

TITLE 8

BUILDINGS AND BUILDING REGULATIONS^{1,2}

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Chapter 8.04

GENERAL PROVISIONS

Sec. 8.04.010. Reserved.

Editor's note—Former Section 7-1, establishing fire zones within the City, was repealed by Ord. No. 33-1981, § 1. Said section was derived from Code 1962, § 1-3-3; Ord. No. 18-1967; Ord. No. 27-1968; and Ord. No. 11-1969, §§ 1—3. (Code 1971, § 7-1)

Sec. 8.04.020. Chief building official; appointment and removal.

There shall be a Chief Building Official who shall be appointed by and be responsible to the City Manager and shall serve at the pleasure of the City Manager.

Sec. 8.04.050. Same; duties.

The Chief Building Official shall be responsible for the enforcement of the International Building Code, International Residential Code, National Electrical Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Pool and Spa Code, and International Solar Energy Provisions.

Sec. 8.04.060. Same; right of entry.

Upon presentation of his or her credentials, the Chief Building Official or his or her duly authorized representative may enter at any reasonable time any building, structure or premises in the City to perform any duty imposed upon him or her by this Code.

Sec. 8.04.070. Same; stop work orders.

Whenever any construction or other work pursuant to development or repair of property is being done contrary to the provisions of the International Building Code, International Residential Code, National Electrical Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Pool and Spa Code, International Solar Energy Provisions, and the Land Use Code of the City, the Chief Building Official shall order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done. It shall be unlawful for any person to fail or refuse to obey such order and each day one (1) so notified or any other person who can reasonably be expected to be informed of the notice, fails to comply with the order shall constitute a separate offense.

(Code 1962, § 3-5-1; Ord. No. 4-1969; Code 1971, § 7-8; [Ord No. 31-2011§1](#))

Chapter 8.08

BUILDING CODE BOARD OF APPEALS¹

¹ Charter reference—Authority for Building Code Board of Appeals, § 8.1.

Sec. 8.08.010. Created.

There is hereby created a Building Code Board of Appeals for the City. (Code 1962, §§ 2-3-1, 5-3-3; Code 1971, § 7-21; [Ord. No. 31-2011§2](#))

Sec. 8.08.020. Composition; term; qualifications.

(a) The building Code Board of Appeals shall consist of seven (7) regular members and two (2) ex officio members. The two (2) ex officio members shall be employees or officers of the City and the Aspen Fire Protection District, provided, however, if there is a duly appointed and acting fire marshal for the City, he or she shall be designated one (1) such ex officio member.

(b) All of the members of the Building Code Board of Appeals shall have been qualified electors and residents of the City or County for at least two (2) years.

(c) The Chief Building Official shall be an ex officio member of the Building Code Board of Appeals and shall act as secretary of the Board. (Code 1962, §§ 2-3-1, 5-3-3; Code 1971, § 7-22; Ord. No. 27-1973, § 4; Ord. No. 23-1974, § 1; Ord. No. 83-1979, § 1; [Ord. No. 53-1994](#), § 4; [Ord. No 31-2011§2](#))

Sec. 8.08.030. Ex officio members not to have vote.

Ex officio members of the Building Code Board of Appeals shall be without voting power in every case. (Code 1962, §§ 2-3-1, 5-3-3; Code 1971, § 7-23)

Sec. 8.08.040. Terms; appointment.

The regular members of the Building Code Board of Appeals shall serve for terms of four (4) calendar years. The regular members of the Building Code Board of Appeals shall be appointed by the City Council. The membership of the Building Code Board of Appeals will be appointed at alternate intervals. (Code 1962, §§ 2-3-1, 5-3-3; Code 1971, § 7-24)

Sec. 8.08.050. Chairman generally.

The Building Code Board of Appeals shall select from among the regular voting members a chairman who shall act as presiding officer of the Board and who shall be responsible for the management and operation of the Board.

(Code 1962, § 5-3-4; Code 1971, § 7-25)

Sec. 8.08.060. Secretary generally.

The secretary of the Building Code Board of Appeals shall keep and preserve a complete record of all actions of the Board. (Code 1962, § 2-3-2; Code 1971, § 7-26)

Sec. 8.08.070. Meetings and rules of procedure generally.

A quorum for the transaction of business of the Building Code Board of Appeals shall consist of four (4) of the regular members. The Building Code Board of Appeals shall adopt bylaws for the conduct of its business not inconsistent with this Chapter and shall keep adequate minutes and records and make such rules of procedure as it deems necessary. (Code 1962, § 5-3-4; Code 1971, § 7-27)

Sec. 8.08.080. Powers and duties.

The Building Code Board of Appeals shall have the following powers and duties:

- a. To adopt reasonable rules and regulations for conducting its investigations and examinations and to render all decisions in writing to the Building Official in duplicate.
- b. To recommend to the City Council such new legislation as it may deem in harmony with its functions and the matters given to it for administration and also to recommend such new legislation affecting the building trade or industry as it shall deem advisable for the protection of the public health, safety and welfare.
- c. To hear and determine all appeals from orders of the Chief Building Official denying, suspending or revoking contractor's licenses, in conformity with this Code.
- d. And to perform such other duties as the City Council may by this Code or any code adopted herein or any amendment thereto, from time to time impose upon it. (Code 1962, § 2-3-3; Code 1971, § 7-28; [Ord. No. 53-1994, § 5](#))

Sec. 8.08.090. Parties who may appeal.

Any person aggrieved by any decision or order of the Building Official may appeal such decision or order to the Building Code Board of Appeals. (Code 1962, § 5-3-5; Code 1971, § 7-36)

Sec. 8.08.100. Time and procedure for perfecting appeal.

Every appeal to the Building Code Board of Appeals must be perfected within thirty (30) days from the date of the decision or order appealed from. An appeal is perfected by filing notice of appeal with the secretary of the Building Code Board of Appeals in the office of the Building Official upon a form provided by the Building Code Board of Appeals. Such notice shall contain appropriate reference to the decision or order appealed from, as well as the grounds of the appeal. A duplicate copy of such notice of appeal shall be filed with the chairman of the Building Code Board of Appeals.

The Building Code Board of Appeals may extend the time within which an appeal may be taken where grounds for enlargement of time are shown. In cases where the decision or order appealed from pertains to a structure or building which can be demonstrated by the Building Official to be unsafe or dangerous, the Building Official may apply to the Building Code Board of Appeals to limit the time for such appeal in order to avoid any hazard to life or property. (Code 1962, § 5-3-5; Code 1971, § 7-37)

Sec. 8.08.110. Fee.

At the time of perfecting an appeal to the Board of Appeals, the appellant shall be required to pay an appeal fee of two hundred dollars (\$200.00) which fee may be returned to the appellant at the discretion of the Building Code Board of Appeals if the appellant is substantially sustained. (Code 1962, § 5-3-5; Code 1971, § 7-38; [Ord. No. 53-1994, § 6](#))

Sec. 8.08.120. Transmittal of record required.

Whenever an appeal is taken to the Building Code Board of Appeals, the Building Official shall transmit to the Board all relevant records and data upon which the appeal was taken. (Code 1962, § 5-3-5; Code 1971, § 7-39)

Sec. 8.08.130. Stay of proceedings.

An appeal to the Building Code Board of Appeals shall stay all proceedings in connection with the decision or order appealed from unless and until the Building Official shall have certified to the Board after notice of appeal has been perfected that a stay would cause hazard to life and property. In such case proceedings pursuant to the decision or order of the Building Official shall not be stayed except by order of the Building Code Board of Appeals or by a restraining order issued by a court of record of competent jurisdiction. No such restraining order, whether temporary or otherwise, shall be granted without notice, as prescribed in the Rules of Civil Procedure, to the Building Official and without due cause shown. (Code 1962, § 5-3-5; Code 1971, § 7-40)

Sec. 8.08.140. Work done after docketing of appeal.

Any work done contrary to the order of the Building Official after docketing of an appeal hereunder, pending determination of such appeal, shall be subject to abatement should the order be affirmed and may not be considered by the Building Code Board of Appeals as a mitigating or extenuating circumstance. (Code 1962, § 5-3-5; Code 1971, § 7-41)

Sec. 8.08.150. Hearings generally.

The Building Code Board of Appeals shall fix a reasonable time for the hearing of an appeal, giving notice in writing to the parties in interest and shall reach its decision within a reasonable time thereafter. Parties may appear before the Building Code Board of Appeals in person, by agent or by attorney. The Building Code Board of Appeals may require additional data and tests necessary for adequate consideration of the appeal. (Code 1962, § 5-3-5; Code 1971, § 7-42)

Sec. 8.08.160. Decisions.

The Building Code Board of Appeals shall have the power in all cases appealed to it from decisions or orders of the Building Official to reverse or affirm or modify in whole or in part, the decision or order appealed from. No decision of the Building Code Board of Appeals shall vary or be inconsistent with the terms, provisions and requirements of this Chapter. (Code 1962, § 5-3-5; Code 1971, § 7-43)

Sec. 8.08.170. Judicial review.

Within thirty (30) days after the entry of any decision or order of the Building Code Board of Appeals, any person who is aggrieved by such decision or order may seek to review the same in a court of record of competent jurisdiction. Review shall not be extended further than to determine whether the Building Code Board of Appeals has exceeded its jurisdiction or abused its discretion. ([Ord. No. 23-1970](#), § 1; Code 1971, § 7-44)

Chapter 8.12

CONTRACTORS

Editor's note—Ord. No. 55-1999, § 1, repealed former Ch. 8.12, pertaining to Contractors and enacted a new Ch. 8.12 as herein set out. Former Ch. 8.12 was derived from Code 1962 §§ 5-3-1, 5-3-2, 5-3-8—5-3-14, 5-3-16, 5-3-17, Code 1971 §§ 7-60—7-68, 7-77—7-108 and Ord. Nos. 23-1970, 37-1977, 44-1978, 3-1990, 53-1994, 53-1995, 43-1996 and 54-1999.

Sec. 8.12.010. Compliance with Chapter required.

It shall be unlawful for any person to violate any provisions of this Chapter or to violate or refuse to obey any order issued by the Chief Building Official or neglect to pay any fee assessed by the Chief Building Official.

Sec. 8.12.020. Revocation and suspension.

(a) The Chief Building Official shall have the authority to issue an order to show cause why the license issued hereunder to any licensee should not be suspended or revoked. Any such order shall grant the licensee ten (10) days in which to show cause and shall inform the licensee of the basis for issuance of the order.

(b) The following acts or omissions of any person or firm holding a license under this Chapter or any applicant for a license under this Chapter shall constitute grounds for which the Chief Building Official may suspend, revoke or refuse renewal of any license or deny an application for said license:

(1) Causing or allowing to exist conditions hazardous to the health, safety and welfare of workmen and the public;

(2) Disregard and willful violation of this Code, including but not limited to the Land Use Code, the International Building Code and related International Codes, and National Electrical Code as adopted and the Colorado Revised Statutes; relating to buildings or construction or contractor licensing;

(3) Failure to comply with any lawful order of the Building Official or his or her designated representative;

(4) Misrepresentation or falsification of a material fact in an application to obtain a license or permit under this and other applicable codes;

(5) Conviction of a misdemeanor or felony relating to the contractor's performance of construction work or the contractor's conduct of his or her construction business;

(6) Failure to obtain a building or other applicable permit for any work as required by Code, including but not limited to the Land Use Code and the International Building Code and International Codes as adopted;

(7) Failure to ensure that the person with whom a subcontractor contracts has obtained valid building or other applicable permit for any work required by this Code;

(8) Contracting for or performing construction work that requires a particular license without holding a valid license for that work;

(9) Use of a contractor's license to obtain building permits for another person's project for which the contractor will not be responsible;

(10) Disregard or deviation from the plans and specifications approved by the Building Official for which the permit was issued without the approval of the building official;

(11) Failure to ensure that any subcontractor hired by the contractor is licensed in compliance with the regulations set forth in this Section;

(12) Failure to appear after proper notice, as set forth in this Section, at a building official hearing;

(13) Failure to obtain and maintain a current City Use Tax license through the county finance office.

Sec. 8.12.030. Issuance of permits only to license holders or agents and owner-builders.

(a) On any work requiring a building permit(s), the permit(s) shall be issued only to licensed contractors, authorized representatives of licensed contractors and owner-builders.

(b) For purposes of this Chapter, an "owner-builder" is an individual personally engaged in the construction (new or remodel) of a single-family residence or accessory building for his or her own use. The following requirements shall apply to owner-builders seeking permits for construction:

(1) The owner-builder shall not be issued more than one (1) building permit for new home construction in any two year period and not more than one building permit at a time;

(2) The owner-builder has read applicable regulations and provisions of this Chapter and applicable state law and affirmed in writing that the proposed project will comply with all such requirements;

(3) It is the responsibility of the owner-builder to see that all paid personnel shall be covered by workman's compensation insurance as required by state law;

(4) The owner-builder must be present at the work site during all inspections and conferences with the building division, unless prior arrangements have been made with the building officials.

In the event that any of the above listed requirements are not met at any time during the course of a permitted project, the Chief Building Official may suspend or revoke the owner-builder's permit. In the case of a suspended building permit the owner-builder shall have a reasonable time to correct the problem. If not corrected within the time period, the permit may be revoked. In the case of either a suspended or revoked building permit, the owner-builder may ask for a review at the next scheduled Building Code Board of Appeals meeting.

Sec. 8.12.040. Compliance with law and supervisory clauses as required.

All licenses enumerated in this division shall be issued by the Chief Building Official in accordance with the provisions of this Code and shall be subject to the supervisory clauses contained in this division. The Chief Building Official is authorized to administer tests for the licenses and owner-builders as required by this division, as per the standards and regulations promulgated by the Building Code Board of Appeals for Standardized Testing. The Chief Building Official is further authorized to recognize, for purposes of contractor licensing and owner builder permits, results of tests administered by other jurisdictions.

Sec. 8.12.050. Approval of Building Official required for issuance of certain licenses.

a) No person may be issued a license to engage in the following listed trades, jobs or contractual service as hereinafter enumerated unless approved by the Chief Building Official.

(1) General Contractor (Unlimited);

(2) General Contractor (Commercial);

- (3) General Contractor (Light Commercial);
- (4) General Contractor (Home Builder);
- (5) Specialty.

(b) All persons having valid licenses with the Community Development Department to engage in the aforementioned trades, jobs or contractual services, shall not be required to be examined by the Chief Building Official. All persons must hold a license from the State, if required by the State, before engaging in any trade, job or contractual services within the City.

Sec. 8.12.060. Builders' licenses generally.

(a) General Contractor (Unlimited). This classification qualifies the holder to contract for the construction, alteration or repair of any structure of any type of construction and occupancy group as permitted by the International Building Code.

(b) General Contractor (Commercial). This classification qualifies the holder to contract for the construction of any structure of any type of construction and occupancy group as permitted by the International Building Code, with the exception of Type I and Type II buildings. Also this classification qualifies the holder for the alteration or repair of any structure of any type of construction and occupancy group permitted by the International Building Code.

(c) General Contractor (Light Commercial). This classification qualifies the holder to contract for the construction, alteration or repair of Groups A-2, A-3, B, E, M, R, S-1, S-2 and U Occupancies with the exception of Type I and Type II buildings as permitted by the International Building Code.

(d) General Contractor (Home Builder). This classification qualifies the holder for the construction, alteration or repair of buildings regulated by the International Residential Code.

(e) Specialty. This classification qualifies the holder to contract for work involving specialty trades regulated by the International Codes, including the following:

- (1) Alteration and maintenance;
- (2) Fire alarm system installation;
- (3) Fire sprinkler system installation;
- (4) Historic specialty contractor;
- (5) Insulation/Energy Efficiency;
- (6) Solar PV/Hydronic installation;
- (7) Mechanical contractor;
- (8) Roofing;
- (9) Solid fuel and gas appliance;
- (10) Drywall fire resistive construction & penetrations
- (11) Temporary contractor.

(f) For the purposes of this Section, a contractor or subcontractor hired specifically for one (1) job may be issued a temporary contractor's license. It shall only be valid for six (6) months. The applicant for a temporary contractor's license shall only be required to complete an application, no testing shall be required. Only one (1) temporary contractor's license can be applied for within one (1) year. ([Ord. 40-2016](#))

Sec. 8.12.070. Application for licensees who employ qualified supervisors.

Each individual who acts as a supervisor on any work for which a permit is required must be tested in accordance with the provisions of this Chapter for the work proposed to be done.

Sec. 8.12.080. Examination fee.

Applicants for contractor's licenses shall be required to pay a fee as established by Section 2.12.100 of this Code.

Sec. 8.12.090. Examinations.

- a. The Chief Building Official, before issuing any license required by this Chapter, shall require the applicant to take such examinations, written or oral, as the Chief Building Official may determine to be appropriate. In lieu of such examination, the Chief Building Official may recognize and accept the results of examinations administered by other governmental jurisdictions.
- b. Examinations shall be given at reasonable intervals.

Sec. 8.12.100. Insurance.

Every contractor granted a license under the terms of this Chapter shall be required to maintain at all times employee liability and public liability insurance with minimum limits of not less than five-hundred-thousand dollars (\$500,000.00) for one (1) person and five-hundred-thousand dollars (\$500,000.00) for any one (1) accident and property damage insurance with a minimum limit of not less than one-million dollars (\$1,000,000.00) for any one (1) accident.

Sec. 8.12.110. Annual fees.

Holders of contractors' licenses shall be required to pay a fee as established by this Code, Section 2.12.100.

Sec. 8.12.120. Compliance with division required for issuance of permit.

- (a) No permit shall be issued to any contractor who has not first obtained a license as required in this Chapter or who is delinquent in the payment of annual license fees or use taxes or whose license has been suspended or revoked by action of the Chief Building Official.
- (b) A licensed contractor may apply for and be issued permits to only such work as he or she is entitled to do under their respective licenses.
- (c) Any application for a permit or license filed in derogation of this Section shall be deemed to have been filed with fraudulent intent and shall be a nullity. Any permit or license issued on the basis of such fraudulent application shall be null and void.

Sec. 8.12.130. State license required.

All persons performing plumbing or electrical work of any type regulated or licensed by the State must hold valid State licenses before engaging in any trade, job or contractual service within the City of Aspen

Sec. 8.12.140. Registration of electrical and plumbing contractors.

As a condition of performing services within the City, electrical and plumbing contractors shall register with the Chief Building Official. Applicants for registration must demonstrate that they hold a valid contractor's license issued by the State.

Sec. 8.12.150. Appeals.

Appeals of any final decision of the Building Official may be made pursuant to the bylaws of the Building Code Board of Appeals. ([Ord. 31-2011§3](#))

Chapter 8.15 CARBON MONOXIDE DETECTORS

Section 8.15.010 Purpose and Scope.

This chapter is enacted for the purpose of protecting the health and safety of the residents of the City, its visitors and employees, by requiring operable carbon monoxide detectors in existing and new residential occupancies thereby hopefully reducing the number of injuries and fatalities resulting from carbon monoxide (CO) poisoning.

The provisions of this ordinance shall apply to all new residential construction containing a sleeping unit, additions to residential buildings containing a sleeping unit, remodels of residential buildings containing a sleeping unit for which a building permit is required and to the replacement or addition of a fuel burning appliance for which a permit is required.

Section 8.15.020 Definitions.

The following terms as used in this chapter shall have the indicated meaning:

Building Codes: The building, fire and other technical codes adopted pursuant to Chapter 8 of this Code.

CO Detector: A device sensing invisible particles of carbon monoxide that is either battery powered or AC powered with battery back up that has been installed in accordance with its manufacturer's recommendations, which, when activated, will provide some form of visual or audible detector, and which has been either UL (Underwriters Laboratories Inc.) listed or CSA (Canadian Standards Association) approved.

Dwelling: Any building or portion thereof containing one or more dwelling units occupied as, or deigned or intended for occupancy as, a residence by one or more families.

Dwelling Unit: Any building or portion thereof designed, occupied, or intended as a residence, with complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Residential Occupancies:

A. Any of the residential uses as such terms are defined and described in International Residential Code and International Building Code in Chapter 8.16 and 8.20 of this Code.

B. Any residential occupancy or any institutional occupancy with sleeping units as such terms are defined in the building codes.

C. Any other occupancy used for sleeping purposes.

Separate Sleeping Area: Bedrooms or sleeping rooms separated by other use areas, such as a kitchen or living room, but not including bathrooms.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.

Section 8.15.030 Responsibilities.

- A. All existing residential occupancies and all residential occupancies to be constructed after the effective date of this ordinance shall be equipped with CO detectors in accordance with the requirements of this Chapter.
- B. The owner of a residential occupancy shall be responsible to install and maintain required CO detector(s) in such residential occupancy in accordance with the requirements of this Chapter. The owner of a residential occupancy shall test and replace all batteries necessary for operation of a required CO detector, except for dwellings or dwelling units where the tenant has been notified of such responsibility. The owner of a residential occupancy shall immediately repair or replace any defective CO detector required under the provision of this Chapter.
- C. The owner of a dwelling or dwelling unit that is rented or leased to a tenant, shall immediately, upon notice from the tenant, repair or replace a defective CO detector required to be located within such dwelling or dwelling unit, except that the owner need not repair or replace any CO detector where the defective condition was caused by the tenant, the tenant's family, or the tenant's guests or invitees. The owner shall install new batteries in any required CO detector at the beginning of a new lease or tenancy. The owner shall furnish to the tenant at the beginning of a new lease or new tenancy written notice of the owner's responsibility to install and maintain a required CO detector on the premises. The tenant shall inform the owner of any CO detector malfunction, test and replace batteries necessary for operation and repair or replace a defective CO detector in the event that the defective condition was caused by the tenant, the tenant's family, or the tenant's guests or invitees, by inappropriate use or misuse of the dwelling or dwelling unit during the rental term or any extension of it.
- D. A tenant in possession of a dwelling or dwelling unit shall be responsible for testing and replacing any batteries necessary for operation of a required CO detector, informing the owner of a CO detector malfunction and repairing or replacing a defective CO detector in the event that the defective condition was caused by the tenant, the tenant's family, or the tenant's guests or invitees, by inappropriate use or misuse of the dwelling or dwelling unit during the rental term or any extension of it.

Section 8.15.040 Carbon Monoxide Detector –Installation Requirements.

- A. Carbon Monoxide detector(s) shall be centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms or sleeping rooms. Residential occupancies shall be considered to be in compliance with this requirement if CO detector(s) are installed within a dwelling unit such that an audible signal not less than 70 decibels reaches each sleeping area. CO detectors shall be hard wired in new construction. In interior alterations, repairs or additions requiring a permit, or when one or more sleeping rooms are added or created in existing dwellings, detectors shall be hard wired where the alterations or repairs result in the removal of interior wall or ceiling finishes unless there is an attic, crawlspace or basement available which would provide access for hard wiring.
- B. Carbon monoxide detectors shall be installed within each sleeping area containing any fuel burning appliance such as a gas log, decorative gas fireplace appliances, or wood burning appliance.

- C. It is the intention of this Chapter to implement the requirements of the existing building codes, including NFPA #720, 2009 edition approved as an American October 10, 2008, to the greatest extent practicable for existing residential occupancies. The building official or the fire official may approve alternative locations or methods for the installation of CO detectors, if the result would meet the spirit and intent of the building codes and NFPA #720. The building official, in coordination with the fire official, may also adopt written guidelines illustrating or describing required locations of CO detectors, and any approved alternative locations or methods for bringing residential occupancies into compliance with the requirements of this chapter.
- D. A CO detector is deemed approved for purposes of this Chapter if it complies with all applicable state and federal regulations, and bears the label of a nationally recognized standard testing laboratory and meets the revised standard of at least UL 2034 and subsequent revision or its equivalent. The CO detector may be a combination smoke/gas/CO device.
- E. Each CO detector shall be mounted in accordance with the manufacturer's instructions, though a ceiling mount is preferred. CO detector(s) may not be mounted in areas of low air movement (dead air spaces),
- F. If a CO detector is required to be installed in a common hallway and found to be tampered with it shall be replaced with a hard-wired device (missing or inoperable batteries shall not constitute tampering). Any CO detector found to be missing a battery shall be replaced by the owner with a tamper proof CO detector with a sealed battery.
- G. In new construction, the required CO detector shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. CO detectors shall be permitted to be battery operated when installed in buildings without commercial power or in buildings that undergo alterations, repairs or additions as stipulated in Section 8.15.040 A.

Section 8.15.050 Prohibitions.

- A. It shall be unlawful for any owner of a residential occupancy to fail to install and maintain an operable CO detector when required under the provisions of this chapter.
- B. It shall be unlawful for any person to remove or render ineffective a CO detector installed to satisfy the requirements of this ordinance. This provision shall not apply to a building owner, manager or his/her agent in the normal procedure of repairing or replacing a CO detector.
- C. No person shall, without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a CO detector required to be installed pursuant to the provisions of this Chapter so as to destroy or diminish its effectiveness or availability for its intended purpose.

Section 8.15.060 Enforcement Responsibility.

The building official and the fire code official, or their designees, shall monitor compliance with this Chapter and may perform enforcement inspections upon, but not limited to, the following instances: when notified of a change in occupancy; when reviewing or inspecting the construction, repair, rehabilitation or renovation of the interior of a residential occupancy pursuant to a required permit, when inspecting at the request of the building owner; when inspecting for any other purpose under the provisions of this code; or when on the

premises for any lawful purpose, including but not limited to such purposes as responding to a fire or other request for fire department services.

Section 8.15.070 Penalties and Remedies for Violations.

- A. Infraction: A violation of the provisions of this Chapter is an infraction and upon conviction shall be punishable as set forth in Chapter 1.04 of this Code.
- B. Other Remedies: This Chapter may also be enforced by injunction, mandamus, judicial abatement or any other appropriate action in law or equity.
- C. Daily Violations: Each day that any violation of this Chapter continues shall be considered a separate offense for purposes of the penalties and remedies available to the city.

8.15.080 Effective Date:

All owners of existing residential occupancies shall come into compliance with the requirements of this Chapter on or before March 2, 2009.

Chapter 8.16
INTERNATIONAL RESIDENTIAL CODE

[\(Ord. No. 59-2003, §2; Ord. No. 7, 2007, §2; Ord. No. 11-2009, §2\)](#)

Sec. 8.16.010. Adoption of the 2015 Edition of the International Residential Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Residential Code, 2015 Edition, Chapters 1-10 including Appendices E, F, H, J, R, S, and U and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.16.020 of this Chapter. At least one (1) copy of the International Residential Code shall be available for inspection during regular business hours.

Sec. 8.16.020. Amendments.

The International Residential Code, 2015 Edition, as adopted by the City at Section 8.16.010, is hereby amended to read as follows:

- a. **Section R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-family Dwellings of the City of Aspen and shall be cited as such and will be referred to herein as "this code."
- b. **Section R102.7. Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Existing Building Code* by reference or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- c. **Section R108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- d. **Section R109.1.5 Other inspections.** The final inspection shall be made after all work required by the building permit is completed and all applicable referral agencies have accepted the work to comply with conditions of approval and any specific regulations.
- e. **Section R109.5 Re-inspections.** A re-inspection fee may be assessed when an inspection is called for and the work is not complete, required corrections are not made, field copy of approved plans is not readily available to the inspector, work is not accessible or for deviating from approved plans.
- f. **Section R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The Building Code Board of Appeals shall possess that authority as provided in this Code, Chapter 8.08.

g. **Section R113.4 Violation Penalties**

1. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
2. A violation of any of the provisions of the International Residential Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.

h. **R202 Habitable Space.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. Unfinished basements are considered habitable space.

i. Table R301.2(1) shall read as follows:

Ground snow load	100 psf
Wind Speed /Exposure Category	89/B
Seismic design category	C
Weathering	Severe
Frost line depth	36"
Termite	None to slight
Decay	None to slight
Winter design temp	-15 deg F
Summer design temp	82 deg F
Ice shield underlayment required	Yes
Flood hazards	See Sec.8.20.020(bb)
Air Freezing index	2000
Mean annual temperature	40 degrees

j. **Section R302.2. Townhouses.** Walls separating townhouse units shall be constructed in accordance with Section R302.2.1 or Section R302.2.2.

k. **Section R302.2.1. Double Walls.** Each townhouse shall be separated by two 1-hour fire-resistance rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703 of the International Building Code.

l. **Section R302.2.2. Common Walls.** Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Section R302.2, Item 1 or 2. The common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical

installations shall be in accordance with Chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where a fire sprinkler system in accordance with NFPA 13D is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263.
2. Where a fire sprinkler system in accordance with NFPA 13D is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263. [\(Ord. 40-2016\)](#)

m. **Section R302.2.4 Structural independence.**

Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit fastened to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common wall as provided in Section R302.2.2, Item 1 or 2.

n. **Section R303.3., Bathroom ventilation.** Bathrooms shall be mechanically exhausted in accordance with 2015 IMC Section 403. [\(Ord. 40-2016\)](#)

o. **R303.4 Mechanical ventilation.** Dwelling units shall be provided with mechanical ventilation in accordance with the International Mechanical Code or with other approved means. [\(Ord. 40-2016\)](#)

p. **Section R304.1 Minimum area.**

Habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exceptions:

1. Kitchens.
2. Sleeping Rooms are permitted to have a minimum floor area of not less than 36 square feet (6.5 m²).

q. **Section R304.2 Minimum dimensions.**

Habitable rooms shall be not less than 7 feet (2134 mm) in any horizontal dimension.

Exceptions:

1. Kitchens.
2. Sleeping rooms complying with Section R304.1, Exception 2 shall be not less than 6 feet (1829 mm) in any horizontal dimension. [\(Ord. 40-2016\)](#)

r. **Section R305.1 Minimum height.**

Habitable space, hallways and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet (2134 mm). Bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

Exceptions:

1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet (2134 mm).

2. The ceiling height above bathroom and toilet room fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a ceiling height of not less than 6 feet 8 inches (2032 mm) above an area of not less than 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.
3. Beams, girders, ducts or other obstructions in basements containing habitable space shall be permitted to project to within 6 feet 4 inches (1931 mm) of the finished floor.
4. Sleeping rooms having a floor area less than 70 square feet (6.5 m²) are permitted to have a minimum ceiling height of 5 feet (1525 mm). Such height shall be provided for not less than 1/3 of the floor area of the room. [\(Ord. 40-2016\)](#)

s. **Section R308.7 Glass in handrails and guards.**

Section R308.7.1 Materials. Glass used in a handrail, guardrail or a *guard* section shall be laminated glass constructed of fully tempered or heat-strengthened glass and shall comply with Category II or CPSC 16 CFR Part 1201 or Class A of ANSI Z97.1. Glazing in railing in-fill panels shall be of an *approved* safety glazing material that conforms to the provisions of Section R308.3.1. For all glazing types, the minimum nominal thickness shall be 1/4 inch (6.4 mm).

Exception: Single fully tempered glass complying with Category II of CPSC 16 CFR Part 1201 or Class A of ANSI Z97.1 shall be permitted to be used in handrails and guardrails where there is no walking surface beneath them or the walking surface is permanently protected from the risk of falling glass.

- t. **Section R308.7.1.1 Loads.** The panels and their support system shall be designed to withstand the loads specified in Section R301.5.
- u. **Section R308.7.1.2 Support.** Each handrail or *guard* section shall be supported by a minimum of three glass balusters or shall be otherwise supported to remain in place should one baluster panel fail. Glass balusters shall not be installed without an attached handrail or *guard*.

Exception: A top rail shall not be required where the glass balusters are laminated glass with two or more glass plies of equal thickness and the same glass type when *approved* by the *building official*. The panels shall be designed to withstand the loads specified in Section R301.5. [\(Ord. 40-2016\)](#)

v. **Section R309.5. (Deleted)**

w. **Section R309.6 Electric vehicle charging.**

Newly constructed one- or two-family dwellings and townhouses with a dedicated attached or detached garage shall facilitate future installation and use of electric vehicle chargers. For each dwelling unit, a 208/240-volt individual branch circuit or a listed raceway to accommodate a future individual branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the electric vehicle charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel or subpanel circuit directory shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

Exception: Additions and alterations to existing one- or two-family dwellings and townhomes constructed per the IRC are exempt from this requirement.

x. **Section R309.6.1 Identification.**

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future electrical vehicle charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE”. [\(Ord. 40-2016\)](#)

y. **Section R310.1 Emergency escape and rescue opening required.**

Basements, habitable attics and every sleeping room or mezzanine shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exceptions:

1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m²).
2. Emergency escape and rescue openings are not required from mezzanines having a floor area less than 250 square feet (18.6 m²) and comply with all of the following:
 - a) The travel distance from the most remote location of the mezzanine to the dwelling unit entry shall be less than 50 feet (15240 mm)
 - b) The mezzanine shall be provided with smoke alarms in addition to those required in Section 907.2.11.
 - c) The mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for walls not more than 42 inches (1067 mm) in height, columns and posts.

Exception: A portion of the mezzanine is not required to be open to the room in which the mezzanine is located, provided that the aggregate floor area of the enclosed space is not greater than 40 square feet. [\(Ord. 40-2016\)](#)

z. **Section R310.2.4 Emergency escape windows under decks and porches.** Emergency escape and rescue openings are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 7 feet in height to a *yard* or court.

aa. **Section R310.4 Bars, grilles, covers and screens.** Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures or window wells that serve such openings, provided that the minimum net clear opening size complies with Section R310.1.1 to R310.2.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that required for the normal operation of the escape and rescue opening force not to exceed 15 lbs. [\(Ord. 40-2016\)](#)

bb. **Section 311.7.3 Vertical rise.** A flight of stairs shall not have a vertical rise larger than 156 inches between floor levels or landings. [\(Ord. 40-2016\)](#)

cc. **Section R311.7.11 Alternating tread devices.**

Alternating tread devices shall not be used as an element of a means of egress. Alternating tread devices shall be permitted provided that the required means of egress stairway or ramp

serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

Exception:

Alternating tread devices shall be permitted to be used as an element of a means of egress from mezzanine having a floor area of 250 square feet (18.6 m²) or less.

dd. **Section R311.7.12 Ships ladders.** Ships ladders shall not be used as an element of a means of egress. Ships ladders shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches. [\(Ord. 40-2016\)](#)

Exception:

Ships ladders shall be permitted to be used as an element of a means of egress from a mezzanine having a floor area of 250 square feet (18.6 m²) or less.

ee. **Section R313 Automatic fire sprinkler systems.** (reference Chapter 9 of the Fire Code)

ff. **Section R315** Deleted, refer to Chapter 8.15 Carbon Monoxide Detectors in this code.

gg. **Section R321.4 Permits required.** Elevator permits and inspections are required through the Northwest Colorado Council of Governments (NWCCOG).

hh. **Section R806.1 Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Attic ventilation openings, soffit vents and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed $\frac{1}{4}$ inch. Ventilation openings having a least dimension larger than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth, or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7.

ii. **Section R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E 108 or UL 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be constructed to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include slate installed over underlayment over combustible decks. [\(Ord. 40-2016\)](#)

jj. **Section R905.2.7.1 Ice barrier.** An ice dam barrier that consists of at least two (2) layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least six feet inside the

exterior wall line as measured along the roof surface, eighteen (18) inches from the centerline of the valley and up twenty-four (24) inches on the vertical wall at a roof and wall juncture.

kk. **Section R905.7.8 Vented Airspace Required**

Wood shingles shall have a minimum $\frac{1}{4}$ inch vented airspace separating the shingles from the roofing underlayment above the structural sheathing.

ll. **Section R905.8.10 Vented Airspace Required**

Wood shakes shall have a minimum $\frac{1}{4}$ inch vented airspace separating the shakes from the roofing underlayment above the structural sheathing. [\(Ord.40-2016\)](#)

mm. **Section R910 Snow shed design.** Roofs shall be designed so that they do not shed ice and snow onto adjoining properties or potentially occupied areas such as a walkway, stairway, alley, deck, pedestrian and vehicular exit from buildings or areas where there is potential for personal injury or property damage and areas directly above or in front of gas utility or electric utility meters. [\(Ord. 40-2016\)](#)

Exception: Mechanical barriers installed to roof framing members or solid blocking secured to framing in accordance to manufacturer's installation instructions.

nn. **Section R1001.1.1 Fireplaces allowed.** The number of fireplaces allowed shall be determined by this Code, Section 13.08.070.

oo. **Section R1004.4 Unvented fuel fired appliances.** Unvented fuel fired appliances are prohibited. (Ord. No35-2013)

Chapter 8.20

INTERNATIONAL BUILDING CODE

Editor's note—Ord. No. 55-1999, §2, repealed former Ch. 8.20, pertaining to the Building Code and enacted a new Ch. 8.20 as herein set out. Former Ch. 8.20 was derived from Code 1962 §§4-1-1—4-1-4, Code 1971 §§7-140—7-143 and Ord. Nos. 22-1960, 4-1965, 32-1967, 36-1968, 22-1969, 7-1971, 9-1974, 15-1974, 70-1975, 13-1976, 21-1976, 27-1976, 45-1976, 63-1976, 12-1977, 12-1978, 1-1979, 52-1979, 17-1981, 33-1981, 1-1983, 9-1983, 20-1984, 62-1985, 7-1987, 32-1987, 10-1988, 59-1990, 79-1990, 44-1991, 53-1994, 68-1994, 53-1995, 54-1995, 3-1996, 12-1996, 43-1996 and 15-1997.

Sec. 8.20.010. Adoption of the 2015 Edition of the International Building Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Building Code, **2015** Edition, including Appendix C, E, I and J and all errata published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.20.020 of this Chapter. At least one (1) copy of the International Building Code shall be available for inspection during regular business hours.

Sec. 8.20.020. Amendments.

The International Building Code, 2015 Edition, as adopted by the City at Section 8.20.010, is hereby amended to read as follows;

- a. **Section 101.1** These provisions shall be known as the Building Code for the City of Aspen and will be referred to herein as this code.
- b. **Section 101.4 Referenced Codes.** The other codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.
- c. **Section 101.4.4 Property maintenance.** (deleted)
- d. **Section 101.4.5 Fire Prevention.** The provisions of the Fire Code as adopted by the Aspen Fire Protection District shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair, alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
- e. **Section 101.4.8 Electrical.** The provisions of the most current version of the National Electric Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures and appurtenances thereto.
- f. **Section 101.4.9 Pools and Spas** The provisions of the *International Swimming Pool and Spa Code* shall apply to the installation, repair, and alteration of swimming pools, hot tubs, and related accessories as referenced in this code. [\(Ord. 40-2016\)](#)
- g. **Section 101.4.10 Solar Energy** The provisions of the *International Solar Energy Provisions* shall apply to the installation, repair, and alteration of photovoltaic and solar thermal systems. [\(Ord. 40-2016\)](#)
- h. **Section 109.1 Payment of fees.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.

- i. **Section 110.3.10 Final inspection.** The final inspection shall be made after all work required by the Building Permit is completed and all applicable review agencies have accepted the work to comply with conditions of approval and any specific regulations.
- j. **Section 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The Building Code Board of Appeals shall possess that authority as provided in this Code, Chapter 8.08.
- k. **Section 114.4 Violation Penalties**
 - 1. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
 - 2. A violation of any of the provisions of the International Residential Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.
- l. **Section 302.1 General.** Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed in this section. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved. Occupied roofs shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved and shall comply with Section 503.1.4.
- m. **503.1.4 Occupied roofs.** A roof level or portion thereof shall be permitted to be used as an occupied roof provided the occupancy of the roof is an occupancy that is permitted by Table 504.4 for the story immediately below the roof. The area of the occupied roofs shall not be included in the building area as regulated by Section 506.

Exceptions:

- 1. The occupancy located on an occupied roof shall not be limited to the occupancies allowed on the story immediately below the roof where the building height, number is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and occupant notification in accordance with Section 907.5 is provided in the area of stories the occupied roof.
- 2. Assembly occupancies shall be permitted on roofs of open parking garages of Type I or Type II construction, in accordance with the exception to Section 903.2.1.6.

3. Elements or structures enclosing the occupied roof areas shall not extend more than 48 inches above the surface of the occupied roof.

Exception: Interior exit stairway or exit access stairway enclosures; Penthouses constructed in accordance with Section 1510.2 and towers, domes, spires, and cupolas constructed in accordance with Section 1510.5; Chimneys. [\(Ord. 40-2016\)](#)

- n. **Section 406.6.2 Ventilation.** A mechanical ventilation system shall be provided in accordance with the *International Mechanical Code* or an alternate design appropriate to cold climate conditions and meeting acceptable CO levels may be proposed as an alternate design method.
- o. **Section 420.7 Electrical vehicle charging.**

In Group R Occupancies, 3 percent of the total number of parking spaces, but not less than one, shall be electric vehicle charging stations (EVCS) capable of supporting future EVCS and shall be identified on the construction documents. Construction documents shall indicate the location of the proposed EVCS. At least one EVCS shall be located in common use areas and available for use by all residents.

420.7.1 Single EVCS required.

When only one EVCS space is required, a 208/240-volt individual branch circuit or a listed raceway to accommodate a future individual branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the electric vehicle charger. Construction documents shall identify the raceway termination point. The service panel or subpanel circuit directory shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.7.2 Multiple EVCS required.

Construction documents shall indicate the raceway termination point and proposed location of future EVCS and electric vehicle chargers. Construction documents shall also provide information on amperage of future electric vehicle supply equipment (EVSE), raceway methods(s) wiring schematics and electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all electric vehicles at all required EVCS at the full rated amperage of the EVSE. Plan design shall be based upon 40-ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at time of the original construction. Electrical vehicle supply equipment shall be installed in accordance with NFPA 70.

420.7.3 Identification.

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future electrical vehicle charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE". [\(Ord. 40-2016\)](#)

- p. **Chapter 9** (reference Chapter 9 of the Fire Code)
- q. **Section 915 Carbon Monoxide Detection.** Delete this section in its entirety and reference Section 8.15 of the Aspen Code
- r. **Section 1011.14 Alternating tread devices.**

Alternating tread devices are limited to an element of a means of egress in buildings of Groups F, H and S from a mezzanine not more than 250 square feet (23 m²) in area and that serves not more than five occupants; in buildings of Group I-3 from a guard tower, observation station or control room not more than 250 square feet (23 m²) in area; within individual dwelling units from a mezzanine having a floor area of 250 square feet (18.6 m²) or less and for access to unoccupied roofs. Alternating tread devices used as a means of egress shall not have a rise greater than 20 feet (6096 mm) between floor levels or landings.

- s. **Section 1011.15 Ships ladders.**

Ships ladders are permitted to be used in Group I-3 as a component of a means of egress to and from control rooms or elevated facility observation stations not more than 250 square feet with not more than three occupants; within individual dwelling units from a mezzanine having a floor area of 250 square feet or less and for access to unoccupied roofs. The minimum clear width at and below the handrails shall be 20 inches. ([Ord. 40-2016](#))

- t. **Section 1030.1 General.** In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in the following occupancies:

1. Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.2(1) and 1006.3.2(2).
2. Group R-3 occupancies.

3. Non-sprinklered R-1 and R-2 occupancies.

Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

1. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
2. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
3. Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.

4. Emergency escape and rescue openings are not required from mezzanines having a floor area less than 250 square feet (18.6 m²) and comply with all of the following:

4.1 The travel distance from the most remote location of the mezzanine to the dwelling unit entry shall be less than 50 feet (15240 mm)

4.2 The mezzanine shall be provided with smoke alarms in addition to those required in Section 907.2.11.

4.3. The mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for walls not more than 42 inches (1067 mm) in height, columns and posts.

Exception: A portion of the mezzanine is not required to be open to the room in which the mezzanine is located, provided that the aggregate floor area of the enclosed space is not greater than 40 square feet.

- u. **Section 1203.2.1 Openings into attics.** Exterior openings into the attic space of any building intended for human occupancy shall be protected to prevent the entry of birds, squirrels, rodents, snakes and other similar creatures. Attic ventilation openings, soffit vents and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch.
- v. **Section 1505.1 General.** Roof assemblies shall be Class A rated. Class A roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. All roofs shall have a roof assembly that complies with a Class A rating. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be constructed to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking. ([Ord. 40-2016](#))

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.

- w. **Section 1507.1.1 Ice Barrier.** In all locations below where ice barriers are required, an ice dam barrier that consists of at least two (2) layers of underlayment cemented together or of a self-adhering polymer modified bitumen sheet shall be used in lieu of normal underlayment and shall extend from the roof eave edge at least six (6) feet inside the exterior wall line as measured along the roof surface, eighteen (18) inches from the centerline of the valley and up twenty-four (24) inches on the vertical wall at a roof and wall juncture.
- x. **1507.8.9 Vented Airspace Required.** Wood shingles shall have a minimum 1/4 inch vented airspace separating the shingles from the roofing underlayment above the structural sheathing. ([Ord. 40-2016](#))
- y. **1507.9.10 Vented Airspace Required.** Wood shakes shall have a minimum 1/4 inch vented airspace separating the shakes from the roofing underlayment above the structural sheathing. ([Ord. 40-2016](#))
- z. **Section 1513 Snow shed design.** Roofs shall be designed so that they do not shed ice and snow onto adjacent properties and potentially occupied areas such as a walkway, stairway, alley, deck, pedestrian and vehicular exit from buildings or areas where there is potential for personal injury or property damage and areas directly above or in front of gas utility or electric utility meters.

Exception: Mechanical barriers installed to roof framing members or solid blocking secured to framing in accordance to manufacturers' instructions.

- aa. **Section 1608.2 Ground snow loads.** A ground snow load of 100 pounds per square foot shall be used for calculating roof snow load. ([Ord. 40-2016](#))
- bb. **Section 1612.3. Establishment of flood hazard areas.** To establish flood hazard areas , the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Aspen," dated June 4, 1987, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.
- cc. **Section 2111.1.1 Fireplaces allowed.** The number of fireplaces allowed shall be determined by this Code, Section 13.08.070.
- dd. **Section 3001.5 Permits required.** Elevator permits and inspections are required through the Northwest Colorado Council of Governments (NWCCOG). As required by the division of Oil and Public Safety (OPS), the following codes and standards shall apply to all conveyance equipment and conveyance equipment installations.

ASME A17.1 - 2013 – Safety code for Elevators and Escalators

ASME A18.1 - 2011 – Safety Standard for Platform Lifts and Stairway Chair Lifts

([Ord. No. 55-1999](#), §2 [part]; [Ord. No. 47-2002](#), §12; [Ord. No. 10-2003](#), §1, [Ord. No. 59-2003](#), §1; [Ord. No. 7, 2007](#), §1; [Ord. No. 11-2009](#) §3; [Ord. No. 31-2011](#)§5; Ord. No. 35-2013§2)

Chapter 8.24

NATIONAL ELECTRICAL CODE

Editor's note—Ord. No. 55-1999, §3, repealed former Ch. 8.24, pertaining to the Electrical Code and enacted a new Ch. 8.24 as herein set out. Former Ch. 8.24 was derived from Code 1962 §§4-2-1—4-2-10, Code 1971 §§7-156—7-168 and Ord. Nos. 4-1962, 19-1968, 46-1968, 55-1974, 69-1974, 78-1976, 2-1978, 3-1990, 21-1991, 42-1993, 53-1994, 4-1996 and 12-1996.

Sec. 8.24.010. Adoption of the National Electrical Code, most current edition.

Pursuant to the power and authority conferred by the law of the State and the Charter of the City, it is hereby adopted herein by reference as if fully set forth those regulations contained in the National Electrical Code, most current edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269 except as otherwise provided by amendment or deletion as contained in Section 8.24.020 of this Chapter. At least one (1) copy of the National Electrical Code, most current edition, adopted and amended by the State of Colorado, shall be kept on file in the office of the City Clerk and shall be made available for inspection during regular business hours.

Sec. 8.24.020. Administrative Provisions to the NEC for The City Aspen

a. Section 1 “Electrical Inspector for the Division of Building Safety”

Creation of electrical inspector. The Electrical Inspector for the Division of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official. The function of the Electrical Inspector is to assist the Building Official in the administration and enforcement of the provisions of this code.

- b. Section 2 Appointment.** The Building Official of the jurisdiction shall appoint the electrical inspector.
- c. Section 3 Schedule of permit fees.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- d. Section 4 Appeals.** Appeals shall be in accordance with Section 8.08 of this Code.

Sec. 8.24.030. Amendments

The National Electrical Code, Current Edition, as adopted by the City of Aspen at Section 8.24.010 is hereby amended to read as follows:

- a. Work involving the installation of wiring of 50 volts or less used for the control of electrical power or lighting will require an electrical permit.**
- b. Liability.** The electrical inspector charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
 - 1. Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The electrical inspector or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code

c. 210.70 (A)(2)(c)

- i. Where one or more lighting outlet(s) are installed for interior stairways, alternating tread devices or ships ladders, there shall be a wall switch at each floor level, and landing level that includes an entryway, to control the lighting outlet(s) where the stairway, alternating tread device, or ships ladder between floor levels has six risers or more.

Section 8.24.040 Violations and penalties

- a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
- b. A violation of any of the provisions of the National Electric Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation. ([Ord. No. 55-1999, § 3 \[part\]](#); [Ord. No. 59-2003, § 4](#); [Ord. No. 31-2011§6](#))

Chapter 8.28

INTERNATIONAL FUEL GAS CODE¹

¹ **Editor's note**—Ord. No. 7-1971, adopted March 8, 1971, repealed former Art. VII, §§ 7-179—7-182, pertaining to the Gas Fitting Code. Said former Art. VII has been reserved to maintain Code format and for future legislation.

Sec. 8.28.010. Adoption of the 2015 Edition of the International Fuel Gas Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Fuel Gas Code, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.28.020 of this Chapter. At least one (1) copy of the International Fuel Gas Code shall be available for inspection during regular business hours.

Sec. 8.28.020. Amendments

The International Fuel Gas Code, **2015** Edition, as adopted by the City of Aspen at Section 8.20.010 is hereby amended to read as follows:

- a. **Section 101.1 Title.** These regulations shall be known as the Fuel Gas Code of City of Aspen, hereinafter referred to as this code.
- b. **Section 103 (IFGC) DEPARTMENT OF BUILDING SAFETY**
- c. **Section 103.1 The Department of Building Safety** is hereby created and the official in charge thereof shall be known as the building official.
- d. **Section 106.6.2 Fee schedule.** is hereby amended to read as follows: A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- e. **Section 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.
 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
 2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- f. **Section 108.4 Violations and Penalties**

- a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

- b. A violation of any of the provisions of the International Fuel Gas Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.
- g. **Section 108.5 Stop Work Orders.** Upon notice from the code official that work is being done 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, the owner's agent, or 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 fine of not less than double the permit fees for each violation.
- h. **Section 109.1 Appeals** shall be in accordance with Section 8.08 of this Code.
- i. **Section 621.1 General.** Unvented fuel fired appliances are prohibited. ([Ord. No. 59-2003 § 5](#); [Ord. No. 31-2011§7](#))

Chapter 8.32

INTERNATIONAL EXISTING BUILDING CODE

Editor's note—Ord. 5-1999, § 4, repealed former Ch. 8.32, pertaining to the Housing Code and enacted a new Ch. 8.32 as herein set out. Former Ch. 8.32 was derived from Code 1962 §§ 4-8-1, Code 1971 §§ 7-196—7-198 and Ord. Nos. 5-1965, 3-1971, 52-1974 and 12-1996.

Sec. 8.32.010. Adoption of the International Existing Building Code, 2015 Edition.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Existing Building Code, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.32.020 of this Chapter. At least one (1) copy of the International Existing Building Code shall be available for inspection during regular business hours. ([Ord. No. 59-2003, § 6](#)), ([Ord. 40-2016](#))

Sec. 8.32.020. Amendments.

The International Existing Building Code, 2015 Edition, as adopted by the City at Section 8.32.010, is hereby amended to provide and read as follows:

- a. **Section 101.1 Title.** These regulations shall be known as the *Existing Building Code of [City of Aspen]*, hereinafter referred to as "this code."
- b. **Section 113.4 Violations and penalties**
 - a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
 - b. A violation of any of the provisions of the International Existing Building Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation. ([Ord. No. 59-2003, § 6](#)), ([Ord. 40-2016](#))

Chapter 8.36

INTERNATIONAL PLUMBING CODE

Editor's note—Ord. No. 55-1999, § 5, repealed former Ch. 8.36, pertaining to the Plumbing Code and enacted a new Ch. 8.36 as herein set out. Former Ch. 8.36 was derived from Code 1962 §§ 4-3-1—4-3-5, Code 1971 §§ 7-213—7-218 and Ord. Nos. 1969-1, 9-1988, 58-1990, 53-1994, 53-1995, 12-1996 and 43-1996.

Sec. 8.36.010. Adoption of the International Plumbing Code, 2015 Edition.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Plumbing Code, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.36.020 of this Chapter. At least one (1) copy of the International Plumbing Code shall be available for inspection during regular business hours.

Sec. 8.36.020. Amendments.

The International Plumbing Code, 2015 Edition, as adopted by the City at Section 8.36.010 above, is hereby amended to provide and read as follows:

- a. **Section 101.1 Title.** These regulations shall be known as the International Plumbing Code of City of Aspen hereinafter referred to as "this code."
- b. **SECTION 103 DEPARTMENT OF BUILDING SAFETY**
- c. **Section 103.1** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.
- d. **Section 106.6.2 Fee schedule.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- e. **Section 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:
 - a. The full amount of any fee paid hereunder that was erroneously paid or collected.
 - b. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - c. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- f. **Section 108.4 Violation Penalties.**
 - a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
 - b. A violation of any of the provisions of the International Mechanical Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and

improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.

- g. **Section 108.5 Stop Work Orders.** Upon notice from the code official that work is being done 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, the owner's agent, or 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 fine of not less than double the permit fees for each violation.
- h. **Section 109.1 Appeals** shall be in accordance with Chapter 8.08 of this Code.
- i. **Section 305.4.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 48 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 48 inches below grade.
- j. **Section 702.3.1 Vitrified clay pipe** is not to be used as building sewer pipe material.
- k. **Section 903.1 Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof. ([Ord. No. 55-1999, § 5\(part\); Ord. No. 47-2002 § 13, 2002; Ord. No. 59-2003, § 7; Ord. No. 31-2011§8](#))

INTERNATIONAL MECHANICAL CODE

Editor's note—Ord. No. 55-1999, § 6, repealed former Ch. 8.44, pertaining to the Mechanical Code and enacted a new Ch. 8.44 as herein set out. Former Ch. 8.44 was derived from Code 1971 §§ 7-245—7-247 and Ord. Nos. 32-1981, 57-1990, 53-1994, 53-1995, 12-1996 and 43-1996.

Sec. 8.44.010. Adoption of the 2015 Edition of the International Mechanical Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Mechanical Code, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.44.020 of this Chapter. At least one (1) copy of the International Mechanical Code shall be available for inspection during regular business hours.

Sec. 8.44.020. Amendments.

The International Mechanical Code, 2015 Edition, as adopted by the City at Section 8.44.010, is hereby amended to provide and read as follows:

- a. **Section 101.1 Title.** These regulations shall be known as the Mechanical Code of the City of Aspen, hereinafter referred to as "this code."
- b. **SECTION 103 DEPARTMENT OF BUILDING SAFETY**
- c. **Section 103.1 General.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.
- d. **Section 106.5.2 Fee schedule.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- e. **Section 106.5.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.
 - a. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - b. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - c. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- f. **Section 108.4 Violation Penalties.**
 - a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.
 - b. A violation of any of the provisions of the International Mechanical Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed

committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.

g. **Section 108.5 Stop Work Orders.** Upon notice from the code official that work is being done 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, the owner's agent, or 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 fine of not less than double the permit fees for each violation.

h. **Section 109.1 Appeals** shall be in accordance with Chapter 8.08 of this Code.

i. **Section 202 Definitions**, add new definition as follows:

BALANCED VENTILATION SYSTEM. A mechanical ventilation system providing simultaneous outdoor airflow and exhaust airflow within 20% of each other. [\(Ord. 40-2016\)](#)

j. **Section 401.2 Ventilation required.** Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Group-R dwelling units shall be ventilated by mechanical means in accordance with Section 403. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

k. **Section 403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

l. **Section 403.3.2 Group R-2, R-3 and R-4 occupancies and IRC buildings.** The design of local exhaust systems and ventilation systems for outdoor air in Group R-2, R-3 and R-4 occupancies and IRC buildings shall comply with Sections 403.3.2.1 through 403.3.2.3. [\(Ord. 40-2016\)](#)

m. **Section 403.3.2.1 Outdoor air for dwelling units.** Balanced ventilation systems shall be installed to provide outdoor air for each dwelling unit. The outdoor air balanced ventilation system shall be designed to provide the required rate of outdoor air continuously during the period that the building is occupied. The minimum continuous outdoor airflow rate shall be determined in accordance with Equation 4-9.

$$Qr = ((0.01 \times Afloor) + [7.5 \times (Nbr + 1)]) \times Sc \quad \text{Equation 4-9}$$

where:

Qr = ventilation flow rate, cubic feet per minute (cfm)

Afloor = floor area in square feet (ft²)

Nbr = number of bedrooms, not less than one

Sc = 0.75 (system coefficient for balanced systems)

Exception: The outdoor air ventilation system is not required to operate continuously where the system has controls that enable operation for not less than 1 hour of each 4-hour period. The

average outdoor air flow rate over the 4-hour period shall be not less than that prescribed by Equation 4-9. ([Ord. 40-2016](#))

- n. **Section 901.5 Fireplaces allowed.** The number of fireplaces allowed shall be determined by this Code, Section 13.08.070.
- o. **Section 903.3 Unvented Appliances.** Unvented fuel fired appliances are prohibited , § 6 [part]; [Ord. No. 47-2002](#), § 14; [Ord. No. 59-2003](#), § 8; [Ord. No. 31-2011§9](#)

Chapter 8.45

INTERNATIONAL SWIMMING POOL AND SPA CODE

Sec. 8.45.010. Adoption of the 2015 Edition of the International Swimming Pool and Spa Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Swimming Pool and Spa Code, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.44.020 of this Chapter. At least one (1) copy of the International Swimming Pool and Spa Code shall be available for inspection during regular business hours. [\(Ord. 040-2016\)](#)

Sec. 8.45.020. Amendments.

The International Swimming Pool and Spa Code, 2015 Edition, as adopted by the City at Section 8.45.010, is hereby amended to provide and read as follows:

- a. **Section 101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of the City of Aspen, hereinafter referred to as "this code."
- b. **SECTION 103 DEPARTMENT OF BUILDING SAFETY**
- c. **Section 103.1 General.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.
- d. **Section 105.6.2 Fee schedule.** A permit shall not be valid until the fees prescribed by Section 2.12.100 of this Code are paid in full.
- e. **Section 105.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.
 - a. The full amount of any fee paid hereunder which was erroneously paid or collected.
 - b. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - c. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

- f. **Section 107.4 Violation Penalties.**
 - a. It shall be unlawful for any person, including an owner, occupant or builder, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

- b. A violation of any of the provisions of the International Mechanical Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment, or both a fine and improvement, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Code occurs or continues unabated after the time limit set for abatement of the violation.
- g. **Section 107.5 Stop Work Orders.** Upon notice from the code official that work is being done 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, the owner's agent, or 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 fine of not less than double the permit fees for each violation.
- h. **Section 108.1 Appeals** shall be in accordance with Chapter 8.08 of this Code.
- i. **Section 302.1 Electrical.** Electrical requirements for aquatic facilities shall be in accordance with NFPA 70 (delete or the International Residential Code) as applicable in accordance with Section 102.7.1
- j. **Section 303.2 Portable Spas.** The energy consumption of electric-powered portable spas shall be controlled by the requirements of APSP 14 and approved by the California Energy Commission (CEC).

Chapter 8.46

INTERNATIONAL ENERGY CONSERVATION CODE

Sec. 8.46.010. Adoption of the 2015 Edition of the International Energy Conservation Code.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Energy Conservation Code, 2015 Edition, second printing, as published by the International Code Council except as otherwise provided by amendment or deletion as contained in Section 8.46.020 of this Chapter. At least one (1) copy of the International Energy Conservation Code shall be available for inspection during regular business hours in the City Clerk's Office, second floor of City Hall.

Sec. 8.46.020. Amendments.

The International Energy Conservation Code, 2015 Edition, the addition of Appendix CA "Commercial Renewable Energy Mitigation Program" and Appendix RC "Residential Renewable Energy Mitigation Program" as adopted by the City at Section 8.46.010, is hereby amended to provide and read as follows:

- a. **Section C101.1 Title** shall read "This code shall be known as the International Energy Conservation Code of the City of Aspen, Colorado, and shall be cited as such. It is referred to herein as "this code."
- b. **Section C107.2 Schedule of permit fees.** A permit shall not be valid until the fees prescribed by Section 2.12100 of this Code are paid in full.
- c. **Section C109 Board of appeals** is deleted in its entirety and shall read as follows:
Section C109.1 Appeals shall be in accordance with Chapter 8.08 of this Code.
- d. **Section C110 Liability** (added)
The Building Official or his or her authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his or her duties.
"This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof or City be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out hereunder or by the issuance of any permits or certificates issued pursuant to this code.
- e. **Section C202 Definitions**, add following definition:

BALANCED VENTILATION SYSTEM. A whole-house mechanical ventilation system providing simultaneous outdoor airflow and exhaust airflow within 20% of each other. [\(Ord. 40-2016\)](#)

- f. **Section C301 Climate zones** is deleted in its entirety and shall read as follows:
The City of Aspen, Colorado, shall use Climate Zone 7
- g. **Section C402.4.1.1 Increased Vertical Fenestration area with Daylight Responsive Controls**
Not more than 40 percent of the gross above-grade wall area shall be permitted to be vertical fenestration, provided all of the following requirements are met:
 - 1. In buildings not greater than two stories above grade, not less than 50 percent of the net floor area is within a *daylight zone*.
 - 2. In buildings three or more stories above grade, not less than 25 percent of the net floor area is within a *daylight zone*.
 - 3. *Daylight responsive controls* complying with Section C405.2.3.1 are installed in *daylight zones*.
 - 4. Visible transmittance (VT) of vertical fenestration is not less than 1.1 times solar heat gain coefficient (SHGC).**Exception:** Fenestration that is outside the scope of NFRC 200 is not required to comply with Item 4.
- h. **Section C402.5.1.2 Air barrier compliance options.** A continuous air barrier in buildings having a gross conditioned floor area equal to or greater than 9000 sq ft, shall comply with the provisions of Section C402.5.1.2.1. A continuous air barrier for the opaque building envelope in buildings having a gross conditioned floor area less 9000 sq ft, shall comply with the provisions of Section C402.5.1.2.1, C402.5.1.2.2 or C402.5.1.2.3.

Exception: R2, R3, R4, or I1 complying with C402.5.1.2.2 or C402.5.1.2.3
- i. **Section C402.5.1.2.1 Building thermal envelope testing.** The building thermal envelope shall be tested in accordance with ASTM E 779 or an equivalent method approved by the code official. The measured air leakage shall not exceed 0.40 cfm/ft² (0.2 L/s · m²) of the building thermal envelope area at a pressure differential of 0.3 inch water gauge (75 Pa).

Where the measured air leakage rate exceeds 0.40 cfm/ft² (2.0 L/s·m²) but does not exceed 0.60 cfm/ft² (3.0 L/s·m²), a diagnostic evaluation using smoke tracer or infrared imaging shall be conducted while the building is pressurized and any leaks noted shall be sealed where such sealing can be performed without destruction of existing building components. In addition, a visual inspection of the air barrier shall be conducted and any leaks noted shall be sealed where such sealing can be performed without destruction of existing building components. An additional report identifying the corrective actions taken to seal leaks shall be submitted to the code official and the building owner, and shall be deemed to satisfy the requirements of this section.
- j. **Section C402.5.1.2.2 Materials.** Materials with an air permeability not greater than 0.004 cfm/ft² (0.02 L/s · m²) under a pressure differential of 0.3-inch water gauge (75 Pa) when tested in accordance with ASTM E 2178 shall comply with this section. (remainder of Section unchanged)
- k. **Section C402.5.1.2.3 Assemblies.** Assemblies of materials and components with an average air leakage not greater than 0.04 cfm/ft² (0.2 L/s · m²) under a pressure differential of 0.3 inch of water gauge (w.g.)(75 Pa) when tested in accordance with ASTM E 2357, ASTM E 1677 or ASTM E 283 shall comply with this section. Assemblies listed in Items 1 through 3 shall be deemed to comply, provided joints are sealed (remainder of Section unchanged)
- l. **Section C402.5.7 Vestibules**

Building entrances shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices. Vestibules shall be designed so that in passing through the vestibule it is not necessary for the interior and exterior doors to open at the same time. The installation of one or more revolving doors in the building entrance shall not eliminate the requirement that a vestibule be provided on any doors adjacent to revolving doors.

Exceptions: Vestibules are not required for the following:

1. (deleted)
2. Doors not intended to be used by the public, such as doors to mechanical or electrical equipment rooms, or intended solely for employee use.
3. Doors opening directly from a *sleeping unit* or dwelling unit.
4. Doors that open directly from a space less than 1,500 square feet in area.
5. Revolving doors.
6. Doors that have an air curtain with a velocity of not less than 6.56 feet per second at the floor that have been tested in accordance with ANSI/AMCA 220 and installed in accordance with the manufacturer's instructions. Manual or automatic controls shall be provided that will operate the air curtain with the opening and closing of the door. Air curtains and their controls shall comply with Section C408.2.3.

m. **Section C403.2.7.1 Ventilation system fan efficacy for Group-R dwelling units.** Where used to provide outdoor air for Group-R dwelling units, heat or energy recovery ventilation systems shall have a minimum fan efficacy of 1.2 cfm/watt and a minimum sensible heat recovery efficiency of 65% determined in accordance with CSA 439 at 0 °C at an airflow greater than or equal to the system's design outdoor airflow. Where an air handler that is integral to tested and listed HVAC equipment is interlocked with the operation of the ventilation system, the air handler shall be powered by an electronically commutated motor. Other balanced ventilation systems shall have fans that meet the efficacy requirements of Table C403.2.7.1.

TABLE C403.2.7.1 GROUP-R DWELLING UNIT OUTDOOR AIR VENTILATION SYSTEM FAN EFFICACY

FAN TYPE	AIR FLOW RATE (CFM)	MINIMUM EFFICACY (CFM/WATT)
Range Hood	Any	2.8
In-line Fan	Any	3.8
Other Exhaust Fan	< 90	2.8
	≥ 90	3.5

n. **Section C405.2.1 Occupant sensor controls.** Occupant *sensor controls* shall be installed to control lights in the following space types:

1. Classrooms/lecture/training rooms.
2. Conference/meeting/multipurpose rooms.
3. Copy/print rooms.
4. Lounges.
5. Employee lunch and break rooms.

- 6. Private offices.
- 7. Restrooms.
- 8. Storage rooms.
- 9. Janitorial closets.
- 10. Locker rooms.
- 11. Other spaces 300 square feet (28 m²) or less that are enclosed by floor-to-ceiling height partitions.
- 12. Warehouses.
- 13. Open plan office areas.

o. **Section C405.2.1.1 Occupant sensor control function.** Occupant sensor controls in spaces other than warehouses and open plan office areas, as specified in Section C405.2.1 shall comply with the following:

- 1. Automatically turn off lights within 20 minutes of all occupants leaving the space.
- 2. Be manual on or controlled to automatically turn the lighting on to not more than 50 percent power.

Exception: Full automatic-on controls shall be permitted to control lighting in public corridors, stairways, restrooms, primary building entrance areas and lobbies, and areas where manual-on operation would endanger the safety or security of the room or building occupants.

- 3. Shall incorporate a *manual control* to allow occupants to turn lights off

p. **Section C405.2.1.3 Occupant sensor control function in open plan office areas.** (added) Occupant sensor controls in open plan office spaces less than 250 square feet (23 m²) in area shall comply with Section C405.2.1.1. Occupant sensor controls in all other open plan office spaces shall comply with all of the following:

- 1. The controls shall be configured so that general lighting can be controlled separately in control zones with floor areas not greater than 600 square feet (55 m²) within the open plan office space.
- 2. The controls shall automatically turn off general lighting in all control zones within 20 minutes after all occupants have left the open plan office space.
- 3. The controls shall be configured so that general lighting power in each control zone is reduced by not less than 80 percent of the full zone general lighting power in a reasonably uniform illumination pattern within 20 minutes of all occupants leaving that control zone. Control functions that switch control zone lights completely off when the zone is vacant meet this requirement.
- 4. The controls shall be configured such that any daylight responsive control will activate open plan office space general lighting or control zone general lighting only when occupancy for the same area is detected.

q. **Section C406.1 Requirements.** Buildings shall comply with at least one of the following:

- 1. More efficient HVAC performance in accordance with Section C406.2.
- 2. Reduced lighting power density system in accordance with Section C406.3.
- 3. Enhanced lighting controls in accordance with Section C406.4.
- 4. On-site supply of renewable energy in accordance with Section C406.5. This option does not qualify for CREMP or RREMP mitigation credits.
- 5. Provision of a dedicated outdoor air system for certain HVAC equipment in accordance with Section C406.6.
- 6. High-efficiency service water heating in accordance with Section C406.7.
- 7. Enhanced envelope performance in accordance with Section C406.8.
- 8. Reduced air infiltration in accordance with Section C406.9

- r. **Section C406.8 Enhanced envelope performance.** The total UA of the building thermal envelope as designed shall be not less than 15 percent below the total UA of the building thermal envelope in accordance with Section C402.1.5.
- s. **Section C406.9 Reduced air infiltration.** Air infiltration shall be verified by whole building pressurization testing conducted in accordance with ASTM E779 or ASTM E1827 by an independent third party. The measured air leakage rate of the building envelope shall not exceed 0.25 cfm/ft² (2.0 L/s•m²) under a pressure differential of 0.3 in. water (75 Pa), with the calculated surface area being the sum of the above and below grade building envelope. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the code official and the building owner.

Exception. For buildings having over 250,000 square feet (25,000 m²) of conditioned floor area, air leakage testing need not be conducted on the whole building where testing is conducted on representative above-grade sections of the building. Tested areas shall total not less than 25 percent of the conditioned floor area and shall be tested in accordance with this section.

- t. **Section C408.1 General.** This section covers the commissioning of the building mechanical systems in Section C403, service water heating systems in Section C404, and electrical power and lighting systems in Section C405.
- u. **Section C408.2.4 Preliminary commissioning report.** A preliminary report of commissioning test procedures and results shall be completed and certified by the registered design professional or approved agency and provided to the building owner or owner's authorized agent. The report shall be organized with mechanical and service hot water findings in separate sections to allow independent review. The report shall be identified as "Preliminary Commissioning Report," shall include the completed Commissioning Compliance Checklist Table C408.2.4, and shall identify:
 1. Itemization of deficiencies found during testing required by this section that have not been corrected at the time of report preparation.
 2. Deferred tests that cannot be performed at the time of report preparation because of climatic conditions.
 3. Climatic conditions required for performance of the deferred tests.
 4. Results of functional performance tests.
 5. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance.

v. **Table C408.2.4 Commissioning Compliance Checklist**

Project Information: _____

Project Name: _____

Project Address: _____

Commissioning Authority: _____

Commissioning Plan (Section C408.2.1)

Commissioning Plan was used during construction and includes all items required by Section C408.2.1 Systems Adjusting and Balancing has been completed.

HVAC Equipment Functional Testing has been executed. If applicable, deferred and/or follow-up testing is scheduled to be provided on: _____

HVAC Controls Functional Testing has been executed. If applicable, deferred and/or follow-up testing is scheduled to be provided on: _____

Economizers Functional Testing has been executed. If applicable, deferred and/or follow-up testing is scheduled to be provided on: _____

Lighting Controls Functional Testing has been executed. If applicable, deferred and/or follow-up testing is scheduled to be provided on: _____

Service Water Heating System Functional Testing has been executed. If applicable, deferred and/or follow up testing is scheduled to be provided on: _____

Manual, record documents and training have been completed or scheduled

Preliminary Commissioning Report submitted to owner and includes all items required by Section C408.2.4

I hereby certify that the commissioning provider has provided me with evidence of mechanical, service water heating and lighting systems commissioning in accordance with the 2018 IECC.

Signature of Building Owner or Owner's Representative Date

Signature, date

- w. **Section C408.2.4.1 Acceptance of report.** Buildings, or portions thereof, shall not be considered acceptable for a final inspection pursuant to Section C104.2.6 until the code official has received the Preliminary Commissioning Report from the building owner or owner's authorized agent.
- x. **Section C408.4 Air barrier commissioning.** Where an air barrier is required in accordance with Section C402.5.1, prior to passing final inspection, the registered design professional shall provide evidence of air barrier commissioning and completion in accordance with the provisions of this section.

Exception: Buildings that have met the air leakage testing requirement of Section C402.5.

- y. **Section C408.4.1 Documentation.** Documentation of the continuous air barrier components included in the design and a field inspection checklist clearly indicating all requirements necessary for maintaining air barrier continuity and durability in accordance with Section C402.5.1, shall be included in the construction documents. Documentation shall include a field inspection checklist indicating the requirements necessary for proper installation of the continuous air barrier.
- z. **Section C408.4.2 Field inspections.** Reports from field inspections during project construction showing compliance with continuous air barrier requirements including proper material handling and storage, use of approved materials and approved substitutes, proper material and surface preparation, and air barrier continuity at building thermal envelope penetrations shall be provided to the owner and, upon request, to the code official.
- aa. **Section C408.4.3 Report.** A final commissioning report indicating compliance with the continuous air barrier requirements shall be provided to the building owner and, upon request, to the code official.

Add “Appendix CA” to read as follows:

“Commercial Renewable Energy Mitigation Program”

SECTION 101 SCOPE AND ADMINISTRATION

- a. **Section 101.1 Scope.** Commercial snowmelt, outside pool, or outside spa systems and equipment may be installed only if the supplemental energy meets the requirements of the **Commercial Renewable Energy Mitigation Program (CREMP)** Appendix B. This applies to all installations for which an application for a permit or renewal of an existing permit is filed or is by law required to be filed with or without an associated Building Permit that include systems described in section 101.1.

Exceptions:

1. Portable spas not more than 64 square feet are exempt.
2. Areas critical for access and emergency egress as approved by the building official and including:
 - a. A nine square foot portion of emergency escape and rescue window wells.
 - b. Accessible routes as defined by IBC section 1104.1 and 1104.2 and limited to 48" width.

- b. **Section 101.2 Commercial Renewable Energy Mitigation Program (CREMP) Option** – Exterior energy use for residential snowmelt systems, outdoor spas, and outdoor pools are calculated as directed by Section 201.
- c. **Section 101.3 On-site Renewable Credits Option** – Renewable credit options are calculated as directed by Section 301.
- d. **Section 102 Payment option.** The CREMP payment option is the difference in energy use calculated in section 202 and on-site renewable credits calculated in section 302 and shall be paid at the time of issuance of the building permit. The payment, if any, is based on the amount of energy required, expressed as dollars per square foot, to operate the exterior energy use systems. No payment shall be made to an applicant that exceeds the energy use with on-site renewable credits. All monies collected pursuant to this section shall be recorded in a separate fund by the City Finance Director and shall be spent in accordance with a joint resolution by the Aspen City Council and Pitkin County Board of County Commissioners.
- e. **Section 103 Credits for on-site renewable energy.** This CREMP payment option is voluntary. Applicants interested in exterior energy use systems can alternatively choose to produce on-site renewable energy (Section 301) with solar photovoltaics and/or solar hot water. Also the energy efficient technology of ground source heat pumps is permitted for supplemental on-site energy. Micro-hydro and wind generation systems will be credited according to industry standard site specific production reports.
- f. **Section 104 Pre-existing systems.** Pre-existing snowmelt, pools or spas which are being overhauled or renovated qualify for like for like square footage exchange on the same parcel.
- g. **Section 105 - Commercial Repairs.** Repairs to building components, systems, or equipment which do not increase their pre-existing energy consumption need not comply with CREMP.

h. Section 201 EXTERIOR ENERGY USE CALCULATIONS

Section 201.1 Snow melt energy consumption shall be calculated as a CREMP payment option at \$60.00 per square foot divided by the boiler efficiency (AFUE).

Section 201.2 Outdoor pool energy use shall be calculated as a CREMP payment option at \$170.00 per square foot divided by the boiler efficiency (AFUE).

Section 201.3 Spa energy use shall be calculated as a CREMP payment option at \$176.00 per square foot divided by the boiler efficiency (AFUE).

Section 202 The total CREMP payment option is the total sum of exterior energy use of sections 201.1, 201.2 and 201.3.

i. Section 301 ON-SITE RENEWABLE CREDITS

j. Section 301.1 Photovoltaic Systems – On-site renewable credit shall be calculated as \$6,865.32 per 1 kilowatt of the system design. Solar electric (photovoltaic) systems tied to the electric grid, are eligible for on-site renewable credit. The system kW capacity shall be based on the lesser of the labeled panel output power or the recommended input power of the inverter. The efficiency of the system kW capacity rating shall be based on the PV panel tilt and azimuth as calculated in the CREMP Worksheet. The on-site renewable credit for the system design shall be (system kW capacity x efficiency of the system).

k. Section 301.2 Solar Hot Water - On-site renewable credit shall be calculated as \$224.65 per 1 square foot of the system design. Shall meet the SRCC Standard 300.

l. Section 301.3 Ground Source Heat Pump - On-site renewable credit shall be calculated as \$1,400 per 10,000 BTU per hour of the system design. In order to use a GSHP for on-site renewable credit the GSHP system must supply at least 40% of the peak load for heating the building. A minimum COOP of 3 at entering source water temperature maximum of 30 degrees and leaving load water temperature minimum of 110 degrees shall be the design criteria.

m. Section 302 The total CREMP on-site renewable credit is the total sum of sections 301.1, 301.2 and 301.3.

n. PUBLIC DOMAIN SOFTWARE

o. Section 401 A free calculation program known as the most current version of the CREMP Worksheet shall be made available to the public.

EXAMPLE CALCULATION FOR COMMERCIAL RENEWABLE ENERGY MITIGATION PROGRAM

Snowmelt area 1200 sq. ft.

\$60.00*1,200/.92 (efficiency rating of boiler) = \$78,260.87

Pool area 700 sq. ft.

\$170.00*700/.92 (efficiency rating of boiler) = \$119,000.00

Spa area 80 sq. ft.

\$176.00*80/.92 (efficiency rating of boiler) = \$15,304.35

CREMP payment option for exterior energy use will be \$222,913.04

ON-SITE RENEWABLE CREDITS

448 square feet of solar hot water panels*\$224.65 per square foot = \$100,642.44

20 KW photovoltaic system *\$6,865.32 per kilowatt = \$137,306.40

CREMP payment option will be \$0 [\(Ord. No. 11, 2009, §1\)](#)

- a. **Section R101. Title.** This code shall be known as the International Energy Conservation Code of the City of Aspen, Colorado, and shall be cited as such. It is referred to herein as “this code.”
- b. **Section R107.2 Schedule of permit fees.** A permit shall not be valid until the fees prescribed by Section 2.12100 of this Code are paid in full.
- c. **Section R109 Board of appeals** is deleted in its entirety and shall read as follows:
- d. **Section R109.1 Appeals** shall be in accordance with Chapter 8.08 of this Code.
- e. **Section R110 Liability**
 - a. The Building Official or his or her authorized representative charged with the enforcement of this code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his or her duties.
 - b. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damage to persons or property caused by defects on or in such premises, nor shall the code enforcement agency, any employee thereof or City be held as assuming any such responsibility or liability by reason of the adoption of this code or by the exercise of inspections authorized and carried out hereunder or by the issuance of any permits or certificates issued pursuant to this code.
- f. **Section R202 Definitions**, add new definition as follows:
 - a. **BALANCED VENTILATION SYSTEM.** A mechanical ventilation system providing simultaneous outdoor airflow and exhaust airflow within 20% of each other.
- g. **Section R301 Climate zones** is deleted in its entirety and shall read as follows:
 - a. The City of Aspen, Colorado, shall use Climate Zone 7.
- h. **Section R401.2 Compliance.** Projects shall comply with one of the following:
 - 1. Sections R401 through R404.
 - 2. Section R405 and the provisions of Sections R401 through R404 labeled “Mandatory.”
 - 3. Simplified Equivalent Compliance Alternative in Section R406
- i. **Section R402.1.5 “Total UA Alternative”**
 - a. If the total building thermal envelope UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table R402.1.4, as amended, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with amended Table R402.1.2. The UA calculation shall be done using a method consistent with the ASHRAE Handbook of Fundamentals and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.
 - b. If using REScheck software to show compliance with this alternative path for the 2015 edition of the code, the proposed design must be a minimum of 2% more efficient than the standard reference design in order to accommodate the amended prescriptive Fenestration U-factor.

j. **Table R402.1.2 “Insulation and Insulation and Fenestration Requirements by Component”** has been amended as follows:

Fenestration U-Factor (b)	Skylight U-Factor (b)	Glazed Fenestration SHGC (b) (e)	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value (i)	Floor R-Value	Basement Wall R-Value (c)	Slab R-Value & Depth (d)	Crawl-space Wall R-Value (c)
0.28	0.55	NR	49	20+5 or 13+10 (h)	19/21	38 (g)	15/19	10, 4ft	15/19

k. **Table R402.1.4 “Equivalent U-Factors”** has been amended as follows:

Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor (b)	Floor U-Factor	Basement Wall U-Factor	Crawl-space Wall U-Factor
0.28	0.55	0.026	0.045	0.057	0.028	0.050	0.055

l. **Section R402.3.4 Opaque door exemption**

One side-hinged or pivot door assembly up to 40 square feet in area is exempted from the U-factor requirement in Section R402.1.4. This exemption shall not apply to the U-factor alternative approach in Section R402.1.4 and the total UA alternative in Section R402.1.5.

m. **Section R402.4.1 Building thermal envelope.**

The building thermal envelope shall comply with Section R402.4.1.1. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

n. **Section R402.4.1.1 Visual Inspection**

The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed and field verified in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the code official, an approved third party shall inspect all components and verify compliance.

o. **Section R402.4.1.2 Testing Option** (deleted)

p. **Section R403.6 Mechanical ventilation (mandatory)**

The building shall be provided with mechanical ventilation that meets the requirements of the International Mechanical Code, as applicable, or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

q. **Section R403.6.1 Whole-house mechanical ventilation system fan efficacy.** Heat or energy recovery ventilation system fans shall have a minimum fan efficacy of 1.2 cfm/watt. Where an air handler that is integral to tested and listed HVAC equipment is interlocked with the operation of a ventilation system, the air handler shall be powered by an electronically commutated motor. Other balanced ventilation systems shall have fans that meet the efficacy requirements of Table R403.6.1.

Exception: Where mechanical ventilation fans are integral to tested and listed HVAC equipment, they shall be powered by an electronically commutated motor.

TABLE R403.6.1 WHOLE-HOUSE MECHANICAL VENTILATION SYSTEM FAN EFFICACY

Replace table as follows:

FAN TYPE	AIR FLOW RATE (CFM)	MINIMUM EFFICACY (CFM/WATT)
Range Hood	Any	2.8
In-line Fan	Any	3.8
Other Exhaust Fan	< 90	2.8
	≥ 90	3.5

Add Referenced Standard:

CAN/CSA-C439-09 (R2014) - Standard laboratory methods of test for rating the performance of heat/energy-recovery ventilators.

- r. **Section R403.6.2 Balanced ventilation.** (added section)
Dwelling units shall be provided with a mechanical *balanced ventilation system*. Heat or energy recovery ventilation systems shall have a minimum sensible heat recovery efficiency of 65% determined in accordance with CSA 439 at 0 °C and at an airflow greater than or equal to the system's design whole-house mechanical ventilation airflow.
- s. **Section R403.7 Equipment sizing and efficiency rating** (deleted)
- t. **Section R404.1.2 Electrical Energy Consumption (Mandatory).** Each dwelling unit located in a Group R-2 building shall have a separate electrical meter.
- u. **Table R405.5.2(1) Specifications for the Standard Reference and Proposed Designs** shall be revised as follows.

Air exchange rate	Air leakage rate of 3 air changes per hour at a pressure of 0.2 inches w.g (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than $0.01 \times CFA + 7.5 \times (N_{br} + 1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms Energy recovery shall be assumed for mechanical ventilation.	For residences that are not tested, the same air leakage rate as the standard reference design. For tested residences, the measured air exchange rate (a). The mechanical ventilation rate (b) shall be in addition to the air leakage rate and shall be as proposed.
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- v. **Section R406 Energy Rating Index Compliance Alternative** has been deleted in its entirety and replaced as follows:
Section R406 Simplified Equivalent Compliance Alternative.
- w. **Section R406.1 Equivalent building option.** Dwellings that meet both of the following criteria shall be deemed in compliance with this chapter.
 1. The ratio of the air conditioning capacity to conditioned space is less than or equal to 1 ton per 1000 square feet.
 2. The ratio of the space heating system capacity to floor area of conditioned space is less than or equal to 32,000 Btu/h per 1000 square feet.
- x. **Section R406.2 Equivalent hot water.**

The distance from the hot water supply outlet to hot water pipe to the hot water entry to a room where hot water is used shall be no more than 10ft. This shall apply to the kitchens, bathrooms with showers or tub, and rooms with a clothes washer.

- y. **Section R406.3 Equivalent lighting.**

Dwellings in compliance with at least one of the following requirements shall be deemed in compliance with Section 404:

1. Lamps over 15 watts shall be CFL, LED, or have an efficacy not less than 90 lumens per watt.
2. At least 90% of the lamps or fixtures shall have an efficacy not less than 75 lumens per watt.

Add “Appendix RC” to read as follows:

“Residential Renewable Energy Mitigation Program”

SECTION 101 SCOPE AND ADMINISTRATION

- a. **Section 101.1 Scope.** Residential snowmelt, outside pool, or outside spa systems and equipment may be installed only if the supplemental energy meets the requirements of the **Residential Renewable Energy Mitigation Program** (RREMP) Appendix C. This applies to all installations for which an application for a permit or renewal of an existing permit is filed or is by law required to be filed with or without an associated Building Permit that include systems described in section 101.1.

Exceptions:

1. Portable spas not more than 64 square feet are exempt.
2. Areas critical for access and emergency egress as approved by the building official and including:
 - a. A nine square foot portion of emergency escape and rescue window wells.
 - b. Accessible routes as defined by IBC section 1104.1 and 1104.2 and limited to 48" width.

- b. **Section 101.2 Residential Renewable Energy Mitigation Program (RREMP) Option** – Exterior energy use for residential snowmelt systems, outdoor spas, and outdoor pools are calculated as directed by Section 201.
- c. **Section 101.3 On-site Renewable Credits Option** – Renewable credit options are calculated as directed by Section 301.
- d. **Section 102 Payment option.** The RREMP payment option is the difference in energy use calculated in section 202 and on-site renewable credits calculated in section 302 and shall be paid at the time of issuance of the building permit. The payment, if any, is based on the amount of energy required, expressed as dollars per square foot, to operate the exterior energy use systems. No payment shall be made to an applicant that exceeds the energy use with on-site renewable credits. All monies collected pursuant to this section shall be recorded in a separate fund by the City Finance Director and shall be spent in accordance with a joint resolution by the Aspen City Council and Pitkin County Board of County Commissioners.
- e. **Section 103 Credits for on-site renewable energy.** This RREMP payment option is voluntary. Applicants interested in exterior energy use systems can alternatively choose to produce on-site renewable energy (Section 301) with solar photovoltaics and/or solar hot water. Also the energy efficient technology of ground source heat pumps is permitted for supplemental on-site energy. Micro-hydro and wind generation systems will be credited according to industry standard site specific production reports.
- f. **Section 104 Pre-existing systems.** Pre-existing snowmelt, pools or spas which are being overhauled or renovated qualify for like for like square footage exchange on the same parcel.
- g. **Section 105 Residential Repairs.** Repairs to building components, systems, or equipment which do not increase their pre-existing energy consumption need not comply with RREMP. All replacement mechanical equipment shall be Energy Star® rated.
- h. **SECTION 201 EXTERIOR ENERGY USE CALCULATIONS**
 - i. **Section 201.1** Snow melt energy consumption shall be calculated as a RREMP payment option at \$34.00 per square foot divided by the boiler efficiency (AFUE).
 - j. **Section 201.2** Outdoor pool energy use shall be calculated as a RREMP payment option at \$136.00 per square foot divided by the boiler efficiency (AFUE).
 - k. **Section 201.3** Spa energy use shall be calculated as a RREMP payment option at \$176.00 per square foot divided by the boiler efficiency (AFUE).
 - l. **Section 202** The total RREMP payment option is the total sum of exterior energy use of sections 201.1, 201.2 and 201.3.
- m. **Section 301 ON-SITE RENEWABLE CREDITS**
 - n. **Section 301.1 Photovoltaic Systems** – On-site renewable credit shall be calculated as \$6,865.32 per 1 kilowatt of the system design. Solar electric (photovoltaic) systems tied to the electric grid, are eligible for on-site renewable credit. The system kW capacity shall be based on the lesser of the labeled panel output power or the recommended input power of the inverter. The efficiency of the system kW capacity

rating shall be based on the PV panel tilt and azimuth as calculated in the CREMP Worksheet. The on-site renewable credit for the system design shall be (system kW capacity x efficiency of the system).

- o. **Section 301.2 Solar Hot Water** - On-site renewable credit shall be calculated as \$224.65 per 1 square foot of the system design.
- p. **Section 301.3 Ground Source Heat Pump** - On-site renewable credit shall be calculated as \$1,400 per 10,000 BTU per hour of the system design. In order to use a GSHP for on-site renewable credit the GSHP system must supply at least 40% of the peak load for heating the building. A minimum COOP of 3 at entering source water temperature maximum of 30 degrees and leaving load water temperature minimum of 110 degrees shall be the design criteria.
- q. **Section 302** The total RREMP on-site renewable credit is the total sum of sections 301.1, 301.2 and 301.3.
- r. **PUBLIC DOMAIN SOFTWARE**
- s. **Section 401** A free calculation program known as the most current version of the RREMP Worksheet shall be made available to the public.

EXAMPLE CALCULATION FOR RESIDENTIAL RENEWABLE ENERGY MITIGATION PROGRAM

Snowmelt area 1200 sq. ft.
\$34.00*1,200/.92 (efficiency rating of boiler) = \$44,347.87

Pool area 700 sq. ft.
\$136.00*700/.92(efficiency rating of boiler)= \$103,478.26

Spa area 80 sq. ft.
\$176.00*80/.92(efficiency rating of boiler)=\$15,304.35

RREMP payment option for exterior energy use will be \$ 163,130.48
ON-SITE RENEWABLE CREDITS

448 square feet of solar hot water panels*\$224.65 per square foot = \$100,642.44

10 KW photovoltaic system *\$6,865.32 per kilowatt = \$68,653.20

RREMP payment option will be \$0

[\(Ord. 40-2016\)](#)

Chapter 8.48

INTERNATIONAL SOLAR ENERGY PROVISIONS

Sec. 8.48.010. Adoption of the 2015 Edition of the International Solar Energy Provisions.

Pursuant to the powers and authority conferred by the laws of the State and the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the International Solar Energy provisions, 2015 Edition, and all errata as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, except as otherwise provided by amendment or deletion as contained in Section 8.44.020 of this Chapter. At least one (1) copy of the International Solar Energy Provisions shall be available for inspection during regular business hours.

Sec. 8.48.020. Amendments.

The International Solar Energy Provisions, 2015 Edition, as adopted by the City at Section 8.48.010, is hereby amended to provide and read as follows:

- (a) Section CS101.1 Title. These regulations shall be known as the International Solar Energy Provisions of City of Aspen hereinafter referred to as "this code." [\(Ord. 40-2016\)](#)

Chapter 8.50

INTERNATIONAL FIRE CODE

**Sec. 8.50.010. As adopted by the Aspen Fire Protection District Resolution No. 6-1 Series of 2016.
(Ord. 40-2016)**

Updated 2/8/2017