

**TOWN OF FRASER
ORDINANCE NO. 342
Series 2008**

**AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL ENERGY
CONSERVATION CODE, 2006 EDITION; AND MAKING CONFORMING AMENDMENTS
TO THE FRASER MUNICIPAL CODE.**

WHEREAS, the Town of Fraser has adopted various building codes pursuant to Chapter 18, Article 1 of the Fraser Municipal Code; and

WHEREAS, the general assembly of the State of Colorado finds that there is a statewide interest in requiring an effective energy efficient building code for the following reasons:

- A. Excessive energy consumption creates effects beyond the boundaries of the local government within which the energy is consumed because the production of power occurs in centralized locations.
- B. Air pollutant emissions from energy consumption affects the health of the citizens throughout Colorado.
- C. The strain on the grid from peak electric power demands is not confined to jurisdictional boundaries.
- D. There is statewide interest in the reliability of the electrical grid and an adequate supply of heating oil and natural gas.
- E. Controlling energy costs for residents and businesses furthers a statewide interest in a strong economy and reducing the cost of housing in Colorado; and

WHEREAS, the general assembly of the State of Colorado has adopted requirements that local governments adopt an energy code in connection with the construction of certain buildings by no later than July 1, 2008; and

WHEREAS, the Town of Fraser desires to continue enforcing building codes at the local level and in order to comply with the above stated State mandate the Town must adopt an energy code that at a minimum meets the 2003 International Energy Conservation Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, AS FOLLOWS:

PART 1: AMENDMENT OF MUNICIPAL CODE. Chapter 18 of the Code of the Town of Fraser, Colorado (herein sometimes referred to as the "Municipal Code") is hereby amended as follows:

1.1 A new Chapter 18, Article 2, titled "Energy Conservation Code", is hereby adopted, which shall read as follows:

ARTICLE 2

Energy Conservation Code

Sec. 18-2-10 Adoption.

(a) Pursuant to Title 31, Article 16, Parts 1 and 2, Colorado Revised Statutes, the following code is hereby adopted and enacted by reference: The International Energy Conservation Code, 2006 edition, including all Appendices, with amendments as provided herein (herein sometimes referred to as the "Energy Code");

(b) Said code has been promulgated and published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070.

Sec. 18-2-20 Copies on File.

(a) Not less than one (1) copy of said code hereby adopted, including amendments provided herein, all certified by the Mayor and the Town Clerk to be true copies of said code and amendments as they were adopted by this Article, shall be kept on file in the office of the Town Clerk and available for public inspection; provided, however, that a copy of said code as amended may be kept in the office of the chief enforcement officer designated pursuant to such code instead of the office of the Town Clerk.

(b) The Town Clerk shall maintain a reasonable supply of copies of said code and amendments adopted herein for purchase by the public at a reasonable price as established from time to time by the Town Clerk.

Sec. 18-2-30 Applicability; Exemptions.

(a) The Energy Code shall apply to the construction of, renovations and additions to all commercial and residential buildings in the Town of Fraser unless otherwise exempted herein.

(b) The following buildings are exempt from provisions of the Energy Code adopted herein:

(1) Any building that is otherwise exempt from the provisions of the building code adopted by the Board of Trustees and buildings that do not contain a conditioned space;

(2) Any building that does not use either electricity or fossil fuels for comfort heating. A building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating if the building is provided with electrical service in excess of one hundred amps, unless the code enforcement official of the Town determines that the electrical service is necessary for a purpose other than for providing electric comfort for heating.

(3) Historic buildings that are listed on the national register of historic places or Colorado state register of historic properties and buildings that have been designated as historically significant or that have been deemed eligible for designation by a local governing body that is authorized to make such designations; and

(4) Any building that is exempt pursuant to the Energy Code.

Sec. 18-2-40 Amendments.

(a) Preface to amendments. The amendments to the Energy Code provided in this section are deemed appropriate for local conditions and do not decrease the effectiveness of the Energy Code.

(b) The following sections of the Energy Code, adopted by reference in Code Sec. 18-2-10 hereof, are hereby amended as follows:

(1) Section 101.1 is amended to read as follows:

101.1 Title. This code shall be known as the *International Energy Conservation Code of the Town of Fraser*, and shall be cited as such. It is referred to herein as “this code”.

(2) Section 101.6 is added to read as follows:

101.6 Use of terms. The terms “code official” and “building official” shall be interchangeable and shall be the Town’s “Building Official”. See Municipal Code Sec. 18-1-30(b)(7), amending Section 103.2 of the Fraser Building Code.

(3) Section 402.1.4 is eliminated in its entirety and replaced to read as follows:

402.1.4 Total UA alternative. If the total building thermal envelope UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.3 (multiplied by the same assembly area as in the proposed building), provided that the Skylight U-Factor and Ceiling R-Value are not less than the requirements of Table 402.1.1, the building shall be considered in compliance with Table 402.1.1. The Skylight U-Factor and Ceiling R-Value shall not be less than the requirements of Table 402.1.1 if ice damming potential would increase as determined by the Building Official. If the roof design avoids or decreases potential ice damming then the Skylight U-Factor and Ceiling R-Value may be reduced as allowed per this Section. The UA calculation shall be done using a method consistent with the ASHRAE Handbook of Fundamentals and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

(4) Section 404.2 is eliminated in its entirety and replaced to read as follows:

404.2 Mandatory requirements. Compliance with this Section requires that the criteria of Sections 401, 402.4, 402.5, 402.6 and 403 be met. The Skylight U-Factor and Ceiling R-Value shall not be less than the requirements of Table 402.1.1 if ice damming potential would increase as determined by the Building Official. If the roof design avoids or decreases potential ice damming then the Skylight U-Factor and Ceiling R-Value may be reduced as allowed per this Section.

(5) **Section 506.1 General** is amended by adding:

3. If the roof design avoids or decreases potential ice damming.

Sec. 18-2-50. Penalties and enforcement.

(a) Every person convicted of a violation of any provision of this Article or the codes adopted herein shall be punished as set forth in Section 1-4-10 of the Fraser Municipal Code.

(b) In the event of any violation or threatened violation of this Article or the codes adopted herein, the Board of Trustees may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation.

1.2 Section 18-1-30 of the Municipal Code, relating to Amendments to the building code, is amended as follows:

1.2.1 Subsection 18-1-30(b)(5) is amended to read as follows:

Section 101.4.7 is hereby added to read as follows:

101.4.7 Energy. The provisions of the International Energy Conservation Code, 2006 edition shall apply to all matters governing the design and construction of buildings for energy efficiency.

1.2.2 Subsection 18-1-30(e)(29) is amended to read as follows:

Chapter 11 Energy Efficiency is deleted in its entirety.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or

punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law. This Ordinance shall be published [in full] [by title only].

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS 21st day of May, 2008.

Votes in favor: 5
Votes opposed: 0
Votes abstained: 0

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: Fran Cook
Fran Cook, Mayor

ATTEST:
Lu Berger
Lu Berger, Town Clerk



(SEAL)

Published in the *Middle Park Times* May 29, 2008.



NOTICE OF ADOPTION OF ORDINANCE

Please take notice that, on April 16, 2008 the Board of Trustees for the Town of Fraser, Colorado, approved and adopted an Ordinance entitled:

**TOWN OF FRASER
ORDINANCE NO. 342
Series 2008**

AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION; AND MAKING CONFORMING AMENDMENTS TO THE FRASER MUNICIPAL CODE.

This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law. A copy of this Ordinance in full is available for public inspection during Town regular business hours at the Town Hall, 153 Fraser Avenue, Fraser, Colorado.

s/ Lu Berger, Town Clerk

Published in the *Middle Park Times* on May 29, 2008.