

CHAPTER 189

GOVERNMENT - LOCAL

HOUSE BILL 07-1146

BY REPRESENTATIVE(S) Levy, Fischer, Merrifield, Solano, Borodkin, Carroll M., Casso, Curry, Frangas, Hodge, Kefalas, Kerr A., Labuda, McGihon, Todd, Witwer, Green, and Riesberg;
also SENATOR(S) Gordon, Bacon, Boyd, Fitz-Gerald, Groff, Johnson, Morse, Penry, Sandoval, Schwartz, Shaffer, Tochtrop, Tupa, Veiga, Williams, and Windels.

AN ACT

CONCERNING THE REQUIREMENT THAT CERTAIN LOCAL GOVERNMENTS ADOPT AN ENERGY EFFICIENCY CODE IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN BUILDINGS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 30-28-201, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-28-201. Commissioners may adopt - emission performance standards required. (3) BY THE DATE ESTABLISHED IN SECTION 30-28-211, EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY THAT HAS ENACTED A BUILDING CODE, AND THEREAFTER EVERY BOARD THAT ENACTS 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 PURSUANT TO SECTION 30-28-211.

SECTION 2. Part 2 of article 28 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

30-28-211. Energy efficient building codes - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING AN EFFECTIVE ENERGY EFFICIENT BUILDING CODE FOR THE FOLLOWING REASONS:

(a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND THE BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE ENERGY IS CONSUMED BECAUSE THE PRODUCTION OF POWER OCCURS IN CENTRALIZED LOCATIONS.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) AIR POLLUTANT EMISSIONS FROM ENERGY CONSUMPTION AFFECTS THE HEALTH OF THE CITIZENS THROUGHOUT COLORADO.

(c) THE STRAIN ON THE GRID FROM PEAK ELECTRIC POWER DEMANDS IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

(d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE ELECTRICAL GRID AND AN ADEQUATE SUPPLY OF HEATING OIL AND NATURAL GAS.

(e) CONTROLLING ENERGY COSTS FOR RESIDENTS AND BUSINESSES FURTHERS A STATEWIDE INTEREST IN A STRONG ECONOMY AND REDUCING THE COST OF HOUSING IN COLORADO.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL BUILDINGS.

(b) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE, OR ANY SUCCESSOR EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO BE MORE APPROPRIATE FOR LOCAL CONDITIONS.

(c) "OFFICE" MEANS THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

(3) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, EVERY BOARD OF COUNTY COMMISSIONERS THAT HAS ENACTED A BUILDING CODE PURSUANT TO SECTION 30-28-201 SHALL ADOPT AN ENERGY CODE THAT SHALL APPLY TO THE CONSTRUCTION OF, AND RENOVATIONS AND ADDITIONS TO, ALL COMMERCIAL AND RESIDENTIAL BUILDINGS IN THE COUNTY TO WHICH THE BUILDING CODE APPLIES.

(4) THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR RESIDENTIAL BUILDING IN THE COUNTY FOR WHICH A BUILDING PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE ENERGY CODE.

(5) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

(a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE PROVISIONS OF THE BUILDING CODE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE BUILDING IS LOCATED 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 SERVICE IN EXCESS OF ONE HUNDRED AMPS, UNLESS THE CODE ENFORCEMENT OFFICIAL OF THE COUNTY 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 A LOCAL GOVERNING BODY THAT IS AUTHORIZED TO MAKE SUCH DESIGNATIONS; AND

(d) ANY BUILDING THAT IS EXEMPT PURSUANT TO THE ENERGY CODE.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY THAT IS REQUIRED TO ADOPT AN ENERGY CODE MAY MAKE ANY AMENDMENTS TO THE ENERGY CODE THAT THE BOARD DEEMS APPROPRIATE FOR LOCAL CONDITIONS, SO LONG AS THE AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OF THE ENERGY CODE.

(7) (a) THE OFFICE SHALL ENSURE THAT INFORMATION EXPLAINING THE REQUIREMENTS OF THE ENERGY CODE AND DESCRIBING ACCEPTABLE METHODS OF COMPLIANCE IS AVAILABLE TO BUILDERS, DESIGNERS, ENGINEERS, AND ARCHITECTS.

(b) THE OFFICE SHALL PROVIDE BOARDS OF COUNTY COMMISSIONERS WITH TECHNICAL ASSISTANCE CONCERNING THE IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

SECTION 3. Part 6 of article 15 of title 31, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

31-15-602. Energy efficient building codes - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING AN EFFECTIVE ENERGY EFFICIENT BUILDING CODE FOR THE FOLLOWING REASONS:

(a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND THE BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE ENERGY IS CONSUMED BECAUSE THE PRODUCTION OF POWER OCCURS IN CENTRALIZED LOCATIONS.

(b) AIR POLLUTANT EMISSIONS FROM ENERGY CONSUMPTION AFFECTS THE HEALTH OF THE CITIZENS THROUGHOUT COLORADO.

(c) THE STRAIN ON THE GRID FROM PEAK ELECTRIC POWER DEMANDS IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

(d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE ELECTRICAL GRID AND AN ADEQUATE SUPPLY OF HEATING OIL AND NATURAL GAS.

(e) CONTROLLING ENERGY COSTS FOR RESIDENTS AND BUSINESSES FURTHERS A STATEWIDE INTEREST IN A STRONG ECONOMY AND REDUCING THE COST OF HOUSING

IN COLORADO.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL BUILDINGS.

(b) "ENERGY CODE" MEANS, AT A MINIMUM, THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE, OR ANY SUCCESSOR EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO BE MORE APPROPRIATE FOR LOCAL CONDITIONS.

(c) "OFFICE" MEANS THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

(3) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE GOVERNING BODY OF ANY MUNICIPALITY THAT HAS ENACTED A BUILDING CODE SHALL ADOPT AN ENERGY CODE THAT SHALL APPLY TO THE CONSTRUCTION OF, AND RENOVATIONS AND ADDITIONS TO, ALL COMMERCIAL AND RESIDENTIAL BUILDINGS IN THE MUNICIPALITY.

(4) THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR RESIDENTIAL BUILDING IN THE MUNICIPALITY FOR WHICH A BUILDING PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE ENERGY CODE.

(5) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

(a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE PROVISIONS OF THE BUILDING CODE ADOPTED BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE BUILDING IS LOCATED 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 SERVICE IN EXCESS OF ONE HUNDRED AMPS, UNLESS THE CODE ENFORCEMENT OFFICIAL OF THE MUNICIPALITY 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 A LOCAL GOVERNING BODY THAT IS AUTHORIZED TO MAKE SUCH DESIGNATIONS; AND

(d) ANY BUILDING THAT IS EXEMPT PURSUANT TO THE ENERGY CODE.

(6) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, THE GOVERNING BODY OF ANY MUNICIPALITY THAT IS REQUIRED TO ADOPT AN ENERGY CODE MAY MAKE ANY AMENDMENTS TO THE ENERGY CODE THAT THE GOVERNING BODY DEEMS APPROPRIATE FOR LOCAL CONDITIONS, SO LONG AS THE AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OF THE ENERGY CODE.

(7) (a) THE OFFICE SHALL ENSURE THAT INFORMATION EXPLAINING THE REQUIREMENTS OF THE ENERGY CODE AND DESCRIBING ACCEPTABLE METHODS OF COMPLIANCE IS AVAILABLE TO BUILDERS, DESIGNERS, ENGINEERS, AND ARCHITECTS.

(b) THE OFFICE SHALL PROVIDE THE GOVERNING BODY OF ANY MUNICIPALITY WITH TECHNICAL ASSISTANCE CONCERNING THE IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE.

SECTION 4. Effective date. This act shall take effect July 1, 2007.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 3, 2007