

**TABLE B101.1—continued**  
**EPA RADON ZONE 1 and 2 COUNTIES BY STATE<sup>a</sup>**

Clay	Mellette	Carter	Hutchinson	Wayne
Codington	Pennington	Cheatham	Jeff Davis	Weber
Corson	Shannon	Chester	Lamb	
Davison	Todd	Clay	Lipscomb	<b>VERMONT</b>
Day	Tripp	Cocke	Llano	<b>Zone 2</b>
Deuel	Ziebach	Coffee	Lubbock	Addison
Douglas		Decatur	Lynn	Bennington
Edmunds	<b>TENNESSEE</b>	DeKalb	Mason	Caledonia
Faulk	<b>Zone 1</b>	Dickson	Moore	Essex
Grant	Anderson	Fentress	Ochiltree	Franklin
Hamlin	Bedford	Hamilton	Oldham	Lamoille
Hand	Blount	Hardin	Parmer	Orange
Hanson	Bradley	Henderson	Potter	Orleans
Hughes	Claiborne	Houston	Presidio	Rutland
Hutchinson	Davidson	Johnson	Randall	Washington
Hyde	Giles	Marion	Reeves	Windham
Jerauld	Grainger	McNairy	Roberts	Windsor
Kingsbury	Greene	Montgomery	Sherman	
Lake	Hamblen	Overton	Swisher	<b>VIRGINIA</b>
Lincoln	Hancock	Pickett	Terrell	<b>Zone 1</b>
Lyman	Hawkins	Polk		Alleghany
Marshall	Hickman	Putnam	<b>UTAH</b>	Amelia
McCook	Humphreys	Robertson	<b>Zone 1</b>	Appomattox
McPherson	Jackson	Sevier	Carbon	Augusta
Miner	Jefferson	Stewart	Duchesne	Bath
Minnehaha	Knox	Sumner	Grand	Bland
Moody	Lawrence	Unicoi	Piute	Botetourt
Perkins	Lewis	Van Buren	Sanpete	Brunswick
Potter	Lincoln	Warren	Sevier	Buckingham
Roberts	Loudon	White	Uintah	Campbell
Sanborn	Macon			Chesterfield
Spink	Madison	<b>TEXAS</b>	<b>Zone 2</b>	Clarke
Stanley	Marshall	<b>Zone 2</b>	Beaver	Craig
Sully	McMinn	Armstrong	Box Elder	Cumberland
Turner	Meigs	Bailey	Cache	Dinwiddie
Union	Monroe	Brewster	Daggett	Fairfax
Walworth	Moore	Carson	Davis	Fluvanna
Yankton	Perry	Castro	Emery	Frederick
	Roane	Crosby	Garfield	Giles
<b>Zone 2</b>	Rutherford	Culberson	Iron	Goochland
Bennett	Smith	Dallam	Juab	Henry
Butte	Sullivan	Deaf Smith	Kane	Highland
Custer	Trousdale	Donley	Millard	Lee
Dewey	Union	Floyd	Morgan	Louisa
Fall River	Washington	Garza	Rich	Montgomery
Gregory	Wayne	Gray	Salt Lake	Nottoway
Haakon	Williamson	Hale	San Juan	Orange
Harding	Wilson	Hansford	Summit	Page
Jackson		Hartley	Tooele	Patrick
Jones	<b>Zone 2</b>	Hemphill	Utah	Pittsylvania
Lawrence	Benton	Hockley	Wasatch	Powhatan
Meade	Cannon	Hudspeth	Washington	Pulaski

(continued)

**TABLE B101.1—continued**  
**EPA RADON ZONE 1 and 2 COUNTIES BY STATE<sup>a</sup>**

Roanoke	Pend Oreille	Barbour	Marathon	Oneida
Rockbridge	Skamania	Braxton	Menominee	Outagamie
Rockingham	Spokane	Cabell	Pepin	Ozaukee
Russell	Stevens	Calhoun	Pierce	Polk
Scott		Clay	Portage	Price
Shenandoah	<b>Zone 2</b>	Doddridge	Richland	Racine
Smyth	Adams	Fayette	Rock	Rusk
Spotsylvania	Asotin	Gilmer	Shawano	Sauk
Stafford	Benton	Harrison	St Croix	Sawyer
Tazewell	Columbia	Jackson	Vernon	Sheboygan
Warren	Douglas	Lewis	Walworth	Taylor
Washington	Franklin	Lincoln	Washington	Trempealeau
Wythe	Garfield	Marion	Waukesha	Vilas
	Grant	Mason	Waupaca	Washburn
<b>Zone 2</b>	Kittitas	Nicholas	Wood	Washara
Albemarle	Klickitat	Pleasants		Winnebago
Amherst	Lincoln	Putnam	<b>Zone 2</b>	
Arlington	Walla Walla	Raleigh	Adams	<b>WYOMING</b>
Bedford	Whitman	Randolph	Ashland	<b>Zone 1</b>
Buchanan	Yakima	Ritchie	Barron	Albany
Carroll		Roane	Bayfield	Big Horn
Charlotte	<b>WEST VIRGINIA</b>	Taylor	Brown	Campbell
Culpeper	<b>Zone 1</b>	Tucker	Burnett	Carbon
Dickenson	Berkeley	Tyler	Calumet	Converse
Fauquier	Brooke	Upshur	Chippewa	Crook
Floyd	Grant	Wayne	Clark	Fremont
Franklin	Greenbrier	Webster	Columbia	Goshen
Grayson	Hampshire	Wirt	Douglas	Hot Springs
Greene	Hancock	Wood	Dunn	Johnson
Halifax	Hardy		Eau Claire	Laramie
Loudoun	Jefferson	<b>WISCONSIN</b>	Florence	Lincoln
Lunenburg	Marshall	<b>Zone 1</b>	Forest	Natrona
Madison	Mercer	Buffalo	Iron	Niobrara
Mecklenburg	Mineral	Crawford	Jackson	Park
Nelson	Monongalia	Dane	Juneau	Sheridan
Prince Edward	Monroe	Dodge	Kenosha	Sublette
Prince William	Morgan	Door	Kewaunee	Sweetwater
Rappahannock	Ohio	Fond du Lac	La Crosse	Teton
Wise	Pendleton	Grant	Lincoln	Uinta
	Pocahontas	Green	Manitowoc	Washakie
<b>WASHINGTON</b>	Preston	Green Lake	Marinette	
<b>Zone 1</b>	Summers	Iowa	Marquette	<b>Zone 2</b>
Clark	Wetzel	Jefferson	Milwaukee	Platte
Ferry		Lafayette	Monroe	Weston
Okanogan	<b>Zone 2</b>	Langlade	Oconto	

**B201.4 Soil-gas-retarder.** A minimum 6-mil (0.15 mm) [or 3-mil (0.075 mm) cross-laminated] polyethylene or equivalent flexible sheeting material that conforms to ASTM E 1643 shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering

the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped at least 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. All punctures or tears in the material shall be sealed or covered with additional sheeting having an overlap of not less than 12 inches (305 mm) on all sides.

**B201.5 Entry routes.** Potential radon entry routes shall be sealed or closed in accordance with Sections B201.5.1 through B201.5.10.

**B201.5.1 Floor openings.** Piping and other penetrations through concrete slabs or other floor assemblies shall be filled or sealed with a polyurethane caulk or equivalent sealant that complies with ASTM C 920 Class 25 or greater and is applied in accordance with the manufacturer's recommendations. Prior to sealing, backer rods shall be used to fill gaps greater than  $\frac{1}{2}$  inch (12.7 mm).

**B201.5.2 Concrete joints.** Slab joints, control saw joints, isolation joints, construction joints, pour joints, floor and wall intersection joints, and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with a polyurethane caulk or other elastomeric sealant that complies with ASTM C 920 Class 25 or greater and is applied in accordance with the manufacturer's recommendations. Prior to sealing, backer rods shall be used to fill gaps that are greater than  $\frac{1}{2}$  inch (12.7 mm) in depth.

**B201.5.3 Drains.** Where floor, condensate and other drains discharge to the soil and not a sewer, such drains shall be provided with a water-seal trap or shall be water trapped or routed through nonperforated pipe to a point above grade.

**B201.5.4 Sumps.** Sump pits open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise sealed lid. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.

**B201.5.5 Foundation walls.** Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above finished ground surface to prevent passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that ledge shall be sealed. Joints, cracks and other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with a polyurethane caulk or other equivalent sealant that complies with ASTM C 920 Class 25 or greater and is applied in accordance with the manufacturer's recommendations. Penetrations of concrete walls shall be filled.

**B201.5.6 Dampproofing.** The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be dampproofed.

**B201.5.7 Air-handling units.** Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit.

**Exception:** Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.

**B201.5.8 Ducts.** Ductwork for supply or return air shall not be located in crawl spaces or beneath a slab in areas

with high or moderate radon potential. Where ductwork passes through or beneath a slab, it shall be of seamless material or sealed water tight. Joints in such ductwork shall be sealed water tight.

**B201.5.9 Crawl space floors.** Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.

**B201.5.10 Crawl space access.** Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.

**B201.6 Passive submembrane depressurization system.** In buildings with crawl space foundations, the following components of a passive submembrane depressurization system shall be installed during construction.

**Exception:** Buildings in which an *approved* mechanical crawl space ventilation system or other equivalent system is installed.

**B201.6.1 Ventilation.** Crawl spaces shall be provided with vents to the exterior of the building.

**B201.6.2 Soil-gas-retarder.** The soil in crawl spaces shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene soil-gas-retarder that conforms to ASTM E 1643. The ground cover shall be lapped a minimum of 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.

**B201.6.3 Vent pipe.** A plumbing tee or other *approved* connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch-diameter (76 mm or 102 mm) fitting with a vertical vent pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

**B201.7 Passive subslab depressurization system.** In basement or slab-on-grade buildings, the following components of a passive subslab depressurization system shall be installed during construction.

**B201.7.1 Vent pipe.** A minimum 3-inch-diameter (76 mm) ABS, PVC or equivalent gas-tight pipe shall be embedded vertically into the subslab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the subslab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the subslab aggregate or connected to it through a drainage system.

The pipe shall be extended up through the building floors, terminate at least 12 inches (305 mm) above the surface of the roof in a location at least 10 feet (3048 mm) away from any window or other opening into the condi-

tioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.

**B201.7.2 Multiple vent pipes.** In buildings where interior footings or other barriers separate the subslab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof.

**B201.8 Vent pipe drainage.** All components of the radon vent pipe system shall be installed to provide positive drainage to a suction pit beneath the slab, or to the ground beneath the slab or soil-gas-retarder. The slope of vent piping shall be not less than  $\frac{1}{8}$  unit vertical in 12 units horizontal.

**B201.9 Vent pipe accessibility.** Radon vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.

**Exception:** The radon vent pipe need not be accessible in an attic space where an *approved* roof-top electrical supply is provided for future use.

**B201.10 Vent pipe identification.** All exposed and visible interior radon vent pipes shall be identified with at least one marking on each floor and in accessible attics. The marking shall read: "Radon Reduction System."

**B201.11 Combination foundations.** Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate radon vent pipes installed in each type of foundation area. Each radon vent pipe shall terminate above the roof or shall be connected to a single vent that terminates above the roof.

**B201.12 Power source.** To provide for future installation of an active submembrane or subslab depressurization system, an electrical circuit terminated in an *approved* box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall also be accessible in anticipated locations of system failure alarms.

## SECTION B202 REFERENCED STANDARDS

ASTM	Standard Specification for	B201.5.1
C 920-11	Elastomeric Joint Sealants	B201.5.2 B201.5.5
E 1643	Standard Practice for Selection, Design, Installation, and Installation, and Inspection of Water Vapor Retarder Used in Contact with Earth or Granules Fill Under Concrete Slabs	B201.6.2



## APPENDIX C

# OPTIONAL ORDINANCE

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the *International Green Construction Code*<sup>™</sup> (IgCC<sup>™</sup>) as enforceable regulations of sustainable construction practice governing structures and premises should ensure that certain factual and fiscal information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body.

The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text and an evidentiary-based adoption structure contain bonding requirements tied to the issuance of building permits, certificates of occupancy and the compliance verification process, a concept already familiar to jurisdictions' master development plans for larger-scale, Planned-Unit Developments (PUD's).

Most importantly, this Optional Ordinance intends to open the dialogue among stakeholders, and give jurisdictions a place to start an fiscal and evidentiary-based adoption structure utilizing performance bonding requirements tied to the compliance verification process. The bonding requirement is designed to ensure that the project complies with the IgCC. The bond is held by the jurisdiction. Bond amounts are set at a percentage of total cost of the building, based on local economic and geo-centric requirements overseen by jurisdictional authorities, and tied to square footage.

## SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL GREEN CONSTRUCTION CODE* ORDINANCE NO. \_\_\_\_\_

An ordinance of the [JURISDICTION] adopting the *International Green Construction Code*<sup>™</sup>, regulating and governing the impact of buildings and structures on the environment in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. \_\_\_\_\_ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Green Construction Code*, 2012 edition, including Appendix Chapters [FILL IN THE APPENDIX CHAPTERS BEING ADOPTED], as published by the International Code Council, be and is hereby adopted as the Green Construction Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the impact of buildings and structures on the environment as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Green Construction Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Table 302.1. Insert: [JURISDICTIONAL REQUIREMENTS].

Section 1007.3.3.1. Insert: [AGENCY RESPONSIBLE] where Section 1007.3 is selected in Table 302.1.

Section 1007.3.3.2. Insert: [AGENCY RESPONSIBLE] where Section 1007.3 is selected in Table 302.1.

Section 1007.3.3.3. Insert: [AGENCY RESPONSIBLE] where Section 1007.3 is selected in Table 302.1.

**Section 3.** That Ordinance No. \_\_\_\_\_ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Green Construction Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the **[GOVERNING BODY]** hereby directs and causes for all privately owned nonresidential projects of at least **[INSERT]** square feet, a performance bond, irrevocable letter of credit from a financial institution authorized to do business in the jurisdiction, or evidence of cash deposited in an escrow account in a financial institution in the jurisdiction, to be provided to the jurisdiction, with the bond, LOC or escrow, “due and payable prior to receipt of certificate of occupancy.”

- (a) A commercial applicant who applies for an incentive described in Section 7 shall provide a performance bond which shall be due and payable upon approval of the first building construction permit application.
- (b) On or before **[EFFECTIVE DATE]**, all applicants for construction governed by Section 1 shall provide a performance bond, which shall be due and payable prior to issuance of a certificate of occupancy.
- (c) For the purpose of compliance with subsections (a) and (b) of this section, in lieu of the bond required by this section, the **[GOVERNING BODY]** may accept an irrevocable letter of credit from a financial institution authorized to do business in the **[JURISDICTION]** or evidence of cash deposited in an escrow account in a financial institution in the **[JURISDICTION]** in the name of the licensee and the **[JURISDICTION]**. The letter of credit or escrow account shall be in the amounts required by subsection (d) of this section.
- (d) The amount of the required performance bond under subsection (a) of this section shall be 1 percent of the incentive provided.
- (e) The amount of the required performance bond under subsection (b) of this section shall be:
  - (1) For a project not exceeding 150,000 square feet of gross floor area, 2 percent of the total cost of the building;
  - (2) For a project from 150,001 to 250,000 square feet of gross floor area, 3 percent of the total cost of the building; and.
  - (3) For a project exceeding 250,000 square feet building of gross floor area, 4 percent of the total cost of the building.
- (f) The maximum amount of a performance bond shall be \$3 million.
- (g) All or part of the performance bond shall be forfeited to the **[JURISDICTION]** and deposited in a Green Building Fund if the building fails to meet the verification requirements described in sub-parts (1) and (2) below.
  - (1) Publicly-owned, private leasing of public property, publicly financed buildings, and tenant improvements.
  - (2) Privately-owned buildings. Any new construction or substantial improvement of a nonresidential privately-owned project with **[INSERT]** square feet of gross floor area or more shall:
    - a. On or before **[EFFECTIVE DATE]**, submit to the Department of Buildings, as part of any building construction permit application, a green building checklist documenting the green building elements to be pursued in the building construction permit.
    - b. Within 365 days (1 year) of the receipt of a certificate of occupancy, be verified “in compliance” with the requirements of this ordinance through:
      - i. An agency of the **[JURISDICTION]** government; or
      - ii. Third-party entities which meet criteria to be established by the **[GOVERNING BODY]** by rulemaking within 180 days of the effective date of this ordinance;
- as having fulfilled or exceeded the requirements of the *International Green Construction Code*.
- (h) The **[JURISDICTION]** shall draw down on the bond funds if the required green building verification is not provided within 730 days (2 years) after issuing the first certificate of occupancy.
- (i) The **[GOVERNING BODY]** shall promulgate rules to establish additional requirements for the drawing down or return of performance bonds.

**Section 7. Incentives.**

- (a) Within 180 days of the effective date of this ordinance, the **[GOVERNING BODY]** shall establish an incentive program to promote early adoption of green building practices by applicants for building construction permits for buildings regulated by this code. The incentive program shall be funded by funds deposited in the Green Building Fund, subject to the availability of funds. As part of the incentive program, the **[GOVERNING BODY]** shall establish a **[PROPERTY TAX INCENTIVE OR**



**INCENTIVES PROGRAM**] for Qualifying Green Building Properties, and **[MAY PROVIDE GRANTS]** to help defray costs associated with the early adoption of the green building practices of the *International Green Construction Code*.

#### Section. 8. Green Building Fund.

- (a) There is established a fund designated as the Green Building Fund, which shall be ENROLLED ORIGINAL Codification **[JURISDICTION]** of Columbia Official Code, 2001 Edition 8 West Group Publisher, 1-800-328-9378, separate from the General Fund of the **[JURISDICTION]** of Columbia. All additional monies obtained pursuant to sections 6 and 9, and all interest earned on those funds, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress, and used solely to pay the costs of operating and maintaining the Fund and for the purposes stated in subsection (c) of this section. All funds, interest, and other amounts deposited into the Fund shall not be transferred or revert to the General Fund of the **[JURISDICTION]** of Columbia at the end of any fiscal year or at any other time, but shall continually be available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.
- (b) The **[GOVERNING BODY]** shall administer the monies deposited in the Fund.
- (c) The Fund shall be used as follows:
  - (1) Staffing and operating costs to provide technical assistance, plan review, and inspections and monitoring of green buildings;
  - (2) Education, training and outreach to the public and private sectors on green building practices; and
  - (3) Incentive funding for private buildings as provided for in Section 7.

#### Section. 9. Green building fee.

- (a) A green building fee is established to fund the implementation this ordinance and the Green Building Fund.
- (b) Upon the effective date of this ordinance, the green building fee shall be established by increasing the building construction permit fees in effect at the time in accordance with the following schedule of additional fees:
  - (1) New construction – an additional \$0.0020 per square foot.
  - (2) Alterations and repairs exceeding \$1,000 but not exceeding \$1 million – an additional 0.13 percent of construction value; and
  - (3) Alterations and repairs exceeding \$1 million - an additional 0.065 percent of construction value.

#### Section. 10. Establishment of a **[JURISDICTION]** Green Building Advisory Council.

- (a) The Department of the Environment shall provide the central coordination and technical assistance to **[JURISDICTION]** agencies and instrumentalities in the implementation of the provisions of this ordinance.
- (b) Within 90 days after the effective date of this ordinance, the **[GOVERNING BODY]** shall establish a Green Building Advisory Council to monitor the **[JURISDICTION]**'s compliance with the requirements of this ordinance and to make policy recommendations designed to continually improve and update the ordinance.
- (c) The **[JURISDICTION]** GBAC shall consist of the following nine (9) members: (1), (2), (3), (4), (5), (6), (7), (8), and (9).
  - (1) Members of the GBAC who are not ex officio members shall have expertise in building construction, development, engineering, natural resources conservation, energy conservation, green building practices, environmental protection, environmental law, or other similar green building expertise.
  - (2) The Chairperson of the GBAC shall be the Director of the Department of the Environment.
  - (3) All members of the GBAC shall either work in, or be residents of the **[JURISDICTION]**, and shall serve without compensation.
  - (4) The members shall serve a 2-year term.
  - (5) A member appointed to fill a vacancy or after a term has begun, shall serve only for the remainder of the term or until a successor is appointed.
  - (6) The GBAC shall advise the **[GOVERNING BODY]** on:
    - i. The development, adoption, and revisions of this ordinance, including suggestions for additional incentives to promote green building practices;
    - ii. The evaluation of the effectiveness of the **[JURISDICTION]**'s green building policies and their impact on the **[JURISDICTION]**'s environmental health, including the relation of the development of the **[JURISDICTION]**'s green building policies to the specific environmental challenges facing the **[JURISDICTION]**;
    - iii. The green building practices to be included in the triennial revisions of the Construction Codes; and



iv. The promotion of green building education, including educating relevant **[JURISDICTION]** employees, the building community, and the public regarding the benefits and techniques of high-performance building standards.

v. The GBAC shall meet at least six (6) times each year.

(7) The GBAC shall issue an annual report of its recommendations to the **[GOVERNING BODY]**. The report shall include recommended updates of green building standards, building systems monitoring and data compiled from **[JURISDICTION]**-owned or **[JURISDICTION]** instrumentality-owned and operated buildings, and an analysis of the building projects exempted by the **[GOVERNING BODY]** under section 11. The report shall be distributed to all members of the Council and the **[GOVERNING BODY]** and made available to the general public within 30 days after its issuance.

**Section. 11.** Exemptions and extensions. The **[GOVERNING BODY]** may, in unusual circumstances and only upon a showing of good cause, grant an exemption from any of the requirements of this ordinance based on:

- (a) Substantial evidence of a practical infeasibility or hardship of meeting a required green building standard;
- (b) A determination that the public interest would not be served by complying with such requirements; or
- (c) Other compelling circumstances as determined by the **[GOVERNING BODY]** by rulemaking.
  - (1) The burden shall be on the applicant to show circumstances to establish hardship or infeasibility under this section.
  - (2) If the **[GOVERNING BODY]** determines that the required verification requirement is not practicable for a project, the **[GOVERNING BODY]** shall determine if another green building standard is practicable before exempting the project from all green building requirements.
  - (3) The **[GOVERNING BODY]** shall promulgate rules to establish requirements for the exemption process within 180 days of the effective date of this ordinance.
- (d) Notwithstanding any other provision of this ordinance, construction encompassed by building construction permits applied for within 180 days (6 months) of the effective date of this ordinance shall be exempt from the verification requirements of this ordinance.
- (e) Notwithstanding any other provision of this ordinance, the **[GOVERNING BODY]**, upon a finding of reasonable grounds, may extend the period for green building verifications required in Section 6(g) sub-parts (1) and (2), for up to three (3) successive 120-day (4-month) periods.

**Section 12.** Rulemaking. Within 180 days of the effective date of this ordinance, the **[GOVERNING BODY]** shall promulgate rules to implement this ordinance. The proposed rules shall be submitted to the **[GOVERNING BODY]** for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of **[GOVERNING BODY]** recess. If the **[GOVERNING BODY]** does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

**Section13.** That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 14.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

## APPENDIX D

# ENFORCEMENT PROCEDURES

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION D101 GENERAL

**D101.1 Scope.** The provisions of this appendix shall supplement the provisions of Chapter 1 and provide procedures to enforce continued compliance of buildings, structures and building sites constructed and protected under the provisions of this code.

**D101.2 Intent.** This appendix shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare and protection of the environment insofar as they are affected by the continued occupancy and maintenance of buildings and building sites. Existing buildings, structures and building site improvements that do not comply with these provisions shall be altered or repaired to restore compliance with this code.

### SECTION D102 APPLICABILITY

**D102.1 General.** Equipment, systems, devices, safeguards and protections required by this code or a previous code under which the buildings, structures and building site was constructed, altered or repaired; or under which portions of the building site were protected; shall be maintained.

**D102.2 Owner responsibility.** Except as otherwise specified in this code, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and building site. No *owner*, *operator*, or occupant shall cause any service, facility, equipment or utility that is required under this code to be removed or shut off from or discontinued.

**D102.3 Existing remedies.** The provisions of this chapter shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure or building site improvement that is dangerous, unsafe or causing irreparable harm to environmental systems.

### SECTION D103 DEFINITIONS

**D103.1 Definitions.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**OPERATOR.** Any person who has charge, care or control of a building, structure and building site that is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in a building site; or

recorded in the official records of the state, county or municipality as holding title to the building site; or otherwise having control of the building site, including the guardian of an estate of any person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act that is prohibited, or failed to do an act that the defendant was legally required to do.

### SECTION D104 DUTIES AND POWERS OF THE CODE OFFICIAL

**D104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this appendix.

**D104.2 Inspections.** The *code official* is authorized to make all inspections necessary for administration of this appendix, to ensure compliance with maintenance requirements of this code and to resolve identified violations.

**D104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe there exists in a building or structure or on a building site a condition in violation of the code, the *code official* is authorized to enter the building site, and if needed to enter the building or structure at reasonable times to inspect or perform the duties imposed by this code. Where the building site or building is occupied, the *code official* shall present identification credentials to the occupant and request entry. If the building site or building is unoccupied, the *code official* shall first make a reasonable effort to locate the owner or other person having charge or control of the building site or building and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**D104.4 Identification.** The *code official* shall carry proper identification credentials when inspecting a building or building site in the performance of duties under this code.

**D104.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

### SECTION D105 VIOLATIONS

**D105.1 Unlawful acts.** It shall be unlawful for an owner or an owner's designated agent to be in conflict with, or violation of, any of the provisions of this code.