

**Ordinance amending the Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 4, "ENERGY CONSERVATION CODE," Section 14-251, "Energy conservation code," by adding provisions for approved inspection agencies, a submission method, and a submission time frame for test results; providing for severance, penalties, publication, and an effective date.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1.** The Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 4, "ENERGY CONSERVATION CODE," Section 14-251, "Energy conservation code," is amended by adding provisions for approved inspection agencies, a submission method, and a submission time frame for test results, to read as follows:

**"Sec. 14-251. Energy conservation code.**

"With the following additions, deletions, and revisions, the International Energy Conservation Code, 2009 Edition, as published by the International Code Council, a copy of which, authenticated by the signatures of the mayor and city secretary, made public record by this section and on file in the city secretary's office, is incorporated by reference and adopted as the Energy Conservation Code for the City of Corpus Christi:

"(1) \* \* \*

"(2) Section 104.5 of the International Energy Conservation Code is revised to read as follows:

"104.5 Approved inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

"104.5.1 Approved agents. Only those third party inspectors who have been registered with the City and have met the requirements of the Building Official shall be accepted as approved energy conservation code compliance inspectors. A list of third party inspectors that are registered with the City to be third party energy compliance inspectors will be available on the City's Development Services website for public viewing.

“104.5.2 Requirements for registered third party inspectors.

(a) Insurance – Third party inspectors are required to have \$500,000 of commercial general liability, with a combined single limit per occurrence provided coverage for property damage and bodily injury.

(b) Registration – All third party inspectors are required to register with the City for participation in the “City of Corpus Christi Energy Conservation Code Compliance Program.”

(c) Renewal – All third party inspectors are required to submit an annual renewal and proof of current insurance to Development Services.

“(3) Section 104.8 of the International Energy Conservation Code is revised to read as follows:

“104.8 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the Building Official.

“104.8.a Method of Approval. Test results will be accepted by Development Services via electronic submission or hard copy.

“104.8.b Documentation Requirements for Code Compliance Registration with the City shall contain:

- “i) The name of the company
- “ii) Company address
- “iii) Specific energy improvements offered by company
- “iv) Name of registered technician that will be performing the inspection
- “v) Type of certification that inspector has acquired
- “vi) Certificate of insurance

“104.8.c Documentation Requirements for Inspection Submission:

- “i) Verification of third party registration
- “ii) Disclosure of inspection results
- “iii) Pass or fail results

“104.8.d Time Frame for Submitting Approved Test Results. Test results by a third party inspector in compliance with Section 104.5.1 shall be filed with Development Services, Building Division, prior to the Certificate of Occupancy being issued.”

“104.8.1 Revocation. The Building Official is authorized to, in writing, suspend or revoke a notice of approval whenever the certificate is issued in error, incorrect information was supplied, or where it is determined that the building, structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.”

“(2 4) Section 108.4 of the International Energy Conservation Code is deleted. Refer to section 14-207 Violations and Penalties.”

**SECTION 2.** If, for any reason, any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this ordinance be given full force and effect for its purpose.

**SECTION 3.** A violation of this ordinance or the requirements implemented under this ordinance constitutes an offense punishable under Sections 1-6, 1-6.1, and 14-207 of the Code of Ordinances, City of Corpus Christi. Unless otherwise specifically stated within the provisions of this ordinance or the Code of Ordinances, City of Corpus Christi, any violation of this ordinance or the requirements implemented under this ordinance that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of “criminal negligence.”

**SECTION 4.** Publication shall be made in the official publication of the City of Corpus Christi, as required by the City Charter of the City of Corpus Christi.

**SECTION 5.** This ordinance and its requirements take effect on and after April 1, 2013.

The foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

The foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Armando Chapa  
City Secretary

\_\_\_\_\_  
Nelda Martinez  
Mayor