

WHEREAS, commercial and residential buildings consume 40 percent of our nation's energy and are responsible for 40 percent of the greenhouse gas emissions in the United States; and,

WHEREAS, commercial and residential buildings contribute 136 million tons of construction and demolition waste annually; and,

WHEREAS, on a global scale, commercial and residential buildings use three billion tons of the planet's raw materials; and,

WHEREAS, the 300 billion square feet of buildings in the U.S. are the single largest contributor to global warming in the country; are responsible for 48% of all energy consumption and greenhouse gas emissions (GHG) in the U.S. annually is from buildings and 76% of all power plant generated electricity is used to operate buildings globally; and,

WHEREAS, the U.S. alone is projected to need 1,300 to 1,900 new power plants over the next 20 years, amounting to approximately one per week; and,

WHEREAS, the housing stock in the United States consumes roughly 20% of the country's primary energy and raw materials; and,

WHEREAS, Green Building practices can significantly lower energy and water consumption in buildings and reduce the above-mentioned negative impacts of buildings on the environment and the occupants of the buildings; and,

WHEREAS, the City of Dallas adopted a Resolution on January 22, 2003, whereby all projects over 10,000 s.f. starting with the 2003 Bond Program will be LEED Silver Certified and as of today, over 120 projects throughout DFW are seeking LEED certification and 22 of those buildings are City of Dallas projects; and,

WHEREAS, the City of Dallas desires to be at the forefront of addressing environmental issues and therefore, has implemented a City of Dallas Green Building Program to incorporate sustainable ("green") building design and construction practices into its new municipal building projects as well as those facility projects that the City may ultimately own or provide funding for the operating and maintenance costs; and,

WHEREAS, the City of Dallas established a green building task force in the spring of 2007 with members from the residential and commercial sectors to develop recommendations with the goals of advancing public policies and programs that encourage or require private sector green building practices, and to help meet the state implementation plan (SIP) for the DFW region; and,

WHEREAS, the City Council adopted Resolution No. 07-3199 on October 24, 2007 committing to a policy calling for all new buildings constructed in our City to meet "green" standards; and,

WHEREAS, the City Manager solicited input from a wide variety of building industry representatives and building owners through a green building task force (GBTF) in developing such a green building policy, program and standards for private development in Dallas; and,

WHEREAS, the GBTF developed recommendations for a citywide green building program and standards for all new private development in Dallas, both residential and commercial and these recommendations were reported back to the Dallas City Council on March 5, 2008 for consideration and implementation of a green building program for all new construction in the City of Dallas; and,

WHEREAS, the proposed ordinance will incorporate the green building program recommendations of the task force into the Dallas Development Code; and,

WHEREAS The program will consist of two phases; the first phase focusing on energy efficiency, water conservation and reduction of the heat island effect through cool roofs, and phase two will expand phase 1 to implement a comprehensive green building standard for all new construction; and,

WHEREAS, the long term vision for the program is for Dallas to be carbon neutral by 2030 and for it to be the greenest city in the U.S.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The City Council hereby adopts an ordinance establishing a green building program; regulating new construction work in the city for all residential and commercial projects, comprised of Phase 1 and Phase 2; amending Chapter 52, "Administrative Procedures for the Construction Codes," Chapter 53, "Dallas Building Code," and Chapter 57, "Dallas One and Two-Family Dwelling Code," of the Dallas City Code, as amended.

Section 2. The City Manager is hereby authorized to continue the work of the GBTF and to come back to Council with recommendations for the components of a citywide green building program for all existing buildings in Dallas, residential and commercial; and to provide further recommendations on incentives by October 1, 2008 for implementation during phase 1.

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Section 3. The City Manager is to report back to Council in FY 2010/11 but not later than 6 months prior to start of phase 2 on October 1, 2011, on the progress of the green building program by providing a formal review of the program by the GBTF, including a review of the building permit process and the adequacy of building inspection staff training and resources to accommodate reviews of building permit applications upon implementation of phase 2, in order to avoid potential delays in permit process; and an assessment of the viability of implementing phase 2 as adopted.

Section 4. The City Manager is to report back on the recommendations of the GBTF for amendments to phase 2 prior to implementation for council consideration.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Zaida Basora, OCMC, Room 101
City Attorney
Office of Financial Services

APPROVED BY
CITY COUNCIL

APR 09 2008


City Secretary

ORDINANCE NO. 27131

An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," Chapter 53, "Dallas Building Code," and Chapter 57, "Dallas One- and Two-Family Dwelling Code," of the Dallas City Code, as amended; establishing a green building program; regulating construction work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection 102.3, "Definitions," of Section 102, "Purpose of the Codes," of Subchapter 1, "Title and Scope," of Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended to read as follows:

"102.3 Definitions. For the purpose of the codes:

BUILDING PERMIT means a permit issued to perform work described in Section 301, excluding permits to erect signs, barricade public property or public ways, or move or demolish structures.

BUILDING SERVICE EQUIPMENT means the plumbing, mechanical, electrical, and elevator equipment, including, but not limited to, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting, and transportation facilities essential for the occupation of the structure for its designated use and occupancy.

GREEN BUILDING means structures and their surrounding landscapes designed, constructed, and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems, and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS means an initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

GREEN BUILT NORTH TEXAS-CERTIFIABLE means a proposed project that is not required to be registered with the Home Builders Association of Greater Dallas but is planned, designed, and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.

LEED means the Leadership in Energy and Environmental Design green building rating systems which are nationally accepted standards for green buildings developed by the USGBC.

LEED-CERTIFIABLE means a proposed project that is not required to be registered with the USGBC but is planned, designed, and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2, or LEED for homes.

PROPOSED PROJECT means, for purposes of the green building program, the erection of any new structure for which a person, firm, or corporation is required to obtain a building permit.

USGBC means the U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable, and healthy places to live and work.”

SECTION 2. That Paragraph 301.4.7, “Plans and Specifications,” of Subsection 301.4, “Application for Permits,” of Section 301, “Permits,” of Subchapter 3, “Permits and Inspections,” of Chapter 52, “Administrative Provisions for the Construction Codes,” of the Dallas City Code is amended by adding a new Subparagraph 301.4.7.7, “Green Building Standard Documentation,” to read as follows:

“301.4.7.7 Green building standard documentation. For construction activity subject to Subchapter 10, an applicant must submit documentation that:

1. demonstrates the construction activity will comply with the requirements of Subchapter 10, and
2. include any other documentation the building official deems necessary.

301.4.7.7.1 Acceptable standards. The building official may accept documentation from LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2, LEED for homes, Green Built North Texas version 2.0, or another approved equivalent.”

SECTION 3. That Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code is amended by adding a new Subchapter 10, "Green Building Program," to read as follows:

**"SUBCHAPTER 10
GREEN BUILDING PROGRAM**

**SECTION 1001
PURPOSE; ADMINISTRATION; PHASES**

1001.1 Purpose. The purpose of the green building program is to reduce the use of natural resources, create healthier and more sustainable living environments, and minimize the negative environmental impacts of development in Dallas and the North Texas region. The program addresses all new residential and commercial buildings within the city.

1001.2 Administration. The green building program is administered by the department of building inspection.

1001.3 Phases. The green building program consists of two phases.

1001.3.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency, water conservation, and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12 month period. Proposed projects affecting 50,000 or more square feet of floor area in a single 12 month period must meet the requirements of Section 4303.4 of the *Dallas Building Code*.

1001.3.2 Phase 2. Phase 2 becomes effective October 1, 2011. Phase 2 applies to all proposed projects. Proposed projects must be LEED-certifiable, Green Built North Texas-certifiable, or certifiable under an equivalent green building standard.

**SECTION 1002
PROGRAM REQUIREMENTS**

1002.1 One- and two-family dwellings. Proposed projects must comply with the requirements in Section 326 of the *Dallas One- and Two-Family Dwelling Code*.

1002.2 All other new construction. Proposed projects must comply with the requirements of Chapter 43 of the *Dallas Building Code*.

**SECTION 1003
EXPEDITED PLAN REVIEW**

1003.1 Expedited plan review of green building projects. An expedited plan review is available for proposed projects that meet the requirements of Sections 1003.1.1 and 1003.1.2. An applicant is not required to register a proposed project with the LEED or Green Built North Texas programs to receive an expedited plan review.

1003.1.1 Phase 1. In order to receive an expedited plan review, an applicant must provide a checklist from LEED, Green Built North Texas, or another approved green building standard demonstrating the proposed project is eligible to obtain certification under the selected standard.

1003.1.2 Phase 2. In order to receive an expedited plan review, an applicant must provide a checklist demonstrating the project is eligible to obtain a LEED silver or higher certification, or an equivalent certification under another approved green building standard.

**SECTION 1004
REGULATIONS**

1004.1 Regulations. The building official may establish regulations to administer the green building program.

**SECTION 1005
PUBLIC OUTREACH**

1005.1 Public spokesperson. The office of environmental quality serves as the city’s spokesperson regarding private sector green building issues.

1005.2 Outreach program. The office of environmental quality shall develop and maintain a public outreach program for architects, engineers, developers, land use attorneys, contractors, builders, employers, and city residents.”

SECTION 4. That Subchapter 35, “Referenced Standards,” of Chapter 53, “Dallas Building Code,” of the Dallas City Code is amended by adding ASHRAE standards to read as follows:

“ASHRAE American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329

Standard reference number	Title	Referenced in code section number
90.1—2004	Energy Standard for Buildings Except Low-Rise Residential Buildings, I-P Edition	4303.4.1, 4304.2.1”

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SECTION 5. That the ASTM standards of Subchapter 35, "Referenced Standards," of Chapter 53, "Dallas Building Code," of the Dallas City Code are amended by adding the following standard in sequential order to read as follows:

"E 1918—97 Standard Test Method for Measuring Solar Reflectance of Horizontal
and Low-Sloped Surfaces in the Field 4303.3.4"

SECTION 6. That Chapter 53, "Dallas Building Code," of the Dallas City Code is amended by adding a new Subchapter 43, "Green Building Program," to read as follows:

**"CHAPTER 43
GREEN BUILDING PROGRAM**

**SECTION 4301
PURPOSE**

4301.1 Purpose. The purpose of this chapter is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment and minimize the negative environmental impacts of development in Dallas and the North Texas region.

**SECTION 4302
DEFINITIONS**

4302.1 Definitions. The following terms used in this chapter shall have the meanings indicated in this section:

ENERGY SYSTEMS LABORATORY. An agency established by the Texas Legislature to assist communities in evaluating code amendments to the *International Residential Code* and the *International Energy Conservation Code* which now define the minimum energy efficiency standards for the State of Texas.

GREEN BUILDING. Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS. An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

GREEN BUILT NORTH TEXAS-CERTIFIABLE. A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.

LEED. The Leadership in Energy and Environmental Design green building rating systems are nationally accepted standards for green buildings developed by the USGBC.

LEED-CERTIFIABLE. A proposed project that is not required to be registered with the USGBC, but is planned, designed and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2 or LEED for homes.

PROPOSED PROJECT. The erection of any new structure for which a person, firm or corporation is required to obtain a building permit.

SOLAR REFLECTANCE. The fraction of solar flux reflected by a surface expressed as a percent or within the range of 0.00 and 1.00.

USGBC. The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.

SECTION 4303 PHASE 1

4303.1 General. The provisions of Section 4303 become effective October 1, 2009, and include requirements for energy efficiency, water conservation and cool roofs for proposed projects affecting less than 50,000 square feet of floor area in a single 12 month period. Proposed projects affecting 50,000 or more square feet of floor area in a single 12 month period must meet the requirements of Section 4303.4.

4303.2 Annual consumption data. The owner of a project subject to Section 4303 must agree that utility companies may release annual energy consumption data to the city.

Exception: Apartment houses are exempt from this requirement.

4303.3 New commercial construction under 50,000 square feet of floor area. Proposed projects affecting less than 50,000 square feet of floor area in a 12 month period must comply with the requirements of Sections 4303.3.1 through 4303.3.5.2.

4303.3.1 Checklist required. An applicant must submit a checklist from a selected green building standard, although a minimum number of points or formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required.

4303.3.2 Energy use. Proposed projects must use 15 percent less energy than the minimum provisions of Chapter 5 of the *Dallas Energy Conservation Code* as shown by:

1. Energy code compliance modeling through Energy Systems Laboratory approved software or COMcheck; or
2. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

4303.3.3 Water use. Proposed projects must use 20 percent less water than the water use baseline calculated for the building's total interior water fixture use as required by the *Dallas Plumbing Code*.

4303.3.4 Cool roofs. All roof surfaces with a slope of 2:12 inches or less (as defined in ASTM E 1918-97) must meet the specifications of the United States Environmental Protection Agency's ENERGY STAR qualified low-slope roof product requirements. To be considered an ENERGY STAR qualified low-slope roof product, a roof product must:

1. be the uppermost part of the roof system that is in direct contact with solar radiation;
2. have an initial solar reflectance of ≥ 0.65 ;
3. have a solar reflectance of ≥ 0.50 after 3 years; and
4. have a manufacturer warranty for defects in materials and manufacturing where each company's warranty for reflective roof products must be equal in all material respects to the product warranty offered by the same company for comparable non-reflective roof products. A company that sells only reflective roof products must offer a warranty that is equal in all material respects to the standard industry warranty for comparable non-reflective roof products.

4303.3.5 Outdoor lighting restriction.

4303.3.5.1 Area of use. For the lighting of predominately horizontal surfaces such as roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, light fixtures must be aimed straight down and must be full cutoff or fully shielded, unless the aggregate wattage per fixture does not exceed the output of a standard non-directional 60 watt incandescent lamp, i.e., 900 lumens, in which case non-cutoff fixtures are permitted.

4303.3.5.2 Maximum lamp wattage and required luminaire or lamp shielding. All lighting installations must be designed and installed to be fully shielded (full cutoff). Maximum lamp wattage for commercial lighting is 250 watts. Maximum lamp wattage for residential lighting is 100 watts for incandescent bulbs, and 32 watts for compact fluorescent bulbs.

Exceptions:

1. Luminaries for safety or security reasons.
2. Lighting in swimming pools and other water features governed by the *Dallas Electrical Code*.
3. Exit signs and other illumination required by the codes.
4. Lighting for stairs and ramps, as required by the codes.
5. Signs that are regulated by Article VII of the *Dallas Development Code*, however, all signs are recommended to be fully shielded.
6. Holiday and temporary lighting as governed by the *Dallas Electrical Code*.
7. Athletic field lighting if steps have been taken to minimize glare and light trespass.
8. Low voltage landscape lighting, but such lighting should be shielded to eliminate glare and light trespass.

4303.4 New construction with 50,000 or more square feet of floor area. Proposed projects affecting 50,000 or more square feet of floor area in a single 12 month period must meet the following requirements, although formal certification by the USGBC or an equivalent entity is not required and equivalent green building standards may be used:

1. For proposed projects utilizing the LEED NC (new construction) rating system, a minimum of 22 points are required.
2. For proposed projects utilizing the LEED CS (core and shell) rating system, a minimum of 20 points are required.
3. For proposed projects utilizing the LEED for retail rating system, a minimum of 22 points are required.
4. For proposed projects utilizing the LEED for healthcare rating system, a minimum of 25 points are required.
5. For proposed projects utilizing the LEED for schools rating system, a minimum of 25 points are required.

6. For proposed projects utilizing the LEED for homes rating system, a minimum of 38 points are required.

4303.4.1 Point total. The points required by Section 4303.4 must include:

1. 1 point under the water efficiency credit titled "Water Use Reduction (20% Reduction)."
2. A minimum of 2 points (14 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled "Optimize Energy Performance."

4303.4.2 Multifamily developments. Multifamily developments have the option of using LEED NC, LEED for homes, Green Built North Texas, or an equivalent green building standard.

SECTION 4304 PHASE 2

4304.1 General. The provisions of Section 4304 become effective October 1, 2011. Phase 2 applies to all new proposed projects.

4304.2 All new construction. All proposed projects must be LEED-certifiable, Green Built North Texas-certifiable or certifiable under an equivalent green building standard, although formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required. Each proposed project may apply for compliance under any of the following LEED rating system products: LEED NC (new construction), LEED for schools, LEED for retail, LEED for healthcare, LEED CS (core and shell) or LEED for homes.

4304.2.1 Point total. Proposed projects must achieve:

1. 1 point under the water efficiency credit titled "Water Use Reduction (20% Reduction)."
2. A minimum of 3 points (17.5 percent better than ASHRAE 90.1-2004) under the energy and atmosphere credit titled "Optimize Energy Performance."

4304.2.2 Multifamily developments. Multifamily developments have the option of using LEED NC, LEED for homes, Green Built North Texas or an equivalent green building standard."

SECTION 7. That Section R202, "Definitions," of Subchapter 2, "Definitions," of Chapter 57, "Dallas One- and Two-Family Dwelling Code," of the Dallas City Code is amended by alphabetically adding the following definitions to read as follows:

“ENERGY SYSTEMS LABORATORY. An agency established by the Texas Legislature to assist communities in evaluating code amendments to the *International Residential Code* and the *International Energy Conservation Code* which now define the minimum energy efficiency standards for the State of Texas.

GREEN BUILDING. Structures and their surrounding landscapes designed, constructed and maintained to decrease energy and water usage and costs, to improve the efficiency and longevity of building systems and to decrease the burdens imposed on the environment and public health.

GREEN BUILT NORTH TEXAS. An initiative of the Homebuilders Association of Greater Dallas that provides climate-specific guidelines and verification systems for residential and multifamily green buildings.

GREEN BUILT NORTH TEXAS-CERTIFIABLE. A proposed project that is not required to be registered with the Home Builders Association of Greater Dallas, but is planned, designed and constructed to meet or exceed a certified rating using version 2.0 of the Green Built North Texas rating system.

LEED. The Leadership in Energy and Environmental Design green building rating systems are nationally accepted standards for green buildings developed by the USGBC.

LEED-CERTIFIABLE. A proposed project that is not required to be registered with the USGBC, but is planned, designed and constructed to meet or exceed a certified rating using LEED NC (new construction) version 2.2, LEED CS (core and shell) version 2.0, LEED CI (commercial interiors) version 2.0, LEED for schools version 2007, LEED for healthcare, LEED for retail version 2 or LEED for homes.

PROPOSED PROJECT. For purposes of the green building program, the erection of any new structure for which a person, firm or corporation is required to obtain a building permit.

USGBC. The U.S. Green Building Council, a nonprofit organization comprised of leaders from the building industry formed to encourage sustainability by promoting buildings that are environmentally responsible, profitable and healthy places to live and work.”

SECTION 8. That Chapter 3, “Building Planning,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code is amended by adding a new Section 326, “Green Building Program,” to read as follows:

**“SECTION 326
GREEN BUILDING PROGRAM**

326.1 Purpose. The purpose of this section is to establish green building standards to help reduce the use of natural resources, create a healthier and more sustainable living environment and minimize the negative environmental impacts of development in Dallas and the North Texas region.

326.2 Phases. The green building program consists of two phases.

326.2.1 Phase 1. Phase 1 becomes effective October 1, 2009, and includes requirements for energy efficiency and water conservation for proposed projects. An applicant must submit a checklist from a selected green building standard, although a minimum number of points or formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required.

326.2.1.1 Energy use. Proposed projects must use 15 percent less energy than the minimum provisions of Chapter 11 of this code or Chapter 4 of the *Dallas Energy Conservation Code* as shown by:

1. Use of the International Code Compliance Calculator (IC3) software by the Energy Systems Laboratory;
2. The use of accredited energy code compliance software and the result of a HERS index of 85 or less; or
3. Installing systems that have been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency shall be considered an approved program.

326.2.1.2 Water use. Proposed projects must meet water reduction strategies that include installing high-efficiency (low-flow) fixtures or fittings which meet at least four of the following requirements:

1. The average flow rate for all lavatory faucets must be 2.0 gallons per minute.
2. The average flow rate for all showerheads must be 2.0 gallons per minute.
3. The average flow rate for all toilets must:
 - 3.1. be 1.3 gallons per flush;
 - 3.2. be dual-flush and meet the requirements of ASME A112.19.14; or
 - 3.3. meet the United States Environmental Protection Agency WaterSense specification and be certified and labeled accordingly.

4. Utilize ENERGY STAR labeled dishwashers that use 6.0 gallons or less per cycle.
5. Utilize ENERGY STAR labeled clothes washers with a modified energy factor (MEF) ≥ 2.0 and a water factor (WF) < 5.5 .
6. Utilize drip irrigation emitters for all bedding areas of the landscape plan.

326.2.2 Phase 2. Phase 2 becomes effective October 1, 2011. Phase 2 applies to all proposed projects.

326.2.2.1 All new construction. All proposed projects must be LEED-certifiable under the LEED for homes standard, Green Built North Texas-certifiable, or meet an equivalent minimum green building standard certification level as determined by the building official, although formal certification by the USGBC, Green Built North Texas or an equivalent entity is not required.

326.2.2.1.1 LEED. For proposed projects utilizing LEED for homes, the point total must include:

1. 1 point under the water efficiency credit titled "Indoor Water Use."
2. A minimum of 4 points (performance of ENERGY STAR for homes with a HERS rating of 83 or less) under the energy and atmosphere credit titled "Optimize Energy Performance."

326.2.2.1.2 Green Built North Texas. For proposed projects utilizing the Green Built North Texas standards, energy use requirements must be met by:

1. Providing an International Code Compliance Calculator (IC3)-Energy Systems Laboratory certificate to the building official showing 17.5 percent less energy consumption than the minimum requirements of Chapter 11 of this code or Chapter 4 of the *Dallas Energy Conservation Code*; or
2. A HERS index of 83 or less.

326.2.2.2 Water use. Proposed projects must meet water reduction strategies that include installing high-efficiency (low-flow) fixtures or fittings which meet at least four of the following requirements:

1. The average flow rate for all lavatory faucets must be 2.0 gallons per minute.
2. The average flow rate for all showerheads must be 2.0 gallons per minute.
3. The average flow rate for all toilets must:
 - 3.1. be 1.3 gallons per flush;

- 3.2. be dual-flush and meet the requirements of ASME A112.19.14; or
- 3.3. meet the United States Environmental Protection Agency WaterSense specification and be certified and labeled accordingly.
- 4. Utilize ENERGY STAR labeled dishwashers that use 6.0 gallons or less per cycle.
- 5. Utilize ENERGY STAR labeled clothes washers with a modified energy factor (MEF) \geq 2.0 and a water factor (WF) $<$ 5.5.
- 6. Utilize drip irrigation emitters for all bedding areas of the landscape plan.”

SECTION 9. That the ASME standards of Subchapter 43, “Referenced Standards,” of Chapter 57, “Dallas One- and Two-Family Dwelling Code,” of the Dallas City Code are amended by adding the following standard in sequential order to read as follows:

“A112.19.14—06 Six-Liter Water Closets Equipped with a Dual Flushing Device 326.2.1.2, 326.2.2.2”

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance will be discharged or affected by this ordinance. Prosecutions and suits for such offenses, liabilities, penalties, and forfeitures may be instituted, and causes of action pending on the effective date of this ordinance may proceed, as if the former laws applicable at the time the offense, liability, penalty, or forfeiture was committed or incurred had not been amended, repealed, reenacted, or superseded, and all former laws will continue in effect for these purposes.

SECTION 11. That Chapters 52, 53, and 57 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any existing structure, system, development project, or registration that is not required to come into compliance with a requirement of this ordinance will be governed by the requirement as it

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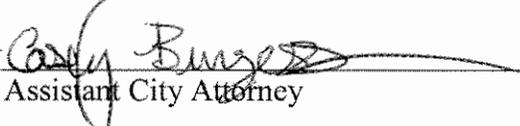
existed in the former law last applicable to the structure, system, development project, or registration, and all former laws will continue in effect for this purpose.

SECTION 12. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 13 That Phase 1 of the green building program will take effect on October 1, 2009, and Phase 2 of the green building program will take effect on October 1, 2011, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By  _____
Assistant City Attorney

Passed APR 09 2008