

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 9, 2022

AN ORDINANCE AMENDING THE CITY CODE TO REPLACE REQUIRED “GHG PROTOCOL” REPORTING FOR SIGNIFICANT CITY PROJECTS WITH A “NET ZERO” GOAL AND FACILITY-SPECIFIC ANALYSIS OF PROJECTED ENERGY USAGE

Be it ordained by the City Council of the City of Newburyport as follows:

That the City of Newburyport Code of Ordinances be amended by deleting Section 5-48 in its entirety and replacing said section with the following:

Sec. 5-48. – Net Zero Energy Goals & Municipal Facility Design.

- (a) Purpose. The purpose of this Section 5-48 is to promote the policy of the City of Newburyport that its municipal facilities (buildings, structures or facilities): (i) consume the minimum amount of energy, with an ideal of “net zero energy” for each individual facility and when measured across the City’s entire portfolio of facilities; and (b) that the construction, maintenance, and operation of its facilities result in the minimal emission of greenhouse gases (GHG) associated with such energy usage.
- (b) Definitions. The following definitions apply under this Section 5-48.
- i. City shall mean the City of Newburyport, Massachusetts.
 - ii. Greenhouse Gas (GHG) shall mean any of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
 - iii. Gross Floor Area shall mean gross floor area as that term is defined under the Zoning Ordinance of the City of Newburyport, Massachusetts.
 - iv. Net Zero Energy shall mean a condition when the actual, annual energy usage of a facility is less than or equal to the Renewable Energy generated and/or exported from the subject facility and/or site.

- v. Significant City Project shall mean: (A) the design and/or construction of a municipal facility having a Gross Floor Area of five thousand (5,000) or more square feet; (B) expansion or enlargement of an existing facility so as to increase its Gross Floor Area by five thousand (5,000) or more square feet; or (C) Substantial rehabilitation of a building or structure having, or to have after rehabilitation, a Gross Floor Area of more than ten thousand (10,000) square feet.
 - vi. Substantial Rehabilitation shall mean alterations, extension, reconstruction, or repairs to a facility within any period of twelve (12) months that together re estimated to cost more than fifty percent (50%) of the equivalent assessed value of the subject facility, as if such facility were assessed as private property rather than exempt municipal property.
- (c) Design and Engineering Contracts and RFPs. Every design or engineering contract entered into by the City, as well as any Request for Proposals (RFP) issued by the City, for a Significant City Project shall require the design or engineering contractor, or a subcontractor associated with them, to demonstrate experience within the past three (3) years designing facilities to Net Zero Energy usage and/or Net Zero Energy goals, and such experience shall be included among the criteria used by the City to award any such contract or select a respondent under any such RFP. Any design or engineering contract entered into by the City for such projects, including those issued prior to the effective date of this Ordinance, may be modified by contract amendment or Change Order to add the aforementioned qualifications and experience to the design team, and the scope of work or analysis described in Section (d) below, in relation to the subject project and facility.
- (d) Projected Facility Energy Usage & On-Site Generation Analysis. Every Significant City Project shall be designed with the explicit goal of Net Zero Energy usage, both for the subject facility individually, and as part of the City's overall portfolio of municipal facilities. In order to achieve this objective the architectural and/or engineering team responsible for the design of such facilities shall be required to provide to the City, under their applicable contract and scope of work, a report summarizing the following key information:
- i. Methods used to increase energy efficiency of the facility, such as LED lighting fixtures, low consumption HVAC equipment, increased insulation, etc.
 - ii. Methods studied and/or utilized to facilitate any feasible on-site renewable energy generation for the proposed facility, such as solar, geothermal, wind, biomass, hydro, ocean thermal, wave action and tidal action etc.
 - iii. Projected annual energy usage for the proposed facility, based on its design and equipment specifications, in particular those elements requiring heavy energy usage, and including but not limited to heating, cooling, ventilation, domestic hot water, indoor and outdoor lighting, plug loads, process energy, elevators and conveying systems.
 - iv. Projected annual on-site energy generation from the methods included in this facility under (ii) above.

- v. The net difference between annual on-site energy generation and on-site energy consumption (iv and iii above, respectively) representing the total excess energy required from the electrical grid to operate the subject facility.

The report hereunder shall be provided forthwith to the Mayor, City Council and Energy Advisory Committee (EAC) for consideration during the design phase of any Significant City Project. And while this Section 5-48, and the reporting requirements herein, do not apply to smaller scale projects, all City officials are encouraged to implement a similar energy analysis and net zero energy goal during the design phase of any municipal project. Any request for funding to design a Significant City Project shall include reference to such reports (if already available) or confirmation of the proposed timeline for subsequent report preparation and submission in accordance with this Section 5-48.

- (e) Sourcing of Off-Site Renewable Energy. All Significant City Projects shall be designed to utilize the electric grid for any energy required for facility operation which cannot be provided on-site through renewable energy sources. Such sourcing will ensure that the City can offset remaining energy usage through renewable energy sourcing on the applicable electric grid.
- (f) Exemptions. This Section 5-48 shall not apply to: (A) routine maintenance of municipal facilities; and (B) those Significant City Projects for which the City's Director of Planning and Development has issued a written determination that insignificant energy usage is reasonably expected for the subject Project or facility.

Councillor Bruce L. Vogel

In City Council May 9, 2022:

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 11 yes. Motion passes.