

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” OF THE ADDISON CODE OF ORDINANCES TO ADD A NEW ARTICLE X “SOLAR ENERGY PROVISIONS CODE,” ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SOLAR ENERGY PROVISIONS CODE, WITH AMENDMENTS; PROVIDING A PENALTY OF NOT TO LESS THAN FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) OR MORE THAN ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt the 2018 Edition of the International Solar Energy Provisions Code, save and except the deletions and amendments set forth below.

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

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations,” is hereby amended to add a new Article X “Solar Energy Provisions Code” which shall read in its entirety as follows:

ARTICLE X. – SOLAR ENERGY PROVISIONS CODE

Division I - Adopted.

Sec. 18-109. - Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all buildings and structures within the city and certain equipment specifically regulated herein, the 2018 edition of the International Solar Energy Provisions Code, as published by the International Code Council, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the Solar Energy Provisions Code of the Town to the same extent as if such code were copied verbatim

in this Article. The title of this Article shall be the “Solar Energy Provisions Code of the Town of Addison,” and it may be cited as such.

Division II - Deletions, Amendments and Additions.

Sec. 18-110. – Deletions, amendments and additions.

The 2018 International Solar Energy Provisions Code (Commercial Provisions), as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section CS101.1 Title; The International Solar Energy Provisions Code has been amended by adding a new section CS101.1 Title, adding the Town’s name to this Code and renumbering the paragraph on Scope to subsection CS101.1.1 to read as follows:

CS101.1 Title. These regulations shall be known as the *Solar Energy Provisions Code (Commercial Solar Energy Provisions Code)* of the Town of Addison hereinafter referred to as “this code.”

CS101.1.1 (IMC 101.2) Scope. [This code] shall regulate the design, installation, maintenance, *alteration* and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. [This code] shall also regulate those mechanical systems, system components, *equipment* and appliances specifically addressed herein. The installation of fuel gas distribution piping and *equipment*, fuel gas-fired appliances and fuel gas-fired *appliance* venting systems shall be regulated by the *International Fuel Gas Code*.

This collection of provisions imports code sections which address both Solar Thermal and Photovoltaic Solar Systems, and the structural, mechanical, plumbing, fire safety and energy conservation measures for each. Some are specific to Solar Systems and others to their auxiliary, or backup systems. The installation of Photovoltaic Solar Systems is also addressed in NFPA 70.

Section CS104.2 Fee schedule; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

CS104.2 Fee schedule. On buildings, structural, electrical, gas, mechanical, plumbing and fire safety systems or *alterations of solar systems and solar equipment* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit as required in this code will be as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section CS104.3 Fee refunds; the International Solar Energy Provisions Code has been amended

by adding the new subsection to read as follows:

Section CS104.3 Fee refunds. The building official shall authorize the refunding of permit fees as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section CS104.4; Permit expiration; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

CS104.4 Permit expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section CS104.5 Violation penalties; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

CS104.5 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a violation of this code, punishable by a fine as specified in this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Section CS104.6 Stop work orders; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

CS104.6 Stop work orders. Upon notice from the code official that fuel gas work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the

property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 subject to penalties as prescribed by law.

Section CS104.7 Means of appeal; *the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:*

CS104.7 Means of appeal. The board of appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article II of this code.

The 2018 International Solar Energy Provisions Code (Residential Provisions), as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section RS101.1 Title; *The International Energy Conservation Code has been amended adding a new section RS101.1 Title, adding the Town's name to this Code and renumbering the paragraph on the Scope to subsection RS101.1.1 to read as follows:*

RS101.1 Title. These regulations shall be known as the *Solar Energy Provisions Code (Residential Solar Energy Provisions Code)* of the Town of Addison hereinafter referred to as "this code."

RS101.1.1 (R101.2) Scope. The provisions of [this code] shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two family dwellings and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.

Exception: The following shall be permitted to be constructed in accordance with [this code] where provided with a residential fire sprinkler system complying with Section (P2904):

1. Live/work units located in *townhouses* and complying with the requirements of Section 419 of the *International Building Code*.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

This collection of provisions imports code sections which address both Solar Thermal and Photovoltaic Solar Systems, and the structural, mechanical, plumbing, fire safety and energy conservation measures for each. Some are specific to Solar Systems, and others to their auxiliary, or backup systems. The installation of Photovoltaic Solar Systems is also addressed in NFPA 70.

Section RS104.3 Fee schedule; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

RS104.3 Fee schedule. On buildings, structural, electrical, gas, mechanical, plumbing and fire safety systems or *alterations of solar systems and solar equipment* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit as required in this code will be as established in Article I “General Provisions” of this Code in the Appendix C “Fee Table”.

Section RS104.4 Fee refunds; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

Section RS104.4 Fee refunds. The building official shall authorize the refunding of permit fees as established in Article I “General provisions” of this code.

Section RS104.5 Permit expiration; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

RS104.5 Permit expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section RS104.6 Violation penalties; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

RS104.6 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a violation of this code, punishable by a fine as specified in this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Section RS104.7 Stop work orders; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

RS104.7 Stop work orders. Upon notice from the code official that fuel gas work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 subject to penalties as prescribed by law.

Section RS104.8 Means of appeal; the International Solar Energy Provisions Code has been amended by adding the new subsection to read as follows:

RS104.8 Means of appeal. The board of appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article II of this code.

Division III - Additional Solar Energy Code Requirements.

Sec. 18-111. – Additional Solar Energy Code Requirements.

Sec. 18-112. - Definitions. The following words, terms, and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Solar energy system means a device or combination of devices or elements that rely on direct sunlight for the following uses; heating or cooling of a structure or building; heating or pumping of water; or generating electricity.

Sec. 18-113. - Purpose. The city council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of solar energy systems is likely and such proliferation may adversely affect the health, safety and general welfare of the citizens of the city.

Sec. 18-114. – Size, location, screening, miscellaneous installation requirements.

(a) *Ground-mounted solar energy systems* shall:

- (1) Be installed, constructed or placed in the back one-half of residential lots and behind the front building line on commercial or multifamily lots.
- (2) Be screened from view on all sides by a solid fence, wall or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the city's fence regulations, and to the extent that the maximum operating height of the system exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;
- (3) Conform to all adopted building, electrical, plumbing and mechanical codes;
- (4) Not be portable or moveable; and
- (5) Be of a forest green, black, dark blue, brown or grey color or other neutral color designed to blend in with the surroundings.

(b) *Roof-mounted solar energy systems* shall:

- (1) Not be installed greater than six inches between the panel and the roof.
- (2) Conform to all adopted building, electrical, plumbing and mechanical codes.
- (3) Not be portable or moveable; and
- (4) Be a forest green, black, dark blue, brown or grey color or other neutral color designed to blend in with the surroundings.

Sections 18-115 through 18-120 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day, 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. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. 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 5. Severability. 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. Addison 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 6. Effective Date. This Ordinance shall become effective June 1, 2020.

DULY PASSED AND ADOPTED by the City Council of the Town of Addison, Texas, on this **28th** day of **APRIL 2020**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney