

Local Law 3-2023

Adoption of the NYStretch Energy Code 2020

Section 1. Recitals and Legislative Intent

The New York State (hereinafter sometimes referred to as “NYS”) Energy Conservation Construction Code (hereinafter referred to as the “State Energy Code”) is adopted by the State Fire Prevention and Building Code Council (hereinafter referred to as the “Code Council”) pursuant to Article 11 of the NYS Energy Law.

The State Energy Code includes the provisions contained in Part 1240 of Title 19 of the New York Codes, Rules and Regulations (hereinafter referred to as “Part 1240”) and the publications incorporated by reference in Part 1240.

The publications currently incorporated by reference in Part 1240 include, but are not limited to, the 2020 edition of the Energy Conservation Construction Code of New York State (hereinafter referred to as the “2020 ECCCNY”) and the 2016 edition of ASHRAE 90.1 (hereinafter referred to as “ASHRAE 90.1-2016”).

The 2020 ECCCNY is based on the 2018 edition of a publication entitled International Energy Conservation Code (hereinafter referred to as the “2018 IECC”).

The New York State Energy Research and Development Authority (hereinafter referred to as “NYSERDA”) has issued a publication entitled NYStretch Energy Code 2020, Version 1.0, dated July 2019 (hereinafter referred to as “NYStretch”). NYStretch modifies (i.e., amends, replaces, replaces and renames, or adds to) certain sections, certain tables, and a certain appendix in the 2018 IECC; adds certain sections, certain tables, and certain appendices to the 2018 IECC; modifies (i.e., adds to, amends, or replaces) certain sections and certain tables in ASHRAE 90.1-2016; and adds certain new sections to ASHRAE 90.1-2016.

Studies commissioned by NYSEDA indicate that modifying the State Energy Code in the manner contemplated by NYStretch can result in significant savings in energy usage and energy costs.

Article 11 of the NYS Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code.

The Town Board of the Town of Rochester seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards; and desires to adopt, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch.

This proposed amendment to the Code of the Town of Rochester (hereinafter referred to as the "Rochester Code") seeks to modify Chapter 5 of the Rochester Code (Building Construction and Fire Prevention) so as to adopt NYStretch and to enact more restrictive regulations as they relate to new, or substantially renovated or altered, buildings.

Section 2. Adoption of Local Energy Conservation Construction Code

Section 65-1 of Chapter 65 (Building Construction) of the Rochester Code shall be amended and, as amended, shall read as follows:

65-1. Applicability of Uniform Code, and the State Energy Code as modified by NYStretch.

- B. The applicability of the New York State Uniform Fire Prevention and Building Code, and the New York State Energy Conservation Construction Code (hereinafter referred to as the "State Energy Code"), which was adopted by the Town Board of the Town of Rochester with Local Law #2 of 2007 on May 3, 2007; and the Town of Rochester hereby now adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by NYStretch Energy Code 2020, Version 1.0, dated July 2019 (hereinafter referred to as "NYStretch"). Such local energy conservation construction code shall consist of the provisions currently set forth in Part 1240 and in the publications currently incorporated by reference in Part 1240, provided, however, that the Energy Conservation Construction Code of New York State (hereinafter referred to as the "2020 ECCCNY"), and ASHRAE 90.1-2016, shall be deemed to be modified as follows:
1. in each case where a section, table, or appendix in the 2018 IECC is modified by NYStretch, the corresponding section, table, or appendix in the 2020 ECCCNY shall be deemed to be modified in the same manner;
 2. in each case where a section, table, or appendix is added to the 2018 IECC by NYStretch, such section, table, or appendix shall be deemed to be added to the 2020 ECCCNY subject to the following exception:
 3. Section R403.6.2 added to the 2018 IECC by NYStretch shall not be deemed to be added to the 2020 ECCCNY];

4. each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and
 5. each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1-2016
- C. The local energy conservation construction code, as hereby adopted, shall be applicable to all buildings constructed, substantially renovated or altered in the Town of Rochester on or after the effective date of this Local Law, and to all additions to buildings in the Town of Rochester made on or after the effective date of this Local Law. However, pursuant to NYS Energy Law §11-109(2):
1. if a copy of this Local Law is filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this Local Law, and if the Code Council shall subsequently determine that the local energy conservation construction code as hereby adopted is not more restrictive than the State Energy Code, then on and after the date of such determination the local energy conservation construction code as hereby adopted shall no longer be enforced and the State Energy Code shall be applicable and shall be enforced in the Town of Rochester; and
 2. if a copy of this Local Law is not filed with the New York State Department of State, Division of Building Standards and Codes, as Secretariat for the Code Council, within thirty days after adoption of this Local Law, then the local energy conservation construction code as hereby adopted shall not be enforceable until and unless the Code Council shall determine that such local energy conservation construction code is more restrictive than the State Energy Code, and until and unless the Code Council shall make such determination the State Energy Code shall be applicable and shall be enforced in the Town of Rochester.

Section 3. Authority

This proposed Local Law is enacted and adopted pursuant to NYS Energy Law §11-109(1), and NYS Municipal Home Rule Law §10, and in accordance with the procedures prescribed in NYS Municipal Home Rule §20.

Section 4. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 5. Effective Date

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.