

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, REPEALING ARTICLE 3.08, "ENERGY CONSERVATION," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER AND REPLACING IT WITH A NEW ARTICLE 3.08, "ENERGY CONSERVATION"; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENTS SET FORTH HEREIN; REGULATING THE DESIGN OF BUILDING ENVELOPES FOR ADEQUATE THERMAL RESISTANCE AND LOW AIR LEAKAGE AND THE DESIGN AND SELECTION OF MECHANICAL, ELECTRICAL, SERVICE WATER-HEATING AND ILLUMINATION SYSTEMS AND EQUIPMENT WHICH WILL ENABLE EFFECTIVE USE OF ENERGY IN NEW BUILDING CONSTRUCTION WITHIN THE TOWN OF PROSPER, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Prosper"), has investigated and determined that it would be advantageous and beneficial to the citizens of Prosper to repeal existing Article 3.08, "Energy Conservation," of the Code or Ordinances and replace it with a new Article 3.08, "Energy Conservation"; and

WHEREAS, the Town Council also has investigated and determined that it would be advantageous and beneficial to the citizens of the Prosper to adopt the 2012 Edition of the International Energy Conservation Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Article 3.08, "Energy Conservation," of the Code of Ordinances of the Town of Prosper, Texas, is hereby repealed in its entirety and replaced with a new Article 3.08, "Energy Conservation," to read as follows:

"ARTICLE 3.08 ENERGY CONSERVATION

Sec. 3.08.001 Code Adopted; amendments

The International Energy Conservation Code, 2012 Edition, copyrighted by the International Code Council, Inc., save and except the deletions and amendments set forth in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby adopted as the Energy

Conservation Code for the Town, regulating the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction within the town (the "2012 International Energy Conservation Code"). The 2012 International Energy Conservation Code is made a part of this article as if fully set forth herein. A copy of the 2012 International Energy Conservation Code, 2012 Edition, copyrighted by the International Code Council, Inc., is on file in the office of the Town Secretary of Prosper being marked and so designated as the 2012 International Energy Conservation Code.

Sec. 3.07.002 Penalty for violation

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00), 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. The town retains all legal rights and remedies available to it pursuant to local, state and federal law."

SECTION 3

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 4

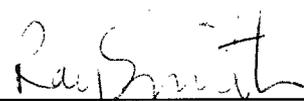
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Prosper hereby declares that it 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 5

This Ordinance shall become effective October 1, 2014, after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 22ND DAY OF JULY, 2014.

APPROVED:



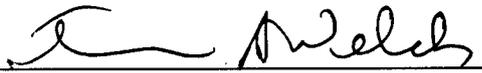
Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

Exhibit A

TOWN OF PROSPER AMENDMENTS

2012 INTERNATIONAL ENERGY CONSERVATION CODE

The following additions, deletions and amendments to the 2012 International Energy Conservation Code adopted herein are hereby approved and adopted.

Section C101.1 Title of the 2012 International Energy Conservation Code is amended as follows:

C101.1 Title. These regulations shall be known as the *Energy Conservation Code* of The Town of Prosper hereinafter referred to as "this code."

Section C106.1 Referenced codes and standards of the 2012 International Energy Conservation Code is amended as follows:

C106.1 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be those that are listed in Chapter 5 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections C106.1.1 and C106.1.2. Whenever amendments have been adopted to the reference codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

Section C107.2 Schedule of permit fees of the 2012 International Energy Conservation Code is amended as follows:

C107.2 Schedule of permit fees. The fees schedule for all Energy Conservation Code work shall be as indicated in the Town of Prosper Fee Schedule as adopted by the City Council.

Section C107.3 Work commencing before permit issuance of the 2012 International Energy Conservation Code is amended as follows:

C107.3 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to a Penalty of 100% of the usual permit fee in addition to the required permit fees.

Section C107.5 Refunds of the 2012 International Energy Conservation Code is amended as follows:

C107.5 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section C108.4 Failure to comply of the 2012 International Energy Conservation Code is amended as follows:

C108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of misdemeanor and upon conviction may be fined up to the maximum amount allowed by Texas law. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

Section C109 BOARD OF APPEAL of the 2012 International Energy Conservation Code is amended as follows; delete entire section and insert the following:

C109.1 Board for appeal. Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Prosper's enabling ordinance.

C202 General definitions of the 2012 International Energy Conservation Code is amended by adding the following definition 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.

Section R101.1 Title of the 2012 International Energy Conservation Code is amended as follows:

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Table R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT of the 2012 International Energy Conservation Code is amended as follows:

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 of the 2012 International Energy Conservation Code is amended as follows:

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 R402.2.13 Insulation installed in walls of the 2012 International Energy Conservation Code is amended by adding a new Section to read as follows:

R402.2.13 Insulation installed in walls. To insure 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, netting or other equivalent material approved by the building official.

End of Exhibit "A"