

TOWN OF CARBONDALE

ORDINANCE NO. 7

SERIES OF 2013

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO,
ADOPTING THE INTERNATIONAL GREEN CONSTRUCTION CODE**

WHEREAS, the Board of Trustees of the Town has a residential efficient building program and wants to adopt a commercial green code;

WHEREAS, the Carbondale Energy Plan outlines the desire of the community to construct buildings in a more environmentally responsible and energy efficient manner;

WHEREAS, the Board of Trustees of the Town has determined the addition of the commercial green code will provide for education of the community, promote the use of environmentally friendly construction methods and renewable energy technologies, and foster economic development of “green” businesses; and

WHEREAS, the Board of Trustees finds and determines that additional energy efficiency enhancements are in the interest of public health, safety and welfare;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE as follows:

Section 1. Chapter 15.40 of the Carbondale Municipal Code is adopted as set forth in Exhibit A and a certain document, three copies of which are on file in the office of the Town Clerk of the Town of Carbondale, being marked and designated as the *International Green Construction Code*, 2012 edition, including Appendix Chapters B, as published by the International Code Council, be and is hereby adopted as the International Green Construction Code of the Town of Carbondale, in the State of Colorado regulating and governing the conditions and maintenance of structures and premises as herein provided; the standards for physical properties and conditions essential to safeguard the environment, public health, safety and general welfare through the establishment of requirements to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants; and each and all of the regulations, provisions, penalties, conditions and terms of said International Green Construction Code on file in the office of the Town of Carbondale are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, deletions and changes prescribed in Exhibit A.

Section 2. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Carbondale hereby

declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases to be declared unconstitutional.

Section 3. That nothing in this legislation or in the International Green Construction Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 4. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon posting and publication in accordance with the Town of Carbondale's Home Rule Charter.

TOWN OF CARBONDALE

By: _____
Stacey Bernot, Mayor

ATTEST:

Cathy Derby, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Posted: _____

Published: _____

Effective Date: _____

Chapter 15.40 – INTERNATIONAL GREEN CONSTRUCTION CODE

15.40.010 - Adopted.

For purposes of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town, the International Green Construction Code as promulgated by the 2012 International Code Conference, 4051 Flossmoor Road, Country Club Hills, Illinois 60478, is adopted by reference as if set forth verbatim herein.

15.40.020 - Appendices adopted.

The following appendices from the International Green Construction Code are adopted by this reference:

- A. Appendix B “Radon Mitigation”

15.40.030 - Amendments.

The following provisions are added to and made part of the International Green Construction Code, unless specific reference is made excluding the application of these amendments to the code:

- A. Section 101.1 shall be amended to read as follows:

These regulations shall be known as the International Green Construction Code of the Town of Carbondale hereinafter referred to as “this code.”

- B. Section 101.3 shall be amended to include the following:

This code shall apply to all buildings, their accessory structures, and the site or lot upon which they are located that are not covered in Chapter 15.30 Residential Efficient Building Program.

- C. Section 101.3 shall be have added an exception to read as follows:

This code shall apply to any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the valuation of the structure before start of construction of the improvement. When establishing the valuation, the *code official* shall utilize those valuations as established by the most current International Code Council Building Safety Journal with a local modifier.

- D. Section 101.3.1 shall be removed.

EXHIBIT A to Ordinance No. 7, 2013

E. Section 102.4.1 shall have added the following:

Where the International Green Construction Code references the International Codes, these references shall apply to the current code year the Town has adopted. Where there is a conflict, the *code official* shall make the final determination.

F. Section 202 shall have added the following:

ADAPTIVE PLANT SPECIES. Plants that reliably grow well in a given habitat with minimal attention from humans in the form of winter protection, pest protection, water irrigation, or fertilization once root systems are established in the soil. Adaptive plants are considered to be low maintenance but not invasive.

G. Table 302.1 shall be amended as follows:

Section	Section Title or Description and Directives	Jurisdictional Requirements
CHAPTER 1. SCOPE		
101.3 Exception 1.1	Detached one- and two-family dwellings and multiple single-family dwellings (town-houses) not more than three stories in height above grade plane with a separate means of egress, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	No
101.3 Exception 1.2	Group R-3 residential buildings, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	No
101.3 Exception 1.3	Group R-2 and R-4 residential buildings four stories or less in height above grade plane, their accessory structures, and the site or lot upon which these buildings are located, shall comply with ICC 700.	No
CHAPTER 4. SITE DEVELOPMENT AND LAND USE		
402.2.1	Flood hazard area preservation, general	No
402.2.2	Flood hazard area preservation, specific	No
402.3	Surface water protection	No
402.5	Conservation area	No
402.7	Agricultural land	No
402.8	Greenfield sites	No
407.4.1	High-occupancy vehicle parking	No
407.4.2	Low-emission, hybrid and electric vehicle parking	No
409.1	Light pollution control	No

CHAPTER 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY		
503.1	Minimum percentage of waste material diverted from landfills	50%
CHAPTER 6. ENERGY CONSERVATION, EFFICIENCY AND CO₂e EMISSION REDUCTION		
302.1, 302.1.1, 602.1	zEPI of Jurisdictional Choice – The jurisdiction shall indicate a zEPI of 46 or less in each occupancy for which it intends to require enhanced energy performance	Occupancy: <u>All</u> zEPI: <u>47</u>
604.1	Automated demand-response infrastructure	Yes
CHAPTER 7. WATER RESOURCE CONSERVATION, QUALITY AND EFFICIENCY		
702.7	Municipal reclaimed water	No
CHAPTER 8. INDOOR ENVIRONMENTAL QUALITY AND COMFORT		
804.2	Post-Construction Pre-Occupancy Baseline IAQ Testing	No
807.1	Sound transmission and sound levels	No
CHAPTER 10. EXISTING BUILDINGS		
1007.2	Evaluation of existing buildings	Yes
1007.3	Post Certificate of Occupancy zEPI, energy demand, and CO ₂ e emissions reporting	No

- H. Section 402 shall be removed in its entirety.
- I. Section 403 shall be removed in its entirety.
- J. Section 404.1 shall be amended to read as follows:

Landscape irrigation systems. Irrigation of exterior landscaping shall comply with Sections 404.1.1 and 404.1.2 and shall require a design professional when potable water is utilized and the area of landscaping is 2500 square feet or more.

- K. Section 405.1.1(3) shall be removed.
- L. Section 405.3 shall be amended as follows:

Native plant landscaping. Where new landscaping is installed as part of a site plan or within the building site, not less than 100 percent of the newly landscaped area shall be planted with native or adaptive plant species.

- M. Sections 407.1, 407.2, 407.3 shall be removed in their entirety.
- N. Section 407.4.1 shall be removed in its entirety.

EXHIBIT A to Ordinance No. 7, 2013

- O. Section 407.4.2 shall be amended to read as follows:

Low-emission, hybrid, and electric vehicle parking. Where parking is provided for a building that has a *total building floor area* greater than 5,000 square feet one of the parking spaces provided shall have a conduit to charge future electric cars.

- P. Section 408 shall be removed with the exception of Section 408.3.2.

- Q. Section 409 shall be removed in its entirety.

- R. The introduction to Section 504.1 shall be amended to read as follows:

Recycling areas for waste generated post certificate of occupancy. Labeled waste recycling areas for use by building occupants shall be provided in the dumpster enclosure with adequate room. Each tenant space shall have a designated area for waste recycling. Waste recycling areas for use by building occupants shall be provided in accordance with one of the following:

- S. Section 604.1 shall have added the following:

All buildings shall be required to rough-in AUTO-DR, including: thermostat wire to all appliances and conduit from meter to electrical room.

- T. Section 609.2.1.4 shall be removed in its entirety.

- U. Section 610.1, Exception 2 shall be amended to read as follows:

Where not less than 15 percent of the total annual building energy consumption from renewable generation takes the form of a 10-year commitment to *renewable energy credit* ownership, confirmed by the *code official*. Offsite renewable energy purchased within the territory of Xcel shall be located within Garfield County. Offsite renewable energy purchased within the territory of Holy Cross Energy shall be located within Holy Cross Energy territory.

- V. Section 610.1, Exception 3 shall be amended to read as follows:

Where the combined application of onsite generated renewable energy and a commitment to *renewable energy credit* ownership as confirmed by the *code official*, totals not less than 15 percent of the total annual building energy consumption from renewable generation. Offsite renewable energy purchased within the territory of Xcel shall be located within Garfield County. Offsite renewable energy purchased within the territory of Holy Cross Energy shall be located within Holy Cross Energy territory.

EXHIBIT A to Ordinance No. 7, 2013

- W. Section 610.1, shall have added Exception 4 as follows:

If on-site renewable energy is not feasible due to physical constraints of the building site, and off-site renewables are not available for purchase in the area, a fee in lieu option is allowed. If the fee in lieu is off-setting the entire renewable amount of energy, the fee in lieu amount of energy shall be equal to 15 percent of the total annual energy use calculated in watts. If the site cannot accommodate the required 10 percent of the annual energy use on site then the difference can be paid as a fee in lieu. The fee shall be \$5.00 per watt.

Fees collected in lieu will be contributed to the Renewable and Efficiency Fund (REF). The Environmental Board will meet periodically with CLEER to recommend funding requests based upon guidelines and criteria to be approved by the Board of Trustees. Recommended funding proposals will be submitted for Board of Trustee approval.

- X. Section 610.1.1 shall be amended to read as follows:

Building performance-based compliance. Buildings and surrounding property or building sites where there are multiple buildings that are designed and constructed in accordance with Section 601.3.1, performance-based compliance, shall be equipped with one or more renewable energy systems that have the capacity to provide not less than 10 percent of the total calculated annual energy use of the building, or collective buildings on the site.

- Y. Section 610.1.2 shall be amended to read as follows:

Building prescriptive compliance. Buildings and surrounding property or building sites where there are multiple buildings that are designed and constructed in accordance with Section 601.3.2, prescriptive compliance, shall be equipped with one or more renewable energy systems that have the capacity to provide not less than 10 percent of the total calculated annual energy use of the building, or collective buildings on the site, with onsite renewable energy by calculation demonstrating that onsite renewable energy production has a rating of not less than 1.75 Btu/hr or not less than 0.5 watts per square foot of conditioned floor area, and using any single or combination or renewable energy generation systems meeting the requirements of Sections 610.2, 610.3, or 610.4.

- Z. Section 705.1 shall have added the following:

Ditch water shall be required to be metered at the discretion of the Utility Director.

- AA. Section 707 shall be removed in its entirety.

- BB. Section 708 shall be removed in its entirety.

EXHIBIT A to Ordinance No. 7, 2013

CC. Section 709 shall be removed in its entirety.

DD. Section 710 shall be removed in its entirety.

EE. Section 804.1.2 shall be amended to read as follows:

Wood-fired appliances. Wood stoves and wood-burning fireplace inserts shall be listed and, additionally, shall be labeled in accordance with the requirements of the EPA Standards of Performance for New Residential Wood Heaters, 40 CFR Part 60, subpart AAA; or a tested appliance allowed by the State of Colorado.

FF. Section 1104.2 shall be removed in its entirety.