ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 8 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF LITTLE ROCK, ARKANSAS, TO PROVIDE FOR THE ADOPTION OF THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, FOR RESIDENTIAL STRUCTURES WITH AMENDMENTS HERIN AND FOR OTHER PURPOSES.

WHEREAS, Little Rock customers spend millions of dollars annually for electricity and natural gas services, and

WHEREAS, more efficient buildings can conserve energy, reduce stress on our electricity grid and natural gas supplies while saving money and resources for our citizens; and

WHEREAS, existing the State adopted and amended 2014 AR Energy Code is inferior in comparison with the 2009 International Energy Conservation Code; and

WHEREAS, pursuant to A.C.A §14-55-206, the City of Little Rock has published a notice of intent to adopt and require all new residential construction and additions, alterations and renovations to comply with the 2009 International Energy Conservation Code, three (3) copies of which are available for public inspection and review in the City Clerk’s Office.

WHEREAS, such amendments are appropriate and necessary for the health, safety and welfare of citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. This section of Little Rock, AR. Revised Code (1988) Sec. 8-2(7) is hereby deleted in its entirety and the following language substituted therefore:

Sec 8-2 Codes Adopted

   (A) Commercial. The Arkansas Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended, is hereby adopted by reference pursuant to A.C.A. §14-55-206.
   (B) Residential. The 2009 International Energy Conservation Code (IECC) is hereby adopted by reference for all new residential structures with the exception of §107 Fees and §109 Board of Appeals.
     (1) New residential construction.
     The 2009 IECC is hereby amended by adding a provision requiring a Home Energy Rating System (HERS) Index Rating for new residential construction. The City of
Little Rock requires that all new residential construction have a HERS Index Rating completed by an independent Residential Energy Services Network (RESNET) Certified Home Energy Raters, or equivalent, prior to the issuance of a Certificate of Occupancy. Residential developments that utilize the exact same floor plan multiple times are required to have a HERS Index Rating completed on a minimum of 20% of the residential units. As per Chapter Six of the RESNET standards.

(2) Sticker.
A sticker provided by the City shall be posted in a very visible location near the front entrance to the residential structure indicating the estimated monthly and five (5)-year utility cost as derived from the HERS Rating until the structure is sold, or for at least ninety (90) days, whichever is less.

(3) Additions, Alteration and renovations.
All additions, alterations and renovations to existing residential structures shall comply with the standards of the 2009 IECC, but shall not be required to provide a HERS Index Rating or post a sticker. Where it is shown to be impractical to meet the 2009 IECC, “The Building Official may permit additions to comply with the Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended.”

(4) Repairs.
All repairs to existing residential structures and mechanical systems need only be constructed to at least the same energy conservation standard as the damaged structure or mechanical system which needed repair unless a higher standard is required by the 2009 IECC.

(5) Fees.
The Fees Section 107 shall be removed from the 2009 IECC to reflect that only the City Board of Directors can set required fees and any refund policy, the “Code Official” cannot set fees nor a refund policy. All fees shall be as prescribed in the 1988 Little Rock Code of Ordinances.

(6) Spray foam insulation.
Spray application of polyurethane foam to the exterior of ducts in attics and crawl spaces shall be permitted subject to all of the following.
A. The Flame Spread Index is not greater than twenty-five (25) and the smoke-developed index is not greater than 450 at the specified installed thickness.
B. The foam plastic is protected in accordance with the ignition barrier requirements.

C. The foam plastic complies with the requirements of Section R316.

D. Duct coverings and linings shall not flame, glow, smolder or smoke when tested in accordance with the American Society for Testing Materials (ASTM) C 411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250°F (121°C). Coverings and linings shall be listed and labeled.

E. External duct insulation and factory-insulated flexible ducts shall be legibly printed or identified at intervals not longer than thirty-six (36) inches (914 mm) with the name of the manufacturer, the thermal resistance R-value at the specified installed thickness and the flame spread and smoke-developed indexes of the composite materials. Spray polyurethane foam manufacturers shall provide the same product information and properties, at the nominal installed thickness, to the customer in writing at the time of foam application. All duct insulation product R-values shall be based on insulation only, excluding air films, vapor retarders or other duct components, and shall be based on tested C-values at 75°F (24°C) mean temperature at the installed thickness, in accordance with recognized industry procedures. The installed thickness of duct insulation used to determine its R-value shall be determined as follows:

F. For duct board, duct liner and factory-made rigid ducts not normally subjected to compression, the nominal insulation thickness shall be used.

G. For ductwrap, the installed thickness shall be assumed to be 75% (25% compression) of nominal thickness.

H. For factory-made flexible air ducts, the installed thickness shall be determined by dividing the difference between the actual outside diameter and nominal inside diameter by two.

I. For spray polyurethane foam, the aged R-value per inch measured in accordance with recognized industry standards shall be provided to the customer in writing at the time of foam application. In addition, the total R-value for the nominal application thickness shall be provided.

(7) Appeals.

The Board of Appeals Section 109 shall be removed from the 2009 IECC and have no force or application. Appeals of the Building Official’s interpretation of this
Section 2. That in order to adequately prepare the residential construction industry for the 2009 IECC and the related new testing requirements, the effective date of the new code shall be implemented in stages as follows:

1. All provisions of the adopted 2009 IECC, as amended, shall become effective on September 3, 2017, with the exception that a Certificate of Occupancy may be issued even if a residential structure does not pass the air sealing/infiltration or duct sealing testing requirements.

2. The HERS Index Rating and associated sticker requirements shall become effective on September 3, 2017.

3. All provisions of the adopted 2009 IECC, as amended, shall be effective on January 1, 2018.

PASSED: May 16, 2017

ATTEST: APPROVED:

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Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney