

- (1) Any exemption shall be for a period of one year. Owners may re-apply for an additional exemption at the expiration of the initial exemption period;
 - (2) Applications must be received sixty days before the start of the applicable compliance period established in this chapter;
 - (3) An application must demonstrate the owner has considered all reasonable options that would bring the building into compliance and must explain to the satisfaction of the city manager why none of these options are viable.
- (c) The city manager may issue additional rules that govern the conditions under which an application for an exemption may be submitted and granted.
- (d) Applications for an exemption may require submission of an application processing fee.

10-7.7-9 Administrative Remedy.

- (a) If the city manager believes that a violation of any provision of this chapter exists, the city manager shall issue a warning to the person alleged to be in violation. The person shall be given 14 days to correct the violation.
- (b) If 14 days after a warning is issued the city manager finds that a violation of any provision of this chapter still exists, the owner, after notice to the person and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:
 - (1) Impose a civil penalty of
 - (a) \$0.0025 per square foot per day, not to exceed \$1,000 per day; and
 - (b) Issue any order reasonably calculated to ensure compliance with this chapter and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.
- (c) If notice is given to the city manager by the owner at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected and the city manager finds that the violation has been corrected, the city manager may cancel the hearing.
- (d) The city manager's authority under this section is in addition to any other authority that he or she has to enforce this chapter, and election of one remedy by the city manager shall not preclude resorting to any other remedy as well.
- (e) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (f) To cover the costs of investigative inspections, the city manager will assess owners a \$250.00 fee per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-1-1, "Definitions," is amended to add the following definitions.

Base Building Systems mean the systems or sub-systems of a building that use energy and/or impact energy consumption including but not limited to:

1. Primary HVAC (heating, ventilation, air conditioning) systems;
2. Conveying systems;

3. Domestic hot water systems;
4. Electrical and lighting systems.

Base building systems shall not include equipment used for industrial processes.

Building for the chapter 10-7.7 only, is based on a building list developed from the Boulder County Tax Assessor's database that will be provided by the city manager at least six months in advance of each reporting deadline.

Commercial or industrial means any structure or portion of structure used exclusively for, or designed as and capable of being used for, office, commercial, industrial, or governmental occupation, or the temporary lodging of persons for periods of less than thirty days, including hotels, motels, emergency shelters, and overnight shelters but excluding dormitories, fraternities, and bed and breakfasts.

Energy assessment means a comprehensive review of energy usage and emissions conducted in a manner established by the city manager.

Financial hardship means the building meets one of the following criteria:

1. The building is the subject of a qualified tax lien sale or public auction due to property tax arrearages;
2. The building is controlled by a court appointed receiver;
3. The building has been acquired by a deed in lieu of foreclosure.

Floor area means the total square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages useable exclusively for the storage of motor vehicles and uninhabitable areas that are located above the highest inhabitable level or below the first floor level.

Industrial processes means any business related process supported by mechanical or electrical systems other than base building systems.

Large Industrial Campus means a facility in which three or more buildings, at least partially used for manufacturing uses, are served by a central plant or a single utility meter.

Manufacturing means any building which has a primary use of assemblage, processing, and/or manufacturing products from raw materials or fabricated parts OR one that has the majority of its energy usage come from process loads.

Owner means any person who is a commercial or industrial building owner, or is an owner's representative, such as a property manager, who has charge of, or controls any building or parts thereof.

Rate means process of measuring and comparing energy performance metrics (such as the normalized energy use of a building) to other similar buildings, in a manner specified by the city manager.

Retrocommissioning means identifying and correcting building system issues to achieve optimal building performance, in a manner specified by the city manager.

Retrocommissioning measure means a corrective action or facility improvement identified during the investigation or evaluation phase of retrocommissioning.

Retrocommissioning report means a report prepared and certified by a retrocommissioning professional, covering the scope provided by the city manager.

Section 3. This ordinance is necessary to protect the public health safety and welfare of the residents of the city and covers matters of local concern.

Section 4. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 5. The city council finds this ordinance is necessary for the immediate preservation of public peace, health, safety, and property justifying the adoption of this ordinance as an emergency measure. Passage of this ordinance immediately is necessary because amendments were made on third reading. Immediate effectiveness is necessary to allow adequate time for the city manager to adopt rules prior to implementation. This ordinance shall become effective immediately.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 1st day of September, 2015.

Attest:

Mayor

City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
TITLE ONLY this 29th day of September, 2015.

Attest: _____
Mayor

City Clerk

READ ON THIRD READING, PASSED ON EMERGENCY MEASURE BY TWO-
THIRDS OF COUNCIL MEMBERS PRESENT, ADOPTED, AND ORDERED PUBLISHED
BY TITLE ONLY this 20th day of October, 2015.

Attest: _____
Mayor

City Clerk

Attachment C: Outline for City Manager Rules

I. Definitions

- (1) “Base Building Systems”
- (2) “Cost Effective”
- (3) “Current Facility Requirements”
- (4) “Energy”
- (5) “Energy Assessment”
- (6) “Energy Performance Score”
- (7) “ENERGY STAR”
- (8) “ENERGY STAR Portfolio Manager”
- (9) “Energy Use Intensity (EUI)”
- (10) “Industrial Processes”
- (11) “Large Industrial Campus”
- (12) “Manufacturing”
- (13) “Owner”
- (14) “Partners for a Clean Environment”
- (15) “Project Website”
- (16) “Rating and Reporting Tool”
- (17) “Retrocommissioning”
- (18) “Retrocommissioning Professional”
- (19) “Retrocommissioning Report”
- (20) “Site Energy”
- (21) “Source Energy”

II. Rating and Reporting Requirements and Process

- Guidance on how a building owner should rate and report the energy use for their buildings
- A summary of the information that will be reported to the city and publically disclosed after the 2 year grace period

- Alternate benchmarking tools available for use for Manufacturing Buildings
- Other clarifications as needed

III. Energy Assessments Requirements and Process

- Requirements for the Energy Assessor
- Required scope for Energy Assessments and the associated report
- Procedure for passing costs through to tenants
- Other clarifications as needed

IV. Lighting Requirements and Process

- Required calculations
- Procedure for passing costs through to tenants
- Other clarifications as needed

V. Retrocommissioning Requirements and Process

- Required scope for Retrocommissioning (for buildings larger and smaller than 50,000 square feet) and the associated report
- Procedure for passing costs through to tenants
- Other clarifications as needed

VI. Large Industrial Campus Requirements

- Process for giving consent to local energy utility to aggregate the energy use data and provide it to the city
- How to calculate annualized percentage savings from energy efficiency and renewable projects
- Reporting requirements for narrative and annualized percentage savings
- Required scope for Energy Assessment and for developing a plan to achieve one of the exemptions
- Other clarifications as needed