CITY OF BURLINGTON

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

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

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 gases 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
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 hereeto attached.

And the within Ordinance was ordered published for ___________________________ day,

namely the ____________ day of __________________, 20 ___.

Adopted ____________ Published ____________ Effective ____________

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

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

8-78 Applicability.

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

8-79 Waiver.

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

* Material stricken out deleted.
** Material underlined added.

6/23/2021
AN ORDINANCE
IN RELATION TO

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

Introduced by
Ordinance Committee

Read in City Council:

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

June 28, 2021
Attest, Clerk.

Read in City Council second time

Passed in City Council at meeting held

June 28, 2021
Attest. Clerk.

Approved

Mayor.

Distribution

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

Department of Permitting/Inspection Services

BED

Lori Olberg
Licensing, Voting & records Coordinator