

ORDINANCE NO. 3145

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHAPTER 20.04 OF THE CHULA VISTA MUNICIPAL CODE  
TO REQUIRE NO-COST RESOURCE AND ENERGY  
EVALUATIONS AS PART OF THE BUSINESS LICENSE  
PROCESS AND AMENDING THE CROSS REFERENCE IN  
CHAPTER 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 & WATER 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.
- 20.04.040 Solar photovoltaic prewiring.
- 20.04.050 Business resource and energy evaluations.

CROSS REFERENCE: Business Licenses Generally, see Ch. 5.02 CVMC. Electrical Code and Regulations, see Ch. 15.24 CVMC. Plumbing Code, see Ch. 15.28 CVMC.

**20.04.010 Intent and purpose of provisions.**

The conservation of energy and natural resources including water, air quality and open space has been determined to be a legitimate and worthy function of the City. The provisions of this chapter are intended to decrease dependence upon fossil fuels and other nonrenewable energy sources that contribute to the City's greenhouse gas emissions by encouraging and, in some instances, requiring best management practices including the installation of devices, structures or materials for the efficient generation, distribution and use of energy and water on certain structures within the City. (Ord. 3135 § 1, 2009; Ord. 3119 § I, 2008; Ord. 1973 § 1, 1982).

**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. (Ord. 3135 § 1, 2009; Ord. 3119 § I, 2008; Ord. 1973 § 1, 1982).

**20.04.025 Definitions.**

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

A. "Energy and water conservation," means reduction of energy and water use achieved by relying on changes to behavior.

B. "Energy and water efficiency," means activities or programs that reduce energy and water use by upgrading to more efficient equipment or controls.

C. "Evaluation," means a written evaluation of a facility's energy and water use from building systems, appliances and office equipment.

D. "Greenhouse gas emission," means the direct or indirect emission of one or more of the gases identified by the Intergovernmental Panel on Climate Change and/or the State of California.

E. "Nonrenewable," means an energy resource such as, but not limited to, fossil fuels that is not replaced or is replaced only very slowly by natural processes.

F. "Renewable," means an energy resource such as, but not limited to, wind and solar that is replaced by natural resources.

G. "Solar photovoltaic," means a method of capturing energy from sunlight and converting it to electricity.

H. "Solar water heater," means a method of heating domestic water by allowing solar energy collection devices to transfer solar heat energy to water. (Ord. 3135 § 1, 2009; Ord. 3119 § 1, 2008).

**20.04.030 Solar water heater preplumbing.**

All new residential units shall include at least the plumbing specifically designed to encourage the later installation of a system which utilizes solar energy as the primary means of heating domestic potable water. The purpose of this section is to facilitate the safe, cost-effective installation of residential solar water heating systems, while removing structural and regulatory barriers. No building permit shall be issued unless the plumbing required pursuant to this section and the Chula Vista Solar Water Heater Pre-Plumbing Installation Requirements are incorporated into the approved building plans.

Exception: The provisions of this section can be modified or waived when it can be satisfactorily demonstrated in writing to the City Manager, or designee, that potential pre-existing constraints affecting the use of solar hot water heating cannot be reasonably overcome. (Ord. 3135 § 1, 2009; Ord. 3119 § 1, 2008; Ord. 1973 § 1, 1982).

**20.04.040 Solar photovoltaic prewiring.**

All new residential units shall include at least the electrical conduit specifically designed to encourage the later installation of a system that utilizes solar photovoltaic or other renewable energy resource as a means of generating electricity. The purpose of this section is to facilitate the safe, cost-effective installation of renewable energy systems as residents' primary electricity source, while removing structural and regulatory barriers. No building permit shall be issued unless the requirements of this section and the Chula Vista Photovoltaic Pre-Wiring Installation Requirements are incorporated into the approved building plans.

Exception: The provisions of this section can be modified or waived when it can be satisfactorily demonstrated in writing to the City Manager, or designee, that potential pre-existing constraints affecting the use of solar photovoltaic or other renewable energy systems cannot be reasonably overcome. (Ord. 3135 § 1, 2009).

#### **20.04.050 Business resource and energy evaluations.**

All commercial and industrial businesses in the City of Chula Vista are required to participate in a free resource and energy evaluation of their facilities to help them identify energy and water efficiency and conservation opportunities that potentially reduce participants' recurring utility costs and corresponding greenhouse gas emissions. Evaluations are required when a new business license is issued and not more frequently than once every three years or less frequently than once every five years for a renewed business license. Businesses are required to cooperate with City staff or their delegate(s) by providing: (A) a date and time for the evaluation convenient for the business, (B) access to their facilities for the evaluation during their regular business hours, (C) authorization to review their historical energy and water usage, and (D) a signature by the business's on-site representative on a completed evaluation form acknowledging that the business has received a completed evaluation and relevant information about voluntary energy and water efficiency improvement opportunities. Businesses are not required to complete evaluations for facility areas beyond their operational control. The intent of this ordinance is to provide businesses with a no-cost evaluation.

A. Evaluation Notification Process. For existing licensed businesses, the City will send a written notice not more than once every three years through the annual business license renewal package distributed by January 1<sup>st</sup>. The notice will inform businesses of their evaluation requirement for that calendar year and provide information allowing them to schedule an appointment at their convenience. Businesses will be required to schedule an evaluation for the calendar year by March 1st. For newly licensed businesses, the City will send a written notification about their evaluation requirement for that calendar year and shall provide them with the contact information needed to schedule an evaluation assessment within 60 days. If an existing or newly licensed business does not set an appointment during the initial 60-day scheduling period, the City shall set an evaluation date and time for the business during their regular business hours. If desired, the business may reschedule the evaluation appointment for some time during that calendar year or the next 90 days whichever is greater.

B. Evaluation Deliverables. The evaluation 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 and water consumption, identified conservation and efficiency opportunities, potential utility cost savings and an estimate of the corresponding greenhouse gas emission reductions. The assessment may also review alternative transportation and other sustainable 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 also provide information and assistance regarding federal, state and local rebate programs for efficiency retrofits and low-cost financing options to help reduce the business's time and cost of implementing the voluntary measures. The City may also provide contact information for the local utilities' account and program staff and utility-approved Chula Vista contractors that may provide services identified in the evaluation.

C. Enforcement. Businesses, which do not respond to the appointment notification process and provide access for the on-site evaluation, shall be sent a follow-up notice with a 30-day opportunity to cure. Unresponsive businesses will be sent a second 30-day reminder notice. Businesses, which do not cooperate after the second reminder notice, will be assessed a fine that shall be set in the Master Fee Schedule. The fine will be collectable on the following year's business license and incur a 6% interest rate per annum. Staff may administratively reduce or eliminate any portion of the fine for any business that completes the process. Failure to participate in the assessment process shall not result in the suspension of a business license or permit to occupy the business premises. Any fines collected through ordinance enforcement will be appropriated to a Business Conservation Fund which will be used to purchase devices to distribute to businesses to help them voluntarily reduce their energy and water costs.

D. Exemptions. Home offices, mobile businesses and other business entities that do not have a commercial utility gas or electric meter are exempt. Businesses occupying a facility which has had a completed evaluation within at least 3-years through the City's program or through a similar energy audit program (SDG&E or other City-recognized program) will be exempt including facilities having multiple business licenses. The City will also provide an exemption to businesses that participate in a greenhouse gas emissions reporting program (Federal Environmental Protection Agency, The Climate Registry, or other City-recognized program) or possess a current City of Chula Vista CLEAN Business certification. Finally, the City shall grant any business with an exemption of at least 3-years when occupying newly-constructed or remodeled facilities that have an approved Title-24 Energy Efficiency Report with its building plans. These exemptions do not preclude any licensed business with a commercial electrical or gas meter from requesting a free resource and energy evaluation at the business's sole discretion.

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 Resource and Energy Evaluations, 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.

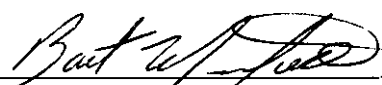
SECTION III. EFFECTIVE DATE

This ordinance will take effect 30 days after its final adoption.

Presented by

Approved as to form by

  
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 Michael Meacham

  
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 Bart C. Miesfeld  
 City Attorney

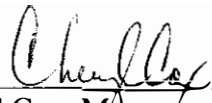
Director of Conservation & Environmental Services

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 8th day of December 2009, by the following vote:

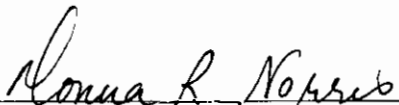
AYES: Councilmembers: Bensoussan, Castaneda, Ramirez, and Thompson

NAYS: Councilmembers: Cox

ABSENT: Councilmembers: None

  
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Cheryl Cox, Mayor

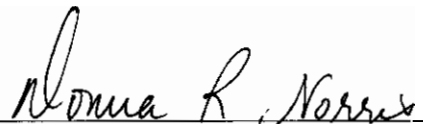
ATTEST:

  
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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. 3145 had its first reading at a regular meeting held on the 17th day of November 2009 and its second reading and adoption at a regular meeting of said City Council held on the 8th day of December 2009; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

Executed this 8th day of December 2009.

  
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Donna R. Norris, CMC, City Clerk