

ORDINANCE NO. 2023-03

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO AMENDING CHAPTERS 17.7 and 17.5 OF THE MOUNTAIN VILLAGE MUNICIPAL
CODE CONCERNING ENERGY AND LIGHTING REGULATIONS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, Pursuant to Chapter 17.7 of the Community Development Code, Title 17 of the Mountain Village Municipal Code (“CDC”), the Town has adopted the International Energy Conservation Code (“Energy Code”); and

WHEREAS, the Town is actively pursuing construction of deed-restricted housing, and most state and federal funding opportunities require new construction to be fully electric; and

WHEREAS, the trend toward sustainability in private development includes electric resistance heating; and

WHEREAS, the Energy Code does not allow for electric resistance heating to be used as a building’s primary heat source; and

WHEREAS, Section 17.5.12 of the CDC outlines the Town’s lighting regulations (“Lighting Regulations”), including the requirement that any redevelopment or remodel valued at \$50,000 or greater shall retrofit all existing exterior lighting to comply with the Lighting Regulations; and

WHEREAS, this retrofit requirement has become a deterrence for compliance with the Town’s requirements to repair roofs under certain circumstances; and

WHEREAS, the Town finds and determines that roof repairs necessary to protect the public health and safety are more important than CDC Section 17.5.12.F.11; and

WHEREAS, the Town Council desires to amend the CDC to address these issues within the Energy Code and Lighting Regulations as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendments. The Town Council hereby amends the CDC as follows:

17.7.12 International Energy Conservation Code.

C. Amendments, Additions and Modifications.

7. Local Energy Saving Measures.

~~h. *Prohibition on Electric Heating.* Electric resistance heating shall not be used as the buildings primary heating source.~~

Subsections (i) through (y) shall be re-lettered to accommodate the deletion of subsection (h).

17.5.12 Lighting Regulations.

F. Lighting Design Regulations.

11. Application.

a. A redevelopment or remodel valued at fifty-five hundred thousand dollars (~~\$50,000~~(\$500,000) or more shall retrofit all existing exterior lighting to comply with the then current Lighting Regulations. Roof replacements are exempt from this requirement.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Effective Date. This Ordinance shall become effective on April 29, 2023 and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.


Section 6. Public Hearing. A public hearing on this Ordinance was held on the 16th day of March 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.


INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of March 2023.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 30th day of March 2023.


TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE, COLORADO,
A HOME-RULE MUNICIPALITY**



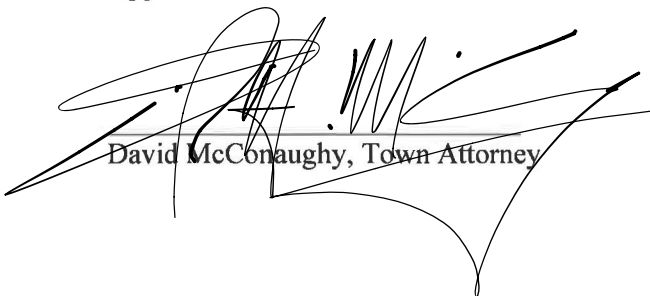
By: _____
Laila Benitez, Mayor

ATTEST:



Susan Johnston, Town Clerk

Approved as to Form:



David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2023-03 ("Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 16, 2023, by the affirmative vote of a quorum of the Town Council as follows:


Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Marti Prohaska	X			
Harvey Mogenson	X			
Patrick Berry	X			
Peter Duprey	X			
Jack Gilbride	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on March 22, 2023 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 30, 2023. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Marti Prohaska			X	
Harvey Mogenson	X			
Patrick Berry	X			
Peter Duprey			X	
Jack Gilbride	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 30th day of March 2023.


 Susan Johnston, Town Clerk
 (SEAL)

