

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO AMEND RESOLUTION 2000-062 TO ADOPT
THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE**

WHEREAS, on December 18, 2000, the Board of County Commissioners of Ouray County, Colorado ("Board") approved Resolution 2000-062, adopting the 1997 edition of the Uniform Building Code, including the Model Energy Code, 1995 edition and the Ouray County Prescriptive Energy Code; and

WHEREAS, in 2007 HB 07-1146 was enacted requiring that "every board of county commissioners of a county that has enacted a building code, ...shall adopt and enforce a building energy code that meets or exceeds the standards in the 2003 version of the international energy conservation code..."; and

WHEREAS, the Board determined by Resolution 2008-033 that it would not adopt the 2003 International Energy Conservation Code ("IECC") as the Board noted that it had concerns about the feasibility of adopting the IECC because of the limitations and difficulties that adoption might present for property owners in Ouray County; and

WHEREAS, the Board noted in Resolution 2008-033 that it would continue to review and analyze the applicability of the IECC and specifically required that the Ouray County Planner report to the Board on or before June 1, 2009 on the feasibility of adopting the 2009 IECC as well as any issues that may result for property owners in Ouray County by the adoption of the 2009 IECC; and

WHEREAS, on May 11, 2009 the Ouray County Planner and the Ouray County Building Official made a report to the Board on the feasibility of adopting the 2009 IECC and made a recommendation to the Board that the 2009 IECC be adopted by Ouray County and the Board accepted the recommendation of staff; and

WHEREAS, C.R.S. §30-28-204 provides that the Board may from time to time by resolution alter and amend the county building code, after public hearing and notice; and

WHEREAS, the Board held a public hearing on _____, 2009 at _____ at _____ to hear and consider public comment on the proposed amendment of the Ouray County Building Code;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. That Resolution No. 2000-062 is amended to delete the references at paragraph 2(b) of "The Model Energy Code, 1995 edition, published by the Council of American Building Officials, which is located at 5203 Leesburg Pike, Fall Church [sic], VA 22041." and at paragraph 2(c) to the "Ouray County Prescriptive Energy Code".
2. By this Resolution, the Board hereby adopts the 2009 International Energy Conservation Code to be included and enforced as a part of the Building Code of Ouray County, Colorado. The adoption of the 2009 IECC shall be effective as of _____, 2009 and all persons obtaining building permits issued after such date shall be required to comply with the requirements of

the 2009 IECC. Each and all of the regulations, provisions, penalties, conditions and terms of the IECC are hereby referred to and made a part of the Ouray County Building Code as if fully set out in this Resolution, with the exception of Paragraph 108.4, which is deleted.

- 3. Copies of the 2009 IECC are on file in the office of the Building Official and the Ouray County Clerk and Recorder.
- 4. If any part of the IECC is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of the IECC as adopted.
- 5. The following buildings are exempt from the requirements of the IECC:
 - a. Any building that is otherwise exempt from the provisions of the building code adopted by the Board and buildings that do not contain a conditioned space;
 - b. Any building that does not use either electricity or fossil fuels for comfort heating. A building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating if the building is provided with electrical services in excess of one hundred amps, unless the Building Official determines that the electrical service is necessary for a purpose other than for providing electric comfort heating;
 - c. Historic buildings that are listed on the national register of historic places or Colorado state register of historic properties and buildings that have been designated as historically significant or that have been deemed eligible for designation by the Board; and
 - d. Any building that is exempt pursuant to the provisions of the IECC.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

K. Keith Meinert, Vice Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

Lynn M. Padgett, Commissioner Member