

ORDINANCE NO. 1372

Series of 2012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO, AMENDING THE TELLURIDE MUNICIPAL CODE AT SECTION 15 ARTICLE 9 ENERGY CODES TO CREATE A SEPARATE LINE ITEM IN TELLURIDE'S ENERGY MITIGATION PROGRAM FOR FACTORY BUILT PORTABLE SPAS, REQUIRE NEW SPAS TO MEET ANSI STANDARDS FOR ENERGY USE AND SAFETY, GRANDFATHER EXISTING HOT TUBS AND SPAS THAT ARE BEING REPLACED WITH MORE EFFICIENT PACKAGED SPAS, USE STANDBY ENERGY WATTAGE FOR TEMP CALCULATIONS, AND CLARIFY THAT PURCHASES INTO COMMUNITY RENEWABLE ENERGY PROJECTS WILL BE ACCEPTED FOR MITIGATION

WHEREAS, the Telluride Town Council held a Work Session to discuss a fair and balanced method to handle factory-built portable spas within Telluride's Green Building Code and the Telluride Energy Mitigation Program (TEMP) on March 13, 2012; and

WHEREAS, the Town Council also supported an exemption from TEMP requirements when existing hot tubs and spas are being replaced with more energy efficient factory-built portable spas, resulting in an overall decrease in energy usage; and

WHEREAS, the Town Council, staff, and the general public agreed that purchasing energy generation capacity to mitigate/offset requirements at an off-site community-based green energy project is an acceptable method of meeting the goals of the Green Building Code and TEMP; and

WHEREAS, the Town Council continues to find there is a substantial and compelling public interest to promote the preservation of energy and other limited natural resources.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO, AS FOLLOWS:

Section 1. The Telluride Municipal Code at §15-9-30.h is amended to read as follows:

Pools, Custom-built Hot Tubs, and Factory-built Portable Spas

- i. Exterior swimming pools are prohibited in Telluride unless otherwise approved by the Planning and Zoning Commission pursuant to the use permitted on review development review process contained in the Telluride Land Use Code.*
- ii. Pools, custom-built hot tubs, or factory-built portable spas shall also meet the Energy Mitigation Program requirements in Section 15-9-40.*
- iii. Pools, custom-built hot tubs, or factory-built portable spas shall be equipped with a vapor-retardant pool cover on or at the water surface. Pools/spas capable of being heated above 90 deg F must have a pool cover with a minimum insulation value of R-18.*

Section 2. The Telluride Municipal Code at §15-9-40 is amended to read as follows:

Telluride therefore requires that certain exterior energy use and heated garages mitigate or offset these adverse impacts by either the provision of an on-site or an eligible off-site renewable energy system to offset the energy use as specified for the activity, or to make a payment in-lieu in accordance with the annual fee schedule adopted by the Town Council. This mitigation/offset program shall be called the Telluride Energy Mitigation Program ("TEMP").

Section 3. The Telluride Municipal Code at §15-9-40.a is amended to read as follows:

Applicability. The requirements of this section apply to outdoor pools, custom-built hot tubs, factory-built portable spas, snowmelt systems, and heated garages. Replacement of hot tubs and spas with more energy efficient factory-built portable models that meet the most recent ANSI

standards shall be exempt from the mitigation requirements of TEMP. The requirements of this section also apply to single family residential construction as outlined in Section b below.

Section 4. The Telluride Municipal Code at §15-9-40.b. is amended to read as follows:

Energy Mitigation Requirement. The energy consumed by the uses specified in Section 15-9-40(f) shall be mitigated on the site of the energy use requiring the offset to the extent practicable, off-site by an eligible renewable energy system, or by the payment of an in-lieu fee. The Town will also allow for energy mitigation by the installation of a renewable energy system on-site or off-site that provides for partial mitigation with the remaining mitigation to be met by the required fee.

Section 5. The Telluride Municipal Code at §15-9-40.f is amended to read as follows:

Energy Use Table and Fees. Energy use for the regulated activities shall be per Table 15-2, with such annual energy use used to determine the required on-site mitigation, off-site mitigation, or the mitigation fee:

Table 15-2: Annual Energy Use

Energy Use Type	Annual Energy Use
Snowmelt System	90,700 BTU/sq.ft.
Custom-built Hot Tub	281,000 BTU/sq.ft.
Factory-built Portable Spa*	2,800 kW
Pool	359,000 BTU/sq.ft.
Heated Garage	24,200 BTU/sq.ft.

*This value is based on an average standby energy use of 204.5 W/hr at 60 degrees Fahrenheit for portable, factory-built spas, as listed in the California Energy Commission's online Appliance Efficiency Database. This value has been converted to equivalent standby energy use at 40 degrees Fahrenheit, which is Telluride's annual average outdoor temperature. It is possible to substitute the energy use for a specific spa model tested to the most recent ANSI spa standard.

Section 6. Prior Ordinance Effect

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinance.

Section 7. Severability

The provisions of this ordinance as severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 8. Effective Date

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride

INTRODUCED, READ, and REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado, on the 24 day of April, 2012.

TOWN OF TELLURIDE

By: Stuart Fraser
Stuart Fraser, Mayor

ATTEST

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

READ and REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado, on the 5 day of May, 2012.

TOWN OF TELLURIDE

By: 
Stuart Fraser, Mayor

ATTEST


Mary Jo Schillaci, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado, this 5 day of June, 2012.

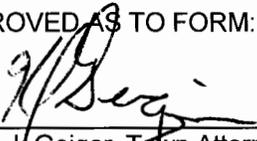
TOWN OF TELLURIDE

By: 
Stuart Fraser, Mayor

ATTEST


Mary Jo Schillaci, Town Clerk

APPROVED AS TO FORM:


Kevin J. Geiger, Town Attorney

STATE OF COLORADO)
COUNTY OF SAN MIGUEL) ss.
TOWN OF TELLURIDE)

I, Mary Jo Schillaci, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on June 5, 2012.

- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Town Council meeting of June 5, 2012, by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Stuart Fraser, Mayor	✓			
Bob Saunders, Mayor Pro-Tem	✓			
Ann Brady	✓			
Thom Carnevale	✓			
Chris Myers	✓			
Kristen Permakoff	✓			
Brian Werner	✓			

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.

- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.

(SEAL)



Town Clerk