



**BRECKENRIDGE TOWN COUNCIL REGULAR MEETING**

Tuesday, February 11, 2014; 7:30 PM  
Town Hall Auditorium

<b>I</b>	<b>CALL TO ORDER, ROLL CALL</b>	
<b>II</b>	<b>APPROVAL OF MINUTES - JANUARY 28, 2014</b>	<b>3</b>
<b>III</b>	<b>APPROVAL OF AGENDA</b>	
<b>IV</b>	<b>COMMUNICATIONS TO COUNCIL</b>	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
<b>V</b>	<b>CONTINUED BUSINESS</b>	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2014 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 3, SERIES 2014 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE; ADOPTING BY REFERENCE AND AMENDING THE INTERNATIONAL BUILDING CODE, 2012 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, INCLUDING APPENDIX CHAPTERS F, G AND K; THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION, INCLUDING APPENDIX A; THE INTERNATIONAL PLUMBING CODE, 2012 EDITION INCLUDING APPENDICES; THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION; THE NATIONAL ELECTRICAL CODE, 2014 EDITION; THE ICC ELECTRICAL CODE – ADMINISTRATIVE PROVISIONS, 2006 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2012 EDITION, INCLUDING APPENDICES A AND B; AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; AND PROVIDING PENALTIES FOR THE ENFORCEMENT OF SAID CODES	<b>8</b>
	2. COUNCIL BILL NO. 4, SERIES 2014 - AN ORDINANCE REPEALING CHAPTER 6 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE “BRECKENRIDGE MARKETING COMMITTEE”	<b>52</b>
<b>VI</b>	<b>NEW BUSINESS</b>	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2014	
	1. COUNCIL BILL NO. 5, SERIES 2014 - AN ORDINANCE AMENDING SECTION 1-1-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE EDITORIAL DUTIES OF THE TOWN CLERK	<b>55</b>
	B. RESOLUTIONS, SERIES 2014	
	1. RESOLUTION NO. 5, SERIES 2014 - A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE SUMMIT SPECIAL WEAPONS, TACTICS AND NEGOTIATIONS TEAM (SWAT)	<b>58</b>
	2. RESOLUTION NO. 6, SERIES 2014 - A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2013 TOWN BUDGET	<b>69</b>
	3. RESOLUTION NO. 7, SERIES 2014 - A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2014 TOWN BUDGET FOR PROJECTS NOT COMPLETED IN BUDGET YEAR 2013	<b>73</b>
	C. OTHER	
<b>VII</b>	<b>PLANNING MATTERS</b>	
	A. PLANNING COMMISSION REPORT (MS. MCATAMNEY)	

\*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

**VIII REPORT OF TOWN MANAGER AND STAFF**

**IX REPORT OF MAYOR AND COUNCILMEMBERS**

- A. CAST/MMC (MAYOR WARNER)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BREWER)
- C. GOBRECK (MS. WOLFE)
- D. SUMMIT COMBINED HOUSING AUTHORITY (MR. DUDICK)
- E. BRECKENRIDGE HERITAGE ALLIANCE (MR. DUDICK)
- F. WATER TASK FORCE (MR. GALLAGHER)
- G. LANDFILL TASK FORCE (MS. WOLFE)
- H. PUBLIC ART COMMISSION (MR. GALLAGHER)
- I. CHILDCARE ADVISORY COMMITTEE (MS. MCATAMNEY)
- J. CULTURAL ARTS ADVISORY COMMITTEE (MS. WOLFE AND MR. GALLAGHER)

**X OTHER MATTERS**

**XI SCHEDULED MEETINGS**

**74**

**XII ADJOURNMENT**

\*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, January 28, 2014**  
**PAGE 1**

1 of 5

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of January 28, 2014 to order at 7:30 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Ms. Wolfe, Mr. Dudick and Mayor Warner. Mr. Burke was absent.

**APPROVAL OF MINUTES - JANUARY 14, 2014**

Mayor Warner asked if there were any changes to the meeting minutes of January 14, 2014. Mr. Gallagher stated he saw the need to clarify the word "they" on page 4, section G, to specify the Sanitation District. Mayor Warner then declared the minutes would stand approved with the aforementioned change.

**APPROVAL OF AGENDA**

Mr. Gagen stated there were no changes to the agenda.

**COMMUNICATIONS TO COUNCIL**

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Warner opened Citizen's Comment. There were no comments and Citizen's Comment was closed.

**CONTINUED BUSINESS**

A. Second Reading of Council Bills, Series 2014 - Public Hearings

1. COUNCIL BILL NO. 1, SERIES 2014 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance cleans up a portion of the Town Code and there were no changes from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Gallagher moved to approve COUNCIL BILL NO. 1, SERIES 2014 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Ms. Wolfe seconded the motion. The motion passed 6-0. Mr. Burke was absent.

2. COUNCIL BILL NO. 2, SERIES 2014 - AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Recycling Center)

Mayor Warner read the title into the minutes. Mr. Berry stated this is a lease longer than one year and, as such, it needs to be approved by Council through an ordinance. There were no changes from the first reading. Mr. Gagen further stated this is a piece of good news for the Town and the County in working together on this project. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Brewer moved to approve COUNCIL BILL NO. 2, SERIES 2014 - AN ORDINANCE APPROVING A LEASE WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Recycling Center). Mr. Dudick seconded the motion. The motion passed 6 - 0. Mr. Burke was absent.

**NEW BUSINESS**

A. First Reading of Council Bills, Series 2014

1. COUNCIL BILL NO. 3, SERIES 2014 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 8 OF THE

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, January 28, 2014**  
**PAGE 2**

2 of 5

**BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE**

Mayor Warner read the title into the minutes. Mr. Berry stated the Town has adopted building codes to guide building processes in Breckenridge and these updates are necessary. He also stated staff was deliberate and thoughtful in making these amendments.

Mr. Dudick then stated he would vote against the ordinance because he doesn't believe the Town should make deals when it comes to public safety and he believes this ordinance does that and compromises fire safety. Mr. Dudick also stated he thinks it is the responsibility of this group to make public policy in public safety interests, and the compromise shouldn't be in building square footage but in alternative means to accomplish the same fire safety goals. Mr. Gallagher stated everyone is free to put sprinklers in their homes. Ms. Wolfe stated she agrees with public safety concerns but there is new technology that can accomplish this goal.

Ms. Wolfe moved to approve COUNCIL BILL NO. 3, SERIES 2014 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF BRECKENRIDGE. Mr. Gallagher seconded the motion.

The motion passed 5 - 1. Mr. Dudick dissented. Mr. Burke was absent.

2. **COUNCIL BILL NO. 4, SERIES 2014 - AN ORDINANCE REPEALING CHAPTER 6 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE "BRECKENRIDGE MARKETING COMMITTEE"**

Mayor Warner read the title into the minutes. Mr. Berry stated that with the reformation of the GoBreck board, there is no longer a need for this board, and this ordinance is necessary to dissolve the committee because the marketing committee was originally created by ordinance.

Mr. Gallagher moved to approve COUNCIL BILL NO. 4, SERIES 2014 - AN ORDINANCE REPEALING CHAPTER 6 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE "BRECKENRIDGE MARKETING COMMITTEE".

Ms. Wolfe seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

B. **Resolutions, Series 2014**

1. **RESOLUTION NO. 3, SERIES 2014 - A RESOLUTION DETERMINING THAT THE APRIL 1, 2014 REGULAR TOWN ELECTION SHALL BE A MAIL BALLOT ELECTION**

Mayor Warner read the title into the minutes. Mr. Berry stated town elections, by default, are polling place elections, but mail ballot elections can be conducted by resolution.

Ms. Wolfe moved to approve RESOLUTION NO. 3, SERIES 2014 - A RESOLUTION DETERMINING THAT THE APRIL 1, 2014 REGULAR TOWN ELECTION SHALL BE A MAIL BALLOT ELECTION. Mr. Gallagher seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. **RESOLUTION NO. 4, SERIES 2014 - A RESOLUTION SUPPORTING FEDERAL ACTION TO PROVIDE GUIDANCE FOR BANKING AND OTHER FINANCIAL INSTITUTIONS TO SERVE LEGAL MARIJUANA BUSINESSES**

Mayor Warner read the title into the minutes. Mr. Holman stated this resolution serves as a letter from the Town to federal banking and financial institutions supporting the need to do something to support Marijuana cash-only businesses. This resolution allows us to show formal support.

Chief Haynes agreed there's a public safety risk in dealing with cash only businesses. Ms.

McAtamney stated we are at the forefront of this issue and we need to make sure these businesses can be safe and we can collect the tax money owed to the Town.

Ms. McAtamney moved to approve RESOLUTION NO. 4, SERIES 2014 - A RESOLUTION SUPPORTING FEDERAL ACTION TO PROVIDE GUIDANCE FOR BANKING AND OTHER FINANCIAL INSTITUTIONS TO SERVE LEGAL MARIJUANA BUSINESSES. Mr. Dudick seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

C. Other

**PLANNING MATTERS**

A. Planning Commission Decisions

With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.

B. Planning Commission Report (Ms. McAtamney)

Ms. McAtamney stated the Commission is looking to update current policy to reduce the need for variances and allow for temporary or sprung structures in some locations. She further stated the Commission is also reviewing criteria for connector elements between structures, and looking to possibly modify the code to allow only for one-story connectors for larger buildings.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated he is moving ahead with the letters the Town is sending to the Forest Service regarding two projects. Mr. Gagen also stated that for the first time ever we parked cars at Colorado Mountain College over a recent weekend. He then stated the Ice Castle reported 4,000 visits on Saturday. Mayor Warner asked what parking was removed due to the Community Center construction, Snow Sculptures, Ice Castle, and less room in the lots with snow stacking. Mr. Gagen stated it was at least 50-100 spots. He further stated the Town is going to talk to CMC about using their parking in the future, and the Ski Area may be talking about different agreements for overflow parking in the future.

**REPORT OF MAYOR AND COUNCILMEMBERS**

A. Cast/MMC (Mayor Warner)

Mayor Warner stated Council already received his report. He recently visited Jackson, Wyoming and learned about their government. Mayor Warner stated the County and Town work together well, but the Town doesn't collect sales tax, the State does.

B. Breckenridge Open Space Advisory Committee (Mr. Brewer)

Mr. Brewer stated he sent an email to the group with an update.

C. GoBreck (Ms. Wolfe)

Ms. Wolfe stated they had their first GoBreck Board meeting, and Dick Sosville was elected Chair, with Andru Zeiset as Vice-Chair, and Rob Neyland as Secretary-Treasurer. She further stated committees will be important in getting the work done in this group. The Marketing Committee will remain the same as in the past, and Ms. Wolfe and Rob Neyland will head up the Finance Committee. Further, the Business Services Committee will be headed by Erin Gigliello and all businesses that hold a BOLT license will be part of this group. Ms. Wolfe stated GoBreck will be rolling out a new Business Service model across the Town. The Events Committee will expand and will implement a new events evaluation. Mr. Dudick then stated there needs to be transparency in the spend of marketing dollars in particular, and Ms. Wolfe agreed.

D. Summit Combined Housing Authority (Mr. Dudick)

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, January 28, 2014**  
**PAGE 4**

4 of 5

Mr. Dudick stated Silverthorne is moving forward with Smith Ranch. Frisco's Peak One project design of Phase 5 is moving forward. Also there was discussion on 5A as a renewal in 2015 to continue to fund the Housing Authority, and the development of a county-wide deed restricted housing database.

Mr. Dudick also stated FIRC did a study on homeless people in Summit County and evaluated 63 surveys. Also, the SHA is looking for land for a senior housing campus near the hospital, including a graduated care facility. Mr. Dudick also stated the SHA financial statements are difficult to read, and there is some inefficiency in the large group. He suggested the SHA become a department within Summit County government to resolve these issues.

Mr. Brewer asked about the implications of the Dodd-Frank legislation on deed restricted homes. Ms. McAtamney stated it makes it more difficult for people to get loans and refinance.

Mr. Gallagher stated when we nominate a new council member for this board we should consider changing our service to this board. Mr. Gagen stated our participation may be a requirement of an IGA and the SHA is a product of what we want them to do. Mr. Dudick then stated there needs to be a clear mission statement for the SHA and it needs to evolve to policy-based discussions instead of informational ones.

E. Breckenridge Heritage Alliance (Mr. Dudick)

Mr. Dudick stated there was no report.

F. Water Task Force (Mr. Gallagher)

Mr. Gallagher stated the Water Task Force discussion occurred in the Work Session.

G. Landfill Task Force (Ms. Wolfe)

Ms. Wolfe stated there was no meeting. Mayor Warner then stated he's pleased the word is getting out about no single stream recycling for glass.

H. Public Art Commission (Mr. Gallagher)

Mr. Gallagher stated there was no meeting.

I. Childcare Advisory Committee (Ms. McAtamney)

Ms. McAtamney stated Ms. Laurie Best gave the report during the Work Session.

J. Cultural Arts Advisory Committee (Ms. Wolfe and Mr. Gallagher)

Mr. Gallagher stated Robb Woulfe started his position in January and is reviewing the assets and the purpose of the organization, as well as best practices and how other Arts Districts structure themselves. He also stated the Arts District is under construction, and will be finished in the fall of 2014, and the Backstage Theater is exploring additional programming ideas. Mr. Gallagher stated that with facilities that will be completed in the fall of 2014, the BCC is looking to host a signature event then that can become an annual tradition. Ms. Wolfe will take the lead in this event. Also, Mr. Woulfe will attend the Town Council Retreat in April and will present his ideas for the new organization, including initiatives for the 3rd and 4th quarter.

**OTHER MATTERS**

Mr. Dudick stated the lights are out in the entrance to the Exchange parking lot.

Mayor Warner stated two street lights were out at the corners of St. John's Episcopal Church and the Bank of the West.

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, January 28, 2014**  
**PAGE 5**

5 of 5

Mr. Brewer stated the ice was thick in the Ice Lot and a local runner fell and broke his patella. He further stated Public Works took care of some of the problem right away.

Ms. McAtamney stated she and her children handed out about 300 reusable bags at the Snow Sculptures this weekend.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:35pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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John Warner, Mayor

DRAFT

**MEMO**

TO: Town Council  
FROM: Town Attorney  
RE: Council Bill No. 3 (New Building Codes Ordinance)  
DATE: February 4, 2014 (for February 11<sup>th</sup> meeting)

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The second reading of the ordinance adopting and amending the new Town Building Codes is scheduled for your meeting on February 11<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.



1 **FOR WORKSESSION/SECOND READING – FEB. 11**

2  
3 **NO CHANGE FROM FIRST READING**

4  
5 COUNCIL BILL NO. 3

6  
7 Series 2014

8  
9 AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF  
10 TITLE 8 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE BUILDING  
11 CODES OF THE TOWN OF BRECKENRIDGE; ADOPTING BY REFERENCE AND  
12 AMENDING THE INTERNATIONAL BUILDING CODE, 2012 EDITION; THE  
13 INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, INCLUDING APPENDIX  
14 CHAPTERS F, G AND K; THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION,  
15 INCLUDING APPENDIX A; THE INTERNATIONAL PLUMBING CODE, 2012 EDITION  
16 INCLUDING APPENDICES; THE INTERNATIONAL ENERGY CONSERVATION CODE,  
17 2012 EDITION; THE NATIONAL ELECTRICAL CODE, 2014 EDITION; THE ICC  
18 ELECTRICAL CODE – ADMINISTRATIVE PROVISIONS, 2006 EDITION; THE  
19 INTERNATIONAL FUEL GAS CODE, 2012 EDITION, INCLUDING APPENDICES A AND  
20 B; AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS,  
21 1997 EDITION; AND PROVIDING PENALTIES FOR THE ENFORCEMENT OF SAID  
22 CODES

23  
24 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
25 COLORADO:

26  
27 Section 1. Chapter 1 of Title 8 of the Breckenridge Town Code is repealed and readopted  
28 with changes so as to read as follows:

29 CHAPTER 1

30 BUILDING CODES

31 SECTION:

- 32  
33  
34  
35 8-1-1: TITLE  
36 8-1-2: FINDINGS  
37 8-1-3: STANDARD CODES ADOPTED BY REFERENCE  
38 8-1-4: AMENDMENTS TO THE INTERNATIONAL BUILDING CODE  
39 8-1-5: AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE

BUILDING CODES ORDINANCE

- 1 8-1-6: AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE
- 2 8-1-7: AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE
- 3 8-1-8: AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION
- 4 CODE
- 5 8-1-9: AMENDMENTS TO THE NATIONAL ELECTRICAL CODE
- 6 8-1-10: AMENDMENTS TO THE ICC ELECTRICAL CODE – ADMINISTRATIVE
- 7 PROVISIONS
- 8 8-1-11: AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE
- 9 8-1-12: AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF
- 10 DANGEROUS BUILDINGS
- 11 8-1-13: REPEAL OF PREVIOUS ORDINANCES
- 12 8-1-14: ENFORCEMENT
- 13 8-1-15: PENALTIES
- 14 8-1-16: CODE COPIES
- 15 8-1-17: LIABILITY

16  
17 8-1-1: TITLE:

18  
19 This Chapter shall be known and may be cited as the “*TOWN OF BRECKENRIDGE BUILDING*  
20 *CODES ORDINANCE.*”

21  
22 8-1-2: FINDINGS:

23  
24 The Town Council finds and determines as follows:

- 25  
26 A. The Town is authorized by law to set fees for permits issued under the Town’s building  
27 and other technical codes.
  
- 28 B. The Building Inspection Division of the Department of Community Development is the  
29 primary Town department charged with the duty to process permit applications under the  
30 Town’s building and other technical codes, but other Town departments and personnel,  
31 such as the Engineering Department, expend time in connection with the review of such  
32 applications. The time expended by all Town personnel in reviewing such applications  
33 are part of the present operational cost and future expansion of the Building Inspection  
34 Division of the Department of Community Development. Such costs are part of the  
35 overall costs required to operate such Department.
  
- 36 C. On occasion the Town incurs additional out-of-pocket expenses in connection with the  
37 review of an application for a permit under the Town’s building and other technical  
38 codes. Such expenses may include, without limitation, fees paid by the Town to the Town  
39 Attorney and/or fees paid by the Town to special counsel or special consultants. Such  
40 fees are part of the overall costs required to process the permit application for which they

## BUILDING CODES ORDINANCE

1           were incurred.

2           D. Pursuant to Bainbridge, Inc. v. The Board of County Commissioners of Douglas County,  
3           964 P.2d 575 (Colo. App. 1998) the application fees that may lawfully be charged by the  
4           Town for permits under the Town’s building and other technical codes may include both  
5           the direct and indirect costs of operating the Building Inspection Division of the Town’s  
6           Department of Community Development, as well as the other Town departments and  
7           personnel which assist in the review of permit applications.

8           E. The permit fees established in this Chapter are approximately required to offset the direct  
9           and indirect costs of operating the Building Inspection Division of the Department of  
10          Community Development and the cost to the Town of actually processing building permit  
11          applications.

12          F. The application fees for Building Permits and Plan Reviews established by this Chapter  
13          do not exceed the direct and indirect costs of operating the Department of Community  
14          Development and the cost to the Town of actually processing permit applications.

15   8-1-3: STANDARD CODES ADOPTED BY REFERENCE: The following standard codes, as  
16   hereinafter amended, are adopted by reference as part of the Town of Breckenridge Building  
17   Code:

18  
19          A. International Building Code, 2012 Edition, published by the International Code Council,  
20          Inc.

21          B. International Residential Code, 2012 Edition, including Appendix Chapters F, G and K,  
22          Published by the International Code Council, Inc.

23          C. International Mechanical Code, 2012 Edition, including Appendix A, published by the  
24          International Code Council, Inc.

25          D. International Plumbing Code, 2012 Edition, including Appendices, published by the  
26          International Code Council, Inc.

27          E. International Energy Conservation Code, 2012 Edition, published by the International  
28          Code Council, Inc.

29          F. National Electrical Code, 2014 Edition, published by the National Fire Protection  
30          Association.

31          G. ICC Electrical Code – Administrative Provisions, 2006 Edition, published by the  
32          International Code Council, Inc.

BUILDING CODES ORDINANCE

1 H. International Fuel Gas Code, 2012 Edition, including Appendices A and B, published by  
2 the International Code Council, Inc.

3 I. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the  
4 International Conference of building officials.

5 8-1-4: AMENDMENTS TO THE INTERNATIONAL BUILDING CODE: The following  
6 sections of the International Building Code, 2012 Edition, are amended to read as follows:  
7

8 1. Section 101.1 is amended to read as follows:

9 101.1 Title. These regulations shall be known as the “THE TOWN OF  
10 BRECKENRIDGE BUILDING CODES ORDINANCE” herein after referred to as  
11 “this code.”

12 2. Section 101.4.3 is amended by deleting the last sentence that references the  
13 International Private Sewage Disposal Code.

14 3. Section 101.4.4 is amended to read as follows:

15 101.4.4 Existing Buildings. The provisions of Chapter 34 shall apply to change of  
16 occupancy, alteration or repair of existing buildings and structures.

17 4. Section 102.6 is amended by replacing the reference to the International Property  
18 Maintenance Code with the Uniform Code for Abatement of Dangerous Buildings.

19 5. Section 103.2 is amended to read as follows:

20 103.2 Building official. The building official is authorized and directed to  
21 enforce all of the provisions of this code; however, a guaranty that all buildings  
22 and structures have been constructed in accordance with all of the provisions of  
23 this code is neither intended nor implied.

24 6. Section 103.3 is amended to read as follows:

25 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction,  
26 the building official shall have the authority to appoint a deputy building official,  
27 the related technical officers, inspectors, plan examiners and other employees.  
28 Such employees shall have powers as delegated by the building official.

29 7. Section 104.8 is amended by adding the following additional first paragraph:

## BUILDING CODES ORDINANCE

1 The adoption of this code, and any previous building, construction and housing  
2 standard adopted by the Town of Breckenridge, shall not be deemed to give rise to  
3 a duty of care on the part of any public entity, public employee or agent, nor shall  
4 this code or any previous building, construction and housing standard be deemed  
5 to create any civil remedy against a public entity, public employee or agent.

6 8. Sections 105.1.1 and 105.1.2 are deleted.

7 9. Section 105.2 (11) is amended to read as follows:

8 (11) Swings and other playground equipment.  
9

10 10. Section 105.5 is amended to read as follows:

11 105.5 Expiration. Every permit issued by the building official under the provisions  
12 of this code shall expire 18 months after the date of issue. Every permit issued  
13 shall become invalid unless the work on the site authorized by such permit is  
14 commenced within 180 days after its issuance, or if the work authorized on the site  
15 by such permit is suspended or abandoned for a period 180 days after the time the  
16 work is commenced. The building official is authorized to grant, in writing,  
17 extensions of time, for periods of not more than 6 months. An extension shall be  
18 requested in writing and shall demonstrate justifiable cause for the extension.

19 11. Section 107.1 The first paragraph, titled “General”, is amended to read as follows:

20 General. Construction documents, special inspection and structural observation  
21 programs and other data shall be submitted in two sets with each application for a  
22 permit. A Colorado Licensed Design Professional shall prepare the construction  
23 documents. Where special conditions exist the building official is authorized to  
24 require additional construction documents.

25 12. Section 107.3 is amended by adding the following paragraph:

26 The issuance or granting of a permit by the Town, based on plans and  
27 specifications and other data, shall not prevent the subsequent requiring of the  
28 correction of errors or omissions in said plans specifications and other data and  
29 shall not be construed to be a permit for approval of any violation of any of the  
30 provisions of this code or any other law of the Town.

31 13. Section 107.3.1 is amended by replacing the words “reviewed for code  
32 compliance”, with “approved for issuance of building permit.”

33 14. Section 109.2 is amended to read as follows:

## BUILDING CODES ORDINANCE

109.2 Schedule of permit fees. On buildings, structures, electrical, gas mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following Town of Breckenridge Building Permit and Inspection Fee Schedule:

**Town of Breckenridge Building Permit and Inspection Fee Schedule**

TOTAL VALUATION	FEE
\$1.00 TO \$500	\$23.50
\$501 TO \$2,000	\$23.50 for the first \$500, plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2001 TO \$25,000	\$69.25 for the first \$2,000, plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25 for the first \$25,000, plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000, plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,000 to \$500,000	\$993.75 for the first \$100,000, plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000, plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and higher	\$5,608.75 for the first \$1,000,000, plus \$3.65 for each additional \$1,000 or fraction thereof
Other Inspections and Fees:	
1. Inspection outside of normal business hours (minimum charge – two hours) .....	\$50.00/hour
2. Re-inspection .....	\$50.00/hour
3. Inspection for which no fee is specifically indicated (minimum charge – one hour) .....	\$50.00/hour
4. Additional plan review required by changes, additions or revisions to plans (minimum charge – one hour) .....	\$50.00 /hour
5. For use of outside consultants for plan checking and inspections, or both.....	Actual cost

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All permits have a plan review fee of 65% in addition to the permit fee.

Hot tub permits fees are \$125.25.

Work commencing before issuance of a building permit is subject to three times the permit fee.

Electrical Permit Fees will be based on the current State Electrical Fee Schedule plus 15%, and an electrical plan review fee of 65% of the permit fee will be assessed when an electrical plan review is required.

15. Section 110.3.5 is amended by deleting the Exception.

16. Section 110.3.10 is amended to read as follows:

110.3.10 Final Inspection. To be made only after the finished grading and the building or structure is completed in accordance with the provisions on the International Building Code, technical codes and the Town’s Development Code, including flooring, tile, wallpaper, painting, trim, finish, and final cleaning. A security deposit may be posted for work required by the Town’s Department of Community Development, i.e., landscaping, exterior painting, and paving, that cannot be completed as a result of prevailing weather conditions.

17. Section 110.7 a new subsection to read as follows:

110.7 Re-inspections. A re-inspection fee, as specified in the Town of Breckenridge Building Permit and Inspection Fee Schedule, may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Re-inspection fees may be assessed when the inspection records are not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, or failing to provide access on the date for which the inspection is requested, or for deviating from plans requiring the approval of the building official. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the re-inspection fees have been paid.

18. Section 111 is amended by adding a new subsection to read as follows:

BUILDING CODES ORDINANCE

1 111.5 A Certificate of Completion shall be issued for work not directly related to  
2 occupancy when such work complies with the provisions of this code and all other  
3 relevant laws that are enforced by the Town.

4 19. Section 111.1 is amended by adding the following sentence:

5 Certificates presuming to give authority to violate or cancel the provisions of this  
6 code or other Town ordinances shall not be valid.

7 20. Section 115 is deleted.

8 21. Section 202 is amended by adding the following definitions with the alphabetical  
9 order of the existing definitions:

10 LOFT: A habitable room or floor in a building that is open to the room or floor  
11 directly below, which may or may not qualify as a mezzanine. Lofts may be either  
12 habitable space or non-habitable space. A habitable loft within a dwelling unit  
13 provided with a closet or where a bathroom on the same level can be directly  
14 accessed without passing through a sleeping room, will be considered a sleeping  
15 room for the purposes of section 907.2.11, Emergency escape and rescue, section  
16 1029 Single and multi-station smoke alarms and section 908.7 carbon monoxide  
17 alarms.

18 POTENTIAL SLEEPING ROOM: A room or space within a dwelling unit  
19 having a floor area of at least 70 square feet and a ceiling height of at least 5 feet,  
20 will be considered a sleeping room as follows:

21 In a building defined as a *dwelling* or *lodging* house, any space or room having  
22 two of the following factors shall be considered a sleeping room. In a building  
23 defined as an *apartment house* or *hotel*, any room or space having one of the  
24 following factors shall be considered a sleeping room:

- 25 a. Has walls and doors to separate it from other habitable spaces.
- 26 b. Meets the definition of a loft.
- 27 c. Has a closet or similar provision for clothes storage.
- 28 d. Has a full or partial bathroom connected to the space or room, or has a path of  
29 travel to a full or partial bathroom which does not first pass through a  
30 habitable space.

31 Rooms or spaces determined by these criteria to be sleeping rooms, regardless of  
32 any names, labels, or intended uses proposed by the building designer or owner,  
33 shall have: (i) emergency escape and rescue openings pursuant to the Section



1 1029 of the International Building Code; (ii) smoke detectors pursuant to Section  
2 907 of the International Building Code; and (iii) carbon monoxide detectors  
3 pursuant to Article 45 of Title 38, C.R.S.

4  
5 CERTIFIED SOLID FUEL BURNING DEVICE: A solid fuel burning device  
6 that is certified by the Air Pollution Control Division of the Colorado  
7 Department of Health or approved by the building official as meeting the  
8 emission standards set forth ins Section IV of Regulation No. 4 of Volume I of the  
9 Colorado Air Quality Control Commission (EPA Phase II or III).

10  
11 NEW CONSTRUCTION: For the purpose of section 2113 new construction” is  
12 construction of a residential, commercial, industrial, agricultural or accessory  
13 building. This shall include any modifications, replacement or relocation of  
14 existing solid fuel burning devices. However, modifications to solid fuel burning  
15 devices shall not include repair, replacement or relocation of flue pipe.

16  
17 SOLID FUEL BURNING DEVICE: Any fireplace, stove, firebox, or other  
18 device intended and or used for the purpose of burning wood, coal, pulp, paper,  
19 pellets or other non-liquid or non-gaseous fuel.

20  
21 22. Section 420 is amended to add a new subsection to read as follows:

22 420.6 Sustainable Building Code. All residential (Type R) occupancies are to be  
23 LEED-H, ICC-700, Green Globes or certified through an alternate third party,  
24 approved by the building official.

25 23. Section 501.2 is amended by changing 4 inch to 5 inch

26 24. Section 717 is amended by adding a new subsection 717.8 to read as set forth in  
27 IRC Amendment R1005.9.

28 25. Section 901.5 is amended by adding a new subsection to read as follows:

29 901.5.1 Special inspector required. All fire protection systems required by this  
30 code shall be inspected and approved by a special inspector. The special inspector  
31 shall be an authorized representative of the fire department or another qualified  
32 individual with prior approval of the building official. Approvals of special  
33 inspectors and inspections approvals and reports by special inspectors shall be in  
34 accordance with Chapter 17 of this code.

35 26. Section 908.7 is amended to comply with Articled 45 of Title 38, C.R.S.

## BUILDING CODES ORDINANCE

- 1        27.        Section 1008.1.9.3, subsection 2.2, is amended to read as follows:
- 2                    2.2 A readily visible sign is posted on the egress side on or adjacent to the door  
3                    stating:
- 4                    THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS.
- 5                    The sign shall be in letters 1 inch (25 mm) high on a contrasting background;  
6                    and...
- 7                    and...
- 8
- 9        28.        Section 1503 is amended by inserting a new subsection to read as follows:
- 10                    1503.7 Snow-shed Barriers. Roofs shall be designed to prevent accumulations of  
11                    snow from shedding onto exterior balconies, decks, pedestrian and vehicular exits  
12                    from buildings, stairways, sidewalks, streets, alleys, areas directly above or in  
13                    front of gas utility or electric utility meters, or adjacent properties.
- 14                    Exception: Roof areas with a horizontal dimension of no more than 48 inches  
15                    (1219mm) that will not receive snow shedding from a higher roof.
- 16
- 17        29.        Section 1505.1 is amended to read as follows:
- 18                    Section 1505.1 General. All roof coverings on new construction, additions and  
19                    re-roofs shall be Class A. Class A roof assemblies and roof coverings shall be  
20                    tested in accordance with ASTM E 108 or UL 7901. Additionally, fire-retardant  
21                    treated wood roof coverings shall be tested in accordance with ASTM D 2898.
- 22                    Exception: Rolled roofing membranes, metal roofs. Skylights and sloped glazing  
23                    that comply with Chapter 24 or Section 2610.
- 24
- 25        30.        Table 1505.1 and all footnotes to the table are deleted.
- 26        31.        Section 1507.1 is amended by inserting a new subsection to read as follows:
- 27                    1507.1.1 Ice dam protection. An ice dam protection underlayment that consists of  
28                    an approved self-adhering polymer modified bitumen sheet complying with  
29                    ASTM D 1970 shall be used with all roof coverings described in Sections 1507.2  
30                    through 1507.9. This ice dam protection underlayment shall extend up the slope  
31                    of the roof from the drip-edge of the roof or eave and cover the entire roof  
32                    decking surface. In new construction ice dam protection shall extend a minimum  
33                    30 inch up walls adjacent to the roof surface.
- 34
- 35        32.        Section 1507.5.3 is deleted.

- 1        33.        Section 1507.6.3 is deleted.
- 2        34.        Section 1507.7.3 is deleted.
- 3        35.        Section 1507.8.3 is deleted.
- 4        36.        Section 1507.9.3 is deleted.
- 5        37.        Section 1608.1 is deleted.
- 6        38.        Section 1608.2 is amended to read as follows:
- 7                    1608.2 Snow loads. The loads to be used in determining the design snow loads for  
8                    roofs shall be 90 psf for roofs located at an elevation below 10,000 feet, and 100  
9                    psf for roofs located at an elevation of 10,000 feet or higher. There shall be no  
10                   reduction in snow load for pitch or duration. Snow load for decks and exterior  
11                   balconies shall be as required for roofs.
- 12       39.        Section 1612.3 is amended to read as follows:
- 13                    1612.3 Establishment of flood hazard areas. The Town of Breckenridge flood  
14                    hazard areas shall be as provided in Chapter 3 of Title 10 of this Code. The  
15                    adopted flood hazard map and supporting data are adopted by reference and  
16                    declared to be part of this section.
- 17       40.        Section 1703.1 is amended to read as follows:
- 18                    1703.1 Approved agency. An approved agency shall provide all information as  
19                    necessary for the building official to determine that the agency meets the  
20                    applicable requirements. The fire department shall be an approved agency for  
21                    special inspection of fire protection systems required by this code.
- 22       41.        Section 1704.2.3 is amended by adding an additional Exception to read as follows:
- 23                    Exception: Special inspection by the fire department of fire protection systems.
- 24       42.        Section 1704.2.4 is amended by adding an Exception to read as follows:
- 25                    Exception: Special inspection by the fire department of fire protection systems.
- 26       43.        Section 1705 is amended by adding a new section and subsection to read as  
27                    follows:

BUILDING CODES ORDINANCE

1 1705.18 Fire protection and suppression systems. Fire protection and suppression  
2 systems shall have the design plans approved by a special inspector and the  
3 systems inspected and tested by a special inspector for compliance with the  
4 requirements of this code and the International Fire Code.

5 1705.18.1 Qualifications. Special inspectors for fire protection systems shall have  
6 expertise in fire-protection and be approved by the Fire Protection District.  
7 Special inspectors for fire suppression systems shall be fire suppression systems  
8 inspectors certified by the State of Colorado Division of Fire Safety and approved  
9 by the Fire Protection District.

10 44. Section 1809.5 is amended to read as follows:

11 1809.5 Frost protection. Except where erected on solid rock or otherwise  
12 protected from frost, foundation walls piers and other permanent supports of  
13 buildings and structures shall extend to at least 40 inches (1016mm) below finish  
14 grade or be designed and built in accordance with ASCE 32. Twenty Four (24  
15 inch deep footers are permitted for decks only that do not support roofs and are  
16 less than 30 inches above grade. Footings shall not bear on frozen soils. Frost  
17 reports shall be required before placement of concrete from Nov. 1 through May 1,  
18 or if freezing temperatures occur, prior to Nov. 1 or after May 1.

19 45. Section 2113 is amended by adding the following subsections to read as follows:

20 Section 2113.21 Limitation on the type and number of devices. Solid fuel burning  
21 devices that are not certified are prohibited in new construction. The number of  
22 certified solid fuel burning devices that may be installed in newly constructed  
23 buildings shall be approved by the Town's Department of Community  
24 Development.

25 Section 2113.22 Termination points of factory built chimneys shall not be within  
26 10 inches vertically of the point of termination of any adjacent chimney or  
27 appliance vent within 24 inches horizontally. No factory built chimney shall  
28 terminate closer than 24 inches to combustible finish materials.

29 Factory built chimneys shall be supported at intervals not to exceed 10 feet by wall  
30 straps or equivalent. Factory built chimneys shall have the outer wall of adjacent  
31 chimney sections fastened together by three sheet metal screws, installed  
32 approximately 120 degrees apart. Such fasteners shall be in addition to, not in lieu  
33 of those requirements mandated by the manufacturers' instructions, except when  
34 specifically prohibited by those instructions or the terms of their listing.

35 **Exception:** Where approved manufacturers' locking bands are used.

- 1       46.       Section 2301.2 The first paragraph is amended to read as follows:  
2               2301.2 General design requirements. The design of structural elements or systems,  
3               constructed partially or wholly of wood or wood-based products shall be based on  
4               one of the following methods. The use of load duration factors for snow load shall  
5               not be permitted in any of these design methods.
- 6       47.       Section 2901.1 is amended by deleting the reference to the International Private  
7               Sewage Disposal Code.
- 8       48.       Section 2902.2, Exception 2, is amended to read as follows:  
9               2. Separate facilities shall not be required in structures or tenant spaces with a  
10              total occupant load, including both employees and customers, of 30 or less.
- 11      49.       Section 3109.4 is amended to read as follows:  
12              Section 3109.4 Residential Swimming Pools. Residential Swimming Pools, Spas  
13              and Hot Tubs intended for common use by all occupants of the building shall be  
14              completely enclosed by a barrier complying with section 3109.4 through 3109.4.3.  
15              Exception: A private use spa or hot tub with a safety cover complying with  
16              ASTMF 1346.
- 17      50.       Section 3309.1 is amended to read as follows:  
18              Section 3309.1 Where required. All structures under construction, alteration or  
19              demolition shall be provided with approved portable fire extinguishers as required  
20              by the Red White and Blue fire department.
- 21      51.       Section 3311.1 is amended to read as follows:  
22              Section 3311.1 Where required. Buildings four stories or more in height shall be  
23              provided with standpipes as required by the Red White and Blue Fire Department.
- 24      52.       Section 3311 is amended by adding the following additional section:  
25              Section 3311.4 Water supply. Water supply for fire protection, either temporary  
26              or permanent, shall be made available as required by the Red White and Blue Fire  
27              Department.
- 28      53.       Section 3401.3 is amended to read as follows:

BUILDING CODES ORDINANCE

1 Section 3401.3 Compliance with other codes. Alterations, repairs, additions and  
2 changes of occupancy to, or relocation of, existing buildings and structures shall  
3 comply with the provisions for alterations, repairs, additions and changes of  
4 occupancy or relocation respectively in the adopted International Fire Code,  
5 International Fuel Gas Code, International Plumbing Code, International  
6 Mechanical Code, International Residential Code, the National Electrical Code and  
7 the International Energy Conservation Code and NFPA 70. Where the provisions  
8 of the other codes conflict with the provisions of this Chapter, the provisions of  
9 this Chapter shall take precedence.

10 54. Section 3412.2 is amended to read as follows:

11 Section 3412.2 Applicability. Structures existing prior September 18, 1972 in  
12 which there is work involving additions, alterations or changes of occupancy shall  
13 be made to conform to the requirements of this section or the provisions of  
14 Sections 3403 through 3407.

15 The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing  
16 occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F,  
17 M, R, S and U. These provisions shall not apply to buildings with occupancies in  
18 Group H or I.

19 55. Section 3412.3.2 is amended by deleting the reference to the International Property  
20 Maintenance Code.

21 56. Section 3412.4 is amended to read as follows:

22 Section 3412.4 Investigation and evaluation. For proposed work covered by this  
23 section, the building owner shall cause the existing building to be investigated and  
24 evaluated in accordance with the provisions of this section by a design professional  
25 licensed to practice in the State of Colorado.

26 57. Section 3412.6 is amended by adding the following first paragraph.

27 3410.6 Evaluation process. The building owner shall cause the existing building to  
28 be evaluated in accordance with the provisions of this section by a design  
29 professional(s) licensed to practice in the State of Colorado.

30 8-1-5: AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE: The following  
31 sections of the International Residential Code, 2012 Edition, are amended to read as follows:

32 1. Section R101.1 is amended by adding the name, "Town of Breckenridge."  
33

## BUILDING CODES ORDINANCE

- 1           2.       Section R101.2 is amended by deleting Exceptions 1 and 2.
- 2           3.       Section R102.7 is amended by deleting the reference to the Property Maintenance  
3           Code.
- 4           4.       Section R103.2 is amended to read as follows:
- 5                   R103.2 building official. The building official is authorized and directed to  
6                   enforce all of the provisions of this code; however, a guaranty that all buildings  
7                   and structures have been constructed in accordance with all of the provision of this  
8                   code is neither intended nor implied.
- 9           5.       Section R103.3 is amended by deleting the words: “with the concurrence of the  
10           appointing authority.”
- 11          6.       Section R104.8 is amended by adding the following additional paragraph to the  
12           beginning of the section:
- 13                   The adoption of this code, and any previous building, construction and housing  
14                   standard adopted by the Town of Breckenridge, shall not be deemed to give rise to  
15                   a duty of care on the part of any public entity, public employee or agent, nor shall  
16                   this code or any previous building, construction and housing standard be deemed  
17                   to create any civil remedy against a public entity, public employee or agent.
- 18          7.       Section R105.5 is amended to read as follows:
- 19                   R105.5 Expiration. Every permit issued by the code official under the provisions  
20                   of this code shall expire 18 months after the date of issue. Every permit issued  
21                   shall become invalid unless the work on the site authorized by such permit is  
22                   commenced within 180 days after its issuance, or if the work authorized on the site  
23                   by such permit is suspended or abandoned for a period of 180 days after the time  
24                   the work is commenced. The code official is authorized to grant extensions of  
25                   time, for periods of 6 months. An extension shall be requested in writing, and the  
26                   request shall demonstrate justifiable cause for the extension.
- 27          8.       Section R106.1 is amended to read as IBC Section 107.1 as amended.
- 28          9.       Section R106.3 is amended to read as IBC Section 107.3 as amended.
- 29          10.       Section R106.3.1 is amended to read as IBC Section 107.3.1 as amended.
- 30          11.       Section R108.2 is amended by replacing “by the applicable government authority”  
31           with ”in accordance with the Town of Breckenridge Building Permit and

BUILDING CODES ORDINANCE

- 1 Inspection Fee Schedule. Refer to the International Building Code Amendment  
2 Section 109.2, as amended”
- 3 12. Section R108.3 Building permit valuations, is amended to read as pursuant to  
4 section 109.3 International Building Code 2012.
- 5 13. Section R108.6 is amended to read as follows:  
6 108.6 Work commencing before permit issuance. Any person who commences  
7 any work on a building, structure, electrical, gas, mechanical or plumbing system  
8 before obtaining the necessary permits shall be subject to an investigation fee that  
9 shall be in addition to the required permit fees. The investigation fee shall be as set  
10 forth in the Town of Breckenridge Building Permit and Inspection Fee Schedule.
- 11 14. Section R109.1.6 is amended to read as follows:  
12 Final inspection. To be made only after the finished grading and the building or  
13 structure is completed in accordance with the provisions of the International  
14 Residential Code and Technical Codes, the Development Code, including  
15 cleaning, flooring, tile, wallpaper, paint, trim, finish, and final painting and paving.  
16 A security deposit may be posted for work required by the Town’s Department of  
17 Community Development, i.e., landscaping, exterior painting, paving, that cannot  
18 be completed as a result of prevailing weather conditions.
- 19 15. Section R109 is amended by adding a new subsection to read as follows:  
20 R109.5 Re-inspections. A re-inspection fee, as specified in the Town of  
21 Breckenridge Building Permit and Inspection Fee Schedule, may be assessed for  
22 each inspection or re-inspection when such portion of work for which inspection is  
23 called is not complete or when corrections called for are not made. Re-inspection  
24 fees may also be assessed when the inspection records are not posted or otherwise  
25 available on the work site, the approved plans are not readily available to the  
26 inspector, for failing to provide access on the date for which the inspection is  
27 requested, or for deviating from plans requiring the approval of the building  
28 official. In instances where re-inspection fees have been assessed, no additional  
29 inspection of the work will be performed until the re-inspection fees have been  
30 paid.
- 31 16. Section R110.1 is amended by deleting Exception number (2).
- 32 17. Section R110.3 is amended by adding the following paragraph:

BUILDING CODES ORDINANCE



1 A Certificate of Occupancy shall not be construed as an approval of a violation of  
2 the provisions of this code or any other ordinance of the Town. Certificates  
3 presuming to give authority to violate or cancel the provisions of this code or other  
4 ordinances of the Town shall not be valid.

5 18. Section R110.4 is deleted.

6 19. Section 110 is amended by adding a new subsection to read as follows:

7 R110.6 A Certificate of Completion shall be issued for work not directly related  
8 to occupancy when such work complies with the provisions of this code and all  
9 other relevant laws, which are enforced by the Town. A Certificate of Completion  
10 shall not be construed as an approval of a violation of the provisions of this code or  
11 other ordinances of the Town. Certificates presuming to give authority to violate or  
12 cancel the provisions of this code or other ordinances of the Town shall not be  
13 valid.

14 20. Section R113 is deleted.

15 21. Section R202 is amended by inserting the following definitions within the  
16 alphabetical order of the existing definitions and by amending the definition of a  
17 Town House:

18 LOFT: A room or floor in a building that is open to the room or floor directly  
19 below, which may or may qualify as a mezzanine. Lofts may be either habitable  
20 space or non-habitable space. A habitable loft provided with a closet or where a  
21 bathroom on the same level can be directly accessed without passing through a  
22 sleeping room, will be considered a sleeping room for the purposes of Sections  
23 R310, R314 and R315.

24 POTENTIAL SLEEPING ROOM: A room or space within a dwelling unit having  
25 a floor area of a t least 70 square feet and a ceiling height of at least 5 feet will be  
26 considered a sleeping room as follows: ,

27 In a building defined as a *dwelling* or *lodging* house, any space or room having  
28 two of the following factors shall be considered a sleeping room.

- 29 a. Has walls and doors to separate it from other habitable spaces  
30 b. Meets the definition of a loft.  
31 c. Has a closet or similar provision for clothes storage

## BUILDING CODES ORDINANCE

1 d. Has a full or partial bathroom connected to the space or room, or has a path of  
 2 travel to a full or partial bathroom which does not first pass through a  
 3 habitable space.

4 Rooms or spaces determined by these criteria to be sleeping rooms, regardless of  
 5 any names, labels, or intended uses proposed by the building designer or owner,  
 6 shall have: (i) emergency escape and rescue openings pursuant to Section R310 of  
 7 the International Residential Code; (ii) smoke detectors pursuant to Section R314  
 8 of the International Residential Code; and (iii) carbon monoxide detectors pursuant  
 9 to Article 45 of Title 38, C.R.S.

10 TOWNHOUSE: A single family dwelling unit constructed in a group of two or  
 11 more attached units in which each unit extends from foundation to roof and with a  
 12 yard or public way on at least two sides.

13 22. Table R301.2(1) is amended to read as follows:

14 **TABLE R 301.2 (1) – CLIMATIC AND GEOGRAPHICAL DESIGN CRITERIA**

ROOF SNOW LOAD	WIND SPEED MPH <sup>d</sup>	SEISMIC DESIGN CAT <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>i</sup>	FLOOD HAZARDS	AIR FREEZING INDEX <sup>j</sup>	MEAN ANNUAL TEMP <sup>k</sup>
			weathering <sup>a</sup>	frost line depth <sup>b</sup>	termite <sup>c</sup>					
h	90	B	severe	40 inches	slight	-13°	yes	g	2500	35.4°

15  
 16 For SI: 1 pound pursuant to square foot=0.0479 kN/m.0 2, 1 mile pursuant to  
 17 hour=1.609km/h.

- 18 (a) Weathering may require a higher strength concrete or grade of masonry  
 19 than necessary to satisfy the structural requirements of this code. The  
 20 grade of masonry units shall be determined from ASTM C 34, C 55, C 62,  
 21 C 73, C 90, C129, C 145, C 216 or C 652.
- 22 (b) The frost line depth may require deeper footings than indicated in Figure  
 23 R403.1(1). This part of the table is filled in depending on whether there  
 24 has been a history of local damage. Twenty Four (24”) inch deep footers  
 25 are permitted for decks only, which do not support roofs and are less than  
 26 30 inches above grade.
- 27 (c) This part of the table is filled in depending on whether there has been a  
 28 history of local damage.
- 29 (d) Wind exposure category shall be determined on a site-specific basis in  
 30 accordance with Section R301.2.1.4.
- 31 (e) Reflects local climates or local weather experience as determined by the  
 32 building official.
- 33 (f) Seismic Design Category determined from Section R301.2.2.2.
- 34 (g) See Amendment 1612.3 IBC

- 1 (h) Snow-loads of 90 lbs. pursuant to square foot are required for construction  
2 sites below an elevation of 10,000 feet. For construction sites at an  
3 elevation of 10,000 feet or greater, the snow-load shall be one hundred  
4 pounds (100lbs.) pursuant to square foot. There shall be no reduction in  
5 snow-load for pitch or duration.  
6 (i) In accordance with R905.1 as amended.  
7 (j) From the 100 year (99%) value on the National Climatic Data  
8 Center data table “Air Freezing Index- USA Method( Base  
9 32degrees F)”  
10 (k) From the National Climatic Data Center data table “Air  
11 Freezing Index-USA Method ( Base 32 degrees F )”
- 12 23. Table R301.5 is amended by deleting exterior balconies, decks and fire escapes  
13 from the table, and by adding footnote (j) to read as follows:
- 14 (j) The minimum uniformly distributed live loads for exterior balconies and decks  
15 shall be as required for roofs.
- 16 24. Section R302.1 is amended to read as follows:
- 17 R302.1 Exterior walls. Construction, projections, openings and penetrations of  
18 exterior walls of dwellings and accessory buildings shall comply with Table  
19 R302.1(1); or dwellings equipped throughout with an automatic sprinkler system  
20 installed in accordance with all applicable provisions of the governing Fire  
21 district’s code shall comply with table R302.1(2).
- 22 25. Table R302.1(2), Footnote a, is amended to read as follows:
- 23 a. For residential subdivisions where all dwellings are equipped throughout with an  
24 automatic sprinkler system installed, permitted and inspected to show compliance  
25 with all applicable requirements of the governing Fire district’s code, the fire  
26 separation for nonrated exterior walls and rated projections shall be permitted to be  
27 reduced to 0 feet, and unlimited unprotected openings and penetrations shall be  
28 permitted, where the adjoining lot provides an open setback yard that is 6 feet or  
29 more in width on the opposite side of the property line.
- 30 26. Section R302.2 Exception is amended to read as follows:
- 31 Exception: A common 2-hour fire-resistance rated wall assembly tested in  
32 accordance with ASTM E119 or UL 263 is permitted for Townhouses if such walls  
33 do not contain plumbing or mechanical equipment, ducts or vents in the cavity of  
34 the common wall. The wall shall be rated for fire exposure from both sides and  
35 shall extend to and be tight against exterior walls and the underside of the roof

BUILDING CODES ORDINANCE

1 sheathing. Electrical installations shall be installed in accordance with Chapters 34  
2 through 43. Penetrations of electrical boxes shall be in accordance with Section  
3 R302.4.

4 27. Section R313 is amended to read as follows:

5 Section R313 Dwelling Unit Fire Sprinkler Systems and Internal Fire Protection.

6 Section R313.1 General. Structures under the scope of this code are to be  
7 protected by fire sprinkler systems as designated, reviewed, installed and inspected  
8 by the Red White and Blue Fire District pursuant to section R313.1.1 through  
9 R313.1.2.

10 Section R313.1.1, Fire sprinkler Systems required. Structures greater than 6,000  
11 square feet are to be protected by fire sprinkler systems pursuant to the Red White  
12 and Blue Fire District. Square footages shall include all attached garages and any  
13 detached structures within 3 feet of the residence. Square footage shall be  
14 measured from exterior wall to exterior wall. Fire separations within the structure  
15 shall not be utilized to reduce the measured square footages of the structure(s).

16 Section R313.1.2 Additions. Any addition which increases the total square footage  
17 of the residence to greater than 6,600 square feet is to be provided with a fire  
18 sprinkler system at the addition only. Where the size of the addition itself is greater  
19 than 6,000 square feet, the addition as well as the existing residence shall be  
20 provided with a fire sprinkler system. Where the addition increases the total square  
21 footage of the residence to greater than 6,600 square feet and the alterations to the  
22 existing structure results in the removal of interior wall and ceiling finishes  
23 exposing the structure a fire sprinkler systems shall be retro-fitted into the existing  
24 residence as well as the addition.

25 Section R313.2 Internal Fire Protection. Residences between 4,000 and 6,000  
26 square feet shall be provided with 5/8 inch Type 'X' drywall throughout the  
27 structure. The 5/8 inch Type 'X' drywall shall be continued behind fireplaces,  
28 bathtubs, showers, tongue and groove walls, ceilings, and other similar areas.

29 28. Section R319.1 is amended to read as follows:

30 R319.1 Premises identification. Approved numbers or addresses shall be provided  
31 for all new and altered buildings in such a position as to be plainly visible and  
32 legible from the street or road fronting the property. Address characters shall be at  
33 least five inches (127 mm) in height and shall be of a color that contrasts with the  
34 background on which they are mounted.

- 1        29.        Section R501.3, Exception 1, is amended to read as follows:
- 2                    R501.3 Exception 1 Floor assemblies located directly over a space protected by an  
3                    automatic sprinkler system permitted, installed and inspected as required by the  
4                    Fire District having jurisdiction.
- 5        30.        Section R501.3, Exception 2 is amended to read as follows:
- 6                    R501.3 Exception 2. Floor assemblies located directly over a crawlspace with  
7                    maximum 4 foot headroom occurring anywhere within the crawlspace. The  
8                    headroom shall be measured from grade to the bottom of the floor joists.
- 9        31.        Section R602.3 is amended by adding the following sentence:
- 10                   The use of load duration factors for snow load shall be prohibited.
- 11        32.        Section R802.2 is amended by adding the following sentence:
- 12                   There shall be no reduction in snow load for pitch or duration.
- 13        33.        Section R902.1 is amended to read as follows:
- 14                   R902.1 Roof covering materials. Roofs shall be covered with materials as set forth  
15                   in sections R904 and R905. Class A roofing assemblies shall be installed on all  
16                   new buildings, additions and re-roofs. Class A roofing shall be tested in  
17                   accordance with UL 790 or ASTM E 108 or ASTM D 2898.
- 18        34.        Section R905.1 is amended by adding a new subsection to read as follows:
- 19                   R905.1.1 Ice Barrier Underlayment. An ice barrier that consists of an approved  
20                   self adhering modified bitumen sheet underlayment shall be used at all sloped  
21                   roofs. This ice and protection underlayment shall extend up the slope of the roof  
22                   from the drip-edge of the roof or eave and cover the entire roof deck surface. In  
23                   new construction ice dam protection shall extend a minimum 30 inches up walls  
24                   and adjacent to the roof surface.
- 25        35.        Section R905.2.7.1 is deleted.
- 26        36.        Section R905.4.3 is deleted.
- 27        37.        Section R905.5.3 is deleted.
- 28        38.        Section R905.6.3 is deleted.

BUILDING CODES ORDINANCE

- 1 39. Section R905.7.3 is deleted.
- 2 40. Section R905.8.3 is deleted.
- 3 41. Section R1004.4 is amended to read as follows:
- 4 R1004.4 Unvented gas log heaters. Installation of unvented gas log heaters is  
5 prohibited.
- 6 42. Section 1004 Factory Built Fireplaces is amended by adding the following new  
7 subsections to read as follows:
- 8 Section R1004.5 Solid fuel burning devices that are not certified are prohibited in  
9 new construction. The number of certified solid fuel burning devices that may be  
10 installed in newly constructed buildings shall be approved by the Town's  
11 Department of Community Development.
- 12 Section R1004.6 CERTIFIED SOLID FUEL BURNING DEVICE is a solid fuel  
13 burning device which is certified by the Air Pollution Control Division of the  
14 Colorado Department of Health or approved by the building official as meeting the  
15 emission standards set forth in Section IV or Regulation No. 4 of Volume I of the  
16 Colorado Air Quality Control Commission (EPA Phase II or III).
- 17 Section R1004.7 For the purpose of this section, NEW CONSTRUCTION is  
18 construction of a residential, commercial, industrial, agricultural or accessory  
19 building. This shall include any modifications, replacement or relocation of  
20 existing solid fuel burning devices. However, modifications to solid fuel burning  
21 devices shall not include repair, replacement or relocation of flue pipe.
- 22 Section R1004.8 SOLID FUEL BURNING DEVICES are any fireplace, stove,  
23 firebox, or other device intended and/or used for the purpose of burning wood,  
24 coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.
- 25 43. Section R1005 is amended by adding a new subsections to read as follows:
- 26 R1005.8 Termination points of a factory built chimneys shall not be within 10  
27 inches vertically of the point of termination of any adjacent chimney or appliance  
28 vent with 24 inches horizontally. No factory built chimney shall terminate closer  
29 than 24 inches to combustible finish materials.
- 30 R1005.9. Factory Built Class A Chimneys shall be enclosed within a continuous  
31 enclosure protected on the interior (flue) side by not less than one-hour fire  
32 resistive construction.

BUILDING CODES ORDINANCE

- 1 Exception: The portion of the chimney located in the same room as the appliance  
2 and the portion of the chimney above the finished roofs are not required to be  
3 enclosed. However, if they are enclosed, the interior of the shaft shall be protected  
4 by one-hour fire resistive construction.
- 5 44. Table N1102.1.1 (IECC R402.1.1), Fenestration U-Factor column, is amended to  
6 read 0.35 for Climate Zone 7 and 8.
- 7 45. Table N1102.1.1 (IECC R402.1.1), footnote d, is amended to read as follows:  
8 Table N1102.1.1 footnote d. R-10 shall be required under the entire heated slab.
- 9 46. Table N1102.1.1 (R4202.1.1), “Insulation and Fenestration Requirements by  
10 Component,” is amended by adding a footnote (j) to ‘WOOD FRAME WALL R –  
11 VALUE/CLIMATE ZONE 7 and 8 to read as follows:
- 12 (j) Continuous wall insulation is not required where the wall cavity is insulated  
13 with a minimum R-23 blown or sprayed insulation and the reductions in roof  
14 ceiling insulation permitted by N1102.1.1 (R402.2.1) and N1102.2.2 (R402.2.20)  
15 are not used.
- 16 47. N1102.2.9 is amended to read as follows:  
17 N1102.2.9 Slab-on-grade floors with a floor surface less than 40 inches below  
18 grade shall be insulated in accordance with Table N1102.1.1. The insulation shall  
19 extend downward from the top of the slab on the outside or inside of the  
20 foundation wall. Insulation located below grade shall be extended the distance  
21 provided in Table N1102.2.2 by any combination of vertical insulation, insulation  
22 extending under the slab or insulation extending out from the building. Insulation  
23 extending away from the building shall be protected by pavement or by a  
24 minimum of 10 inches of soil.
- 25 48. Section 1102.4.1.2 (R402.4.1.2) is amended to add the following Exception:  
26 Exception: Homes that have been inspected by an approved third party, verifying  
27 that air barriers and air sealing has been installed in accordance with sections 3 and  
28 5 of ENERGY STAR Certified Homes, Version 3 (Rev.07), Thermal Enclosure  
29 System Rater Checklist.
- 30 49. Section M1701 is amended to add a new subsection to read as follows:  
31 M1701.3 All combustion air terminations shall be a minimum of 36 inches above  
32 finished ground level.

- 1        50.        Section M1804.2.1 is amended to read as follows:
- 2                    M1804.2.1 Through the roof. Vents passing through a roof shall extend through  
3                    flashing and terminate in accordance with the manufacturer’s installation  
4                    requirements. All vents shall terminate within 5 feet of ridgeline.
- 5        51.        Section 1804.2.6, No.4 is amended to read as follows:
- 6                    1804.2.6, No.4. The bottom of the vent terminal shall be located at least 36 inches  
7                    above grade.
- 8        52.        Section M2002.4 is amended by adding the follow sentence.
- 9                    All boiler, furnace, mechanical and water heater rooms, are to be provided with a  
10                    floor drain.
- 11       53.        Section G2407.6 is amended by adding the following sentence:
- 12                    All exterior openings for combustion air shall terminate a minimum 36 inches  
13                    above finished grade.
- 14       54.        Section G2417.4.1 is amended to read as follows:
- 15                    G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less  
16                    than one and one-half times the proposed maximum working pressure, but not less  
17                    than 30 psig (69kPa gauge), irrespective of design pressure. Where the test  
18                    pressure exceeds 125 psig (862kPa gauge), the test pressure shall not exceed a  
19                    value that produces a hoop stress in the piping greater than 50 percent of the  
20                    specified minimum yield strength of the pipe.
- 21       55.        Section G2425.8 is amended by deleting item No.7.
- 22       56.        Section G2432 is amended by adding a new subsection to read as follows:
- 23                    G2432.4 (602.4) Gas logs. Gas logs may be installed in solid-fuel-burning  
24                    fireplaces provided:
- 25                    1) The gas log is installed in accordance with the manufacturer’s installation  
26                    instructions.
- 27                    2) If the fireplace is equipped with a damper it shall either be removed or  
28                    permanently secured in an open position.



1 3) The flue passageway shall be not less than 1 square inch pursuant to 2,000 Btu/h  
2 input and not more than 4 square inches pursuant to 2,000 Btu/h input.

3 4) Gas logs shall be equipped with a pilot and shall have a listed safety shutoff  
4 valve.

5 5) Gas logs shall be vented with a Class A Chimney that is protected in accordance  
6 with Section R1005.11 as amended.

7 6) Gas logs may be installed in factory-built fireplaces only when: (a) the fireplace  
8 and gas logs are listed for use together as an individual unit; (b) the fireplace is  
9 approved for use with any listed gas log; or (c) the fireplace manufacturer provides  
10 prior written approval for the installation.

11 Exception: The installation of gas logs in factory built fireplace units for which  
12 the manufacturer cannot be identified or located may be approved by the building  
13 official in his or her discretion. Any approval shall be based at a minimum, on  
14 written evidence submitted by the gas log manufacturer that the installation of their  
15 product will not compromise the integrity of the existing fireplace.

16 7) Chimneys to gas log sets shall be provided with a mechanical damper  
17 interlocked to the electronic ignition of the unit.

18 57. Section G2433.1 (603.1) is amended to read as follows:

19 General. Log lighters are prohibited.

20 58. Section G2445 (621) is amended to read as follows:

21 Prohibited installation. Installation of unvented room heaters is prohibited.

22 59. Section P2501.1 is amended to read as follows.

23 P2501.1 Scope. The provisions of the chapter shall establish the general  
24 administrative requirements applicable to plumbing systems and inspection  
25 requirements of this code. The intent of this code is to meet or exceed the  
26 requirements of the State of Colorado Plumbing Code. When technical  
27 requirements, specifications or standards in the Colorado Plumbing Code conflict  
28 with this code, the more restrictive shall apply.

29 60. Section P2503.5.1. The first paragraph is amended to read as follows:

## BUILDING CODES ORDINANCE

1 P2503.5.1 Rough Plumbing. Drain, waste, and vent systems shall be tested upon  
2 completion of the rough piping installation by water or by air with no evidence of  
3 leakage. Either test shall be applied to the drainage system or in sections after  
4 rough piping has been installed, as follows:

5 61. Section P2503.7, Water-supply system testing: The portion of the sentence  
6 reading “for piping systems other than plastic” shall be deleted.

7 62. Section P2801.5.2 is amended to read as follows:

8 P2801.5.2 Pan drains termination. The pan drain shall extend full-size and  
9 terminate over a suitably located indirect waste receptor or floor drain and  
10 terminate not less than 6 inches and not more than 24 inches above the adjacent  
11 ground surface.

12 63. Section P2803.6.1 Item 5 is amended by deleting the reference allowing the  
13 discharge from the relief valve to terminate to the outdoors.

14 64. Section P2904 is deleted.

15 65. Section P3103.1 is amended to read as follows:

16 P3103.1 Roof extension. All open vent pipes which extend through a roof shall be  
17 terminated at least 12 inches (306mm) above the roof and shall terminate within 5  
18 feet of a ridgeline, except that where a roof is to be used for any purpose other than  
19 weather protection, the vent extensions shall be run at least 7 feet (2134 mm)  
20 above the roof.

21 66. Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 are deleted.

22 67. Add new Chapter 46 to read as follows:

23 CHAPTER 46

24 SUMMIT COUNTY SUSTAINABLE CODE

25 SECTION 4601

26 GENERAL

27 4601 Scope. All new building construction and construction adding additional  
28 conditioned square footage shall be compliant with the Summit County  
29 Sustainable Code and the following Summit County Sustainable Code Checklist.

30 4602 Summit County Sustainable Code Checklist:

BUILDING CODES ORDINANCE



- 1         Roof framing 60% or greater renewable or engineered lumber.
- 2         Floor framing 80% or greater renewable or engineered lumber.
- 3         Beams and headers 80% or greater renewable or engineered lumber.
- 4         Energy heels at trusses, 12" or greater.
- 5         ICF foundation. *Insulated Concrete Forms.*
- 6         Insulated headers (80% minimum at R-10).
- 7         Greater than R-23 in walls.
- 8         Greater than R-49 in ceiling.
- 9         U-factor of .30 or lower on 80% of fenestrations.
- 10        Conditioned crawlspace or slab on grade.
- 11        High efficiency boiler, AFUE 95% or greater. *Annual Fuel Utilization Efficiency.*
- 12        High efficiency furnace, AFUE 95% or greater.
- 13        Boiler or furnace centrally located; no mechanical run longer than 2/3 the distance of
- 14       the greatest diagonal dimension of the home.
- 15        HRV or ERV system installed.
- 16        Side arm water heater served by boiler.
- 17        50 year roof or greater warranty.
- 18        Alternative energy sources: *1000 British Thermal Units/Kilowatt/Photovoltaic.*
- 19             Active solar space heating system 1 pt/25MBTU            \_\_\_\_\_
- 20             Active solar domestic hot water system 1 pt/25MBTU            \_\_\_\_\_
- 21             Ground source heating/cooling system 1 pt/25MBTU            \_\_\_\_\_
- 22             Solar generated (PV) electric system 1 pt/2.5KW            \_\_\_\_\_
- 23             Wind generated electric system 1 pt/2.5KW            \_\_\_\_\_
- 24         Dual flush toilets, 1.28 gpf toilets, or Watersense toilets.
- 25         Motion sensors on a minimum of 80% of exterior lights.
- 26         Programmable thermostats.
- 27         No recessed lights in the exterior insulated ceilings.
- 28         OVE framing. *Optimal Value Engineering.*
- 29         Bamboo, concrete, stone or cork flooring, 1 pt/50%.
- 30         HERS rating. *Home Energy Rating.*
- 31             2 pts for performing HERS rating            \_\_\_\_\_
- 32             4 pts HERS Index of 70 or less            \_\_\_\_\_
- 33             8 pts HERS Index of 55 or less            \_\_\_\_\_
- 34                 12 pts HERS Index of 40 or less            \_\_\_\_\_
- 35         Innovative Product, Design or Technology (Points awarded by building official)
- 36
- 37        \_\_\_\_\_ **Total Points Awarded for Secondary Choices**

BUILDING CODES ORDINANCE

1            \_\_\_\_\_ **Total Points incurred** *from other side*

2  
3            \_\_\_\_\_ **Total Net Points** *must be greater than or equal to zero*

4

5            68.        Section AF103.5 is amended to add the following Exception:

6                            Exception: The radon vent pipe is allowed to terminate within the structure as long  
7                            as it is sealed to withstand a minimum of 5psi of pressure.

8            69.        Section AF 103.6.1 is amended to add the following Exception:

9                            Exception: The radon vent pipe is allowed to terminate within the structure as long  
10                            as it is sealed to withstand a minimum of 5psi of pressure.

11        8-1-6: AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE: The following  
12        sections of the International Mechanical Code, 2012 Edition, are amended to read as follows:

13

14            1.        Section 101.1 is amended to read as follows:

15                            101.1 Title. These regulations shall be known as the Mechanical Code of the  
16                            Town of Breckenridge, herein after referred to as “this code.”

17            2.        Section 103.2 is amended to read as IBC 103.2 as amended.

18            3.        Section 103.3 is amended to read as IBC 103.3 as amended.

19            4.        Section 103.4 is amended to read as IBC 104.8 as amended.

20            5.        Section 106.4.3 is amended to read as IBC 105.5 as amended.

21            6.        Section 106.4.4 is deleted.

22            7.        Section 106.5.2 is amended to read as follows:

23                            106.5.2 Fee schedule. The fees for mechanical work shall be in accordance with  
24                            the Town of Breckenridge Building Permit and Inspection Fee Schedule pursuant  
25                            to IBC Section 109.2, as amended.

26            8.        Section 106.5.3 is amended to read as follows:

27                            106.5.3 The building official is authorized to establish a fee refund policy.



1 903.3 Unvented gas log heaters. Unvented gas log heaters are prohibited.

2 8-1-7: AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE: The following  
3 sections of the International Plumbing Code, 2012 Edition, are amended to read as follows:  
4

5 1. Section 101.1 is amended to read as follows:

6 101.1 Title. These regulations shall be known as the Plumbing Code of the Town  
7 of Breckenridge, herein after referred to as “this code.”

8 2. Section 101.3 is amended to add the following:

9 The intent of this code is to meet or exceed the requirements of the State of  
10 Colorado Plumbing Code. When technical requirements, specifications or  
11 standards in the Colorado Plumbing Code conflict with this code, the more  
12 restrictive shall apply.

13 3. Section 103.2 is amended to read as IBC Amendment 103.2.

14 4. Section 103.3 is amended to read as IBC Amendment 103.3.

15 5. Section 103.4 is amended to add a paragraph as written in IBC Amendment 104.8.

16 6. Section 106.5.3 is amended to read as IBC Amendment 105.5.

17 7. Section 106.5.4 is deleted.

18 8. Section 106.6.2 is amended to read as follows:

19 106.6.2 Fee schedule. The fees for plumbing work shall be in accordance with the  
20 Town of Breckenridge Building Permit and Inspection Fee Schedule pursuant to  
21 IBC Section 108.2, as amended.

22 9. Section 106.6.3 is amended to read as follows:

23 106.6.3 Fee refunds. The building official is authorized to establish a refund  
24 policy.

25 10. Section 106.6 is amended by adding a new subsection 106.6.4 to read as IBC  
26 Amendment 110.7.

27 11. Section 108.1 is deleted.

28 12. Section 108.2 is deleted.

## BUILDING CODES ORDINANCE

- 1       13.       Section 108.3 is deleted.
- 2       14.       Section 108.4 is deleted.
- 3       15.       Section 108.5 is deleted.
- 4       16.       Section 108.6 is deleted.
- 5       17.       Section 109 is deleted.
- 6       18.       Section 301 is amended to add a new subsection as follows:
- 7               301.8 Floor Drains. All mechanical, furnace, boiler and water heater rooms shall  
8               be provided with a floor drain.
- 9       19.       Section 305.4.1 is amended to read as follows:
- 10              305.4.1 Sewer depth. Building sewers shall be installed in accordance with the  
11              standards and approval of the governing Sanitation District.
- 12       20.       Section 312.3 is amended to delete the first sentence.
- 13       21.       Section 312.5 is amended by deleting the portion of the sentence reading “for  
14              piping systems other than plastic.”
- 15       22.       Section 312.6 is amended to read as follows:
- 16              Section 312.6 Gravity sewer test. Testing of the building sewer shall be in  
17              accordance with the standards and approval of the governing Sanitation District.
- 18       23.       Section 312.7 is amended to read as follows:
- 19              312.7 Forced sewer test. Testing of the building sewer shall be in accordance with  
20              the standards and approval of the governing Sanitation District.
- 21       24.       Section 312.10.1 is deleted.
- 22       25.       Section 402.3, Exception 2, is amended by changing the total occupant load from  
23              15 to 30.
- 24       26.       Section 504.6 is amended to delete reference to the outdoors in item No.5.
- 25       27.       Section 504.7.2 is amended to read as follows:

BUILDING CODES ORDINANCE



1 504.7.2 Pan drain termination. The pan drain shall extend full-size and terminate  
2 over a suitably located indirect waste receptor or floor drain and terminate not less  
3 than 6 inches and not more than 24 inches above the adjacent floor surface.

4 28. Sections 608.17 through 608.17.8, inclusive, are deleted.

5 29. Section 610.1 is amended to read as follows:

6 610.1 General. New or repaired potable water systems shall be purged of  
7 deleterious matter and disinfected prior to utilization. The method to be followed  
8 shall be that prescribed by the Town of Breckenridge Water Department.

9 30. Section 701.2 is amended to read as follows:

10 701.2 Sewer required. Every building in which plumbing fixtures are installed and  
11 all premises having drainage piping shall be connected to a public sewer.

12 31. Section 903.1 is amended to read as IRC Amendment P3103.1

13 32. Section 1106.1 is amended to read as follows:

14 1106.1 General. The size of the vertical conductors and leaders, building storm  
15 drains, building storm sewers, and any horizontal branches of such drains or  
16 sewers shall be based on the 100-year hourly rainfall rate of two (2) inches  
17 (50.8mm) pursuant to hour.

18 33. Section 1109.1 is amended to read as follows:

19 1109.1 Combination drains and sewers. Combination sanitary and storm drains or  
20 sewers are prohibited.

21 8-1-8: AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION CODE:  
22 The following sections of the International Energy Conservation Code, 2012 Edition, are  
23 amended to read as follows:

24 1. Section 101.1 is amended by adding the name “Town of Breckenridge.”

25 2. Section 101.2 is amended by adding an additional sentence to read as follows:

26  
27 For residential buildings this code is to be used in conjunction with any sustainable  
28 building ordinance that may subsequently be adopted by the Town of  
29 Breckenridge. Where there are conflicting requirements between the two codes, the  
30 most restrictive requirement shall be met.

## BUILDING CODES ORDINANCE

- 1 3. Table R402.1.1 is amended to add a footnote ‘j’ as set forth in IRC Amendment  
2 N1102.1.1.
- 3 4. Table R402.1.1, footnote d, is amended to read as follows:  
4 d. R-10 shall be required under all heated slabs. R-5 slab edge insulation is  
5 required for all slabs less than 40 inches below grade.
- 6 5. Table R402.1.3 is amended to read as set forth in IRC Amendment to Table  
7 1102.1.1.
- 8 6. Section R402.2.9, Slab-on-grade floors, is amended to read as set forth in IRC  
9 Amendment N1102.2.2.9.
- 10 7. Section R402.4.1.2 is amended to add the following Exception:  
11 Exception: Projects that have been inspected by an approved third party verifying  
12 that air barriers and air sealing has been installed in accordance with sections 3 and  
13 5 of ENERGY STAR Certified Homes, Version 3 (Rev.07) Thermal Enclosure  
14 System Rater Checklist.

15 8-1-9: AMENDMENTS TO THE NATIONAL ELECTRICAL CODE: There are no  
16 amendments to the National Electrical Code, 2014 Edition.

17  
18 8-1-10 AMENDMENTS TO THE ICC ELECTRICAL CODE – ADMINISTRATIVE  
19 PROVISIONS: The following sections of the ICC Electrical Code – Administrative Provisions,  
20 2006 Edition, are amended to read as follows:  
21

- 22 1. Section 101.1 is amended to read as follows  
23 101.1 Title. These regulations shall be known as the ICC Electrical Code™.  
24 Administrative Provisions of Town of Breckenridge and shall be cited as such. The  
25 ICC Electrical Code™ - Administrative Provisions in combination with the  
26 separately adopted National Electrical Code will be referred to herein as “this  
27 code.” The ICC Electrical Code™ - Administrative Provisions in combination  
28 with the separately adopted National Electrical Code will be referred to throughout  
29 all other building construction and housing standards adopted by the Town of  
30 Breckenridge as the ICC Electrical Code.
- 31 2. Section 201.3 is amended to read as follows:  
32 201.3 Terms defined in other codes. Where terms are not defined in this code and  
33 are defined in the International Building Code, International Fire Code,

1 International Fuel Gas Code, International Mechanical Code, International  
2 Plumbing Code, International Residential Code, International Energy Conservation  
3 Code or NAPA 70, such terms shall have meanings ascribed to them as in those  
4 codes.

5 3. Section 301.2 is amended to read as IBC Amendment 103.2.

6 4. Section 301.3 is amended to read as IBC Amendment 103.3.

7 5. Section 302.9 is amended to read as IBC Amendment 104.8.

8 6. Section 403.2 is amended to read as IBC Amendment 105.5.

9 7. Section 403.3 is deleted.

10 8. Section 403.6 is amended to read as follows:

11 403.6 Information on the permit. The code official shall issue all permits required  
12 by this code on an approved form furnished for that purpose. The permit shall  
13 contain a general description of the operation or occupancy and its location and  
14 any other information required by the code official.

15 9. Section 404.2 is amended to read as IBC Amendment 108.2.

16 10. Section 404.3 is amended to read as follows:

17 404.3 Work commencing before permit issuance. Any person who commences  
18 any work before obtaining the necessary permits shall be subject to an  
19 investigation fee established by the code official, which shall be in addition to the  
20 required permit fee. The investigation fee shall be as set forth in the Town of  
21 Breckenridge Building Permit and Inspection Fee Schedule.

22 11. Section 404 is amended by inserting two new subsections to read as follows:

23 404.6 Re-inspections. Shall read as pursuant to IBC Amendment 109.7

24 404.7 Fees. Permit and Plan review fees for electrical work shall be in accordance  
25 with the Town of Breckenridge Building Permit and Inspection Fee Schedule  
26 pursuant to IBC Section 109.2, as amended.

27 12. Section 1001 is deleted.

28 13. Sections 1002.1 through 1002.6, inclusive, are deleted.

## BUILDING CODES ORDINANCE

- 1        14.        Section 1003 is deleted.
- 2        15.        Section 1004 is deleted.
- 3        16.        Sections 1101 is readopted to read as IBC Section 112.
- 4        17.        Sections 1102 is deleted
- 5        18.        Section 1103 is deleted
- 6        19.        Section 1202 and all subsections therein are deleted.
- 7        20.        Section 1203 and all subsections therein are deleted.

8    8-1-11: AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE: The following  
 9    sections of the International Fuel Gas Code, 2012 Edition, are amended to read as follows:

- 10
- 11        1.        Section 101.1 is amended to read as follows:  
 12                    101.1 Title. These regulations shall be known as the Fuel Gas Code of the Town  
 13                    of Breckenridge, herein after referred to as “this code.”
- 14        2.        Section 103.2 is amended to read as IBC Amendment 103.2.
- 15        3.        Section 103.3 is amended to read as IBC Amendment 103.3.
- 16        4.        Section 103.4 is amended to add a paragraph to read as IBC Amendment 104.8.
- 17        5.        Section 106.5.3 is amended to read as IBC Amendment 105.5.
- 18        6.        Section 106.5.4 is deleted.
- 19        7.        Section 106.6.1 is deleted.
- 20        8.        Section 106.6.2 is amended to read as follows:  
 21                    106.6.2 . The fees for fuel gas mechanical/ plumbing work shall be in accordance  
 22                    with the Town of Breckenridge Building Permit and Inspection Fee Schedule  
 23                    pursuant to IBC109.2, as amended.
- 24        9.        Section 106.6.3 is amended to read as follows:  
 25                    106.5.3 Fee refunds. The building official is authorized to establish a refund  
 26                    policy.

BUILDING CODES ORDINANCE

- 1 10. Section 106.6 is amended by adding a new subsection 106.6.4, Re-inspections, to  
2 read as IBC Amendment 109.7.
- 3 11. Section 108.1 is deleted
- 4 12. Section 108.2 is deleted
- 5 13. Section 108.3 is deleted
- 6 14. Section 108.4 is deleted
- 7 15. Section 108.5 is deleted
- 8 16. Section 108.6 is deleted
- 9 17. Section 109 is deleted.
- 10 18. Section 303.3 is amended to eliminate Exceptions 3 and 4.
- 11 19. Section 304.6.1 is amended to add a new subsection as follows:  
12 304.6.1 Combustion air duct terminations. Combustion air duct terminations to the  
13 exterior shall be a minimum of 36 inches above grade.
- 14 20. Section 304.6.21 is amended to add a new subsection as follows:  
15 304.6.21 Combustion air duct terminations. Combustion air duct terminations to  
16 the exterior shall be a minimum of 36 inches above grade.
- 17 21. Section 304.11, No.8, is amended to require openings at 36 inches above grade.
- 18 22. Section 406.4.1 is amended to read as IRC Amendment G2417.4.1
- 19 23. Section 501.8 is amended by deleting items 8, 9 and 10.
- 20 24. Section 503.8, No.2, and is amended to add a sentence to read as follows:  
21 The bottom of the vent terminal and the air intake shall be located at least 36  
22 inches above grade.
- 23 25. Section 503.8, No.3, is amended to add a sentence to read as follows:  
24 The bottom of the vent terminal and the air intake shall be located at least 36  
25 inches above grade.

BUILDING CODES ORDINANCE

1 26. Section 602.1 is amended to read as follows:  
2 602.1 General. Decorative appliances for installation in approved solid fuel-  
3 burning fireplaces shall be tested in accordance with ANSI Z21.60 and shall be  
4 installed in accordance with the manufacturer's installation instructions.

5 27. Section 602 is amended by adding a new subsection 602.4 to read as IRC  
6 Amendment G2432.4.

7 28. Section 603.1 is amended to read as follows:  
8 603.1 General. Log lighters are prohibited.

9 29. Section 618.5 is amended to add a subsection as follows:

10 Section 618.5.1 Outside air sources. Outside air shall not be obtained from an  
11 exterior opening within 36 inches of finished grade.

12 30. Section 621 is amended to read as follows.  
13 Unvented room heaters are prohibited.

14 31. Section 634.1 is amended to read as follows:

15 634.1 Free opening area of chimney dampers. Where an unlisted decorative  
16 appliance for installation in a vented fireplace is installed, the fireplace damper  
17 shall have a permanent free opening not less than 1 square inch pursuant to 2,000  
18 Btu/h input and not more than 4 square inches pursuant to 2,000Btu/h input.

19 8-1-12: AMENDMENTS TO THE UNIFORM CODE FOR THE ABATEMENT OF  
20 DANGEROUS BUILDINGS: The following sections of the Uniform Code For the Abatement  
21 of Dangerous Buildings, 1997 Edition, are amended to read as follows:

22  
23 1. Section 203 is deleted.

24 2. Section 205 is deleted.

25 3. Section 301 is amended by amending the definition of Building Code to read as  
26 follows:

27 BUILDING CODE is the International Building Code or the International  
28 Residential Code, whichever is applicable, published by the International Code  
29 Council, Inc., as adopted by this jurisdiction.

## BUILDING CODES ORDINANCE

1 4. Section 501.2 is amended to add the following sentence at the end of the  
2 section:

3 The board of appeals with the jurisdiction to hear and decide appeals  
4 under this code is the board of appeals created pursuant to Chapter 3 of  
5 Title 2 of the Breckenridge Town Code.

6 8-1-13: REPEAL OF PREVIOUS ORDINANCES: Existing ordinances or parts of ordinances  
7 covering the same matters as embraced in this Chapter are repealed, and all ordinances  
8 inconsistent with the provision of the Chapter are repealed; provided, however, that this repeal  
9 shall not affect or prevent the prosecution or punishment of any person for any act done or  
10 committed in violation of any ordinance repealed prior to this Chapter taking effect.

11  
12 8-1-14: ENFORCEMENT: The following portions apply to the enforcement of all of the codes  
13 adopted by reference in this Chapter. If there is a conflict between these provisions and any  
14 enforcement provision of a code adopted by reference in the Chapter, the provisions of this  
15 Section shall control. As used in this Section, the term “adopted code” means any code adopted  
16 by reference in this Chapter:

17  
18 A. Authority of building official: The building official is authorized and directed to enforce  
19 the provisions of this code, however, a guaranty that all buildings and structures have  
20 been constructed in accordance with all of the provisions of this code is neither intended  
21 nor implied. The building official shall have the power to render interpretations of this  
22 code and to adopt and enforce rules and regulations supplemental to this code deemed  
23 necessary in order clarify the application of the provisions of this code. Such  
24 interpretations, rules and regulations shall be in conformity with the intent and purpose of  
25 this code.

26 B. Notice of Violation. The building official shall serve a notice of violation or order to the  
27 person responsible for the erection, installation, alteration, extension, repair, removal or  
28 demolition of work in violation of the portions of an adopted code, or in violation of a  
29 detail statement or the approved construction documents there under, or in violation of a  
30 permit or certificate issued under the provisions of any such adopted code. Such order  
31 shall direct the discontinuance of the illegal action or condition and the abatement of the  
32 violation. The notice or order shall be served upon the responsible person by personal  
33 delivery or by mailing a copy of such notice or order by certified mail, postage prepaid,  
34 return receipt requested, to the intended recipient at their address as it appears in the  
35 records of the Summit County Assessor or to such other address as may be known to the  
36 building official. If no address for the intended recipient appears in the records of the  
37 Summit County Assessor it is known to the building official, then the notice or order  
38 shall be mailed to address of the property involved in the proceedings. The failure of any  
39 person to receive the notice or order shall not affect the validity of any proceedings taken

## BUILDING CODES ORDINANCE

1 under this Section. Service by certified mail in the manner herein provided shall be  
2 effective upon the date of mailing. Proof of service of the notice and order shall be  
3 certified to at the time of service by a written declaration under penalty of perjury  
4 executed by the person effecting service, declaring the time, date and manner in which  
5 service was made. The declaration, together with any receipt card returned in  
6 acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice  
7 and order retained by the building official.

8 C. Prosecution of Violation. If the notice of violation is not complied with promptly, the  
9 building official shall request the Town Attorney to institute the appropriate proceedings  
10 at law or in equity to restrain, correct, or abate such violation, or require the removal or  
11 termination of the unlawful occupancy of the structure in violation of an adopted code or  
12 the order or direction of the building official made pursuant thereto.

13 D. Stop Work Orders. Upon notice (sometimes referred to as a “stop work order”) from the  
14 building official, any work being done contrary to the provisions of an adopted code or in  
15 a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing  
16 and shall be given to the owner of the property, or to the owner’s agent, or to the person  
17 doing the work; however, if neither the property owner, the owner’s agent nor the person  
18 doing the work is present at the time the building official goes to serve the notice the  
19 notice may be served by posting the notice in a conspicuous place on the property for  
20 which the permit was issued. The notice shall state the conditions under which work is  
21 authorized to resume. Where an emergency exists, the building official shall not be  
22 required to provide a written notice prior to stopping work. Any person who shall  
23 continue to work in or about the structure after having been served with a stop work  
24 order, except such work as that person is directed by the building official to perform to  
25 remove a violation or unsafe condition, shall be liable to pay an administrative fine equal  
26 to three times the normal permit fee.

27 E. Abatement of Violation. The imposition of penalties as provided in this Chapter shall not  
28 preclude the Town Attorney from instituting appropriate action to prevent the unlawful  
29 construction or to restrain, correct or abate a violation of an adopted code, or to prevent  
30 the illegal occupancy of a building, structure, or premises, or to stop an illegal act,  
31 conduct, business or utilization of the improvements constructed upon any premises.

32 F. Building Code Board of Appeals. The Board of Appeals created pursuant to Chapter 3 of  
33 Title 2 of this code shall provide for the final interpretation of the provisions of the  
34 adopted codes and hear appeals concerning the interpretation of the adopted codes. The  
35 procedures for the holding of hearings on appeals concerning the interpretation of the  
36 adopted codes shall be as provided in Chapter 3 of Title 2 of this code.

37 G. Code Provision Unaffected. The following provisions of the adopted codes are not

## BUILDING CODES ORDINANCE



1 affected by this Section and shall be enforceable according to their terms as provided in  
2 the adopted codes:

- 3 1. Section 108.7, including subsections 108.7.1, 108.7.2 and 108.7.3 of the  
4 International Mechanical Code;
- 5 2. Section 108.7, including subsections 108.7.1, 108.7.2 and 108.7.3 of the  
6 International Plumbing Code;
- 7 3. Section 1002.7 of the ICC Electrical Code – Administrative Provisions;
- 8 4. Section 108.7, including subsections 108.7.1, 108.7.2 and 108.7.3 of the  
9 International Fuel Gas Code; and
- 10 5. Section 401 and Chapter 5 of the Uniform Code for the Abatement of Dangerous  
11 Buildings.

12 8-1-15: PENALTIES:

- 13  
14 A. General: It is unlawful and an infraction for any person to violate any of the provisions  
15 of the Chapter, or any provision of a code adopted by reference by this Chapter. Any  
16 person who violates any provision of this Chapter or any provision of a code adopted by  
17 reference by this Chapter shall, upon a determination of liability, be punished as provided  
18 in title 1, chapter 4 of this code. Each such person shall be liable for a separate offense for  
19 each and every day during any portion of which any violation of any of the provisions of  
20 this Chapter or a code adopted by reference by the chapter is committed, continued or  
21 permitted by such person and such person shall be punished accordingly.
- 22 B. Injunctive Relief: In addition to other remedies available to the Town, the Town may  
23 commence an action in a court of competent jurisdiction to enjoin the alleged violation of  
24 any provision of this Chapter, or to authorize and compel the removal, termination or  
25 abatement of such violation.
- 26 C. Additional Remedies: Any remedies provided for in this Chapter shall be cumulative and  
27 not exclusive, and shall be in addition to any other remedies provided by law.

28 8-1-16: CODE COPIES: At least one copy of the codes adopted by reference in this Chapter,  
29 each certified to be a true copy, has been and is now on file in the office of the Town Clerk and  
30 may be inspected by any interested person between the hours of nine o'clock (9:00) A.M. and  
31 five o'clock (5:00) P.M., Monday through Friday, holidays excepted.

32  
33 8-1-17: LIABILITY: The adoption of this Chapter and the codes provided for herein shall not  
34 create any duty to any person with regard to the enforcement or non-enforcement of this Chapter

BUILDING CODES ORDINANCE

1 or said codes. No person shall have any civil liability remedy against the Town or its officers,  
2 employees or agents, for any damage arising out of or in any way connected with the adoption,  
3 enforcement or non-enforcement of this Chapter of said codes. Nothing in this Chapter or in said  
4 codes shall be construed to create any liability or to waive any of the immunities, limitations on  
5 liability or other provisions of the Colorado Governmental Immunity Act, section 24-10-101 et  
6 seq., C.R.S, as amended from time to time, or to waive any immunities or limitations on liability  
7 otherwise available to the Town, or its officers, employees or agents.  
8

9 Section 2. Except as specifically amended, the Breckenridge Town Code, and the various  
10 secondary codes adopted by reference therein, shall continue in full force and effect.

11 Section 3. The Town Council finds, determines, and declares that this ordinance is  
12 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
13 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
14 thereof.

15 Section 4. The Town Council finds, determines and declares that it has the power to  
16 adopt this ordinance pursuant to: (i) Section 31-15-601, C.R.S.; (ii) Section 5.13 of the  
17 *Breckenridge Town Charter*; and (iii) the powers granted to home rule municipalities by Article  
18 XX of the Colorado Constitution.

19 Section 5. This ordinance shall be published and become effective as provided by Section  
20 5.9 of the *Breckenridge Town Charter*; provided, however, that the portions of this ordinance  
21 providing for the adoption of the National Electrical Code, 2014 Edition, shall not become  
22 effective unless and until the National Electrical Code, 2014 Edition, has been adopted by the  
23 State of Colorado. The portions of this ordinance providing for the adoption of the National  
24 Electrical Code, 2014 Edition, shall become effective within the Town of Breckenridge on the  
25 same date that the adoption of the National Electrical Code, 2014 Edition, by the State of  
26 Colorado becomes effective. Until such time as the adoption of the National Electrical Code,  
27 2014, edition becomes effective, the National Electrical Code, 2008 Edition, as adopted by  
28 Ordinance No. 19, Series 2008, shall continue in full force and effect.

29 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
30 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2014. A Public Hearing shall be held at the  
31 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
32 \_\_\_\_\_, 2014, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
33 Town.  
34  
35

## BUILDING CODES ORDINANCE

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By \_\_\_\_\_  
John G. Warner, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

**COPIES OF THE CODES TO BE ADOPTED BY REFERENCE PURSUANT TO THIS  
ORDINANCES AND AMENDMENTS ARE AVAILABLE FOR INSPECTION AT THE  
OFFICE OF THE TOWN CLERK BETWEEN THE HOURS OF NINE O’CLOCK (9:00)  
A.M. AND FIVE O’CLOCK (5:00) P.M., MONDAY THROUGH FRIDAY, HOLIDAYS  
EXCEPTED.**

**NONE OF THE PENALTY PROVISIONS OF THE ADOPTED CODES WERE  
ADOPTED BY REFERENCE IN THIS ORDINANCE.**

500-355\2012 Building Codes Ordinance\_2 (02-04-14)(Second Reading)

BUILDING CODES ORDINANCE

Page 43

**MEMO**

TO: Town Council  
FROM: Town Attorney  
RE: Council Bill No. 4 (Ordinance Dissolving BMAC)  
DATE: February 4, 2014 (for February 11<sup>th</sup> meeting)

---

The second reading of the ordinance dissolving the Breckenridge Marketing Committee is scheduled for your meeting on February 11<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – FEB. 11**

2  
3 **NO CHANGE FROM FIRST READING**

4  
5  
6 COUNCIL BILL NO. 4

7  
8 Series 2014

9  
10 AN ORDINANCE REPEALING CHAPTER 6 OF TITLE 2 OF THE BRECKENRIDGE  
11 TOWN CODE CONCERNING THE “BRECKENRIDGE MARKETING COMMITTEE”

12  
13 WHEREAS, Section 9.5 of the *Breckenridge Town Charter* authorizes the Town Council  
14 to create by ordinance such boards and commissions as the Town Council shall deem to be  
15 necessary; and

16  
17 WHEREAS, the Town Council has previously adopted Chapter 6 of Title 2 of the  
18 Breckenridge Town Code creating a permanent advisory board called the “Breckenridge  
19 Marketing Committee,” commonly known and referred to as “BMAC”; and

20  
21 WHEREAS, the individuals who have served on BMAC throughout the years have  
22 worked diligently and conscientiously to perform those duties and responsibilities assigned to  
23 BMAC in Section 2-6-5 of the Breckenridge Town Code; and

24  
25 WHEREAS, BMAC is not a board required to exist by state statute or the *Breckenridge*  
26 *Town Charter*; and

27  
28 WHEREAS, Section 9.5 of the *Breckenridge Town Charter* authorizes the Town Council  
29 to abolish any Town board or commission that is not required to exist by state statute or the  
30 *Breckenridge Town Charter*; and

31  
32 WHEREAS, the Town Council finds and determines that BMAC should be abolished;  
33 and

34  
35 WHEREAS, the Town Council wishes to express its sincere gratitude to all of the  
36 individuals who have served on BMAC throughout its existence, and who have given their time  
37 and effort without compensation to help shape the current and future economy of the Town of  
38 Breckenridge.

39  
40 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
41 BRECKENRIDGE, COLORADO:

42  
43 Section 1. Chapter 6 of Title 2 of the Breckenridge Town Code is repealed.

44  
45 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the

1 various secondary codes adopted by reference therein, shall continue in full force and effect.

2  
3 Section 3. The Town Council hereby finds, determines and declares that it has the power  
4 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article  
5 XX of the Colorado Constitution and the powers contained in the *Breckenridge Town Charter*.

6  
7 Section 4. This ordinance shall be published and become effective as provided by Section  
8 5.9 of the *Breckenridge Town Charter*.

9  
10 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
11 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2014. A Public Hearing shall be held at the  
12 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of  
13 \_\_\_\_\_, 2014, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
14 Town.

15  
16 TOWN OF BRECKENRIDGE, a Colorado  
17 municipal corporation

18  
19  
20  
21 By \_\_\_\_\_  
22 John G. Warner, Mayor

23  
24 ATTEST:

25  
26  
27  
28 \_\_\_\_\_  
29 Helen Cospolich  
30 Town Clerk

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Ordinance Concerning the Editorial Powers of the Town Clerk

DATE: February 4, 2014 (for February 11<sup>th</sup> meeting)

---

One of the many duties of the Town Clerk is to compile, edit, and arrange the Town Code for publication and codification. To assist her in the performance of this important duty, the Town Code authorizes the Clerk — after receiving the consent of both the Town Manager and the Town Attorney — to make certain administrative revisions to the Code. The administrative revisions the Clerk is currently authorized to make involve correcting obvious errors and inconsistencies in the Town Code; eliminating duplications and ordinances repealed directly or by implication; correcting defective section structure and arrangement; and correcting obvious errors in the cross referencing of ordinances.

We have recently discovered a situation where a Town ordinance contains an incorrect reference to a Colorado statute. In this instance, the citation was correct when the ordinance was adopted, but the legislature amended the state statute so that the reference to the statute in the Town Code is now incorrect. Many Town ordinances contain references to state or federal laws, and it is likely that in the future we will discover other citations to state or federal laws in the Town Code that are incorrect and need to be revised.

Rather than bringing an ordinance to you each time we discover an incorrect or outdated statutory citation in the Town Code, the Town Clerk and I thought it would be more efficient to amend the list of the Town's Clerk's editorial powers to specifically authorize her to correct incorrect statutory citations in the Town Code as and when she discovers them. If the Town Clerk is to correct statutory citations, I believe she needs to have that specific power. To that end, I have drafted the enclosed ordinance for your consideration.

I look forward to discussing this ordinance with you on Tuesday.

1                   ***FOR WORKSESSION/FIRST READING – FEB. 11***

2  
3                   Additions To The Current Breckenridge Town Code Are  
4                   Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6  
7                   COUNCIL BILL NO. \_\_\_\_

8  
9                   Series 2014

10  
11                  AN ORDINANCE AMENDING SECTION 1-1-4 OF THE BRECKENRIDGE TOWN CODE  
12                  CONCERNING THE EDITORIAL DUTIES OF THE TOWN CLERK

13                 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
14                 COLORADO:

15  
16                 Section 1. Section 1-1-4 of the Breckenridge Town Code is amended to read as follows:

17  
18                 1-1-4: EDITORIAL DUTIES OF TOWN CLERK:

19  
20                 The town clerk shall compile, edit, arrange and prepare for publication the  
21                 Breckenridge town code. In the course of such task, the town clerk, after receiving  
22                 the consent of the town manager and the town attorney, shall correct obvious  
23                 errors and inconsistencies; eliminate duplications and ordinances repealed directly  
24                 or by implication; correct defective section structure in arrangement of the matter  
25                 of existing ordinances; ~~and~~ correct obvious errors in the cross referencing of  
26                 ordinances; **and correct erroneous, outdated, or incomplete references to state**  
27                 **and federal statutes and other laws**. The foregoing duties shall be performed in  
28                 such form and manner as to preserve the intent, effect and meaning of any and  
29                 every ordinance codified in this code.

30  
31                 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
32                 various secondary codes adopted by reference therein, shall continue in full force and effect.

33  
34                 Section 3. The Town Council hereby finds, determines and declares that it has the power  
35                 to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article  
36                 XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

37  
38                 Section 4. This ordinance shall be published and become effective as provided by Section  
39                 5.9 of the Breckenridge Town Charter.

40  
41                 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
42                 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2014. A Public Hearing shall be held at the  
43                 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of



1 \_\_\_\_\_, 2014, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
2 Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
6

7  
8  
9 By \_\_\_\_\_  
10 John G. Warner, Mayor

11  
12 ATTEST:  
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14  
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16 \_\_\_\_\_  
17 Helen Cospolich  
18 Town Clerk  
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## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Shannon Haynes, Chief of Police  
**Date:** January 27, 2014  
**Subject:** Resolution to approve IGA for Summit County SWAT Team

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Staff is recommending the Town Council approve a resolution that will allow the Town to enter into an Intergovernmental Agreement (IGA) with the County and the Towns of Breckenridge, Dillon, Frisco, and Silverthorne for the continued operation of our county-wide Special Weapons and Tactics (SWAT) Team.

The Breckenridge Police Department has been an active member of the County SWAT Team for more than a decade operating under an old IGA. All members agreed it was necessary to make some minor changes and corrections to the old IGA.

Staff recommends the Breckenridge Police Department continue to be a participating member of this team since we seem to experience critical incidents at least 2-3 times a year in the county that involve the response of SWAT. There is little fiscal impact to the Town for our involvement in this team as we only budget \$1,000/year for SWAT related expenses.



TOWN OF BRECKENRIDGE

By \_\_\_\_\_  
John G. Warner, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

APPROVED IN FORM

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

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**INTERGOVERNMENTAL AGREEMENT**  
**(Summit County Special Weapons and Tactics and negotiations Team)**  
**(SWAT)**

This Intergovernmental Agreement is made and entered into among Summit County, Colorado acting through its Board of County Commissioners and the Summit County Sheriff (“County” or “County Sheriff”), the Town of Breckenridge, Colorado (“Breckenridge”), the Town of Silverthorne, Colorado (“Silverthorne”), the Town of Frisco, Colorado (“Frisco”), and the Town of Dillon, Colorado (“Dillon”), hereinafter referred to as the “Parties” and is effective \_\_\_\_\_, 20\_\_.

**WITNESSETH:**

WHEREAS, the Parties hereto are each authorized to lawfully provide, establish, maintain and operate law enforcement and other emergency services; and,

WHEREAS, emergencies may arise, in one or another of the jurisdictions of the Parties, which may be of such intensity and duration as to place greater demands on that jurisdiction’s personnel and equipment than the jurisdiction can handle; and,

WHEREAS, it is in the best interest of each of the Parties to maintain uniform equipment, training, policies and procedures, and personnel standards, pertaining to each other’s tactical and negotiations team so that each may have the service of the other Parties to aid and assist it in exceptional instances when other than standard police procedures and weapons are required; and,

WHEREAS, the Parties desire to establish and implement a joint Dillon, Frisco, Silverthorne, Breckenridge and Summit County Sheriff’s Office Special Weapons, Tactics and Negotiations Team – hereinafter referred to as SUMMIT SPECIAL WEAPONS, TACTICS and NEGOTIATIONS TEAM (SWAT); and,

WHEREAS, other parties who provide similar services and maintain similar equipment may, in the future, desire to be included in this Agreement; and,

WHEREAS, establishment of joint SWAT Team through this Intergovernmental Agreement (“IGA”) serves a public purpose and will promote the safety, security and general welfare of the inhabitants of the Towns of Breckenridge, Dillon, Frisco, Silverthorne and the County.

NOW THEREFORE, for and in consideration of the promises and covenants of the Parties set forth herein, it is mutually agreed by and between each of the Parties as follows:

1. Provisions of Article 5, Title 29, the Colorado Revised Statutes, as amended from time to time throughout the term of this IGA, are incorporated herein by this reference. The Statute shall control in the event of a conflict between the Statute and this Agreement.
2. It is understood and agreed that this IGA provides for the joint exercise by the Parties of the function or service provided herein, but does not establish a separate legal entity to do so, nor does this IGA establish any employee of any Party as an employee or agent of any other Party for any purpose whatsoever. This IGA shall provide only for sharing of in-kind services and costs by the Parties toward the establishment of a common mutual goal, said goal being the joint development of SWAT, to be utilized in exceptional instances when other than standard police procedures and weapons are required.
3. Each Party agrees, subject to the limitations herein set forth, to aid and assist the other, by causing and permitting its designated group of law enforcement and ambulance personnel who are selected, trained, and equipped to work as a coordinated SWAT Team and its equipment to be used in responding to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units to emergencies and exceptional instances which occur in the jurisdiction of the other. Critical incidents include such as but are not limited to barricaded armed individuals, hostage situations, execution of high risk warrant service, riotous crowd control, threat of potential sniper activities, terrorist incidents, or other exceptional instances when other than a standard police response procedures and weapons are is needed. ~~in the jurisdiction serviced by one Party which are beyond the control of the police or sheriff's department of that Party.~~ The need for such aid and assistance shall be determined by the Party's respective Chief of Police or the County Sheriff, or their designees requesting assistance, and upon such a request the Parties agree that the Party receiving such a request must respond as timely as possible. It is understood and agreed that each Party shall maintain appropriate personnel and funding in support of this IGA. All Parties shall, however, be excused from making their equipment or services available to the other in the event of the need of such equipment or manpower in their respective jurisdictions. A Party's decision as to availability or equipment or services shall be conclusive.
4. Each Party shall establish, maintain and implement mutually agreed upon policies and procedures governing uniform equipment, training and personnel standards required to operationalize this IGA, subject to the following:
  - a. It is understood and agreed that such mutually agreed upon policies and procedures shall require that each Party shall maintain a level of personnel and equipment necessary to safely and effectively deploy SWAT during exceptional instances and/or to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units and when other than a standard

police response procedures and weapons are is required to meet its obligations under this Agreement.

- b. The Parties' Chiefs of Police and the County Sheriff shall be unanimous in agreement with the selection or appointment of each Party's SWAT members prior to operationalizing this joint SWAT IGA. The SWAT Commander's recommendation for selection or appointment of Team members shall be considered as part of the decision making process. Officers and deputies assigned or appointed to the negotiation team and the TEMS (Tactical Emergency Medical Services) portion of the SWAT Team shall not be required to complete a psychological examination.
- c. Officers, deputies and ambulance personnel assigned or appointed to the tactical team portion of the SWAT Team shall successfully pass and maintain mutually agreed upon performance standards such as firearm qualifications and physical fitness standards. Officers, deputies and ambulance personnel assigned or appointed to the negotiation team and TEMS portion of the SWAT shall not be required to complete physical fitness standards; however, they shall be required to maintain the performance standards for firearm qualifications set by the Parties respective law enforcement agency. All TEMS members will be required to meet the firearms qualification standards of the Summit County Sheriff's Office. All SWAT members shall maintain all other mutually agreed upon performance standards established by each Party's Chief of Police and the Sheriff of his/her law enforcement agency, and in the case of TEMS members Officers the standards set forth by the Summit County Ambulance Service.
- d. TEMS members Officers are non-certified deputy sheriffs appointed by the Sheriff under the authority of C.R.S. § 16-2.5-103. All TEMS members Officers will be armed and deployed with the SWAT Team after they have received the equivalent of the P.O.S.T. (Peace Officer Standards and Training) firearms training course, or other equivalent training accepted by the Governing Board; and have qualified with their duty weapons.
- e. TEMS members Officers will serve in a limited armed capacity. The purpose of a TEMS member Officer being armed is to defend themselves, defend a patient under their care, or to defend a SWAT Team member, or a third party from imminent danger of being killed or of receiving great bodily injury as defined by C.R.S. § 18-1-704.
- f. An officer or deputy who has passed the performance standards is not eligible for appointment to SWAT unless the Parties' Chiefs of Police and the County Sheriff all agree to such assignment. The SWAT Commander's recommendation for appointment of Team members

shall be considered as part of the decision making process. Any officer or deputy assigned to SWAT shall be removed from SWAT at any time, after consideration of the facts, a recommendation from the SWAT Commander and a majority vote of the Governing Board (as hereafter defined).

- g. A Party's Chief of Police or County Sheriff may remove any ~~officers~~ officer or deputy assigned to SWAT under their direct command with or without cause.
- h. Officers and deputies assigned to SWAT shall be subject to the supervision of the supervisory and command personnel assigned to SWAT regardless of which Party assigned the supervisor, ~~or officer~~ or deputy to SWAT.
- i. A governing board shall be created to establish uniform policies, rules, procedures and promulgate such, establish an annual operating budget to provide funds for equipment, weapons, ammunition, uniforms, training and personnel costs and oversee operational and administrative matters of concern to SWAT, referred to as the "Governing Board." The Governing Board shall include the Parties' Chiefs of Police or designee of each town and the Sheriff of Summit County or his designee, and the Summit County Ambulance Director or his designee who will serve as an Ex-Officio member of the Governing Board. The operating budget shall be subject to annual approval by each Party's ~~entity's~~ governing body.
- j. It is understood and agreed that the SWAT Team Commander may recommend discipline or removal to the Governing Board as a direct result of an officer or deputy's involvement or participation in SWAT. Should disciplinary action be recommended required as a direct result of an officer's involvement or participation in the SWAT, disciplinary action it shall be undertaken or declined at the sole and exclusive discretion and the responsibility of the officer's officer or deputy's respective agency. The officer's officer or deputy's continued membership involvement in the joint SWAT, however, shall be subject to approval of the majority vote of the Governing Board. Any disciplinary action involving a TEMS Officer member will be subject to the same conditions outlined above, and should the Governing Board wish to consider the removal of a TEMS Officer member the Governing Board will consult with the Ambulance Director prior to such officer's member's removal from SWAT.
- k. It is understood and agreed that in the event that the SWAT Team is requested by a Party ~~an agency,~~ SWAT may be mobilized by the SWAT Commander, or his/her designee, who will then discuss and agree to incident objectives with the head of the Party agency or the



**on-scene Incident Commander. It is further understood and agreed that during all authorized and accepted SWAT missions the should an exceptional instance arise requiring the response of the joint SWAT the SWAT Commander receives delegated authority for all tactical decisions from the time of his/her arrival. The on-scene Incident Commander retains overall responsibility for patrol personnel, outer containment and logistical support.** requesting Party shall be in command of the incident. Tactical operations involving SWAT shall remain the responsibility of supervisory and command personnel assigned to SWAT and shall follow the SWAT chain of command.

5. Each Party shall, at all times, be responsible for its own costs incurred in the performance of this IGA.
6. Any claims against any Party, their Boards, Councils, employees or agents incurred as a result of any act or omission by that Party or its employees and agents pursuant to the terms of this IGA, or the provisions of C.R.S. §§ 29-5-103, 29-5-104 and 29-5-108, shall be subject to the provisions of Article 10, Title 24 C.R.S.
7. **No new participants in this IGA shall be permitted without a written amendment hereto, approved by** Each Party agrees not to allow any other County Sheriff's Office Department or Municipal Police Department to join in the IGA ~~except with approval of all Parties.~~
8. Each Party shall provide the other Parties written evidence of general liability and police professional liability coverage for an amount not less than the **limits of liability provided by amount of the Colorado Governmental Immunity Act, CRS 24-10-101 et seq.,** (as amended from time to time throughout the term of this IGA) for protection from claims for bodily injury, death, property damage or personal injury which may arise ~~during the term through the execution~~ of this IGA. **Membership by a Party in the Colorado Intergovernmental Risk Sharing Agency (CIRSA) or the equivalent County government insurance pool shall satisfy this requirement.** Receipt of such evidence shall be acknowledged by each Party prior to the commencement of this IGA, and on each annual renewal of such insurance policies.
9. It is understood and agreed by the Parties hereto that if any part, term or provision of this IGA is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the IGA did not contain the particular part, term or provision held to be invalid.

10. Each and every term, provision or condition herein is subject to and shall be construed in accordance with the provisions of Colorado law, the Charters of all Parties, and the ordinances and regulations enacted pursuant thereto.
11. This IGA shall be binding upon the successors and assigns of each of the Parties hereto, except that no Party may assign any of its rights or obligations hereunder, without the prior written consent of all of the other Parties.
12. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA, and all rights of action relating to such enforcement, shall be strictly reserved to the named Parties hereto, and nothing contained in this IGA shall give or allow any such claim or right of action by any third person to this IGA. It is the expressed intention of the named Parties that any person other than the named Parties receiving services or benefits under this IGA shall not be deemed to be a third party beneficiary of this IGA.
13. The Parties enter into this IGA as separate, independent governmental entities and shall maintain such status throughout.
14. This IGA embodies the entire agreement of the Parties. The Parties shall not be bound by or liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein. No changes, amendments or modifications of any kind of any of the terms or conditions of this IGA shall be valid unless reduced to writing and signed by all Parties.
15. Any Party hereto may terminate its participation in this IGA with or without cause upon thirty (30) days prior written notice to the other Party. This IGA shall remain in force and effect with respect to the remaining parties.
16. Notwithstanding anything herein contained to the contrary, each of the Party's obligations under this IGA are expressly subject to an annual appropriation being made by such Party's governing body in the amount sufficient to allow such Party to perform its obligations hereunder. No Party's obligations hereunder shall constitute a general obligation indebtedness or multiple year direct or indirect debt or other financial obligation whatsoever within the meaning of the Constitution or laws of the State of Colorado.
17. The intergovernmental agreement between the Parties related to the formation of ~~the~~ SWAT, dated October 27, 1999, and the modified Memorandum of Understanding, dated November 29<sup>th</sup>, 2004, is hereby terminated.

Effective on the date first written above:

TOWN OF SILVERTHORNE

By: \_\_\_\_\_  
Dave Koop, Mayor

ATTEST:

\_\_\_\_\_  
Michele Miller, Town Clerk

TOWN OF BRECKENRIDGE

By: \_\_\_\_\_  
John Warner, Mayor

ATTEST:

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

TOWN OF FRISCO

By: \_\_\_\_\_  
Bill Pelham, Mayor

ATTEST:

\_\_\_\_\_  
Deborah Wohlmuth, CMC  
Town Clerk

TOWN OF DILLON

By: \_\_\_\_\_  
Ronald Holland, Mayor

ATTEST:

\_\_\_\_\_  
Jan Thomas

SUMMIT COUNTY:

SUMMIT COUNTY SHERIFF

By: \_\_\_\_\_  
John Minor, Sheriff

ATTEST:

\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Gary Martinez, Manager

ATTEST:

\_\_\_\_\_



## MEMORANDUM

**To:** Mayor & Town Council  
**From:** Finance and Municipal Services Dept.  
**Date:** February 3, 2014  
**Subject:** 2013 Supplemental Appropriations and Rollovers to 2014

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**Purpose:** The two attached resolutions have been prepared for Council's review during the February 11<sup>th</sup> work session and subsequent action as appropriate during the Council meeting.

### 2013 Appropriations

**Description:** The resolution titled "**A Resolution Making a Supplemental Appropriation to the 2013 Town Budget**" is intended to provide additional 2013 budget authority for the following purposes:

**Golf Debt Service:** to reflect transfers between General Fund and Golf Fund for Golf Debt Service. The tax payments for the golf debt are paid into the General Fund (001), but a portion of debt service payments are made from the Golf Fund (005). This debt was paid in full in 2013, therefore, this is the last supplemental appropriation for the General Obligation Debt:

General Fund Revenue:	\$576,900
General Fund Expense:	\$576,900
Golf Fund Revenue:	\$576,900
Golf Fund Expense:	\$576,900

Below are the additional appropriations since October's budget retreat affecting the 2013 budget:

#### **General Fund:**

**Revenue: Total of \$189,596**

- Transit grants in excess of budgeted amounts: \$ 26,596
- Sales of crushed asphalt at Solar Panel site \$173,000

**Expenses: total of \$222,900**

- Dew tour (authorized in 2012) \$ 97,000
- Blue River Series Music festival \$ 23,000
- SMARI research reimbursement \$ 15,500
- Solar Panel Site Preparation (offset by revenue above) \$ 77,400

#### **Excise Fund:**

**Expenses: total of \$575,000**

- Transfer to Capital fund Riverwalk AV \$500,000
- Transfer to Marketing fund (estimated) \$ 75,000

#### **Capital Fund:**

**Revenue:** Transfer from Excise Fund: \$500,000  
**Expenses:** Riverwalk AV \$500,000

The following items are for *note* purposes only as the fund balances are fully appropriated each year:

**Water Fund:**

**Expenses:** repair and maintenance of water main breaks and dam repair \$117,500

**Marketing Fund:**

**Revenue:** Estimated Accom. Tax transfer in excess of budgeted amount: \$ 75,000

**Open Space:**

**Expenses: total of \$222,000**

- Transfer to General Fund for acquisition of Park on Main St. \$200,000
- Wellington Oro replacement reserve \$ 22,000

**Garage Fund:**

**Expense:** fuel-will be allocated to depts. over three years \$37,000

**2013 Rollovers to 2014 Budget**

**Description:** The resolution titled “**A Resolution Making a Supplemental Appropriation to the 2014 Town Budget**” requests changes to the 2014 budget authority for the following purposes:

**General Fund Expense: \$188,000**

- RRC Parking and Transit Survey \$ 13,000
- Nordic Center loan retainage payout \$150,000
- The Green Team SustainableBreck business program \$ 20,000
- Stain pedestrian bridges and overpasses \$ 5,000

**Special Projects Fund Expense \$226,500:**

- Grants: two students have deferred their scholarships to the 2014/2015 school year \$3,500
- Staff requests a \$223,000 rollover in the Special Projects Fund for Breckenridge Historical Alliance’s 2013 capital projects not completed in 2013. To wit; Ski Documentary (\$8,000); Barney Ford Museum Upgrade (\$15,000), High Line Railroad Park (\$75,000); Wakefield Sawmill Restoration (\$100,000); Lincoln City Restoration/Stabilization (\$25,000).

**Recommended Action:** We request that Council review the attached resolutions named above. Staff will also be present during the February 11<sup>th</sup> Work Session to respond to any questions that Council may have. It is also requested that Council hold a public hearing and be prepared to vote on the resolutions during the February 11<sup>th</sup> Council Meeting.

A RESOLUTION

SERIES 2014

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2013 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2013 budget by making supplemental appropriations in the amount of \$1,853,396 in revenues and \$2,441,700 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2012 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriations; and

WHEREAS, a public hearing on the proposed supplemental appropriations was held on February 11, 2014, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that the 2013 budget is amended, and supplemental appropriations for the amended 2013 Town budget are made as follows:

**General Fund Revenues (001):**

• Golf Debt Service	\$ 576,900
• Transit grants	\$ 26,596
• Sales of crushed asphalt at Solar Panel site	\$ 173,000
<b>Total General Fund Revenue Increase:</b>	<b>\$ 776,496</b>

**General Fund Expense (001):**

• Transfer to Golf for Golf Debt Service	\$ 576,900
• Blue River Music Festival	\$ 23,000
• Dew Tour 2013	\$ 97,000
• SMARI research	\$ 15,500
• Solar Panel Site Preparation	\$ 77,400
<b>Total General Fund Expenditure Increase:</b>	<b>\$ 789,800</b>

**Excise Fund Expense (006):**

• Transfer to Capital for RWC AV	\$ 500,000
• Transfer to Marketing Accomm. Tax	\$ 75,000
<b>Total Excise Fund Expenditure Increase:</b>	<b>\$ 575,000</b>

**Capital Fund Revenue (003):**

• Transfer from Excise for RWC AV	\$ 500,000
<b>Total Capital Fund Revenue Increase:</b>	<b>\$ 500,000</b>

**Capital Fund Expense (003):**

• RWC AV Project	\$ 500,000
<b>Capital Fund Expenditure Increase:</b>	<b>\$ 500,000</b>

**Golf Fund Revenue (005):**

• Debt Service-transfer from General Fund	\$ 576,900
<b>Total Golf Fund Revenue Increase:</b>	<b>\$ 576,900</b>

**Golf Fund Expense (005):**

• Debt Service	\$ 576,900
<b>Total Golf Fund Expenditure Increase:</b>	<b>\$ 576,900</b>

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 11th DAY OF FEBRUARY 2014.

ATTEST

TOWN OF BRECKENRIDGE

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

By \_\_\_\_\_  
John G. Warner, Mayor

APPROVED IN FORM

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

\_\_\_\_\_  
Date







## Scheduled Meetings, Important Dates and Events

**Shading indicates Council attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.*

### FEBRUARY 2014

Tuesday, February 11, 2014; 3:00/7:30 pm First Meeting of the Month

Friday, February 14, 2014; 8:00-9:00 am; Cuppa Joe Coffee Talk

Tuesday, February 25, 2014; 3:00/7:30 pm Second Meeting of the Month

### MARCH 2014

Tuesday, March 11, 2014; 3:00/7:30 pm First Meeting of the Month

Friday, March 14, 2014; 8:00-9:00 am; TBD Coffee Talk

Tuesday, March 25, 2014; 3:00/7:30 pm Second Meeting of the Month

### APRIL 2014

Tuesday, April 1, 2014; 7 am- 7 pm Municipal Election Day

Tuesday, April 8, 2014; 3:00/7:30 pm First Meeting of the Month

Friday, April 18, 2014; 8:00-9:00 am; TBD Coffee Talk

Tuesday, April 22, 2014; 3:00/7:30 pm Second Meeting of the Month

### MAY 2014

Friday, May 9, 2014; 8:00-9:00 am; TBD Coffee Talk

Tuesday, May 13, 2014; 3:00/7:30 pm First Meeting of the Month

Tuesday, May 27, 2014; 3:00/7:30 pm Second Meeting of the Month

### OTHER MEETINGS

4 <sup>th</sup> Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 <sup>st</sup> Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 <sup>rd</sup> floor Conf Room
2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 <sup>nd</sup> Thursday of every other month (Dec, Feb, Apr, June, Aug, Oct) 12:00 noon	Breckenridge Heritage Alliance
2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 <sup>nd</sup> Thursday of the Month; 5:30 p.m.	Sanitation District
3 <sup>rd</sup> Monday of the Month; 5:30 p.m.	BOSAC; 3 <sup>rd</sup> floor Conf Room
3 <sup>rd</sup> Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 <sup>th</sup> Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 <sup>th</sup> Wednesday of the Month; 8:30 a.m.	GoBreck; GoBreck Offices
4 <sup>th</sup> Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
4 <sup>th</sup> Monday of the Month; 3-5 p.m.	Childcare Advisory Committee; Town Hall



**MEMORANDUM**

**TO: Town Council**

**FROM: Julia Puester, AICP, Senior Planner**

**DATE: February 4, 2014 for meeting of February 11, 2014**

**SUBJECT: Monthly Economic Indicators- Memo Only**

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**The monthly Executive Summary for Economic Indicators has been attached as a memo only. This item is not for discussion.**

**Additional detail can be found on the Town webpage under the SustainableBreck icon.**

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## Town of Breckenridge Executive Summary

### Economic Indicators

(Published January 22, 2014)

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#### Indicator Monitoring System

Up and down arrow symbols are used to show whether the indicator appears to be getting better, appears stable, or is getting worse. We have also designated the color green, yellow or red to display if the indicator is currently good, fair or poor.



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#### Unemployment: Local (November 2013)

Summit County's November unemployment rate of 5.0% is lower than the November 2012 rate of 7.1% and the November 2011 rate of 7.6%. Summit's November rate is lower than that of Pitkin County (9.0%) and Eagle County (7.1%). (Source: BLS)



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#### Unemployment: State (November 2013)

The Colorado State unemployment rate dropped by three tenths of a percent in November to 6.5% continuing a general incremental trend which started at the beginning of 2012. This November rate is also lower than the November, 2012 rate of 7.6%. (Source: State of Colorado)



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#### Unemployment: National (November 2013)

The national unemployment rate decreased by three-tenths of a percent to 7.0%, continuing a positive downward trend that we have seen over the last several years. Since 2011, we have seen the national rate continue a general incremental downward trend over time. November, 2013 has seen a notable drop from last November's rate of 7.8% and the November 2011 rate of 8.6%. (Source: BLS)



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#### Destination Lodging Reservations Activity (December 2013)

Occupancy rates increased 12.8% for the month of December over December 2012 with an increase of 2% in the Average Daily Rate (ADR) for the month. On average, other resort areas saw occupancy rate increases at a lower rate of 6.5%. (Source: DestiMetrics)



### **6 Month Projected YTD Occupancy (January-June 2014)**

Future bookings for the upcoming January- June 2014 period show an increase of 8.5% in projected occupancy rate over the corresponding period last year. The Average Daily Rate for the same time period is up 2.9%. (Source: DestiMetrics)



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### **Traffic Counts and Sales Trend (December 2013)**

December average daily traffic count in town on Highway 9 at Tiger Road was 20,515 total vehicles, as compared to 16,463 vehicles in December 2012. (Source: CDOT)



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### **Traffic Count at Eisenhower Tunnel and Highway 9 (December 2013)**

During the month of December, the traffic count at the Eisenhower tunnel (westbound) was 4.8% higher than December 2012 traffic counts. Further, data showed December traffic coming into town on Highway 9 increased by 24.6% from December 2012. These traffic flows indicate that the Town saw a significant uptick in the relative capture rate coming from the tunnel. (Source: CDOT)



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### **Consumer Confidence Index-CCI (December 2013)**

The Consumer Confidence Index (CCI) increased in December by 6.1 percentage points to 78.1. This continues a generally positive upward trend which has occurred since spring of 2013, with the exception of October and November, which were moderated by government shutdown concerns. (Source: CCB)



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### **Mountain Communities Sales Tax Comparisons (November 2013)**

The amount of taxable sales in Town for November 2013 was up 16% from November 2012 levels. All mountain towns monitored experienced an increase in sales as compared to November 2012, with the exception of one community. Breckenridge experienced the second highest increase in sales tax changes for the month, with other towns seeing sales tax changes that ranged from -2% to +27% for the month, as compared to November 2012. (Source: Steamboat Springs Finance Dept.)



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### **Standard & Poor's 500 Index and Town Real Estate Transfer Tax (December 2013)**

The S&P 500 average monthly adjusted closing price reached a record high in December, continuing an upward trend in the index that started over three years ago. *See website for detailed chart and additional information.* (Source: S&P 500 and Town Finance)



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### **Town of Breckenridge RETT Collection (December 2013)**

December 2013 RETT collection (\$328,416) was 56% lower than December 2012 (\$761,919) collections and 8% above December 2011 (\$301,397). However, the December 2012 numbers were an anomaly and Town RETT receipts for the entire year of 2013 are up 20% as compared to 2012. (Source: Town Finance)



**Real Estate Sales for Summit County/Breckenridge (November 2013)**

November Summit County real estate sales (excluding timeshares) continued to climb with a 20% increase in \$ volume and 10% increase in the number of transactions compared to November 2012. Of that, Breckenridge took in 39% of the \$ volume and 31% of the transactions countywide for the month. (Source: Land Title)



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**Foreclosure Stressed Properties (November 2013)**

Thirty-five properties in Breckenridge (excluding timeshares) were in the foreclosure process in November, which accounts for 26% of the total foreclosures in the County. Properties in the foreclosure process are considered distressed properties which may or may not undergo the foreclosure process. Should these properties actually undergo foreclosure, these properties may sell at an accelerated rate and lower price per square foot in the short term. (Seventy-one timeshares were in the foreclosure process as of November). (Source: Land Title)





## **MEMORANDUM**

**TO:** Town Council  
**FROM:** Open Space Staff  
**DATE:** January 30, 2014  
**SUBJECT:** State of the Open Space Report- Memo Only

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Attached, please find a revised version of the *State of the Open Space Report*, a summary of the Town of Breckenridge open space program's accomplishments since its 1996 inception.

After an initial review of last year's report, BOSAC directed staff to establish clear metrics to measure the annual progress of the Town's open space program. Specific measures included miles of trails, acreage of protected lands, and acquisition-related expenses. Those metrics are included in this report.

As outlined in the report, a number of accomplishments were achieved in 2013 to further the Town's open space goals. Highlights include:

- Acquisitions - Two in-town acquisitions, including the future site of the North Main Street Park, and five out-of-Town acquisitions. New acquisitions totaled 74 acres.
- Trails – Two miles of new trail constructed.
- Forest Health – 17.4 acres treated.
- Wayfinding – Revised trail map, 39 new trail posts installed, and interactive Google Earth map launched on Town website.
- Volunteers – 296 volunteers contributed 1,654 hours, valued at \$36,000.

Upon reviewing this document, BOSAC recommended that it be placed on the Town website and updated annually to track program success over time.

### **Council Feedback**

After the Council has reviewed the Annual Report, staff will post the report on the Town's Open Space web page, promote it on social media, and contact local media for further distribution.

Staff appreciates any questions or suggestions that the Council has on the State of the Open Space Report. Comments can be emailed directly to Chris Kulick at [chrisk@townofbreckenridge.com](mailto:chrisk@townofbreckenridge.com)



2014







**Open Space Program  
At a Glance**

**1996**

Breckenridge voters approve 0.5% sales tax to fund open space acquisitions & management

**\$18,687,322**

dedicated funds used to acquire open space

**\$240,000**

Price of the Swan River Placer (AKA, the Sanitation District Parcel), the program's first purchase.

**148**

Size in acres of the Golden Gate Placer, the first joint purchase with Summit County Open Space

**2000**

Year the Cucumber Gulch Overlay Protection District was adopted

**1,683**

Number of acres jointly purchased with Summit County through the B&B Mines acquisition, the program's largest

**4**

Number of seasonal Trail Crew staff charged with maintaining the extensive trail network

**102**

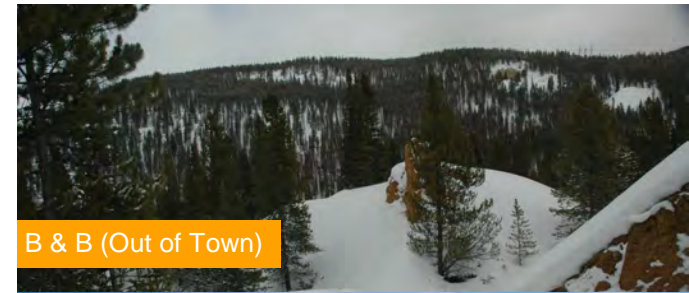
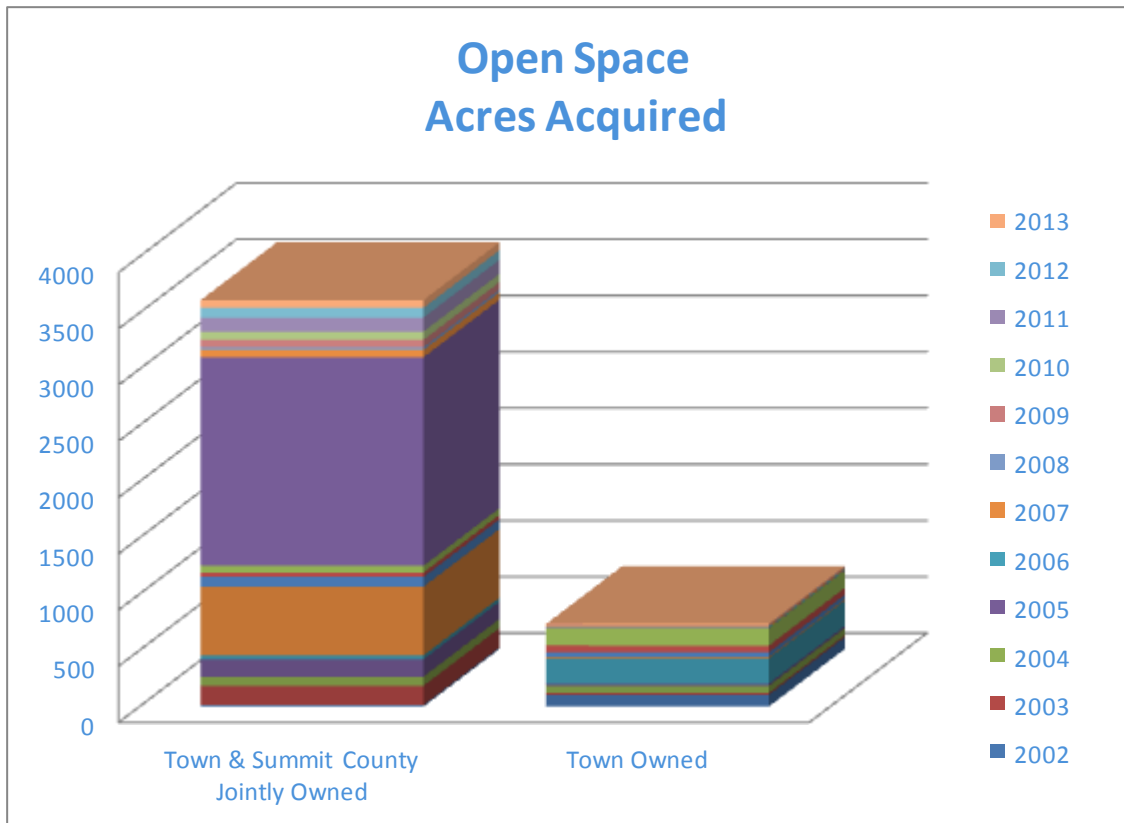
Total number of all open space acquisitions

**4,322**

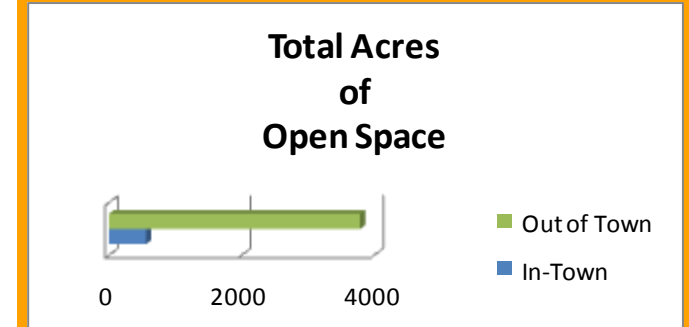
Total number of acres protected

# Open Space Acquisitions

In 1996 a voter initiative passed which dedicated a 0.5% Town sales tax to open space acquisition and management. In the 17 years since its adoption, the Town's open space program has acquired a total of **4,229 acres** of property through purchases, land trades, dedications and joint purchases with Summit County Government. Of the 4,229 acres, 3,688 have been purchased and 541 acres have been acquired through land trades and dedications.



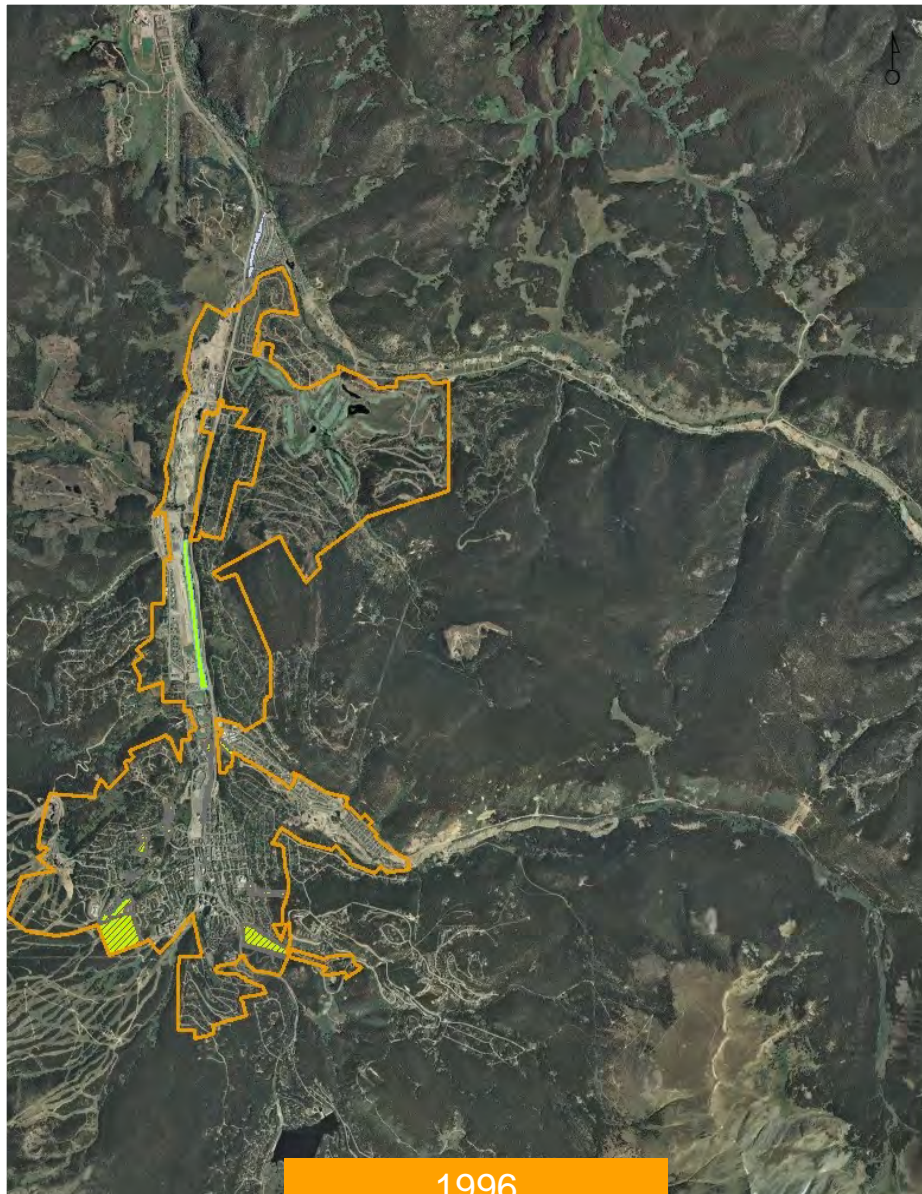
**Did You Know?**  
 The majority of open space acquisitions have been located outside of Town limits. (3,788 acres out of Town versus 560 acres in-Town) The development philosophy in the Joint Upper Blue Master Plan has been to focus development in the core of Town and minimize development in the surrounding backcountry.



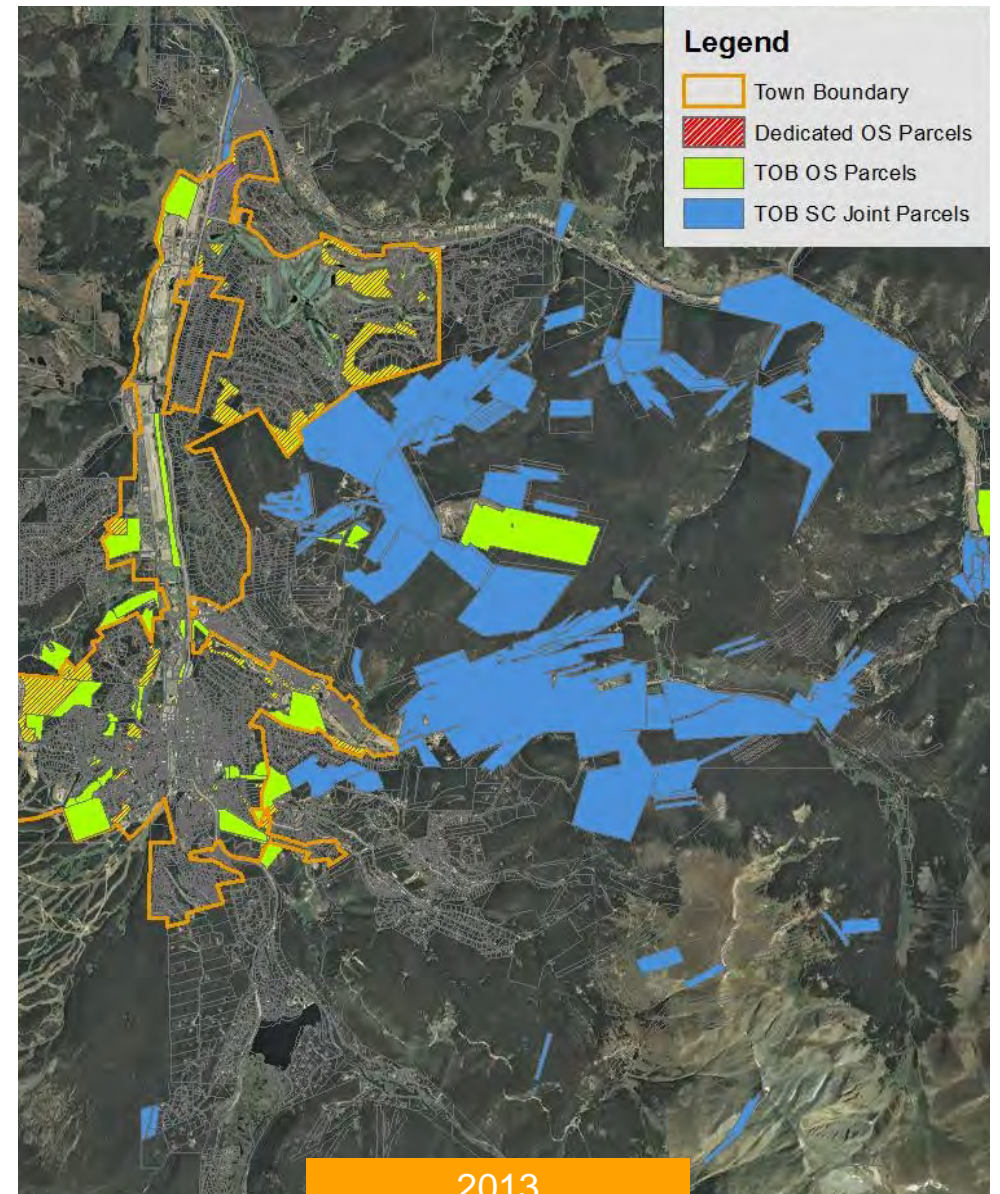
	Pre-1997	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Town & County Jointly Purchased	13.68	171.55	80.81	153.69	34.95	610.68	87.47	38.72	59.23	1854.75	0.00	64.83	27.44	65.58	73.78	124.29	86.25	69.00
Town Purchased	105.08	15.50	63.86	19.33	225.67	10.94	40.05	62.02	154.83	2.89	6.85	11.19	3.64	7.62	0.00	0.00	0.00	5.00

# Open Space Comparison 1996 and 2013

Prior to the establishment of the Open Space program in 1997 the Town had **119 acres** of open space in its inventory. Today the program manages **4,322 acres** of open space, **3,588 acres** of which was jointly acquired with Summit Count Government. A number of the purchases lie just outside the Town boundary.







1996



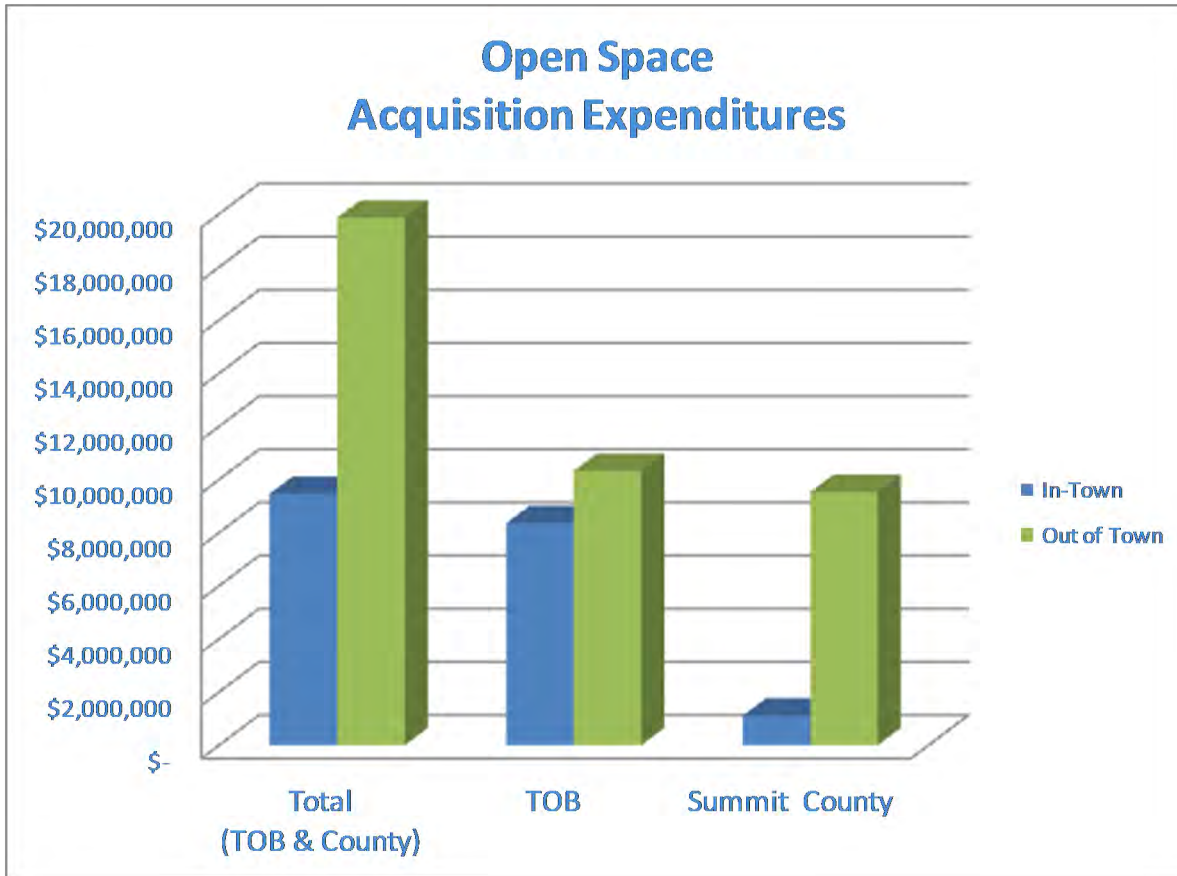
2013

## Legend

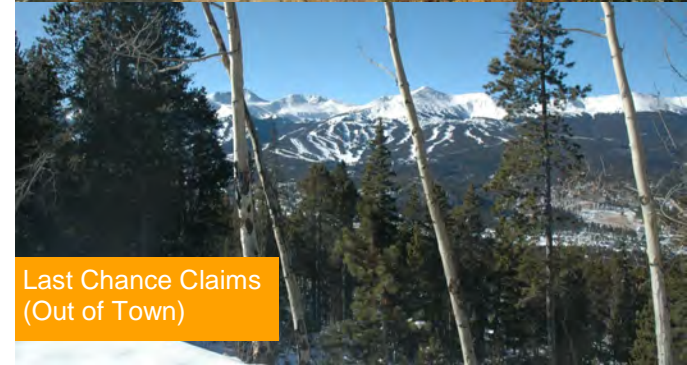
-  Town Boundary
-  Dedicated OS Parcels
-  TOB OS Parcels
-  TOB SC Joint Parcels

# Acquisition Expenditures

The Town has spent \$18,687,322 for acquisitions since the start of the Open Space Program. Of this amount, \$8,358,556 (45%) has been used for in-Town acquisitions and \$10,326,766 (55%) has been used for out of Town acquisitions.

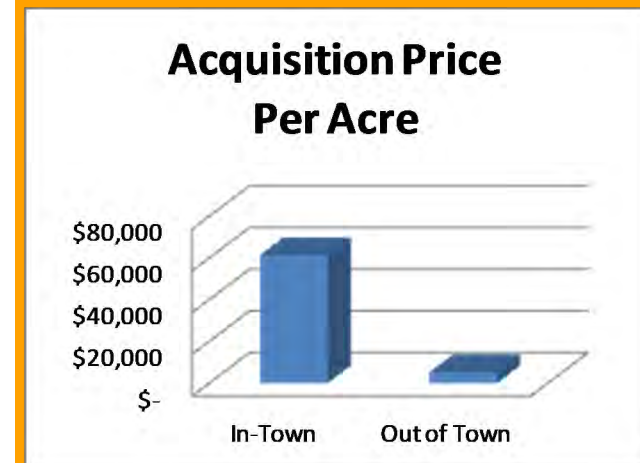


	Total (TOB & County)	TOB	Summit County
In-Town	\$ 9,468,556	\$8,358,556	\$1,110,000
Out of Town	\$ 19,861,485	\$10,326,766	\$9,532,719



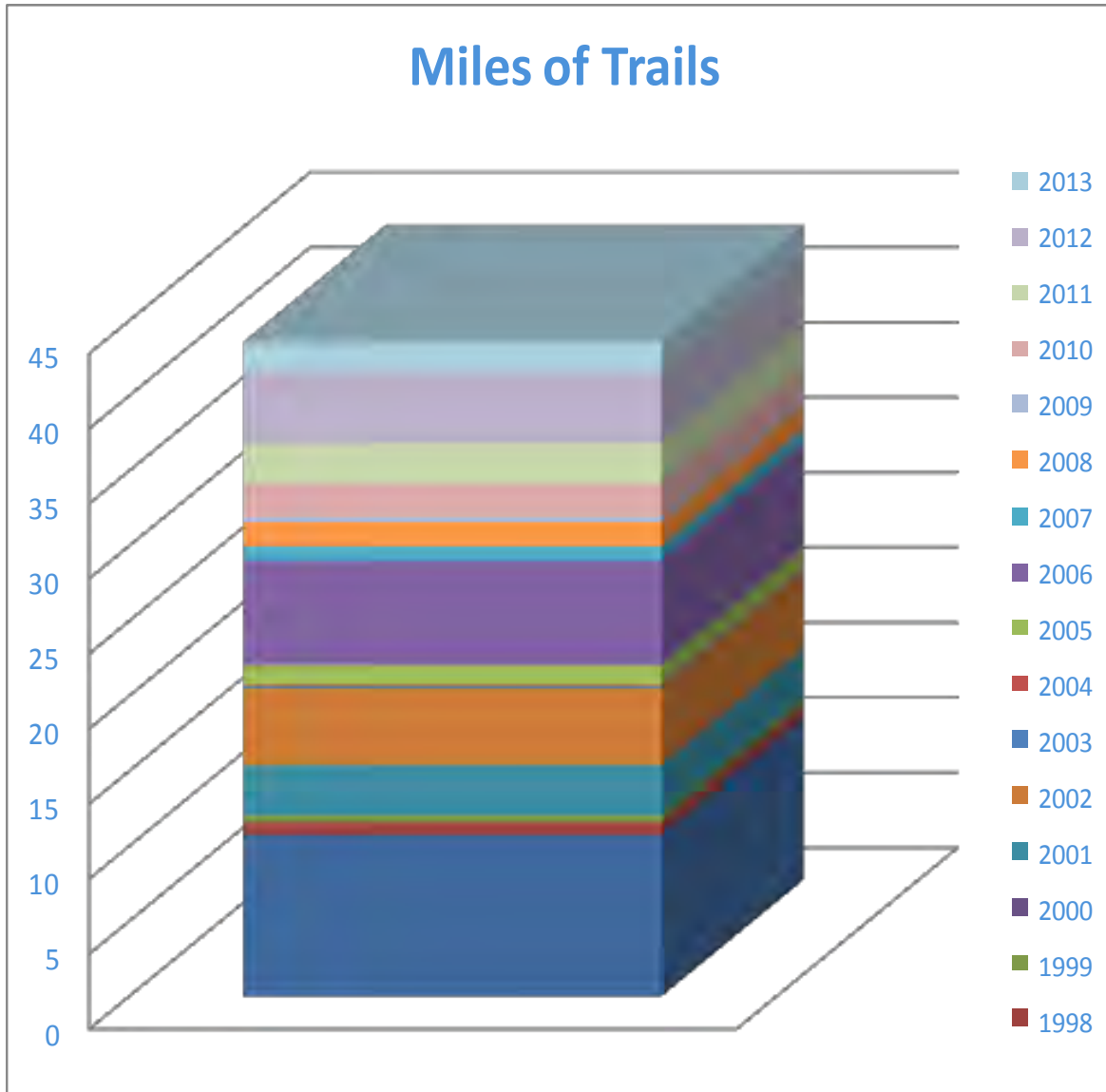
## Did You Know?

On a price-per-acre basis in-Town acquisitions are substantially more expensive (\$59,928) than out of Town acquisitions (\$5,161). Of the 557 in-Town acres acquired, only 158 have been purchased.



# Trails

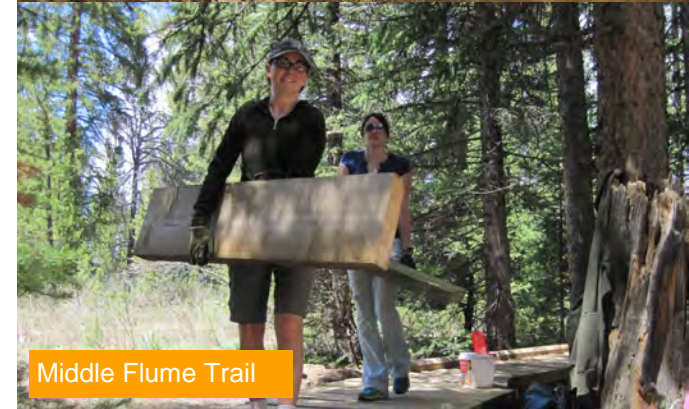
Prior to the establishment of the Open Space program in 1997 the Town managed **10.8 miles** of trails. Today the program manages **43.7 miles** of multi-use trails.



Aspen Alley Trail



Sidedoor Trail



Middle Flume Trail

**Did You Know?**  
 In addition to the Town maintained network of trails, over 100 miles of designated trails can be found on nearby National Forest lands. Taken together, this trail network is one of the largest and most diverse in the country.

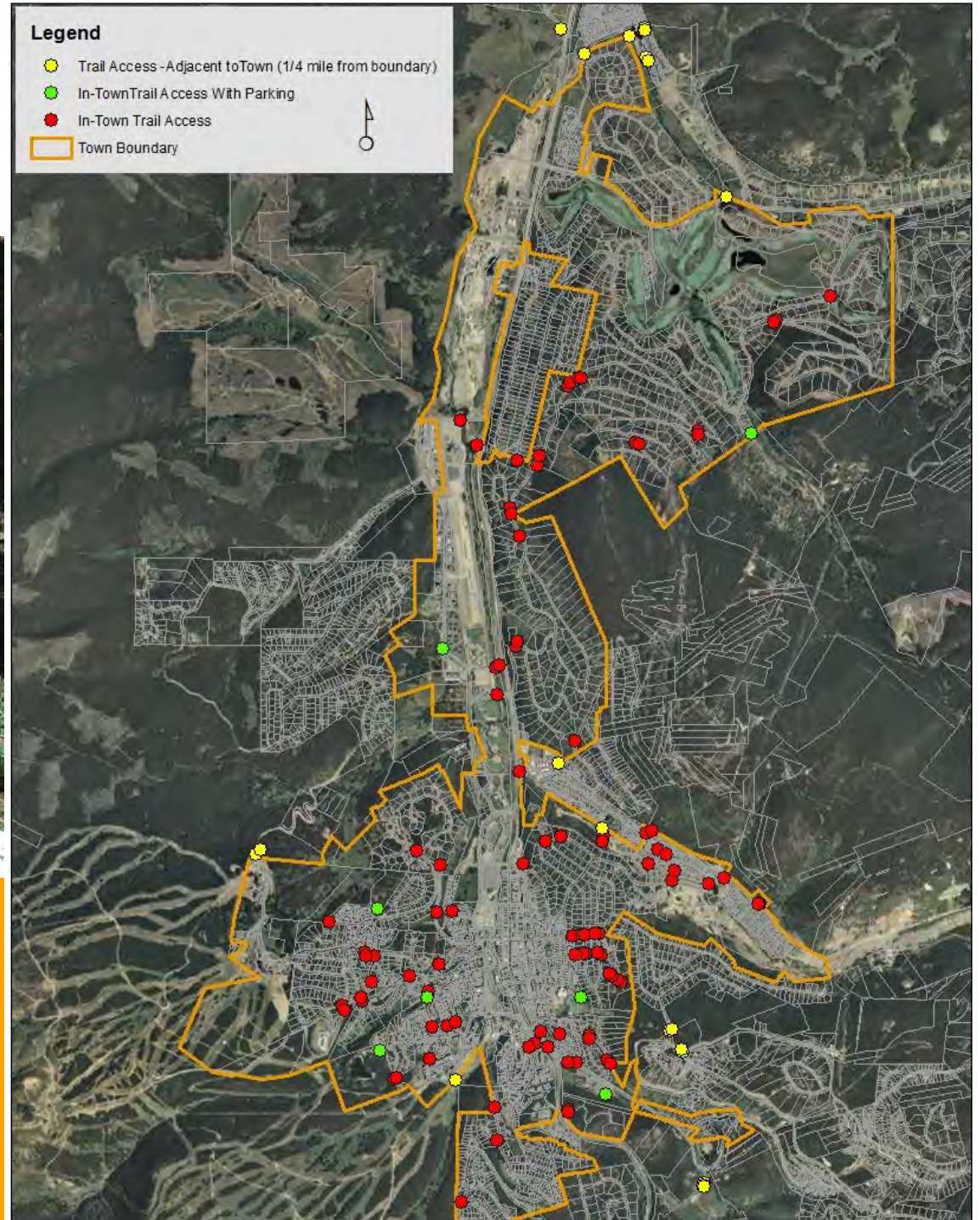
# Trail Access

The Open Space program provides **120 trail access portals** located within the Town or 1/4 mile of its boundary. The numerous portals provide convenient, legal access to Town-maintained trails.



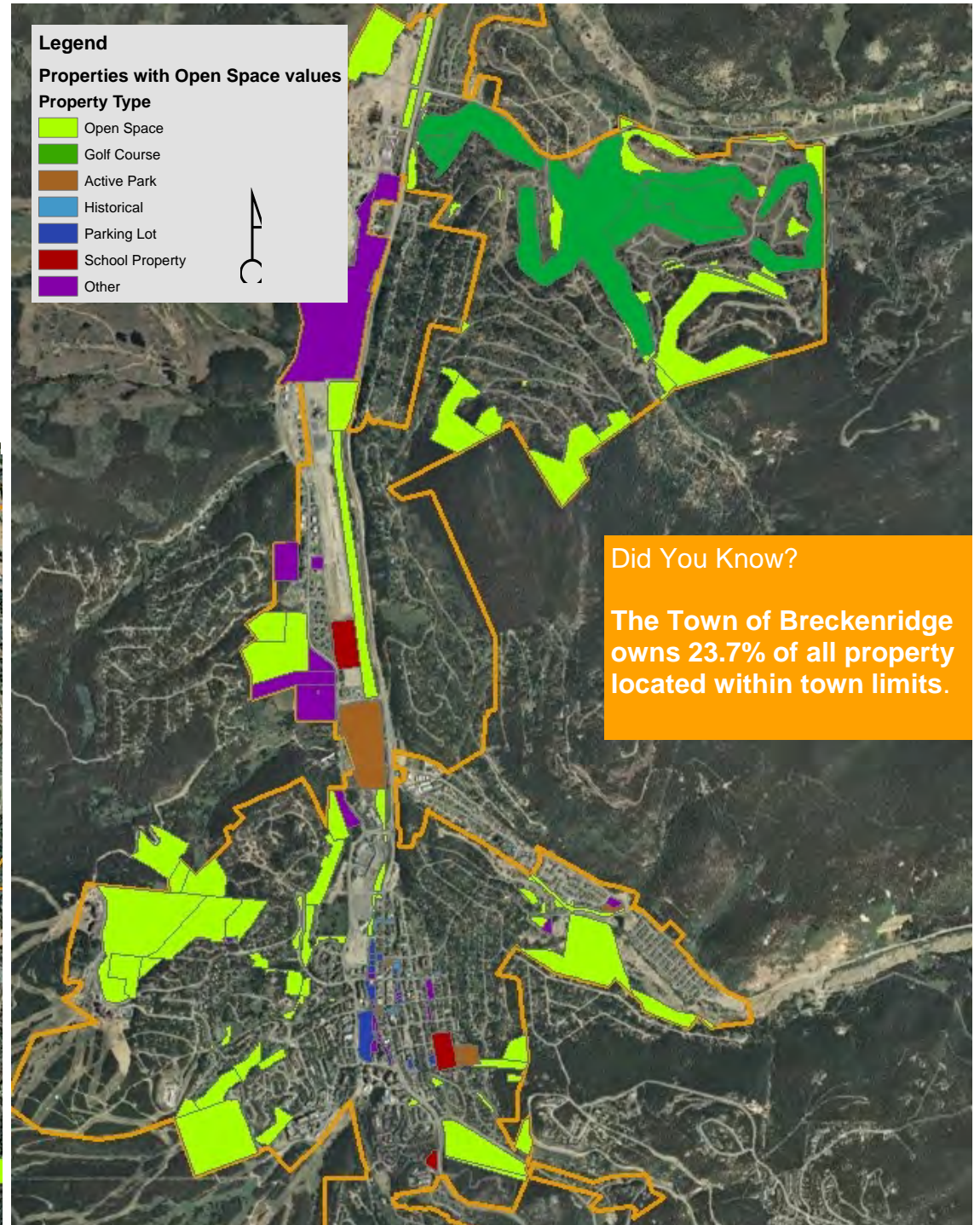
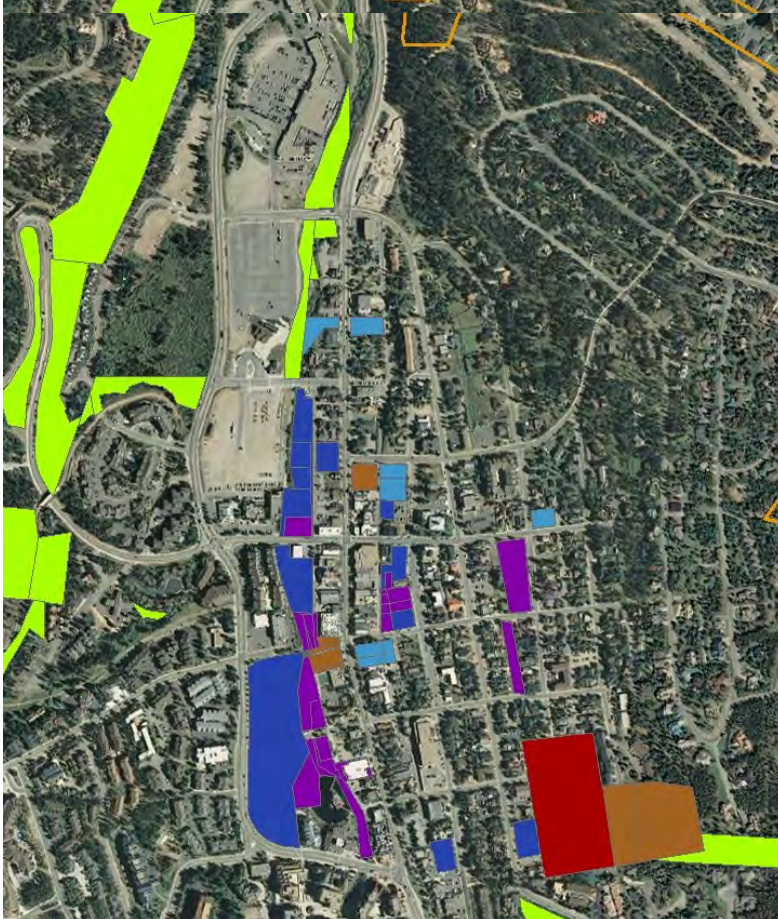
Did You Know?

80% of all in-Town properties are within 1/4 mile of a Town maintained trail access portal.



## Other In-Town Properties with Open Space Values

Other community properties not managed by the open space program offer open space values such as relief from development, active park space, private open space and visual backdrop. Examples of properties that exhibit these qualities include historical sites, school properties, active parks, and the golf course. Many of the in-Town open space parcels were dedicated through the development permit process.



# 2013 Accomplishments

## Acquisitions



### 2013 Acquisitions In-Town

- North Main Street Park Site
- Tyra, Tract D Greenbelt

### Out of Town

- Ready Pay Claim
- Alpine Breck Lots 13-17
- Last Chance Claims
- Swan's Nest A-1
- John J. Placer

## Forest Health



### 2013 Forest Health Projects

- Cucumber Wedge / MBJ
- Vic's Landing, Tract A
- Moonstone
- Sawmill Patch Placer

## Way Finding



- 39 New Trail Posts Installed.
- Revised Trail Map

## Volunteers



- 296 Volunteers
- 1,654 Total Hours
- \$36,000 Value



## Partnerships



## Trails



### New Trails & Realignment

- Sidedoor Trail
- Barney Flow Trail
- Great Flume Trail
- Discovery Hill Trail
- Upper Flume Trail
- Columbia Lode Trail

Future site of North Main Street Park

### Did You Know?

In 2013 Open Space purchased to two undeveloped commercial lots where the North Main Street Park will be created in 2014.





For more information please visit [www.TownofBreckenridge.com](http://www.TownofBreckenridge.com)

