

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO ADOPTING BY REFERENCE THE 2021 EDITION OF THE INTERNATIONAL FUEL GAS CODE WITH CERTAIN AMENDMENTS THERETO AND REPEALING AND REENACTING SECTION 17.7.14 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE ACCORDINGLY

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, the Town has previously adopted by reference the 2018 edition of the International Fuel Gas Code (“IFGC”), which serves as one of the building codes for the Town as set forth in Chapter 17.7 of the Mountain Village Municipal Code (“Code”); and

WHEREAS, pursuant to C.R.S. § 12-155-106, the Colorado State Plumbing Board has adopted the 2021 edition of the IFGC (“2021 IFGC”), with amendments, as set forth in 3 CCR 720-1; and

WHEREAS, pursuant to 3 CCR 720-1 § 1.1(C), the Town is required to adopt and adhere to the minimum standards for plumbing work adopted by the Colorado State Plumbing Board; and

WHEREAS, to comply with state law and promote the health, safety, and welfare of Town residents, the Town’s Building Department has recommended that the Town adopt the 2021 IFGC; and

WHEREAS, Town staff have reviewed the 2021 IFGC in light of the Town’s unique physical setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement of the IFGC; and

WHEREAS, on _____, 2024, the Town Council held a duly noticed public hearing concerning the adoption of the 2021 IFGC in accordance with C.R.S. § 31-16-206; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to adopt by reference the 2021 IFGC, as amended and set forth herein, and amend the Code accordingly.

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. Adoption by Reference. Except as provided in the following sections, the Town Council hereby adopts by reference the 2021 IFGC, and any appendices thereto, promulgated and published as such by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478. In lieu of full publication of the foregoing, a true and correct copy of the 2021 IFGC shall be available for inspection at the office of the Town Clerk.

Section 3. Repeal and Reenactment. The Town Council hereby repeals Section 17.7.14 of the Code in its entirety and replaces it to read as set forth in Exhibit A, attached hereto and incorporated by reference herein.

Section 4. 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 5. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed; provided, however, this Ordinance shall not affect the prosecution of any violation of the 2018 edition of the IFGC that occurred prior to the effective date of this Ordinance.

Section 6. 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 7. Effective Date. This Ordinance shall become effective on _____, 2024, 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 8. Public Hearing. A public hearing on this Ordinance was held on the ___ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 9. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18th day of April, 2024.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ___ day of _____, 2024.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, 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. 2024-__ (“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 _____, 2024, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

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 _____, 2024 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 _____, 2024. 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
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

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 ___ day of _____, 2024.

 Susan Johnston, Town Clerk
 (SEAL)

Exhibit A

A. *Adoption.* The Town of Mountain Village hereby adopts and incorporates herein by reference as the Fuel Gas Code of the Town, the International Fuel Gas Code, 2021 Edition ("IFGC") as published by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills, IL 60478.

B. *Amendments, Additions, and Modifications.* The IFGC is hereby amended as follows:

Section 101. Section 101 of the IFGC is hereby amended as follows:

1. "Section 101.1, Title. "These regulations shall be known as the Town of Mountain Village Fuel Gas Code, hereinafter referred to as "this code" or the "IFGC."
2. Section 101.2 Scope. Delete the following exception in entirety: "Exception: Detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code."
3. Section 103.1, General. Section 103.1 is hereby amended to read: "Section 103.1 Creation of Agency. The Town of Mountain Village Building Department is hereby charged with enforcing the IFGC, and the official in charge thereof shall be known as the code official."
4. Section 103.2, Appointment. Section 103.2 is hereby deleted in its entirety due to the administrative provisions set forth herein.
5. Section A103.3, Deputies. Section 103.3 is hereby deleted in its entirety due to the administrative provisions set forth herein.
6. Section 109.2 Fee schedule. Delete and replace with: "All fees shall be per the Planning and Development Services Fee Schedule."
7. Section 107.2 Inspections and Testing. Amend by inserting under item 2, "gas pipe shall be tested with 15 PSI for 20 minutes. A category 3 or 4 appliance exhaust vent shall be tested at 5 PSI for 15 minutes."
8. *Section 113 Means of Appeal.* Board of Appeals: Delete and replace with section [17.7.8](#) of the Building Regulations.
9. Section 406.4.1 Test pressure. Amend by inserting, "The test pressure for gas piping shall be 15 PSI air for 20 minutes minimum." Where the design gas pressure inside the building is greater than 5PSI the pipe shall be welded and tested at 60 PSI for 20 minutes. Category 3 and 4 appliance exhaust pipes shall be tested at 5 pounds for 15 minutes."
10. Insert new "Section 409.5.4 Gas Fireplace in Sleeping Room Areas. A timer, or permanent thermostat shall be provided to control the main burner operation, shall have a maximum operating

time of 1 hour and a maximum temperature setting of 85 degrees Fahrenheit. The control for the timer or thermostat shall be in the same room as the gas fireplace.”

11. Insert new “Section 623.3.1 Exhaust Discharge. Domestic cooking exhaust equipment shall discharge to outdoors through a duct. The duct shall have a smooth interior surface, shall be airtight, shall be equipped with a backdraft damper, and shall be independent of all other exhaust systems. Ducts serving domestic cooking equipment shall not terminate in an attic or crawl space or areas inside the building.”

12. *Appendix A, Sizing and Capacities of Gas Piping.* Appendix A is a reference standard hereby adopted into the 2021 IFGC.

13. *Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.* Appendix C is a reference standard hereby adopted into the 2021 IFGC.