



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 07-0602, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Building Code - Green Building Requirements

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

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

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

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

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

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.

34C02.1.4 GREEN BUILDING COUNCIL. "GREEN BUILDING COUNCIL" MEANS THE U.S. GREEN BUILDING COUNCIL, AN ORGANIZATION THAT HAS DEVELOPED AND PUBLISHED THE LEED

RATING SYSTEM TO MEASURE THE ENERGY AND ENVIRONMENTAL PERFORMANCE OF A BUILDING.

34C02.1.5 LEED. "LEED" MEANS THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM DEVELOPED BY THE GREEN BUILDING COUNCIL.

34C02.1.6 LEED RATING SYSTEM. "LEED RATING SYSTEM" MEANS THE PARTICULAR LEED RATING SYSTEM THAT APPLIES TO A COVERED BUILDING, AS SPECIFIED IN THE REGULATIONS ADOPTED UNDER THIS CHAPTER..

34C02.1.7 MULTI-FAMILY RESIDENTIAL BUILDING. "MULTI-FAMILY RESIDENTIAL BUILDING" MEANS ANY MULTI-FAMILY RESIDENTIAL OR MIXED-USE BUILDING THAT IS TALLER THAN 3 STORIES.

34C02.1.8 NEWLY CONSTRUCTED. "NEWLY CONSTRUCTED" REFERS TO A NEW, STAND-ALONE BUILDING OR AN ADDITION TO AN EXISTING BUILDING.

34C02.1.8.1 EXCLUSIONS. "NEWLY CONSTRUCTED" DOES NOT INCLUDE ANY CHANGE TO AN EXISTING PORTION OF A BUILDING.

34C02.1.9 NON-RESIDENTIAL BUILDING. "NON-RESIDENTIAL BUILDING" MEANS A BUILDING NOT USED AS A DWELLING.

34C03 REGULATIONS

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

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

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

34C04 {RESERVED}

34C05 STANDARDS AND REQUIREMENTS

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

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.

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

BUILDING.

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

34C07 {RESERVED}

34C08 WAIVERS.

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

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

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

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

SECTION 2. AND BE IT FURTHER ORDAINED, That:

- (a) This Ordinance applies to any covered building, other than a City building, for which a building permit application is filed on or after 1 year after the regulations submitted under subsection (c) of this section take effect.
- (b) (1) This Ordinance applies to any City building:
 - (i) for which design funding is first included in the appropriate capital budget for fiscal year 2009 or any later fiscal year; or
 - (ii) if design funding is not directly included in the capital budget, for which a building permit application is filed on or after 1 year after the regulations submitted under subsection (c) of this section take effect.
- (2) Notwithstanding Building Code § 34C05, as enacted by this Ordinance, the Building Official may issue a building permit for a City building for which design funding is first included in the appropriate capital budget for fiscal year 2009 if that building, while not achieving a silver-level rating, does achieve a certified-level rating or equivalent.
- (c) Regulations that specify, for each type of covered building, the applicable LEED rating system or any equivalent energy and environmental design standard, must be issued to take effect no later than 6 months after the effective date of this Ordinance.

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

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

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