



# City of Saginaw

## City of Saginaw

**Meeting Date:** 06/16/2015

**Staff Contact:** Mark White  
Director of Public Works

**Agenda Item:** 9  
(CC-0615-10)

**E-mail:** [mwhite@ci.saginaw.tx.us](mailto:mwhite@ci.saginaw.tx.us)

**Phone:** 817-230-0500

---

**SUBJECT:** Consideration and Action regarding Ordinance No. 2015-05, Amending Ordinance No. 2013-14, Section 7, the 2012 International Energy Conservation Code

---

**BACKGROUND/DISCUSSION:**

In August of 2013 the City Council approved Ordinance No. 2013-14 which included the adoption of the 2012 edition of the International Energy Conservation Code. The North Central Texas Council of Governments has recommended an amendment to one section of the Code. An explanation of the amendment is included in the attachments.

**FINANCIAL IMPACT**

N/A

**RECOMMENDATION:**

Staff recommends approval of Ordinance No. 2015-05 amending Ordinance No. 2013-14, Section 7, the 2012 International Energy Conservation Code.

Attachments

Memo from Kevin McMillin  
Proposed Ordinance

## Memorandum

To: Nan Stanford, City Manager

From: Kevin McMillin, Chief Building Official

Subject: Consider Amending Ordinance 2013-14 to include a NCTCOG recommendation to section R-402.4.1.2 of the International Energy Code.

Date: June 8, 2015

After review of the city's adopted Energy Code and a recommendation from the NCTCOG I feel it necessary to consider the adoption of a local amendment to the code. Section R-402.4.1.2 of the Energy Code calls for testing of a building or dwelling unit to verify air leakage. The current code places our area in climate zone 3. NCTCOG after review of the climate map recommends our area be considered in zone 2 as it more closely resembles the weather in this region.

Depending on the zone designation the requirements for "air leakage" varies from either 3 or 5 air changes. These air changes affect the environment indoors and COG recommends 5 air changes to promote a more comfortable environment and reduce the chance of mold generation.

### **Recommended Change**

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1, 2, and 3. **(and 3 air changes per hour in Climate Zones 4 through 8.)** Remove highlighted section  
*{Remainder of text unchanged}*

**ORDINANCE NO. 2015-05**

**AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS ADOPTING A LOCAL AMENDMENT TO THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the State of Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has previously adopted the 2012 International Energy Conservation Code as the official Energy Conservation Code of the City as codified in Section 10-546 of the Saginaw City Code; and

**WHEREAS**, the City Council now desires to adopt a local amendment to the Energy Conservation Code to meet the unique needs of the City

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

**SECTION 1.**

The 2012 Edition of the International Energy Conservation Code is hereby amended by adopting the following local amendment:

“R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1, 2, and 3.”

This local amendment to the 2012 Edition of the International Energy Conservation Code is approved in accordance with Section 10-547 of the Saginaw City Code.

**SECTION 2.**

The local amendment adopted in this Ordinance shall be consolidated with the Code being amended, and shall be maintained as a public record in the office of the City Secretary. This amendment will be available for public inspection and copying during regular business hours.

### **SECTION 3.**

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Saginaw City Code, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such existing ordinances and Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

### **SECTION 4.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 5.**

Except where otherwise specified in the 2012 International Energy Conservation Code, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars and no cents (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars and no cents (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

### **SECTION 6.**

All rights and remedies of the City of Saginaw, Texas, are expressly saved as to any and all violations of the provisions of the 2012 International Energy Conservation Code, as amended, or any other ordinances affecting such Code, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 7.**

The City Secretary of the City of Saginaw is hereby directed to publish in the official newspaper of the City of Saginaw the caption and the penalty clause of this Ordinance in accordance with Section 52.013(b) of the Local Government Code.

**SECTION 8.**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Gary Brinkley, Mayor

ATTEST:

\_\_\_\_\_  
Janice England, City Secretary

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Bryn Meredith, City Attorney