



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		10/28/13		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): <b>Diana Casady #5993</b>				
<b>CAPTION</b>				
<p><b>An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2011-1-11, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.</b></p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2013-14</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
BALANCE	0	0	0	<b>0</b>
FUND(S): <b>N/A</b>				
<p><b>COMMENTS:</b> This item has no fiscal impact.</p> <p>STRATEGIC PLAN GOAL: An Ordinance of the City of Plano repealing in its entirety the City of Plano Ordinance No. 2011-1-11, and adopting the 2012 Edition of the International Energy Conservation Code relates to the City's goal of a Safe Large City.</p>				
<b>SUMMARY OF ITEM</b>				
<p>This Ordinance will adopt the most recent version of the International Energy Conservation Code published by the International Code Council and includes regional amendments which have been developed by the North Central Texas Council of Governments. Public review of the codes was held at the Building Standards Commission meetings held in March, April, May, June, July and August. The Building Standards Commission at its August 20, 2013 meeting voted unanimously to forward this Code and amendments to the City Council for adoption as the Building Code for the City of Plano.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Letter from the Home Builders Association		Building Standards Commission		
Letter from Council of Governments				
Letter from the Building Standards Commission				



5816 West Plano Parkway  
Plano, TX 75093  
(972) 931-4840 Fax: (972) 267-0426  
[www.DallasBuilders.com](http://www.DallasBuilders.com)

August 6, 2013

Selso Mata, Chief Building Official  
City of Plano  
1520 Avenue K  
Plano, Texas 75086-0358

Dear Mr. Mata:

The Dallas Builders Association appreciates the role building codes play in maintaining the integrity of home construction in our area. As such, the Association conducts a detailed review of each International Code Council (ICC) code that pertains to the residential construction industry. This review emphasizes health and safety as well as housing affordability concerns.

As it has for many years, the Association was an active participant in reviewing the 2012 ICC codes serving on the North Central Texas Council of Governments Regional Codes Coordinating Committee (RCCC). Our members and staff were provided an opportunity during that process to convey the industry's concerns and many of those concerns were incorporated into the amendments that are now being considered for adoption by the City of Plano.

Thanks to the RCCC process and for the advanced notice that you have provided the Association to review Plano's local amendments, the Dallas Builders Association is comfortable with the residential provisions of Plano's 2012 code amendments package as presented. We appreciate your proactive efforts to seek our input and we look forward to being a continued resource for housing in the City of Plano and throughout the Dallas area.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Crone".

Phil Crone  
Executive Officer  
Dallas Builders Association

**OFFICERS**

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Joe Chamberlain, CGB, GMB, CGP  
Caprock Custom Construction, Inc.

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JLD Custom Homes

**Vice President/Secretary**

Frank Murphy  
Wynne/Jackson Inc.

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Ben Beckelman, CGB, CGP

**Executive Officer**

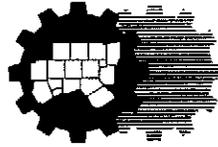
Phil Crone, CGP, JD

**2013 INDUSTRY INVESTORS**

Atmos Energy  
The Bath & Kitchen Showplace  
Fox Energy Specialists  
Holchkiss Insurance Agency  
StrucSure Home Warranty  
Texas Door & Trim Inc.

**AFFILIATED WITH:**

Texas Association of Builders  
National Association of Home Builders



North Central Texas Council Of Governments

RECEIVED

JUN 14 2013

BG  
CITY MANAGER'S OFFICE

**TO:** Jurisdictions throughout the North Central Texas Region **DATE:** June 10, 2013

**SUBJECT:** Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In 2011, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2012 family of model construction codes. The Advisory Boards, comprised of over 100 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2012 Edition**
- ◆ **International Residential Code – 2012 Edition**
- ◆ **International Fire Code – 2012 Edition**
- ◆ **International Plumbing Code – 2012 Edition**
- ◆ **International Mechanical Code – 2012 Edition**
- ◆ **International Fuel Gas Code – 2012 Edition**
- ◆ **International Energy Conservation Code - 2012 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments as expeditiously as possible. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

**PLEASE NOTE:**

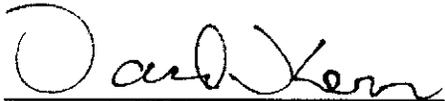
There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire, building and residential code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at [www.dfwcodes.com](http://www.dfwcodes.com) to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Sam Brush, Manager of Environment & Development, by email at [sbrush@nctcog.org](mailto:sbrush@nctcog.org) or by phone at (817) 695-9213.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.



Mike Eastland, Executive Director  
North Central Texas Council of Governments



David Kerr, Chairman  
Regional Codes Coordinating Committee

SWB/



# Memorandum

**Date:** August 20, 2013  
**To:** Bruce Glasscock, City Manager  
**From:** Art Stone, Chairman of the Building Standards Commission  
**Subject:** Adoption of the 2012 International Codes with Amendments

The Building Standards Commission, along with staff, has reviewed the 2012 International Building Codes with amendments since March of this year. Monthly reviews have continued until completion in August. In addition, staff has vetted the codes with the North Central Council of Governments and made Plano amendment presentations for each code to our Board. All code review is now completed.

It is my pleasure to inform you that the Building Standards Commission unanimously recommends the following codes with amendments to Council for approval and adoption;

2012 International Building Code  
2012 International Residential Code  
2012 International Plumbing Code  
2012 International Mechanical Code  
2012 International Fuel Gas Code  
2012 International Energy Conservation Code

Sincerely,

A handwritten signature in black ink that reads "Art Stone".

Art Stone  
Chairman  
Building Standards Commission

**An Ordinance of the City of Plano, Texas, repealing in its entirety City of Plano Ordinance No. 2011-1-11, codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances; and adopting the 2012 Edition of the International Energy Conservation Code, with certain additions, deletions and amendments, as the Energy Conservation Code of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.**

**WHEREAS**, On January 10, 2011, by Ordinance No. 2011-1-11, the City Council of the City of Plano established an Energy Conservation Code and provided regulations thereunder, and such Ordinances were codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

**WHEREAS**, August 20, 2013 the Building Standards Commission held a public hearing to discuss the adoption of the 2012 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), and to receive input from the general public and all persons who may be affected by the proposed adoption; and

**WHEREAS**, upon recommendation of the Building Standards Commission and upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2012 Edition of the International Energy Conservation Code, and the additions, deletions, and amendments thereto, should be approved and adopted as the Energy Conservation Code of the City of Plano.

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

**Section I.** Ordinance No. 2011-1-11, duly passed and approved by the City Council of the City of Plano on January 10, 2011 is hereby repealed in its entirety.

**Section II.** A new Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of City of Plano is hereby adopted and shall read in its entirety as follows:

**ARTICLE XVIII. ENERGY CONSERVATION CODE**

**DIVISION 1. GENERALLY**

**Sec. 6-684. Penalty.**

Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Sec. 6-685 Adopted.**

The 2012 Edition of the International Energy Conservation Code, a publication of the International Code Council (I.C.C.), along with the Appendices of such Code, is hereby adopted and

designated as the Energy Conservation Code of the City to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the 2012 Edition of the International Energy Conservation Code is on file in the office of the City Secretary.

## DIVISION 2. AMENDMENTS

### **Sec. 6-686. Deletions, Additions, Amendments.**

The following deletions, additions, and amendments to the International Energy Conservation Code adopted herein are hereby approved and adopted:

#### Chapter 1, Administration

#### **Section C101.4.2 and R101.4.2; change to read as follows:**

**Section C101.4.2/R101.4.2 Historic Buildings.** Any building or structure that is: 1) listed in the State or National Register of Historic Places; 2) designated as a historic property under local or state designation law or survey, 3) certified as a contributing resource with a National Register listed or locally designated historic district, 4) or has been issued 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, shall comply with all of the provisions of this code.

Exception: Whenever a provision or provisions shall invalidate or jeopardize the historical designation or listing, that provision or provisions may be exempted by the code official.

#### **Section C101.4.3 Additions, alterations, renovations or repairs; add exception #9 to read as follows:**

9. Replacement of existing fenestration, provided, however, that the area of the replacement fenestration does not exceed 25% of the total fenestration area of an existing building and that the U-factor and SHGC will be equal to or lower than before the fenestration replacement.

#### **Section C102/R102 Alternative compliance; add Section C102.1.2 and R102.1.2 to read as follows:**

**Section C102.1.2/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.

**Section C202 and R202;** *add the following definition:*

**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.

**Table R402.1.1 Insulation and Fenestration requirements by component;** *amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:*

13

**Table R402.1.3 Equivalent U-Factors;** *amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:*

0.082

**Section R402.4.1.2 Testing;** *add a last paragraph to read as follows:*

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed by or have any financial interest in the company that constructs the structure.

**Section R403.2.2 Sealing (Mandatory);** *add a last paragraph to read as follows:*

Testing may only be performed by individuals that are certified HERS Raters or Rating Field Inspectors by RESNET or Performance Verification Technicians certified by Texas HERO, or other certifications as may be approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed by or have any financial interest in the company that installed the duct system.

**Section R403.2.2;** *amend to read as follows:*

**Section R403.2.3 Building cavities (Mandatory).** Building framing cavities shall not be used as supply ducts and plenums. Building framing wall cavities in the exterior thermal envelope shall not be used as return ducts.

**Section C402.2.9/R402.2;** *add Section C402.2.9 and R402.2.13 to read as follows:*

**Section C402.2.9/R402.2** Insulation installed in walls. To ensure that insulation remains in place, insulation batts installed in walls shall be totally secured by an enclosure on all sides

consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, wire, netting 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.

**Section III.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective January 1, 2014, and after its passage and publication as required by law.

DULY PASSED AND APPROVED this the 28th day of October 2013.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY