

AGENDA ITEM SUMMARY

DATE: July 02, 2012 **DEPARTMENT:** Planning **DEPT. HEAD SIGNATURE:** _____ MP

SUBJECT: 3rd reading of Ordinance 1105

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On June 4, 2012, the Hailey City Council held a public hearing and considered the city initiated amendments to the Build Better Ordinance to continue the program as voluntary until January 1, 2013. The Council approved the amendments and the first reading of Ordinance 1105 was conducted. The second reading was conducted on June 18, 2012.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS Case # _____
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"/> Safety Committee |
| <input checked="" 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:

Authorize the Mayor to conduct the third reading of Ordinance 1105 by title only and authorize the mayor to sign.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

HAILEY ORDINANCE NO. 1105

AN ORDINANCE OF THE CITY OF HAILEY, AMENDING SECTION 15.08.012(A) OF THE HAILEY MUNICIPAL CODE TO PROVIDE AN ALTERNATIVE VERIFICATION; AMENDING SECTION 15.08.012(C) OF THE HAILEY MUNICIPAL CODE TO DESCRIBE THE ALTERNATIVE VERIFICATION; AMENDING SECTION 15.08.020(E) OF THE HAILEY MUNICIPAL CODE TO REVISE THE EXPIRATION DATE OF THE BETTER BUILD PROGRAM TO JANUARY 1, 2013; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code §§ 39-4109 and 39-4116 require the City of Hailey to adopt the 2009 International Energy Conservation Code ("2009 IECC"), excluding certain provisions and appendices;

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, Idaho Code § 39-4109 allows the adoption of the 2009 IECC effective January 1, 2011;

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 impacts 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; and

WHEREAS, the City Council finds that enactment of this ordinance is required to continue the voluntary Better Build Program, codified in Chapter 15.08 of the Hailey Municipal Code, until January 1, 2013, following subsequent review, passage, and approval by the Hailey City Council.

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, (A), of the Hailey Municipal Code, Build Better Program, is amended by the addition of the following underlined 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, Repairs 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 2009 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.

Section 2. Section 15.08.012, (C), of the Hailey Municipal Code, Build Better Program, is amended by the addition of the following underlined language:

C. Energy Efficiency: All commercial and residential New Construction and Additions shall comply with the 2009 IECC, and shall increase energy efficiency 10% beyond the 2009 IECC requirements.

1. Residential Energy Efficiency. Energy Efficiency shall be 10% greater than the 2009 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 2009 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 are 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 Pascal.

Section 3. Section 15.08.020 (E) of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

E. Fees, Deposits and Refunds: For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

1. Building Permit Fee. Fees shall be charged utilizing Table 1-A of the 97 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars (\$120.00) per square foot. For new construction or substantial remodels, an application fee of \$500 shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within 180 days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee and the deposit for final inspection shall be collected when the building permit is issued. At the election of the applicant, payment of the remainder of the building permit fee for a Building built according to the Build Better Program during the introductory period (which shall expire January 1, 2012~~3~~), or an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy. For the purpose of Section 15.08.020(E), an Energy Star certified single family residence shall mean a single family residence certified as an Energy Star project in accordance with the Northwest Energy Star Program, as amended. The Building built to the Build Better Program shall mean a Building that meets the specifications outlined in Section 15.08.012.

a. New residential construction, excluding additions and alterations, shall receive a 50% reduction in building permit fees when built in accordance with the Build Better Program.

2. Plan Review Fee: Building Department review will be 65% of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single family residence or a Building built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.

a. The plan review fee for new residential construction, excluding additions and alterations, built in accordance with the Build Better Program, shall receive a 50% reduction. .By way of example, if a building permit fee is \$1000 according to Table 1-A of the 1997 UBC, the plan review fee for new residential construction built in accordance with the Build Better Program shall be \$325 ($\$1000 \times .65 \times .5$).

3. Fire Review Fee: Fire Department review for commercial or multi-family projects shall be 35% of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the fire review fee of an Energy Star certified single family residence or a Building built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.

Section 4. 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 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. Sections 15.08.030 and 15.08.020(P)(1) and (2) of the Hailey Municipal Code and Sections 15.08.012 of the Hailey Municipal Code, as amended by Sections 1 and 2 of this Ordinance, and 15.08.020 (E) of the Hailey Municipal Code, as amended by Section 3 of this Ordinance, shall be in full force and effect on January 1, 2013, following a prior review by the Hailey Council and after subsequent passage, approval and publication according to law.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR
this _____ day of July, 2012.

Fritz X. Haemmerle
Mayor, City of Hailey

ATTEST: _____
Mary Cone, City Clerk

(Seal)

