

**ORDINANCE NO. 2016-\_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS; ADOPTING AN AMENDED VERSION OF THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE, AS ARTICLE 3-17 OF CHAPTER 3, "BUILDING REGULATIONS", OF THE CITY OF ODESSA CODE OF ORDINANCES, THE SAME BEING ENTITLED ENERGY CONSERVATION CODE, FOR REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the City of Odessa recognizes the need to regulate and govern energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; and

**WHEREAS**, the City Council of the City of Odessa deems it in the public interest to adopt the sections of the "2012 International Energy Conservation Code," with the amendments, as provided;

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

**Section 1.** That Article 3-17 entitled "Energy Conservation Code" is hereby added to Chapter 3 of the City Code of Ordinances entitled "Building Regulations."

**Section 2.** That Section 3-17-1 entitled “Adoption” is hereby added to Article 3-17 of the City Code of Ordinances entitled “Energy Conservation Code,” as follows:

**Sec. 3-17-1 Adoption**

The 2012 International Energy Conservation Code, as amended by subsequent provisions of this chapter and 2012 International Energy Conservation Code Supplements, is hereby adopted by the City.

**Section 3.** That Section 3-17-2 entitled “Amendments” is hereby added to Article 3-17 of the City Code of Ordinances entitled “Energy Conservation Code,” as follows:

**Sec. 3-17-2 Amendments**

The hereinafter set forth amendments to the 2012 International Energy Conservation Code are hereby adopted by the City. When an amendment consists of a revision of an existing article, section, subsection, table or other portion of the 2012 International Energy Conservation Code, the language of such amendment shall supersede the language of the respective portion amended. Amendments to the 2012 International Energy Conservation Code, consisting of the addition of new articles, sections, subsections, errata, tables or other portions shall constitute supplements to such code. Any references to the codes, gas code, this code, etc., shall mean the code and the adopted appendixes and supplements.

**IECC – COMMERCIAL PROVISIONS**

**CHAPTER 1 [CE]. SCOPE AND ADMINISTRATION**

**SECTION C101. SCOPE AND GENERAL REQUIREMENTS**

*Amend to read as follows:*

**C101.1 Title.**

This code shall be known as the International Energy Conservation Code of The City of Odessa, and shall be cited as such. It is referred to hereinafter as “this code.”

*Amend to add the following subsection:*

**C101.6 Matters not provided for.**

Any requirement determined by the building official to be essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof, and which is not specifically covered by the building code, shall be recommended by the building official and considered by the city council for coverage and inclusion in said building code by amending ordinance. Pending such time as such requirement can be considered for coverage and inclusion in said building code by the city council by amending ordinance, the building official is authorized to issue a stop work order as provided in the building code, in order to prevent the commencement or continuation of construction of any proposed building or structure until the city council has had an opportunity to provide for such situation not specifically covered by the building code. Any stop work order issued under the authority of this section shall be effective for no longer than ninety (90) days.

#### SECTION C104. INSPECTIONS

*Amend to add the following subsection:*

##### C104.9 No alterations without reinspection.

No installations regulated by this code may be altered after it has been inspected without a reinspection to certify the work is in compliance with city codes and ordinances.

#### SECTION C107. FEES

*Delete the following paragraphs as written, insert the following:*

##### C107.2 Schedule of permit fees.

See the City ordinance on permit fees.

##### C107.5 Refunds.

See the City ordinance on permit fees.

#### SECTION C108. STOP WORK ORDER

*Amend to read as follows:*

##### C108.4 Failure to comply.

Any person who shall continue any work in or about any structure or property after having been served with a stop work order, except such work as that person is directed by the building official to perform to remove a violation or unsafe condition, shall be subject to and liable to a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed as separate offense.

#### SECTION C109. BOARD OF APPEALS

*Delete this section as written and insert the following:*

##### C109.1 General.

The Board of Appeals as noted in the International Building Code amendments as adopted by the City of Odessa shall be the ruling board for this code.

*Amend to add the following section:*

#### SECTION C110. CONTAINMENT OF TRASH AND DEBRIS.

##### C110.1 Containment of trash and debris.

It is the responsibility of each permit holder and/or each contractor and /or each property owner to make provisions to collect and contain or confine trash, spoils or debris resulting from construction activity, construction workers, or construction machinery, to the property under construction. Trash, paper, building packaging, and other construction related debris or spoils that is placed on or allowed to blow or accumulate outside the property boundaries shall constitute a violation of this section of the city code. At no time shall trash or debris be allowed to blow into the street or right of way or interfere with vehicular traffic. Such violations shall be subject to enforcement provisions as provided for in the building codes and/or the City of Odessa Code of Ordinances, including stop work order and/or the revocation of permits and/or fines.

#### IECC – RESIDENTIAL PROVISIONS

##### CHAPTER 1 [RE]. SCOPE AND ADMINISTRATION

## SECTION R101. SCOPE AND GENERAL REQUIREMENTS

*Amend to read as follows:*

### R101.1 Title.

This code shall be known as the International Energy Conservation Code of The City of Odessa, and shall be cited as such. It is referred to herein as “this code.”

*Amend to read as follows:*

### R101.2 Scope

This code applies to residential buildings and the building sites and associated systems and equipment except one- and two-family dwellings and the building sites and associated systems and equipment. The 2012 International Residential Code Chapter 11 shall be the Energy Code for one- and two-family dwellings, sites, systems and equipment.

*Amend to add the following subsection:*

### R101.6 Matters not provided for.

Any requirement determined by the building official to be essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof, and which is not specifically covered by the building code, shall be recommended by the building official and considered by the city council for coverage and inclusion in said building code by amending ordinance. Pending such time as such requirement can be considered for coverage and inclusion in said building code by the city council by amending ordinance, the building official is authorized to issue a stop work order as provided in the building code, in order to prevent the commencement or continuation of construction of any proposed building or structure until the city council has had an opportunity to provide for such situation not specifically covered by the building code. Any stop work order issued under the authority of this section shall be effective for no longer than ninety (90) days.

## SECTION R104. INSPECTIONS

*Amend to add the following subsection:*

R104.9 No alterations without reinspection.

No installations regulated by this code may be altered after it has been inspected without a reinspection to certify the work is in compliance with city codes and ordinances.

SECTION R107. FEES

*Delete the following paragraphs as written, insert the following:*

R107.2 Schedule of permit fees.

See the City ordinance on permit fees.

R107.5 Refunds.

The International Building Code refund section as adopted by the City of Odessa will apply.

SECTION R108. STOP WORK ORDER

*Amend to read as follows:*

R108.4 Failure to comply.

Any person who shall continue any work in or about any structure or property after having been served with a stop work order, except such work as that person is directed by the building official to perform to remove a violation or unsafe condition, shall be subject to and liable to a fine of not more than two thousand dollars (\$2,000.00). Each day that a violation continues shall be deemed as separate offense.

SECTION R109. BOARD OF APPEALS

*Delete this section as written and insert the following:*

R109.1 General.

The Board of Appeals noted in the International Building Code as adopted by the City of Odessa shall be the ruling board for this code.

*Amend to add the following section:*

**SECTION R110. CONTAINMENT OF TRASH AND DEBRIS.**

**R110.1 Containment of trash and debris.**

It is the responsibility of each permit holder and/or each contractor and /or each property owner to make provisions to collect and contain or confine trash, spoils or debris resulting from construction activity, construction workers, or construction machinery, to the property under construction. Trash, paper, building packaging, and other construction related debris or spoils that is placed on, allowed to blow or accumulate outside the property boundaries shall constitute a violation of this section of the city code. At no time shall trash or debris be allowed to blow into the street or right of way or interfere with vehicular traffic. Such violations shall be subject to enforcement provisions as provided for in the building codes and/or the City of Odessa Code of Ordinances, including stop work order and/or the revocation of permits and/or fines.

**Section 4.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

**Section 5.** That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding two thousand dollars (\$2,000.00) as provided in Section 1-1-9, "General Penalty", Odessa City Code, which section is adopted by reference and made a part hereof

**Section 6.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 7.** That the caption and penalty clause of this ordinance shall be published in The Odessa American, a newspaper of general circulation in the city of Odessa, in compliance with the provisions of Article 1176b-1, T.R.C.S.

**Section 8.** That this ordinance shall go into effect thirty (30) days after adoption

on second approval.

The foregoing ordinance was first approved on the 13<sup>th</sup> day of December, A.D., 2016, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

The foregoing ordinance was adopted on second and final approval on the 10<sup>th</sup> day of January, A.D., 2017, by the following vote:

Malcolm Hamilton	_____
Dewey Bryant	_____
Barbara Graff	_____
Michael Gardner	_____
Filiberto Gonzales	_____

Approved this the 10<sup>th</sup> day of January, A.D., 2017.

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David R. Turner, Mayor

ATTEST:

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Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

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Larry Long, City Attorney