

## **CHAPTER 54-21.2 ENERGY CONSERVATION STANDARDS IN NEW BUILDING CONSTRUCTION**

### **54-21.2-01. Intent.**

It is the intent of the legislative assembly that building envelopes be designed with adequate thermal resistance and low air leakage and that mechanical, electrical service, and illumination systems and equipment be designed and selected to enable the effective use of energy in new buildings and structures. It is not the intent of the legislative assembly to prevent the use of any material, method of construction, design, or insulating system approved pursuant to this chapter.

### **54-21.2-02. Scope.**

1. The powers and authority granted by this chapter shall be in addition to other local building or zoning requirements, and political subdivisions may adopt more stringent or additional requirements. This chapter applies to all new public and private buildings except as provided by this section. Additions to existing buildings or structures may be made without making the entire building or structure comply, but additions must comply with the standards adopted pursuant to this chapter. No change in the character of occupancy or the use of any building or structure which requires an increase in either fossil fuels or electrical energy to heat or cool such building or structure may be permitted unless the building or structure is brought into compliance with standards adopted pursuant to this chapter.
2. The following buildings are exempt from the applicability of this chapter:
  - a. Buildings which are neither heated nor cooled.
  - b. Buildings or portions thereof used whose peak design rate of energy usage is less than one watt per square foot [929.03 square centimeters] or three and four-tenths British thermal units an hour per square foot [929.03 square centimeters] of floor area.
  - c. Restored or reconstructed buildings deliberately preserved beyond their normal term of use because of historical associations, architectural interests, or public policy, or buildings otherwise qualified as a pioneer building, historical site, state monument, or other similar designation pursuant to state or local law.

### **54-21.2-03. Energy conservation standards.**

Standards for energy conservation in new building construction, for thermal design conditions and criteria for buildings, and for adequate thermal resistance in regard to the design and selection of mechanical, electrical service, and illumination systems and equipment which will enable the effective use of energy in new buildings, must be included in the state building code.

#### **54-21.2-03.1. Heating, ventilation, and air-conditioning interoperability standards for public buildings.**

Except as provided in subsection 2 of section 54-21.2-02, any new construction or any remodeling of a public building which affects the heating, ventilation, or air-conditioning systems in the building and which is paid for using any state funds must be constructed to include open protocol heating, ventilation, and air-conditioning systems that provide for interoperability of the systems.

### **54-21.2-04. Inspections.**

All construction or work for which a permit is required pursuant to section 11-33-18, subsection 6 of section 40-05-02, or other similar grant of authority is subject to inspection by the local building inspector. The governing body of a city, county, or township that elects to administer and enforce an energy conservation standard shall adopt and enforce the state energy conservation standards. The state energy conservation standards may be amended by cities, counties, and townships to conform to local needs. No construction may be covered without inspection approval, and there must be a final inspection on all buildings when

completed and ready for occupancy. The building inspector may cause any structure to be reinspected.