

ORDINANCE NO. 18

SERIES 2008

AN ORDINANCE AMENDING ARTICLE 16-4 OF THE TOWN CODE (ENERGY CONSERVATION CODE) TO ADOPT BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC), 2003 EDITION, PROMULGATED BY THE INTERNATIONAL CODE COUNCIL, AND TO AMEND OTHER PROVISIONS OF THE TOWN CODE TO ACHIEVE CONSISTENCY THEREWITH

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Energy Conservation Code (the "**Town Energy Code**") contained in the Crested Butte Municipal Code of 1986, as amended (the "**Town Code**"), contains requirements that building construction satisfy certain energy conservation standards;

WHEREAS, the Colorado General Assembly adopted legislation during its 2007 session that requires that the Town adopt a building and energy code that meets or exceeds standards set in the 2003 version of the International Energy Conservation Code (the "**IECC**");

WHEREAS, the Town staff has determined that the standards for energy conservation in construction contained in the IECC will help to increase energy efficiency in construction and promote environmentally conscious building practices as intended by the Town Council in its adoption and the Town's implementation of the Town Energy Code;

WHEREAS, the Town staff recommends that the Town Council adopt the IECC forthwith, and in conjunction therewith, amend the Town Energy Code to include certain conforming changes so that the Town Code will be in compliance with Colorado law and so that the Town Code will further foster energy efficiency in construction and promote environmentally conscious building practices; and

WHEREAS, the Town Council has determined that the below amendments to the Town Energy Code suggested by the Town staff promote the desired goals of the Town Council to increase energy efficiency in construction and foster environmentally conscious building practices, and accordingly are in the best interest of the environment, health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 16-4-3. – Utilization of Home Energy Rating System (HERS). Section 16-4-3 is hereby deleted in its entirety and replaced with the following new Section:

“16-4-3. – Utilization of Home Energy Rating System (HERS). All new, heated residential structures must comply with either 16-4-4 or, in lieu thereof, may obtain a Home Energy Rating System (HERS) of 85 or less.”

Section 2. Amending Section 16-4-4. - Minimum Efficiency Standards for New Construction. Section 16-4-4 is hereby deleted in its entirety and replaced with the following new Section:

“Section 16-4-4. - Adoption of International Energy Conservation Code, 2003 Edition (IECC); Minimum Efficiency Standards for New Construction. The International Energy Conservation Code, 2003 Edition (IECC), is hereby adopted by reference for the purpose of setting energy efficiency and conservation standards in building projects. Without limitation, new buildings and additions that are to be heated must comply with the IECC. For purposes of this Article, Sections 402.2.1, 502.2.1, 502.2.2, 502.2.3, 502.2.4, 802.2 and 806.4.3 of the IECC shall be amended to include the following: “Each component of the building envelope shall at a minimum meet or exceed the values specified in the Simplified Prescriptive Envelope Thermal Component Criteria for Climate Zone 17 found in Table 602.1.”

Section 3. Amending Section 16-4-6. – Solid Fuel Burning Device Permit. Section 16-4-6 is hereby deleted in its entirety and replaced with the following new Section:

“Section 16-4-6. – Solid Fuel Burning Device Permit. Only one (1) solid fuel burning device shall be permitted within any structure. Permits for solid fuel burning devices shall be obtained from the Building Official. Prior to issuance of a permit allowing for the placement of a solid fuel burning device within any structure the applicant for such permit must conduct an Energy Star (E Star) energy efficiency test. The results of such energy efficiency test shall be provided to the Building Official along with the permit application for any solid fuel burning device. The cost and expense of such E Star energy efficiency test shall be borne by the permit applicant. All solid fuel burning device permit applications must include a HERS rating for the structure of not more than (i) 85 for any new structure, and (ii) 100 for any existing structure. Permissible solid fuel burning devices may emit no more than (i) 2.5 grams of exhaust per hour for catalytic stoves, or (ii) 4.5 grams of exhaust per hour for non-catalytic stoves. All solid fuel burning devices must incorporate exterior combustion air ventilation that complies with Section 703 of the International Mechanical Code (IMC), as defined in Article 16-5 of the Town Code. Ducting for solid fuel burning devices must be fitted with back draft dampers. All applications for solid fuel burning devices shall reflect the applicant's compliance with the foregoing requirements. (Ord. 12, 2006; Ord. 2, 2007 §§ 2, 3).”

Section 4. Amending Section 16-4-7. - Minimum Efficiency Standards for the Renovation of Existing Historic Buildings. Section 16-4-7 is hereby deleted in its entirety and replaced with the following new Section:

"Section 16-4-7. - Minimum Efficiency Standards for the Renovation of Existing Historic Buildings. Buildings or portions thereof undergoing renovations that are to be heated must comply with Section 16-4-4. The Building Official may waive any or all of the requirements of 16-4-4 at his/her discretion per IECC 101.2.2.3 Historic Buildings."

Section 5. Amending Section 16-4-8. - Building Science Requirements. A new subsection (E) is added to Section 16-4-8 and shall read as follows:

"(E) Requirements for Sealed Combustion, Direct Vent Heating Equipment. All gas fired boilers, furnaces, water heaters and fireplaces must be sealed combustion, direct vent type appliances, or an appliance otherwise approved by the Building Official."

Section 6. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 7. Savings Clause. Except as amended hereby, the Town of Crested Butte Municipal Code of 1986, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 15th DAY OF September, 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 16th DAY OF October, 2008.

TOWN OF CRESTED BUTTE, COLORADO

By: Alan Bernholtz
Alan Bernholtz, Mayor

ATTEST:
Eileen Hughes
Eileen Hughes, Town Clerk

