

ORDINANCE NO. 3119

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTERS 20.04 AND 5.02 OF THE CHULA VISTA
MUNICIPAL CODE BY ADDING SECTIONS 20.04.025 AND
20.04.050 AND A CROSS REFERENCE IN SECTION 5.02

The City Council of the City of Chula Vista does ordain as follows:

SECTION I. That Chapter 20.04 of the Chula Vista Municipal Code is hereby amended to read as follows:

Chapter 20.04
ENERGY CONSERVATION REGULATIONS

Sections:

- 20.04.010 Intent and purpose of provisions.
- 20.04.020 Conflict with other provisions.
- 20.04.025 Definitions.
- 20.04.030 Solar water heater preplumbing.
- 20.04.050 Business energy assessments.

20.04.010 Intent and purpose of provisions.

The conservation of energy and natural resources has been determined to be a legitimate and worthy function of the city. The provisions of this chapter are intended to decrease dependence upon nonrenewable energy sources by encouraging and, in some instances, requiring the installation of devices, structures or materials for the conservation of energy on certain structures within the city.

20.04.020 Conflict with other provisions.

Portions of this chapter which are in conflict with other sections of the municipal code are intended to be exceptions to those sections and shall take precedence over such sections.

20.04.025 Definitions.

The following words and phrases, when used in this chapter, shall be construed as defined in this section:

- A. "Assessment" means a written evaluation of a facility's energy use from building systems, appliances and office equipment.
- B. "Energy Conservation" means reduction of energy use achieved by relying on changes to behavior.
- C. "Energy Efficiency" means activities or programs that reduce energy use by upgrading to more efficient equipment or controls.
- D. "Greenhouse Gas Emission" means the direct or indirect emission of one or more of the six gases identified in the Kyoto Protocol.

- E. "Nonrenewable" means an energy resource that is not replaced or is replaced only very slowly by natural processes.
- F. "Solar Water Heater" means a device that heats domestic water by allowing solar energy collectors to transfer solar heat energy to water.

20.04.030 Solar water heater preplumbing.

All new residential units shall include plumbing specifically designed to allow the later installation of a system which utilizes solar energy as the primary means of heating domestic potable water. No building permit shall be issued unless the plumbing required pursuant to this section is indicated on the building plans. Preplumbing shall extend through the roof when the slope of the roof is less than four inches and 12 inches and when the roof covering is of clay or concrete tile. Preplumbing pipes for domestic solar hot water heating shall be insulated. This section shall apply only to those residential dwelling units for which a building permit was applied for after the effective date of the ordinance codified in this chapter.

Exception: The provisions of this chapter can be modified or waived when it can be satisfactorily demonstrated to the building official that the solar preplumbing is impractical due to shading, building orientation, construction constraints or configuration of the parcel.

20.04.050 Business energy assessments.

All commercial and industrial businesses in the City of Chula Vista are encouraged to participate in a free energy Assessment of their facilities to help them identify Energy Efficiency and Conservation opportunities that potentially reduce participants' reoccurring energy costs and corresponding Greenhouse Gas Emissions. Assessments are recommended when a new business license is issued or once every three years for an existing license. Participating businesses are encouraged to cooperate with City staff or their delegate(s) by providing; 1) a date and time for the Assessment convenient for the business, 2) access to their facilities for the Assessment during their regular business hours, 3) authorization to review their historical energy usage and 4) a signature and title of a facility manager on a completed Assessment form acknowledging that the business has received a completed Assessment and relevant information about voluntary Energy Efficiency improvement opportunities. The owner of a multi-tenant commercial building or their designee (property manager) may, at their discretion, authorize a whole building Assessment replacing the need for individual tenant Assessments.

Assessment Notification Process: The City may send a notice to each business at least once every three years in conjunction with the City's annual business license renewal mailer providing information that facilitates the scheduling of an Assessment at the business's convenience. A business may also receive a business Assessment notice whenever a new license is required such as the establishment of a new business or transfer of ownership for an existing business.

Assessment Deliverables: The Assessment findings, provided to the participating business on a form established by the City Manager in conjunction with the local utility and business representatives, may include a chart of their historical energy consumption, an estimate of potential energy and cost savings from identified Energy Conservation and Efficiency opportunities and an estimate of the corresponding Greenhouse Gas Emission reductions. The Assessment may also review water conservation, alternative transportation and other practices which the business could implement and/or promote to its employees and customers and an estimate of the resulting Greenhouse Gas Emission reductions. The City may offer participants assistance with completing the applicable rebate, incentive and/or on-bill financing forms to facilitate the adoption of the identified Energy Efficiency improvements and help reduce the business's time and cost of implementing the voluntary measures. The City may also provide contact information for the local utility's program staff that may further assist the business in reducing its energy costs.

Exclusions: Because Energy Efficiency is commonly related to a facility's age and design, a voluntary Energy Assessment is not recommended for new businesses occupying a commercial space which have completed one of the following: 1) been permitted by the City Building Division within the last three years for a remodel or new construction to meet the most current City Title 24 and above standards, 2) has been certified through a California Energy Commission-approved (or other applicable state agency) green building program or 3) has already received an Assessment within the last three years. In addition, Assessments are not necessary for home offices, mobile businesses and other business entities that do not have a utility gas or electric meter on a commercial rate schedule.

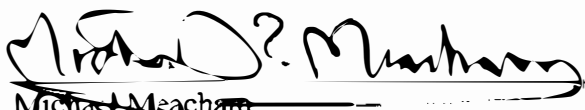
SECTION II. That the Cross Reference section of Chapter 5.02 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Chapter 5.02
BUSINESS LICENSES GENERALLY**

CROSS REFERENCE: Business Energy Assessments, see Ch. 20.04 CVMC.
Charitable Solicitations, see Ch. 9.21 CVMC. Obstructing Streets, see Ch. 12.12
CVMC. Building and Construction Permits, see CVMC Title 15.

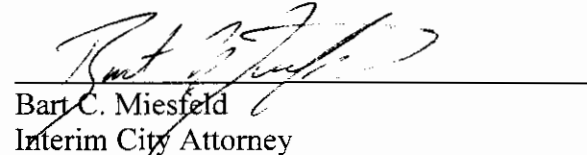
SECTION III. This ordinance shall take effect and be in full force thirty days from its adoption.

Presented by



Michael Meacham
Conservation & Environmental Services
Director

Approved as to form by



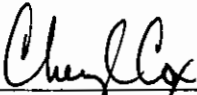
Bart C. Miesfeld
Interim City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 4th day of November 2008, by the following vote:

AYES: Councilmembers: Castaneda, McCann, Ramirez, Rindone, and Cox

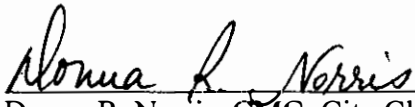
NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:



Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3119 had its first reading at a regular meeting held on the 21st day of October 2008 and its second reading and adoption at a regular meeting of said City Council held on the 4th day of November 2008; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 4th day of November 2008.



Donna R. Norris, CMC, City Clerk