

AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend to read: These regulations shall be known as the Building Code of San Miguel County, hereinafter referred to as “this code.”

101.4.3 Plumbing. Delete in its entirety. (State of Colorado Department of Regulatory Agencies has jurisdiction).

101.4.4 Property maintenance. Delete in its entirety.

101.4.5 Fire prevention. Delete in its entirety (Telluride Fire Protection District or Norwood Fire Protection District has jurisdiction over implementation of International Fire Code).

103.1 Creation of enforcement agency. Amend to read: The San Miguel County Building Department is hereby created and the official in charge thereof shall be known as the Building Official.

104.10.1 Flood hazard areas. Delete in its entirety.

105.2 Work exempt from permit. Amend to read:

Building:

1. One-story, grade-level, detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet (18.58 m²) and the structure is not placed less than 30 feet (9.14 m) from the primary structure. Such facilities shall not contain electrical, plumbing or mechanical facilities.

14. Buildings or structures used for the sole purposes of providing shelter for agricultural implements, farm products, livestock or poultry. Such facilities shall not contain electrical, plumbing or mechanical facilities. Equine uses are not considered livestock for this agricultural exception.

109.2 Schedule of permit fees. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a building fee, plan review fee, and use tax for each permit shall be paid as required, in accordance with Table 1-A as adopted by San Miguel County Resolution. A plan review fee shall be paid at the time of submitting construction plans for a building permit. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by San Miguel County Resolution. Any updated Board of County Commissioner resolution for fees is hereby adopted by reference.

Exceptions:

1. Primary single-family residences with a floor area not exceeding 2,000 square feet shall have the permit fee calculated at 75% of the required fee schedule.
2. The floor area shall exclude unfinished basements, and crawlspaces. Unfinished basements shall be defined as: “A story that is not a story above grade plane, has no electrical, plumbing, or mechanical facilities, including wiring or piping in basement walls or floor.
3. Caretaker units and/or accessory dwelling units shall not be eligible for the reduction in permit fees.
4. Foundations, anchoring, skirting, decks or additions to manufactured homes shall be assessed full fees.

109.4 Work commencing before permit issuance. Amend section to read: Any person who commences work requiring a

permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee of up to three times of the Building Permit Fee that shall be in addition to the required permit fees. The Building Official shall have discretion regarding assessing such fees.

109.6 Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

SECTION 113 Board of Appeals. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

117 CONSTRUCTION MITIGATION. Add Section 115.

117.1 General. Permits issued for the construction or alteration of a structure shall comply with 117.1 through 117.13 when construction or alteration occurs within 200 feet of an existing structure on an adjacent parcel or when deemed necessary by the Building Official. This Section shall not supersede, replace, amend, or modify State or Federal law and regulations.

117.2 Construction Mitigation Plan (CMP) Required. When a construction mitigation plan is required, the following plans and information shall be submitted to the Building Department as applicable:

1. Laydown/storage areas;
2. Parking areas and trailer storage;
3. Tower crane location and swing radius;
4. Portable toilet locations;
5. Dumpster locations;
6. Bear-proof trash can location;
7. Other information required as required by the Building Official.

117.3 Construction Hours and Noise. Construction activities may occur from 7 am to 6 pm, seven days a week. Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises in general are permitted between the hours of 7 am and 6 pm, Monday through Friday, and between the hours of seven 7 am and 5 pm on Saturdays, and is prohibited on Sundays.

If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, local fire district, local traffic, pedestrians, etc. prior to blasting.

117.4 Site Fencing. All construction sites in unincorporated San Miguel County shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

1. Lots/parcels less than 3 acres, building sites within 200 feet of a property line, or when deemed necessary by the building official for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
2. The fence or barrier shall remain in place until the Building Official has determined that the property is sufficiently secured to prevent a health or safety risk or danger.
3. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or

configuration if it is deemed necessary for the protection of public/environmental health and safety.

117.5 Material/Equipment Storage. Construction materials and equipment shall be stored, maintained and secured to prevent safety risk or danger.

117.6 Waste Disposal. Accumulated construction debris that is not recycled shall be hauled away and disposed of in accordance with all applicable laws, on a regular basis when full. In addition:

1. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.
2. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.
3. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed of in dumpsters.

117.7 Portable Toilets. Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official.

117.8 Right-Of-Way Closures. Right-of-Way Closures. A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way to be issued by the San Miguel County Road & Bridge Department. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.

117.9 Parking and Site Access. There is NO parking allowed on County roads or with the County Right-of-Way unless otherwise permitted by San Miguel County Road and Bridge. Sufficient, on-property parking locations, shall be designated and made continually available for all involved in the site construction process. The County encourages use of public transportation, van pooling and careful staging of subcontractors as a means to eliminate impacts on the County Right-of-Way. Parking on the County Road and/or Right-of-Way may be permitted pending the approval of a Revocable Right-of-Way permit which may be obtained through the San Miguel County Road and Bridge Department.

117.10 Construction Clean-up of Streets and Sidewalks. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property because of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

117.11 Permission to Use Adjoining or Intervening Properties. No permit issued pursuant to this code shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right-of-entry has been secured from the owner of such property and provided to the Building Official.

117.12 Required Utility Locates. Utility locates must be requested and marked for any work involving earth

disturbing activity regardless of depth.

117.13 Penalties. In addition to any violations and penalties set forth in the Land Use Code, any violation of this section shall result in the following additional actions being taken:

1. 1st Violation – Documented warning.
2. 2nd – All work must cease until the violation has been cured. Inspection fees will be imposed per currently adopted Building Department fee schedule at the hourly inspection rate to verify compliance.

CHAPTER 16 STRUCTURAL DESIGN

1608.2 Ground snow loads. Amend to read: The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Colorado Design Snow Loads, copyright 2016 by the Structural Engineers Association of Colorado.

1612 FLOOD LOADS. Delete in its entirety (refer to San Miguel County Land Use Code).

AMENDMENTS TO THE 2018 INTERNATIONAL RESIDENTIAL CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family Dwellings of San Miguel County, and shall be cited as such and will be referred to herein as “this code.”

R103.1 Creation of enforcement agency. The San Miguel County Building Department is hereby created and the official in charge thereof shall be known as the Building Official.

R104.10.1 Flood hazard areas. Delete in its entirety (refer to San Miguel County Land Use Code for floodplain requirements).

R105.2 Work exempt from permit. Amend to read: Building:

1. One-story, grade-level, detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet (18.58 m²) and the structure is not placed less than 30 feet (9.14 m) from the primary structure. Such facilities shall not contain electrical, plumbing or mechanical facilities.
11. Buildings or structures used for the sole purposes of providing shelter for agricultural implements, farmproducts, livestock or poultry. Such facilities shall not contain electrical, plumbing or mechanical facilities. Equine uses are not considered livestock for this agricultural exception.

R107.3 Temporary Power. Delete in its entirety.

R108.2 Schedule of permit fees. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a building fee, plan review fee, and use tax for each permit shall be paid as required, in accordance with Table 1-A as adopted by San Miguel County Resolution. A plan review fee shall be paid at the time of submitting construction plans for a building permit. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by San Miguel County Resolution. Any updated Board of County Commissioner resolution for fees is

hereby adopted by reference.

Exceptions:

1. Primary single-family residences with a floor area not exceeding 2,000 square feet shall have the permit fee calculated at 75% of the required fee schedule.
2. The floor area shall exclude unfinished basements, and crawlspaces. Unfinished basements shall be defined as: "A story that is not a story above grade plane, has no electrical, plumbing, or mechanical facilities, including wiring or piping in basement walls or floor.
3. Caretaker units and/or accessory dwelling units shall not be eligible for the reduction in permit fees.
4. Foundations, anchoring, skirting, decks or additions to manufactured homes shall be assessed full fees.

R108.3 Building permit valuations. Amend Section to read: Building permit valuations shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. The valuation of the project shall be derived from an acceptable budget, bona fide contract or determined by comparable area valuations. Final building permit valuation shall be approved by the building official.

R108.5 Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

R108.6 Work commencing before permit issuance. Amend Section to read: Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee of up to three times the required permit fee. Prior to issuance of permit, the penalty fee plus required permit fee shall be paid in full. The Building Official shall have discretion regarding assessing such fees.

R112 BOARD OF APPEALS. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

R115 CONSTRUCTION MITIGATION. Add Section 115.

R115.1 General. Permits issued for the construction or alteration of a structure shall comply with 117.1 through 117.13 when construction or alteration occurs within 200 feet of an existing structure on an adjacent parcel or when deemed necessary by the Building Official. This Section shall not supersede, replace, amend, or modify State or Federal law and regulations.

R115.2 Construction Mitigation Plan (CMP) Required. When a construction mitigation plan is required, the following plans and information shall be submitted to the Building Department as applicable:

8. Laydown/storage areas;
9. Parking areas and trailer storage;
10. Tower crane location and swing radius;
11. Portable toilet locations;
12. Dumpster locations;
13. Bear-proof trash can location;
14. Other information required as required by the Building Official.

R115.3 Construction Hours and Noise. Construction activities may occur from 7 am to 6 pm, seven days a week. Blasting, pile driving, jack hammering, heavy equipment operations, and loud noises in general are permitted between the hours of 7 am and 6 pm, Monday through Friday, and between the hours of seven 7 am and 5 pm on Saturdays, and is prohibited on Sundays.

If blasting is required, the owner/owner's agent is required to take all necessary precautions and notify adjacent property owners, local fire district, local traffic, pedestrians, etc. prior to blasting.

R115.4 Site Fencing. All construction sites in unincorporated San Miguel County shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

4. Lots/parcels less than 3 acres, building sites within 200 feet of a property line, or when deemed necessary by the building official for which a construction permit has been issued after the effective date of this section, or lesser part of the lot at the discretion of the Building Official, shall be enclosed by a 6-foot chain link fence faced with green mesh fabric or similar barrier.
5. The fence or barrier shall remain in place until the Building Official has determined that the property is sufficiently secured to prevent a health or safety risk or danger.
6. The Building Official has the discretion and authority to modify these requirements, including but not limited to, requiring fencing of a different material, height or configuration if it is deemed necessary for the protection of public/environmental health and safety.

R115.5 Material/Equipment Storage. Construction materials and equipment shall be stored, maintained and secured to prevent safety risk or danger.

R115.6 Waste Disposal. Accumulated construction debris that is not recycled shall be hauled away and disposed of in accordance with all applicable laws, on a regular basis when full. In addition:

4. Dumpsters shall be securely covered at the end of each construction day or when high winds will blow material.
5. Except as approved as part of a construction mitigation plan, construction staging shall not occur in the public rights-of-way.
6. At least one separate bear proof poly cart trash can must be provided for non-construction debris and emptied on a regular basis. Food related garbage shall not be disposed of in dumpsters.

R115.7 Portable Toilets. Portable toilet facilities shall be provided for all new construction, major remodels and other projects when deemed necessary by the Building Official.

R115.8 Right-Of-Way Closures. Right-of-Way Closures. A road closure permit shall be obtained prior to closing any sidewalk, street or other public right-of-way to be issued by the San Miguel County Road & Bridge Department. Appropriate safety measures shall be used by the general contractor or owner's agent as applicable.

R115.9 Parking and Site Access. There is NO parking allowed on County roads or with the County Right-of-Way unless otherwise permitted by San Miguel County Road and Bridge. Sufficient, on-property parking locations, shall be designated and made continually available for all involved in the site construction process. The County encourages use of public transportation, van pooling and careful staging of

subcontractors as a means to eliminate impacts on the County Right-of-Way. Parking on the County Road and/or Right-of-Way may be permitted pending the approval of a Revocable Right-of-Way permit which may be obtained through the San Miguel County Road and Bridge Department.

R115.10 Construction Clean-up of Streets and Sidewalks. All mud, dirt or debris deposited on any street, crosswalk, sidewalk or other public property because of excavation, construction or demolition shall be broom cleaned to the extent possible at the end of each working day and disposed of in accordance with all applicable laws. When determined by the Building Official to be appropriate and practicable, the applicant shall cause a gravel mat or other mud tracking device to be installed on the subject property, of a size and in a location sufficient to wash down all vehicles used on the subject property and to cause dirt and mud to be removed from the tires of such vehicles. The mud and dirt mitigation shall be located so as not to interfere with any use by the public of public rights-of-way and not to cause any nuisance or inconvenience to adjacent public or private property.

R115.11 Permission to Use Adjoining or Intervening Properties. No permit issued pursuant to this code shall authorize or be construed to authorize any entry onto property adjoining or intervening the subject property or any work for which entry onto property adjoining the subject property is or may be necessary, unless a proper right-of-entry has been secured from the owner of such property and provided to the Building Official.

R115.12 Required Utility Locates. Utility locates must be requested and marked for any work involving earth disturbing activity regardless of depth.

R115.13 Penalties. In addition to any violations and penalties set forth in the Land Use Code, any violation of this section shall result in the following additional actions being taken:

3. 1st Violation – Documented warning.
4. 2nd – All work must cease until the violation has been cured. Inspection fees will be imposed per currently adopted Building Department fee schedule at the hourly inspection rate to verify compliance.

CHAPTER 3 BUILDING PLANNING

Table R301.2(1) Climatic and Geographic Design Criteria. Amend Table to read:

| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP | ICE BARRIER UNDERLAYMENT REQUIRED | AIR FREEZING INDEX | MEAN ANNUAL TEMP |
|--|------------------------------|---------------------|---------------------|----------------------|-------------------------|------------------------|------------------------|--------------------------------------|--------------------|-----------------------------------|--------------------|------------------|
| | Speed (mph) | Topographic effects | Special wind region | Windborn debris zone | | Weathering | Frost line depth | Termite | | | | |
| Refer to ASCE 7 or Colorado Design Snow Loads, SEAC 2016 | 115 (see footnote "p" below) | NO | NO | NO | C | Severe | See footnote "q" below | Consult pest management professional | -6 F | YES | 2000 | 40 degrees F |
| MANUAL J DESIGN CRITERIA Consult Building Department | | | | | | | | | | | | |

- p. Exposure C will be assumed unless otherwise noted on sealed construction drawings prepared by a licensed engineer.
- q. If elevation is $x < 7000'$, then 24" from grade to B.O.F; if elevation $7000' < x < 7500'$, then 36" from grade to B.O.F; if elevation is $x > 7500'$, then 48' inches from grade to B.O.F.

R311.2. Egress door. Add the following Section:

R311.2.1. Exterior doors shall be provided with protection to prevent, divert, or minimize ice and snow from shedding on to a 3 ft. x 3 ft. entry area.

R313.2 One-and two-family dwellings automatic fire systems. Amend Section to read: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings. Floor area calculations for purposes of this section shall be defined as the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features, attached garages, unfinished basements, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above.

Exceptions:

- a. Single-family dwellings less than 3,600 square feet, including attached garages and carports enclosed on two or more sides, shall not be required to be equipped with a fire sprinkler system.
- b. Two-family dwellings that have an aggregate square footage of less than 3,600 square feet, including attached garages and carports enclosed on two or more sides, shall not be required to be equipped with a fire sprinkler system.

Where there is a conflict between the provisions of this code and the code of the fire protection district in which the permit is issued, the more stringent of the two shall apply.

R322 FLOOD RESISTANT CONSTRUCTION. Delete section in its entirety (refer to San Miguel County Land Use Code for floodplain requirements).

R328 WILDFIRE RESISTANT CONSTRUCTION. Add Section R328. Where there is a conflict between the provisions of this code, the code of the fire protection district in which the permit is issued, or any other applicable State of Colorado law, the more stringent shall apply.

R328.1 General. All new construction, additions, or alterations shall comply with R328.2 through R328.8.

R328.1.1 Ignition-resistant building material. Ignition-resistant building materials shall comply with any one of the following:

1. Material shall be tested on all sides with the extended ASTM E84 (UL 723) test or ASTM E2768, except panel products shall be permitted to test only the front and back faces. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch (3.2 mm). Materials that, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723 for a test period of 30 minutes, or with ASTM E2768, comply with the following:

1.1 Flame spread. Material shall exhibit a flame spread index not exceeding 25 and shall not show evidence of progressive combustion following the extended 30-minute test.

1.2 Flame front. Material shall exhibit a flame front that does not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the extended 30-minute test.

1.3 Weathering. Ignition-resistant building materials shall maintain their performance in accordance with this section under conditions of use. Materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in the following standards, as applicable to the materials and the conditions of use:

1.3.1 Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D2898, for fire-retardant-treated wood, wood-plastic composite and plastic lumber materials.

1.3.2 ASTM D7032 for wood-plastic composite materials. 1.3.3 ASTM D6662 for plastic

lumber materials.

1.4 Identification. Materials shall bear identification showing the fire test results. Exception: Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch (0.48 mm) thickness or corrosion-resistant steel at a minimum 0.0149 inch (0.38 mm) thickness shall not be required to be tested with a ripped or cut longitudinal gap.

2. Noncombustible material. Material that complies with the requirements for noncombustible materials in Section 202:

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1.1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.

1.2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread index of 50 or less. Flame spread index as used herein refers to a flame spread index obtained according to tests conducted as specified in ASTM E84 or UL 723.

3. Fire-retardant-treated wood. Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

4. Fire-retardant-treated wood roof coverings. Roof assemblies containing fire-retardant-treated wood shingles and shakes that comply with the requirements of Section 1505.6 of the International Building Code and classified as Class A roof assemblies as required in Section 1505.2 of the International Building Code.

5. Heavy Timber. Heavy timber meeting the requirements of Section 2304.11 of the International Building Code.

R328.2 Deck Joists. Wood deck joists, blocking, ledgers, and flush beams/girders, shall be capped with metal flashing or an *approved* fire-resistant material.

R328.3 Decking. Decking members shall be spaced greater than 1/4 inch (6.4 mm) but not more than 1 inch (25.6 mm) from one another and shall be of non-combustible material or an approved ignition-resistant material.

R328.4 Space below decks and shed roofs/attached canopies. The space below decks attached to a structure shall comply with one of the following:

- i. Decks shall be enclosed with an approved skirting material on all sides with a maximum spacing from grade to skirting of one inch.
- ii. Decks shall be constructed of approved ignition resistant materials and have a concrete or masonry sweepable surface below.

R328.5 Roofing covering. Roofs shall have a roof assembly that complies with not less than a Class B rating when tested in accordance with ASTM E108 or UL 790, or an approved ignition-resistant roof covering. For roofcoverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the

combustible decking.

R328.6 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with *noncombustible* corrosion-resistant mesh with openings not to exceed 1/8 inch or shall be designed and *approved* to prevent flame or ember penetration into the structure.

R328.7 Protection of eaves/soffits. Combustible eaves, fascia and soffits shall be enclosed with solid materials with a minimum thickness of 3/4 inch (19 mm) or an *approved* ignition-resistant material. Exposed rafter tails shall not be permitted unless constructed of heavy timber materials.

R328.8 Detached accessory structures. All detached accessory structures shall comply with R328.1 through R328.8 and shall be constructed with ignition-resistant exterior wall covering. Such material shall extend from the top of the foundation to the underside of the roof sheathing.

CHAPTER 10 CHIMNEYS AND FIREPLACES

R1004.4 Unvented gas log heaters. Amend Section and Section title to read: **Vented and unvented gas log heaters.** Vented and unvented gas log heaters (log sets) shall be prohibited.

R1004.6 Factory-built gas fireplaces. Add Section R1004.6: All factory-built gas fireplaces shall be sealed units.

CHAPTER 11 ENERGY EFFICIENCY

N1101.13 (R401.2) Compliance. Amend Section to read: Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as “Mandatory.”
3. The energy rating index (ERI) approach in Section N1106. Projects shall provide a preliminary design in which one of the two are modeled:
 - A maximum design score of 61 *without* including offsetting means through onsite renewable energy.
 - A maximum design score of 56 that includes offsetting means through onsite renewable energy.

N1101.13.1 (R401.2.1) Required ERI approach. All of the following are required to comply with N1101.13, item 3. Floor area calculations for purposes of this section shall be defined as the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features, attached garages, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above:

1. New single-family dwellings whose floor area is 3,600 square feet or greater.
2. New two-family dwellings whose aggregate floor area is 4,000 square feet or greater.
3. New townhomes.

N1101.15 (R401.4) Renewable Energy Mitigation Program (Mandatory). Add Section N1101.15 (R401.4) to read: San Miguel County’s Renewable Energy Mitigation Program (REMP) is designed to help offset the effects of outdoor energy consumption that contribute to the effects of greenhouse gas emissions. The provisions of REMP shall be applied as follows:

N1101.15.1 (R401.4.1) Scope. Energy used to power hydronic snowmelt systems, factory-built and site-built spas located on the exterior, pools located on the exterior, and heated garages for all new residences, accessory structures, commercial facilities, alterations, and additions shall be mitigated through REMP and shall comply with N1101.15.1 through.

N1101.15.1.1 (R401.4.1.1) Snowmelt. All snowmelt anywhere on the property shall be offset by REMP. All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC. Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.

Exceptions:

1. **Single-family development:** 200 square feet of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.
2. **Multi-family, mixed use, accessory use, and commercial development:** 100 square feet plus 25 square feet per dwelling unit of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.
3. **Two-family residences and townhomes:** 50 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

Definition of Exempt Snow-Melt Area: Tubing installed to melt snow on a surface intended to remove snow from the walkable or drivable area shall be measured by the size of the entire potentially snow-melted area. For example, if a 10 ft. x 20 ft. deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.

N1101.15.1.2 (R401.4.1.2) Spas. All spas located on the exterior of a building shall be offset by REMP. Exterior heated spas must comply with the currently adopted Energy Codes.

N1101.15.1.3 (R401.4.1.3) Exterior Pools. All pools located on the exterior of a building shall be offset by REMP. Exterior heated swimming pools must comply with the currently adopted Energy Codes.

N1101.15.1.4 (R401.4.1.4) Heated Garages. All heated garages shall be offset by REMP. Heated garages must comply with the currently adopted Energy Codes. All heated exterior garage portal doors shall have a minimum R-value of R-18. The blower door test required as per IRC Section N1102.4.1.2 and IECC Section R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

N1101.15.2 (R401.4.2) Energy Use Calculation. The total exterior energy use that must be mitigated with renewable energy or payment made as a payment in-lieu as allowed in these regulations will be calculated by the owner/agent and verified by the County Building Official using the San Miguel County

REMP Worksheet (“Worksheet”). The Worksheet is attached at end of IRC amendments as Appendix Z and a fillable version can also be found at www.sanmiguelcountyco.gov/building. The Worksheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions as calculated by Resource Engineering Group (2013). The Worksheet will be updated regularly according to market fluctuations and may be amended by resolution.

N1101.15.2.1 (R401.4.2.1) Renewable Energy Credit Calculation. Mitigation of outdoor energy use may be achieved by onsite renewable energy systems approved by the Building Official. The payment in lieu shall be calculated using the Worksheet.

N1101.15.2.1.1 (R401.4.2.1.1) Alternative technology. As new technology or other offsite renewable energy projects develop, they may also be considered as approved mitigation systems by the Building Official.

N1101.15.2.1.2 (R401.4.2.1.2) Combination of measures. If the amount of renewable energy capable of being produced onsite by one system is not sufficient to mitigate exterior energy use as outlined, a combination of renewable energy methods may be used as approved by the Building Official.

N1101.15.2.2 (R401.4.2.2) Payment in-lieu. If preferred by the property owner, the owner may make a one-time payment to San Miguel County in-lieu of providing onsite mitigation by a County approved renewable energy system. San Miguel County may also accept partial payment in lieu from the affected property owner when only partial onsite mitigation of exterior energy use occurs. The owner shall make payment prior to receiving the building permit. The payment in-lieu shall be calculated using the Worksheet.

N1101.15.2.2.1 (R401.4.2.2.1) Appropriation of Funds. All REMP payments in lieu received by the County shall be deposited into a separate fund called the “San Miguel County Energy Fund” (Fund). All monies deposited into such Fund shall be used solely within San Miguel County for the purposes of:

1. funding capital expenses associated with purchase, installation, and/or construction of renewable energy or energy conservation facilities;
2. and/or funding projects that help to mitigate greenhouse gas emissions.

The Board of County Commissioners shall approve expenditures from the Fund after receiving recommendations from the County staff and the County Manager.

N1101.15.3 (R401.4.3) Approved Renewable Energy Systems. All renewable energy systems proposed as a means of exterior energy use mitigation must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an onsite or offsite system. Review of the system by a County engineering consultant, if needed, will be at the expense of the owner.

N1101.15.3.1 (R401.4.3.1) Perpetuity of onsite mitigation. Onsite renewable energy systems provided to mitigate exterior energy are required to be maintained and operated for the lifetime of the structure, through a written agreement with the property owner and a covenant on the property.

N1101.15.3.2 (R401.4.3.2) Off-site Mitigation. Off-site renewable mitigation shall only be approved by

the Building Official if, through a written agreement:

1. the system is legally tied to the property using exterior energy use with the inability to transfer to another property;
2. the County, at any time, can verify through audits that the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the County's ability to access renewable energy utility information.

N1102.1 (R402.1) General (Prescriptive). Amend "Exceptions" Item 2 as follows:

Exceptions:

2. Log homes designed in accordance with ICC-400 with glazing to floor area ratio of 18% or less and passing air leakage test demonstrating 3ACH 50 or less.

N1103.9 (R403.9) Snow melt system controls (Mandatory). Amend Section to read: Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when precipitation is not falling, and an automatic control that will allow shutoff when the outdoor temperature is greater than 40°F (4.8°C).

N1103.13 (R403.13) Outdoor heating equipment (Mandatory). Add Section to read: All outdoor space heating equipment supplied through energy service to the building such as, but not limited to, fire pits, heaters, fireplaces, etc., shall be equipped with 60-minute automatic shutoff timers.

N1106.3 (R406.3) Energy rating index. Amend Section to read: The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. [~~STRIKE ERI reference design ventilation rate Equation 11-1~~].

N1106.4 (R406.4) ERI-based compliance. Compliance based on an ERI analysis requires that the *rated design* be shown to have an ERI less than or equal to the appropriate value indicated in Table N1106.4 when compared to the *ERI reference design*.

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX. Amend Table as follows:

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX

| CLIMATE ZONE | ENERGY RATING INDEX^a |
|---------------------|--|
| 6 | 61 without onsite renewable energy in model; 56 with onsite renewable energy in model |

[~~STRIKE footnote a~~]

N1107.2 (R501.2) Existing buildings. Except as specified in this chapter *or by other locally enforced law, ordinance, resolution, or code*, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing *building or building system* lawfully in existence at the time of adoption of this code.

CHAPTER 24 FUEL GAS

G2406.2 (303.3) Prohibited locations. Delete exception 3 and 4.

G2425.8 (501.8) Appliances not required to be vented. Delete exception 7.

G2432.1 (602.1) General. Amend Section to read: Decorative appliances for installation in approved solid fuel-burning fireplaces shall be prohibited.

G2445.1 (621.1) General. Amend Section to read: Unvented room heaters shall be prohibited. Sections G2445.2 through G2445.7 and G2445.7.1 are hereby deleted.

APPENDIX E – MANUFACTURED HOUSING USED AS DWELLINGS – Adopt entire appendix.

APPENDIX F – RADON CONTROL METHODS – Adopt entire appendix.

APPENDIX H – PATIO COVERS – Adopt entire appendix.

APPENDIX Q – TINY HOUSES – Adopt entire appendix.

APPENDIX R – LIGHT STRAW-CLAY CONSTRUCTION – Adopt entire appendix.

APPENDIX S – STRAWBALE CONSTRUCTION – Adopt entire appendix.

APPENDIX T – SOLAR-READY PROVISIONS – DETACHED ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES – Adopt entire appendix.

APPENDIX Z – San Miguel County REMP Worksheet – Adopt worksheet as referenced in N1101.15.2 (R401.4.2) and as attached below:

San Miguel County REMP Worksheet

Instructions:

Fill in all grey cells that are relevant to your project in order to calculate mitigation measures. Go to Project Checklist (see tabs at bottom of page) and complete this form. **Submit REMP Calculation & Project Checklist with your signature and check madeout to "San Miguel County" for the Energy Mitigation Fee, if required.** Complex systems using heat recovery strategies may apply for alternative calculation methods.

| Project Information: | | Equipment Information: | | |
|----------------------|-------------------|------------------------|--------------------|-------------------|
| Name: | SMC Project | Building Heater type: | Select Type Gas | Efficiency 95% |
| Address: | Project Address | Hot Tub Heater Type: | Gas | 90% |
| Town/County: | San Miguel County | Pool Heater Type: | Gas | 90% |

| Exterior Energy Use | | | | |
|---------------------------|---------|------------|---------|-------------------------|
| Type of use | sq. ft. | Efficiency | kBtu/yr | Lbs CO ₂ /yr |
| Snowmelt | 0 | 95% | 0 | 0 |
| Hot Tub (built on sit | 0 | 90% | 0 | 0 |
| Pool | 0 | 90% | 0 | 0 |
| Total Carbon Usage | | | | 0 |

| Garage Energy Use (For heated garages only) | | | | |
|---|---------|------------|---------|-------------------------|
| | sq. ft. | Efficiency | kBtu/yr | Lbs CO ₂ /yr |
| Total Garage Size | 0 | 95% | 0 | 0 |
| Total Carbon Usage | | | | 0 |

| Exterior Spa (Factory Built Portable) Energy Use | | | | |
|---|--------------------------------|--------------------------------|-------------------------------|-------------------------|
| Model | Standby Watts @60 deg F (W/hr) | Standby Watts@ 40 deg F (W/hr) | Annual Standby Energy (kW/yr) | Lbs CO ₂ /yr |
| Spa Model | 0 | 0 | 0 | 0 |
| Average spa | 205 | 316 | 2768 | 4346 |
| Total Carbon Usage | | | | 0 |

| Renewable Energy Production Credit (on-site) | | | |
|--|--------------------|---------|-------------------------|
| Type of use | Installed capacity | kBtu/yr | Lbs CO ₂ /yr |
| Solar Electric (PV) (kW) | 0.0 | 0 | 0 |
| Solar Hot Water (sq ft of panel or tubes | 0.0 | 0 | 0 |
| Wind Generation (on-site) (kW) | 0.0 | 0 | 0 |
| Total Carbon Reduction | | | 0 |

| Off-Site Renewable Energy | | | |
|-------------------------------|--------------------|---------|-------------------------|
| Type of use | Installed capacity | kBtu/yr | Lbs CO ₂ /yr |
| Solar Electric (PV) (kW) | 0.0 | 0 | 0 |
| Total Carbon Reduction | | | 0 |

| Snowmelt, hot tubs, pools, spas & heated garages | | | |
|--|------------|-------------------------|--|
| Net Carbon EmissionsCarbon | 0 | Lbs CO ₂ /yr | |
| Mitigation Rate Mitigation Percentage | \$1.39 | \$/Lbs CO ₂ | |
| Required | 100% | | |
| Carbon Mitigation Fee | \$0 | | |

| Innovatively Engineered Energy Efficient Systems | | | |
|--|------------|-------------------------|--|
| Alternate Engineered Design kBtu/yr | 0 | kBtu/yr | |
| Engineered Design Carbon Emissions | 0 | Lbs CO ₂ /yr | |
| Reduction in Carbon Emissions | 0 | Lbs CO ₂ /yr | |
| Carbon Mitigation Rate | \$1.39 | \$/Lbs CO ₂ | |
| Mitigation Percentage RequiredCarbon | 100% | | |
| Mitigation Fee Reduction | \$0 | | |
| Total Carbon Mitigation Fee | | \$0 | |

| | |
|------------|-------------|
| Name: | SMC Project |
| Signature: | Date: |

AMENDMENTS TO THE 2018 INTERNATIONAL MECHANICAL CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Mechanical Code of San Miguel County, hereinafter referred to as “this code.”

106.5.1 Work commencing before permit issuance. Amend Section to read: Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to 300 percent of the usual permit fee in addition to the required permit fees.

106.5.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

106.5.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

108.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

108.5 Stop work orders. Amend Section to read: Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 109 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

AMENDMENTS TO THE 2018 INTERNATIONAL FUEL GAS CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Fuel Gas Code of San Miguel County, hereinafter referred to as “this code.”

106.6.1 Work commencing before permit issuance. Amend Section to read: Any person who commences work on an installation before obtaining the necessary permits shall be subject to 300 percent of the usual permit fee in addition to the required permit fees.

106.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations

requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

106.6.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

108.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

108.5 Stop work orders. Amend Section to read: Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 109 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

CHAPTER 3 GENERAL REGULATIONS

303.3 Prohibited locations. Delete exception 3 and 4.

CHAPTER 5 CHIMNEYS AND VENTS

501.8 Appliances not required to be vented. Delete exception 8.

CHAPTER 6 SPECIFIC APPLIANCES

602.1 General. Amend Section to read: Decorative appliances for installation in approved solid fuel-burning fireplaces shall be prohibited.

621.1 General. Amend Section to read: Unvented room heaters shall be prohibited. Sections 621.2 through 621.7 and 621.7.1 are hereby deleted.

AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE

C101.1 AND R101.1 Title. Amend Sections to read: These regulations shall be known as the Energy Conservation Code of San Miguel County, hereinafter referred to as “this code.”

SECTIONS C109 and R109 Means of Appeal. Delete Sections in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

APPENDIX CA “SOLAR-READY ZONE – COMMERCIAL. Appendix CA is hereby adopted.

R401.2 Compliance. Amend Section to read: Projects shall comply with one of the following:

1. Sections R401 through R404.

2. Section R405 and the provisions of Sections R401 through R404 indicated as “Mandatory.”
3. The energy rating index (ERI) approach in Section R406. Projects shall not include onsite renewable energy systems in their preliminary rating design and score. Projects shall provide a preliminary design in which one of the two are modeled:
 - a. A maximum design score of 61 *without* including offsetting means through onsite renewable energy.
 - b. A maximum design score of 55 that includes offsetting means through onsite renewable energy.

R401.2.1 Required ERI approach. All of the following are required to comply with R401.2, item 3. Floor area calculations for purposes of this section, the floor area, measured in square feet, shall include unfinished basements, attached garages, and crawlspaces 6 feet 4 inches in height or greater, measured from grade/floor to bottom of joist/floor assembly above:

1. New single-family dwellings whose floor area is 3,600 square feet or greater.
2. New two-family dwellings whose aggregate floor area is 4,000 square feet or greater.
3. New townhomes.

R401.4 Renewable Energy Mitigation Program (Mandatory). Add Section R401.4 to read: San Miguel County’s Renewable Energy Mitigation Program (REMP) is designed to help offset the effects of outdoor energy consumption that contribute to the effects of greenhouse gas emissions. The provisions of REMP shall be applied as follows:

R401.4.1 Scope. Energy used to power hydronic snowmelt systems, factory-built and site-built spas located on the exterior, pools located on the exterior, and heated garages for all new residences, accessory structures, commercial facilities, alterations, and additions shall be mitigated through REMP and shall comply with R401.4.1.1 through R401.4.1.4.

R401.4.1.1 Snowmelt. All snowmelt anywhere on the property shall be offset by REMP. All snow melt systems shall be equipped with both moisture and temperature sensors to control operation per the IECC and IRC. Hydronic snow melt systems shall have a minimum of R-15 insulation on the non-snow melt side.

Exceptions:

1. Single-family development: 200 square feet of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks, stairs and landings.
2. Multi-family, mixed use, accessory use, and commercial development: 100 square feet plus 25 square feet per dwelling unit of exempt hydronic snow melt shall be allowed without mitigation located only on the main drive(s) decks, amenity areas and/or code required exit walkways, stairs and landings.
3. Two-family residences and townhomes: 50 square foot of exempt per dwelling unit hydronic snowmelt shall be allowed without mitigation located only on the main drive and/or code required exit walkways, decks stairs and landings.

Definition of Exempt Snow-Melt Area: Tubing installed to melt snow on a surface

intended to remove snow from the walkable or drivable area shall be measured by the size of the entire potentially snow-melted area. For example, if a 10 ft. x 20 ft. deck only has perimeter snow melt tubing, the entire area shall be counted toward the snow melt exemption.

R401.4.1.2 Spas. All spas located on the exterior of a building shall be offset by REMP. Exterior heated spas must comply with the currently adopted Energy Codes.

R401.4.1.3 Exterior Pools. All pools located on the exterior of a building shall be offset by REMP. Exterior heated swimming pools must comply with the currently adopted Energy Codes.

R401.4.1.4 Heated Garages. All heated garages shall be offset by REMP. Heated garages must comply with the currently adopted Energy Codes. All heated exterior garage portal doors shall have a minimum R-value of R-18. The blower door test required as per IRC Section N1102.4.1.2 and IECC Section R402.4.1.2 shall apply only to the homes habitable space and the air sealing for the garage shall be visually inspected.

R401.4.2 Energy Use Calculation. The total exterior energy use that must be mitigated with renewable energy or payment made as a payment in-lieu as allowed in these regulations will be calculated by the owner/agent and verified by the County Building Official using the San Miguel County REMP Worksheet (“Worksheet”). The Worksheet is attached at end of IRC amendments as Appendix Z and a fillable version can also be found at www.sanmiguelcountyco.gov/building. The Worksheet calculations were developed using the standard amount of energy used by the exterior systems and adjusted for local climatic conditions as calculated by Resource Engineering Group (2013). The Worksheet will be updated regularly according to market fluctuations and may be amended by resolution.

R401.4.2.1 Renewable Energy Credit Calculation. Mitigation of outdoor energy use may be achieved by onsite renewable energy systems approved by the Building Official. The payment in lieu shall be calculated using the Worksheet.

R401.4.2.1.1 Alternative technology. As new technology or other offsite renewable energy projects develop, they may also be considered as approved mitigation systems by the Building Official.

R401.4.2.1.2 Combination of measures. If the amount of renewable energy capable of being produced onsite by one system is not sufficient to mitigate exterior energy use as outlined, a combination of renewable energy methods may be used as approved by the Building Official.

R401.4.2.2 Payment in-lieu. If preferred by the property owner, the owner may make a one-time payment to San Miguel County in-lieu of providing onsite mitigation by a County approved renewable energy system. San Miguel County may also accept partial payment in lieu from the affected property owner when only partial onsite mitigation of exterior energy use occurs. The owner shall make payment prior to receiving the building permit. The payment in-lieu shall be calculated using the Worksheet.

R401.4.2.2.1 Appropriation of Funds. All REMP payments in lieu received by the County shall be deposited into a separate fund called the “San Miguel County Energy Fund” (Fund). All monies deposited into such Fund shall be used solely within San Miguel County for the purposes of:

1. funding capital expenses associated with purchase, installation, and/or construction

of renewable energy or energy conservation facilities;

2. and/or funding projects that help to mitigate greenhouse gas emissions.

The Board of County Commissioners shall approve expenditures from the Fund after receiving recommendations from the County staff and the County Manager.

R401.4.3 Approved Renewable Energy Systems. All renewable energy systems proposed as a means of exterior energy use mitigation must be approved in advance by the Building Official. An engineering analysis may be required for calculating the renewable energy mitigation credit produced by an onsite or offsite system. Review of the system by a County engineering consultant, if needed, will be at the expense of the owner.

R401.4.3.1 Perpetuity of onsite mitigation. Onsite renewable energy systems provided to mitigate exterior energy are required to be maintained and operated for the lifetime of the structure, through a written agreement with the property owner and a covenant on the property.

R401.4.3.2 Off-site Mitigation. Off-site renewable mitigation shall only be approved by the Building Official if, through a written agreement:

1. the system is legally tied to the property using exterior energy use with the inability to transfer to another property;
2. the County, at any time, can verify through audits that the offsite renewable energy system continues to provide renewable energy as provided for herein, with no restrictions on the County’s ability to access renewable energy utility information.

R402.1 General (Prescriptive). Amend “Exceptions” Item 2 as follows:

Exceptions:

2. Log homes designed in accordance with ICC-400 with glazing to floor area ratio of 18% or less and passing air leakage test demonstrating 3ACH 50 or less.

R403.9 Snow melt system controls (Mandatory). Amend Section to read: Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when precipitation is not falling, and an automatic control that will allow shutoff when the outdoor temperature is greater than 40°F (4.8°C).

R403.13 Outdoor heating equipment (Mandatory). Add Section to read: All outdoor space heating equipment supplied through energy service to the building such as, but not limited to, fire pits, heaters, fireplaces, etc., shall be equipped with 60-minute automatic shutoff timers.

R406.3 Energy rating index. Amend Section to read: The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. [~~STRIKE ERI reference design ventilation rate Equation 11-1~~].

R406.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value indicated in Table R406.4 when compared to the ERI reference design.

TABLE N1106.4 (R406.4) MAXIMUM ENERGY RATING INDEX. Amend Table as follows:

TABLE R406.4 MAXIMUM ENERGY RATING INDEX

| CLIMATE ZONE | ENERGY RATING INDEX ^a |
|--------------|----------------------------------|
|--------------|----------------------------------|

| | |
|---|---|
| 6 | 61 without onsite renewable energy in model 55 with onsite renewable energy in model |
|---|---|

[~~STRIKE~~ footnote a]

R501.2 Existing buildings. Except as specified in this chapter *or by other locally enforced law, ordinance, resolution, or code*, this code shall not be used to require the removal, *alteration* or abandonment of, nor prevent the continued use and maintenance of, an existing *building* or *building* system lawfully in existence at the time of adoption of this code.

APPENDIX RA “SOLAR-READY PROVISIONS – DETACHED ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES.
Appendix RA is hereby adopted.

AMENDMENTS TO THE 2018 INTERNATIONAL EXISTING BUILDING CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Existing Building Code of San Miguel County, hereinafter referred to as “this code.”

105.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is hereby incorporated by reference.

112 Board of Appeals. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).

113.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

AMENDMENTS TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

101.1 Title. Amend Section to read: These regulations shall be known as the Swimming Pool and Spa Code of San Miguel County, hereinafter referred to as “this code.”

105.6.2 Fee Schedule. Amend Section to read: On buildings, structures, gas, and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A as adopted by Resolution 2020-034. A plan review fee shall be paid at the time of submitting construction plans for a building permit. Said plan review fee shall be 65 percent of the building permit fee. The plan review fee is separate from the rest of the permit fee and is in addition to the rest of the permit fee. The permit fee schedule may be modified or recreated by resolution of the governing authority Board of County Commissioners as deemed necessary. Fees Current fees for additional inspections, re-inspections, and other fee costs are calculated per Table 1-A as adopted by Resolution 2020-34. Any updated Board of County Commissioner resolution for fees is

hereby incorporated by reference.

105.6.3 Fee Refunds. Amend Section to read: The building official may authorize a refund of any fee which was erroneously paid or collected. The building official may authorize a refund of up to 100% of any fee collected except that of the plan review fee.

107.4. Violation penalties. Delete Section in its entirety (C.R.S. §§ 30-28-209 and 30-28-210 apply).

107.5 Stop work orders. Amend Section to read: Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a penalty fee of up to three times the required permit fee.

SECTION 108 Means of Appeal. Delete Section in its entirety (C.R.S §§ 30-28-206 and 30-28-207 apply).