

ORDINANCE NO. 1228

AN ORDINANCE ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AND MAKING CONFORMING AMENDMENTS TO THE FORT MORGAN MUNICIPAL CODE

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

WHEREAS, pursuant to that authority, the City has previously enacted Chapter 21, Article 11 of the Fort Morgan Municipal Code (the "Code") regarding the International Energy Conservation Code; and

WHEREAS, also pursuant to that authority, the City previously adopted by reference the 2015 edition of the International Energy Conservation Code within that same Chapter 21, Article 11 of the Code; and

WHEREAS, the International Code Council has prepared and published 2018 editions of the International Codes previously adopted by the Council, including the International Energy Conservation Code; and

WHEREAS, the Council recognizes the value of various International Codes, including the International Energy Conservation Code, as providing commonly adopted uniform standards for public health, safety and welfare issues relating to the subject matter of each and as the standards recommended by the City Building Department; and

WHEREAS, a public hearing on this Ordinance at second reading, and proper notice thereof, was provided in accordance with Colorado Revised Statutes section 31-16-203; and

WHEREAS, certified copies of all Codes adopted hereby were filed with the City Clerk at least fifteen (15) days prior to the public hearing on this Ordinance and such codes remain open to public inspection and purchase; and

WHEREAS, the Council therefore desires to adopt by reference the 2018 edition of the International Energy Conservation Code, and make conforming amendments to the Fort Morgan Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, as follows:

SECTION 1. The Fort Morgan Municipal Code section 21-11-10, concerning the adoption of the International Energy Conservation Code, is hereby amended as follows:

Sec. 21-11-10. - Adoption.

That certain document, a copy of which is on file in the office of the City Manager, being marked and designated as the International Energy Conservation Code, ~~2015~~ **2018** edition, which will be fully enforced July 1, 2019. This Code does not include any of the Appendix, as published by the International Code Council, and is hereby adopted as the Energy Conservation Code of the City for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the City Manager are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

SECTION 2. The Fort Morgan Municipal Code Chapter 21, Article 11 is hereby amended by the addition Section 21-11-30, concerning Amendments to the International Energy Conservation Code, as provided below:

Sec. 21-11-10. - Amendments.

(a) Section C101.1, Title, of the International Energy Conservation Code, is revised to read and provide as follows:

“C101.1 Title. This code shall be known as the *International Energy Conservation Code of the City of Fort Morgan, Colorado*, and shall be cited as such. It is referred to herein as “this code.”

(b) Section C503.3.1, Roof Replacement, of the International Energy Conservation Code, is revised to read and provide as follows:

“C503.3.1 Roof replacement. *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck.

Exception. Unless this will cause drainage problems or any structural problem. In any case add as much insulation as the system will allow without causing additional problems.”

(c) Section C103.6.3, Systems operation control, of the International Energy Conservation Code, is deleted in its entirety.

- (d) Section C403.6.1, Variable air volume and multiple-zone systems, #1 and #2, of the International Energy Conservation Code, is revised to provide as follows:

Amended to add “Direct Digital Control” in front of the letters DDC, to read, “for systems with *Direct Digital Control* (DDC)...”

- (e) Section C405.5, Heated Water Supply Piping, of the International Energy Conservation Code, is deleted in its entirety.

- (f) Section R101.1, Title, of the International Energy Conservation Code, is revised to read and provide as follows:

“R101.1 Title. This code shall be known as the *International Energy Conservation Code of the City of Fort Morgan, Colorado*, and shall be cited as such. It is referred to herein as “this code.”

- (g) Section R401.2, Compliance, of the International Energy Conservation Code, is revised to read and provide as follows:

R401.2 Compliance. Projects shall comply with one of the following:

2. Section R405 and the provisions of Sections R401 through R404 if listed “Mandatory.”

- (h) Section R401.3, Certificate, of the International Energy Conservation Code, is revised to remove the word “Mandatory” provided as follows:

“R401.3 Certificate (Mandatory). A permanent certificate shall be completed by the builder or registered design professional and posted on a wall in the space where the furnace is located, a utility room or an approved location inside the building. Where located on an electrical panel, the certificate”

- (i) Section R402.4.1, Building thermal envelope, of the International Energy Conservation Code, is revised to replace the word “and” with the word “or” provided as follows:

“R402.4.1 Building thermal envelope. The building thermal envelope shall comply with Sections R402.4.1.1 and OR R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

- (j) Section R403.3.3, Duct Testing, of the International Energy Conservation Code, is revised to delete the word “Mandatory” provided as follows:

“R403.3.3 Duct testing (Mandatory). Ducts shall be pressure tested to determine air leakage by one of the following methods:”

(k) Section R403.3.5, Building cavities (Mandatory), of the International Energy Conservation Code, is revised to read and provide as follows:

“R403.3.5 Building cavities (Mandatory). Building framing cavities shall not be used as ducts or plenums *in exterior walls or for any supply ducts or plenums.*”

SECTION 3. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 4. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 21st day of May, 2019.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 4th day of June 2019.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO


By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1228** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 21st day of May 2019. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 24th day of May, 2019, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 4th day of June 2019. Within five (5) days after its final passage, said **Ordinance No. 1228** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


John Brennan
City Clerk