

CITY OF BURLINGTON

ORDINANCE 5.07

Sponsor: Ordinance Committee  
Public Hearing Dates:

In the Year Two Thousand Twenty-One

First reading:  
Referred to:

An Ordinance in Relation to

Rules suspended and placed in all stages of passage: 06/28/21

CHAPTER 8. BUILDING AND BUILDING CONSTRUCTION—  
ADDITION OF ARTICLE V. HEATING SYSTEMS.

Second reading:

Action:

Date: 06/28/21

Signed by Mayor: 07/16/21

Published: 08/18/21

Effective: 09/08/21

It is hereby Ordained by the City Council of the City of Burlington as follows:

Chapter 8, Buildings and Building Construction, Article V, of the Code of Ordinances of the City of Burlington is hereby amended to read as follows:

ARTICLE V. ~~Reserved~~ Heating Systems.

8-76 Purpose & Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and, where possible, reduce emissions of greenhouse gasses by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to heating systems are adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the city and its inhabitants.

8-77 Definitions.

(a) A "renewable primary heating system" shall mean a heating system that meets at least eighty-five percent (85%) of the building's design heating load calculated per the Vermont Commercial Building Energy Standards (CBES) energy code (Section C403.1) and is fueled by:

(i) Electricity (with the exception of electric resistance units prohibited by the Vermont Commercial Building Energy Standards (CBES) energy code (Section C403.2.3); or

(ii) Wood pellets or woodchips; or

(iii) Other renewable fuel used by conventional primary heating systems, including renewable gas, biodiesel, and renewable district heating, if the building owner provides a contract demonstrating that the fuel required by the conventional primary heating system is fully sourced from such other renewable fuels for the life of that conventional heating system.

"Renewable gas" shall mean methane produced by the organic material and sourced from

ORIGINAL

AN ORDINANCE  
IN RELATION TO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Introduced by

Councilor \_\_\_\_\_

Read in City Council first time

\_\_\_\_\_, 20\_\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

\_\_\_\_\_, 20\_\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Read in City Council second time

\_\_\_\_\_, 20\_\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Passed in City Council at meeting held

\_\_\_\_\_, 20\_\_\_\_\_.

Attest,

\_\_\_\_\_, Clerk.

Approved \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_, Mayor.

I, \_\_\_\_\_, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for \_\_\_\_\_ day,

namely the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Adopted \_\_\_\_\_ Published \_\_\_\_\_ Effective \_\_\_\_\_

\_\_\_\_\_, City Clerk

\* \* \* \* \*

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

Attest:

\* \* \* \* \*

34 landfills, wastewater treatment facilities, and farms as offered under a tariff or supply contract  
35 from a utility such as Vermont Gas Systems.

36 (b) A “non-primary heating system” shall include back-up heating system, water heating system, or  
37 ventilation/air tempering system.

38

39 **8-78 Applicability.**

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41 Applicants seeking permits pursuant to this Chapter 8 for new buildings shall demonstrate that the new  
42 building will utilize a renewable primary heating system. An applicant is permitted to install and utilize non-  
43 primary heating systems in new buildings that use non-renewable fuels.

44

45 **8-79 Waiver.**

46

47 The Department of Permitting and Inspections may grant a waiver to Section 8-78 on the grounds that  
48 utilizing a renewable primary heating system in a new building would be uneconomical. To be deemed  
49 uneconomical, the 25-year capital and operational cost of the least expensive renewable primary heating  
50 system, including any available incentives from the Burlington Electric Department or other state or federal  
51 entities, must be more than the 25-year capital and operational costs of a non-renewable primary heating  
52 system, including the cost of externalities calculated by a building carbon price of \$100 per ton for the life of  
53 the non-renewable primary heating system. The building carbon price of \$100 per ton shall be annually  
54 adjusted by the program administrator equivalent to 100% of the annual change in the Consumer Price Index  
55 For All Urban Consumers (CPI-U) in the Northeast Region, to go into effect January 1 of every ensuing  
56 year.

57

58

59 \* Material stricken out deleted.

60 \*\* Material underlined added.

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ORIGINAL

# AN ORDINANCE IN RELATION TO

Chapter 8. Building and Building Construction--  
Addition of Article V. Heating Systems

Introduced by [Signature] Ordinance Committee

Read in City Council

Attest, \_\_\_\_\_, Clerk.

Rules suspended and ordinance placed in all stages of passage.

June 28, 20 21

Attest, [Signature], Clerk.

Read in City Council second time

20 \_\_\_\_\_

Passed in City Council at meeting held

June 28, 20 21

Attest, [Signature], Clerk.

Approved, [Signature], Mayor.

I, DFO Goodwin, City Clerk of the City of Burlington, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for \_\_\_\_\_ day of \_\_\_\_\_, 20 21

namely the \_\_\_\_\_ day of \_\_\_\_\_, 20 21  
Adopted \_\_\_\_\_ Published \_\_\_\_\_ Effective \_\_\_\_\_  
09/08/21 06/28/21 06/18/21  
[Signature] DFO

### Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on \_\_\_\_\_

Department of Permitting/Inspection Services

BED

Attest:

[Signature]  
Kori Olberg  
Licensing, Voting & records Coordinator

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