



Legislation Details (With Text)

File #: 54155 **Version:** 2 **Name:** Air conditioning limitations

Type: Ordinance **Status:** Filed

File created: 12/18/2018 **In control:** COMMITTEE ON THE ENVIRONMENT (ended 6/2020)

On agenda: 1/8/2019 **Final action:** 3/5/2019

Enactment date: **Enactment #:**

Title: SUBSTITUTE Creating Section 23.61 of the Madison General Ordinances to impose air conditioning limitations on commercial use buildings or structures.

Sponsors: Ledell Zellers, David Ahrens, Samba Baldeh, Keith Furman, Arvina Martin, Marsha A. Rummel, Zach Wood

Indexes:

Code sections:

Attachments: 1. Substitute Body, 2. Version 1

| Date | Ver. | Action By | Action | Result |
|------------|------|---|---|--------|
| 3/5/2019 | 2 | COMMON COUNCIL | Place On File Without Prejudice | Pass |
| 2/25/2019 | 1 | SUSTAINABLE MADISON COMMITTEE | RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE - REPORT OF OFFICER | Pass |
| 2/18/2019 | 1 | COMMITTEE ON THE ENVIRONMENT (ended 6/2020) | Re-refer | Pass |
| 2/6/2019 | 1 | BOARD OF HEALTH FOR MADISON AND DANE COUNTY | Return to Lead with the Recommendation for Approval | Pass |
| 1/28/2019 | 1 | SUSTAINABLE MADISON COMMITTEE | | |
| 1/8/2019 | 1 | SUSTAINABLE MADISON COMMITTEE | Referred | |
| 1/8/2019 | 1 | SUSTAINABLE MADISON COMMITTEE | Referred | |
| 1/8/2019 | 1 | COMMON COUNCIL | Refer | Pass |
| 12/18/2018 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

The proposed ordinance imposes air conditioning limitations on commercial use buildings or structures and sets penalties for convictions of violations. Any enforcement costs related to the ordinance are included in existing budgets. Revenue from forfeitures is expected to be minimal. There is no appropriation required.

Title

SUBSTITUTE Creating Section 23.61 of the Madison General Ordinances to impose air conditioning limitations on commercial use buildings or structures.

Body

DRAFTER'S ANALYSIS: Under the exercise of the City's statutory home rule authority, as established by Wis. Stat. Sec. 62.11(5), the City is establishing a limitation on the use of certain air conditioners. The overuse of air conditioners contributes to wasted air conditioning during summer months and is harmful to the public's health, safety and welfare by contributing to significant peak time demands on the electrical grid and the subsequent release of greenhouse gases. This ordinance would prevent commercial establishments from keeping windows and doors open longer than is reasonably necessary if the adjacent space is air conditioned.

Commercial use is defined, by ordinance, to include a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time. This ordinance would be enforceable by Public Health, Building Inspection and the Police Department.

This substitute creates an exception to the requirements of this section for hotel rooms since those are generally out of the control of the owner or operator of the hotel. This substitute also sets a threshold of 82 degrees for the air conditioning prohibition based upon input received from commercial representatives who expressed that at this temperature, windows and doors are usually closed because the adjoining space cannot be sufficiently cooled with air conditioning. Air conditioning of space open to the outside at this temperature would be wasteful and impractical. This substitute also creates an exception for the separate air conditioning of kitchens or the use of flex spaces adjacent to air conditioned spaces. Kitchens present their own issues related to the high temperatures generated by food preparation. Recent design trends have favored the use of flex spaces and this amendment clarifies that these areas would still be permitted, provided the conditioned air is not comingled with the flex space that is open.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "Substitute Body" in Attachments.