**2022 Model All-Electric Municipal Ordinance - Exceptions**

*Peninsula Clean Energy (PCE), Silicon Valley Clean Energy (SVCE), and East Bay Community Energy (EBCE) provide potential qualifying exceptions for the 2022 model all-electric municipal ordinance. PCE, SVCE, and EBCE do not broadly promote the use of any of these exceptions, but recognize that related concerns may persist during stakeholder feedback. An overview of each Section is provided below:*

* *Section 10.100.020. Definitions included solely for the purpose of the exceptions*
* *Section 10.100.030. Language reflects adjustments to the model language to allow qualifying exceptions.*
* *Section 10.100.070 A, B, and C. Exceptions that are general and based on precedence from several other gas ban ordinances to mitigate unforeseen circumstances.*
* *Section 10.100.070 D, E, and F. Exceptions that represent specific technical challenges that have arisen for building electrification, but may be solved cost-effectively over time through market evolution.*
* *Section 10.100.080 and 10.100.090 outline electric-readiness and revocation criteria for all exceptions.*

*Enumeration in your ordinance may change to be appropriately integrated into the overall gas infrastructure ban. PCE, SVCE, and EBCE promote the regular re-assessment of adopted the following criteria to reduce unnecessary exceptions that promote the use of a gas grid.*

|  |  |
| --- | --- |
| **Version Date** | **Summary of Updates** |
| January 25, 2022 | 1st draft |
| July 8, 2022 | Added clarification that inactive fossil fuel infrastructure cannot have a meter installed |
| September 2022 | Removed exemption for hotel clothes dryers. |

CHAPTER 10.100 – PROHIBITION OF FUEL GAS PLUMBING INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

[…]

10.100.020 Definitions

1. “Applicant” shall be defined as an applicant for a Building Permit under Chapter XX.
2. “Commercial food heat-processing equipment” shall be defined as equipment used in a food establishment for heat-processing food or utensils and that produces grease vapors, steam, fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system, as defined in the California Mechanical Code.
3. “Energy Code” shall mean the California Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 6, as adopted in Municipal Code Chapter YY.
4. “Electric heating appliance” shall mean a device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as specified in the California Mechanical Code.
5. “Hotel or Motel” means a building as defined the California Building Code, Chapter 2, Section 202.
6. “Industrial process heat” shall be defined as a process or manufacturing equipment for which sustained temperatures typically in excess of three hundred fifty degrees Fahrenheit are required and demonstrably not achievable with commercial electric equipment.

10.100.030 Prohibited Fuel Gas Infrastructure in Newly Constructed Buildings

1. Existing *fuel gas infrastructure* shall not be extended to any system or device within a building unless an exception applies pursuant to the provisions of this chapter. Inactive *fuel gas infrastructure* shall not be activated, shall not have a meter installed, and/or shall not be otherwise operated unless the exceptions specified in this chapter have been confirmed as part of the issuance of a building permit.

[…]

10.100.080 Qualifying Exceptions

1. Minimally necessary and specifically tailored *fuel gas infrastructure* shall be allowed in a *newly constructed building* on a revocable basis limited to the duration of time during which one of the conditions set forth below is satisfied, and the building continues occupancy as the specified in the original construction drawings permitted by the city as a *newly constructed building*.
2. Compliance Pathway. If the *applicant* establishes that it is not feasible to construct the building without *fuel gas infrastructure*. For purposes of this exception, “feasible to construct the building” means either an all-electric prescriptive compliance approach is available for the building under the Energy Code or the building is able to achieve the performance compliance standards under the Energy Code using commercially available technology and a calculation method approved by the City.
3. Public Interest. If the *applicant* establishes that the use serves the public interest and any and all possible alternative technologies or systems use *fuel gas*. In determining whether *fuel gas infrastructure* is in the public interest, the city will consider impacts on the health, safety, or welfare of the public.
4. Industrial Process Heat. On or before January 1, 2025, an *applicant* may request an exception for utilizing *fuel gas infrastructure* for equipment requiring *industrial process heat*.
5. Commercial Cooking. On or before January 1, 2025, an *applicant* may request an exception for utilizing *fuel gas infrastructure* for *commercial food heat-processing equipment*.

10.100.090 Electric Readiness for Qualifying Exceptions

1. Where *fuel gas infrastructure* is permitted due to any qualifying or limited exceptions, *newly constructed buildings* shall be required to have sufficient electrical capacity, including reserved circuit breakers, electrical conduit, subpanels, panels, switchboards, and transformers, to facilitate future full building electrification in accordance with the California Electrical Code and manufacturer specifications, in addition to all other code requirements, as certified by affidavit of either a registered design professional or a licensed electrical contractor.
2. Physical space for future *electric heating appliances*, including equipment footprint and any associated ducting, shall be depicted on the construction drawings. The footprint necessary for future *electric heating appliances* may overlap with non-structural partitions and with the location of currently designed combustion equipment.

10.100.100 Revocation of Qualifying Exception

At such time as the conditions of the applicable revocable building and infrastructure exemption of this Chapter cease to be satisfied, the *fuel gas infrastructure* shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable codes.