

**ORDINANCE NO. 12**

**SERIES 2006**

**AN ORDINANCE AMENDING THE EXISTING ARTICLE 16-4, REGARDING THE ENERGY, ENVIRONMENTAL AND RENOVATION OPTION POINT SYSTEM AND MINIMUM EFFICIENCY STANDARDS.**

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

**WHEREAS**, the Town has adopted the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential and Residential Buildings, for the purpose of assuring that new construction within the Town meets or exceeds reasonable energy efficiency standards; and

**WHEREAS**, the Town staff has recommended to the Town Council that the previously adopted standards be amended and replaced with a new system to more accurately assure that higher energy efficiency construction methods are being utilized in the Town, and that those responsible for new construction are informed as to what steps may be taken to most efficiently use their limited resources to enhance energy conservation; and

**WHEREAS**, the Town Council finds that by giving building permit applicants the option to have their proposed structures rated for energy efficiency by an approved entity, the Town is providing applicants with a choice as to who rates their structure;; and

**WHEREAS**, the Town Council finds that adoption of this Ordinance is in the best interests of the health, safety, and general welfare of the Town's residents.

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

**Section 1.** Amending the Section 16-4. Section 16-4 of the 1987 Crested Butte Municipal Code (hereafter "Code") is hereby amended by deleting it in its entirety, and by replacing it with the following:

"Article 16-4  
Energy Conservation Code

**Section 16-4-1. - Purpose.** The intent of this article is to ensure energy conservation and sustainable building practice within the Town of Crested Butte. All new, heated

structures must comply with the terms of this Article.

**Section 16-4-2. – Definitions.** For purposes of this Article, the use of a plural form shall not necessarily imply that more than the singular is suggested, condoned or allowed, and the following terms shall have the meanings herein given:

Home Energy Rating System (HERS) Certificate: A certificate generated by an accredited home energy rating system program provider.

Renovation: To improve or repair a structure and may include preservation and rehabilitation.

R Value: A term used to describe the thermal transmission of heat through a combination of insulating components in a wall, roof or foundation assembly.

Sustainable Building Practices: Building practices that accommodate increased population by means that reduce overall per capita energy usage.

U Value: The reciprocal of R value. The rate of non-solar heat flow through a building.

**Section 16-4-3. Utilization of Home Energy Rating System (HERS).** All new, heated structures must comply with either the Minimum Efficiency Standards set forth below, or may obtain a Home Energy Rating System (HERS) certificate that establishes either a 4 Star E Star rating, or its equivalent.

**Section 16-4-4. – Minimum Efficiency Standards for New Construction.** New buildings and additions that are to be heated must have the following R-values:

Wall and rim joist assemblies	R-21
Roof assemblies	R-38
Stem wall assemblies	R-20
Basement wall assemblies	R-20
Floors over spaces exposed directly to outside air	R-38
Frost protected shallow foundations	R-20
Heated underslab	R-10

The following are also required:

1. Windows must have a maximum U value of .35.
2. All sources of infiltration between conditioned space and unconditioned space must be weather-sealed with an approved system.
3. Gas-fired warm air furnaces, boilers, fireplaces and water heaters must be direct vent, sealed combustion appliances or otherwise an appliance approved by the Building

Official.

4. Supply air duct joints must be sealed with an approved system. Supply air ducts must be insulated with a minimum R-8 wrap or other approved method when located outside of conditioned space.
5. Hot water lines must be insulated with one and one-half inch (1 1/2") foam or other approved method when located outside of conditioned space.
6. Hydronic under floor heating placed in floor assemblies that separate conditioned space from unconditioned space must be insulated with a minimum R-21 foil faced insulation.
7. The horizontal element of frost protected shallow foundations must be insulated to a depth of at least forty-eight inches (48").

**Section 16-4-5.** - Standard for Issuance of a Solid Fuel Burning Device Permit. Prior to the issuance of a building permit allowing the placement of a solid fuel burning device within a structure, the building envelope must be determined to perform at an R0-22 minimum as determined through the heat loss calculation found in the Residential Building Energy Conservation Standards Handbook, adopted Winter 1980, published by the Colorado Division of Housing, Office of Energy Conservation, which publication shall have the same force and effect as if fully set forth herein. The subject matter of the referenced publication is adopted for the purpose of protecting the public health, safety and general welfare.

**Section 16-4-6.** – Minimum Efficiency Standards for the Renovation of Existing Historic Buildings. Buildings or portions of buildings undergoing renovation that are to be heated must comply with Section 16-4-4 except as follows:

R-values;

Roof assembly	R-28
Floors over spaces exposed directly to outside air	R-28

Additionally:

1. Windows must be double pane or have storm windows installed.
2. Historic single pane windows must be preserved when feasible.
3. Storm windows on the interior must be installed when feasible.
4. Alternate minimum efficiency standards shall apply to only those areas of a structure being renovated.
5. Projects that qualify for state or federal historic tax credits may be exempt from conforming to this Code at the discretion of the Building Official."

**Section 16-4-7.** Penalties. It shall be unlawful for any person to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy, or maintain any building or structure within the Town of Crested Butte, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Article. Any person

violating any of the provisions of this Article shall be punishable by a fine not exceeding one thousand dollars (\$1000). Each and every day or portion thereof during which any such violation is committed, continued or permitted, shall be considered a separate offense.”

**Section 2.** 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 3.** Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

TOWN

OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Alan Bernholtz, Mayor

ATTEST:

\_\_\_\_\_  
Eileen Hughes, Town Clerk

(SEAL)

