

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of July, 2017 at 2:05 o'clock p.m. to add a new Chapter to be designated as Chapter 250 and entitled, "Municipal Building Energy Benchmarking" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 250
MUNICIPAL BUILDING ENERGY BENCHMARKING

§ 250-1. PURPOSE.

Buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use. As such, this Chapter will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Riverhead.

Collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide. Equipped with this information, the Town of Riverhead is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

§250-2. DEFINITIONS

(1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(2) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(3) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Riverhead that is 1,000 square feet or larger in size.

(4) “Department” shall mean Office of the Town Engineer.

(5) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(6) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(7) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(8) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(9) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(10) “Town Engineer” shall mean the head of the Department.

(11) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(12) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§250-3. APPLICABILITY

(1) This Chapter is applicable to all Covered Municipal Buildings as defined in Section 250-2 of this Chapter.

(2) The Town Engineer may exempt a particular Covered Municipal Building from the benchmarking requirement if the Town Engineer determines that it has characteristics that make benchmarking impractical.

§250-4. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than December 31, 2017, and no later than May 1 every year thereafter, the Town Engineer or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Town Engineer or his or her designee from the Department shall begin inputting data in the following year.

§250-5. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than December 31, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

- (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (b) For each Covered Municipal Building individually:
- (i) The status of compliance with the requirements of this Local Law; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 250-5(2)(b)(iii) of this Chapter across calendar years for all years since annual reporting under this Chapter has been required for said building.

§250-6. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Chapter, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§250-7. ENFORCEMENT AND ADMINISTRATION

(1) The Town Engineer or his or her designee from the Department shall be the Chief Enforcement Officer of this Chapter.

(2) The Chief Enforcement Officer of this Chapter may promulgate regulations necessary for the administration of the requirements of this Chapter.

(3) Within thirty days after each anniversary date of the effective date of this Chapter, the Chief Enforcement Officer shall submit a report to the Town Board of the Town of Riverhead including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Town Engineer determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Chapter.

§250-8. EFFECTIVE DATE

This Chapter shall be effective immediately upon passage.

§250-9. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

- Overstrike represents deletion(s)
- Underscore represents addition(s)

Dated: Riverhead, New York
June 6, 2017

**BY THE ORDER OF THE TOWN
BOARD OF THE TOWN OF
RIVERHEAD**

DIANE M. WILHELM, Town Clerk