

AGENDA ITEM SUMMARY

DATE: March 4, 2013 **DEPARTMENT:** Community Development **DEPT. HEAD SIGNATURE:** _____

SUBJECT: 2nd reading of the Build Better Program.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On Feb. 4th the Council approved the 1st reading of the ordinance, with the incorporation of the redlined changes. But the Council did request that changes be made to applications to remind applicants of the appeals process that is currently in place and available for them to use.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input checked="" type="checkbox"/> City Attorney	<input type="checkbox"/> Mayor	<input type="checkbox"/> Streets
<input type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Treasurer
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Engineer	<input type="checkbox"/> Public Works, Parks	_____
<input type="checkbox"/> Fire Dept.	<input type="checkbox"/> P & Z Commission	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve the 2nd reading.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

HAILEY ORDINANCE NO. 1120

AN ORDINANCE OF THE CITY OF HAILEY AMENDING HAILEY MUNICIPAL CODE, CHAPTER 15.08, BUILDING CODE ORDINANCE, BY ADOPTING A NEW SECTION 15.08.012, BUILD BETTER PROGRAM, WHICH INCREASES ENERGY CONSERVATION AND PROMOTES SUSTAINABLE BUILDING PRACTICES; BY AMENDING SECTION 15.08.030 TO CREATE ADDITIONAL REQUIREMENTS FOR INCREASED ENERGY EFFICIENCY AND SUSTAINABLE BUILDING PRACTICES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code § 30-4116 allows the City of Hailey to amend the 2009 IECC to reflect local conditions, provided the amendments provide an equivalent level of protection;

WHEREAS, the adoption of the Build Better Program will conserve energy, water and other natural resources and preserve the health of our environment through requirements related to design, construction, operations, recycling, and thereby promotes the public health, safety, and welfare;

WHEREAS, buildings use the most energy of any sector in the US - more than the transportation sector - therefore; it makes sense to curtail impact where they are greatest;

WHEREAS, Hailey's climate requires significant amounts of energy to heat during the winter months, which translates to higher energy costs and provides an opportunity to substantially increase efficiencies and savings;

WHEREAS, the average life span of a building is 75 years and during this time the status of energy prices and availability could change, especially considering the potential impacts of climate change and future policies aimed at curtailing emissions associated with climate change;

WHEREAS, the City of Hailey has previously enacted Hailey Ordinance Nos. 1074 and 1105 which established a voluntary Better Build Program and has determined that the Better Build Program has not been an obstacle for new construction or for remodels; and

WHEREAS, the Hailey City Council finds that the adoption of the Better Build Program in Section 15.08.012 of the Hailey Municipal Code is in the best interests of the citizens of Hailey and will promote the health, safety and general welfare of the citizens of Hailey.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 15.08.012, of the Hailey Municipal Code, Build Better Program, is created by the addition of the following language:

A. Applicability. This Section 15.08.012 is a supplement to the other adopted International Codes and is not intended to be used as independent construction regulations or to

abridge or supersede safety, health or environmental requirements under other applicable codes or ordinances. All commercial and residential New Construction, Additions and Alterations shall comply with the standards of Section 15.08.012, unless otherwise stated herein.

1. Referenced Codes and Standards. It is the expressed intent of this section to require higher minimum standards relating to Building performance than the corresponding minimum standards set by the referenced codes and standards, and in such cases, the higher minimum standards of this section shall take precedence.

2. Other Laws and Codes. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal laws and codes.

3. Residential New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for Homes certification level or National Association of Home Builder's Green Building Program bronze level project are exempt from the Build Better Program requirements. Either exemption must verify that the project is 10% more energy efficient than the IECC, using a HERS Index or the alternative method described in Section C.1.a.ii. of this Ordinance. The exemptions listed above must show intent to meet the requirements at the Building Permit review stage through plans and an initial HERS score based on the proposed design. Prior to receiving a certificate of occupancy, copies of all program documentation and a final HERS score shall be submitted to the Building Department.

4. Commercial New Construction Exemptions. U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction minimum certification level projects are exempt from the Build Better Program requirements, provided the applicant verifies that the project meets the minimum energy efficiency requirements for Commercial Buildings, as identified in Section 15.08.012.C.2.a of the Hailey Municipal Code. The applicant must identify the intent to meet U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction certification level, at a minimum, at the Building Permit review stage with an indication on the plans and with a written narrative what Leadership in Energy and Environmental Design points will be achieved. Prior to receiving a certificate of occupancy, copies of all program documentation shall be submitted to the Building Department.

5. Exemptions for Commercial and Residential Alterations and Additions. In addition to the exemptions listed in Section 101.4 of the IECC, the following projects are exempt from Section 15.08.012:

- a. Window, glass-only replacements of the same size and location.
- b. Bathroom remodel projects limited to the replacement of fixtures and cabinets.
- c. Kitchen remodel projects limited to the replacement of cabinets, counter tops, plumbing fixtures, and appliances.
- d. Electrical work associated with permits issued only for electrical work
- e. Plumbing associated with permits issued only for plumbing.
- f. Replacement of HVAC appliances associated with permits issued only for appliance replacement.
- g. Reroofs.
- h. Additions less than 500 square feet of Conditioned Floor Area.

- i. New Construction or Additions of any size that do not include any Conditioned Floor Area.
- j. Alterations that do not affect the integrity of the Building Envelope.
- k. Alterations that do not require a Building Permit.
- l. Tenant and ADA improvements required by the Building Department.
- m. Structures listed on the National Historic Register.

Any commercial or residential alteration or addition which is not otherwise exempt shall comply with the requirements of Section 15.08.012 to the greatest extent possible, unless the Administrators find that compliance with all or part of the provisions of Section 15.08.012 would a) create an undue hardship on the applicant and b) not materially advance the goal of this ordinance to conserve energy, water and other natural resources.

B. Definitions. For the purpose of this Section 15.18.012, the following capitalized words and phrases shall apply as defined herein, in addition to definitions found in Chapter 2 of the IECC.

“Administrators” shall mean city staff from the Building and Planning Departments who administer Section 15.08.012 of the Hailey Municipal Code, the Build Better Program.

“Certified HERS Rater” shall mean a Home Energy Rating System provider who has current and valid certification under Residential Energy Services Network (RESNET) and who adheres to the RESNET defined standards of practice and code of ethics.

“Compact fluorescent light bulb” or “CFL” shall mean a fluorescent light bulb that has been compressed into the size of a standard-issue incandescent light bulb, known for its long life span and superior energy efficiency when compared to incandescent lights.

“COMcheck Energy Analysis” shall mean a software used to verify commercial code compliance and above code requirements with the IECC.

“EnergyPlus” shall mean software used to evaluate and analyze building energy performance.

“ENERGY STAR Advanced Lighting Package” or “(ALP)” shall mean an ENERGY STAR Certified Home that includes a comprehensive set of ENERGY STAR qualified light fixtures that at a minimum consist of 60% ENERGY STAR qualified hard-wired fixtures and 100% ENERGY STAR qualified ceiling fans where installed.

“ENERGY STAR Builder” shall mean a builder who has completed ENERGY STAR’s Partnership Agreement, has selected a Home Energy Rater, and who is listed on the ENERGY STAR website as an ENERGY STAR partner.

“ENERGY STAR Indoor airPLUS” or “IAP” shall mean an ENERGY STAR Certified Home that includes a number of construction practices and technologies to decrease the risk of poor indoor air quality, including careful selection and installation of moisture control systems, heating, cooling, and ventilation (HVAC) equipment, combustion venting systems, and building materials. that are tested and verified by an independent party.

“ENERGY STAR Northwest Program” shall mean an independently tested and verified home energy certification program that ensures homes are built 15% more energy efficient compared to current code building homes.

“EQuest” shall mean a software used to evaluate and analyze building energy performance.

“Forest Stewardship Council Certified” or “FSC Certified” shall mean a label that verifies a chain of custody certification that wood that has been grown in a manner that meets the FSC’s sustainable forestry practices and standards.

“Home Energy Rating System Audit” or “HERS Audit” shall mean a comprehensive visual and technical energy analysis of a home using Residential Energy Services Network’s (RESNET) protocol and a REM/Rate™ Energy Analysis and includes a prioritized list of suggested improvements and their associated energy and financial savings. At a minimum, the audit evaluates the following, to determining the rating of the home: blower door test, duct blaster test (if applicable), an inventory of the lighting, appliances, insulation, solar orientation, and heating and cooling equipment.

“Home Energy Rating System Index” or “HERS Index” shall mean a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower a home's HERS Index, the more energy efficient it is in comparison to the HERS Reference Home.

“Light Emitting Diode” or “LED” shall mean an electronic device that emits light when an electrical current is passed through it, known for its long life span and superior energy efficiency when compared to incandescent lights.

“Leadership in Energy and Environmental Design Accredited Professional” or “LEED AP” shall mean a person who has successfully passed a test on the LEED process, points, and documentation requirements, in accordance with the US Green Building Council’s specifications

“Minimum Efficiency Reporting Value” or “MERV” shall mean a rating method used for comparing the efficiency of an air filter; the higher the MERV rating, the better the filter is at removing particles from the air.

“National Association of Home Builder’s Green Building Program” shall mean a program based on the International Code Council 700-2008 National Green Building Standard™ and is a 3rd party tested and verified green building program.

“Natural Air Changes Per Hour” or “NACH” shall mean the natural movement of the total volume of air in a given space that is exchanged over a period of one hour, measured using a blower door test at 50 Pascal.

“New Construction” shall mean any building with less than 50% of its exterior walls and foundation remaining or that is being built on a vacant building envelope, where no previously built structure exists at the time of building.

“REM/Rate™ Energy Analysis” shall mean a residential code compliance and rating software developed specifically for the needs of HERS raters, that calculates heating, cooling, hot water, lighting, and appliance energy loads, consumption and costs for new and existing single and multi-family homes.

“REScheck Energy Analysis” shall mean a software used to verify residential code compliance and above code requirements with the IECC.

“Residential Energy Services Network” or “RESNET” shall mean an industry not-for-profit membership corporation that is the national standards making body for building energy efficiency rating systems.

“Structural Insulated Panels” shall mean a high performance building panels used in floors, walls, and roofs for residential and light commercial buildings. The panels are typically

made by sandwiching a core of rigid foam plastic insulation between two structural skins of oriented strand board (OSB).

“U.S. Green Building Council’s Leadership in Energy and Environmental Design for Homes” or “LEED for Homes” shall mean a consensus-developed, third party-verified, voluntary rating system which promotes the design and construction of high-performance green homes.

“U.S. Green Building Council’s Leadership in Energy and Environmental Design for New Construction” or “LEED for New Construction” shall mean a rating system designed to guide and distinguish high-performance commercial and institutional projects, including office buildings, high-rise residential buildings, government buildings, recreational facilities, manufacturing plants and laboratories.

“Verification of Accountability by Responsible Party” shall mean a form furnished by the Administrators for the use of verifying, by the Building owner, contractor, or other responsible party, that points have been met in accordance with the requirements of Section 15.08.012.E, Points Menu.

“WaterSense Program” shall mean a water conservation program with oversight by the U.S. Environmental Protection Agency that requires all toilets, urinals, faucets, showerheads, and other products labeled under the program to undergo independent 3rd party testing to ensure that water conservation is at least 20% greater than conventional items in the respective category.

“Whole House Fan” shall mean a type of fan installed in a building’s ceiling, designed to pull hot air out of the building and increase building cooling.

“Zoned Hydronic Radiant Heating” shall mean a heating system using a boiler to heat water and a pump to circulate hot water through radiant floor panels, wall radiators, or baseboard convectors. The pipes, embedded in the floor, carry heated water that conduct warmth to the surface where it broadcasts energy to separated radiant heat zones, which are controlled a thermostat and served by a manifold which distributes the flow of warm water to the individual circuits of tubing within each zone.

C. Energy Efficiency. All commercial and residential New Construction and Additions shall comply with the IECC, and shall increase energy efficiency 10% beyond the IECC requirements.

1. Residential Energy Efficiency. Energy Efficiency shall be 10% greater than the IECC requirements for New Construction, Additions, and Alterations with Conditioned Space, 500 square feet or greater.

a. New Construction. Energy efficiency shall be verified by a RESNET Certified HERS Rater using a REM/RATE™ Energy Analysis and IECC Section 405 criteria, unless specified herein. Applicants shall submit an initial HERS Index score based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, a final HERS Index score shall be submitted to the Building Department, verifying that both project is 10% more energy efficient compared to the IECC.

i) New residential construction certified under the current ENERGY STAR Northwest Program is exempt from Section 15.08.012.C.1, providing the Building plans and the constructed building are certified ENERGY STAR Northwest.

ii) New residential construction is not required to be verified by a HERS Rater if they install a 90% AFUE furnace or equivalent system, a 0.62 EF water heater or equivalent system, all lights are LED or CFL, and air sealing tests verify 5 air exchanges per hour at 50 Pascals.

b. Additions. A RESNET Certified HERS Rater shall conduct a Certified HERS Audit of the entire Building associated with the Addition, unless a previous Certified HERS Audit has been conducted and submitted to the Building Department within the last 5 years. The energy efficiency of the Addition itself shall be verified by a REScheck Energy Analysis. Applicants shall submit a REScheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the REScheck Energy Analysis will be verified by the Building Department during routine inspections. The REScheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A REScheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

2. Commercial Energy Efficiency.

a. New Construction. Buildings less than 10,000 square feet of Conditioned Space shall verify energy efficiency using a COMcheck Energy Analysis and Buildings 10,000 square feet or larger shall verify energy efficiency using an energy model.

i) Buildings under 10,000 square feet of Conditioned Space. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

ii) Buildings 10,000 square feet of Conditioned Space or larger shall be energy modeled by a licensed engineer using Building Department Approved energy modeling software. Approved software includes, but is not limited to, the most recently published version of the following: eQuest, Trace, Carrier HAP, and EnergyPlus. The model shall verify that amount of energy used is 10% more energy efficient compared to the IECC and shall be submitted to the Building Department with the Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the energy model will be verified by the Building Department during routine inspections.

b. Additions. An energy audit shall be conducted by an Idaho licensed engineer on the entire Building associated with the Addition, unless an energy audit by an Idaho licensed engineer has been conducted and submitted to the Building Department within the last 5 years. Energy efficiency shall be verified by a COMcheck Energy Analysis or modeled in accordance with Section 5.08.012,C,2,a,ii. if the addition is greater than 10,000 square feet of Conditioned Space or larger. Applicants shall submit a COMcheck Energy Analysis based on the proposed design with a Building Permit application. Prior to receiving a certificate of occupancy, the specifications of the COMcheck Energy Analysis will be verified by the Building Department during routine inspections. The COMcheck Energy Analysis shall project a 10% more energy efficient design compared to the IECC.

c. Alterations. A COMcheck Energy Analysis shall be submitted to the Building Department verifying that the Alteration exceeds the energy efficiency requirements of the IECC by 10% or by calculating the energy efficiency rating of a specific component that

affects energy efficiency associated with the alteration. For example: the IECC requires a U-factor of 0.35 for a new window installation. A new window that is 10% more efficient would have a U-factor of 0.315 (or 0.32 rounded up) or better.

D. Water, Indoor Air, Construction Waste, Durability and Assurance (WICDA). The provisions of WICDA apply to new residential and commercial construction.

1. Water Conservation. All faucets, showerheads, and toilets installed in a Building for domestic use and restroom facilities, shall use 20% less water than standard fixtures or be labeled by the WaterSense Program, which use at least 20% less water than standard fixtures. Water Sense labels or equivalent documentation shall be submitted to the Building Department or provided during final inspection for verification.

2. Indoor Air. The applicable sections of the most recent edition of the International Mechanical Code shall be met to ensure proper ventilation.

3. Construction Waste. In Addition to waste receptacles, bins for cardboard and clean wood waste shall be provided and sorted accordingly on-site during construction and will be verified by the Administrators during regularly scheduled inspections.

4. Durability and Assurance. Details and specifications shall be submitted in the drawings, details, or in packet form with the Building Permit in order to promote durability, and high performance of the Building enclosure and its components and systems through appropriate design, materials, selection, and construction practices.

a. Under the following categories, the Administrators shall specify what items shall be applicable and provide a list of these items with the Building Permit:

- i) Foundations
- ii) Walls
- iii) Roofs
- iv) Air infiltration
- v) Heat loss

b. Before the issuance of a certificate of occupancy, applicants shall sign a declaration that states all items are installed to manufacture's specifications and plan details.

E. Points Menu. Unless a qualifying exemption applies, the following construction activities: exterior snow melt systems, residential New Construction, and residential Additions of 500 square feet of Conditioned Space or greater, shall obtain points from Sections (4) through (11) herein, in an amount determined by the applicable points equation in (a), (b), or (c), below. Any two or more building permits for the same structure that are applied for in any 12 month period shall be considered as one application for the purpose of calculating points.

1. Calculation of Points. Points are accumulated based on the total square feet of Conditioned Space and the number of bedrooms included in the Addition or New Construction project or the square footage of an exterior snow melt system. Points shall be rounded down to the nearest 0.5 (example: a points equation resulting in 2.7 points shall be rounded down to 2.5 points and a points equation resulting in 3.4 points shall be rounded down to 3.0 points)

a. Points equation for New Construction. (Square footage of Conditioned Space)/(number of bedrooms) x 0.01 = required points.

i) Points shall be applied to the construction of the new residential Building.

b. Points equation for Additions. (Square footage of Conditioned Space of Addition) / (Number of bedrooms included in Addition + 1) x 0.01 = required points.

i) Points shall be applied to the Addition, existing structure, or a combination of both.

c. Points equation for exterior snow melt systems. (Square footage of exterior snow melt)/100 = required points.

i) Points shall be applied to the new or existing structure, or a combination of both, if applicable, and shall only be obtained from Section 15.08.012.E.5, Energy Efficiency.

2. Restrictions. When points are required for more than one construction activity, the same item cannot count as a point(s) for satisfying multiple point requirements under more than one construction activity.

3. Verification. Before final inspection, a Verification of Accountability by Responsible Party form shall be submitted, along with supporting documentation such as copies of receipts and invoices, material packaging, and photos, unless an alternative method of verification is specified herein.

4. Waste Management.

a. Reuse Existing Building. Up to 5 points.

Points	Percent of Exterior Walls saved (external sheathing and framing)
3	50%
5	75%

b. New Construction Waste Recycling. Up to 3 points.

i) Application. points will be awarded according to the

following table:

Points	Percentage Waste	Percentage Diverted
1	75%	25%
2	50%	50%
3	25%	75%

5. Energy Efficiency.

a. Insulation. Up to 7 points.

i) Wall Insulation. 2 points.

(1) Application. R-24 minimum wall cavity insulation.

(2) Verification. Checked during plan review by the

Administrators and verified by the Certified HERS Rater for New Construction or checked during plan review and verified by the Administrators for projects using the prescriptive pathway described in C. 1. b. Checked during plan review and verified by the Administrators for Additions.

ii) Basement or Foundation Insulation. 1 to 5 points.

(1) Application. Insulation must be installed on the full height of a basement or foundation wall.

(2) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects

are checked during plan review and verified by the Administrators.

Points	R-Value and insulated concrete forms
1	15, or
2	20, or
3	25, and
2	Use of insulated concrete forms on the foundation (stem wall and footing)

b. Windows. Up to 3 points.

i) Application. New windows or replacement windows installed as part of an Addition are awarded points as follows:

Points	Maximum U-factor*
1	0.3
2	0.28
3	0.26

*U-factor, as established by the National Fenestration Rating Council (NFRC).

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

The inspector must be able to clearly identify the U-factor and Solar Heat Gain Coefficient (SHGC) ratings and window type by the National Fenestration Rating Council's stamp or the manufacturer's label. Applicant must show the number of windows to be upgraded on Building plans.

c. Air Sealing of an Existing Building. Up to 4 points.

i) These points shall not be applied to New Construction activity. Points will be awarded when a HERS rating is applied to the existing structure before and after construction showing the following blower door results:

Points	Natural Air Changes Per Hour at 50 Pascal
1	4
2	3
3	2
4	1

d. Heating, Ventilation, and Air Conditioning (HVAC) Systems.

i) HVAC Commissioning. 1 point for each commissioning that applies; up to 3 points.

(1) Application. 1) test for duct leakage at a 6% target to floor area ratio at 50 Pascal, 2) test and adjust firing rate to within recommended manufacturer specifications and suitable to occupant conditions, and 3) test and adjust refrigerant charge to manufacturer specifications.

ii) Heat Pumps.

Points	Type of source pump installed
8	Water
6	Ground
4	Air

iii) Sealed combustion or power vent assisted Water Heating

System. 2 Points.

(1) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

iv) ENERGY STAR boiler, furnace, or hot water heater: 2 points each.

e. Zoned, Hydronic Radiant Heating. 2 points.

i) Application. Use a Zoned Hydronic Radiant Heating system that circulates hot water through radiant floor panels, wall radiators, or baseboard convectors located in different areas or zones of the house.

ii) Verification. Checked during plan review and inspected in the field by the Administrators.

f. Passive Cooling. 2 to 5 points.

i) Application. Any combination of natural cooling techniques can be used to reduce overheating in homes. Use awnings and window overhangs primarily on south-facing glass to provide a balance between summer cooling and winter heating through solar gain. Points will be awarded for passive cooling systems using any two or more of these techniques (one point per option):

(1) Exterior vertical shading devices for east- and west-facing glass.

(2) Low emissivity films on glass on east- and west-facing windows.

(3) Radiant barriers installed in the attic space.

(4) Landscaping that shades east- and west-facing windows during the cooling season (June to September).

(5) South window overhang sized to effectively shade the window (from June to September).

ii) Verification.

(1) New Constructions: checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

(2) Additions: checked during plan review and verified by the Program Administrators. Indicate the passive cooling design features on the Building Permit plan, for option number 5 above; submit a calculation that demonstrates overhangs have been designed in accordance with the equation below for all south-facing glass. The formula below will result in window overhangs that shade 100 percent of south-facing window glazing on June 21 (summer solstice).

(3) Applicants should use this formula as a guide for sizing all south-facing overhangs:

$D = H/F$ where:

D = Distance of overhang

H = Height from bottom of glass to overhang

F = 3.38 (F is a value corresponding to the noon sun altitude angle on June 21st)

g. Whole House Fan. 2 points.

i) Application. Install a Whole House Fan with an insulated cover

that creates an airtight seal between attic and living space when the fan is off. For maximum effectiveness, the fan should be mounted in a hallway ceiling on the top floor of the house, and should be sized to produce four to five air changes per hour within the home.

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

h. Water Heating. Up to 2 points.

i) Application. Point-of-use water heating uses a mini-water heater at remote fixtures to reduce the energy and water use associated with long piping runs. They are sized to supply hot water to a single fixture such as a sink. Gas-fired models must have a minimum energy factor of 0.82 to achieve this credit.

Points	Type of water heater
2	Tankless
2	Point of Use
2	Indirect fired

ii) Verification.

(1) New Constructions. Checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

(2) Additions. Checked during plan review and verified by the Administrators.

i. Lighting and Appliances.

i) ENERGY STAR qualified CFLs or LEDs. 3 points for CFLs and 5 for LEDs.

(1) Application. Lighting shall be installed in accordance with the lighting table below.

(2) Any exterior lighting fixture must comply with city of Hailey Outdoor Lighting Ordinance requirements:

Area	Rooms	Required percentage of installed ENERGY STAR qualified CFL or LEDs
High-Use Rooms	Kitchen, dining room, living room, family room bathroom(s), hall(s)/stairway(s)	50 percent of total number of fixtures
Medium/Low-Use Rooms	Bedroom(s), den, office, basement, laundry room, garage, closet(s), and all other rooms	25 percent of total number of fixtures
Outdoor	Outdoor lighting affixed to the structure or free-standing pole(s) except for landscape and solar lighting	50 percent of total number of fixtures including all flood lighting

(3) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

ii) Efficient Light Controls. Up to 2 points.

(1) Application. Efficient lighting controls include occupancy sensors, dimming controls, and automatic daylight dimming controls. Points will be awarded for efficient light controls according to the following:

Points	Number of control devices
1	4
2	6

(2) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

j. Energy Efficient Appliances. Up to 6 points.

(1) Application. Points will be awarded for ENERGY STAR appliances according to the following:

Points	Type of ENERGY STAR rated appliance
2	Refrigerator
2	Clothes washer
1	Freezer, not part of refrigerator appliance
1	Dishwasher

(2) Verification. New Construction will be verified by

the Certified HERS Rater or by the Administrators, for projects using the prescriptive pathway described in C. 1. B. Additions will be verified by the Administrators. Appliance ENERGY STAR labels must remain on the equipment for inspection by a Certified HERS Rater or Building Inspector.

6. Solar.

a. Passive Solar Heating Design. Up to 12 points.

i) Application. Points will be awarded in accordance with the following table, by designing with passive solar heating elements of south-facing glazing, appropriate thermal mass, and Building overhangs:

Points	Percent verifying calculations of the Solar Heat Gain Coefficient
6	40-49%
8	50-59%
10	60-69%
12	More than 70%

ii) Verification. Inspected during plan review. Submit modeling documentation with the designer or architect's signature verifying calculations of the Solar Heat Gain Coefficient.

b. Solar Thermal Domestic Hot Water System. 8 points.

i) Application. A solar water heating system shall include south-facing rooftop or ground-mounted collectors, a heat exchanger to transfer the solar heat to the domestic water, and an insulated storage tank to store the heated water. The system shall be sized to provide at least 50 percent of the domestic hot water load. Sufficient unshaded south-facing roof area for collectors and space in a mechanical equipment room must be provided for the additional hot water storage tank.

ii) Verification. New Construction projects are checked during plan review by the Administrators and verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b. Addition projects are checked during plan review and verified by the Administrators.

c. Pre-Plumb for Solar Thermal System Retrofit and include area required for future tanks and pumps. 2 points.

i) Application. Install minimum ½" (5/8" OD) copper pipes, minimum 1" wall thickness high temperature 250°F rated insulation, and THN shielded 4 conductor sensor wiring between the attic and the water heater location. To accommodate "active" systems, provisions shall be made for a solar storage tank footprint, with pressure relief drain line, and an electrical outlet for a pump. An 8 ft. by 8 ft. section of south-facing roof suitable for future installation of solar panels shall be provided.

ii) Verification. Checked during plan review by the Administrators and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

d. Active Solar Electric System. Up to 12 Points.

i) Application. Design and install a solar PV system to meet some of the electrical load of the Building.

Points	size of kilowatt (kW) system
6	2
8	3
10	4

ii) Verification. The applicant must submit documentation by a qualified engineer or equivalent of the solar installation company of the electrical production calculations using industry-accepted formulas. Installation verified by the Certified HERS Rater or the Administrators for projects using the prescriptive pathway described in C. 1. b.

e. Pre-Wire, or Chase Way, or Conduit, and Provide Area for Future Solar Electric, Photovoltaic (PV) System Retrofit. 2 points.

i) Application. Prewire, chase way, or conduit from the attic to a location near the electric service entrance/circuit breaker panel, allowing space for installation of PV modules on south-facing roofs, and ensuring that roof trusses are adequate to accommodate any added roof loads. maintain a 200 square foot or larger section of unshaded south roof area clear of vent pipes and other obstructions to allow for the installation of modules. Install 3/4-inch or larger EMT (electrical metal tubing) or FMC (flexible metal conduit) to accommodate wires run from the attic to a junction box near the main panel and meter. Provide the owner with a roof plan with the preferred location for PV modules and the conduit location clearly marked, and provide structural information on what added loads the roof can accommodate.

ii) Verification. checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

7. Material Efficient Framing and Structure

a. Advanced Framing Techniques: 2 to 10 points.

i) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

ii) 24-inch On-Center Framing: 2 points.

iii) Resource Efficient Insulated Headers: 2 points.

(1) Application. points are awarded for incorporating a minimum R-10 insulation in the header section.

iv) Trusses with energy heel: 2 points.

v) HVAC Ducts Within Conditioned Spaces: 2 points.

vi) Minimum 24-inch Roof Overhangs: 2 points.

(1) Application. Design at least a 12-inch overhang with gutters around the Building's entire roof. Install gutter and downspout system to divert water five feet away from foundation and, from there, into the overall on-site drainage area or install crushed stone or other material below roof drip line to minimize splash on siding in high snow areas. All overhangs must meet Building code and zoning restrictions.

b. Structural Insulated Panels (SIPs) in Conditioned Spaces or an Alternatives to Wood Framing Approved by the Administrators. Up to 8 points.

i) Application. incorporating SIP construction requires that stamped plans be submitted from a designer.

Points	Percent of structure
5	At least 50% of Exterior Walls
8	At least 50% of Exterior Walls and roof

ii) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

c. Other Alternatives to Wood Framing. Up to 8 points.

i) Application. exterior walls must be constructed with alternative

materials. Alternative Building methods that demonstrate energy- and resource-efficient construction with less embodied energy are awarded points according to the following:

Points	Percent of structure
5	At least 50% of Exterior Walls
8	At least 50% of Exterior Walls and roof

ii) Verification. Checked during plans review and a Verification of Accountability by Responsible Party form shall be submitted, before the final inspection.

8. Sustainable Products.

a. Forest Stewardship Council (FSC) Certified. Up to 6 points.

Points	Number of board feet (BF) of FSC lumber per square feet (SF) of floor area
2	2 BF per SF of floor area (2BF/SF)
4	3 BF per SF of floor area (3 BF/SF)
6	50% or more of dimensional lumber in total BF is FSC, excluding engineered wood products

b. Environmentally Preferred, Low Emission, and Local Materials. Up to 10 points from Chart A.

i) Application. For each assembly, all product specification type requirements shall be met in order to receive the points available. Environmentally preferred and low emission qualifying products have more than one of these attributes: recycled content, reclaimed, bio-based, agricultural residue, rapidly renewable, and low or no volatile organic compounds (VOCs) emissions. A “recycled content” product must contain a minimum of 25 percent post-consumer recycled content except as noted otherwise above. Post-industrial (pre-consumer) recycled content is counted at half the rate of post-consumer content. Except as otherwise noted in Chart A, 90 percent of the component, by weight or volume, must meet the specification shown. Locally sourced materials are products that are manufactured within 500 miles of the city are considered local.

Chart A: Environmentally Preferable Products/Locally Sourced Materials

Assembly	Component	Product Specification Types			Points Available
		EPP Specifications	Emission Specifications	Local	
Exterior Wall	Framing	Forest Stewardship Council (FSC) Certified		X	1
Exterior Wall	Framing	Finger-jointed studs (vertical use only for structural components)		X	1
Exterior	Siding or	Recycled		X	1

Wall	masonry	content or Forest Stewardship Council (FSC) Certified			
Floor	Flooring	90% of home	NO carpet in home		1
Floor	Framing	Forest Stewardship Council (FSC) Certified		X	1
Foundation	Cement	Fly ash or slag as replacement for, not Addition to, cement content (min. 20%)		X	1
Interior Wall	Framing	Forest Stewardship Council (FSC) Certified		X	1
Interior Wall	Framing	Finger-Jointed, (vertical use only for structural components)		X	1
Interior Walls AND ceilings	Gypsum board	Recycled content		X	1
Interior Walls AND millwork	Paint		VOC concentrations of 150g/L or less AND 48 hour pre-occupancy flush		1
Interior Walls AND	Wood finishes		VOC concentrations of 150 g/L or less		0.5

millwork					
Landscape	Decking or patio material	Recycled content or Forest Stewardship Council (FSC) Certified		X	1
Other	Cabinets	Recovered, recycled content, or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Counters	Recycled content	Wood and/or agrifiber products with no added urea-formaldehyde resins		1
Other	Doors (not incl. garage)	Recycled content or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Trim	Recovered, recycled content, or Forest Stewardship Council (FSC) Certified	Wood and/or agrifiber products with no added urea-formaldehyde resins	X	1.5
Other	Adhesives and sealants		VOC concentrations of 70 g/L or less		0.5
Other	Windows	Recycled content or Forest Stewardship Council (FSC) Certified		X	1

Roof	Framing	Forest Stewardship Council (FSC) Certified	X	1
Roof	Roofing	Recycled content or vegetated (min. 200 sf)	X	1
Roof AND floor AND wall	Insulation	Recycled content (min 20%)	X	1
Roof, floor, wall (2 of 3)	Sheathing	Recycled content or Forest Stewardship Council (FSC) Certified	X	1

9. Indoor Air Quality.

a. ENERGY STAR's Indoor airPLUS (IAP) Requirements. 5 points.

i) Application. Only New Construction that obtains ENERGY STAR is eligible for this label. For this point option, all of the requirements of ENERGY STAR IAP must be met.

ii) Verification. An ENERGY STAR Home Performance Specialist must perform a visual inspection of installed measure(s) and relevant documents/test results, to affirm compliance or submit an IAP certificate prior to final inspection.

b. Mechanical Ventilation. Up to 5 points.

ii) Application. Energy Recovery Ventilators must be integrated into the HVAC system. Points are awarded for providing mechanical ventilation according to the following table:

Points	Type of fan and location
1	Kitchen exhaust fan (minimum 100 cfm)
1	Bath exhaust fan with timer or Humidistat controls (minimum 50 cfm)
1	Ventilation integrated into the HVAC system
2	Energy Recovery Ventilation System

ii) Verification. Checked during mechanical inspection. The state mechanical inspector shall complete a Verification of Accountability by Responsible Party form, which shall be submitted, before the final inspection.

c. High-Efficiency HVAC Filter.

i) Filters with MERV ratings of 6 to 10. 1 point.

(1) Application. Any MERV with a rating from 6 to 10. Filters with a MERV rating of higher than 10 may be used only if the HVAC fan system is specifically designed for it.

d. Attached Garage Exhaust Fan. 1 point.
i) Application. Install an exhaust fan on the opposite wall from the door to the house. It shall be wired to an electric garage door to run after the door has been opened or closed or put on a timer.

10. Homeowner Information - Operations and Maintenance Binder. 3 points.

a. Application. The builder shall provide a binder to be left in the dwelling for future occupants that includes the following three items:
i) The points checklist
ii) HERS Index score certificate, if applicable.
iii) The equipment manufacturers' installation manuals, except for manuals required to be affixed to the equipment, for all installed equipment, fixtures, and appliances

b. Verification. Submitted to the Administrators for review and inspected during final inspection.

11. Design Process and Innovation.

a. Green Building Consultants. 1 point.

i) Application. Use services provided by a consultant(s) certified through, Green Advantage, LEED AP, Certified Sustainable Building Advisor, or similar certification Approved by the Administrators during the design and construction process.

ii) Verification. A green building consultant must sign the Verification of Accountability by Responsible Party form and provide proof of certification or accreditation during Building plans submittal.

b. ENERGY STAR Builder. 1 point

i) Application. Applies to New Construction Only. The general contractor must be an ENERGY STAR Builder.

ii) Verification. The builder must sign the Verification of Accountability by Responsible Party form and the builder's name must be listed on ENERGY STAR's web site.

c. Innovation Points. 3 points.

i) Application. Minimize the environmental impact of the house by incorporating green design and construction measures that have tangible and demonstrable benefits beyond those outlined in the points program. Suggested innovations include: exceptional performance (e.g., zero energy, carbon neutral); innovative design strategies; or emerging technologies, materials, or construction practices. The applicant MUST prepare a written submittal that includes:

- (1) The intent of the innovation measure(s)
- (2) The proposed requirement for compliance
- (3) The proposed documentation to demonstrate compliance
- (4) A description and an estimate of the benefit/impact

provided by the proposed measure

ii) The above information must document how such an approach will minimize the impacts of the Building in a tangible and demonstrable way beyond the methods outlined in the Build Better Point Menu. The product, design, or technology must comply with existing city codes and standards.

iii) Verification. Applicant must provide the above documentation in writing and any other supporting documentation, such as an evaluation report or specifications

to quantify performance. This information is submitted with Building Permit plans and will be awarded during the Administrators' evaluation and determination of measures proposed.

Section 2. Section 15.08.030 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

15.08.030 Additional requirements. The following regulations shall apply in addition to those contained in the adopted codes and standards.

A. Manufactured Homes. The city of Hailey adopts by reference the "Idaho Manufactured Home Installation Standard" as published by the state of Idaho, September, 1999, compiled jointly by the Manufactured Housing Industry, as may be modified and adopted by the state of Idaho. Said "Standard" shall be known as the "Manufactured Housing Code."

B. Special Natural Hazard. Understanding that certain natural hazards exist in the jurisdiction including, but not limited to avalanche areas, earthquake, floodplain, snow loads, wildfires and soil qualities, site specific surveys and related engineering may be required as deemed appropriate by the authority of the jurisdiction.

C. Plumbing and Electrical Inspections Prerequisite. The framing inspection by the city of Hailey Building department shall not be conducted until the applicant has obtained a rough plumbing and electrical inspection from the Idaho State Plumbing and Electrical Inspectors. The final inspection shall not be conducted until the applicant has obtained a final plumbing and electrical inspection.

D. Salvaged Building Materials. The use of salvaged Building materials may be Approved by the Building Official upon receipt of a complete list of those materials accompanied with written approval of such materials by an Idaho Licensed Structural Engineer. Said materials shall be capable of meeting design criteria for the proposed project.

E. Insulation of Stem Wall. In reference to residential construction, perimeter stem wall insulation practices shall be considered as equal and equivalent insulation criteria when considering thermal Building envelope efficiencies using energy code thermal design parameters.

F. Increased energy efficiency and sustainable Building practices. An increase in energy efficiency by 10% above the IECC and other sustainable Building practices and materials shall be followed, as specified by Section 15.08.012. Build Better Program, provided the activity is not listed as an exception in Section 101.4.3 of the IECC or an exemption in Section 15.08.012. A. 3. or 4.

Section 3. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. Repealer Clause. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect on May 1, 2013 and after its passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR
this _____ day of March, 2013.

Fritz H. Haemmerle
Mayor, City of Hailey

ATTEST: _____
Mary Cone, City Clerk (Seal)

AGENDA ITEM SUMMARY

DATE: 2/4/13 DEPARTMENT: Legal/PW DEPT. HEAD SIGNATURE: [Signature]

2nd Reading

SUBJECT: Amendments to Municipal Code Title 13, Water and Wastewater Fees, which deletes any reference to the city's ability to impose a lien on property for delinquent water and wastewater fees.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The City Attorney has recommended that Section 13.04.150(C) needs to be revised to remove the provision for authorizing liens for delinquent water and wastewater fees on properties.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Ordinance 1121 and authorize the ~~first~~ ^{2nd} reading by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 2/4/2013 - approved - 1st reading of Ord. 1121 held.

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

HAILEY ORDINANCE NO. 1121

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.04.150(C) TO DELETE THE AUTHORITY OF THE CITY OF HAILEY TO IMPOSE A LIEN FOR DELINQUENT WATER AND WASTEWATER USER FEES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 13.04.150(C) of the Hailey Municipal Code provides that delinquent water and wastewater user fees shall be imposed as a lien on the property upon which the fee was levied or assessed;

WHEREAS, based on *City of Grangeville v. Haskin*, 116 Idaho 535 (1989), the Hailey City Attorney has recommended that the city delete any language in Chapter 13 of the Hailey Municipal Code which purports to authorize a lien for delinquent water and wastewater user fees; and

WHEREAS, the Hailey City Council concurs with the recommendation and thereby amends Section 13.04.150(C) of the Hailey Municipal Code to delete the authority to impose a lien for delinquent water and wastewater user fees on property upon which the fee was levied or assessed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 13.04.150(C) of the Hailey Municipal Code is amended by the deletion of the stricken language, as follows:

Section 13.04.150(C). Water and Wastewater User Fees—Delinquency and Notice. All Water and Wastewater User fees shall be due and payable to the City Clerk on or before the bill closing date of each month's bill, and upon failure to pay within the time as prescribed, each user shall pay, in addition to the amount due, the sum of two dollars (\$2.00) and interest at the rate of twelve percent (12%) per annum. ~~All delinquent fees, as provided in this chapter, not paid within fifteen (15) days of the date when notice of delinquency is sent, shall be imposed as a lien against and upon the Property against which such fee is levied or assessed.~~

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this _____ day of _____, 2013.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2013

