

Green Building Topic	Regulate at Municipal Level?		Governing Body/Obstacle to Implementation at Local Level							
	Yes	No	ICC	UCC	IECC	ASHRAE 90.1-2004	NJ-Rehab	EPA	NJDEP	RSIS
Sustainable Sites										
Steep Slope Ordinance	X								X	
Existing Tree Ordinance	X								X	
Bicycle & Pedestrian Amenities	X									
Stream Corridor Protection Ordinance	X								X	
Porous Pavement	X									X
Water Efficiency										
Native Landscape Ordinance	X									
Xeriscape Landscape Ordinance	X									
Graywater recycling systems	?								X	X
Low-flow fixtures		X	X							
Integrated Pest Management	X								X	
Energy & Atmosphere										

Minimum energy performance		X			X (residential)	X (commercial)				
Window glazing factor		X								
Programmable thermostats	X				X					
Energy Star appliance standards		X						X		
Energy Star Home/Building Rating Standard		X			X (residential)	X (commercial)				
R-value of Insulation		X								
Reflective Roofing	X									
Small Wind Ordinance	X									
Solar Access	X									
Light Pollution Reduction	X									
R-value of windows		X								
Materials & Resources										
Construction Waste: Divert 50%	X									
Green Purchasing	X									
Local Regional Materials	?									
Indoor Environmental Quality										

Notes:

(ICC=International Construction Code; UCC=Universal Construction Code; IECC=International Energy Conservation Code; RSIS= Residential Site Improvement Standards)

Sustainable Sites

Municipalities can enact a steep slope ordinance to regulate development on steep slopes (15% grade or >). See Hopewell Township, Ordinance 07-1411.

Adopting ordinances for the protection of trees is a valid exercise of the municipal police power for the protection of the health, safety and welfare of its residents. However, the methods for achieving this must relate directly to the stated goal of the ordinance and the ordinance must be clear and explicit in its terms. NJ Shore Builders vs. The Township of Jackson showed found that payments to a Tree Escrow Fund can not be made in lieu of replacing removed or protecting existing trees.

Municipalities can require building and site plans to include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks and/or benches for a designated percentage of building occupants or site visitors.

A municipality is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in riparian areas. See Monroe Township, NJ Stream Protection Corridor Ordinance.

A municipality can require that the "surface treatment of driveways shall maximize, to the greatest extent practicable, the use of pavement materials for that include porous stone, porous bituminous concrete, porous Portland Cement concrete, other porous pavement treatments or any other surface such as open-jointed pavers, "soft" paving materials including wood mulch and crushed shell, and plastic geocells or lattice-like materials that hold aggregate or topsoil in their cells to prevent displacement and compaction or base construction such that the design and construction maximizes infiltration of rainfall runoff." - Hopewell Township, Revised Design Standards 2008. Must meet RSIS alternative pavement design standards: conform with one of the following: AASHTO Method of Flexible Pavement Design, Caltrans Method of Flexible Pavement Design, Asphalt Institute Method, AASHTO Method of Rigid Pavement Design, Fatigue Strength Method of Design, Multilayer Elastic Analysis, or the National Crushed Stone Association Design.

Water Efficiency

Municipalities can create a native landscape ordinance to increase retention of native plants in all developments and prevent use of invasive exotics. See Sarasota, FL example University of Florida, <http://edis.ifas.ufl.edu/UW253>

Municipalities can require xeriscape or water efficient plantings on municipal owned and private lands. For examples see- Boulder, CO Title 9 Land Regulation, Chapter 3.3: Site Development Standards; University of Florida, <http://edis.ifas.ufl.edu/UW253>

The National Standard Plumbing Code sets minimum standards for water closets (ASME A112.19.2M- low-consumption 1.6 gal/flush); water-fed urinals (ASME A112.9.6 low-consumption 1.0

gal/flush); faucets (ASME A112.18.1 low-consumption 2.2 gal/p/minute); and shower heads (ASME A112.18.1M)

Municipalities can enact an Integrated Pest Management policy that requires the use of organic pest management practices on municipally owned lands by municipal employees and private contractors. See Dennis Township, NJ Organic Pest Management Policy for Turf and Landscape 2008.

Energy & Atmosphere

Municipalities can't require builders to install more insulation and more efficient heating, cooling and lighting systems than the state does. Can't require a housing's energy system to be upgraded at the time of sale? Can't require but can provide incentives for homeowners/builders to join the "NJ Energy Star Homes" program as a way to meet energy code requirements. All new school projects must meet all LEED prerequisites and achieve sufficient criteria to score at least 26 points on the LEED rating scale, wherever possible. However, due to extra costs and time, LEED "certification" is not required.

Commercial codes specify a minimum glazing factor of 8%, can't require anything greater.

IECC specifies that one thermostat be provided for each heating system; no differentiation between manual and programmed. Can require residential/commercial buildings to install programmable thermostats?

Appliance standards are set by the Federal Government. The only way for a State to set higher standards is to file an exemption with the Federal Government. Presumably this is what Austin, TX has done in requiring energy star appliances – for example – higher than the fed standard. Bonnie Watson-Coleman has introduced legislation into the lame duck session to bring NJ up in energy efficiency on appliances, by 2%. This would bring NJ to 5% below Energy Star standards. Isn't it harder for people to figure out/buy appliances based on 5% below ES than just ES, which is easy to locate and buy and carries w/ it no transaction costs (e.g., researching of appliances for percentage ee). Moreover, the state of nj has incentives for ES purchases. Energy Independence and Security Act of 2007, signed into law on December 19th, phases out the use of inefficient incandescent lights and imposes improved energy efficiency standards on a wide variety of products, including residential appliances with different regional and climatic standards.

See notes under Minimum energy performance. Model Ordinance: Brookhaven, NY "Energy Star Homes Ordinance"

Municipalities can't require builders to install more insulation than the State does.

Commercial/residential codes specify roof material standards, fire resistance, pitches, and construction methods. Insulation techniques are also specified. No mention of reflective properties/colors.

NJBPU's New Jersey Small Wind Working Group, working in partnership with the USDOE, local municipalities and other stakeholders, to overcome local land use barriers, developed a NJ Small Wind Model Ordinance.

Enabling legislation has been passed giving munis the opportunity to proactively establish solar access ordinances but have not heard of any muni actually enacting such an ordinance in NJ. A prohibition against Homeowners Associations with restrictive covenants was passed on August 21, 2007. The State of New Jersey passed legislation (A2853, P.L. 2007 Chapter 153, C.45:22A-48.2) on August 21, 2007 which took effect immediately, that bans community associations from enacting or enforcing such restrictions on solar energy systems.

See Hopewell Township, NJ Design Standards: Light Pollution Reduction

Municipalities can't require builders to install higher r-value windows than the State does.

Materials & Resources

Municipalities can require mandatory green building requirements to ensure that construction waste and deconstruction materials are recycled, reused, or otherwise diverted from landfills. (i.e., require a construction waste management plan and require verification that 50% of construction waste is diverted from a landfills.) See Boulder, Colorado Ordinance 7565 (Green Building & Green Points Program)

Municipalities can require by ordinance/resolution purchasing agents to take a course on Environmentally Preferable Purchasing. §2 - C.40A:11-9.

Indoor Environmental Quality

Radon Hazardous Sub-code: The construction techniques set forth in this subsection shall be the minimum radon hazard protective features required to be incorporated into construction of buildings in Use Groups E and R in tier one areas, and may be incorporated elsewhere, in order to minimize radon and radon progeny entry and facilitate any post-construction radon removal that may be required. Enumeration of these construction techniques is not intended to preclude voluntary use of additional or more extensive techniques. Full compliance with these construction techniques is not required for additions; however, those construction techniques that are feasible shall be incorporated.

Innovation & Design

Municipalities can require developers/builders to provide building occupants with a manual containing information on green design features, how to optimally operate & maintain equipment, including programmable thermostats; how to clean and maintain green materials; how to conserve energy & water.

LEED standards exceed those of the State Uniform Construction Coded and violate NJSA 52:27D-123.1. A municipality can't require all buildings within a green building overlay zone to be LEED certified. Instead, a builder can be encouraged to submit a variance application that would include an agreement to build to LEED standards.

Projects in the New Jersey Meadowlands District are eligible for incentives based on the level of LEED certification achieved:

- 30 percent refund of required zoning fees for Platinum certification
- 25 percent refund of required zoning fees for Gold certification
- 20 percent refund of required zoning fees for Silver certification
- 15 percent refund of required zoning fees for certification
- Priority review of applications for development
- Density bonuses and additions

City of Boulder, Colorado Green Building & Green Point Program; Monroe Township, NJ Green Building Carrot & Incentive Ordinances