

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 7

Bill No. 21-09

Introduced by Mr. Cohen, Mr. Dillon and Mr. Benoit

By the County Council, April 6, 2009

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Introduced and first read on April 6, 2009

Public Hearing set for May 4, 2009

Bill Expires July 10, 2009

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Construction and Property Maintenance Codes - Energy  
2 Efficient Buildings

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4 FOR the purpose of requiring publicly funded buildings to meet certain energy efficiency  
5 requirements established by the United States Green Building Council; establishing  
6 design standards; providing for submission of certifications and occupancy  
7 requirement; providing conditions for waiver of requirements; and generally relating  
8 to building in the County.  
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10 BY renumbering: § 15-2-104 to be § 15-2-105  
11 Anne Arundel County Code (2005, as amended)

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13 BY adding: § 15-2-104  
14 Anne Arundel County Code (2005, as amended)

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16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
17 *Maryland,* That § 15-2-104 of the Anne Arundel County Code (2005, as amended) is  
18 hereby renumbered to be § 15-2-105.  
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20 SECTION 1. *And be it further enacted,* That Section(s) of the Anne Arundel County  
21 Code (2005, as amended) read as follows:  
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23 **ARTICLE 15. CONSTRUCTION AND PROPERTY MAINTENANCE CODES**

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.

**TITLE 2. CONSTRUCTION CODES**

**15-2-105. Energy Efficient Buildings.**

(A) **Scope.** THIS SECTION APPLIES TO THE NEW CONSTRUCTION OR MAJOR RENOVATION OF COUNTY-OWNED PUBLIC BUILDINGS OVER 10,000 SQUARE FEET THAT ARE FUNDED WITH 30% OR MORE OF COUNTY OR STATE FUNDS.

(B) **Required.** NEW CONSTRUCTION OR MAJOR RENOVATIONS OF A PUBLIC BUILDING THAT IS SUBJECT TO THIS SECTION SHALL:

(1) ACHIEVE A CERTIFICATION FROM THE UNITED STATES GREEN BUILDING COUNCIL OF A SILVER-LEVEL RATING OR HIGHER IN ANY OF THE FOLLOWING LEED RATING SYSTEMS:

(I) NEW CONSTRUCTION VERSION 3, OR THE CURRENT VERSION AT THE TIME OF APPLICATION FOR CERTIFICATION;

(II) CORE AND SHELL VERSION 3 OR COMMERCIAL INTERIOR VERSION 3 OR THE CURRENT VERSION AT THE TIME OF APPLICATION FOR CERTIFICATIONS, PROVIDED BOTH RATING SYSTEMS ARE APPLICABLE TO THE PROJECT; OR

(III) ANY APPLICABLE LEED RATING SYSTEMS DESIGNED FOR THE NEW CONSTRUCTION OR MAJOR RENOVATION OF A SPECIALIZED PROJECT, INCLUDING, BUT NOT LIMITED TO, LEED FOR SCHOOLS, LEED FOR HEALTHCARE, OR LEED FOR RETAIL; OR

(2) COMPLY WITH ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE DIRECTOR MAY ADOPT BY REGULATION AS EQUIVALENT TO A SILVER-LEVEL RATING IN THE APPROPRIATE LEED RATING SYSTEM.

(C) **Certification; Submission Requirement.** A DEVELOPER OF A BUILDING SUBJECT TO THIS SECTION SHALL FILE AS AN ATTACHMENT TO A BUILDING PERMIT APPLICATION OR TO A SKETCH PLAN APPLICATION UNDER 17-4-201(C), VERIFICATION THAT THE BUILDING HAS:

(1) BEEN REGISTERED WITH THE GREEN BUILDING COUNCIL AND THAT THE APPLICABLE LEED REGISTRATION FEE HAS BEEN PAID;

(2) MET ENERGY AND ENVIRONMENTAL DESIGN STANDARDS THAT THE DEPARTMENT MAY PROMULGATE IN LIEU OF THE APPROPRIATE LEED RATING SYSTEM; OR

(3) A LEED PROJECT CHECKLIST AND CERTIFICATION PREPARED, SIGNED, AND DATED BY THE PROJECT LEED ACCREDITED PROFESSIONAL THAT THE BUILDING WILL MEET THE REQUIREMENTS OF THIS SECTION.

(D) **Occupancy.** PRIOR TO ISSUANCE OF A USE AND OCCUPANCY CERTIFICATE FOR THE BUILDING, THE DEVELOPER SHALL SUBMIT TO THE DIRECTOR A FINAL LEED PROJECT CHECKLIST PREPARED, SIGNED, AND DATED BY THE PROJECT LEED ACCREDITED PROFESSIONAL THAT THE BUILDING WAS CONSTRUCTED ACCORDING TO THE REQUIREMENTS OF THIS SECTION.

(E) **Waiver.**

(1) THE DIRECTOR MAY WAIVE THE REQUIREMENTS OF THIS SECTION IF THE CHIEF ADMINISTRATIVE OFFICER PROVIDES DOCUMENTATION THAT THE PROJECT IS

1 COST PROHIBITIVE RELATIVE TO THE POTENTIAL ECONOMIC, ENVIRONMENTAL OR  
2 HEALTH BENEFITS POSED BY THE REQUIREMENT. THE DOCUMENTATION SHALL  
3 INCLUDE A PLAN TO ATTAIN THE MAXIMUM NUMBER OF LEED POINTS AVAILABLE FOR  
4 THE BUILDING.

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6 (2) THE REQUIREMENTS MUST BE WAIVED IN ORDER TO ADDRESS A PUBLIC  
7 HEALTH OR SAFETY EMERGENCY.

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9 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days  
10 from the date it becomes law.