

**AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS, ADOPTING THE 2000 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SAVE AND EXCEPT THE DELETIONS AND AMENDMENT SET FORTH HEREIN; REGULATING THE DESIGN OF BUILDING ENVELOPES FOR ADEQUATE THERMAL RESISTANCE AND LOW AIR LEAKAGE AND THE DESIGN AND SELECTION OF MECHANICAL, ELECTRICAL, SERVICE WATER-HEATING AND ILLUMINATION SYSTEMS AND EQUIPMENT WHICH WILL ENABLE EFFECTIVE USE OF ENERGY IN NEW BUILDING CONSTRUCTION OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF NIEDERWALD, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Niederwald, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Niederwald, Texas ("Niederwald") to adopt the 2000 Edition of the International Energy Conservation Code; and

WHEREAS, the Niederwald Planning and Zoning Commission and the Building Official for Niederwald have reviewed the 2000 Edition of the International Energy Conservation Code and both recommend adoption of the same by the City Council; and

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

**Section 1.: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Adoption of the 2000 International Energy Conservation Code.** The International Energy Conservation Code, 2000 Edition, copyrighted by the International Code Council, Inc. is hereby adopted as the energy conservation code for Niederwald, regulating the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical and electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction of all buildings and/or structures in Niederwald (the "2000 International Energy Conservation Code"). The 2000 International Energy Conservation is made a part of this Ordinance as if fully set forth herein. One (1) copy of the 2000 International Energy Conservation Code, 2000 Edition, copyrighted by the International

Code Council, Inc. is on file in the office of the City Secretary of Niederwald being marked and designated as the 2000 International Energy Conservation Code.


**Section 3: Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provision imposed under this Ordinance shall not preclude Niederwald from filing suit to enjoin the violation. Niederwald 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 portions of said ordinances shall remain in full force and effect.

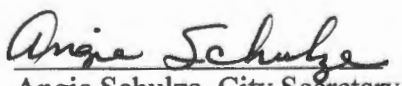
**Section 5: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Niederwald 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 or invalid.

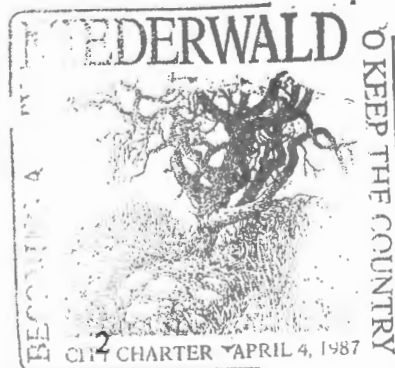
**Section 6: Effective Date.** This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

PASSED AND APPROVED by the City Council of the City of Niederwald, Texas this 12 day of NOVEMBER, 2002.

  
Rickie Adkins, Mayor  
City of Niederwald

ATTEST:

  
Angie Schulze, City Secretary  
City of Niederwald





## CITY OF NIEDERWALD

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STATE OF TEXAS}

COUNTY OF HAYS}

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Ordinance No. 11122002-A as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Niederwald, Hays County, Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Niederwald, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 12<sup>th</sup> day of November, 2002.

*Angie Schulze*  
Angie Schulze, City Secretary  
City of Niederwald  
Hays County, Texas

