

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-21

3 INTRODUCED BY:

4
5 Councilor Chris Calvert

6 Councilor Peter Ives

7 Councilor Patti Bushee

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10 A RESOLUTION

11 AMENDING THE *ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL*
12 *GREEN BUILDING CODE* (“RGBC”) TO GRANT THE LAND USE DIRECTOR THE
13 AUTHORITY TO MAKE ADMINISTRATIVE CHANGES TO THE TO RGBC USER’S
14 GUIDE AND TO ADD ITEM 802.6 TO THE USER’S GUIDE; ADOPTING
15 ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE RESIDENTIAL
16 ADDITION AND REMODEL GREEN BUILDING CODE (“RARGBC”); AND DIRECTING
17 STAFF TO CREATE A USER’S GUIDE FOR THE RARGBC.

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19 WHEREAS, on March 11, 2009, the Governing Body adopted Resolution No. 2009-42
20 which approved the administrative procedures for the Santa Fe Residential Green Building Code; and

21 WHEREAS, on July 8, 2009, the Governing Body adopted Resolution No. 2009-73 that
22 amended the administrative procedures to provide equitable requirements for different heating and air
23 conditioning equipment that result in higher greenhouse gas emissions than the equivalent code-
24 minimum equipment; and to better align items with their purpose for the size of trees at planting and
25 for water efficient fixtures; and

1 **WHEREAS**, on July 29, 2010, the Governing Body adopted Resolution No. 2010-63 that
2 amended the administrative procedures to create a graduated home energy rating system (HERS)
3 requirement based on heated square footage; and

4 **WHEREAS**, on January 11, 2012, the Governing Body adopted Resolution No. 2012-12 that
5 amended the administrative procedures to be consistent with the updated National Green Building
6 Standard and to streamline the process; and

7 **WHEREAS**, the Governing Body desires to amend the RGBC administrative procedures to
8 grant the Land Use Director the authority to administratively amend the RGBC User Guide and to
9 amend the RGBC User Guide to provide guidance on how to meet requirements for installing rough
10 plumbing for future grey water use; and

11 **WHEREAS**, the Governing Body adopted Ordinance No. 2014-11 on February 26, 2014 to
12 create a new Subsection 7-4.3 SFCC 1987, Residential Addition and Remodel Green Building Code
13 for single family attached and detached; and

14 **WHEREAS**, in accordance with such Ordinance, there is a need for the Governing Body to
15 adopt administrative procedures for the “RARGBC”.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that Section 8 of the RGBC Administrative Procedures is amended as
18 follows:

19 **8. USER’S GUIDE**

20 A User’s Guide shall be maintained and provided by the Land Use Director. The User’s
21 Guide provides additional information on each RARGBC item. The User’s Guide shall
22 be used in the administration of the checklist and to inform how conflicts are resolved.
23 The User’s Guide may be amended, from time to time, by the Land Use Director.

24 **BE IT FURTHER RESOLVED** that item 802.6 is added to the User’s Guide of the RGBC
25 Administrative Procedures for the Santa Fe Residential Green Building Code as follows:

1 **802.6 Rough plumbing shall be installed for future use of gray water for landscaping**
2 **is required.**

3 **Intent:**

4 Encourage and facilitate use of gray water for landscaping, thereby reducing the amount of
5 potable water used for landscaping.

6 **Additional Information / How to Implement:**

7 In New Mexico, a state permit is not required to apply less than 250 gallons per day of private
8 residential gray water for a resident's household gardening, composting or landscape
9 irrigation if the conditions described below are met.

- 10 1. Gray water systems designed to discharge more than 250 gallons per day require a permit
11 from the New Mexico Environment Department.
- 12 2. Gray water should not be used in vegetable gardens to irrigate root crops or edible parts
13 of food crops that touch the soil. However, gray water can be used on fruit trees.
- 14 3. The gray water distribution system must be constructed so that overflow from the system
15 drains into the sanitary sewer or septic system. In some cases, a liquid waste permit may
16 be necessary if an on-site septic system is modified.
- 17 4. If gray water is going to be stored, it should not be held more than 24 hours to prevent
18 growth of bacteria. A gray water storage tank must be covered to restrict access and to
19 eliminate habitat for mosquitoes or other vectors.
- 20 5. Gray water should be discharged only in areas where there is vertical separation of at
21 least five feet between the point of discharge and the ground water table to protect ground
22 water resources from possible contamination. Current liquid waste disposal regulations
23 require that gray water not be applied within 100 feet of a domestic well or within 200
24 feet of a public water supply.
- 25 6. The gray water system must not be located in any area susceptible to flooding.

- 1 7. Gray water pressure piping should be clearly identified as carrying non-potable water and
2 not be connected with the drinking water system. (Purple pipe is traditionally used to
3 denote gray water piping, but any easy-to-identify labeling is sufficient.) Alterations or
4 additions to a plumbing system should be made by a licensed plumber, or a homeowner
5 must apply for a homeowner's plumbing permit.
- 6 8. Gray water must be used on the site where it is generated and may not run off the
7 property.
- 8 9. Gray water should be applied in a manner that minimizes the potential for contact with
9 people or domestic pets. To avoid contact, gray water must be applied to a mulched area
10 or through a subsurface piping or irrigation system.
- 11 10. Ponding of gray water is prohibited, and application of gray water must be managed to
12 minimize standing water, encourage infiltration, and prevent over-saturation of the soil.
- 13 11. Gray water must not be sprayed.
- 14 12. Gray water must not be discharged to a watercourse. Current liquid waste disposal
15 regulations require that discharges of gray water be made at least 100 feet from streams
16 or lakes or 25 feet (plus the depth of the arroyo) from an arroyo.
- 17 13. Gray water use shall comply with all applicable municipal or county ordinances, local
18 building codes, state laws, and related regulations and guidelines.

19 **Resources**

20 New Mexico Office of the State Engineer, *Using Gray Water in New Mexico's Residential*
21 *Landscape*, http://www.nmenv.state.nm.us/P2/documents/Gray_Water.pdf

22 **BE IT FURTHER RESOLVED** that the Governing Body hereby adopts the Administrative
23 Procedures for the City of Santa Fe Residential Addition and Remodel Green Building Code, attached
24 hereto as Exhibit A.

25 **BE IT FURTHER RESOLVED** that staff is directed to draft a User's Guide for the

1 RARGBC.

2 PASSED, APPROVED and ADOPTED this 26th day of February, 2014.

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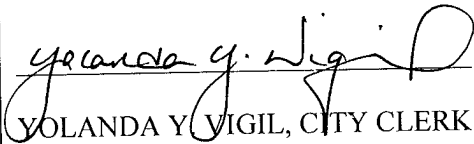
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DAVID COSS, MAYOR

6 ATTEST:

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YOLANDA Y VIGIL, CITY CLERK

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10 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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EXHIBIT A

Administrative Procedures for the City of Santa Fe Residential Addition and Remodel Green Building Code (RARGBC)

1. PURPOSE

The purpose of these administrative procedures is to establish procedures for the City of Santa Fe (herein “City”) staff, boards, commissions or committees, the Governing Body and any agent of the City to implement and administer the Residential Addition and Remodel Green Building Code (RARGBC).

2. SCOPE

This document and its attachment (the “administrative procedures”) set forth responsibilities, procedures, standards for administrative actions necessary to implement the RARGBC ordinance, which include but are not limited to the following:

- 2.1 Submitting and reviewing applicable residential addition and/or remodel building permit requests and determining compliance with the provisions of RARGBC for single-family residential addition and/or remodel permits.
- 2.2 Reviewing and approving Residential Addition and Remodel Green Building Code Chapter 11 checklists (herein called “RARGBC Chapter 11 checklists”) and/or the requirements of Chapter 12, as applicable, with building permit applicants to ensure compliance with the RARGBC ordinance and these administrative procedures.
- 2.3 Monitoring the performance of building permit holders subject to such checklists, these administrative procedures (herein, collectively called “the permit holder”) and taking appropriate action in the event of noncompliance.

3. RESPONSIBILITY FOR ADMINISTRATION

- 3.1 Land Use Director – The Land Use Director shall be responsible for the following functions with regard to administration of the RARGBC ordinance and these administrative procedures (herein, collectively called “RARGBC”) set forth below.
 - 3.1.1 Administering all functions of RARGBC.
 - 3.1.2 Administering those parts of the ordinance that permit or require the City to development incentives under the prevue of the Land Use Department.
 - 3.1.3 Requiring that applicants prepare RARGBC Chapter 11 checklists as part of all single family residential addition and/or remodel building permits subject to Chapter 11 of the RARGBC and submit them to the Green Building Code Administrator within the Land Use Department.

- 3.1.4** Approving proposed RARGBC Chapter 11 checklists for complying with RARGBC Chapter 11 from an applicant.
- 3.1.5** Where applicable and upon the City Manager's instruction, invoking sanctions for non-compliance with the requirements of the RARGBC, upon the request of the Land Use Department.
- 3.1.6** Performing other functions described as the responsibility of the Land Use Department in the RARGBC ordinance or these administrative procedures.
- 3.1.7** Providing forms, information, technical assistance and certifications with regard to compliance with the RARGBC ordinance.
- 3.1.8** Monitoring compliance with RARGBC requirements.
- 3.1.9** Determining when sanctions for noncompliance should be invoked, and requesting the city manager to direct that appropriate city departments take appropriate action.
- 3.1.10** Performing other functions not specifically described in the RARGBC ordinance or these administrative procedures, but essential for successful administration of RARGBC and within the powers and abilities of the department.
- 3.1.11** Land Use Department responsibilities do not include or supersede those responsibilities set forth in Chapter 14 SFCC.
- 3.1.12** Administration of the RARGBC shall be delegated to a Green Code Building Administrator or other staff in the Land Use Department. The staff shall be responsible for the day-to-day administration of the department's responsibilities, and shall specifically be responsible for:
 - a. Assuring that monitoring of compliance with RARGBC Chapter 11 checklists or requirements of Chapter 12, as applicable, takes place, and in the event of noncompliance, requesting that the city manager request action by appropriate departments with regard to the department's responsibilities for administering RARGBC.
 - b. Coordinating, training and monitoring the department's staff and any appropriate agent of the department with regard to the department's or agent's responsibilities for administering RARGBC.
 - c. Performing other duties as described in the RARGBC ordinance or these administrative procedures.

- 3.3 City Attorney's Office** – This office or its agent shall be responsible for the following functions with regard to administration of RARGBC:
- 3.3.1** Providing legal assistance when requested by the Land Use Department or City Manager.
 - 3.3.2** Assisting in the interpretation of RARGBC Chapter 11 checklist items or requirements of Chapter 12 when there is a disagreement.
 - 3.3.3** When requested by the City Manager or Governing Body, pursuing such legal actions as may be necessary to enforce the Residential Addition and Remodel Green Building Code or Chapter 11 checklists, if such actions are permitted by common law, state statutes, any ordinance and/or any agreement.
- 3.4 Green Building Mediation Team** - A Green Building Mediation team including a residential building contractor and Building Codes Expert shall be constituted to try and reach an agreement when a conflict arising between the Green Building Codes Administration and a Permit Applicant or Permit Holder.
- 3.5 Governing Body** – The Governing Body shall be responsible for reviewing, and approving or denying, appeals of decisions of city departments or commissions with respect to RARGBC requirements.

4. APPLICABILITY

- 4.1 Developments and Actions Subject to RARGBC** – Except as provided in this paragraph, RARGBC applies to any applications for additions or remodels affecting 50% or more of the heated square footage of a single-family residence.
- 4.1.1** The RARGBC applies to new construction
 - 4.1.2** It shall be the responsibility of the applicant to determine the applicability of RARGBC to the proposed single-family residential addition and/or remodel building permit and comply with the requirements of RARGBC.

5. DEFINITIONS

Applicant means a property owner or agent of a property owner who submits a development request to the city which is subject to the Residential Addition and Remodel Green Building Code.

City means the city of Santa Fe or its agent.

City Attorney's Office means the City Attorney's Office of the City of Santa Fe, its agent or successor.

City Code means Santa Fe City Code 1987 (SFCC 1987).

Land Use Director means the director of the Land Use Department or the director's designee.

RARGBC means the Residential Addition and Remodel Green Building Code

RARGBC Chapter 11 Checklist means a Chapter 11 checklist filed with the City by a building permit applicant for a single-family residence building permits for additions and remodels subject to Chapter 11 of the RARGBC.

6. **RARGBC CHAPTER 11 CHECKLISTS**

Following are standards and procedures for preparation, review and approval of RARGBC Chapter 11 checklists:

- 6.1 **Requirement for RARGBC Chapter 11 Checklists** – RARGBC Chapter 11 checklists shall be required by the City for all single-family residential addition and remodeling building permits subject to Chapter 11 of the RARGBC. RARGBC Chapter 11 checklists shall be approved by the Land Use Department prior to issuance of the building permit.
- 6.2 **Scope and Content of RARGBC Chapter 11 Checklists** – RARGBC Chapter 11 checklists shall include all of the following:
 - 6.2.1 A completed proposed Chapter 11 checklist showing all checklist items and associated points the permit applicant is agreeing to comply that meet the requirements of the permit application.
 - 6.2.2 The permit applicant's requirements for providing the City or its agent with verification of compliance with the RARGBC Chapter 11 checklist.
 - 6.2.3 Provisions granting access to the City or its agent to inspect records and construction sites.
- 6.3 **Other Terms that Apply to all RARGBC Chapter Checklists and all projects subject to Chapter 12** – The following terms and conditions shall apply to all RARGBC Chapter 11 checklists and all building projects subject to Chapter 12:
 - 6.3.1 The City's obligation to give notice in writing and in a timely fashion of violations including what actions are needed to correct the violation and time frame for compliance.

- 6.3.2 The City's right to impose sanctions or take other actions after notice of violation has been given and not complied with.
- 6.3.3 The expiration date of the checklist shall be the same as for the building permit.
- 6.3.4 The name of the qualified organization or organizations that has been engaged to provide any required thermal bypass inspection.

6.4 Submission of RARGBC Chapter 11 Checklists – A RARGBC Chapter 11 checklist shall be submitted with any single-family residential addition building permit request for additions greater than 400 conditioned square feet or any single-family residential remodel building permit for remodels affecting 50% or more of the heated square feet of the structure to the City.

6.5 Review of RARGBC Chapter 11 Proposals – After submittal, each RARGBC Chapter 11 checklist shall be reviewed by the Green Building Code Administrator or their designee. After review, the Green Building Code Administrator shall take one of two actions with regard to a RARGBC Chapter 11 checklist:

- 6.5.1 Approve the RARGBC Chapter 11 checklist if the checklist meets RARGBC Chapter 11 requirements.
- 6.5.2 Disapprove the RARGBC Chapter 11 checklist and refer it back to the applicant if it does not meet RARGBC Chapter 11 requirements. In this case, the Green Building Codes Administrator shall make written comments regarding the checklist's deficiencies.

6.6 Re-submittal of RARGBC Chapter 11 Checklists After Disapproval -- If a RARGBC Chapter 11 checklist has been disapproved, an applicant may resubmit revised checklists until the checklist is compliant with the RARGBC Chapter 11 requirements.

6.7 Appeals – A permit applicant or holder may appeal actions of the City with regard to RARGBC as follows:

6.7.1 An applicant may appeal if:

- a. The permit applicant believes that City staff misinterpreted the RARGBC requirements in disapproving the RARGBC Chapter 11 checklist, and the checklist as written conforms to RARGBC requirements; or
- b. The permit applicant is aggrieved by any other action of the City with regard to RARGBC.

6.7.2 All such appeals shall be made on forms provided by the Land Use Department, and must be accompanied by a description of the City action which is being appealed and the grounds for appeal. If the applicant is appealing staff disapproval of a RARGBC Chapter 11 checklist, the appeal must be accompanied by:

- a. A proposed RARGBC Chapter 11 checklist that has been disapproved by staff; and
- b. Staff comments on the RARGBC Chapter 11 checklist, including the reasons for disapproval of the checklist.

6.7.3 Appeals of staff decisions shall be heard by a Green Building Code Mediation Team. If resolution cannot be found, the appeal will then be heard by the Governing Body.

6.7.4 If a RARGBC checklist is subject to appeal, the outcome of the appeal process may determine whether the permit applicant is entitled to certain incentives. In this case, the permit applicant may choose one of the following options with regard to continued processing of the building permit:

- a. Processing may be suspended until the appeal is heard and decided.
- b. Processing may be continued. In this case, the permit applicant may determine whether to incorporate into his or her checklist any building permit incentives which are subject to the outcome of the appeal.

6.8 **Approval of Building Permits Subject to RARGBC Chapter 11** – No building permits subject to RARGBC Chapter 11 requirements may be approved by City Staff unless a RARGBC checklist has been approved in compliance with the RARGBC by the Land Use Department or appealed. Such RARGBC checklist presented by the permit applicant shall correspond to the building permit as approved by City.

6.9 **Execution of RARGBC Chapter 11 Checklists** – After the RARGBC Chapter 11 checklist has been approved by the Green Building Codes Administrator. The checklist shall be filed in the Land Use Department and monitored as implemented.

6.10 **Noncompliance with Checklists** – It shall be unlawful for any building permit holder subject to RARGBC to violate any provision of or fail to comply with any of the requirements of RARGBC. Whenever the city finds that a building permit holder has violated or is violating a requirement of the RARGBC or of a

RARGBC Chapter 11 checklist, the city shall issue a written notice of violation. The notice of violation shall:

- 6.10.1 Set forth the specific violation found;
- 6.10.2 Establish a specific and reasonable period of time for the correction of the violation found;
- 6.10.3 State that failure to comply with the notice may result in the following sanctions, depending upon which is deemed most effective and appropriate considering the nature of the noncompliance:
 - a. Issuing stop work orders
 - b. Revoking building permits
 - c. Withholding or revoking certificates of occupancy or final inspection
- 6.10.4 The notice shall be hand delivered to the building permit holder or mailed registered mail, return receipt requested to the address listed on the building permit.
- 6.10.5 The Notice shall inform the permit holder that he may request a hearing prior to any sanction being imposed.
- 6.11 **Non-Compliance Hearings** – In the event that a property owner notified of a violation requests a hearing, the hearing shall be conducted by the director of the Land Use Department after giving notice to the person requesting the hearing.
 - 6.11.1 All parties shall be allowed to respond and present evidence and argument on all issues involved.
 - 6.11.2 A record of the hearing shall be made
 - 6.11.3 Findings of fact shall be based exclusively on the evidence presented and on matters officially noticed
 - 6.11.4 Notice of the final decision shall be in writing and hand delivered to the permit holder or mailed registered mail, return receipt requested to the last-known address.
 - 6.11.5 Decisions by the director of the Land Use Department shall be final and may be appealed in district court.

6.12 Legal Action and Potential Fines – If a property owner fails to comply with, the final decision of the director of the Land Use Department, the Land Use Department shall notify the City Manager of the non-compliance and request that applicable sanctions be imposed.

7. SEPARABILITY

The provisions of these administrative procedures are separable and the invalidity of any part of these provisions shall not affect the validity of the rest of these provisions.

8. USER'S GUIDE

A User's Guide shall be maintained and provided by the Land Use Director. The User's Guide provides additional information on each RARGBC item. The User's Guide shall be used in the administration of the checklist and to inform how conflicts are resolved. The User's Guide may be amended, from time to time, by the Land Use Director.