

**ORDINANCE NO. 2**

**SERIES 2007**

**AN ORDINANCE AMENDING ARTICLE 16-4  
(ENERGY CONSERVATION CODE) TO INCLUDE  
CERTAIN ADDITIONAL REQUIREMENTS  
APPLICABLE TO NEW CONSTRUCTION AND  
RENOVATIONS IN ORDER TO FURTHER  
PROMOTE INCREASED ENERGY EFFICIENCY  
AND ENVIRONMENTALLY CONSCIOUS  
BUILDING PRACTICES**

**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 contained in the Town's Municipal Code (the "Code") contains a system that ensures that higher energy efficiency construction methods are being utilized in the Town, and that those involved in new construction, additions and remodels are informed as to what steps may be taken to most efficiently enhance energy conservation;

**WHEREAS**, the Town Staff has recommended to the Town Council certain additional measures should be taken by those involved in new construction, additions and remodels that will increase energy efficiency and promote environmentally conscious building practices;

**WHEREAS**, the Town Council finds that giving those involved in new construction, additions and remodels a direction toward utilizing energy efficient and environmentally conscious building practices is in the best interests of the health, safety and general welfare of the residents of the Town; and

**WHEREAS**, the Town Council desires to amend the Code to provide for additional requirements applicable to those involved in new construction, additions and remodels so that such construction will further promote energy efficiency and environmentally conscious building practices.

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

**Section 1. Amending Section 16-4-4. - Minimum Efficiency Standards for New Construction.** Reference to the R-value of "R-38" for "Roof assemblies" is hereby amended and replaced with "R-49".

**Section 2. Adding a new Section 16-4-5. - Minimum Efficiency Standards for New Construction – Commercial Structures Greater than 20,000 Square Feet.** A new Section 16-4-5. - Minimum Efficiency Standards for New Construction – Commercial Structures Greater than

20,000 Square Feet, is added to the Code and shall read as set forth below. All Sections appearing after this new Section 16-4-5. shall be renumbered to account for the inclusion of this new Section 16-4-5. Old Section 16-4-6. becomes new Section 16-4-7. Old Section 16-4-7. becomes Section 16-4-10.

**“Section 16-4-5. - Minimum Efficiency Standards for New Construction – Commercial Structures Greater than 20,000 Square Feet.** All new commercial buildings in excess of 20,000 square feet must be Leadership in Energy and Environmental Design (LEED) certified. The cost and expense of achieving a certified rating shall be borne by the applicant for the building permit for the structure.”

**Section 3. Amending old Section 16-4-5. - Standard for Issuance of a Solid Fuel Burning Device Permit.** Old Section 16-4-5. is now new Section 16-4-6. and is hereby deleted in its entirety and replaced with the following:

**“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 a 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 an E Star rating for the structure of not less than (i) 4.5 E Stars for any new structure, and (i) 3.5 E Star 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.”

**Section 4. Adding a new Section 16-4-8. – Building Science Requirements.** A new Section 16-4-8. – Building Science Requirements is added to the Code and shall read as follows:

**“Section 16-4-8. – Building Science Requirements.**

(A) **Requirement to Conduct an Air Filtration Blower Door Test.** Prior to the Town’s completion of the drywall inspection on any newly constructed structure and any addition to an existing structure, the permit holder shall conduct a blower door test on such new heated structures, and, in the case of any heated addition to any existing structure, on the additional part of the structure. The cost and expense of such blower door test shall be borne by the permit holder. The permit holder shall achieve an air exchange rate per hour for the structure or addition of not greater than .25 at the time of issuance of a certificate of occupancy for such new structure

or addition. The air exchange rate is calculated by measuring the amount of air that exits the structure or addition each hour.

(B) Installation of Energy Efficient Lighting Fixtures. At least fifty percent (50%) of all light sources in a new structure shall be compact fluorescent (CF) or LED lights. The permit holder must confirm compliance with this requirement prior to or during the Town's final inspection of the structure.

(C) Use of Energy Efficient Appliances. All new construction and remodels of existing structures shall incorporate only appliances, including microwave ovens, boilers, water heaters, refrigeration devices, clothing washers and dryers and dishwashers, classified as E Star appliances and listed in the top one-third (1/3) of E Star efficiency rating. The permit must confirm compliance with this requirement during the Town's final inspection of the structure.

(D) Mechanical Fresh Air Ventilation System. All new construction shall incorporate an outdoor air ventilation system complying with Chapter 4, Section 403 of the IMC, as defined in Article 16-5 of the Town Code or the equivalent with heat exchange."

**Section 5. Adding a new Section 16-4-9. – Snowmelt System Requirements.** A new Section 16-4-9. – Snowmelt System Requirements, is added to the Code and shall read as follows:

**Section 16-4-9. – Snowmelt System Requirements.** All snowmelt systems must be approved by the Building Official or his designee and shall meet the following requirements:

- (i) sealed combustion, direct vent gas heating equipment must be utilized (electric resistance heating equipment is prohibited);
- (ii) R-10 insulation below the heated surface must be incorporated;
- (iii) minimum slab thickness for sidewalks must be five (5) inches; and
- (iv) snowmelt equipment must include automatic temperature and surface moisture controls (no idling snowmelt equipment is permitted).

**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 hereby amended, the Code 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

**TOWN OF CRESTED BUTTE, COLORADO**

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

**ATTEST:**

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

**(SEAL)**