

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2011-5**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADOPTING BY
REFERENCE THE 2009 EDITION OF THE INTERNATIONAL ENERGY
CONSERVATION CODE, WITH AMENDMENTS.**

WHEREAS, the Town is committed to encouraging the continual application of new technology and building practices in order to decrease overall energy use in the Town; and

WHEREAS, the Town is committed to the responsible use of energy resources, including becoming a signatory to the U.S. Mayor's Climate Protection Agreement; and

WHEREAS, pursuant to § 31-15-602(3), C.R.S. (2010) the governing bodies of all municipalities that have enacted or adopted a building code must adopt an energy code that applies to the construction of, renovations and additions to, all commercial and residential building within the municipality; and

WHEREAS, § 31-16-202, C.R.S. (2010) permits a municipality to adopt codes by reference in whole or in part; and

WHEREAS, the Town has adopted by reference and amended the International Building Code thus subjecting the Town to the requirements of § 31-15-602; and

WHEREAS, by Ordinance 2008-7 the Town adopted by reference the 2006 edition of the International Energy Conservation Code ("IECC"), a qualifying energy code as that term is defined in § 31-15-602(2)(b), C.R.S.; and

WHEREAS, the Town believes that the adoption of the new edition of the IECC will further the Town's overall goals of increasing energy conservation and reducing the overall carbon footprint for the Town; and

WHEREAS, the adopted energy code shall apply to any commercial or residential building in the Town for which a building permit application is received.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated as findings by the Town Council.
2. Amendments. The Town Council hereby makes the following amendments to Chapter 15.22 of the New Castle Municipal Code:

15.22.010 Adoption.

Pursuant to the power and authority conferred by C.R.S. §31-15-602, there is adopted by reference thereto the International Energy Conservation Code, ~~2006~~ 2009 Edition, promulgated by the International Code Council, Inc., ~~4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795~~. The purpose of this code is to establish the minimum regulations governing energy use and conservation for all property, buildings, and structures within the Town.

15.22.020 Applicability and Exceptions

This Chapter shall apply to any commercial or residential building in the municipality for which a building permit is required. Permit holder is responsible to provide evidence of satisfactory completion of all testing required under this Code by a qualified agency approved by the Building Official.

The following buildings are exempt from the provisions of this Chapter:

- a. Any building that is otherwise exempt from the provisions of the building code adopted by Chapter 15.08.
- b. 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 ~~use~~ used for electric comfort ~~heating~~ heating if the building is provided with electrical service in excess of one hundred amps, unless the code enforcement official determines that the electrical service is necessary for a purpose other than for providing electric comfort heating.
- c. 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 by the Town as historically significant.
- d. Any building that is exempt per the adopted Energy Conservation Code.

15.22.030 Amendments

The International Energy Conservation Code, 2009 Edition, is amended as follows:

Section 105.3.1 is amended to read as follows:

105.3.1 Thermal bypass inspections. Unless otherwise noted, all work regulated by this code shall be visually inspected in accordance with the ENERGY STAR Thermal Bypass Checklist Guide. Inspections shall verify that all air barriers have been installed, that insulation is in proper alignment with the air barriers, and that thermal barriers are continuous and complete. Any item found to be non-compliant with the ENERGY STAR Thermal Bypass checklist shall be corrected. For additions less than 500 square feet in

area, alterations, renovations, or repairs, thermal bypass inspections shall be made by the building official or designee and a completed ENERGY STAR Thermal Bypass Inspection Checklist shall not be required.

Section 402.4.2.1 is amended in part to read as follows:

402.4.2.1. Testing option. Building envelope air tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa).

The remainder of the section is unchanged.

Section 402.4.2.2 is deleted and replaced as follows:

402.4.2.2. Air sealing and insulation. Building envelope air tightness and insulation shall be demonstrated to comply with Testing Option section 402.4.2.1

15.22.040 Additional provisions:

The following additional standards are hereby adopted as a part of the requirements of this Chapter. To the extent these provisions conflict in any manner with the IECC or other adopted code, these provisions shall control.

- A. The following equipment and appliances installed in connection with a non-exempt permit must be ENERGY STAR rated at the time of purchase or installation of the equipment and appliances: boilers, furnaces, air conditioners (both room and central air systems), refrigerators, stand alone freezers, clothes washers, clothes dryers, and dishwashers. ENERGY STAR is an efficiency rating program jointly administered by the US EPA and US Department of Energy.
- B. Permit holders required to perform thermal bypass inspections under section 105.3.1 are also required to perform combustion safety testing for vented appliances prior to the issuance of a certificate of occupancy. Testing shall be compliant with the standards set forth by the Building Performance Institute or a certified equivalent. The permit holder shall provide the Building Official with a certificate or attestation from a qualified building energy auditor or inspector indicating successful testing.

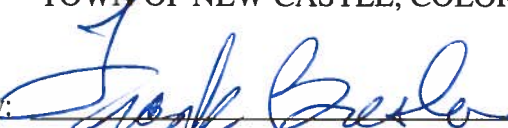
3. Severability. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

4. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on March 29, 2011, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, set for public hearing, ordered published twice in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a public hearing of the Council of the Town of New Castle, Colorado, on April 5, read by title and number, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: 
Frank Breslin, Mayor

ATTEST:


Melody Harrison, Town Clerk

