

TOWN OF SUPERIOR
ORDINANCE NO. O-10
SERIES 2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR AMENDING CHAPTER 18, ARTICLE XIV OF THE
SUPERIOR MUNICIPAL CODE, THE GREEN BUILDING PROGRAM

WHEREAS, the Town wishes to update and amend the Green Building Program to conform with contemporary construction standards.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Chapter 18, Article XIV of the Superior Municipal Code is hereby amended as follows:

Sec. 18-14-10. – Purpose.

The purpose of this Article is to create a Green Building Program to promote and encourage high-performing sustainable development and redevelopment within the Town through education, regulations, and incentives. This Article is intended to promote cost-effective, energy-efficient structures that reduce the production of greenhouse gases from residential structures and commercial multi-family structures, to conserve and protect water and other natural resources, and to limit the amount of material sent to landfills.

Sec. 18-14-20. – Definitions.

For purposes of this Article, the following terms shall have the following meanings:

Active solar (photovoltaic) electric system means a system designed to convert the sun's energy directly into electricity.

Adapted plants means plants that reliably grow well in a given habitat with minimal attention from humans in the form of winter protection, pest protection, water irrigation, or fertilization once root systems are established in the soil. Adapted plants are considered to be low maintenance but not invasive.

Addition means remodels and renovations of existing structures which may or may not add additional square footage to that existing structure.

Advanced Lighting Packages (ALP) means an application applied to lighting packages for new home construction that consists of a minimum of sixty percent (60%) Energy Star qualified hard-wired fixtures and one hundred percent (100%) Energy Star qualified ceiling fans, where installed.

Annual Fuel Utilization Efficiency (AFUE) means the ratio of annual output energy to annual input energy, which includes any nonheating season pilot input loss, and, for gas-or oil-fired furnaces or boilers, does not include electrical energy.

BF means a board foot, which is a volume measurement of lumber equal to one inch by one foot by one foot (1" x 1' x 1') or one hundred forty-four (144) cubic inches or one-twelfth ($1/12$) cubic foot.

Certified or accredited home energy rater or energy rater means a residential energy professional who is certified by Residential Energy Services Network.

Chief Building Official (CBO) means the Town's Chief Building Official or designee.

Combination space/water heating system means a plumbing system that uses the same pipes and water for space heating as is used for domestic use.

Complete demolition means the act or process of tearing down the entire structure identified in a demolition permit.

Conditioned space means any area or room within a heated or cooled building that contains uninsulated ducts, or any area or room with a direct fixed opening into an adjacent conditioned space.

Deconstruction plan means a list, summary, or outline of the materials to be salvaged from an existing structure and the recycling, resale or reuse of those materials as an alternative to sending building materials to a landfill.

Deconstruction professional means a professional engaged in the deconstruction field.

Demolition or demolish means an act or process of tearing down of an existing structure without regard to the reuse or recycling of any of the component building parts, and which removes one (1) or more of the following:

- a. Fifty percent (50%) or more of the roof area as measured in plain view; or
- b. Fifty percent (50%) or more of the exterior walls of a building as measured contiguously around the building coverage.

DHS means the Department of Health Services of Colorado.

Direct vent space/water heating system means a fuel-burning appliance with a sealed combustion system that draws all air for combustion from the outside atmosphere and discharges all flue gases to the outside atmosphere.

Dwelling unit means an enclosure of 400 square feet or more containing sleeping, kitchen and bathroom facilities designed for use as a residence by a single family.

Energy Rating Index (ERI) means a numerical score where 100 is equivalent to the 2006 IECC and 0 is equivalent to a net-zero home. Each integer value on the scale represents a one percent change in the total energy use of the rated design relative to the total energy use of the ERI reference design.

FSC means the Forest Stewardship Council, which certifies lumber products and abides by criteria that ensure responsible management of the world's forests.

Heating, ventilation, and air conditioning (HVAC) means the conditioning and control of the temperature and air in habitable spaces.

Home energy audit means an assessment of how much energy a home consumes, combined with suggestions as to how to increase the energy efficiency of that home. The result of an energy audit is a checklist of actions which, if taken, will improve energy efficiency.

Home Energy Rating System (HERS) Index means a rating system where an index of one hundred (100) represents the energy use of the "American Standard Building" and an index of zero (0) indicates that the proposed building uses no net purchased energy (a Zero Energy Building) and is a method to provide a standardized evaluation of a home's energy efficiency and projected energy costs.

IECC means the International Energy Conservation Code.

Invasive plants means species of plants that are not native to the building project site and that cause or are likely to cause environmental harm. At a minimum, the list of invasive species for a building project site includes plants included in city, county, and regional lists and state and federal noxious weeds laws.

Load bin analysis means a computation of the heating and cooling loads using the Air Conditioning Contractors of America's Manual J, weather data from the National Oceanic Atmospheric Administration, and design temperatures from the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

Locally sourced materials means products that are extracted, processed, or manufactured within five hundred (500) miles of the Town.

National Fenestration Rating Council (NFRC) means the organization that provides performance ratings on windows, doors, and skylights.

New construction means all new residential structures and complete reconstructions of an existing residential structure.

Nonstructural deconstruction means reclaiming nonstructural components such as appliances, doors, windows, flooring, and finished materials.

Passive solar heating design means the design of a building to maintain interior thermal comfort throughout the sun's daily and annual cycles while reducing the requirements for active heating and cooling systems.

Recycled content means a building product that contains a minimum of twenty-five percent (25%) post-consumer recycled materials. Post-industrial (pre-consumer) recycled content is counted at half the rate of post-consumer content.

Remodel means an interior reconfiguration or upgrade of an existing structure of five hundred (500) square feet or greater, which requires a building permit and includes any of the following work: structural, electrical, plumbing, and HVAC.

Renewable energy credits (RECs) means the energy generated by renewable energy sources, such as solar or wind power facilities.

Renewable energy systems means renewable energy systems which meet the intent of the required on-site renewable energy offset,-including solar thermal hot water systems, photovoltaic electric systems, geothermal heating, wood- and pellet-burning stoves, boilers or furnaces, and small-scale wind generation systems.

Residential Energy Services Network or RESNET means an organization that sets the standards of quality, increases the opportunity for ownership of high-performance buildings and ensures the success of the building energy performance certification industry.

Residential structure includes detached one- and two-family dwellings and multi-family dwellings and Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane.

Retained exterior wall means a wall that meets the following minimum standards:

- a. The wall retains studs or other structural elements, the exterior wall finish, and the fully framed and sheathed roof above that portion of the remaining building to which such wall is attached;
- b. The wall is not covered or otherwise concealed by a wall that is proposed to be placed in front of the retained wall; and
- c. Each part of the wall is connected contiguously and without interruption to every other part of the wall.

Solar Heat Gain Coefficient (SHGC) means the ratio of solar heat gain entering the space through the fenestration assembly to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation that is then released into the space. A lower SHGC lowers the amount of transmitted solar energy into the space.

Solar thermal domestic hot water system means a system designed to use the sun's energy to heat water for domestic use.

Solar thermal space heating means a system designed to use the sun's energy to heat air for domestic use.

Square footage means all space which is or could be habitable living space, regardless of whether the space is actually finished for habitation. This includes unfinished below-grade space that may be finished for habitation but does not include covered porches and decks.

Structural deconstruction means dismantling the structural components of a building for diversion from the landfill.

Substantial remodel or addition means any addition, alteration, or repair to an existing structure in which the area of the addition, alteration, or repair exceeds 50% of the habitable area of the existing structure.

Turfgrass means grasses that are regularly mowed and, as a consequence, form a dense growth of leaf blades, shoots, and roots.

Volatile Organic Compounds (VOCs) means a class of carbon-based molecules in substances and organic compounds that readily release gaseous vapors at room temperature as indoor pollutants and, when reacting with other exterior pollutants, can produce ground-level ozone.

Zoned, hydronic radiant heating means a radiant heating system that uses water as the heat transfer medium to heat a building divided into areas with separate temperature controls.

Sec. 18-14-30. – Applicability

(a) **Applicability.** This Article shall apply to all developments requiring a building permit for:

(1) New construction of residential structures and commercial multi-family (R-2), 4-stories or greater;

(2) Complete restorations of damaged residential structures; and

(3) Additions or renovations of five hundred (500) square feet or greater that are made to existing residential structures.

(b) **Exemptions.** This Article shall not apply to the replacement of roofs or the building or replacement of fences or decks.

(c) **Inspection.** All approvals of residential construction projects subject to this Article shall be done in conjunction with a building permit application and field inspections.

Sec. 18-14-40. – Minimum requirements.

(a) **Energy efficiency.**

(1) Residential structures shall comply with Section R401.2.5 and the compliance, reporting and documentation requirements of Sections R401.2.1, R401.2.2, or R401.2.3 of the 2021 IECC

(2) Commercial multi-family structures of four (4) stories or greater shall comply with Section C401.2.2 of the 2021 IECC. The Total Building Performance option requires compliance with Section C407 of the 2021 IECC.

(b) **Home energy audit.** An applicant for a building permit for an addition to a residential structure or a remodel measuring five hundred (500) square feet or greater to a residential structure shall obtain a home energy audit. The applicant shall provide proof of the completion of the home energy audit with a building permit application.

(c) **Construction waste recycling.** An applicant for a building permit for construction of a new residential structure shall demonstrate that a minimum of 50% of construction waste is recycled. Waste diversion calculations and tracking spreadsheet forms must be provided to the Town at project completion to demonstrate that the minimum recycling requirements have been met. An applicant for an addition or remodel that is greater than 500 square feet is encouraged to divert as much construction waste as possible.

(d) **Demolition management.** An applicant proposing to demolish a residential structure shall demonstrate through a deconstruction plan that at least 65% of material by weight from deconstruction, including concrete and asphalt, will be

diverted from landfills. Compliance with the deconstruction plan shall be submitted to the Town prior to final inspection.

(e) Street and walkway lighting. All street and walkway lighting installed in during new construction shall be powered by renewable energy systems or renewable energy credits.

Sec. 18-14-50. – Green point requirements.

(a) All residential structures subject to this Article shall earn green points according to the following schedule, prior to the issuance of a building permit:

Green Point Requirements

<i>Project Description</i>	<i>Square Footage</i>	<i>Point Requirements</i>
New construction of single-family dwelling units	1,501-3,000	20
	3,001-5,000	40
	5,001 and up	60
Additions to a dwelling	500-1,000	15
	1,001-2,000	20
	2,001-3,000	40
	3001 and up	45
Interior remodels of a dwelling	500-1,000	10
	1,001-2,000	15
	2,001-3,000	20
	3,001 and up	30
New construction of dwelling units in: 1. Townhomes and Group R-2, R-3, and R-4 buildings three stories or less in heigh above grade plane 2. Commercial multi-family (R-2), 4-stories or greater	1,001-2000	10
	2,001-3,000	20
	3,001 and up	30

(b) A remodel that removes less than 20% of the interior finish of the thermal envelope of the structure's conditioned space shall only meet 50% of the minimum green points required for the size of remodel.

(c) For new construction that has chosen to comply with the 2021 IECC Section R401.2.3, one (1) green point is awarded for each ERI rating score that is less than the ERI rating requirement.

(d) Each unit in a multi-unit dwelling shall ~~be required to~~ meet the green point requirements separately.

Sec. 18-14-60. – Green point values.

(a) Site development. The following site developments shall be awarded green points as follows:

(1) Landscape design.

a. Organic soil amendments: 2 points.

b. Pollinator habitat.

1. At least 10% of planted areas are composed of flowering and nectar producing plant species, and invasive plants are not used: 2 points.

2. At least 5% of planted areas are composed of flowering and nectar producing plant species, and invasive plants are not used: 1 point.

c. Turf Reduction.

1. For landscaped vegetative areas, if the maximum percentage of all turf area is: 0%, 5 points; 1%- 20%, 4 points; 21%-40%, 3 points; 41%-60%, 2 points.

2. Where turfgrass is planted, Turfgrass Water Conservation Alliance (TWCA) or equivalent third-party qualified water efficient grasses are used: 1 point.

d. Xeriscape landscaping:

1. All planting beds mulched with wood chips at least three (3) inches deep: 1 point.

2. Utilize regional, adapted, or native plants recognized by Colorado State University Extension as non-invasive: 1 point.

3. Hydro-zoned irrigation system with turf grass zoned separately: 1 point.

4. Provide a one-year limited warranty on builder-installed landscaping: 1 point.

(2) Shading of hardscapes.

a. Preserve existing mature trees on site: up to 5 points (1 point per tree).

b. Plant shade trees appropriate to the climate: up to 5 points (1 point per tree).

(3) Surface water management for permeable sites: up to 4 points awarded as follows:

Surface Water Table

<i>Percentage of Site that is Permeable</i>	<i>Points</i>
60-74%	1
75-89%	2
90-99%	3
100%	4

(4) Smart watering:

- a. For each separate irrigation zone: 1 point for each weather-based or soil moisture-based irrigation controller, up to 2 points.
- b. EPA WaterSense Water Budget Tool or equivalent is used when implementing vegetative design: 4 points.

(5) Rainwater collection system (combined storage of 110 gallons or less per household):

- a. 55 gallons: 1 point.
- b. 110 gallons: 2 points.

(b) Building rehabilitation: up to 10 points awarded for additions and remodels as follows:

- (1) Rehabilitation or retrofitting of windows and doors: up to 3 points (0.5 point per window or door).
- (2) Installation of appropriate interior or exterior storm system: up to 2 points (0.5 point per storm system).
- (3) Designation as an individual historic landmark: 5 points.

(c) Waste management.

(1) Reuse of existing building by incorporating portions of existing structures into remodel: up to 5 points awarded as follows:

- a. Save 50% of exterior walls (external sheathing and framing): 3 points.
- b. Save 75% of exterior walls (external sheathing and framing): 5 points.

(2) Remodels, additions and demolition: Up to 3 points will be awarded for waste diversion from additions, remodels or complete demolitions that exceed the mandatory waste diversion requirements of this Article as follows:

- a. 75% deconstruction material diverted from landfills: 2 points.
- b. 85% deconstruction material diverted from landfills: 3 points.

(3) New construction waste recycling: up to 3 points will be awarded on waste diversion beyond the mandatory waste diversion requirements of this Article as follows:

- a. 65-74% waste material diverted from landfills: 2 points.
- b. 75-85% waste material diverted from landfills: 3 points.

(d) Energy efficiency.

(1) Insulation. Points will be awarded as follows:

- a. Insulated pre-cast concrete foundation: 2 points.
- b. Insulated concrete forms: 2 points.

(2) Windows. Up to 10 points will be awarded for new or replacement windows installed as part of a remodel or an addition that meet the NFRC standards as follows:

- a. NFRC-rated windows with a maximum U Value of ~~0.34~~0.29 or lower: Up to 5 points (0.5 point for each window).

(3) Air sealing. Points will be awarded based on the testing completed per R402.4.1.2 in the IECC.

- a. The dwelling unit air leakage test does not exceed 0.16 cfm/sqft. 5 points.
- b. The dwelling unit air leakage test does not exceed 0.25 cfm/sqft. 2 points.

(4) HVAC.

a. For a commercial multi-family structure of 4 stories or greater, HVAC commissioning to test for duct leakage, firing rate and refrigerant charge: 3 points.

b. Ground source heat pump: Up to 10 points awarded as follows:

- 1. 30-39% calculations from a heating/cooling load bin analysis: 4 points.
- 2. 40-49% calculations from a heating/cooling load bin analysis: 6 points.
- 3. 50-59% calculations from a heating/cooling load bin analysis: 8 points.
- 4. 60-69% calculations from a heating/cooling load bin analysis: 10 points.

c. Use of an air source heat pump: 4 points.

d. Passive cooling: 2-5 points may be awarded as follows:

- 1. Installation of exterior vertical shading devices for east- and west-facing glass: 1 point.

2. Installation of reflective films, anti-glare films, or glass on east- and west- facing windows: 1 point.
 3. Installation of radiant, heat-reflective barriers in the attic space: 1 point.
 4. Landscaping that shades east- and west-facing glazing during the cooling season (June to September): 1 point.
 5. Installation of south-facing window overhangs sized to effectively shade the window during the cooling season (June to September): 1 point.
 6. Windows and/or venting skylights located to facilitate cross and stack effect ventilation: 1 point.
- e. Installation of a solar-powered attic fan: 2 points.
- (5) Water heater.
- a. Installation of a tankless water heater: 2 points.
 - b. Installation of a point-of-use water heater: 2 points.
 - c. Installation of a heat pump water heater: 2 points.
- (6) Lighting, appliances, and electricity.
- a. Energy Star ALP that meet the following criteria shall be eligible for 5 points:

Energy Star Criteria

Amount of Use	Area of Use	Percentage of Total Number of Fixtures
High-use rooms	Kitchen, dining room, living room, family room, bathrooms, halls, stairways	50%
Medium/low-use rooms	Bedroom, den, office, basement, laundry room, garage, closets, and all other rooms	25%
Outdoor	Outdoor lighting affixed to the structure or freestanding poles except for landscape and solar lighting	50%, including all flood lighting

- b. Energy-efficient appliances: Up to 6 points may be awarded for use of the following:
 1. Energy Star-rated refrigerator: 2 points.
 2. Energy Star-rated clothes washer: 2 points.
 3. Energy Star-rated freezer: 1 point.
 4. Energy Star-rated dishwasher: 1 point.

(e) Solar.

(1) Use of passive solar heating design, including elements of south-facing glazing, appropriate thermal mass and building overhangs, may be awarded up to 12 points as follows:

- a. 40-49% verifying calculations of the solar heat gain fraction of the heating energy use: 6 points.
- b. 50-59% verifying calculations of the solar heat gain fraction of the heating energy use: 8 points.
- c. 60-69% verifying calculations of the solar heat gain fraction of the heating energy use: 10 points.
- d. >70% verifying calculations of the solar heat gain fraction of the heating energy use: 12 points.

(2) Installation of a solar thermal domestic hot water system sized to provide at least 50% of the domestic hot water load: 8 points.

(3) Installation of a solar thermal space heating or pool/spa system designed to offset a minimum of 15% of the annual space heating or pool or spa load: 3 points.

(4) Pre-plumb the residential structure for solar thermal system retrofit: 2 points.

(5) Installation of an active solar (photovoltaic) electric system that meets the electrical load of the structure may be awarded up to 12 points as follows:

- a. 30-39% solar electricity or equivalent to 2 kW system: 6 points.
- b. 40-49% solar electricity or equivalent to a 3 kW system: 8 points.
- c. 50-59% solar electricity or equivalent to a 4 kW system: 10 points.
- d. >60% solar electricity or equivalent larger than 5 kW system: 12 points.

(f) Water efficiency.

(1) Showerheads. Up to 3 points as follows:

- a. The total maximum combined flow rate of all showerheads in a shower compartment with floor area of 2,600 square inches or less is equal to or less than 1.8 gpm: 2 points.
- b. The total maximum combined flow rate of all showerheads in a shower compartment with floor area of 2,600 square inches or less is equal or less than 2.0 gpm: 1 point.

(2) Faucets. As follows:

- a. Water-efficient lavatory faucets with flow rates not more than 1.5 gpm (5.68 L/m), tested in compliance with ASME A112.18.1/CSA B125.1

and meeting the performance criteria of the EPA WaterSense High-Efficiency Lavatory Faucet Specification:

1. Flow rate \leq 1.5 gpm (All faucets in a bathroom are in compliance): 2 points maximum (2 points for each bathroom).

2. Flow rate \leq 1.2 gpm (All faucets in a bathroom are in compliance): 4 points maximum (1 point for each bathroom).

b. Water-efficient residential kitchen faucets in accordance with ASME A112.18.1/CSA B125.1. Residential kitchen faucets may temporarily increase the flow above the maximum rate but not to exceed 2.2 gpm:

1. All residential kitchen faucets have a maximum flow rate of 1.8 gpm: 1 point.

2. All residential kitchen faucets have a maximum flow rate of 1.5 gpm: 2 points.

(g) Material-efficient framing and structure.

(1) Use of advanced framing techniques may be awarded up to 10 points as follows:

a. 24-inch on-center framing: 2 points.

b. HVAC ducts within conditioned spaces: 2 points.

c. Minimum 12-inch roof overhangs: 2 points.

(2) Use of structural alternatives to wood may be awarded up to 8 points if such alternatives are used on:

a. At least 50% of exterior walls: 5 points.

b. At least 50% of exterior walls and roof: 8 points.

(h) Sustainable products.

(1) Use of FSC-certified tropical woods or not using tropical wood may be awarded up to 6 points as follows:

a. Two (2) BF of FSC lumber per square foot of floor area (2 BF/square foot): 2 points.

b. Three (3) BF of FSC lumber per square foot of floor area (3 BF/square foot): 4 points.

c. 50% or more of dimensional lumber in total BF is FSC, excluding engineered wood products: 6 points.

(2) Use of products that meet one or more of the following criteria. At least 90% of each compliant building component (listed in Building Component Table), by weight or volume, must meet one of the requirements to be awarded points. A single component that meets more than one criterion does not earn additional credit.

- a. The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components and wood byproducts are considered reclaimed, including items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.
- b. The product contains at least 25% postconsumer or 50% preconsumer content.
- c. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Hide products, such as leather and other animal skin material, are excluded.
- d. Concrete that consists of at least 30% fly ash or slag used as a cement substitute and 50% recycled content or reclaimed aggregate or 90% recycled content or reclaimed aggregate.
- e. Products purchased from a manufacturer that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

Building Component Table

Component	Maximum Points
Flooring – Base floor only (i.e., sealed concrete, no floor covering)	2
Floor covering	1
Insulation	1
Framing	1
Drywall, interior finish	1
Drywall, interior finish	1
Concrete: cement or aggregate	1
Roofing	1
Siding	1
Sheathing	1

(i) Indoor air quality.

(1) Compliance with Energy Star's indoor air quality package requirements: 10 points.

(2) Use of mechanical ventilation may be awarded up to 5 points as follows:

- a. Installation of a kitchen exhaust fan: 1 point.
- b. Installation of bath exhaust fans with timer or humidistat controls: 1 point.
- c. Ventilation integrated in the HVAC system: 1 point.
- d. Incorporating heat recovery ventilation: 2 points.

(3) High-efficiency HVAC filter:

- a. MERV 13: 1 point.
- b. MERV 16: 2 points.

(4) Radon mitigation: Up to 2 points to be awarded as follows:

- a. Passive system: 1 point.
- b. Active system: 2 points.

(5) Attached garage exhaust fan: 1 point.

(j) Electric vehicle charging. 3 points will be awarded for one- and two-family dwellings and townhomes where EV charging stations are installed.

(k) Homeowner information. 1 point will be awarded if an operations and maintenance binder, provided by the builder, is left in each dwelling of a residential structure for future occupants. Each binder must contain the following items:

- (1) A green points checklist;
- (2) A home energy audit with results and recommendations;
- (3) The manufacturer's installation manuals for all equipment, except for manuals required to be affixed to the equipment; and
- (4) Copies of operations and maintenance instructions for equipment installed in the home.

(l) Design process and innovation. The following points shall be awarded if the builder hires:

- (1) Green building consultants: 2 points.
- (2) An Energy Star builder: 1 point.

(m) Innovation. Up to 10 points may be awarded for products, designs or technologies which minimize the environmental impact of the residential structure in a tangible and demonstrable way beyond the methods outlined in the Green Points Program.

(n) Energy audit.

(1) Completion of an energy audit: 1 point.

(2) Compliance with recommendations resulting from an energy audit: 1 point per completed action from recommendations.

Sec. 18-14-70. – Alteration or modification.

(a) The CBO may make reasonable accommodations to the requirements of the Green Build Program if the CBO finds that the strict application of this Article:

(1) Creates practical difficulties in the construction of a new residential structure or in the construction of an addition or remodel that exceeds five hundred (500) square feet of an existing residential structure;

(2) Requires an alteration to a residential structure that would have the potential effect of materially altering the historic integrity of that structure or adversely affect the historic integrity of a historic site;

(3) Creates practical difficulties in meeting on-site renewable energy requirements due to physical difficulties associated with a lot or location of a residential structure;

(4) Causes undue waste;

(5) Prohibits the construction of attainable housing; or

(6) Is unnecessary because the purposes of this Article are otherwise met through alternative means.

(b) In assessing the request for a waiver of the mandatory requirements of the Green Build Program, the CBO shall, in consultation with an energy rater, determine what standards shall be required to ensure that the structure will meet the purposes of the Green Build Program.

Sec. 18-14-80. – Regulations.

The Town Manager may make reasonable interpretive and administrative regulations to aid in implementing this Article. The Town Manager is authorized to adopt rules related to the award of green points that provide for equivalent benefits. The purpose of this grant of rulemaking authority is to allow the Town Manager to consider awarding green points for technology and products that were

not contemplated at the time of the adoption of this Article, but that will provide benefits that are consistent with the purposes of this Article.

Sec. 18-14-90. – Permit fee.

(a) Applicable permit fees for the installation of a renewable energy source system, such as solar electric, wind or geothermal, shall be exempt from Town permit fees.

(b) Applicable permit fees shall be reduced by an amount equal to the percentage of efficiency that a residential structure achieves in excess of the efficiency standards outlined in Subsection 18-14-40(a) of this Article. Under no circumstances will a reduction in the permit fee be awarded for excess efficiency under five percent (5%) or above twenty-five percent (25%). An energy rating shall be conducted by a HERS-certified energy rater.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13th day of June, 2022.



Clint Folsom
Clint Folsom, Mayor

ATTEST:

Patricia Leyva
Patricia Leyva, Town Clerk