

ORDINANCE NO. 2008-246

**AN ORDINANCE OF THE TOWN OF WINDSOR
AMENDING TITLE VII, BUILDING AND HOUSING, CHAPTER 2, ARTICLE 3,
APPENDIX J, GRADING, AND CHAPTER 5, ARTICLE 1, COMMERCIAL AND
RESIDENTIAL GREEN BUILDING OF THE TOWN OF WINDSOR MUNICIPAL
CODE, TO ESTABLISH REGULATIONS FOR EROSION CONTROL MEASURES
AND ENERGY AND WATER CONSERVATION**

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1. Recitals

1. The current amendments were initiated to further enhance the Towns desire to create a more sustainable community by incorporating mandatory green building measures into the design, construction, and maintenance of residential and mixed-use buildings.
2. The amended Ordinance, will increase the energy and water efficiency of buildings, encourage resource conservation, reduce waste and erosion run-off generated by construction projects, and promote the health and productivity of residents, workers, and visitors to Windsor.
3. The amended ordinance mandates specific requirements which are otherwise optional in the Green Point Checklist.
4. The Town Council adopted Ordinance No. 2007-224, entitled Title VII, Building and Housing of the Windsor Municipal Code, on October 17, 2007.

SECTION 2. Findings

1. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
2. The proposed amendments are consistent with the applicable provisions and findings of Title VII, Building and Housing Windsor Municipal Code, on October 17, 2007.

SECTION 3. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Windsor hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force 30 days following its adoption.

SECTION 5. Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published or to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

SECTION 6. Amendments

That Ordinance No. 2007-224, of the Town of Windsor entitled Title VII, Building and Housing shall remain in effect as Title VII, Building and Housing Code of the Town of Windsor Municipal Code to include the following amendments as follows:

1. Section 7-2-416 Appendix J, Section J110 Erosion Control
2. Section 7-2-416.1 Appendix J, Section J110.1 General
3. Section 7-2-416.2 Erosion Control Measures During Construction
4. Section 7-2-416.3 Erosion Control Measures Post Construction
5. Section 7-5-125 Applicability
6. Section 7-5-125 Mandatory Requirements

PASSED, APPROVED, AND ADOPTED this 5th day of November 2008, by vote as follows:

**AYES: COUNCILMEMBERS GOBLE, PARKER, SALMON AND
MAYOR FUDGE**
NOES: NONE
ABSTAIN: COUNCILMEMBER ALLEN
ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attached: Exhibit "A" Ordinance Amendments

EXHIBIT "A"

CHAPTER 2 APPENDIX J

Article 3 GRADING

Section 7-2-416, Appendix J, Section J110 Erosion Control:

Section J110 Erosion Control of the 2007 California Building Code is amended to read as follows:

Section 7-2-416.1, Appendix J, Section J110.1 General

Section J110.1 is amended to read as follows:

The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting, or other means considered by current engineering practice to be Best Management Practices (BMPs). Erosion control measures shall be in place and maintained from October 15 to April 15. No construction, grading, cutting, or filling shall be undertaken between October 15 and April 15, except in accordance with an erosion control plan approved by the Building Official. Where cut slopes are not subject to erosion due to the erosion resistant character of the materials, such protection may be omitted.

Section 7-2-416.2, Erosion Control Measures During Construction:

Appendix J, Section J110 – Erosion Control is amended by the addition of subsection J110.3 to read as follows:

The proposed measures to protect against erosion during the construction process shall be shown on the plans. The details, location, and description of said measures shall also be included on the plans. The proposed measures must be installed prior to the start of construction, and must be maintained to accommodate any changes in site conditions until project completion.

Section 7-2-416.3, Erosion Control Measures Post Construction:

Appendix J, Section J110 – Erosion Control is amended by the addition of subsection J110.4 to read as follows:

The proposed permanent erosion control measures shall be shown on the plans, which shall also include the details, location, and description of said measures. The permanent measures shall be installed in accordance with an erosion control plan approved by the chief building official. Planting completed during the summer must be monitored and maintained until well-established or until the rainy season whichever comes first.

CHAPTER 5 GREEN BUILDING

Article 1

COMMERCIAL AND RESIDENTIAL GREEN BUILDING

Section 7-5-125, Applicability:

Section 7-5-125 is amended to read as follows:

This chapter shall apply to the construction of new residential and commercial buildings, additions equal to or greater than five (500) square feet of conditioned floor area and reconstruction of buildings in which more than fifty (50) percent of the existing building is remodeled or demolished that require one or more of the following permits:

- A. Site plan approval or a conditional use permit under the provisions of the planning and zoning code.
- B. Design review under the provisions of the Downtown Specific Plan.
- C. Building permits for construction of one or more new dwelling units or commercial structures.

Section 7-5-125.1 Mandatory Requirements:

Section 7-5-125.1 is amended by adding the following:

The following mandatory requirements apply to all new residential buildings, and residential additions equal to or greater than five (500) square feet of conditioned floor area, and reconstruction of buildings in which more than fifty (50) percent of the existing building is remodeled or demolished of any size, and/or replacement of any appliance or fixture when a permit is required. Remodels and additions of five hundred (500) square feet of conditioned space and reconstruction of buildings of fifty (50) percent or more shall achieve a minimum of twenty-five (25) points on the GreenPoint rating system.

- 1. Install ENERGY STAR[®] dishwasher
- 2. Install ENERGY STAR[®] bathroom fans vented to the outside
- 3. Insulate All Hot Water Pipes
- 4. Install Central Core Plumbing and/or install Structured Plumbing with Demand Controlled Circulation Loop
- 5. Install High Efficiency Toilet (HET) dual flush or ≤ 1.28 gpf
- 6. Install wiring conduit for future photovoltaic (PV) installation
- 7. Install high efficiency showerheads that use no more than 2.0 gal/min at 80psi
- 8. Install high efficiency bathroom faucets that use no more than 1.5 gal/min at 60psi
- 9. Install high efficiency kitchen and utility faucets that use no more than 2.0 gal/min at 60psi