

**TOWN OF PALISADE, COLORADO
ORDINANCE NO. 2022-17**

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, REPEALING AND REENACTING CHAPTER 18, ARTICLE VIII OF THE PALISADE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES OF THE TOWN OF PALISADE, IN CONFLICT OR INCONSISTENT HEREWITH; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS PRIMARY CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND THE CODE ADOPTED HEREIN BY REFERENCE.

WHEREAS, pursuant to C.R.S. § 31-16-201 et seq., the Palisade Board of Trustees has the power to adopt ordinances which adopt uniform codes by reference; and

WHEREAS, Colorado House Bill 22-1362 requires all building codes statewide to be updated to the 2018 Edition of the International Energy Conservation Code; and

WHEREAS, the Palisade Board of Trustees finds that it is necessary to adopt and amend the 2018 International Energy Conservation Code to be applied throughout the Town of Palisade providing for administration, enforcement, appeals, penalties for violation of the provisions of this code; and

WHEREAS, the Palisade Board of Trustees finds that adoption of this Ordinance is necessary to preserve the health, safety and welfare of the citizens of the Town of Palisade.

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

Section 1. Legislative Declaration. The Town of Palisade Board of Trustees finds that it is important for the citizens of Town of Palisade to have established a current uniform energy conservation code and comply with House Bill 22-1362. Accordingly, it is necessary to adopt and amend the 2018 Edition of the International Energy Conservation Code (“IECC”) into the Palisade Municipal Code.

Section 2. Applicability. This Ordinance shall apply throughout the Town of Palisade, Colorado.

Section 3. Purpose. The provisions of this Ordinance have been made with reasonable consideration of, and in accordance with, the public health, safety, morals and general welfare of the public, and the safety, protection, and efficiency of such dwellings, buildings, and structures. The purpose of the IECC is to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in a manner to conserve energy in the Town.

Section 4. That Article XIII of Chapter 18 of the Palisade Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE XI

International Energy Conservation Code

Sec. 18-100. Adopted by reference.

The International Energy Conservation Code, 2018 Edition, as published by the International Code Council, Inc., together with amendments set forth below (hereafter "IECC") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lighting and power systems in the Town.

Sec. 18-101. Amendments.

The International Energy Conservation Code, 2018, is hereby amended as follows:

- (a) Section R103: Section R103.5 **Retention of construction documents** is hereby amended by deletion of this section in its entirety.
- (b) Section C104 and Section R104: Section C104.2 and Section R104.2 **Schedule of permit fees** is amended by the addition of Table 108-A Fee Schedule. (Copy of Table 108-A, Fee Schedule is on file in the Town Clerks Office and the Mesa County Building Inspection Office).
- (c) Section C109 and Section R109: Section C109 and Section R109 **Board of Appeals** are hereby amended by deletion of these sections in their entirety and replace with: "The Board of Appeals established in Section 18-4 shall serve as the Board of Appeals."
- (d) Section C110 and Section R110: Section C110 and Section R110 **Duties of the Code Official** are hereby amended by the addition of these sections: "The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code."

Sec. 18-102. Copies on file and available for sale.

At least one copy of the International Energy Conservation Code, 2018 Edition, together with one (1) copy of the ordinance codified in this Chapter, shall be kept on file in the office of the Town Clerk or Building Official. Copies of said IECC shall be available for sale to the public at a moderate price.

Sec. 18-103. Penalties.

- (a) Any person, firm or corporation violating any provisions of the IECC shall be punished by a fine of not more than three hundred dollars (\$300.00), or imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each separate day or any portion thereof, during which any violation of the IECC occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. Any municipal offense under the IECC shall be deemed one of "strict liability."
- (b) The issuance of or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of the provisions of IECC. No permit presuming to give authority to violate or cancel the provisions of the IECC shall be valid, except insofar as the work or use, which it authorized, is lawful.
- (c) The issuance of or granting of a permit or approval of plans shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the IECC, or any other ordinance, or from revoking any certificate of approval when issued in error.

Section 5. Repeal. Any ordinance of the Town of Palisade, or part thereof, whose provisions are in conflict with this ordinance, including but limited to, Article XIII of Chapter 18 of the Palisade Municipal Code is hereby repealed. Provided, however, this ordinance shall not affect the construction of buildings for which permits were issued prior to the effective date of this ordinance. All buildings now under construction pursuant to existing permits shall be constructed in conformance with the energy conservation code applicable at the time of issuance of such permit. Provided further however, no construction authorized by an existing permit shall be altered without complying with the newly adopted energy conservation code. The adoption of this ordinance shall not in any way prevent the prosecution of violations of any previous ordinance adopting previous energy conservation code which occurred prior to the effective date of this ordinance. Where this ordinance and the code adopted by reference herein are in conflict with other resolutions or ordinances of the Town of Palisade, Colorado, the more restrictive provision shall apply.

Section 6. Severability. Each section of this ordinance is an independent section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 7. Public Notice. Pursuant to Section 31-16-203, C.R.S., as amended, a public notice shall be published twice in a newspaper of general circulation within the Town, once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary code to be considered for adoption are on file with the Town Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary code, the subject matters of said code and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this ordinance is hereby set for November 15, 2022.

This ordinance shall be in full force and effect following adoption and approval by the Board of Trustees and thirty (30) days following the publication of the within ordinance.

INTRODUCED, READ, AND PUBLIC NOTICE ORDERED PUBLISHED, at a regular meeting of the Palisade Board of Trustees, on the 25th day of October, 2022.

Public Notice Publication Dates:

October 30, 2022
November 6, 2022

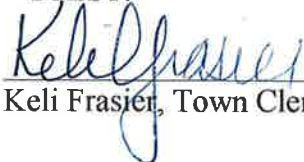
INTRODUCED A SECOND TIME at a regular meeting of the Board of Trustees of the Town of Palisade, Colorado at a public hearing held on November 15, 2022, PASSED, ADOPTED AND ORDERED PUBLISHED PURSUANT TO LAW.

TOWN OF PALISADE, COLORADO

By:


Greg Mikolai, Mayor

ATTEST:


Keli Frasier, Town Clerk



PUBLIC NOTICE

Public notice is hereby given that at a regular meeting of the Board of Trustees of the Town of Palisade, Colorado, to be held on November 15, 2022, at 6:00 p.m. at the Palisade Civic Center, 341 W. 7th Street, Palisade, Colorado, the Board will hold a public hearing to consider an Ordinance entitled:

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, REPEALING AND REENACTING CHAPTER 18, ARTICLE VIII OF THE PALISADE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES OF THE TOWN OF PALISADE, IN CONFLICT OR INCONSISTENT HEREWITH; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS PRIMARY CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND THE CODE ADOPTED HEREIN BY REFERENCE.

Said Ordinance proposes to adopt by reference as a primary code, the 2018 edition of the International Energy Conservation Code, together with the appendices thereto as published by the International Code Council, Inc, 500 New Jersey Avenue, NW 6th Floor, Washington DC 20001 (hereinafter "IECC" or "International Energy Conservation Code"). The purpose of the IECC is to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lighting and power systems in the Town.

PLEASE TAKE NOTICE that the Ordinance to be considered at said public hearing also contains proposed amendments to the primary codes to be adopted by reference, provides for penalties for violations of the provisions of the primary codes in said Ordinance, provides for the maintenance of official copies of such codes, provides for the sale of copies of such codes, provides for repeal of certain existing Town ordinances, and provides for the effective date of the Ordinance to be considered at said public hearing.

PLEASE FURTHER TAKE NOTICE that copies of the primary code being considered for adoption, and copies of the proposed ordinance adopting said code, are on file with the Palisade Town Clerk and are available for public inspection during regular business hours at the Palisade Town Hall, 175 East Third Street, Palisade, Colorado 81526. Any questions concerning the proposed Ordinance before the Board of Trustees of the Town of Palisade, Colorado, or questions concerning the primary codes being considered for adoption may be directed to Town Hall in person or by telephone at (970) 464-5602.

TOWN OF PALISADE, COLORADO


Keli Frasier, Town Clerk

Published October 30, 2022, and November 6, 2022, in The Daily Sentinel, Grand Junction, Colorado.

