City Clerk File No. Ord. 09-001

Agenda No. 3.A 1st Reading

Agenda No. 4.A. 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-001

TITLE:

ORDINANCE ADOPTING SUSTAINABLE GREEN BUILDING STANDARDS FOR CITY-OWNED BUILDINGS AND MUNICIPAL PROJECTS IN THE CITY OF JERSEY CITY

WHEREAS, the City of Jersey City desires to promote sustainable green building standards in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED®) guidelines; and

WHEREAS, the City of Jersey City intends that sustainable green building practices will require resource conservation, reduce waste generated by construction projects, increase energy efficiency and promote the health and productivity of residents, workers and visitors to the City; and

WHEREAS, the City of Jersey City has determined that it is in the best interest of the City of Jersey City to enact an Ordinance stating that it shall be the policy of the City to undertake construction projects which incorporate the LEED® Rating System and to adopt and implement LEED® for Existing Buildings Standards

WHEREAS, it is the policy of the Mayor to establish green building standards and propose them to the Municipal Council of the City of Jersey City.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

Green Building Initiative for Municipal Projects.

1. Definitions

"USGBC" is hereby defined as the U.S. Green Building Council, a non-profit organization located at 1015 18th Street, N.W., Suite 508, Washington, DC 20036.

"LEED® Standards" are hereby defined as the "Leadership in Energy & Environmental Design" standards and guidelines, as amended and supplemented by USGBC, which are on file with the Office of the City Clerk of the City of Jersey City.

"LEED® Accredited Professional" means a person who has been designated a LEED® accredited professional by the Green Building Certification Institute.

"Construction" is defined as the erection of a new principal or accessory building or structure on a lot or property; alterations and the act of creating an addition to an existing building.

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"Building" is defined as a structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals, or property of any kind.

"Structure" is defined as that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

"Municipal Project" or "Project" means construction of New Buildings owned by the City of Jersey City, renovations to buildings owned by the City of Jersey City, or construction or renovation of other buildings funded more than 50% by the City of Jersey City, where cost of such construction or renovation meets or exceeds one-million dollars ($1,000,000), as calculated on the date of enactment of this ordinance and as indexed for inflation using the Construction Consumer Price Index, as reported by Engineering News Record.

"New Building" means any Building not previously erected prior to construction.

"Green Building" means the design, construction, and operation of Buildings that mitigates the environmental, economic, and social impact of buildings.

"Historic Building" means a Building that is listed in or formally determined eligible for the National Register of Historic Places, the New Jersey Register of Historic Places, Buildings in Historic Districts, or Buildings identified in an adopted historic resources survey as eligible for designation.

"Renovation" means any rehabilitation, repair, remodeling, change, addition or modification to an Existing Building.

"LEED®-NC Certified Rating" means that a Building or other Project that has earned 26-32 points as such points as defined in the LEED® Standard entitled "LEED® for New Construction & Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Certified Level."

"LEED®-NC Silver Rating" means that a Building or other Project that has earned 33-38 points as such points as defined in the LEED® Standard entitled "LEED® for New Construction & Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Silver Level."

"LEED®-EB Gold Rating" means that a building or other project that has earned 39-51 points as such points as defined in the LEED® Standard entitled "LEED® for Existing Buildings" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Gold Level."

"LEED®-NC Platinum Rating" means that a Building or other Project that has earned 52-69 points as such points as defined in the LEED® Standard entitled "LEED® for New Construction & Major Renovations" as amended and supplemented, and has satisfied all prerequisites as specified therein, thus meeting a "Platinum Level."

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ENERGY STAR™ is hereby defined as those products which meet the energy efficiency standards set forth by the United States Environmental Protection Agency (EPA) and the U.S. Department of Energy for compliance with its ENERGY STAR® program.

2. Application of LEED®-NC Green Building Rating System to Municipal Projects

(a) The "Leadership in Energy & Environmental Design (LEED®) Green Building Rating System and guidelines are herein incorporated by reference, as amended and supplemented, and as may be found by contacting the U.S. Green Building Council, 1015 18th Street, N.W., Suite 508, Washington, DC 20036, and as are on file with the Office of the City Clerk for the City of Jersey City.

(b) Subject to sections (e) and (f) below, there is hereby adopted as the minimum standard for each Municipal Project the LEED®-NC Silver Rating. For all such Municipal Projects, A LEED® Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED®-NC Silver Rating.

(c) Subject to sections (e) and (f) below, all Municipal Projects must, in their design and construction, earn the U.S. EPA's Energy Star™ Building Label.

(d) Except where waived pursuant to sections (e) and (f) below, specifications and terms for all bids, contracts, or agreements for those Municipal Projects which require public advertisement for bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq, shall be modified to require adherence at a minimum to the LEED®-NC Silver Rating , and ENERGY STAR™ Building Label requirements above.

(e) The Chief Architect of the City of Jersey City shall review each Municipal Project and determine whether or not the total cost of adhering to the LEED®-NC Silver Rating and achieving the ENERGY STAR™ Building label on that project shall exceed by 20 % of the cost anticipated in the absence of the LEED® and ENERGY STAR™ requirements, in which case he or she shall recommend to the Business Administrator of the City of Jersey City such modifications for amendments to the Project necessary to assure that the costs remain within the amount appropriated for such Project, up to and including waiver of the LEED®-NC Silver Rating requirement, the ENERGY STAR™ Building Label Requirement or both.

(f) Where cost of the Project's adherence to the LEED®-NC Silver Rating and the ENERGY STAR™ Building Label Requirement exceeds by 20% of the cost otherwise anticipated in the absence of its application, the Business Administrator is hereby empowered to waive application of either or both requirements for the entire project or for any specifications or portions thereof as he or she deems necessary and appropriate.

(g) Where the Business Administrator has waived application of LEED® Silver Rating or the ENERGY STAR™ Building Label requirement pursuant to section (f) above, A LEED® Accredited Professional must certify each Municipal Project as having achieved, at a minimum, the LEED®-NC Certified Rating.

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(h) The Business Administrator of the City of Jersey City shall select, from among the next three municipal projects, one project which will adhere to the LEED®-NC Platinum Rating and achieve the ENERGY STAR™ Building Requirement. That Project will be viewed as a pilot Project and will be evaluated by the City Chief Architect who will make further recommendations to the Municipal Council of the City of Jersey City, concerning the feasibility of application of the LEED® Platinum Rating to future municipal projects.

3. Application of LEED®-EB Green Building Rating System to Existing Municipal Buildings

(a) Subject to sections (c) and (d) below, there is hereby adopted as the minimum standard the LEED®-EB Silver Rating. All existing municipal buildings must be evaluated by a LEED® Accredited Professional to determine if LEED Standards may be applied to achieve, at a minimum, the LEED®-EB Silver Rating.

(b) The Chief Architect of the City of Jersey City, in consultation with Business Administrator, shall determine the estimated cost of modifying the existing municipal building and implementing the operational procedures necessary to achieve the LEED®-EB Silver Rating.

(c) The Business Administrator may waive application of the LEED®-EB Silver Rating requirement for the Existing Municipal Buildings where:

(i) The total estimated cost of modifying the existing municipal building and devising and implementing the operational procedures necessary to achieve the LEED®-EB Silver Rating exceeds either 1% of the Building's current market value or $20,000.

(ii) Modification of the Existing Municipal Building or implementation of operational procedures necessary to achieve the LEED®-EB Silver Rating would be impracticable, or would materially compromise the health, safety, or general welfare of the public.

(d) Where the Business Administrator has waived application of LEED®-EB Silver Rating requirement pursuant to section (c) above, A LEED® Accredited Professional must evaluate each Existing Municipal Building to determine if LEED Standards may be applied to achieve, at a minimum, the LEED®-EB Certified Rating.

(e) The Business Administrator may waive application of the LEED®-EB Certified Rating requirement for the Existing Municipal Buildings where:

i. The total estimated cost of modifying the Existing Municipal Building and devising and implementing the operational procedures necessary to achieve the LEED®-EB Certified Rating exceeds either 1% of the Building's current market value or $20,000.

ii. Modification of the Existing Municipal Building or implementation of operational procedures necessary to achieve the LEED®-EB Certified Rating would be impracticable, or would materially compromise the health, safety, or general welfare of the public.

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(f) Exemption for Historic Buildings. The provisions of this section shall not apply to any Historic Building; however, green building strategies should be employed where possible.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This ordinance shall take effect at the earliest possible time provided by law.

D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new, therefore underlining is omitted.

WM/igp
1/7/09

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐
Not Required ☐

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 09-001

TITLE: 3.A. JAN 1 4 2009 4.A.

Ordinance adopting sustainable Green Building Standards for city owned buildings and municipal projects in the City of Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 1 4 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 1 4 2009

Adopted on second and final reading after hearing on _____

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on

_____

_____
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

_____
Mariano Vega, Jr., Council President

Date: _____

APPROVED:

_____
Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____