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.

107.3 Court review. An application for appeal is an administrative remedy and shall not preclude an appeal for court review of an order by the City's Zoning Board of Adjustment.

4) Section 108, Board of Appeals, is deleted, including all subsections.

5) Section 111, Unsafe Structures and Equipment, is amended as follows; provided, however, these amendments are intended to align the procedures and requirements of Chapters 214 and 54 of the Texas Local Government, as applicable to a particular situation, with the procedures provided in this code and shall not be construed as conflicting with applicable state law or adding any requirement that is more stringent than state law:

a) Section 111.1 of the property maintenance code is amended to read as follows:

111.1 Unsafe Structure. An unsafe structure is one that is found to be a hazard to the public health, safety, and welfare, in accordance with Chapters 54 or 214 of the Texas Local Government Code, due to one or more of the following conditions:

1. the structure is unfit for human habitation as defined by section 111.1.3 (herein referred to under this code as "unfit for human occupancy"), dilapidated as defined by section 111.1.4 (herein referred to under this code as "unlawful", or substandard as defined by section 111.1.5 (herein referred to under this code as "dangerous");
2. the structure is, regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
3. the structure is boarded up, fenced, or otherwise secured in any manner that constitutes a danger to the public even though secured from entry; or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection 2, above.

b) Section 111.1 of the property maintenance code is amended by adding a new Section 111.1.6 that shall read as follows:

111.1.6 Procedure for Abatement of Unsafe Structures. Notwithstanding any provision of this code to the contrary, including but not limited to any conflict clause, abatement or actions taken in regard to a structure identified as "unsafe" shall comply with Chapters 54 and/or 214 of the Texas Local Government Code. Actions taken in compliance with Chapters 54 and/or 214 of the Texas Local Government Code shall be deemed to comply with the requirements of this code. Subject to the foregoing, if a structure has been identified as unsafe, the building official shall:

1. schedule a public hearing with the board of appeals to determine whether the structure is unsafe and to order the structure vacated, secured, repaired, removed, or demolished by the owner and the occupants relocated within a reasonable time if such a determination is made;
2. send notice in accordance with section 111.4 that the building official has identified an unsafe structure on the premises, including the specific conditions that render the structure unsafe and the date of the scheduled public hearing;
3. file or cause to be filed a copy of the notice in the real property records of the county in which the unsafe structure is located;
4. verify and document the condition of the unsafe structure within 48 hours prior to the scheduled public hearing;
5. report the condition of the unsafe structure to the board of appeals at the public hearing and recommend the vacation, relocation of occupants, securing, repair, removal, or demolition of the unsafe structure within 30 days; provided, the board of appeals or municipal court may allow the owner up to 90 days to repair, remove, or demolish the unsafe structure, or to submit at the hearing a detailed plan and time schedule for the work if the owner establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work;
6. send notice in accordance with section 111.4 of the board's determination and order within 10 days after the order is issued;
7. to the extent required by law, publish or cause to be published in a newspaper of general circulation in the city in which the unsafe structure is located a notice containing: the street address or legal description of the property; the date the public hearing was held; a brief statement indicating the results of the order; and instructions stating where a complete copy of the order may be obtained;
8. verify and document the condition of the unsafe structure following the date specified by the order;
9. to the extent required by law, take no action nor cause any action to be taken until 20 days has elapsed from the date of the order with no appeal filed in accordance with section 107.2; 30 days has elapsed from the date of the order with no appeal for court

review filed in accordance with section 107.3; and the condition of the unsafe structure remains unsafe; provided, if an appeal has been filed, the appeal shall stay all enforcement, other than emergency measures taken to secure the structure under section 111.2, until the appeal is heard; and

10. provided no appeal has been filed and the deadline for such appeal has elapsed, timely commence the vacation, relocation of occupants, securing, repair, removal, or demolition of the unsafe structure pursuant to the order of the board of appeals or municipal court and document all actions taken.

c) Section 111.2 of the property maintenance code, including subsection 111.2.1, is amended to read as follows:

111.2 Securing of vacant structures. Pursuant to Section 214.0011 of the Texas Local Government Code, if an unsafe structure is vacant, the Building Official may secure the structure that is unoccupied or is occupied only by persons who do not have a right of possession to the Structure. The Building Official, after securing the unsafe structure, shall give notice to the owner before the 11th day after the date the unsafe structure is secured by the notice methods provided for an unsafe structure in Section 111.4. The notice must contain: (i) an identification, which is not required to be a legal description, of the structure and the property on which it is located; (ii) a description of the violations of City Code that result in the structure being deemed unsafe; (iii) a statement that the City will secure or has secured, as the case may be, the structure; and (iv) an explanation of the owner's entitlement to request a hearing about any matter relating to the City's actions in securing of the structure. The Building Official shall schedule and send notice of a hearing at which the owner may testify or present witnesses or written information about any matter relating to the City's actions in securing the structure if, within 30 days after the date the structure is secured, the owner files with the Building Official or City Secretary a written request for the hearing. The City shall conduct the hearing within 20 days after the date the request is filed.

111.2.1 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection or prevent connection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.8 where necessary to enforce this code or where such utility connection has been made without approval. The building official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

d) Section 111.4 of the property maintenance code is amended by adding the following language to the end of the section: "Notices for unsafe structures shall also comply with Section 111.4.3."

e) Section 111.4 is further amended by adding a new Section 111.4.3 that shall read as follows:

111.4.3 Unsafe Structure Notices. In addition to the form and method prescribed in Section 111.4.2, notice of an *unsafe structure* shall comply with this Section.

111.4.3.1 Diligent Search Required for Owner. All notices regarding an unsafe structure shall be sent to the owner of the affected premises or structure, who shall be identified by a diligent search of the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

111.4.3.2 Notice contents. In addition to the form prescribed in Section 111.4.2, notice of an unsafe structure shall include:

1. the date of the scheduled public hearing; or a copy of the board of appeals or municipal court determination and order;
2. a statement that the owner will be required to submit at the hearing proof of the scope of any work that may be required to comply with this code and city ordinances and the time it will take to reasonably perform the work; and
3. a statement that the city may take the actions ordered if the owner does not complete those actions prior to the deadline imposed at the public hearing, which may be 30 days from the date of the public hearing.

f) Section 111.7 of the property maintenance code is amended to read as follows:

111.7 Placarding. The building official may post on the unsafe structure a placard bearing the words "This structure has been deemed unsafe by the City's building official; use or occupancy of this building may be hazardous to your health and safety" or similar language, together with a copy of the notice of public hearing.

6) *Section 112, Emergency Measures*, is deleted in its entirety. Emergency measures shall be taken pursuant to Section 111.2 of this code.

7) Section 302.4 of the property maintenance code is amended by inserting eighteen inches (18").

8) *Subsection 304.14* is amended to provide as follows:

304.14 Insect screens. Outside openings, including, but not limited to, doors and windows, required for the ventilation of habitable rooms, food preparation areas, food service areas, or areas where products to be included or utilized in food for

human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

9) Section 602.3 of the property maintenance code is amended by inserting "November 1" and "February 28", respectively.

10) Section 602.4 of the property maintenance code is amended by inserting "November 1" and "February 28", respectively."

Section 2-7. International Residential Code.

The International Residential Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section 103, Department of Building Safety,* including all subsections, is deleted.

3) *Section R105.3, Application for Permit, is amended by replacing requirement 5 with the following language:*

5. State the square footage or other information necessary to determine the extent of the work in comparison to the existing structure and the amount of the permit fees; provided, however, valuation or cost information for the work shall be provided as required by the Federal Emergency Management Agency for the City's participation in the National Flood Insurance Program.

4) *Section 112.3, Qualifications,* is amended to read as follows:

The Board of Appeals shall consist of the City Council or a board designated by the City Council to hear appeals from the City's construction codes.

5) *Sections 111, Service Utilities, and 114, Stop Work Order,* are amended as follows:

Notwithstanding any procedure provided in this Code, the City's Building Official shall comply with Chapter 54 and/or 214 of the Texas Local Government Code and/or any other applicable state law prior to issuance of a stop work order or notice unsafe structure/equipment.

6) *Table R301.2, Climactic and Geographic Design Criteria,* is amended to provide as follows:

			Subject to Damage From				

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Weathering	Frost Line Depth	Termite	Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezir Index
0	110 mph, 3 second gust	A	Negligible	12 inches	Yes	32° F	No	See Section 1612.3 of the IBC	50

For SI: One pound per square foot = 0.0479 kPa, one mile per hour - 0.477 m/s.

7) *Section P2603.5.1, Sewer Depth,* is amended to provide as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall not be less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall not be less than 12 inches (305 mm) below grade.

Section 2-8. International Energy Conservation Code.

The International Energy Conservation Code, 2021 Edition, as published by the International Code Council, Inc., is adopted and amended as provided in this Section. A copy of the code shall be maintained on file in the office of the Mayor or the City's building official. This code is also publicly available on the International Code Council website (iccsafe.org).

1) *Section 101.1, Title,* is amended by inserting the name of the jurisdiction: City of Beasley, Texas

2) *Section C102/R102* are amended by adding new Sections 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.

3) *Section C110*, including all subsections, is deleted in its entirety and replaced with the following Section C110:

C110 State adoption of energy code.

C110.1 Conflict. To the extent any local amendment of this code is found to be in conflict with, or less restrictive than, the requirements of this code as adopted under state law, the state law shall control.

4) Section R202 (N1101.6) is amended by adding the following definitions:

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.

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).

5) Table R402.1.2 (N1102.1.4) EQUIVALENT U-FACTORS; the Fenestration and Ceiling U-factors for Climate Zone 2 are amended as follows:

CLIMATE ZONE	**FENESTRATION *U*-FACTOR**	**CEILING *U*-FACTOR**
2	0.45	0.030

6) Table R402.1.3 (N1102.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; the Fenestration and Ceiling U-factors for Climate Zone 2 are amended as follows:

CLIMATE ZONE	**FENESTRATION *U*-FACTOR**	**CEILING *R*-VALUE**
2	0.45	38

7) Section R402.3.2 (N1102.3.2) of the energy code is amended 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 [a]

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

[a] North oriented means within 45 degrees of true north.

8) Section R402.4 (N1102.4) Air leakage (Mandatory); add a new section and table to read as follows:

R402.4.1.3 (N1102.4.1.3) Testing option – ACH tradeoff. As an option to the air leakage rate set out in Section R402.4.1.2 (N1102.4.1.2), 1- and 2-family homes meeting all of the listed criteria below and the thermal envelope requirements in Table R402.4.1.3 (N1102.4.1.3) will be considered compliant when tested and verified as having an air leakage rate to not less than or equal to four air changes per hour when tested and reported in accordance with the testing standards and reporting criteria listed in Section R402.4.1.2 (N1102.4.1.2).

The compliance equivalency is limited as follows:

1. Limited to a conditioned floor area between 1,000 and 6,000 square feet,
2. Limited to between 2 to 6 bedrooms,
3. Assumes all ductwork and mechanical equipment is located in the unconditioned attic,
4. Assumes typical wood framing in the walls and roof, and
5. Assumes one of the following heating/cooling systems:

a. All electric system with a heat pump for heating, or
b. A system with electric cooling and natural gas heating.

Dwellings using electric resistance strip heating do not qualify for this tradeoff.

TABLE R402.4.1.3 (N1102.4.1.3)[a]

Envelope Component	Option #1	Option #2
R402.4 Air Leakage	< 4 ACH50	< 4 ACH50
Wall Insulation *R*-value	R13 + R3[b]	R13 + R3 [b]
Fenestration *U*-factor	< 0.32	< 0.32
Fenestration SHGC	< 0.25	< 0.25
Ceiling *R*-value	> R49	> R49
Duct Insulation *R*-value	R8	R6
Radiant Barrier Required	No	Yes

[a] Except for the values listed in the table, all other mandatory code provisions are applicable.

[b] The first value listed is the *R*-value of cavity insulation, the second value is the *R*-value of the continuous insulation or insulated siding.

9) Section R403.3.2 is amended by replacing the requirement in subsection 3.3 for R-19 insulation with R-10.

10) Section C403.7.4 of the energy code is amended by adding a new exception #12 to read as follows:

12. Individual ventilation systems that serve an individual dwelling unit or sleeping unit.

11) Section C403.11.1 of the energy code is amended by adding a second paragraph to read as follows:

Environmental ducts and plenums installed in vertical chases, both supply and exhaust, where the ducts or plenums will not be accessible after construction completion, shall be leak tested in accordance with the SMACNA HVAC Air Leakage Test Manual to the installed ductwork class and pressure requirements. Documentation shall be furnished demonstrating that representative sections totaling not less than 25 percent of the duct area have been tested and that all tested sections comply with the requirements of this section.

12) Section R404.1 (N1104.1) of the energy code is amended to read as follows:

R404.1 (N1104.1) Lighting equipment (Mandatory). Not less than 75 percent of the lamps in permanently installed lighting fixtures or not less than 75 percent of the permanently installed lighting fixtures shall contain only high-efficacy lamps.

13) Section 405.2 (N1105.2) of the energy code is amended by adding a new exception to read as follows:

Section 405.2 (N1105.2) Mandatory requirements. Compliance with the section requires that the mandatory provisions identified in Section 401.2 be met. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.

Exceptions:

1. For one and two family dwellings the maximum envelope leakage of 4 ACH50 is permitted provided the envelope leakage in the Standard Reference Design is 3 ACH50 and all other requirements of Section R405 are met, including all other mandatory measures. The annual energy cost or source energy usage of the Proposed Design must be equal to or less than that of the Standard Reference Design.

2. For multifamily or townhomes and buildings classified as Group R2 and Group R4 of three stories or less the maximum envelope leakage of less than 5 ACH50 is permitted provided the envelope leakage in the Standard Reference Design is 3 ACH50 and all other requirements of Section R405 are met, including all other mandatory measures. The annual energy cost or source energy usage of the Proposed Design must be equal to or less than that of the Standard Reference Design.

14) Section R405.6.2 (N1105.6.2) is amended by adding the following sentence to the end of paragraph: "Acceptable performance software simulation tools may include, but are not limited to, REM RateTM; Energy Gauge®; ICF International Beacon Residential; Ekotrope, HERS Module; Right-Energy HERS and IC3. Other performance software programs as listed by RESNET® 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."

15) TABLE R406.4 (N1106.4) MAXIMUM ENERGY RATING INDEX is amended to read as follows:

TABLE R406.4 *(N1106.4)*[1]

MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
2	59

[1] This table is effective from September 1, 2022 to August 31, 2025. After September 1, 2025, the Energy Rating Index for Climate Zone 2 shall be 57, unless a different ERI is adopted by the Texas legislature prior to this date.

SECTION 3. MISCELLANEOUS.

Section 3-1. Conflicts and References.

(a) If any provision of this Ordinance or any provision of a construction code adopted or amended by this Ordinance conflicts with any other provision of the Code of Ordinances, the most restrictive provision shall prevail. A specific requirement shall control over a general requirement. A local amendment to a construction code shall control over a conflicting provision in a construction code published by International Code Council or National Fire Protection Association.

(b) Any reference in City Ordinances to the City's "building code", "construction codes", "technical codes" or "building regulations" shall refer to this Ordinance, including the adoption of the construction codes contained in Ordinance No. 2023-1. Any reference in a code adopted by this Ordinance to "this code" shall include all amendments and applicable requirements of this Ordinance.

Section 3-. Inspections During Declared Disaster.

Inspections may be performed in conformance with this section during the period the City is subject to a disaster declaration by the Governor or the Mayor under Chapter 418 of the Texas Local Government Code, pursuant to Section 214.220 of the Texas Local Government Code. Inspections performed by a person other than the City's designated code official while a disaster declaration is in effect shall be accepted by the City in place of a required building inspection only if all of the following requirements are met:

(a) The person performing the inspection is not the owner of the building or a person whose work is the subject of the inspection;

(b) The person performing the inspection is certified to inspect buildings by the International Code Council, or a licensed engineer;

(c) The inspection is performed at the point in the construction process that it is required by the City to be performed under this Section;

(d) The person performing the inspection certifies that they have complied with the City's building inspection regulations and policies; and

(e) not later than the 30th day after the date of the inspection, the person performing the inspection provides a completed City building inspection form and certification of compliance with the City's building inspection regulations and policies to the City Building Official.

PASSED by an affirmative vote of all members of the City Council this _____ day of March, 2023.

APPROVED: **ATTEST:**

Kenneth Reid, Mayor

Misty Tiemann, City Secretary