



## Legislation Details (With Text)

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**Enactment #:** O-2007-034  
**Title:** F/S(2) Amending ROA 1994 To Adopt The 2006 International Energy Conservation Code; Creating The Albuquerque High Performance Building Ordinance Establishing Certain Environmentally Sensitive Practices In Construction; Amending ROA 1994, The "Woodburning Ordinance" To Define Products That Should Not Be Burned (Benton, Cadigan)  
**Sponsors:** Isaac Benton, Michael Cadigan  
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Date	Ver.	Action By	Action	Result
10/5/2007	5	City Clerk	Published	
9/27/2007	5	Mayor	Signed by the Mayor	
9/20/2007	4	City Council	Sent to Mayor for Signature	
9/17/2007	3	City Council	Substituted	Pass
9/17/2007	3	City Council	Amended	Pass
9/17/2007	3	City Council	Amended	Pass
9/17/2007	3	City Council	Do Pass as Substituted, as Amended	Pass
9/5/2007	3	City Council	Postpone	Pass
8/20/2007	3	City Council	Substituted	Pass
8/20/2007	3	City Council	Amended	Pass
8/20/2007	3	City Council	Postponed as Substituted, as Amended	Pass
8/6/2007	1	City Council	Postponed as Substituted	Pass
8/6/2007	1	City Council	Substituted	Pass
8/6/2007	1	City Council	Postpone	Fail
6/18/2007	2	City Council	Postpone	Pass
6/4/2007	2	City Council	Postpone	Pass
5/21/2007	2	City Council	Accepted with a recommendation Do Pass, As Substituted	
5/16/2007	1	Land Use, Planning, and Zoning Committee	Substituted	Pass
5/16/2007	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass, as Substituted	Pass
4/11/2007	1	Land Use, Planning, and Zoning Committee	Postpone	Pass

2/21/2007	1	President	Referred
2/21/2007	2	City Council	Introduced and Referred

# CITY of ALBUQUERQUE

## SEVENTEENTH COUNCIL

COUNCIL BILL NO. F/S(2) O-07-73 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton, Michael Cadigan, Martin Heinrich

### ORDINANCE

**F/S(2) Amending ROA 1994 To Adopt The 2006 International Energy Conservation Code; Creating The Albuquerque High Performance Building Ordinance Establishing Certain Environmentally Sensitive Practices In Construction; Amending ROA 1994, The "Woodburning Ordinance" To Define Products That Should Not Be Burned (Benton, Cadigan, Heinrich)**

**AMENDING SECTION 14-1-3(M) ROA 1994 TO ADOPT THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; CREATING THE ALBUQUERQUE HIGH PERFORMANCE BUILDING ORDINANCE ESTABLISHING CERTAIN ENVIRONMENTALLY SENSITIVE PRACTICES IN CONSTRUCTION.**

**BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:**

**Section 1. SHORT TITLE.** Sections 1 through 3 of this ordinance may be cited as the "Albuquerque High Performance Buildings Ordinance".

**Section 2. Council Findings.**

**The Council makes the following findings:**

- (1) The green building design and construction standards established in this Chapter are intended to reduce human exposure to noxious materials; conserve energy, both non-renewable and renewable, as well as scarce resources; minimize the ecological impact of building construction; use renewable energy and protect and restore local air, water, flora and fauna.**
- (2) These standards will help use energy, water and materials more efficiently, reduce greenhouse gas emissions and reduce the cost of building operations.**
- (3) The requirements set out in this ordinance set standards that can be achieved**

with low effort and first cost, while achieving a significantly lower life cycle cost. These requirements establish minimum standards that should be expected in any building.

(4) Periodic review and revision of this code will be necessary in order to adopt higher standards of energy efficiency that reflect advancements in technology, construction standards, and public policy. The designated Planning Department code enforcement manager (building official) shall regularly prepare amendments to the International Energy Conservation Code (IECC) for adoption as part of the City's Uniform Administrative Code by the City Council. Amendments shall be submitted for approval consistent with a maintenance schedule that shall also be subject to Council approval.

Section 3. A High Performance Building Ordinance is adopted as follows, and shall be incorporated by the Planning Department in revisions to the Uniform Administrative Code of the City of Albuquerque, the Technical Code of the City of Albuquerque and applicable regulations, and manuals:

A. **Applicability.** The provisions of this ordinance shall apply to all new buildings and to the replacement of specific components and systems described herein. Sections D, E, F, J, L, M, and N of this ordinance shall apply to existing buildings undergoing repairs, alterations or rehabilitation when the work area, as defined in the International Existing Building Code, exceeds 50 percent of the aggregate area of the building regardless of the costs of repairs, alteration, or rehabilitation, replacement of specific components and systems described herein shall comply with this Ordinance. Exception: Historic buildings as defined in the International Existing Building Code.

B. **Green Building Certification.** The building official shall develop a program for expedited permitting of high-performance buildings that substantially exceed City code standards.

C. **Documentation of Heating, Ventilating and Air Conditioning (HVAC) Sizing.** Documentation verifying the methodology and accuracy of heating and cooling equipment and duct sizing shall be submitted with the mechanical code compliance package. Documentation shall include the following information:

- (1) Address of permit application, or indication of the model type for bulk reissue plans.
- (2) Name of individual performing load calculations.
- (3) Name and version of load calculation software.

(4) Design temperatures (outdoor and indoor) according to the Air Conditioning Contractors of America's (ACCA) Manual J, ACCA Manual N, American Society of Heating, Refrigeration and Air Conditioning Engineers, U.S. Department of Energy standards, or other methodology approved by the City of Albuquerque.

(5) Area of walls, windows, skylights and doors.

(6) Orientation of building, windows and glass doors, infiltration rate, duct loads, internal gains, insulation values, and Solar Heat Gain Coefficient (SHGC) of windows and glass doors.

(7) Heating and cooling load calculations.

(8) Duct sizing according to ACCA Manual D, equipment sizing according to ACCA Manual J and equipment selection according to ACCA Manual S, or other methodologies approved by the City of Albuquerque.

D. HVAC controls. All evaporative coolers installed in newly constructed buildings shall be controllable by thermostat controls. After June 1, 2008, all other heating and air conditioning shall be controllable by automatic setback thermostats.

E. Evaporative coolers shall not use continuous bleed sump dumps.

F. Residential HVAC Equipment. In buildings regulated by the International Residential Code the following equipment standards shall apply:

(1) Forced air heating furnaces shall have minimum 90% Annual Fuel Utilization Efficiency (AFUE) as rated on the manufacturer's label or be Energy Star rated.

(2) Cooling equipment shall have minimum 15 SEER, as rated by the Air-Conditioning and Refrigeration Institute (ARI), or be evaporative coolers.

(3) Heat pumps shall have a minimum heating season performance factor (HSPF) of 8.

(4) The primary source of space heating shall not be electric resistance.

Exceptions: a) Buildings that do not use fossil fuels or electricity produced by fossil fuels; b) Where approved by the Green Building Program Manager, electric-resistance heaters may be used as a source of backup heat in buildings with passive-solar collection and storage systems capable of supplying 100 percent of the buildings space heating requirements; c) Where approved by the Green Building Program Manager, electric-resistance heaters may be used as a source of backup heat in portions of buildings with passive-solar collection and storage systems capable of supplying 100 percent of the

space heating requirements for the space, provided that such space is separated from the remainder of the building by a thermal envelope that complies with this ordinance.

**G. Residential Building Leakage.** In all one and two-family dwellings regulated by the International Residential Code, framing inspections shall include a Thermal Bypass inspection as required by Energy Star. The Planning Department shall train building inspectors for this added inspection requirement.

**H. Duct System Leakage.** In all building types, joints in supply ducts and return plenum/ducts shall be properly sealed using foil tape or fabric with water-based mastic. Flexible duct shall be supported horizontally every four feet and vertically every six feet on center maximum. Exception: Existing construction with no modification of or addition to the existing ductwork.

**I. Building Insulation, thermal barrier, and roof reflectance.**

(1) In all one and two-family dwellings regulated by the International Residential Code, roofs shall be insulated to at least R-38; walls shall be insulated to at least R-13; framed floors shall be insulated to at least R-21 if over unheated uninsulated space; floor slabs on grade shall be insulated at their perimeter edges to at least R-5; basement walls shall be insulated to at least R-11.

(2) Where the roof of an existing building is being replaced and the roof is a component of the thermal envelope of a building regulated by this ordinance and the R-value of the existing roof insulation is less than 30, insulation shall be added to achieve R-30. Exceptions: a) Reroofing where either the roof sheathing or the roof insulation is not exposed; b) Where the insulation is continuous and is applied entirely above the roof sheathing, R-20 shall be allowed; c) Insulation may be tapered to drain to existing scuppers provided the average R-value of the roof insulation complies with this section and the minimum added R-value is 3; d) Where the overall U-value of the entire roof assembly is 0.034 or less. The Planning Department and Family and Community Services Department shall coordinate to jointly create a financial assistance program for elderly and low-income homeowners to assist them in compliance with this provision, to be managed by Family and Community Services.

(3) Roof coverings that meet one of the following standards shall be installed on new roofs and on existing roofs that are being re-roofed or replaced:

(a) Reflective roof coverings that are Energy Star qualified.

(b) Low slope (2 inches in 12, or less) roof coverings that have an initial solar reflectance of 0.65 or greater as determined by the Cool Roof Rating Council.

(c) Steep slope (greater than 2 inches in 12) roof coverings that have an initial solar reflectance of 0.25 or greater as determined by the Cool Roof Rating Council.

Exception: Vegetated “green roofs” when approved by the building official.

(4) Alternative systems that achieve equivalent thermal performance are allowed if approved by the building official.

**J. Water Heating.**

(1) Until January 1, 2009, gas and electric storage-type water heaters shall have a minimum energy factor (EF) equal to or greater than those listed in the following table. After January 1, 2009, service water heating equipment shall be Energy Star certified. Exception: water heaters of 6 gallon capacity or less with an added insulation blanket of minimum R-12.

<b>Gas</b>	
Size (gallons)	EF
40 or less	0.62
50	0.60
65	0.55
75	0.53
<b>Electric</b>	
30 or less	0.95
40	0.94
50	0.92
65	0.90
80 and above	Not allowed

(2) Electric-resistance water heating. Installation of electric-resistance water heaters is not permitted. Exceptions: a) Tankless electric water heaters until January 1, 2009; b) Where the electricity is provided by an on-site solar photovoltaic system; c) When approved by the Green Building Program Manager as backup for an on-site solar water heating system; d) Water heaters with a maximum capacity of six gallons that are equipped with an insulating blanket that has a minimum R-value of 12; e) The building official may approve electric-resistance water heaters where is shown that natural gas is not available.

(3) Solar collectors shall be the primary source to heat all swimming pool

water. Exception: Indoor swimming pools that are accessory to occupancies regulated by the International Building Code provided that the building is 30 percent more energy efficient than the same building built to ASHRAE 90.1 - 1999 standards and that the energy used to heat the pool is included in performance-rating calculations complying with Normative Appendix G of ASHRAE 90.1 - 2004.

**K. Pipe Insulation.** All hot water distribution and re-circulating system piping shall be thermally insulated between the heater and the end-use fixtures. Until June 1, 2008, pipe insulation shall have a minimum R-value of 2. After June 1, 2008, pipe insulation shall have a minimum R-value of R-4 for piping two inches or less in diameter and a minimum R value of 6 for larger diameter piping.

**L. Exhaust Ventilation Systems.** Newly installed restroom, bathroom or laundry ventilation equipment in any residential occupancy shall be Energy Star certified. All such equipment shall be controlled by an occupancy sensor or automatic timer switch.

**M.** The following, when installed by the builder in a new building, shall be Energy Star certified:

**Clothes Washers**

**Freezers**

**Refrigerators**

**Dishwashers**

**N.** In all residential occupancy types, 70 percent of the light fixtures shall be Energy Star rated, or shall be standard fixtures with T-5, T-6 or T-8 fluorescent tubes or screw-in fluorescent bulbs.

**O. Windows and glass doors.** North-, east-, and west-facing window and door glass shall be low-e coated. Exception: unheated greenhouse structures that can be decoupled from the building's conditioned thermal envelope.

**Section 4. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

**Section 5. COMPILATION.** This ordinance shall be incorporated by the Administration

into the Uniform Administrative Code of the City of Albuquerque and Technical Code of the City of Albuquerque and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

**Section 6. EFFECTIVE DATE.** This ordinance shall take effect ninety days after publication by title and general summary.

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