

TOWN OF SUPERIOR  
ORDINANCE NO. O-7  
SERIES 2022

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR MODIFYING THE APPLICABILITY OF THE 2018  
INTERNATIONAL ENERGY CONSERVATION CODE FOR RESIDENTIAL  
PROPERTIES IMPACTED BY THE 2021 MARSHALL FIRE

**WHEREAS**, Chapter 18 of the Superior Municipal Code establishes the Town's building regulations through the adoption by reference of various national and international building codes, including the International Energy Conservation Code;

**WHEREAS**, on February 28, 2022, the Board of Trustees adopted an ordinance allowing properties impacted by the 2021 Marshall Fire to opt out of the 2021 International Energy Conservation Code and instead follow the 2018 International Energy Conservation Code; and

**WHEREAS**, the Board of Trustees wishes to modify the applicability of the opt-out provision so that property owners impacted by the Marshall Fire are permitted to move to a different impacted property and still being eligible for the opt out.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, AS FOLLOWS:**

**Section 1.** Section 18-9-10(b) of the Superior Municipal Code is hereby amended as follows:

**Sec. 18-9-10. – Adoption.**

\* \* \*

(b) Pursuant to C.R.S. § 31-16-202, the International Energy Conservation Code, 2018 edition (the "2018 IECC"), published by the International Code Council, 500 New Jersey Avenue NW, 6<sup>th</sup> Floor, Washington, DC 20001, is hereby adopted by reference. The subject matter of the 2018 IECC includes the design of energy-efficient building and energy-efficient mechanical, lighting and power systems for the purpose of protecting the public health, safety and welfare. The 2018 IECC, as amended in this Article, shall apply only to those residential properties within the Town impacted by the 2021 Marshall Fire, as indicated on the address list maintained by the Town Clerk's office (*each an "Impacted Property"*) if the property owner determines that the 2018 IECC should apply rather than the 2021 IECC. The intent of this subsection is to allow the owner of *an Impacted Property* a residential property impacted by the 2021 Marshall Fire to "opt out" of the 2021 IECC, as long as the *Impacted Property* residential property is still owned

by the record owner(s) of the *Impacted Property* ~~residential property as of on~~ December 31, 2021, ~~or when the Impacted Property is transferred to a new owner and such new owner was the record owner of a different Impacted Property on December 30, 2021~~ ~~Subsequent owners of the residential property shall not be eligible to "opt out" of the 2021 IECC.~~

**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.

**Section 4.** Effective Date. This Ordinance shall take effect 30 days following publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 23<sup>rd</sup> day of May, 2022.**

  
Mark Lacis, Mayor Pro-tem

**ATTEST:**

  
Patricia Leyva, Town Clerk

