

ORDINANCE 06-03

Requires Use of Green Building Design Standards and Integration of Supplemental Renewable Energy Systems in all New Public and Commercial Buildings in Queenstown

WHEREAS, Electric power rates are a pocketbook issue that directly effects every resident, every business, and every commercial enterprise in Queenstown including the Town government.

WHEREAS, Some of the proposed rate increases in the FY'07 Budget for water, sewer, boat slip rental, and running of the Town Office are linked directly to the already announced increases in the cost of electric power needed by the Town. Therefore, it is incumbent upon the Town to find ways to reduce its commercial electric power dependency thereby reducing to some degree the financial burden on Town rate payers.

WHEREAS, Commercial buildings are not designed necessarily to be energy efficient unless local Codes and Ordinances require them to be. At a time of increasing electric power consumption off the electric grid and increasingly unreliable sources of petroleum, it is incumbent on the Town to find ways to reduce demand for electric power derived from fossil fuel power generating plants. These power plants have been linked to global warming, degraded air quality, degraded water quality, and increased heavy metal concentrations in fish taken from the Chesapeake Bay.

WHEREAS, According to the U.S. Department of Energy (DOE), if one wanted to target a single building type in the United States to reduce energy consumption and promote sustainable design and construction, commercial buildings would be a good (if not the best) place to start. Commercial buildings today have become the preeminent workplace, and their impact on energy consumption is substantial. To promote "Green Architecture" in the design and construction of commercial buildings, the U.S. Department of Energy recently launched the Commercial High-Performance Buildings Project as part of its Commercial Whole-Building Mapping Initiative. The objective of this project is to raise the awareness of owners, developers, facilities managers, architects, engineers, and contractors that innovative concepts exist that use comprehensive systems engineering approaches to increase the quality and efficiency of commercial buildings while reducing their costs and environmental impacts. As an example, Texas Instruments, Inc. built a new chip manufacturing plant in Texas using this approach and saved approximately \$240 million dollars over that of their conventional building design.

WHEREAS, Public bodies have the authority to dictate design standards for its own buildings that are above those specified in the otherwise governing Codes and Ordinances used for such purposes. As an example, the Governor of Maryland issued an Executive Order in March 2001 that calls for a reduction in energy use in State buildings of 10% by 2005 and 15% by 2010, and requires all new energy-using products purchased by the State to carry the "Energy Star" label or "be in the top 25% of energy-efficiencies when labeled products are unavailable." The Executive Order also makes it easier for the State to

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purchase alternative-fuel and low-emission vehicles for its fleet.

WHEREAS, The Governor's Order also established a 16-member Green Buildings Council to develop a High Efficiency Green Buildings Program to guide the design, construction, operations and maintenance of all new State-built facilities, as well as the renovations of existing State owned and leased buildings.

WHEREAS, The State's comprehensive green initiative was formulated to help Maryland meet the goals of the Chesapeake 2000 Agreement, a landmark regional pact that requires aggressive new efforts by States in the mid-Atlantic to redirect land use and conservation policies to significantly reduce the release of noxious pollutants into the Bay. Following the State's and Federal government's lead, it is incumbent on the Town to set an example for energy efficiency in any new construction of public buildings, and to use renewable energy technologies, such as photovoltaic systems, in new construction to supplement the onsite demand from the electric power grid.

WHEREAS, In 1997, Maryland enacted legislation allowing net metering for residential customers and schools with qualified solar-energy systems up to 80 kilowatts (kW) in capacity. In May 2004, the rules were modified to include commercial facilities. In April 2005, the rules were expanded to allow net metering up to 500 kW upon approval of the Public Services Commission (PSC).

WHEREAS, By Maryland law, utilities must install a single, bi-directional meter at a customer's facility (if found necessary), must offer net metering at no additional charge (including standby charges), and must not charge any higher electrical rates to the customer than they would for other customers in the same rate class. Customers with a renewable-energy system that meets all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories, as well as any other PSC requirements, may not be required by utilities to install additional controls, to perform or pay for additional tests, or to purchase additional liability insurance.

WHEREAS, Effective 1 October 2006, the PSC may require a dual meter capable of measuring electricity flow in two directions for all renewable energy systems designed to generate more electricity than the customer consumes.

WHEREAS, The PSC will develop a credit formula by 1 October 2006 for systems designed to generate more electricity than the customer consumes. The formula will exclude recovery of transmission and distribution costs, and will provide a credit calculated "using a method other than on a kW basis, including a method that allows dollar-for-dollar offset of electricity supplied by the grid compared to electricity generated by the customer".

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THEREFORE, It is hereby resolved this ___ day of _____ 2006 by the Commissioners of Queenstown acting under the general legislative authority of the Town Charter to enact **Ordinance 06-03** which shall obligate builders, architects, engineers, and developers to design and construct Energy Star compliant buildings in the Town and use the LEED™ Green Building Rating System developed by the U.S. Green Building Council as an objective method for measuring the degree of compliance with this Ordinance. Each public and commercial building shall achieve a LEED™ score of at least 35 out of a possible score of 69.

FURTHERMORE, This **Ordinance** shall require all proposed commercial buildings to be built in Queenstown to incorporate onsite renewable energy power generation facilities as an integral part of their design. The minimum installed capacity shall be equivalent to the amount generated by fixed tilt photovoltaic arrays occupying at least fifty percent of the gross surface area of the roof system up to the maximum capacity limited by law or regulation (currently 500 kW). This **Ordinance** shall require all renewable-energy systems meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories, as well as any other applicable PSC requirements and/ or Town Codes.

ATTEST: COMMISSIONERS OF QUEENSTOWN

Amy Moore
Town Clerk

Mitchell A. Keiler, President

Thomas B. Peregoy, Commissioner

Peter G. Robertson, Commissioner