

ORDINANCE NO. #464

AN ORDINANCE ADOPTING BY REFERENCE THE COLORADO MODEL ENERGY EFFICIENCY CONSTRUCTION AND RENOVATION STANDARDS FOR NONRESIDENTIAL BUILDINGS OF THE STATE OF COLORADO AND THE COLORADO RECOMMENDED ENERGY CONSERVATION "PERFORMANCE" CODE FOR NEW CONSTRUCTION AND RENOVATION OF RESIDENTIAL BUILDINGS, REPEALING ALL ORDINANCES OF THE TOWN OF BERTHOUD, COLORADO, IN CONFLICT OR INCONSISTENT THEREWITH, AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

WHEREAS, Senate Bill No. 432, adopted by the Colorado General Assembly in 1977, requires each municipality which has a building code to adopt energy efficiency construction and renovation standards for non-residential buildings prior to July 1, 1978; and,

WHEREAS, the Town of Berthoud has a building code; and,

WHEREAS, Senate Bill No. 159, adopted by the Colorado General Assembly in 1977, recognizes the authority of a municipality to adopt and enforce energy efficiency standards for the construction and renovation of residential buildings;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. Adoption:

Pursuant to title 31, article 16, part 2, Colorado Revised Statutes 1973, as amended, there is hereby adopted as the energy efficiency construction and renovation standards for nonresidential buildings of the Town of Berthoud, by reference thereto, the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, adopted November, 1977, and published March, 1978 by the State of Colorado, Office of State Planning and Budgeting, Board for Energy Efficient Nonresidential Building Standards, 1525 Sherman Street, Denver, Colorado 80203, and as the energy efficiency construction and renovation standards for residential buildings of the Town of Berthoud, by reference thereto, the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, adopted November, 1977, and published March, 1978 by the State of Colorado, Division of Housing, State Housing Board, 1313 Sherman Street, Denver, Colorado 80203, both to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted standards include comprehensive provisions and standards regulating energy efficiency in the design, construction, renovation, erection, enlargement, alteration, repair, conversion, occupancy, equipment and maintenance of certain nonresidential and residential buildings and structures for the purpose of protecting the public health, safety, and general welfare.

Section 2. Amendments:

(1) The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is hereby amended as follows:

- (a) Section 101.1 is deleted in its entirety.
- (b) Section 107.0 is deleted in its entirety.
- (c) The following new Section 108.0 is added, to read:

"108.0. Administrative and Appeal Procedures.
Administrative and appeal procedures set forth in Sections 201, 202 and 204, and Chapter 3 of the Uniform Building Code, 1976 Edition shall be applicable and followed in the administration of this Code."

- (d) Section 302.1 is amended by the inclusion of the following temperatures:

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|-------------------------|----------------------|
| "Winter Design Dry-Bulb | -2°F |
| Summer Design Dry-Bulb | 91°F |
| Summer Design Wet-Bulb | 64°F |
| Degree Days Heating | 6500 |
| Degrees North Latitude | 40° " |

(e) Section 502.2(a), Table 5-1, is amended by the addition of the following specific values:

"Walls, 3 stories or less, Heating, U_o not exceeding .26
 Walls, 3 stories or less, Cooling, $OTTV$ not exceeding 33.6
 Walls, over 3 stories, Heating, U_o not exceeding .32
 Walls, over 3 stories, Cooling, $OTTV$ not exceeding 33.6
 Roof/Ceiling, Heating or Cooling, U_o not exceeding .07
 Floors over unheated spaces, Heating U_o not exceeding .08
 Slab on Grade, Heating, minimum R value 5.2
 Solar Factor, Cooling 127 "

(f) Section 701.0 is amended by the addition of the following:

"SMACNA refers to Sheet Metal and Air Conditioning Contractors National Association.
 NESCA refers to National Environmental System Contractors Association.
 NWMA refers to National Woodwork Manufacturers Association, Inc.

(2) The Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings is hereby amended as follows:

(a) Appendix B, Section 101.1 is deleted, and is replaced by the following new Section 101.1 to read:

"101.1. Application. The provisions of Sections 1 through 7 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, as amended, shall apply to residential buildings except where residential buildings are exempted from such provisions and except where the provisions of this Code differ from the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings".

(b) Section 2 (#2) (b). Section 502.2(c), Table 5-2, is amended by the addition of the following site specific values:

"Walls, Heating or Cooling, Type A-1 and A-2 Building, U_o not exceeding .20
 Roof/Ceiling, Heating or Cooling, Type A-1 and A-2 Buildings, U_o not exceeding .07
 Floors over Unheated Spaces, Heating or Cooling, Type A-1 and A-2 Buildings, U_o not exceeding .08
 Slab on Grade, Heating, Type A-1 and A-2, minimum R value 5.2"

Section 3. Code Copies:

At least three copies of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, and of each secondary code adopted therein, all certified by the Mayor and the Town Clerk to be true copies, have been and will continue to be on file in the office of the Town Clerk, and may be inspected by any interested person between the hours of 8:00 A.M. to 12:00 Noon and 1:00 P.M. to 5:00 P.M., Monday through Friday, holidays excepted, except that one copy of each code may be kept in the office of the chief enforcement officer instead of the office of the Clerk. The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings and the Colorado Recommended Energy Conservation "Performance" Code for New Construction and

Renovation of Residential Buildings will be available for purchase by the public at a moderate price.

Section 4. Penalties:

It shall be unlawful for any person, firm or corporation to erect, construct, renovate, enlarge, alter, repair, improve, convert, equip, use, occupy, or maintain any building or structure in the Town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings or the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings.

Any person, firm, or corporation violating any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, of the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, or of this ordinance shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment not exceeding ninety (90) days or by both such fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued, or permitted, shall be considered a separate offense.

Section 5. Severability Clause:

If any part, section, subsection, sentence, clause, or phrase of this ordinance, or of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, or of the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings adopted hereby is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance or of said standards; the Board of Trustees hereby declares that it would have passed the ordinance and adopted such standards in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 6. Repeal:

Any or all ordinances or parts of ordinances of the Town of Berthoud, in conflict or inconsistent herewith, are hereby repealed; provided, however, that such repeal shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time of such repeal.

Section 7. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this ordinance shall take effect and be in force thirty (30) days after publication.

This ordinance was introduced and read and a public hearing set for February 13, 1979, by the Board of Trustees of the Town of Berthoud at its meeting held this 9th day of January, 1979. After the public hearing, this ordinance was read, passed, and ordered published by the Board of Trustees at its meeting this 13 day of February 1979.



Richard D. Stranahan
Mayor

ATTEST:



Carol A. Mayo
Town Clerk

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