

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE TOWN OF SUNNYVALE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” IN THE SUNNYVALE CODE OF ORDINANCES BY TRANSFERRING ARTICLE 4.08 “FLOOD DAMAGE PROTECTION” TO ARTICLE 4.17 “FLOOD DAMAGE PROTECTION” AND REDESIGNATING THE SECTIONS TO REFLECT THE CHANGE AND ADDING ARTICLE 4.08 “ENERGY CONSERVATION CODE” TO ADOPT THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL AMENDMENTS IN; PROVIDING A PENALTY OF NOT MORE THAN TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Sunnyvale, Texas has investigated and determined that it in the best interest of the health, safety, and welfare of the citizens of the Town of Sunnyvale, Texas to adopt the 2021 Edition of the International Energy Conservation Code and the local amendments in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNNYVALE, TEXAS:**

**SECTION 1. Recital.** That the recital set forth above is true and correct and is incorporated as if fully set forth herein.

**SECTION 2. Transfer of Article 4.08 to 4.17.** That Sunnyvale Code of Ordinances Chapter 4 “Building Codes,” Article 4.08 “Flood Damage Prevention” is hereby transferred in its entirety to Article 4.17 “Flood Damage Prevention” and the sections redesignated to the reflect the change.

**SECTION 3. Amendment of Article 4.08.** That Sunnyvale Code of Ordinances Chapter 4 “Building Regulations,” is hereby amended by adding Article 4.08 “Energy Conservation Code” to read as follows:

**ARTICLE 4.08. – ENERGY CONSERVATION CODE**

**Sec. 4.08.001. – Adoption of Energy Conservation Code.**

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all buildings and structures within the Town and certain equipment specifically regulated herein, the 2021 edition of the International Energy Conservation Code, as published by the International Code Council, a copy of which is on file in the office of the Town Secretary, is hereby adopted and designated as

the Energy Conservation Code of the Town to the same extent as if such code were copied verbatim in this Article. The title of this Article shall be the “Energy Conservation Code of the Town of Sunnyvale,” and it may be cited as such.

**Sec. 4.08.002. – Deletions, amendments, and additions.**

The 2021 International Energy Conservation Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

*(a) Section C101.1 Title; The International Energy Conservation Code has been amended adding the Town’s name to read as follows:*

**C101.1 Title.** These regulations shall be known as the *Energy Conservation Code (Commercial Energy Code)* of the Town of Sunnyvale hereinafter referred to as “this code.”

*(b) Section C102.1; of the International Energy Conservation Code has been amending by adding a new subsection C102.1.2 Alternative Compliance 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.

*(c) Section R101.1 Title; The International Energy Conservation Code (Residential Energy Code) has been amended adding the Town’s name to read as follows:*

**R101.1 Title.** These regulations shall be known as the *Energy Conservation Code* of the Town of Sunnyvale hereinafter referred to as “this code.”

*(d) Section R101.2 Scope; The International Energy Conservation Code has been amended to coordinate the residential energy code requirements with the Residential Building Code by adding an additional sentence to read as follows:*

**R101.2 Scope.** This code applies to residential building and building sites and associated systems and equipment. Additional compliance methods shall be as prescribed in the International Residential Code as adopted or may be amended.

*(e) Section R102.1; of the International Energy Conservation Code has been amended by adding a new sub section R102.1.2 Alternative Compliance to read as follows:*

**Section R102.1.2.** 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.

*(f) Section 105.2.2 Framing and rough-in inspection; The International Energy Conservation Code has been amended to read as follows:*

**R105.2.2. Framing and Air Barrier rough-in inspections.** Inspections at framing and rough-in shall be made before application of insulation and shall verify compliance with the code as to air leakage controls as required by the code, and approved plans and specifications.

*(g) Section R105.2; of the International Energy Conservation Code has been amended by adding a new subsection R105.2.1.1 Insulation and Fenestration rough-in inspection to read as follows:*

**R105.2.1.1 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.

*(h) Section R401.2.5 Additional Energy efficiency; of the International Energy Conservation Code has been amended by deleting this section in its entirety, due to conflict with HB 2439, 86<sup>th</sup> Regular session.*

*(i) Section R402.4.6 Electrical and Communication outlet boxes; of the International Energy Conservation Code, has been amended 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.

*(j) Section R405.2 Performance-based compliance; the International Energy Conservation Code has been amended by adding a sentence to section three to read as follows:*

**R405.2 Performance-based compliance.**

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 2018 *standard reference design*. Energy prices shall be taken from a source approved by the code official,

such as the Department of Energy, Energy information Administrators State Energy Data System 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 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.

*(k) Table R406.4 Maximum Energy Rating Index; of the International Energy Conservation Code has been amended to 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 Sec. 388.003 to read as follows:*

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

CLIMATE ZONE	ENERGY RATING INDEX
2	63
3	63

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	59
3	59

This 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	57
3	57

This table is effective from September 1, 2025, to August 31, 2028.

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

CLIMATE ZONE	ENERGY RATING INDEX
2	55
3	55

This table is effective on or after September 1, 2028.

(l) *Section R408 Additional Efficiency Package Options; of the International Energy Conservation Code has been deleted in its entirety due to conflict with HB 2439, 86<sup>th</sup> Regular Session.*

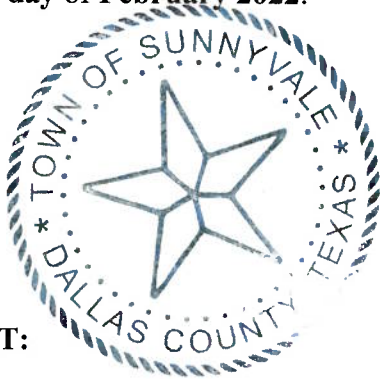
**SECTION 4. Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not to exceed two thousand dollars (\$2,000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Sunnyvale retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 5. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Sunnyvale hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 7. Effective Date.** This Ordinance shall become effective **May 1, 2022.**

**DULY PASSED AND ADOPTED** by the Town Council of the Town of Sunnyvale, Texas, on this **28<sup>th</sup>** day of **February 2022.**



**TOWN OF SUNNYVALE, TEXAS**

  
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Saji George, Mayor

**ATTEST:**

  
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Rachel Ramsey, Town Secretary