

## ORDINANCE

### **AN ORDINANCE AMENDING CHAPTER 7 (“BUILDINGS”) ARTICLE 14 (“ENERGY AND WATER BENCHMARKING”) OF THE OAK PARK MUNICIPAL CODE BY CHANGING THE DUE DATE OF THE ANNUAL BENCHMARKING REPORT.**

**WHEREAS**, The Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to its Constitutional home rule powers, the Village has the authority “to regulate for the protection of the public health, safety, morals, and welfare,” Ill. Const art. 7 § 6; and

**WHEREAS**, the “powers and functions of home rule units shall be construed liberally,” and written “with the intention that home rule units be given the broadest powers possible,” *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

**WHEREAS**, the Village of Oak Park has adopted the Climate Ready Oak Park Plan (the “Plan”), which sets forth a vision for a sustainable and equitable future; and

**WHEREAS**, the Plan’s objectives include reducing greenhouse gas emissions by 60% by 2030 and reaching net-zero by 2050; and

**WHEREAS**, the Village’s community-wide greenhouse gas inventory identifies that over 70% of emissions are from building energy use; and

**WHEREAS**, the Village Board has determined to adopt this Ordinance pursuant to the above authority in order to clarify the maintenance responsibility in the parkways and encourage Village residents to plant native gardens subject to the conditions set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Oak Park, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Village Code Amended.** Chapter 7 (“Buildings”) Article 14 (“Energy and Water Benchmarking of the Oak Park Village Code is amended as follows

## CHAPTER 7 BUILDINGS

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### ARTICLE 14 ENERGY AND WATER BENCHMARKING

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#### 7-14-2: DEFINITIONS

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DEPARTMENT. ~~The Development Customer Services Department~~ The Office of Sustainability and Resilience.

DIRECTOR: ~~The Development Customer Services Department Director~~ Chief Sustainability Officer or ~~the Director's~~ designee.

ENERGY: Electricity, natural gas, steam, or other ~~products~~ fuels sold by a Utility or delivered to an owner of property, or renewable energy generated on-site ~~electricity generation~~, for purposes of providing heating, cooling, lighting, water heating, or powering or fueling other end uses as recorded in the benchmarking tool.

~~ENERGY STAR® PORTFOLIO MANAGER®: The tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings.~~

ENERGY STAR® Score: The 1-100 numeric rating generated by the ENERGY STAR® Portfolio Manager® tool as a measurement of a building's energy efficiency.

GROSS FLOOR AREA: The total property area, measured between the outside surfaces of the exterior walls of the building(s). This includes all areas inside the building(s) including but not limited to lobbies, Tenant areas, common areas, meeting rooms, break rooms, atriums (count the base level only), restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, and storage rooms.

OWNER: Any of the following:

- A. An individual or entity possessing title to a property;
- B. The board of a condominium association in the case of a condominium;
- C. ~~The condominium association in the case of a Condominium where the powers of an owners' association are exercised by or delegated to an association~~ The master association, in the case of a condominium, where the powers of an owners' association are exercised by or delegated to a master association;
- D. The board of directors in the case of a cooperative apartment corporation; or

E. An agent authorized to act on behalf of any of the above.

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**7-14-3: BENCHMARKING SCHEDULE:**

A. The owner of a covered property shall ensure that a benchmarking report is generated, completed, and submitted to the Director annually for a covered property.

B. The initial benchmarking report for a covered property shall be filed in accordance with the schedule in the table below. Subsequent benchmarking reports for each covered property shall be due by December 31 of each year thereafter through December 31, 2026. Starting on June 30, 2027, benchmarking reports shall be due on June 30 each year thereafter.

~~C. The Director shall make each covered property's data transparency information available to the public beginning the year after the property is first required to submit a benchmarking report in accordance with the schedule in the table below. Subsequent data transparency information will be made public each year thereafter. No more than twelve months after the property is first required to submit a benchmarking report, the Director shall make each covered property's data transparency information publicly available. Subsequent data transparency information will be made public each year thereafter in accordance with the table below.~~

Property	Initial Reporting Date	Data Transparency Year
Covered Village Properties = 10k sq. ft.	June 1, 2023	2024
Covered Non-Village Properties = 10k sq. ft.	December 31, 2023	2024

**7-14-4: COLLECTING AND ENTERING BENCHMARKING DATA:**

A. Each year, an owner of a covered property shall collect and enter all data needed to benchmark the entire property for the previous calendar year into the benchmarking tool. Aggregated whole-building data for a property's energy and water use shall be compiled using one or more of the following methods:

1. Obtaining aggregated whole-building Data from a utility;
2. Collecting data from all tenants; or

3. Reading a master meter.

B. If the owner of a covered property does not have access to aggregated whole-building energy and water consumption data (~~energy and water~~), such owner shall request aggregated whole-building data from each utility company that provides energy or water service to a property. If a utility does not provide aggregated whole-building data for energy ~~or~~ water service, an owner of a covered property shall request energy and water data from any applicable tenants. An owner may also request authorization from any applicable tenants for the utility to share their data with an owner. An Owner is required to submit a Benchmark Report regardless of timely cooperation by a Tenant or timely provision of data by a utility. An owner who is unable to obtain the required energy and water consumption data by the reporting deadline may request an extension to the deadline from the Director.

C. Each nonresidential tenant located at a covered property shall provide an owner with all information necessary to comply with the requirements of this article that cannot otherwise be acquired by an owner within forty-five (45) days of a request.

D. Nothing in this article shall be construed to permit a property owner to use tenant energy usage data for purposes other than compliance with benchmarking report requirements, nor shall the reporting requirements of this article be construed to excuse property owners from compliance with federal or state laws governing direct access to tenant utility data from a responsible utility.

**7-14-5: BENCHMARKING REPORTING:**

A. For each covered property subject to this article, an owner shall submit a benchmarking report in an electronic format via the benchmarking tool annually by the date set forth in section 7-14-3 above of the year following the end of the 12 month period included in the Benchmarking Report.

B. The information included in a benchmarking report shall include the data and information ~~was that is~~ entered in the benchmarking tool as set forth in sections 7-14-3 above for the previous calendar year.

C. An owner of a covered property shall ensure that data entered into the benchmarking tool shall be based on the aggregated whole-building data for energy and water service for the calendar year being reported.

D. Before submitting a benchmarking report, an owner shall run all data quality checker functions available within the benchmarking tool and shall verify that all data has been accurately entered into the benchmarking tool. In order for the benchmarking report to be considered in compliance with this article, an owner shall correct all missing or incorrect information as identified by the data quality checker prior to submitting the benchmarking report to the Director.

E. If an owner becomes aware that any information reported as part of the current year benchmarking report is inaccurate or incomplete, the owner shall amend the information

reported within the benchmarking tool, and shall provide the Director with an updated benchmarking report within thirty (30) days of learning of the inaccurate or incomplete information. (Ord. 23-18, 2-6-2023)

**Section 4. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provide by law.

**ADOPTED** this 19<sup>th</sup> day of May, 2026, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Eder				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

**APPROVED** this 19<sup>th</sup> day of May, 2026.

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Vicki Scaman, Village President

**ATTEST**

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Christina M. Waters, Village Clerk

Published in pamphlet form this \_\_\_ day of \_\_\_\_\_, 2026.

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Christina M. Waters, Village Clerk