

VILLAGE OF ATHENS
LOCAL LAW #1 OF 2022
ADOPTING THE NYSTRETCH ENERGY CODE

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code–2020 (NYStretch);

WHEREAS, a stretch energy code is simply more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model stretch code that is 10 to 12% more efficient than the minimum requirements of the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the Village of Athens is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Village of Athens Board of Trustees is considering amending provisions of Article 116 of the Village Code;

WHEREAS, a public hearing was held on _____, at which time all persons either for or against said amendments were heard;

WHEREAS, the Village of Athens Board of Trustees has determined that proposed legislative action is an “Unlisted” action pursuant to Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”);

WHEREAS, the Village of Athens Board of Trustees, as Lead Agency, has completed the SEQRA process which has resulted in a Negative Declaration dated _____;

RESOLVED, that Local Law No. 1 of 2022 is hereby adopted as follows: LOCAL LAW NO. 1 OF 2022

A LOCAL LAW amending provisions of Article 116 of the Village of Athens Code;

BE IT ENACTED by the Village of Athens Board of Trustees as follows:

Section 1. Recitals and Legislative Intent

The New York State 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 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 Energy Law authorizes municipalities to adopt local energy conservation construction codes that are more stringent than the State Energy Code.

The Village of Athens desires to adopt as its local energy conservation construction code the State Energy Code as modified in the manner contemplated by NYStretch.

Section 2. Adoption of Local Energy Conservation Construction Code

The Village of Athens hereby adopts, as its local energy conservation construction code, the State Energy Code as modified in the manner contemplated by 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 2020 ECCCNY and ASHRAE 90.1-2016 shall be deemed to be modified as follows:

(a) 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 ECCCNYC shall be deemed to be modified in the same manner;

(b) 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 ECCCNYC, subject to the following exception: Section R403.6.2, which is added to the 2018 IECC by section 3.11 of NYStretch, shall not be deemed to be added to the 2020 ECCCNYC;

(c) each section or table in ASHRAE 90.1-2016 that is modified by NYStretch shall be deemed to be so modified; and

(d) each section added to ASHRAE 90.1-2016 by NYStretch shall be deemed to be added to ASHRAE 90.1.

A copy of NYStretch is annexed hereto and made part hereof.

Section 3. Applicability

The local energy conservation construction code, as hereby adopted, shall be applicable to all buildings constructed, substantially renovated, or altered in the Village of Athens made on or after the effective date of this local law. However, pursuant to Energy Law § 11-109(2):

(a) 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 Village of Athens; and

(b) 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 Village of Athens.

Section 4. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Village Board of the Village of Athens hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Authority

This local law is adopted pursuant to Energy Law § 11-109(1) and Municipal Home Rule Law § 10.

Section 7. Effective Date

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.