

**CITY OF BALTIMORE
COUNCIL BILL 07-0602
(First Reader)**

Introduced by: Councilmembers Kraft, D’Adamo, Harris, Holton, Clarke, Branch, Mitchell

Introduced and read first time: February 26, 2007

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Building Code – Green Building Requirements**

3 FOR the purpose of requiring certain non-residential buildings and certain multi-family
4 residential buildings to achieve certain standards for energy efficiency and environmental
5 design; requiring certain applicants for building permits to submit certain plans relating to
6 energy efficiency and environmental design; requiring that compliance with certain energy
7 efficiency and environmental design standards be a condition of certain building permits and
8 occupancy permits; requiring certain regulations to implement these requirements; defining
9 certain terms; providing for a special effective date; and generally relating to the construction
10 of buildings.

11 BY adding

12 Article - Building, Fire, and Related Codes
13 Section(s) 2-103 (IBC Chapter 34C)
14 Baltimore City Revised Code
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Laws of Baltimore City read as follows:

18 **Baltimore City Revised Code**

19 **Article – Building, Fire, and Related Codes**

20 **Part II. International Building Code**

21 **§ 2-103. City modifications.**

22 The additions, deletions, amendments, and other modifications adopted by the City are as
23 follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 07-0602

CHAPTER 34C. ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN

34C01 POLICY; SHORT TITLE

34C01.1. POLICY. THIS CHAPTER IS INTENDED TO PROTECT THE PUBLIC HEALTH AND WELFARE BY REQUIRING AN INTEGRATED APPROACH TO PLANNING, DESIGN, CONSTRUCTION, AND OPERATION OF A COVERED BUILDING AND ITS SURROUNDING LANDSCAPE, HELPING TO MITIGATE THE ENERGY AND ENVIRONMENTAL IMPACTS OF THE BUILDING SO THAT IT IS ENERGY EFFICIENT, SUSTAINABLE, SECURE, SAFE, COST-EFFECTIVE, ACCESSIBLE, FUNCTIONAL, AND PRODUCTIVE.

34C01.2. SHORT TITLE. THIS CHAPTER MAY BE CITED AS THE BALTIMORE CITY GREEN BUILDINGS LAW.

SECTION 34C02 DEFINITIONS

34C02.1 GENERAL. IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

34C02.1.1 CITY BUILDING. “CITY BUILDING” MEANS ANY COVERED BUILDING FOR WHICH THE CITY GOVERNMENT FINANCES AT LEAST 25% OF:

1. THE COST OF CONSTRUCTION, FOR A NEWLY CONSTRUCTED BUILDING, OR
2. THE COST OF MODIFICATION, FOR A BUILDING THAT IS EXTENSIVELY MODIFIED.

34C02.1.2 COVERED BUILDING. “COVERED BUILDING” MEANS A NEWLY CONSTRUCTED OR EXTENSIVELY MODIFIED NON-RESIDENTIAL OR MULTI-FAMILY RESIDENTIAL BUILDING THAT HAS OR WILL HAVE AT LEAST 10,000 SQUARE FEET OF GROSS FLOOR AREA.

34C02.1.3 EXTENSIVELY MODIFIED. “EXTENSIVELY MODIFIED” REFERS TO A STRUCTURAL MODIFICATION THAT ALTERS MORE THAN 50% OF A BUILDING’S GROSS FLOOR AREA, AS INDICATED ON THE APPLICATION FOR A BUILDING PERMIT.

34C02.1.3.1 EXCLUSIONS. “EXTENSIVELY MODIFIED” DOES NOT INCLUDE ANY MODIFICATION THAT IS LIMITED TO 1 OR MORE OF THE FOLLOWING BUILDING SYSTEMS:

1. MECHANICAL,
2. ELECTRICAL,
3. PLUMBING,
4. HEATING, VENTILATION, AND AIR CONDITIONING, AND
5. FIRE PROTECTION.

Council Bill 07-0602

1 **34C02.1.4 GREEN BUILDING COUNCIL.** “GREEN BUILDING COUNCIL” MEANS THE U.S.
2 GREEN BUILDING COUNCIL, AN ORGANIZATION THAT HAS DEVELOPED AND PUBLISHED
3 THE LEED RATING SYSTEM TO MEASURE THE ENERGY AND ENVIRONMENTAL
4 PERFORMANCE OF A BUILDING.

5 **34C02.1.5 LEED.** “LEED” MEANS THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL
6 DESIGN RATING SYSTEM DEVELOPED BY THE GREEN BUILDING COUNCIL.

7 **34C02.1.6 LEED RATING SYSTEM.** “LEED RATING SYSTEM” MEANS THE PARTICULAR
8 LEED RATING SYSTEM THAT APPLIES TO A COVERED BUILDING, AS SPECIFIED IN THE
9 REGULATIONS ADOPTED UNDER THIS CHAPTER..

10 **34C02.1.7 MULTI-FAMILY RESIDENTIAL BUILDING.** “MULTI-FAMILY RESIDENTIAL
11 BUILDING” MEANS ANY MULTI-FAMILY RESIDENTIAL OR MIXED-USE BUILDING THAT IS
12 TALLER THAN 3 STORIES.

13 **34C02.1.8 NEWLY CONSTRUCTED.** “NEWLY CONSTRUCTED” REFERS TO A NEW, STAND-
14 ALONE BUILDING OR AN ADDITION TO AN EXISTING BUILDING.

15 **34C02.1.8.1 EXCLUSIONS.** “NEWLY CONSTRUCTED” DOES NOT INCLUDE ANY
16 CHANGE TO AN EXISTING PORTION OF A BUILDING.

17 **34C02.1.9 NON-RESIDENTIAL BUILDING.** “NON-RESIDENTIAL BUILDING” MEANS A
18 BUILDING NOT USED AS A DWELLING.

19 **34C03 REGULATIONS**

20 **34C03.1 IN GENERAL.** THE BUILDING OFFICIAL MUST ISSUE REGULATIONS TO ADMINISTER
21 THIS CHAPTER.

22 **34C03.2 REQUIRED ELEMENTS.** THOSE REGULATIONS MUST SPECIFY:

- 23 1. THE LEED RATING SYSTEM, AND ANY EQUIVALENT ENERGY AND ENVIRONMENTAL
24 DESIGN STANDARD, THAT APPLIES TO EACH TYPE OF COVERED BUILDING UNDER
25 § 34C05,
- 26 2. THE PROCESS BY WHICH TO VERIFY COMPLIANCE WITH ANY APPLICABLE STANDARD,
27 INCLUDING THE TYPES OF PERSONS WHO ARE QUALIFIED TO VERIFY COMPLIANCE,
- 28 3. STANDARDS AND PROCEDURES UNDER WHICH THE WAIVERS MAY BE REQUESTED
29 UNDER § 34C08,
- 30 4. STANDARDS AND PROCEDURES FOR ANY ENFORCEMENT MECHANISM, SUCH AS
31 PERFORMANCE BONDS, THAT THE DEPARTMENT FINDS NECESSARY TO ACCOMPLISH
32 THE PURPOSES OF THIS CHAPTER.

33 **34C04 {RESERVED}**

34 **34C05 STANDARDS AND REQUIREMENTS**

35 **34C05.1 FOR CITY BUILDINGS.** EVERY CITY BUILDING MUST ACHIEVE:

Council Bill 07-0602

1. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS CERTIFIED BY THE GREEN BUILDING COUNCIL,
2. A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING OFFICIAL, OR
3. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL IDENTIFIES AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING OFFICIAL.

34C05.2 FOR OTHER COVERED BUILDINGS. EVERY OTHER COVERED BUILDING MUST ACHIEVE:

1. A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS CERTIFIED BY THE GREEN BUILDING COUNCIL,
2. A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING OFFICIAL, OR
3. ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE BUILDING OFFICIAL IDENTIFIES AS EQUIVALENT TO A CERTIFIED-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM, AS VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING OFFICIAL.

34C05.3 EXCEPTIONS. FOR ANY BUILDING FOR WHICH ALL APPLICATIONS FOR ALL NECESSARY BUILDING PERMITS WERE FILED BEFORE SEPTEMBER 1, 2008, ANY LATER ADDITION TO THAT BUILDING NEED ONLY MEET THE REQUIREMENTS OF § 34C05.1 OR § 34C05.2 IF THE ADDITION WOULD:

1. INCREASE THE BUILDING'S LAND COVERAGE BY 100% OR MORE, AND
2. INCREASE THE BUILDING'S GROSS FLOOR AREA BY AT LEAST 10,000 SQ. FT.

34C06 BUILDING PERMITS; OCCUPANCY PERMITS; CERTIFICATES OF COMPLETION.

34C06.1 APPLICATION FOR BUILDING PERMIT. IN ADDITION TO ALL OTHER SUBMISSIONS REQUIRED BY THIS ARTICLE, THE APPLICANT FOR A BUILDING PERMIT FOR A COVERED BUILDING MUST SUBMIT TO THE DEPARTMENT:

1. DESIGN PLANS FOR THE BUILDING THAT ARE LIKELY TO ACHIEVE THE APPLICABLE STANDARD REQUIRED BY § 34C05, AS CERTIFIED OR OTHERWISE APPROVED BY THE GREEN BUILDING COUNCIL OR VERIFIED BY THE BUILDING OFFICIAL OR A QUALIFIED PERSON APPROVED BY THE BUILDING OFFICIAL, AND
2. ANY OTHER DOCUMENT OR INFORMATION THE DEPARTMENT FINDS NECESSARY TO DECIDE WHETHER THE BUILDING WILL ACHIEVE THE APPLICABLE STANDARD REQUIRED BY § 34C05.

Council Bill 07-0602

1 **34C06.2 COMPLIANCE AS CONDITION OF BUILDING PERMIT.** THE DEPARTMENT MUST
2 REQUIRE COMPLIANCE WITH § 34C05 AS A CONDITION OF ANY BUILDING PERMIT ISSUED FOR A
3 COVERED BUILDING.

4 **34C06.3 OCCUPANCY PERMITS; CERTIFICATES OF COMPLETION.** THE DEPARTMENT MAY
5 NOT ISSUE A FINAL OCCUPANCY PERMIT OR CERTIFICATE OF COMPLETION FOR A COVERED
6 BUILDING UNLESS IT FINDS THAT THE BUILDING HAS ACHIEVED THE APPLICABLE STANDARD
7 REQUIRED BY § 34C05.

8 **34C07 {RESERVED}**

9 **34C08 WAIVERS.**

10 **34C08.1 WHEN AUTHORIZED.** THE BUILDING OFFICIAL MAY APPROVE FULL OR PARTIAL
11 WAIVERS OF THE REQUIREMENTS OF THIS CHAPTER IF:

- 12 1. COMPLIANCE WOULD BE IMPRACTICAL OR UNDULY BURDENSOME, AND
13 2. THE PUBLIC INTEREST WOULD BE SERVED BY THE WAIVER.

14 **34C08.2 CONDITIONS, ETC.** THE BUILDING OFFICIAL MAY IMPOSE ANY CONDITIONS,
15 RESTRICTIONS, OR LIMITATIONS ON A WAIVER THAT THE BUILDING OFFICIAL CONSIDERS
16 NECESSARY OR APPROPRIATE IN THE CIRCUMSTANCES.

17 **34C08.3 REPORT OF WAIVERS.** THE BUILDING OFFICIAL MUST SUBMIT TO THE MAYOR AND
18 THE CITY COUNCIL, NOT LATER THAN MARCH 1 OF EACH YEAR, A LIST OF EACH WAIVER OF
19 THIS CHAPTER THAT THE BUILDING OFFICIAL APPROVED DURING THE PRECEDING CALENDAR
20 YEAR AND ANY CONDITIONS, RESTRICTIONS, OR LIMITATIONS THAT WERE ATTACHED TO THAT
21 WAIVER.

22 **SECTION 2. AND BE IT FURTHER ORDAINED, That:**

- 23 (a) This Ordinance applies to any covered building, other than a City building, for which
24 a building permit application is filed on or after 1 year after the regulations submitted
25 under subsection (c) of this section take effect.
- 26 (b) (1) This Ordinance applies to any City building:
- 27 (i) for which design funding is first included in the appropriate capital budget for
28 fiscal year 2009 or any later fiscal year; or
- 29 (ii) if design funding is not directly included in the capital budget, for which a
30 building permit application is filed on or after 1 year after the regulations
31 submitted under subsection (c) of this section take effect.
- 32 (2) Notwithstanding Building Code § 34C05, as enacted by this Ordinance, the
33 Building Official may issue a building permit for a City building for which design
34 funding is first included in the appropriate capital budget for fiscal year 2009 if
35 that building, while not achieving a silver-level rating, does achieve a certified-
36 level rating or equivalent.

Council Bill 07-0602

1 (c) Regulations that specify, for each type of covered building, the applicable LEED
2 rating system or any equivalent energy and environmental design standard, must be
3 issued to take effect no later than 6 months after the effective date of this Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
5 are not law and may not be considered to have been enacted as a part of this or any prior
6 Ordinance.

7 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
8 after the date it is enacted.