ORDINANCE NO. 3947

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, REPEALING IN ITS ENTIRETY CITY OF FARMERS BRANCH ORDINANCE NO. 3609, CODIFIED AS CHAPTER 22 (BUILDINGS AND BUILDING REGULATIONS) ARTICLE VII.7 (ENERGY CONSERVATION CODE); AND ADOPTING THE 2024 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, WITH CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS, AS THE ENERGY CONSERVATION CODE OF THE CITY OF FARMERS BRANCH; PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes, including the International Energy Conservation Code; and

WHEREAS, since the 1970s, the City of Farmers Branch has been involved throughout the development process of the ICC, specifically the International Energy Conservation Code, in conjunction with the North Texas Chapter of the International Code Council, Regional Codes Coordinating Committee of North Central Texas Council of Governments (NCTCOG), and the International Conference of Building Officials (ICBO); and

WHEREAS, on December 12, 2019, by Ordinance No. 3609, the City Council for the City of Farmers Branch established an Energy Conservation Code to reflect and provided regulations thereunder, and such Ordinances were codified as Chapter 22 (Buildings and Building Regulations) Article VII.7 (Energy Conservation Code) of the City's Code of Ordinances; and

WHEREAS, the 2024 International Energy Conservation Code, a publication of the ICC, has been reviewed by city staff and the NCTCOG for necessary updates and amendments; and

WHEREAS, the City Council of the City of Farmers Branch has determined that it is in the best interest of the citizens of the City of Farmers Branch to adopt the 2024 Edition of the International Energy Conservation Code, and the additions, deletions, and amendments thereto, as the minimum energy efficiency requirements for new and renovated buildings and structures within the City limits, as set forth herein, and to adopt the Energy Conservation Code in order to account for unique local practices and /or conditions relating to the same within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Ordinance No. 3609 duly passed and approved by the City Council of the City of Farmers Branch on December 12, 2019, is hereby repealed in its entirety.

SECTION 2. A new Chapter 22 (Buildings and Building Regulations) Article VII.7 (Energy Conservation Code) is hereby adopted and shall read in its entirety as follows:

ARTICLE VII.7 ENERGY CONSERVATION CODE

Sec. 22 -240. Adoption of International Energy Conservation Code; purpose. The 2024 Edition of the International Energy Conservation Code, as published by the International Code Council and as amended pursuant to Sec. 22-241 is hereby adopted. Copies of the Energy Conservation Code are on file in the office of the city secretary for permanent record and inspection and are incorporated into this section as if fully set forth herein. The city manager or designee, is hereby authorized and directed to enforce all provisions of the Energy Conservation Code. For purposes of this Article, the phrase "Energy Conservation Code" means collectively (i) the 2024 Edition international Energy Conservation Code, as published by the International Code Council and (ii) the local amendments adopted pursuant to Sec. 22-241.

Sec 22-141. Local Amendments to the International Energy Conservation Code: For purposes of enforcement of the provisions of the Energy Conservation Code within the incorporated limits of the City, the following deletions, additions, and amendments to the 2024 Edition of the International Energy Conservation Code are hereby approved and amended as follows:

Section C102/R102 General; add Section C102.1.2 and R102.1.2 (N1101.4.1) to read as follows:

C104.1.2 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.

R104.1.2 (N1101.4.1) 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. 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 R402.5.1.2 (N1102. 5.1.2) and R403.3.7 (N1103.3.7) respectively.

Section C403.7.4.1 Nontransient dwelling units.; amend as follows.

C403.7.4.1 Nontransient dwelling units. Nontransient dwelling units shall be provided with outdoor air energy recovery ventilation systems complying with not less than one of the following:

1. The system shall have an enthalpy recovery ratio of not less than 50 percent at cooling design condition and not less than 60 percent at heating design condition.
2. The system shall have a sensible recovery efficiency (SRE) that is not less than 65 percent at 32°F (0°C) and in Climate Zones 0A, 1A, 2A and 3A shall have a net moisture transfer (NMT) that is not less than 40 percent at 95°F (35°C). SRE and NMT shall be determined from a listed value or from interpolation of listed values at an airflow not less than the design airflow, based on testing in accordance with CAN/CSA C439.

Exceptions:
1. Nontransient dwelling units in Climate Zone 3C.
2. Nontransient dwelling units with not more than 500 square feet (46 m^2) of conditioned floor area in Climate Zones 0, 1, 2, 3, 4C and 5C.
3. Enthalpy recovery ratio requirements at heating design condition in Climate Zones 0, 1, and 2.
4. Enthalpy recovery ratio requirements at cooling design condition in Climate Zones 4, 5, 6, 7 and 8.
5. Dwelling units using ventilation systems per the Fan Efficacy Table in R406, shall be considered in compliance.

Section C405.2.10 Sleeping unit and dwelling unit lighting and switched receptacle controls; deleted in its entirety.

Section R105.2.2 Solar Ready System; deleted in entirety.

Section R106.3 Permit Valuation; deleted in entirety.

Section R202 (N1101.6) Definitions; add the following definition:

DYNAMIC GLAZING. Any fenestration product that has the fully reversible ability to change its performance properties, including U-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

Section R401.2.1 Prescriptive Compliance Option; deleted reference to R408.

Section R402.2.10 (N1102.2.10) Slab-on-grade floors; amend as follows:

Exception: Slab-edge insulation is not required in jurisdictions designated by the code official as having a moderate to heavy or very heavy termite infestation probability.

Section R402.5.5 (N1102.5.5) Air-sealed electrical and communication outlet boxes; amend as follows:

Section R402.5.5 (N1102.5.5) Air-sealed electrical and communication outlet boxes. Air-sealed electrical and communication outlet boxes that penetrated the air barrier of the building thermal envelope shall be caulked, taped, gasketed or otherwise sealed to the air barrier element being penetrated. Air-sealed boxes shall be buried in or surrounded by insulation. Air-sealed boxes shall be tested and marked in accordance with NEMA OS 4. Air-sealed boxes shall be installed in accordance with the manufacturer's instructions.

Exception: Boxes may be air-sealed in the field using caulk, tape, gasket or other approved method to prevent air leakage through the box in lieu of NEMA OS 4 boxes. Boxes air-sealed in the field shall be sealed to the air barrier element being penetrated and installed in accordance with manufacturer's instructions

Table 402.1.2 (1102.1.2) Maximum Assembly/Climate Zone items: amend table as follows:

TABLE R402.1.2 (N1102.1.2) - MAXIMUM ASSEMBLY U-FACTOR AND FENESTRATION REQUIREMENTS

Portions of table not shown remain unchanged.

CLIMATE ZONE	2	3
Attic Roofline U-factor [f]	**0.035**	**0.035**

f. Air-impermeable insulation located at the attic roofline but below the roof deck may be used if mechanical equipment and air distribution system are located entirely within the building thermal envelope. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s-m 2 at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

Table 402.1.3 (N1102.1.3) Insulation/Climate Zone items: amend table as follows.

TABLE R402.1.3 (N1102.1.3) - INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT

Portions of table not shown remain unchanged.

CLIMATE ZONE	2	3
attic roofline R-value[i]	**30+0ci**	**30+0ci**

i. Air-impermeable insulation of R-30&0 or greater located at the attic roofline but below the roof deck may be used if mechanical equipment and air distribution system are located entirely within the building thermal envelope. "Air-impermeable" shall be defined as having an air permeance not exceeding 0.02 L/s-m 2 at 75 Pa pressure differential tested according to ASTM E 2178 or ASTM E 283.

Section R404.2 (N1104.2) Interior lighting controls; deleted in its entirety.

TABLE R405.4.2(1) (N1105.4.2(1)) - SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS: amend table as follows.

TABLE R405.4.2(1) (N1105.4.2(1)) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

Portions of the table not shown remain unchanged.

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Foundations	Type: same as proposed.	As proposed
	Foundation wall or slab extension above grade: 1 foot (30cm) Foundation wall or slab extension below grade: same as proposed Foundation wall or slab perimeter length: same as proposed Soil characteristics: same as proposed.	As proposed
	Foundation wall U-factor and slab-on-grade F-factor: as specified in Table R402.1.2.[n]	As proposed

For SI: 1 square foot = 0.93 m2, 1 British thermal unit = 1055 J, 1 pound per square foot = 4.88 kg/m2, 1 gallon (US) = 3.785 L, °C = (°F-32)/1.8, 1 degree = 0.79 rad.

n. In accordance with Section R402.2.10, a maximum F-factor of 0.73 shall apply for the reference design in jurisdictions designated by the code official as having a moderate to heavy or very heavy termite infestation probability.

TABLE R406.5 (N1106.5) MAXIMUM ENERGY RATING INDEX; amend to read as follows:

TABLE R406.5 (N1106.5) [2]
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX NOT INCLUDING OPP	ENERGY RATING INDEX WITH OPP
2	59	
3	59	

[2] The table is effective from September 1, 2022 to August 31, 2025.

TABLE R406.5 (N1106.5) [3]
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX NOT INCLUDING OPP	ENERGY RATING INDEX WITH OPP
2	57	
3	57	

[3] The table is effective from September 1, 2025 to August 31, 2028.

TABLE R406.5 (N1106.5) [4]
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX NOT INCLUDING OPP	ENERGY RATING INDEX WITH OPP
2	55	
3	55	

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

Section R408 Additional Efficiency Requirements; deleted in entirety.

NOTE : HB 3215 was signed into law by the Governor on June 14, 2021 as part of the 87th Regular Session Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003 (i), (j), and (k). HB 3215 now allows a Home Energy Rating System Index (ex. HERS Index) utilizing ANSI/RESNET/ICC Standard 301 (as it existed on January 1, 2021).

SECTION 3. All provisions of the Code of Ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Farmers Branch, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. 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 5. 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 6. Any violation of the provisions or terms of this ordinance shall be subject to the same penalty as provided in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00). Every day a violation continues shall constitute a separate offense.

SECTION 7. This Ordinance shall take effect on October 1, 2025, following the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 19th DAY OF AUGUST, 2025.

ATTEST:

_____
Erin Flores, City Secretary

APPROVED:

_____
Terry Lynne, Mayor

APPROVED AS TO FORM:

_____
Nicole Corr, City Attorney
[vf.07.20.25]