

ORDINANCE NO. 117, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTERS 12 AND 19 OF THE CODE OF THE CITY
OF FORT COLLINS REGARDING THE REQUIREMENTS FOR
THE BUILDING ENERGY AND WATER SCORING PROGRAM

A. On March 3, 2015, City Council adopted Resolution 2015-030, recognizing the 2015 Climate Action Plan Framework (“2015 CAP Framework”), which contains a high level analysis of the strategies necessary to reduce Fort Collins’s community-wide greenhouse gas emissions and established goals to reduce emissions to 80% below 2005 levels by 2030 and to be carbon neutral by 2050.

B. On April 19, 2016, City Council adopted Ordinance No. 046, 2016, to recognize the electric utility benefits of community building energy scoring by authorizing funding from the Electric Utility Fund to establish a Building Energy Disclosure and Scoring effort to manage or reduce peak demand and overall electric service loads.

C. On December 4, 2018, City Council adopted Ordinance No. 144, 2018, creating the Fort Collins Building Energy and Water Scoring (BEWS) program in Chapter 12 of the City Code, to increase transparency and access to performance information for commercial and multi-family buildings 5,000 square feet and larger, and to enhance efficiency with community programs and partner organizations.

D. Community building energy and water scoring has served as an integral component in identifying strategies to meet the City’s Energy Policy, Water Efficiency Plan, and renewable electricity goals, and the absence of this tracking metric will reduce the efficiency of measures intended to meet these community goals.

E. The State of Colorado (C.R.S. § 25-7-142), the City and more than twenty leading peer U.S. cities, including Denver, Kanas City, St. Louis, Seattle, and Austin, have adopted BEWS reporting and transparency requirements, demonstrating the acceptability and feasibility of such requirements among local governments.

F. BEWS data provides transparent building performance information and enhances coordination with efficiency programs and partner organizations across public, nonprofit, and private sectors, improving the City’s ability to attract prospective tenants and investors seeking to live and work in an energy-conscious community.

G. As of August 6, 2024, 94.7% of building owners required to file BEWS reports have already complied for the current year; the remainder will be subject to citation into municipal court for noncompliance.

H. City Code requires officers serve BEWS noncompliance citations on a building owner at the building address or to post citations at that location, which proves

impractical for providing effective notice of municipal court proceedings involving multi-tenant buildings and other covered buildings not managed by on-site personnel.

I. Based on input from commercial building owners, operators, and real estate professionals gained during BEWS program implementation, Utilities, Sustainability Services, and Environmental Services staff have identified procedural updates in City Code to improve the practices by which municipal court citations for noncompliance with BEWS requirements are served.

J. Staff recommends that City Council adopt the proposed BEWS program service enhancements that would be applicable to all BEWS noncompliance citations issued with municipal court appearance dates on or after October 1, 2024, as administered by Sustainability Services staff in collaboration with Utilities Customer Connections and Environmental Services resources.

K. The City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety and welfare because the proposed changes are in furtherance of community climate, energy, and water efficiency efforts and, therefore, wishes to authorize the amended administration of the Building Energy and Water Scoring program requirements described in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 12-207 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-207. Violations and penalties.

Any person who violates §12-203 or §12-204 without an applicable exception or variance commits a civil infraction and is subject to the penalty provisions of §1-15(f) of the Code. Notwithstanding the citation service requirements otherwise set forth in § 19-65 of the Code, citations for violations of this section will be deemed properly served when delivered to the covered building owner or other responsible party by first-class mail at the last known address of said party, as reflected in the records of the City, County, or State. A copy of the citation may also be posted in a conspicuous place on the covered building.

Failure to comply with §12-203 or §12-204 in any calendar year shall constitute a single violation in that calendar year.

Section 2. Section 19-65(a)(4) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-65. Commencement of action; citation procedure.

(a) Officers shall have the authority to initiate enforcement proceedings as provided below.

...

(4) Except for service of citations issued according to §12-207 of this Code, the officer shall attempt to serve the citation to a responsible party at the site of the violation ...

...

Introduced, considered favorably on first reading on August 20, 2024, and approved on second reading for final passage on September 3, 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: September 13, 2024

Approving Attorney: Cyril Vidergar