Article VII. Efficient Building Benchmarking

Sec. 6-301. Definitions.

The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

*Benchmark* means to compare the measured energy performance of a building to itself, its peers, or to industry standards, with the goal of informing and motivating performance improvement.

*Benchmarking information* means information related to a building’s energy performance as generated by the benchmarking tool using descriptive information about the physical building, its operational characteristics, and energy and water consumption.

*Benchmarking tool* means the United States Environmental Protection Agency’s Energy Star Portfolio Manager tool, or an equivalent tool as adopted by the city.

*Energy* means electricity, natural gas, steam, heating oil, or other product sold by a utility for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

*Energy performance score* means the numeric rating generated by the Energy Star Portfolio Manager tool or equivalent tool adopted by the city that compares the energy usage of the building to that of similar buildings.

*Energy Star Portfolio Manager* means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

*Gross square footage* means total building floor area of all conditioned space calculated from overall exterior wall dimensions of all below and above grade floors.

*Industrial* means manufacturing, compounding, processing, packaging, treatment, and assembly of products and materials.

*Property owner* means a person or entity possessing title to a building, or an agent authorized to act on behalf of the property owner.

*Tenant* means a person or entity occupying or holding possession of a building or premises pursuant to a rental or lease agreement.

*Utility* means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.

*Water* means supplied, metered potable water for mixed use and irrigation uses.
Sec. 6-302. Benchmarking required.

(a) Required. Annual benchmarking is required for all buildings of 25,000 gross square feet or larger. A property owner shall input the energy and water consumed during the previous calendar year and obtain an energy performance score by June 1, 2020, and by every June 1 thereafter. The property owner shall annually provide benchmarking information to the city, in such form as established.

The information input annually by the property owner shall include, but need not be limited to:

(1) Building characteristics;
(2) Building use;
(3) Meter information, including consumption.

(b) Exemptions.

(1) A building if its primary use is industrial, and the industrial use of the building comprises the majority of energy demands for the building. A property owner must make a request to the city to qualify for this exemption. In order to qualify for an exemption, the property owner must permit the city to complete an inspection of the property. The city will determine whether the building qualifies for an exemption based on the requirements contained in this chapter.

(2) Condominium multiple family residential buildings.

(3) A property owner may request exemption in writing from the benchmarking and energy assessment requirements of subsection (a) for any of the following:

(a) The property is presently experiencing qualifying financial distress such that the property is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the property is controlled by a court-appointed receiver based on financial distress, the property is owned by a financial institution through default by the borrower, the property has been acquired by a deed in lieu of foreclosure, or the property has a senior mortgage which is subject to a notice of default; or

(b) The property or areas of the property subject to the requirements of this section have been less than fifty (50) percent occupied during the calendar year for which benchmarking is required; or

(c) The property does not have a certificate of occupancy or temporary certificate of occupancy for all twelve (12) months of the calendar year for which benchmarking is required.

Sec. 6-303. Multiple tenant buildings.

Where aggregate data is not available, each tenant located in a property subject to benchmarking under this chapter shall, within thirty (30) days of a request by the property owner and in a form to be approved by the city, provide all information that cannot otherwise be acquired by the property owner that is needed by the property owner to comply with the requirements of this section.
Sec. 6-304. Public disclosure.

The city shall make readily available to the public, and update annually, benchmarking information for the previous calendar year by September 1, 2021, and by every September 1 thereafter.

Sec. 6-305. Violations.

It shall be unlawful for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact required to be prepared or disclosed by this section.

Violations shall be subject to the Administrative Penalties section of the city code. Violations constitute a misdemeanor offense.

(Ord. No. 2576-19, 12-2-19)