

ORDINANCE NO. 807

**AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, ADOPTING THE
2018 INTERNATIONAL ENERGY CONSERVATION CODE**

WHEREAS pursuant to Section 1-1-40 of the Milliken Municipal Code, the Board of Trustees for the Town of Milliken, Colorado, ("Board") is authorized to adopt codes by reference as allowed under article 16 of title 31 of the Colorado Revised Statutes ("Statutes");

WHEREAS following notice in accordance with statutory requirements the Board conducted a public hearing in accordance with section 31-16-203 of the Statutes regarding whether to adopt the 2018 International Energy Conservation Code;

WHEREAS the Board finds that updates to the Milliken Municipal Code respecting energy conservation in building construction are necessary and required in the interest of the health, safety and welfare of the people;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. Article IX of Chapter 18 of the Milliken Municipal Code is repealed and replaced in its entirety with the following:

ARTICLE IX Energy Conservation Code

Sec. 18-9-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., the International Energy Conservation Code, 2018 Edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, and excepting only penalty clauses, is hereby adopted by reference as the Town of Milliken Energy Conservation Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as set forth in this Article.

Sec. 18-9-20. Copy on file.

At least one (1) copy of the International Energy Conservation Code, 2018 Edition, certified to be a true copy, is now on file and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

Sec. 18-9-30. Amendments.

The International Energy Conservation Code, 2018 Edition, adopted herein is hereby modified by the following additions, deletions, insertions and changes as follows:

(1) IECC Section C101.1 IECC Section R101.1 (Title) is amended by the addition of the term "Town of Milliken" where indicated.

(2) IECC Section C109.1 IECC Section R109.1 (General) is amended by the deletion of the last three sentences, which are replaced with the following:

The members of the Board of Appeals shall be comprised of the members of the Town Council.

(3) IECC Section C109.3 IECC Section R109.3 (Qualifications) is amended by the deletion of this section in its entirety.

(4) IECC Section R402.4.1.2 (Testing) is amended to read in its entirety as follows:

The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding SEVEN air changes per hour in Climate Zones 1 and 2, and FIVE air changes per hour in Climate Zones 3 through 8.

(5) IECC Section C402.1.1 (Low energy buildings) is amended by adding Exception #4 that reads in its entirety as follows:

Commercial structures that lack one or more of the basic amenities or utilities required for year-round occupancy or use such as a permanent heating system, insulation, and/or year-round usable plumbing.

Section 2. In the Milliken Municipal Code, Section 18-2-30(4), Section 18-2-30(20), and Section 18-10-20(23) are amended by replacing "2012 International Energy Conservation Code" with "International Energy Conservation Code, 2018 Edition."

Section 3. Section 18-10-20(13) of the Milliken Municipal Code is amended by replacing "International Energy Conservation Code 2012 Edition" with "International Energy Conservation Code, 2018 Edition."


Section 4. If any part or parts of this ordinance or the code herein adopted by reference are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance or such code. The Town Board hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. Any repeal of any existing ordinance or municipal code provisions or portions thereof set forth herein or by implication of any amendment (a) shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or municipal code provision or portion thereof hereby repealed prior to the taking effect of this ordinance and (b) shall not repeal the repealer clauses of such ordinance or municipal code provision or revive any ordinance or municipal code provision.

Section 6. Giving this ordinance immediate effect is necessary to the immediate preservation of the public peace, health, or safety because failure to give the ordinance immediate effect would impose substantial additional costs on construction related activities due to the legislature's approval of HB22-1362 at a time when economic concerns, including rising costs, threaten the financial well being of individuals and the businesses that employ them, putting the ability to pay for basic needs at risk.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26 DAY OF June 2023.

TOWN OF MILLIKEN


By: Elizabeth Austin, Mayor

ATTEST:


Caree Rinebarger, Town Clerk

APPROVED AS TO FORM:


Matthew T. Gould, Town Attorney