

INTRODUCED BY COUNCIL MEMBER DWAYNE T. JAMES

**AN ORDINANCE OF THE CITY OF FERGUSON IMPOSING NEW ENERGY-CONSERVATION REQUIREMENTS ON CITY OPERATIONS; AMENDING CHAPTER 37 ("SOLID WASTE") OF THE MUNICIPAL CODE RELATING TO RECYCLING; AND AMENDING CHAPTER 7 ("BUILDING AND BUILDING REGULATIONS" RELATING TO DESIGN AND CONSTRUCTION OF NEW AND REMODELED HOMES AND BUILDINGS**

*Whereas*, the City of Ferguson (hereinafter referred to as the "City") has recognized the importance of implementing programs in the City that promote sustainable energy and environmental awareness; and

*Whereas*, the City has been named Tree City USA for the past several years and is committed to the benefits and importance of our tree population from new trees being introduced into our City through the Tree Dedication program to the trees providing shade for our parks and streets to the City trimming and cutting down trees after they have served their life course only to be used as mulch and firewood for our neighbors; and

*Whereas*, the City promotes the use alternative modes of travel through its Jolly Trolley for Seniors and the lunch-time trolley service to neighboring employers and schools through its Ferguson Station Business District; and

*Whereas*, the City, in partnership with Trailnet, is currently engaged in a Live Well Ferguson initiative aimed at improving resident health through physical activity and healthy eating; and

*Whereas*, the City is seeking to further encourage the voluntary *diversion* of residential, commercial, and special event waste through recycling to decrease the amount of waste in landfills helping the environment and reducing the need for new landfills; and

*Whereas*, it is the intent of Council to ensure that buildings built or substantially renovated by the City are built in the most environmentally sound way; and

*Whereas*, the City shall encourage site planning, landscaping, and structure design which maximizes the potential for energy conservation by reducing the demand for artificial heating, cooling, ventilation and lighting, and facilitating the use of solar and other energy resources; and

*Whereas*, it is the intent of the Council to provide the citizens and employees of the City of Ferguson with new and renovated buildings which will give the optimum comfort, ensure the durability of investments for the taxpayer, consider the health of building occupants and provide the greatest awareness possible of environmental impacts of what we do.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERGUSON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 2 is hereby amended by the addition of a new Section 2-4 which shall read as follows:

CHAPTER 2	ADMINISTRATION
ARTICLE I	IN GENERAL
SECTION 2-4	ENERGY CONSERVATION REQUIREMENTS FOR CITY OPERATIONS

In order to reduce paper usage and waste and increase efficiency, the City Manager shall develop, implement and maintain a plan to reduce at least 30% less energy of its 2008 usage and 20% of the 2008 waste generated *by* the City. Such reduction shall occur within the next five years. As part of the budget process, the City Manager shall include an annual report to the City Council reporting the energy consumption performance for that previous year and the plan of reduction or plan for continued maintenance. Possible environmental-friendly avenues and processes for the City to consider in its plan include:

1. Utilizing the Council Intranet site on the City website as web-based portal to house Council documents, such as meeting agendas, minutes, ordinances, supporting documents. Council and City staff will have access to these documents from any PC, home or office and can view all necessary documents online during Council meetings, eliminating the need for hard-copies in most circumstances;
2. Acquiring products and services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose in all purchases;
3. Incorporating energy efficient pulse type heating systems in City-owned buildings;
4. Using environmentally safe light bulbs to reduce energy waste;
5. Replacing a portion of City-owned vehicles with hybrids, or using bio-diesel in the fleet vehicles;
6. Requiring solicitors to include instructions asking bidders to identify any environmental benefits over the life cycle of their products and/or services in bid procurement services;
7. Adding information on to the City's Website that contains environment education on topics like landscaping, recycling and energy efficiency; and

8. Promoting the use of Neighborhood Gardens.

Section 2. Section 37-1 of Chapter 37 is hereby amended by the addition of the following definitions:

[all other definitions are not altered or amended and remain in full force and effect]

CHAPTER 37 SOLID WASTE

ARTICLE I IN GENERAL

SECTION 37-1 DEFINITIONS

*Certified Recyclable Materials Collector* means a Recyclable Materials Collector which has been issued a certificate by the City pursuant to this Division.

*Collect or Collection* shall mean to take physical possession of and remove solid waste or recyclable materials at the place of generation.

*Commercial facilities* means any facilities that are not residential facilities or mixed use facilities.

*Disposal* means the final deposition of waste at a permitted landfill or other permitted waste facility.

*Diversion or Divert* means the reduction or elimination of solid waste from landfill disposal.

*Recycling facility* means a recycling, composting, or materials recovery or reuse facility.

*Self-haul* means the process of personally, or through one's own full-time employees, collecting, transporting, and delivering one's own solid waste or recyclable materials.

Section 3. Chapter 37 of the Municipal Code is hereby amended by a new Section 37-5 which shall read as follows:

CHAPTER 37 SOLID WASTE

ARTICLE I IN GENERAL

SECTION 37-5 RECYCLING REQUIREMENTS

A. *Purpose.* The purpose of this Division is to establish requirements for recycling of recyclable materials generated from residential facilities (both single family and multi-family), commercial facilities (including City buildings), and special events. These requirements are intended to increase the diversion of recyclable materials from landfill disposal, reduce

greenhouse gas emissions, and defer potential financial obligations associated with waste to the City.

B. *Service Requirements.* Those who are provided with curbside recycling collection services (i.e., single-family residential) within the City of Ferguson shall be encouraged to utilize such services by separating recyclable materials from other solid waste and depositing the recyclable materials in the approved container. All owners of residential facilities containing more than three (3) separate dwelling units shall provide, in addition to typical trash hauling services, for removal of recyclable material from such property. The owners shall provide approved recyclable material containers that are clearly identified within two (2) years of the effective date of this ordinance. Furthermore, all owners of commercial facilities within the City of Ferguson shall be encouraged to utilize recycling collection services.

The recyclable material removal services required by this Section shall include, at a minimum, all of the following:

1. collection of recyclable materials as frequently as necessary to meet demand;
2. collection of plastic bottles and jars, paper, newspaper, metal containers, cardboard, and glass containers;
3. collection of other recyclable materials for which markets exist;
4. designated recycling collection and storage areas; and
5. signage on all recycling receptacles, containers, chutes, and/or enclosures.

C. *Recycling at Special Events Required.* For any community special event held after May 1, 2009, which requires any type of license or permit from the City of Ferguson, the person or entity responsible for such event shall provide recycling receptacles throughout the event venue.

1. The number of recycling receptacles shall equal the number of solid waste receptacles.
2. The solid waste and recycling receptacles shall be placed next to one another throughout the event venue.
3. The types of recyclable materials suitable for deposit into each recycling receptacle shall include, at a minimum, aluminum and metal cans, and glass and plastic bottles and jars.
4. Each recycling receptacle shall be clearly identified as a recycling receptacle and shall display a list of the types of recyclable materials which may be deposited into the recycling receptacle.
5. The responsible person shall ensure that the recyclable materials deposited into the recycling receptacles are as identified above.

D. *Exemptions.* Exemptions to some or all of the requirements of this Section may be granted at the discretion of the City Manager's designee. Applications for exemptions may be granted upon consideration of the following factors: available markets for recyclable materials,

available space for recycling containers, alternative recycling efforts, and the amount and type of solid waste or recyclable materials generated. To be effective, an exemption must be in writing and signed by the City Manager. An exemption may be revoked at any time at the discretion of the City Manager if one or more of the factors justifying the exemption no longer exist, or other change in circumstances warrant revocation. Unless earlier revoked, an exemption shall be effective for a period of one year from the date it was granted. Subsequent applications for exemptions may be granted at the discretion of the City Manager's designee upon consideration of the factors listed in this section.

E. *Scavenging of Recyclable Materials Prohibited.* No person other than an appropriate waste hauler permitted by the City of Ferguson to collect the recyclable materials, shall remove or otherwise interfere with recyclable materials which have been placed at a designated recycling or recyclable materials collection location.

**Section 4.** Chapter 7 of the Municipal Code is hereby amended by the addition of a new Section 7-44 which shall read as follows:

CHAPTER 7	BUILDING AND BUILDING REGULATIONS
ARTICLE III	BUILDING CODE
SECTION 7-44	ADDITIONAL REQUIREMENTS FOR THE DESIGN AND CONSTRUCTION OF NEW AND REMODELED HOMES AND BUILDINGS

A. *Purpose.* The purpose of the requirements set forth herein is to provide for the enhancement of sustainable energy and environmentally friendly efforts during building construction. It is further the intent of the City Council to ensure that the development of public buildings is done in an environmentally friendly manner as well as to encourage environmentally conscious private commercial, industrial and residential development. The Program shall be mandatory for the development of all City-Owned construction projects, and is encouraged for all private commercial, industrial and residential development projects.

B. *Definitions.* For purposes of this Section, the following terms shall mean:

*Construction* means any project associated with the creation, development, or erection of any building or facility that is 5,000 square feet of floor area or greater.

*Green building* means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials.

*LEED* means the Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.

*LEED for Existing Buildings* means the USGBC rating system that applies to existing buildings and addresses whole-building cleaning and maintenance issues (including chemical use), recycling programs, exterior maintenance programs, and systems upgrades.

*Project* means any construction associated with the creation, development, or erection of any building or facility.

*Remodeling* means any renovation or remodeling project (commercial or residential) that includes a total cost greater than fifty-one percent (51%) of the appraised value of the property.

*USGBC* means the U.S. Green Building Council.

C. *City-Owned Construction Projects.*

1. Any buildings built or remodeled with City funds shall be developed in accordance with, at a minimum, the LEED "silver" certification designation or another nationally-recognized certification program., as long as the estimated energy savings exceed the marginal cost of the energy saving features over the expected life of the building and subject to fiscal constraints established by the City Manager. On a project-by-project basis, the City Manager may determine that the costs or requirements associated with participating in the Program substantially outweigh the benefits of such participation. Such a determination shall amount to a waiver of the requirement that City comply with the provisions of this Chapter. In order to avoid increased cost of operation, care shall be taken to avoid complex systems that would require extensive technical training of personnel.

2. Design documents shall include an explanation of how the features listed below are incorporated into the design or, for those features not incorporated, an explanation of the financial or operational reasons why the feature was omitted from the design. Energy saving features, including but not limited to the following:

- (a) Solar orientation, with the long axis facing south
- (b) Use of daylighting
- (c) Use of appropriate glass for minimizing heating and cooling loads
- (d) Insulation beyond minimum standards
- (e) Use of renewable energy for heating and cooling
- (f) Use of renewable energy for heating and swimming pools
- (g) Use of water conservation measures including dual water systems if available

- (h) Landscaping for summer cooling effect and for blocking winter winds
- (i) Use of energy efficient motors
- (j) Use of energy efficient lighting
- (k) Use of energy management systems
- (l) Parking areas designed to limit heat absorption
- (m) Use of building materials and color to decrease cooling load

D. *Private Construction Projects.*

1. New Residentially Permitted Projects: The permit applicant for new residential construction, shall be encouraged to satisfy the requirements associated with the current USGBC LEED for Homes program, as may be amended from time to time; or a nationally-recognized equivalent ratings system.
2. Remodeling of Existing Homes: The permit applicant for remodeling of existing homes shall be encouraged to satisfy the requirements of remodeling certification for the current LEED for Homes program, as may be amended from time to time; or a nationally-recognized equivalent ratings system.
3. New Commercial or Industrial Buildings: The permit applicant for new commercial or industrial buildings construction shall be encouraged to satisfy the requirements associated with the current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program, as may be amended from time to time; or a nationally-recognized equivalent ratings system.
4. Remodeling of Existing Commercial and Industrial Buildings: The permit applicant for the remodeling of existing commercial and industrial buildings shall be encouraged to satisfy the requirements associated with the current LEED for existing buildings or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program, as may be amended from time to time; or a nationally-recognized equivalent ratings system.
5. Incentives: Permit applications submitted pursuant to this Section shall be given priority over other permit applications. The City shall use its best efforts to ensure that building permit applications for residential and commercial green buildings shall be processed within 30 business days. All such applications shall be accompanied by an appropriate green building program application form.
6. Certification: The verification of the green building designation shall be subject to certification by a qualified third party who has been trained and certified as a green

building certifying agent. Applicants shall be responsible for all costs associated with certification.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage by the City Council.

FIRST READING: February 10, 2009 SECOND READING: February 24, 2009

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FERGUSON,  
MISSOURI, THIS 24<sup>th</sup> DAY OF FEBRUARY 2009.

Brian P. Fletcher  
Brian P. Fletcher, Mayor

ATTEST:

Deborah L. Mathias  
City Clerk