

ORDINANCE NO. 22

Series 2023

**A BILL FOR AN ORDINANCE CREATING A NEW ABSOLUTE POLICY FOR ENERGY CONSERVATION AND AMENDING POLICY 33 RELATIVE ACCORDINGLY.**

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

**Section 1.** That a new Absolute policy be added to section 9-1-19-33A., entitled “Policy 33 (Absolute) Energy Conservation” to read as follows:

Policy 33 (Absolute) Energy Conservation:

- A. All new snowmelt, outdoor gas appliances, and outdoor heated pools/hot tubs are further regulated by the Renewable Energy Mitigation Program provisions of the Building Code.
- B. Each residential units may install a maximum of three gas fireplaces, and a maximum of one of the three fireplaces may be outdoors. Anything over and above shall be prohibited, with the exception of fireplaces for common areas of multi-family residences or lodging properties.

**Section 2.** That subsection B of section 9-1-19-33R, entitled “Policy 33 (Relative) Energy Conservation” be amended by deleting the language stricken and adding the language underlined to read as follows:

- B. Excessive Energy Usage: Developments with excessive energy components are discouraged. To encourage energy conservation, the following point schedule shall be utilized to evaluate how well a proposal meets this policy. Energy use from snowmelt, outdoor gas fireplaces, and outdoor heated pools/hot tubs is also regulated by the Renewable Energy Mitigation Program provisions of the Building Code.

Point Range	Design Feature
0	If the Planning Commission determines that any of the following design features are required for the health, safety and welfare of the general public (e.g., heated sidewalk in a high traffic pedestrian area), then no negative points shall be assessed.
<b>Snowmelt: Residential Less Than Ten Units</b>	
0	Up to 1,000 square feet of heated driveway, patio/deck, and walkway etc.
1 x (-1/0)	For each additional 250 square feet over 1,000 of heated driveway, patio/deck, and walkway etc.
<b>Snowmelt: Commercial and Residential Ten Units or Greater</b>	
0	Up to 5,000 square feet of heated driveway, sidewalk, plaza etc
1 x (-1/0)	For each additional 500 square feet over 5,000 square feet of heated driveway, sidewalk, plaza etc
<b>Gas Fireplaces</b>	
0	Outdoor commercial or common space residential gas fireplaces up to 350,000 BTU
1 x (-1/0)	For each additional 50,000 BTU over 350,000 BTU used for outdoor commercial or common space residential gas fireplaces
<b>Outdoor Heated Pools/Hot Tubs</b>	
-1	101-500 square feet of outdoor heated pool and/or hot tub in a commercial or multifamily development

-1	For each additional 500 square feet, or portion thereof, of outdoor heated pool and/or hot tub in a commercial or multifamily development over the first 500 square feet
<b>Water Features</b>	
0	Water features powered completely by a renewable energy source (e.g., solar, wind).
-1	Water features powered by conventional energy sources utilizing less than 4,000 watts or less than 5 horsepower.
-2	Large outdoor water features (per feature) powered by conventional energy sources utilizing over 4,000 watts or 5 horsepower motor or greater.

**Section 3.** That a new subsection E be added to 9-1-19-33R entitled “Policy 33 (Relative) Energy Conservation” and that existing entitled “E General Provisions” be renumbered as F accordingly to read as follows:

E. Electrification:

+4 points may be awarded for new residential or commercial development that does not provide gas to the property and provides all of its energy and heating demands through electric or renewable energy sources, with a covenant recorded against the property in a form approved by the Town attorney.

+4 points may also be awarded to existing residential or commercial development that fully and permanently disconnect gas service to the property, with a covenant recorded against the property in a form approved by the Town attorney.

+4 points may be awarded where an addition to a residential or commercial property is proposed, where gas service is fully and permanently disconnected from any existing structures on the property and gas is not provided to the addition, with a covenant recorded against the property in a form approved by the Town attorney.

A maximum of +4 points may be awarded under this subsection E.

F. General Provisions:

1. A projected analysis shall be submitted at the time of development permit application if positive points are requested as well as submittal of a confirmed analysis prior to the issuance of a certificate of occupancy or certificate of completion. A HERS/ERI analysis shall be performed by a certified HERS/ERI rater. An analysis of energy saved beyond the IECC or the SSBC, whichever code is the most restrictive, shall be performed by the licensed Colorado engineer of record for the project.

2. No development approved with required positive points under this policy shall be modified to reduce the HERS/ERI index, percentage of improvement, or percentage of energy savings above the IECC standards in connection with the issuance of such development permit. (“Required positive points” means those points that were necessary for the project to be approved with a passing point analysis.)

3. Prior to the issuance of a certificate of occupancy each development for which positive points are awarded under this policy shall submit a letter of certification showing compliance with the projected energy rating or percentage of energy savings in comparison to the IECC or the SSBC, whichever code is the most restrictive. The required confirmed certification for a residential development three (3) stories or less in height shall be submitted by a certified HERS/ERI rater. The required confirmed certification for a residential development taller than three (3) stories, and for all commercial development, shall be submitted by a licensed Colorado engineer and accompanied by balance and commissioning reports.

**Section 4.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of June, 2023.

This ordinance was published in full on the Town of Breckenridge website on June 16, June 17, June 18, June 19 and June 20, 2023.

A public hearing on this ordinance was held on July 11, 2023.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 11th day of July, 2023. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

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Eric S. Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney

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Date

This Ordinance was published on the Town of Breckenridge website on July 13, July 14, July 15, July 16 and July 17, 2023. This ordinance shall become effective on August 16, 2023.