



**Town Council Regular Meeting**  
Tuesday, September 23, 2025, 7:00 PM  
Town Hall Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

THE TOWN OF BRECKENRIDGE CONDUCTS HYBRID MEETINGS. This meeting will be held in person at Breckenridge Town Hall and will also be broadcast live over Zoom. Join the live broadcast available by computer or phone: <https://us02web.zoom.us/j/89678284254> (Telephone: 1-719-359-4580; Webinar ID: 896 7828 4254). If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 547-3127, at least 72 hours in advance of the meeting.

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

- A. TOWN COUNCIL MINUTES - SEPTEMBER 9, 2025

**III. APPROVAL OF AGENDA**

**IV. HISPANIC HERITAGE MONTH PROCLAMATION**

- A. PROCLAMATION

**V. COMMUNICATIONS TO COUNCIL**

- A. PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

**VI. CONTINUED BUSINESS**

- A. SECOND READING OF COUNCIL BILLS, SERIES 2025
  - 1. COUNCIL BILL NO. 13, SERIES 2025 — AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9
  - 2. COUNCIL BILL NO. 14, SERIES 2025 — AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS

**VII. NEW BUSINESS**

- A. FIRST READING OF COUNCIL BILLS, SERIES 2025
  - 1. COUNCIL BILL NO. 15, SERIES 2025 — AN ORDINANCE AMENDING TITLE 4, CHAPTER 3 OF THE BRECKENRIDGE TOWN CODE REGARDING ALCOHOLIC BEVERAGES LICENSING REGULATIONS TO REMOVE REFERENCES TO DRUG STORE LIQUOR LICENSES AND MAKE OTHER MINOR AMENDMENTS
  - 2. COUNCIL BILL NO. 16, SERIES 2025 — AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING RESTITUTION TO BE AWARDED TO VICTIMS OF CRIMES

3. COUNCIL BILL NO. 17, SERIES 2025 — AN ORDINANCE APPROVING AN AMENDMENT TO A LEASE OF THE BRECKENRIDGE PROFESSIONAL BUILDING

B. RESOLUTIONS, SERIES 2025

C. OTHER

**VIII. PLANNING MATTERS**

A. PLANNING COMMISSION DECISIONS

**IX. REPORT OF TOWN MANAGER AND STAFF**

**X. REPORT OF MAYOR AND COUNCIL MEMBERS**

A. CAST/MMC

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

C. BRECKENRIDGE TOURISM OFFICE

D. BRECKENRIDGE HISTORY

E. BRECKENRIDGE CREATIVE ARTS

F. SOCIAL EQUITY ADVISORY COMMISSION

G. ARTS & CULTURE MASTER PLAN STEERING COMMITTEE

**XI. OTHER MATTERS**

**XII. SCHEDULED MEETINGS**

A. SCHEDULED MEETINGS FOR SEPTEMBER, OCTOBER AND NOVEMBER

**XIII. ADJOURNMENT**

**I) CALL TO ORDER, ROLL CALL**

Mayor Owens called the meeting of September 9<sup>th</sup>, 2025, to order at 7:00pm. The following members answered roll call: Steve Gerard, Marika Page, Carol Saade, Jay Beckerman, Dick Carleton, Todd Rankin and Mayor Kelly Owens.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – AUGUST 26, 2025**

There were no changes or corrections to the meeting minutes of August 26, 2025. Mayor Owens declared they would stand approved as presented.

**III) APPROVAL OF AGENDA**

Town Manager Shannon Haynes stated there are no changes.

**IV) COMMUNICATIONS TO COUNCIL**

**A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)**

Mayor Owens opened public comment.

Jess Hoover, resident of greater Breckenridge, described safety concerns for the intersection of County Road 450 and Highway 9. Hoover described her witnessed near misses with cars making right-hand turns and pedestrians trying to cross. Hoover wanted to bring this safety concern to the attention of Town Council.

Mayor Owens thanked Hoover for her comments.

With no additional comments, Mayor Owens closed public comment.

**B) BRECKENRIDGE TOURSIM OFFICE (BTO) UPDATE**

Lucy Kay, President and CEO of the Breckenridge Tourism Office (BTO), provided updates on summer and winter lodging and revenue, noting revenue declines in Colorado and Texas. BTO is adjusting its media strategy to test new marketing approaches. Kay reported challenges with summer events, including rocky starts and cancellations.

Kay shared updates on Oktoberfest, including changes to events, sponsors, and vendors. Kay stated this year's snow sculpture event features ten international and two domestic teams; the event was moved back a week due to MLK weekend. Kay also highlighted the success of the Breck Leaf Brief and noted they are including other trails in addition to Aspen Alley. SPARK has also received positive media attention. Kay thanked Assistant Town Manager Julia Puester for handling recent media interviews on the Dark Sky initiative.

Kay discussed recent "Meeting of the Minds" sessions with local businesses, where much of the conversation focused on events and concerns about late-night being down. Kay stated these topics will be included in BTO's qualitative data review. Kay noted the Resident Sentiment Advisory Committee held its final meeting yesterday.

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2025 - PUBLIC HEARINGS**

**1) COUNCIL BILL NO.12, SERIES 2025 – A BILL FOR AN ORDINANCE AMENDING POLICIES AT 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING, AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE**

Mayor Owens read the title into the record.

Chris Kulick, Assistant Community Development Director, presented a proposed ordinance amending Neighborhood Preservation Policies 9R, 9A, 22R, and 33R of the development code, noting no changes since first reading.

At Mayor Owens' request, Kulick outlined the outreach process conducted by Town staff. Kulick stated initial discussions began with Town Council to identify concerns about development trends for large-lot single-family homes without disturbance or building envelopes. Kulick described how staff then engaged a group of 40 local architects and developers—22 of whom participated—to provide initial feedback and recommendations. These insights were brought to the Planning Commission for further review. Kulick stated the Town hosted two public open houses to gather broader

community input. After public feedback, Kulick noted recommendations were brought back to the Town Council for a final work session.

Council Member Gerard reminded the public that this proposed ordinance represents Phase 1 of a larger effort to amend the development code. Council Member Gerard explained Phase 2 would introduce positive point opportunities for builders who achieve certain sustainability goals and initiatives. Kulick agreed and added that a new working group is being formed to explore these incentives. Kulick noted recommendations from this group are expected to come before Town Council in a work session later this fall.

Mayor Owens opened the public hearing.  
There were no public comments and the hearing was closed.

Council Member Rankin moved to approve COUNCIL BILL NO.12, SERIES 2025 – A BILL FOR AN ORDINANCE AMENDING POLICIES AT 9A PLACEMENT OF STRUCTURES, 9R PLACEMENT OF STRUCTURES, 22R LANDSCAPING, AND 33R ENERGY CONSERVATION OF THE DEVELOPMENT CODE. Council Member Gerard seconded the motion

Motion passed 6-1. Council Member Rankin voted no.

**VI) NEW BUSINESS**

- A) FIRST READING OF COUNCIL BILLS, SERIES 2025
- 1) COUNCIL BILL NO. 13, SERIES 2025 – AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9  
Mayor Owens read the Title into the record.

Rick Fout, Chief Building Official, introduced a proposed ordinance for first reading to adopt the 2024 International Energy Conservation Code with local amendments. Fout explained the ordinance was developed with input from a local roundtable of building professionals and stakeholders. Fout stated the proposed code adoption with amendments would help support the Town’s sustainability goals.

Mayor Owens asked about the timing of the county-wide adoption of the code. Fout explained that Breckenridge is adopting the code earlier than other local governments to meet grant requirements but noted the proposed ordinance would take effect in January to align with the rest of the county.

Council Member Rankin asked if other local governments are considering square footage-based requirements. Rout confirmed that both Frisco and Summit County plan to implement similar thresholds, requiring additional energy efficiencies for larger homes. Fout added that Breckenridge is lowering its threshold from 5,000 to 4,500 square feet to align with the fire department’s proposed new sprinkler requirement. Fout clarified that square footage is based on conditioned space, including garages and mechanical rooms.

Council Member Gerard highlighted the proposed ordinance is a first step in a larger process to assess and update building codes.

Mayor Owens opened the public hearing.  
There were no public comments and the hearing was closed.

Council Member Rankin made a motion to approve COUNCIL BILL NO. 13, SERIES 2025 – AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9. Council Member Gerard seconded the motion.

The motion passed 6-1. Council Member Rankin voted no.

- 2) COUNCIL BILL NO. 14, SERIES 2025 – AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS  
Mayor Owens read the Title into the record.

Keely Ambrose, Town Attorney, introduced a proposed ordinance allowing the Town to refer campaign finance complaints to the Colorado Secretary of State, as permitted under a 2024 state law. Ambrose explained the Town lacks the resources to handle such complaints internally, and state law requires a local ordinance to enable the referral process.

Mayor Owens opened the public hearing.  
There were no public comments and the hearing was closed.

Council Member Rankin made a motion to approve COUNCIL BILL NO. 14, SERIES 2025 – AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS. Council Member Gerard seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2025

There were no Resolutions presented for Council vote.

- C) OTHER

**VII) PLANNING MATTERS**

- A) PLANNING COMMISSION DECISIONS

Mayor Owens declared the Planning Commission Decisions would stand approved as presented.

**VIII) REPORT OF TOWN MANAGER AND STAFF**

Town Manager Shannon Haynes reminded Council that Mountain Towns 2030 will take place on October 7–8, with a CAST reception on the evening of October 8 and a meeting in Keystone on October 9. Haynes also noted that Assistant Town Manager Julia Puester will email residents with non-conforming lighting on Monday regarding Dark Sky compliance.

Haynes stated there is interest in Council training, and CIRSA offers free online options. Town Attorney Keely Ambrose added that additional trainings on liability and general Council matters are planned for fall, with a CIRSA representative expected to attend a future meeting for further discussion.

Finally, Haynes reminded Council that the COO Breakfast is scheduled for October 3, 2025, in Keystone.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

- A) CAST/MMC

Mayor Owens reported at the MMC meeting that Common Spirit provided an update on the Community Health Assessment, and the Summit Foundation presented on the Project Thrive afterschool program. The program currently serves 40–90 children with no waitlist. Mayor Owens praised the Town's recreation staff for their role in creating a successful model, noting that the Summit Foundation also commended their efforts. The Summit Foundation is now seeking long-term funding for the program. Mayor Owens added that the School District continues to explore alternative education pathways.

Town Manager Haynes noted that Summit County will place a measure on the ballot to reallocate a portion of the lodging tax, originally intended for childcare, to support roads and infrastructure.

- B) BRECKENRIDGE OPEN SPACE ADVISORY COMMISSION

Council Member Beckerman stated there is a meeting on Monday.

**C) BRECKENRIDGE TOURISM OFFICE**

Council Member Carleton described BTO's current budget status, noting that it is behind. Council Member Carleton reported the PR vendor received positive attention on SPARK and mentioned the upcoming visit from Park City leadership in May 2026. Council Member Carleton shared Boulder created a tourist improvement district to support Sundance and expressed excitement about the potential regional impacts of the event. Council Member Carleton also described that BTO is working with Breckenridge Ski Area to explore collaboration on events and branding. Council Member Carleton stated the Colorado Tourism Office will visit Breckenridge in November to discuss the town's potential involvement in the statewide 150/250 celebrations.

**D) BRECKENRIDGE HISTORY**

Council Member Rankin noted a meeting is scheduled for tomorrow and shared that all three structures in the Larium Stabilization Project were successfully stabilized for the cost of one. Council Member Rankin also mentioned an upcoming October meeting to discuss making the train a permanent feature.

**E) BRECKENRIDGE CREATIVE ARTS**

Council Member Gerard reported that Town Council received an email from Breck Creative Arts summarizing the end of the year and explaining why the air stage will no longer be part of the remaining Farmers Markets. Council Member Gerard also noted a meeting scheduled for the end of the month.

**F) SOCIAL EQUITY ADVISORY COMMISSION**

Councilmember Saade reported applications for Social Equity Advisory Commission are open until Friday.

**G) ARTS & CULTURE MASTER PLAN STEERING COMMITTEE**

Council Member Beckerman stated Town Council will see results presented in two weeks.

**X) OTHER MATTERS**

Mayor Owens invited Town Council to join her for the Oktoberfest Keg Tap on Friday at 2:00 pm. Mayor Owens also stated fire restrictions will be rolled back in the next few days.

**XI) SCHEDULED MEETINGS**

SCHEDULED MEETINGS FOR SEPTEMBER AND OCTOBER

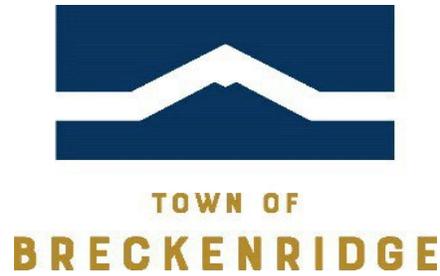
**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:25 pm. Submitted by Mae Watson, Town Clerk.

ATTEST:

\_\_\_\_\_  
Mae Watson, Town Clerk

\_\_\_\_\_  
Kelly Owens, Mayor



## HISPANIC HERITAGE MONTH PROCLAMATION

**WHEREAS**, the Town of Breckenridge takes pride in its diverse and vibrant community, recognizing that the strength of our town is rooted in the many cultures, traditions, and histories that enrich our shared life; and

**WHEREAS**, Hispanic Heritage Month is observed nationally from September 15 through October 15, honoring the histories, cultures, and contributions of individuals and families with ancestral ties to all Latin American countries; and

**WHEREAS**, this annual celebration provides an opportunity to reflect upon and honor the traditions, languages, music, arts, cuisine, and values that have deeply influenced our nation and enriched the cultural fabric of our mountain community; and

**WHEREAS**, Breckenridge is home to many Hispanic and Latino residents whose talents, hard work, leadership, and dedication are essential to the vitality of our town, and whose contributions sustain our local economy, particularly in our resorts, businesses, schools, and service industries, ensuring that Breckenridge thrives as both a destination and a community.

**WHEREAS**, Hispanic and Latino culture is rooted in deep values of family, resilience, generosity, and care for community, values that strengthen the social fabric of Breckenridge and serve as an example to all residents; and

**NOW, THEREFORE**, I, Kelly Owens, Mayor of the Town of Breckenridge, do hereby proclaim September 15 through October 15, 2025, as HISPANIC HERITAGE MONTH in Breckenridge, and encourage all residents to join in celebrating the rich histories, traditions, and countless achievements of Hispanic and Latino communities, while also committing ourselves to building a community of gratitude, equity, and mutual care.

**Mayor Owens, Town of Breckenridge**

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Mayor Kelly Owens

Attest:

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Mae Watson, Town Clerk



TOWN OF  
BRECKENRIDGE

# Memo

**To:** Town Council  
**From:** Rick Fout, Chief Building Official and Philip Sweat, Deputy Building Official  
**Date:** September 17, 2025 (for Second Reading September 23, 2025)  
**Subject:** 2024 International Energy Conservation Code Adoption

**Town Council Goals** (Check all that apply)

- |                                     |                                       |                                     |                                     |
|-------------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/>            | More Boots & Bikes, Less Cars         | <input checked="" type="checkbox"/> | Leading Environmental Stewardship   |
| <input type="checkbox"/>            | Deliver a Balanced Year-Round Economy | <input type="checkbox"/>            | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need                   |                                     |                                     |

### Summary

The Town of Breckenridge (TOB) accepted a \$124,500 grant from the Colorado Energy Office (CEO) in February to support the early adoption of the 2024 International Energy Conservation Code (IECC). As a condition of the grant, TOB is also required to adopt the State’s Model Electric Ready and Solar Ready Code. The new Energy Codes are scheduled for adoption September 23, 2025, following second reading by Town Council.

There have been minor changes to the ordinance since first reading. These changes were recommended by our code consultant and key stakeholders that have been present during our public outreach. These changes include:

- Noting the Town Building Division is the enforcing entity
- Clarifying that the most recent version of The Department of Energy’s Zero ready Homes (ZERH) program will be deemed to comply with this code section.
- In the areas of Electric-resistance space heating, townhomes and Group R-2, R-3, and R-4 building three stories or less were added to the detached one- and two-family dwelling and shall not use electric -resistance for space heating.
- Regarding “Simulated building performance compliance”, the following statement was removed, “For all dwelling units, the annual energy cost of the proposed design shall be less than or equal to 85 percent of the annual energy cost of the standard reference design.”
- In “Large Platter Requirements” the reference to “conditioned living space” has been changed to reference “conditioned space”.

### Background

The Building Division, Sustainability Division and our grant-funded Energy Code consultant along with significant stakeholder involvement (including from Summit County and Frisco Building Departments), have developed strategic, Climate Zone 7 specific amendments to the 2024 IECC. These amendments (attached) were informed and vetted by stakeholders and were presented to the Town Council during work sessions on August 12<sup>th</sup> and August 26<sup>th</sup>.

**Mission:** The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

**Public outreach/engagement**

Through a collaborative effort, the Breckenridge Building and Sustainability Divisions have hosted six New Energy Code Adoption Roundtables/Open Houses at the South Branch Library, spanning from mid-April to early August. At the six meetings, we had over 150 members of the public attend and participate.

**Financial Implications**

As noted above, the Town received a grant from the Colorado Energy Office to facilitate the public process, support early adoption of the new Energy Codes, and fund contractor training and continuing education scholarships. Financial impacts to the Town are limited to staff time devoted to adopting the new codes.

**Equity Lens**

Related to the Town's Equity Blueprint and corresponding Equity Lens, the adoption of the 2024 IECC, is neutral as it provides minimal requirements, with some area driven amendments, to safeguard the public health, safety, welfare and energy efficiency of new and existing buildings and structures.

**Staff Recommendation**

Staff agree with the minor changes and recommend Council approves the ordinance as presented for second reading.

**AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9.**

WHEREAS, the Town of Breckenridge adopts the International Code Council Library of Building Code Books and References every six (6) years; and

WHEREAS, after robust public process, the Town desires to adopt the 2024 International Energy Conservation Code (“IECC”) with amendments and in the process repeal and replace all previous ordinances of the Town that implemented energy efficient building code provisions; and

WHEREAS, Colorado House Bill 22-1362, C.R.S. 24-38.5-401 requires adoption of the Colorado Model Electric Ready Solar Ready Code and those requirements have been updated in the Colorado Model Low Energy and Carbon Code, the Town desires to adopt specific referenced Sections of the Colorado Model Low Energy and Carbon Code as written by the Colorado Energy Code Board and published by the Colorado Energy Office in September, 2025 and found here; and

WHEREAS, specifically, the Town desires to repeal ordinances 2020-12, 2022-25, and 2023-21, which amended Chapter 1 of Title 8 of the Breckenridge Town Code (Specifically, “Building Code”); and

WHEREAS, by adopting the IECC with amendments to address local conditions, the Town of Breckenridge Building Code will be aligned with the international code system; and

WHEREAS, Town staff has held meetings with and solicited input from local, technical building code experts, including but not limited to members of the architectural, mechanical engineering, and construction community; and

WHEREAS, work sessions have been held with Town Council on August 12, 2025; and August 26, 2025 to discuss the adoption of the IECC along with the amendments;

WHEREAS, public educational meetings to introduce the new codes have been held and opportunities for interested party input regarding adoption of this new code have been made available; and

WHEREAS, an analysis done by the Town of Breckenridge Building Department, Mozingo Code Group and Group 14 Engineering retained by the Town of Breckenridge as part of the Energy Grant Awarded by the State of Colorado Energy Office demonstrates reasonable strategic amendments that are based on local market and weather conditions; and

1 WHEREAS, the Chief Building Official, also referred to herein as the “building official” is  
2 authorized to administer and enforce the Building Code; and

3  
4 WHEREAS, as the culmination of input from Town Council, staff expertise, consultant  
5 expertise, and feedback from local design, building, and engineering professionals, the Town  
6 Council believes that the proposed Building Code adoption with amendments will result in more  
7 efficient and higher performance associated with building energy use, including outdoor energy;  
8 and

9  
10 WHEREAS, it is in the furtherance of the public safety, health, and welfare and in the  
11 best interest of the citizens of and visitors to the Town for Breckenridge to continue to maintain a  
12 leadership role in energy code adoption and administration.

13  
14 NOW THEREFORE, BE IT ORDAINED BY THE BRECKENRIDGE TOWN COUNCIL OF THE  
15 TOWN OF BRECKENRIDGE, COLORADO THAT:

16 Section 1. Amend Section 8-1-3(F) of the Breckenridge Town Code to adopt by reference the  
17 International Energy Conservation Code, 2024 Edition, published by the International Energy  
18 Code Council Inc., as well as Sections C406, C410 and R409 of the Colorado Model Low  
19 Energy and Carbon Code, published by the Colorado Energy Office, September 2025.

20  
21 Section 2. Amend Section 8-1-9 of the Breckenridge Town Code, concerning the amendments  
22 to the International Energy Conservation Code, by amending subsection A and repealing  
23 subsections A(1) through A(23) and replacing those provisions as follows:

24 A. The following sections of the International Energy Conservation Code, 2024 Edition,  
25 amended to read as follows:

26 1. **C101.1, Title**, is amended as follows:

27  
28 This code shall be known as the Energy Conservation Code of the Town of Breckenridge  
29 and shall be cited as such. It is referred to herein as “this code”.

30  
31 2. **Section C103.1, Creation of Enforcement Agency**, is amended by adding the name  
32 of the “Town of Breckenridge Building Division.” The rest of the section will remain  
33 unchanged.

34 **C103.1 Creation of enforcement agency.** The Town of Breckenridge Building Division is  
35 hereby created.

36  
37  
38 3. **Section C105.6.2, Compliance Documentation**, is deleted in its entirety.

1  
2  
3 4. **Sectio C401.2** is amended to read as follows:

4 **C401.2 Application.** Commercial buildings shall comply with all the following:

- 5 1. The Colorado Model Electric-Ready and Solar Ready Code commercial  
6 provisions as found in the new Section C410 of the Colorado Model Low Energy  
7 and Carbon Code (LECC), (with the exception of the EV requirements found in  
8 Section C410 of this code).
- 9 2. Section C409 Renewable Energy Mitigation Program (REMP), of this code,  
10 3. Section C410 Electric Vehicle (EV) Ready, of this code, and  
11 4. Either Section C401.2.1 or C401.2.2, of this code.

12  
13  
14 5. **Section C401.2.1** is amended to read as follows:

15 **C401.2.1 International Energy Conservation Code.** Commercial buildings shall comply  
16 with one of the following:

17 1. **Prescriptive Compliance.** The Prescriptive Compliance option requires compliance  
18 with Sections C401.2, C402 through C406 and Section C408. Dwelling units and  
19 sleeping units in Group R-2 buildings shall be deemed to be in compliance with this  
20 chapter, provided that they comply with Sections C401.2 and R406.

21 2. **Simulated Building Performance.** The *Simulated Building Performance* option  
22 requires compliance with Section C401.2 and ANSI/ASHRAE/IES 90.1 Appendix G,  
23 as modified to be based on Site Energy Use Intensity in accordance with Section I6 of  
24 Informative Appendix I. Section C407 of this code is deleted entirely. Utilizing the  
25 Simulated Building Performance Option removes all requirements of the IECC and  
26 replaces them with all requirements of ASHRAE 90.1-2022 as applicable, with the  
27 exception of the requirement for compliance with the Colorado Electric Ready and  
28 Solar Ready Code as amended by Section C410 of this code, and Section C409  
29 REMP.

30 **Exception:** *Additions, alterations, repairs* and changes of occupancy to existing  
31 buildings complying with Chapter 5, unless called out within Section C410 of the Model  
32 Low Energy and Carbon Code or REMP.

33  
34 6. **Section C401.2.2** is amended to read as follows:

1 **C401.2.2 ASHRAE 90.1.** Commercial buildings shall comply with Section C410 of the  
2 Model Low Energy and Carbon Code as amended to include Section C410 of this code,  
3 Section C409 REMP, and ASHRAE 90.1-2022. The Energy Cost Budget pathway is  
4 deleted. ANSI/ASHRAE/IES 90.1 Appendix G is modified to be based on Site Energy Use  
5 Intensity in accordance with Section I6 of Informative Appendix I.  
6

7 7. **Section C402.1** is amended to read as follows:

8 **C402.1 General.** Building thermal envelope assemblies for buildings that are intended to  
9 comply with the code on a prescriptive basis in accordance with the compliance path  
10 described in Item 1 of Section C401.2.1 shall comply with the following:

11 1. The opaque portions of the building thermal envelope shall comply with the specific  
12 insulation requirements of Section C402.2 and the thermal requirements of Section  
13 C402.1.2, C402.1.3 or C402.1.4. Where the total area of through penetrations of  
14 mechanical equipment is greater than 1 percent of the opaque above-grade wall area,  
15 the building thermal envelope shall comply with Section C402.1.2.1.8.

16 2. Wall solar reflectance and thermal emittance shall comply with Section C402.3.

17 3. Roof solar reflectance and thermal emittance shall comply with Section C402.4

18 4. Fenestration in the building thermal envelope shall comply with Section C402.5.

19 Where buildings have a vertical fenestration area or skylight area greater than that  
20 allowed in Section C402.5, the building and building thermal envelope shall comply  
21 with Item 2 of Section C401.2.1, C401.2.2 or C402.1.4.

22 5. Air leakage of building thermal envelope shall comply with Section C402.6. Air  
23 barrier and air sealing details, including the location of the *air barrier*, shall comply  
24 with Section C105.2. Proof that an *approved* third party for *air leakage* testing has  
25 been engaged shall be provided.

26 6. Thermal bridges in above-grade walls shall comply with Section C402.7.

27 7. Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated  
28 warehouse freezers shall comply with Section C403.12.

29  
30 8. **Section C402.1.4 Component Performance Method** is amended to read as follows:

31 **C402.1.4 Component performance method.** Building thermal envelope values and  
32 fenestration areas determined in accordance with Equation 4-1 shall be an alternative to

1 compliance with the maximum allowable fenestration areas in Section C402.5.1.

2 Fenestration shall meet the applicable SHGC requirements of Section C402.5.3.

3 Equation 4-1  $AP + BP + CP + \square AT + BT + CT + - VF - VS$

4 where:

5 AP = Sum of the (area × U-factor) for each proposed building thermal envelope assembly,  
6 other than slab-on-grade or below-grade wall assemblies.

7 BP = Sum of the (length × F-factor) for each proposed slab-on-grade edge condition.

8 CP = Sum of the (area × C-factor) for each proposed below-grade wall assembly.

9 AT = Sum of the (area × U-factor permitted by Tables C402.1.2 and C402.5) for each  
10 proposed building thermal envelope assembly, other than slab-on-grade or below-grade  
11 wall assemblies.

12 BT = Sum of the (length × F-factor permitted by Table C402.1.2) for each proposed slab-on-  
13 grade edge condition.

14 CT = Sum of the (area × C-factor permitted by Table C402.1.2) for each proposed below-  
15 grade wall assembly.

16 PF = Maximum vertical fenestration area allowable by Section C402.5.1, C402.5.1.1 or  
17 C402.5.1.2.

18 QF = Proposed vertical fenestration area.

19 RF = QF – PF, but not less than zero (excess vertical fenestration area).

20 SF = Area-weighted average U-factor permitted by Table C402.5 of all vertical fenestration  
21 assemblies.

22 TF = Area-weighted average U-factor permitted by Table C402.1.2 of all exterior opaque  
23 wall assemblies.

24 UF = SF – TF (excess U-factor for excess vertical fenestration area).

25 VF = RF × UF (excess U × A due to excess vertical fenestration area).

26 PS = Maximum skylight area allowable by Section C402.1.2.

27 QS = Actual skylight area.

28 RS = QS – PS, but not less than zero (excess skylight area).

29 SS = Area-weighted average U-factor permitted by Table C402.5 of all skylights.

30 TS = Area-weighted average U-factor permitted by Table C402.1.2 of all opaque roof  
31 assemblies.

32 US = SS – TS (excess U-factor for excess skylight area).

33 VS = RS × US (excess U × A due to excess skylight area).

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9. **Section C403.1** is amended to read as follows:

**C403.1 General.** Mechanical systems and equipment serving the building heating, cooling, ventilating or refrigerating needs shall comply with one of the following:

- 1. Section C403.1.1 and Sections C403.2 through C403.17.
- 2. Data Centers shall comply with Section C403.1.1, Section C403.1.2 and Sections C403.6 through C403.17.

10. **Section C403.12.2 Snow- and ice-melt system controls** is amended to read as follows:

**C403.14.2 Snow- and ice-melt system controls.**  
Snow- and ice-melt system controls shall include automatic controls in accordance with REMP Section C409.3.2, #2.

11. **Section C404 Service Water Heating** is amended by adding the following new Section C404.11:

**C404.11 Building Water Use Reduction.**  
All commercial buildings shall comply with the requirements as set forth in Section C404.11 and as shown in Table C404.11.1.

**Exception:** All structures complying with the Department of Energy's Zero Energy Ready Home National Program do not have to comply with Section C404.11.

**Table C404.11.1. PLUMBING FIXTURES AND FITTINGS REQUIREMENTS**

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - flushometer single-flush valve type	Single-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - flushometer dual-flush valve type	Full-flush volume of 1.28 gal (4.8 L)

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - single-flush tank-type	Single-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - dual-flush tank-type	Full-flush volume of 1.28 gal (4.8 L)
Urinals	Flush volume 0.5 gal (1.9 L)
Public lavatory faucets	Flow rate - 0.5 gpm (1.9 L/min)
Public metering self-closing faucet	0.25 gal(1.0 L) per metering cycle
Residential bathroom lavatory sink faucets	Flow rate - 1.5 gpm (5.7 L/min)
Residential kitchen faucets	Flow rate - 1.8 gpm (6.8 L/min) <sup>a</sup>
Residential showerheads	Flow rate - 2.0 gpm (7.6 L/min)
Residential shower compartment (stall) in dwelling units and guest rooms	Flow rate from all shower outlets total of 2.0 gpm (7.6 L/min) <sup>211 elk</sup>

1 a. With provision for a temporary override to 2.2 gpm (8.3 L/min) as specified in  
2 Section 404.11.1(g)

3 **C404.11.1 Plumbing Fixtures and Fittings.**

4 Plumbing fixtures (water closets and urinals) and fittings (faucets and  
5 showerheads) shall comply with the following requirements as shown in Table  
6 C404.11.1.

7 A. Water Closets (toilets) - flushometer valve type. For single-flush, maximum  
8 flush volume shall be determined in accordance with ASME A112.19.2/CSA  
9 B45.1 and shall not exceed 1.28 gal (4.8 L) per flush. For dual-flush, the full  
10 flush volume shall not exceed 1.28 gal (4.8L) per flush. Dual -flush fixtures  
11 shall also comply with the provisions of ASME A112.19.14.

- 1 B. Water Closets (toilets) - tank-type. Tank-type water closets shall be certified  
2 to the performance criteria of the USEPA WaterSense Tank-Type High-  
3 Efficiency Toilet Specification and shall have a maximum full-flush volume of  
4 1.28 gal (4.8L) per flush. Dual-flush fixtures shall also comply with the  
5 provisions of ASME A112.19.14.
- 6 C. Urinals. Maximum flush volume, when determined in accordance with  
7 ASME A112.19.2/CBA B45.1, shall not exceed 0.5 gal (1.9L) per flush.  
8 Flushing urinals shall comply with the performance criteria of the USEPA  
9 WaterSense Specification for Flushing Urinals. Non-water urinals shall comply  
10 with ASME A112.19.19 (vitreous china) or IAPMO Z124.9 (plastic) as  
11 appropriate.
- 12 D. Public Lavatory Faucets. Maximum flow rate shall not exceed 0.5 gpm  
13 (1.9L/min) when tested in accordance with ASME A112.18.1/CSA B 125.1.
- 14 E. Public Metering Self-Closing Faucet. Maximum water use shall not exceed  
15 0.25 gal (1.0 L) per metering cycle when tested in accordance with ASME  
16 A112.18.1/CSA B125.1.
- 17 F. Residential Bathroom Lavatory Sink Faucets. Maximum flow rate shall not  
18 exceed 1.5 gpm (5.7 L) when tested in accordance with ASME A112.18.1/CSA  
19 B125.1. Residential WaterSense High-Efficiency Lavatory Faucet  
20 Specifications.
- 21 G. Residential Kitchen Faucets. Maximum flow rate shall not exceed 1.8 gpm  
22 (6.8 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.  
23 Kitchen faucets shall be permitted to temporarily increase the flow greater than  
24 1.8 gpm (6.8 L/min) but shall not exceed 2.2 gpm (8.3 L/min) and must  
25 automatically revert to the established maximum flow rate of 1.8 gpm (6.8  
26 L/min) upon physical release of the activation mechanism or closure of the  
27 faucet valve.
- 28 H. Residential Showerheads. Maximum flow rate shall not exceed 2.0 gpm  
29 (7.6 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.  
30 Residential showerheads shall comply with the performance requirements of  
31 the USEPA WaterSense Specifications for Showerheads.
- 32 I. Residential Shower Compartment (stall) in Dwelling Units and Guest Rooms.  
33 The allowable flow rate from all shower outlets (including rain systems,

1 waterfalls, body sprays, and jets) that can operate simultaneously shall be  
2 limited to a total of 2.0 gpm (7.6 L/min).

3 **Exception:** Where the area of a shower compartment exceeds 2600 inch<sup>2</sup> (1.7  
4 m<sup>2</sup>), an additional flow of 2.0 gpm (7.6 L/min) shall be permitted for each  
5 multiple of 2600 inch<sup>2</sup> (1.7 m<sup>2</sup>) of floor area or fraction thereof.

6 J. Water Bottle Filling Stations. Water bottle filling stations shall be an integral  
7 part of, or shall be installed adjacent to, not less than 50% of all drinking  
8 fountains installed indoors on the premises.

9  
10 **C404.11.2 Appliances.**

11 Commercial appliances shall comply with the following requirements:

12 A. Clothes Washers and Dishwashers installed within dwelling units shall  
13 comply with the ENERGY STAR program requirements for Clothes Washers  
14 and ENERGY STAR Program requirements for Dishwashers. Maximum water  
15 use shall be as follows:

16 1. Clothes Washers - Maximum water factor (WF) of 5.4 gal/ft<sup>3</sup> of drum  
17 capacity (0.7 L/L of drum capacity)

18 2. Dishwashers - Standard size dishwashers shall have a maximum WF  
19 3.8 gal/full operating cycle (14.3 L/full operating cycle). Compact sizes  
20 shall have a maximum WF of 3.5 gal/full operating cycle (13.2 L/full  
21 operating cycle). Standard and compact size shall be defined by ENERGY  
22 STAR criteria.

23 B. Clothes washers installed in publicly accessible spaces (multifamily and  
24 hotel common areas), and coin/card operated clothes washers of any size  
25 used in laundromats, shall have a maximum WF of 4.0 gal/ft<sup>3</sup> of drum capacity  
26 during normal cycle (.053 L/L of drum capacity during normal cycle).

27 C. Commercial dishwashers in commercial food service facilities shall meet all  
28 ENERGY STAR requirements as listed in the ENERGY STAR Program  
29 requirements for Commercial Dishwashers, Version 2.0.

30 **C404.11.3 Commercial Food Service Operations.**

1 Commercial food service operations (restaurants, cafeterias, food preparation  
2 kitchens, caterers, etc.) shall comply with the following requirements:

3 A. Shall use high-efficiency pre rinse spray valves (i.e. valves that function at  
4 1.3 gpm (4.9 L/min) or less and comply with a 26 second performance  
5 requirement when tested in accordance with ASTM F2324.

6 B. Shall use dishwashers that comply with the requirements of the ENERGY  
7 STAR Program for Commercial Dishwashers.

8 C. Shall use boiler-less/connectionless food steamers that consume no more  
9 than 2.0 gal/h (7.5 L/h) in the full operational mode.

10 D. Shall use combination ovens that consume not more than 10 gal/h (38 L/h)  
11 in full operational mode.

12 E. Shall use air-cooled ice machines that comply with the requirements of the  
13 ENERGY STAR Program for Commercial Ice Machines.

14 F. Shall be equipped with hands-free faucet controllers (foot controllers, sensor  
15 activated, or other) for all faucet fittings within the food preparation area of the  
16 kitchen and the dish room, including pot sinks and washing sinks.

17 **C404.11.4 Medical and Laboratory Facilities.**

18 Medical and laboratory facilities, including clinics, hospitals, medical centers,  
19 physician and dental offices, and medical and nonmedical laboratories of all types  
20 shall comply with the following:

21 A. Use only water-efficient steam sterilizers equipped with:

22 1. Water-tempering devices that allow water to flow only when the  
23 discharge of condensate or hot water from the sterilizer exceeds 140°F  
24 (60°C).

25 2. Mechanical vacuum equipment in place of venture-type vacuum  
26 systems for vacuum sterilizers.

27 B. Use film processor water-recycling units where large-frame X-ray films of  
28 more than 6 inches (150 mm) in either length or width are processed.

29 **Exception:** Small dental X-ray equipment is exempt from this requirement.

1 C. Use digital imaging and radiography systems where the digital networks are  
2 installed.

3 D. Use a dry-hood scrubber system or, if the applicant determines that a wet-  
4 hood scrubber is required, the scrubber shall be equipped with a water  
5 recirculation system. For perchlorate hoods and other applications where a  
6 hood wash-down system is required, the hood shall be equipped with self-  
7 closing valves on those wash down systems.

8 E. Use only dry vacuum pumps unless fire and safety codes (International Fire  
9 Code) for explosive, corrosive, or oxidative gases require a liquid ring pump.

10 F. Use only efficient water treatment systems that comply with the following  
11 criteria:

12 1. For all filtration processes, pressure gauges shall determine and display  
13 when to backwash or change cartridges.

14 2. For all ion exchange and softening processes, recharge cycles shall be  
15 set by volume of water treated or based on conductivity or hardness.

16 3. For reverse osmosis and nanofiltration equipment with a capacity  
17 greater than 27 gal/h (100 L/h), reject water shall not exceed 60% of the  
18 feed water and shall be used as scrubber feed water or for the other  
19 beneficial uses on the project site.

20 4. Simple distillation is not an acceptable means of water purification.

21 G. With regard to food service operations within medical facilities, comply with  
22 Section 404.11.3.

23 12. **Section C405.2.8.1** is amended to read as follows:

24 **C405.2.8.1 Demand responsive lighting control function.** Where installed, demand  
25 responsive controls for lighting shall be capable of the following: (remainder of section  
26 unchanged)

27

28 13. **Section C405.2.10.2**, subnumeral 2 is amended to read as follows:

29 **C405.2.10.2 Sleeping units in congregate living facilities.**

1 2. Each unit shall have a manual control by the entrance that turns off all lighting and where  
2 installed, switched receptacles in the unit, except for lighting in bathrooms and kitchens.  
3 The manual control shall be marked to indicate its function.

4  
5 14. **Section C405.15 Renewable energy systems** is deleted in its entirety.

6  
7  
8 15. **Section C406** is deleted in its entirety and replaced with Section C406 of the  
9 Colorado Model Low Energy and Carbon Code.

10  
11 16. **Section C409 is deleted in its entirety and replaced as follows:**

12 **C409 Title.**

13 Renewable Energy Mitigation Program (REMP) – Commercial Provisions

14 **C409.1 Scope.**

15 This section establishes criteria for compliance with the Breckenridge Renewable  
16 Energy Mitigation Program (REMP). The scope of this program includes exterior  
17 energy uses and energy production to offset exterior energy use.

18 **C409.2 Mandatory Requirements.**

19 Mandatory Requirements. Compliance with this section requires that the provisions of  
20 this section be followed for all exterior energy use. Compliance with this section will be  
21 documented via the free Public Domain tool "Breckenridge REMF Calculation Sheet" in  
22 the most current version at the time of permit application. Projected energy use,  
23 associated energy offset required, fees and credits are defined within this tool.

24 Credits for on-site renewable energy. The payment-in-lieu option is voluntary.  
25 Applicants interested in exterior energy use systems can alternatively choose to  
26 produce on-site renewable energy with renewable energy systems such as solar  
27 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient  
28 technology of ground source heat pumps is also permitted for supplemental on-site  
29 energy.

30 **C409.3 Exterior energy uses.**

31 Commercial exterior energy uses (per list below) may be installed only if the  
32 supplemental energy meets the requirements of the Renewable Energy Mitigation

1 Program. This applies to all installation for which an application for a permit is filed or is  
2 by law required to be filed with or without an associated Building Permit. This does not  
3 apply to work on existing systems that were permitted prior to this code.

4 1. Snowmelt (i.e. driveways, patios, walkways, etc.)

5 2. Exterior pools

6 3. Exterior hot tubs and spas

7 4. Permanent natural gas or electric systems for heating outdoor commercial spaces.

8 **C409.3.1 On-site renewable credits.**

9 Credits for renewable energy production will be calculated and applied per  
10 "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable  
11 energy methods listed in the calculator include: solar photovoltaic, solar thermal,  
12 ground source heat pumps, hydroelectric and wind power. Provision for alternative  
13 method calculations is also provided, but it will require specific review and approval by  
14 the Building Official.

15 **C409.3.2 Snowmelt systems.**

16 1. R-15 insulation shall be installed under all areas to be snowmelted.

17 2. Required snowmelt controls. All systems are required to have automated controls to  
18 limit operation to when moisture is present, outdoor air temperature is below 40F and  
19 above 20F, and the slab temperature shall be controlled via slab temperature sensing  
20 to a maximum of 38F. Idling of commercial slabs is only allowed where public safety is  
21 a factor.

22 3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric  
23 resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
24 the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
25 boiler operation.

26 4. Up to 100 square feet of snowmelt per emergency egress pathway is exempt.

27 **C409.3.3 Exterior pools.**

28 1. Pool covers are required for all pools, with a minimum R-value of 2.

29 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric  
30 resistance and heat pump heaters will be allowed. Where condensing boilers are used,

1 the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
2 boiler operation.

3 **C409.3.4 Exterior hot tubs and spas.**

4 1. Hot tub and spa covers are required for all hot tubs and spas, with a minimum R-  
5 value of 12.

6 2. Hot tub and spa heating appliances will have a minimum efficiency of 92% AFUE.  
7 Electric resistance and heat pump heaters will be allowed. Where condensing boilers  
8 are used, the boiler supply water temperature shall be a maximum of 130F to allow for  
9 efficient boiler operation.

10 **C409.3.5 Other permanent natural gas or electric heating and cooking elements.**

11 1. A combined 350,000 BTU budget is allowed for permanent natural gas or electric  
12 heating and cooking elements at a reduced renewable offset requirement.

13 **C409.3.6 Gas fireplace, firepit, fire table controls.**

14 Commercial outdoor natural gas fireplaces, firepits, and fire tables shall include timers  
15 required to limit the run time of the system. Controls and switching shall be configured  
16 so as not to allow continuous operation.

17 **C409.3.7 Electric heat tape controls.**

18 Electric roof and gutter deicing systems shall include either automatic controls capable  
19 of shutting off the system when outdoor temperature is above 40F and below 25F, and  
20 which limit the use of the system to daylight hours by means of a programmable timer  
21 or automated clock, or moisture detection sensors.

22 **C409.4 Permit Validity.**

23 A permit shall not be valid until all fees as in effect at the time of permit submittal are  
24 paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a  
25 change order to the permit be released until the additional fees, if any, have been paid.  
26 REMP compliance will be verified at Certificate of Occupancy or Certificate of  
27 Completion according to the proposed plans. C.O. can be withheld if the project is non-  
28 compliant.

29 **C409.5 Pre-existing systems.**

1 Pre-existing systems, for which a prior permit was applied for and granted prior to the  
2 effective date of this code, are exempt from this program. Additions or expansions of  
3 existing systems that require a permit will require compliance with this above code  
4 program.

5 Pre-existing systems for which a prior REMP payment was paid and which seek to be  
6 replaced shall receive a pro-rated credit calculated by the number of years since prior  
7 REMP payment divided by 20 years. For example, a REMP payment made for a  
8 system permitted 10 years prior to the current replacement being sought will receive  
9 credit for ½ of the prior REMP payment and that amount shall be deducted from the  
10 REMP payment owed on the replacement. For renewable systems installed on site, full  
11 credit will be given for up to 20 years after the date of installation. Credits will only be  
12 applied to properly permitted and functioning systems within the scope of the adopted  
13 Energy Code and applicable Mechanical and Electrical Codes. Systems installed prior  
14 to 20 years before the date of permit application are not eligible for pro-ration of system  
15 credits.

16 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
17 etc.) or renewable energy systems will not require submittal to the REMP program.

18 **C409.6 Solar photovoltaic systems.**

19 System designer and installer must be certified by Colorado Solar Energy Industries  
20 Association (COSEIA) or North American Board of Certified Energy Practitioners  
21 (NABCEP), or a licensed Professional Engineer in the State of Colorado.

22 **C409.6.1 Solar thermal.**

23 The size of solar hot water systems is limited to 500 square feet of collector area  
24 absent approval by the Building Official. Systems larger than this limit will be  
25 considered but will require documentation showing year-round utilization of the system.

26 **C409.6.2 Ground source heat pumps.**

27 In order to use ground source heat pumps for on-site renewable credit, the GSHP  
28 system must supply at least 20% of the peak load for heating all the exterior energy  
29 uses. Each GSHP shall be tested and balanced and the design engineer shall certify in  
30 writing that it meets or exceeds a design coefficient of performance of 3.0 inclusion of  
31 source pump power. Design conditions for determining COP will be 30F ground loop  
32 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.  
33

17. New **Section C410** is added as follows:

**C410 Electric Vehicle (EV) Ready.**

**C410.1 General.** The provisions of this section shall be applicable for new *commercial buildings*, and major renovations and *additions*.

**C410.2 Electric Vehicle Power Transfer Infrastructure.** Where new parking is provided for *commercial buildings*, it shall be provided with electric vehicle power transfer infrastructure in accordance with Sections C410.2.1 through C410.2.8.

**C410.2.1 Quantity.** The number of required *EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces* shall be determined in accordance with this section and Table C410.2.1 based on the total number of vehicle parking spaces provided and shall be rounded up to the nearest whole number. This includes all covered parking under carports or detached garages.

**Table C410.2.1 EV Power Transfer Infrastructure Requirements**

<b>Building Type/Space Type</b>	<b>Level 2 EVSE Installed Spaces</b>	<b>Level 2 EV ready Spaces</b>	<b>Level 2 EV Capable Spaces</b>	<b>Level 2 EV Capable Light Spaces</b>
<b>Commercial buildings, except for Group R-2 occupancies, with 15 or fewer parking spaces</b>	1	20% of spaces (not fewer than 2)	0	0
<b>Commercial buildings, except for Group R-2 occupancies, with greater than 15 parking spaces</b>	2% of spaces	8% of spaces	10% of spaces	10% of spaces
<b>Group R-2 occupancies with 10 or fewer parking spaces</b>	1	15% of spaces	10% of spaces	10% of spaces
<b>Group R-2 occupancies with greater than 10 parking spaces</b>	5% of spaces	15% of spaces	10% of spaces	30% of spaces

**C410.2.1.1 Multiple Parking Lots.** Where more than one parking lot is provided on a *building site*, the number of vehicle parking spaces provided is required to have *EV power transfer infrastructure* shall be calculated separately for each parking lot.

1 **C410.2.1.2 Group R-2 Occupancies.** *Group R-2* occupancies shall use the total parking  
2 requirement for the entire development to determine the *EV* power transfer infrastructure  
3 requirements of Table C410.2.1.  
4

5 **C410.2.1.3 Space Type Substitutions.** *Commercial buildings* shall be permitted to  
6 substitute *EV* parking spaces required in Table C410.2.1 in accordance with Sections  
7 C410.2.1.3.1 through C410.2.1.3.5.  
8

9 **C410.2.1.3.1 DC Fast Charging.** For *commercial buildings* that install a *DCFC EVSE*, each  
10 *DCFC EVSE* installed shall be permitted to be substituted for other space types as follows:

- 11 1. *Commercial buildings* other than *Group R-2* occupancies shall be permitted to  
12 substitute up to 10 spaces when the *building* provides a minimum of 20 percent of  
13 parking spaces as a combination of *EV capable*, *EV ready*, or *EVSE installed*  
14 *spaces*.
- 15 2. *Group R-2* occupancies shall be permitted to substitute up to 5 spaces when the  
16 *building* provides a minimum of 60 percent of parking spaces as a combination of  
17 *EV capable light*, *EV capable*, *EV ready*, or *EVSE installed spaces*.  
18

19 **C410.2.1.3.2 Excess EVSE Installed Spaces.** *EVSE installed spaces* that exceed the  
20 minimum requirements of this section are permitted to be used to meet minimum  
21 requirements for *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces*.  
22

23 **C410.2.1.3.3 Excess EV Ready Spaces.** *EV ready spaces* that exceed the minimum  
24 requirements of this section are permitted to be used to meet minimum requirements for *EV*  
25 *capable spaces* and *EV capable light spaces*.  
26

27 **C410.2.1.3.4 Excess EV Capable Spaces.** *EV capable spaces* that exceed the minimum  
28 requirements of this section are permitted to be used to meet minimum requirements for *EV*  
29 *capable light spaces*.  
30

31 **C410.2.1.3.5 Attached garages.** All attached garages with direct connection to a *dwelling*  
32 *unit* will be required to have one Level 2 *EV ready space*.  
33

34 **Exception:** One- and two-family dwellings built under the International Residential Code

1  
2 **C410.2.2 Level 2 EV Capable Light Spaces.** Each *EV capable light space* shall comply with  
3 all the following:

- 4 1. A continuous raceway and/or conduit shall be installed between a suitable electrical  
5 panel or other electrical distribution equipment and terminate within 3 feet of the *EV*  
6 *capable light space* and shall be capped. *EV capable light* includes two adjacent  
7 parking spaces if the raceway and/or conduit terminates adjacent to and between  
8 both parking spaces.

9 **Exception:** Conduit installed with a pull string from the termination locations at parking  
10 spaces to a location of a future transformer or future electrical panel with electrical  
11 service size determined at the time of future permit.

- 12 2. Installed raceway and/or conduit shall be sized and rated to supply a minimum of  
13 208/240 volts and a minimum of 40-ampere rated circuits.  
14 3. Dedicated physical space to accommodate all equipment necessary for electrical  
15 service to future *EVSE*.  
16 4. The routing of the raceway and/or conduit must be noted on the construction  
17 documents and the raceway shall be permanently and visibly marked “EV  
18 CAPABLE” at the load center and termination point locations.  
19

20 **C410.2.3 Level 2 EV Capable Spaces.** Each *EV capable space* shall comply with all the  
21 following:

- 22 1. A continuous raceway and/or conduit with a pull string from the termination  
23 locations at parking spaces shall be installed between a suitable electrical panel or  
24 other electrical distribution equipment and terminate within 3 feet of the *EV capable*  
25 *space* and shall be capped. *EV capable* includes two adjacent parking spaces if the  
26 raceway and/or conduit terminates adjacent to and between both parking spaces.  
27 2. The installed raceway and/or conduit shall be sized and rated to supply a minimum  
28 of 208/240 volts and a minimum of 40-ampere rated circuits.  
29 3. The electrical panel or other electrical distribution equipment to which the raceway  
30 and/or conduit connects shall have sufficient dedicated space and spare electrical  
31 capacity to supply a minimum of 208/240 volts and a minimum of 40-ampere rated  
32 circuits.

1 4. The termination point of the conduit and/or raceway and the electrical distribution  
2 equipment directory shall be marked: "For future electric vehicle supply equipment  
3 (EVSE)."

4 5. Reserved capacity shall be no less than 8.3 kVA (40A 208/240V) for each *EV*  
5 *capable space*.

6  
7 **C410.2.4 Level 2 EV Ready Spaces.** Each *EV ready space* shall have a branch circuit that  
8 complies with all the following:

9 1. Terminates at a receptacle or junction box located within 3 feet of each *EV ready*  
10 *space* it serves. *EV ready* includes two adjacent parking spaces if the receptacle is  
11 installed adjacent to and between both parking spaces.

12 2. It has a minimum circuit capacity of 8.3 kVA (40A 208/240V).

13 3. The electrical panel, electrical distribution equipment directory, and all outlets or  
14 enclosures shall be marked "For future electric vehicle supply equipment (EVSE)."

15  
16 **C410.2.5 Level 2 EVSE Installed Spaces.** An installed *EVSE* with multiple output  
17 connections shall be permitted to serve multiple *EVSE installed spaces*. Each *Level 2 EVSE*  
18 installed serving either a single *EVSE installed space* or multiple *EVSE installed spaces* shall  
19 comply with all the following:

20 1. Have a minimum charging rate in accordance with Section C410.2.7.

21 2. Be located within 3 feet of each *EVSE installed space* it serves.

22 3. Be installed in accordance with Section C410.2.8.

23 4. Have a minimum circuit capacity of 8.3 kVA (40A 208/240V).

24  
25 **C410.2.6 Level 2 EVSE Minimum Charging Rate.** Each installed *Level 2 EVSE* shall  
26 comply with one of the following:

27 1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).

28 2. When serving multiple *EVSE installed spaces* and controlled by an energy  
29 management system providing load management, be capable of simultaneously  
30 sharing each *EVSE installed space* at a minimum charging rate of not less than 3.3  
31 kVA.

32  
33 **C410.2.7 EVSE Installation.** *EVSE* shall be installed in accordance with NFPA 70 and shall  
34 be listed and labeled in accordance with UL 2202 or UL 2594.

1  
2 **C410.2.8 Accessible EV Parking Spaces.** For Level 2 *EVSE installed spaces* required by  
3 Table C410.2.1, a minimum of 5 percent (not less than one space) shall be van accessible  
4 spaces in accordance with Section 1107.2.2 of the International Building Code. In addition, 5  
5 percent (not less than one space) of the total vehicle parking spaces required by Table  
6 C410.2.1 to be Level 2 *EV ready, EV capable, or EV capable light spaces* shall meet one of  
7 the following:

- 8 1. Be van accessible parking spaces in accordance with Section 1107.2.2 of the  
9 International Building Code.
- 10 2. Have the electrical infrastructure that is required by Section C410.2.2 for *EV*  
11 *capable light spaces*, Section C410.2.3 for *EV capable spaces*, or Section C410.2.4  
12 for *EV ready spaces* be configured so that future *EVSE* shall be capable of serving  
13 van accessible parking spaces.

14  
15  
16 18. **Section R101.1 Title** is amended as follows:

17  
18 **R101.1 Title** This code shall be known as the Energy Conservation Code of the Town of  
19 Breckenridge and shall be cited as such. It is referred to herein as “**this code**”.

20  
21 19. **Section R103.1 Creation of enforcement agency** is amended as follows:

22 **R103.1 Creation of enforcement agency.** The Town of Breckenridge Building Division is  
23 hereby created (remainder of sentence to be unchanged)

24  
25 20. A new **Section R104.1.1.1 Deemed to comply** section is added to the requirements  
26 for Above Code Programs:

27 **R104.1.1.1 Deemed to comply.** The following programs shall be considered deemed to  
28 comply with the above code program requirements as found in Section R104.1.1

- 29 1. The Department of Energy’s Zero Energy Ready Homes (ZERH) program, Version  
30 most recently published at time of permit submittal, shall be deemed to comply as  
31 an above code program when including new Section R409 of the Colorado Model  
32 Low Energy and Carbon Code, and the REMP provisions found in R409 of this  
33 Code.

1           2. The State of Colorado Model Low Energy and Carbon Code – Residential  
2           Provisions, plus the REMP provisions as found in R409 of this code shall be met.

3  
4           21. Section R401.2 Application is amended to read as follows:

5           **R401.2 Application.** Residential buildings shall comply with all of the following:

- 6           1. the Colorado Model Electric Ready and Solar Ready Code, as updated in New  
7           Section R409 of the Model Low Energy and Carbon Code.
- 8           2. Section R409 (of this code)Breckenridge Renewable Energy Mitigation Program  
9           (REMP), and
- 10          3. either Section R401.2.1, R401.2.2, or R401.2.3.

11           **Exceptions**

- 12          1. Additions, alterations, repairs and changes of occupancy to existing buildings  
13          complying with Chapter 5, unless otherwise noted in the Colorado Model Electric  
14          Ready and Solar Ready Code and R409 (REMP) of this code.
- 15          2. Residential buildings complying with the Department of Energy's Zero Energy Ready  
16          Homes (ZERH) Program in accordance with Section R104.1.1.
- 17          3. Residential buildings complying with the Residential Provisions of the Colorado State  
18          Model Low Energy and Carbon Code in its entirety.

19  
20  
21          22. **Table R402.1.2 U-Factor Assemblies** is amended to change the Vertical  
22          Fenestration U-factor from .27 to .30 and remove footnote d. in its entirety.

23  
24  
25          23. **Table R402.1.3 R-Value Alternative** is amended to change the Vertical Fenestration  
26          U-factor from .27 to .30 and remove footnote g. in its entirety.

27  
28  
29          24. **Section R402.2.13 Sunroom and Heated Garage Insulation** is amended by  
30          removing the exception in its entirety. The remainder of R402.2.13 is unchanged.

31  
32  
33          25. New **Section R402.2.14 Thermal Bridging** is added as follows:

34          **R402.2.14 Thermal bridges in above-grade walls.** Thermal bridges in above-grade walls  
35          shall comply with Sections R402.2.14.1 through R402.14.3 or an approved design.

36           **Exceptions:**

- 1 1. Any thermal bridge with a material thermal conductivity not greater than 3.0 Btu/h-ft-  
2 °F.
- 3 2. Blocking, coping, flashing, and other similar materials for attachment of roof coverings.
- 4 3. Thermal bridges accounted for in the U-factor or C-factor for a building thermal  
5 envelope.

6  
7 **R402.2.14.1 Balconies and floor decks.** Balconies and concrete floor decks shall not  
8 penetrate the building thermal envelope. Such assemblies shall be separately supported or  
9 shall be supported by approved structural attachments or elements that minimize thermal  
10 bridging through the building thermal envelope.

11 **Exceptions:** Balconies and concrete floor decks shall be permitted to penetrate the  
12 building thermal envelope where:

- 13 1. an area-weighted U-factor is used for above-grade wall compliance which  
14 includes a U-factor of 0.8 Btu/h-°F-ft<sup>2</sup> for the area of the above-grade wall  
15 penetrated by the concrete floor deck, or
- 16 2. an approved thermal break device of not less than R-10 is installed in  
17 accordance with the manufacturer's instructions.

18  
19 **R402.2.14.2 Cladding supports.** Linear elements supporting opaque cladding shall be off  
20 set from the structure with attachments that allow the continuous insulation, where present,  
21 to pass behind the cladding support element.

22 **Exceptions:**

- 23 1. An approved design where the above-grade wall U-factor used for compliance  
24 accounts for the cladding support element thermal bridge.
- 25 2. Anchoring for curtain wall and window wall systems.

26  
27 **R402.2.14.3 Structural beams and columns.** Structural steel and concrete beams and  
28 columns that project through the building thermal envelope shall be covered with not less  
29 than R-5 insulation for not less than 2 feet (610 mm) beyond the interior or exterior surface  
30 of an insulation component within the building thermal envelope.

31 **Exceptions:**

- 32 1. Where an approved thermal break device is installed in accordance with the  
33 manufacturer's instructions.

1 2. An approved design where the above-grade wall U-factor used to demonstrate  
2 compliance accounts for the beam or column thermal bridge.

3  
4  
5 26. **Section R402.4 Fenestration** has been amended to read as follows:

6 **R402.4 Fenestration.** In addition to the requirements of Section R402, fenestration shall  
7 comply with Sections R402.4.1 through R402.4.6.

8  
9  
10 27. **Section R402.4.5 Sunroom and heated garage fenestration** is amended to  
11 remove the exception in its entirety. The remainder of R402.4.5 is unchanged.

12  
13 28. A new **Section R402.4.6** is added as follows:

14 **R402.4.6 Maximum area.** The vertical fenestration area, not including opaque doors and  
15 opaque spandrel panels, shall be not greater than 30 percent of the gross above grade  
16 framed wall area enclosing conditioned space. The skylight area shall be not greater than 3  
17 percent of the gross roof area over conditioned space.

18 **Exception:** Vertical fenestration in residential buildings complying with an above  
19 code program in accordance with Sections R104.1.1 or R104.1.1.1

20  
21  
22 29. **Section R403.1.1 Programmable Thermostats** is amended by adding the following  
23 Exception. The remainder of Section R403.1.1 is unchanged:

24 **Exception:** Thermostats serving hydronic radiant systems

25  
26 30. **Section R403.5.1.2 Heat Trace systems** is deleted and replaced with the  
27 following:

28 **R403.5.1.2 Electric heat tape controls.** Electric roof and gutter deicing systems shall  
29 include automatic controls in accordance with REMP Section R411.1.

30  
31 31. **Section R403.7.1 Electric-resistance space heating** is amended to read as follows:

32 **R403.7.1 Electric-resistance space heating.** Detached one- and two-family dwellings  
33 and multiple single-family dwellings (townhouses) and Group R-2, R-3 and R-4 buildings  
34

1 three stories or less in height *above grade plane* in Climate Zone 7 shall not use electric-  
2 resistance for space heating.

3 **Exceptions:**

- 4 1. Where electric-resistance heating is used for heat pump supplementary heat in  
5 accordance with Section R403.1.2.
- 6 2. Electric-resistance heating used for freeze protection.
- 7 3. Electric-resistance heating where the criteria in Section R408.2.2.2 for evaporative  
8 cooling are met.
- 9 4. Electric-resistance heating not exceeding a cumulative total of 1kW per dwelling  
10 unit, with a thermostat and fan.
- 11 5. Electric-resistance heating that is 100% offset by renewable energy
- 12 6. Electric-resistance heating where the criteria in Section R408.2.1.1(6)≥20%  
13 reduction in total TC are met.

14  
15  
16 32. **Section R403.9.2 Snow- and ice-melt system controls** is amended to read as  
17 follows:

18 **R403.9.2 Snow- and ice-melt system controls.**

19 Snow- and ice-melt system controls shall comply with REMP Section R409.3.2, item #2.

20  
21  
22 33. A new **Section R403.13 WaterSense** is added as follows:

23 **R403.13 WaterSense.** All water-using appliances and plumbing fixtures within the  
24 residential building shall be EPA WaterSense labeled products.

25  
26  
27 34. **Section R404.4 Renewable energy certificate (REC) documentation** is deleted in  
28 its  
29 entirety.

30  
31  
32 35. **Section R405.2 Simulated building performance compliance**, item #3, is amended  
33 as follows. The remainder of Section R405.2 is unchanged:

34 **R405.2 Simulated building performance compliance.**

1           3. For each dwelling unit with greater than 4500 square feet of conditioned space,  
2           the annual energy cost of the dwelling unit shall be reduced by an additional 5  
3           percent of annual energy cost of the standard reference design. Energy prices  
4           shall be taken from an approved source, such as the US Energy Information  
5           Administration’s State Energy Data system prices and expenditures reports.  
6           Code official shall be permitted to require time-of-use pricing in energy cost  
7           calculations. Heated garages shall be evaluated separately from the remainder  
8           of the home by showing compliance with the Prescriptive R-Value or U-Factor  
9           thermal envelope provisions and will not require air leakage testing.

10           **Exception:** Buildings complying with Section R405.2 Simulated Building  
11           Performance, utilizing a site energy use target as found in the Colorado Model Low  
12           Energy and Carbon Code (LECC).

13  
14  
15           36. **Section R406.3 Building thermal envelope** is amended by adding the following  
16           sentence to the end of the Section (remainder of section unchanged):

17           **R406.3** Heated garages shall be evaluated separately from the remainder of the home by  
18           showing compliance with the Prescriptive R-Value or U-Factor thermal envelope provisions,  
19           with the exception of air leakage testing.

20  
21  
22           37. **Section R407 Tropical Climate Region Compliance Path** is deleted in its entirety.

23  
24  
25           38. **Section R408.2 Additional energy efficiency credit requirements** is amended as  
26           follows:

27           **R408.2 Additional energy efficiency credit requirements.** Residential buildings shall  
28           earn not less than 10 credits from not less than two measures specified in Table R408.2.  
29           Five additional credits shall be earned for dwelling units with more than 4500 square feet of  
30           conditioned space (remainder of text unchanged).

31           **Exception:** Residential buildings complying with Section R408.3 Additional energy  
32           efficiency prescriptive Pathway on a Platter requirements.

1 39. **Table R408.2 Credits for Additional Energy Efficiency** is amended by the following:  
2

- 3 a. Change Table R408.2.1.2 Improved Fenestration to a U-Factor of .28 for residential  
4 buildings up to 4500 sq ft of conditioned space and .25 for homes 4500 sq ft or larger  
5 for Climate Zone 7.  
6 b. Delete credits allowed for R408.2.2(2) and R408.2.2(3), also deleting the  
7 subsections R408.2.2(2) and (3) in their entirety.  
8 c. Delete credits allowed for R408.2.5(1) and R408.2.5(3), also deleting the  
9 subsections R408.2.5 (1) and (3) in their entirety.

10  
11  
12 40. Add new **Section R408.3 Additional energy efficiency Prescriptive Pathway on a**  
13 **Platter Requirements**, as follows:

14 **R408.3 Additional energy efficiency Prescriptive Pathway on a Platter Requirements.**  
15 Residential buildings utilizing this optional prescriptive platter approach to additional energy  
16 efficiency shall comply with R408.3.1 or R408.3.2 as applicable.  
17

18 **R408.3.1 Regular Platter Requirements.** Residential buildings that enclose 4500 square  
19 feet or less of conditioned space shall include all of the following additional efficiency  
20 requirements:

- 21 1. If forced air-furnace system installed, minimum 97% AFUE, 100% of ducts inside  
22 conditioned space and space conditioning equipment utilized for heating is located  
23 completely inside condition space.  
24 2. If Radiant heating system installed, minimum 95% AFUE in combination with hydronic  
25 thermal distribution system and space conditioning equipment is located completely  
26 inside condition space.  
27 3. If heat pump installed, must be cold climate heat pump with minimum ability to meet  
28 90% capacity at 5 degrees Fahrenheit or as first approved by the code official.  
29 4. If stand-alone gas water heater installed, must be minimum .86 Uniform Energy Factor  
30 (UEF)  
31 5. If electric water heater is installed, must meet minimum 2.2 Uniform Energy Factor  
32 (UEF) for integrated HPWH or UEF 3.75 for split-system HPWH.  
33 6. Window U-Factor of .28 in accordance with R408.2.1.2.  
34 7. Maximum Vertical Fenestration Area of 30% in accordance with R402.4.6.

1 In Addition to the above items, one additional selection from the list below shall be required  
2 in order to Comply with this Section:

- 3 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the  
4 top plate and verified by approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 5 • An air leakage rate equal to or less than 2.3 ACH50 or an air leakage rate equal to 2.5  
6 ACH50 plus air sealing inspection performed by Approved 3<sup>rd</sup> party meeting the  
7 requirements of Section R107.4.
- 8 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of  
9 conditioned space.

10  
11 **R408.3.2 Large Platter Requirements.** Residential buildings that enclose greater than  
12 4500 square feet of conditioned space shall include all of the Regular Platter Requirements  
13 as found in R408.3.1, plus two additional selections from the list below:

- 14 • A 10% reduction in total Thermal Conductance in accordance with R408.2.1.1(4)
- 15 • An air leakage rate equal to or less than 2.3 ACH50 with ERV or HRV installed in  
16 accordance with R408.2.5(2) or air leakage rate equal to 2.5 ACH50 plus air sealing  
17 inspection performed by Approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 18 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the  
19 top plate and verified by approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 20 • A Window U-Factor of .25 in accordance with R408.2.1.2
- 21 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of  
22 conditioned space.
- 23 • No exterior energy use is required to be mitigated as defined by Sections R409-R414.2.

24  
25  
26 41. **Sections R409- R409.7.2 Renewable Energy Mitigation Program (REMP)** are  
27 added as follows:

28 **R409 Title.** Renewable Energy Mitigation Program (REMP) – Residential Provisions

29 **R409.1 Scope.**

30 This section establishes criteria for compliance with the Breckenridge Renewable  
31 Energy Mitigation Program (REMP). The scope of this program includes exterior  
32 energy uses and energy production to offset exterior energy use.

1       **R409.2 Mandatory Requirements.**

2       Compliance with this section requires that the provisions of this section be followed for  
3       all exterior energy use. Compliance with this section will be documented via the free  
4       Public Domain tool "Breckenridge REMP Calculation Sheet" in the most current version  
5       at the time of permit application. Projected energy use, associated energy offset  
6       required, fees and credits are defined within this tool.

7       Credits for on-site renewable energy. The payment-in-lieu option is voluntary.  
8       Applicants interested in exterior energy use systems can alternatively choose to  
9       produce on-site renewable energy (Section R412) with renewable energy sources such  
10      as solar photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient  
11      technology of ground source heat pumps is also permitted for supplemental on-site  
12      energy.

13      **R409.3 Exterior energy uses.**

14      Residential exterior energy uses (per list below) may be installed only if the  
15      supplemental energy meets the requirements of the Renewable Energy Mitigation  
16      Program. This applies to all installation for which an application for a permit is filed or is  
17      by law required to be filed with or without an associated Building Permit. This does not  
18      apply to work on existing systems that were permitted prior to this code.

- 19      1. Snowmelt (i.e. driveways, patios, walkways, etc.)  
20      2. Exterior pools  
21      3. Exterior hot tubs and spas  
22      4. Permanent natural gas or electric systems for heating outdoor residential spaces.

23      **R409.3.1 On-site renewable credits.**

24      Credits for renewable energy production will be calculated and applied per  
25      "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable  
26      energy methods listed in the calculator include: solar photovoltaic, solar thermal,  
27      ground source heat pumps, hydroelectric and wind power. Provision for alternative  
28      method calculations is also provided, but it will require specific review and approval by  
29      the Building Official.

1       **R409.3.2 Snowmelt systems.**

- 2           1. R-15 insulation shall be installed under all areas to be snow melted.
- 3           2. Required snowmelt controls. All systems are required to have automated controls to  
4           limit operation to when moisture is present, outdoor air temperature is below 40F and  
5           above 20F, and the slab temperature sensing. Idling of residential slabs is not  
6           permitted.
- 7           3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric  
8           resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
9           the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
10          boiler operation.
- 11          4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for  
12          safety.

13       **R409.3.3 Exterior pools.**

- 14          1. Pool covers are required for all pools, with a minimum R-value of 2.
- 15          2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric  
16          resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
17          the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
18          boiler operation.

19       **R409.3.4 Exterior hot tubs and spas.**

- 20          1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 21          2. Packaged spas less than 64 square feet are exempt.
- 22          3. A maximum of (1) hot tub or spa per residential property is exempt. For residential  
23          HOAs with individual ownership, 64 square feet of hot tub or spa space is exempt for  
24          every 10 residential units.
- 25          4. Hot tubs and spa heating appliances will have a minimum efficiency of 92% AFUE.  
26          Electric resistance and heat pump heaters will be allowed. Where condensing boilers

1 are used, the boiler supply water temperature shall be a maximum of 130F to allow for  
2 efficient boiler operation.

3 **R409.3.5 Other permanent natural gas or electric heating and cooking elements.**

4 1. A combined 200,000 BTU budget is allowed for permanent natural gas or electric  
5 heating or cooking elements at a reduced renewable offset requirement.

6 **R409.4 Gas fireplace, firepit, fire-table controls.**

7 Residential outdoor natural gas fireplaces, firepits, and fire tables shall include timers  
8 required to limit the run time of the system. Controls and switching shall be configured  
9 so as not to allow continuous operation.

10 **R409.4.1 Electric heat tape controls.**

11 Electric roof and gutter deicing systems shall include either automatic controls capable  
12 of shutting off the system when outdoor temperature is above 40F and below 25F, and  
13 which limit the use of the system to daylight hours by means of a programmable timer  
14 or automated clock, or moisture detection sensors.

15 **R409.5 Renewable energy mitigation payment.**

16 A permit shall not be valid until all fees as in effect at the time of permit submittal are  
17 paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a  
18 change order to the permit be released until the additional fees, if any, have been paid.  
19 REMP compliance will be verified at Certificate of Occupancy or Certificate of  
20 Completion according to the proposed plans. C.O. can be withheld if the project is non-  
21 compliant.

22 **R409.6 Pre-existing systems.**

23 Pre-existing systems, for which a prior permit was applied for and granted prior to the  
24 effective date of this code are exempt from this program. Additions or expansions of  
25 existing systems that require a permit will require compliance with this above code  
26 program.

1 Pre-existing systems for which a prior REMP payment was paid, and which seek to be  
2 replaced, shall receive a pro-rated credit calculated by the number of years since prior  
3 REMP payment divided by 20 years. For example, a REMP payment made for a  
4 system permitted 10 years prior to the current replacement being sought will receive  
5 credit for ½ of the prior REMP payment and that amount shall be deducted from the  
6 REMP payment owed on the replacement. For renewable systems installed on site, full  
7 credit will be given for up to 20 years after the date of installation. Credits will only be  
8 applied to properly permitted and functioning systems within the scope of the adopted  
9 Energy Code and applicable Mechanical and Electrical Codes. Systems installed prior  
10 to 20 years before the date of permit application are not eligible for pro-ration of system  
11 credits.

12 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
13 etc.) or renewable energy systems will not require submittal to the REMP program.

#### 14 **R409.7 Solar photovoltaic systems.**

15 System designer and installer must be certified by Colorado Solar Energy Industries  
16 Association (COSEIA) or North American Board of Certified Energy Practitioners  
17 (NABCEP), or a licensed Professional Engineer in the State of Colorado.

#### 18 **R409.7.1 Solar thermal.**

19 The size of solar hot water systems is limited to 500 square feet of collector area  
20 absent approval by the Building Official. Systems larger than this limit will be  
21 considered but will require documentation showing year-round utilization of the system.

#### 22 **R409.7.2 Ground source heat pumps.**

23 In order to use ground source heat pumps for on-site renewable credit, the GSHP  
24 system must supply at least 20% of the peak load for heating all the exterior energy  
25 uses. Each GSHP shall be tested and balanced, and the design engineer shall certify  
26 in writing that it meets or exceeds a design coefficient of performance of 3.0 inclusion  
27 of source pump power. Design conditions for determining COP will be 30F ground loop  
28 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

29  
30

1           **42. Section R502.2.5 Additional energy efficiency credit requirements for**  
2           **additions** is amended to read as follows:

3           **R502.2.5 Additional energy efficiency credit requirements for additions.**

4           Additions shall comply with sufficient measures from amended Table R408.2, to achieve  
5           not less than five credits from at least two different measures. Five additional credits  
6           shall be earned for additions that add to or create a dwelling unit of more than 4500  
7           square feet of conditioned space. Alterations to the existing building that are not part of  
8           the addition but are permitted with an addition shall be permitted to be used to achieve  
9           this requirement.

10           **Exceptions:**

- 11           1. Additions that increase the building's total conditioned floor area by less than 25  
12           percent.
- 13           2. Additions that do not include the addition or replacement of equipment covered in  
14           Section R403.5 or R403.7.
- 15           3. Additions that do not increase conditioned space.
- 16           4. Where the addition alone or the existing building and addition together comply  
17           with Section R405 or R406
- 18           5. Where the addition alone or the existing building and addition together comply  
19           with R408.3.

20  
21  
22           **43. Section R503.1.1.3 Above-grade wall alterations** is amended to read as  
23           follows:

24           **R503.1.1.3 Above-grade wall alterations.** Above-grade wall alterations shall comply  
25           with the following as applicable:

- 26           1. Where wall cavities are exposed, the exposed cavities shall be filled with insulation  
27           complying with Section R303.1.4. New cavities created shall be insulated in  
28           accordance with Section R402.1, at an R-Value of R-23 minimum or an approved  
29           design that minimizes deviation from Section R402.1. An interior vapor retarder shall be  
30           provided where required in accordance with Section R702.7 of the International  
31           Residential Code or Section 1404.3 of the International Building Code, as applicable.
- 32           2. Where exterior wall coverings and fenestration are added or replaced for the full  
33           extent of any exterior facade of one or more elevations of the building, continuous

1 insulation shall be provided where required in accordance with Section R402.1 or the  
2 wall insulation shall be in accordance with an approved design that minimizes deviation  
3 from Section R402.1. Where specified, the continuous insulation requirement also shall  
4 comply with Section R702.7 of the International Residential Code. Replacement  
5 exterior wall coverings shall comply with the water-resistance requirements of Section  
6 R703.1.1 of the International Residential Code or Section 1402.2 of the International  
7 Building Code, as applicable, and manufacturers' instructions.

8 3. Where new interior finishes or exterior wall coverings are applied to the full extent of  
9 any exterior wall assembly of mass construction, insulation shall be provided in  
10 accordance with Section R402.1 or an approved design in compliance with Section  
11 R104.1 that minimizes deviation from Section R402.1.

12  
13  
14 **44. Section R503.1.5 Additional efficiency credit requirements for substantial**  
15 **improvements** is amended to read as follows:

16 **R503.1.5 Additional efficiency credit requirements for substantial improvements.**

17 Substantial improvements shall comply with sufficient measures from Table R408.2 to  
18 achieve not less than three credits. Substantial improvements to homes greater than 4500  
19 of conditioned space shall require 5 credits from amended Table R408.2.

20 **Exceptions:**

- 21 1. Alterations that are permitted with an addition complying with Section R502.2.5.  
22 2. Alterations that comply with Section R405 or R406.  
23 3. Substantial improvements that do not include the addition or replacement of  
24 equipment covered in either Section R403.5 or R403.7.  
25 4. Substantial improvements complying with R408.3

26  
27 Section 4. Ordinances 2020-12, 2022-26, and 2023-21 are hereby repealed.

28  
29 Section 5. The effective date of this Ordinance is January 13, 2026.

30  
31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN  
32 FULL this 9th day of September 2025.

1 READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE  
2 TOWN'S WEBSITE the 23rd day of September 2025 with an Effective and Enforceable Date of  
3 the 13th day of January 2026. A copy of this Ordinance is available for inspection in the office of  
4 the Town Clerk.

5

6 ATTEST:

TOWN OF BRECKENRIDGE

7

\_\_\_\_\_

\_\_\_\_\_

8 Mae Watson, Town Clerk

Kelly Owens, Mayor

9

10

11 APPROVED IN FORM

12

13

\_\_\_\_\_

14 Town Attorney

Date

15

16

17

**AN ORDINANCE REPEALING ORDINANCES 2020-12, 2022-26, AND 2023-21 AND AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE TO HEREINAFTER ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION BY REFERENCE WITH AMENDMENTS AS PART OF THE TOWN OF BRECKENRIDGE BUILDING CODE SECTIONS 8-1-3 AND 8-1-9.**

WHEREAS, the Town of Breckenridge adopts the International Code Council Library of Building Code Books and References every six (6) years; and

WHEREAS, after robust public process, the Town desires to adopt the 2024 International Energy Conservation Code (“IECC”) with amendments and in the process repeal and replace all previous ordinances of the Town that implemented energy efficient building code provisions; and

WHEREAS, Colorado House Bill 22-1362, C.R.S. 24-38.5-401 requires adoption of the Colorado Model Electric Ready Solar Ready Code and those requirements have been updated in the Colorado Model Low Energy and Carbon Code, the Town desires to adopt specific referenced Sections of the Colorado Model Low Energy and Carbon Code as written by the Colorado Energy Code Board and published by the Colorado Energy Office in September, 2025 ~~and found here; and; and~~

WHEREAS, specifically, the Town desires to repeal ordinances 2020-12, 2022-25, and 2023-21, which amended Chapter 1 of Title 8 of the Breckenridge Town Code (Specifically, “Building Code”); and

WHEREAS, by adopting the IECC with amendments to address local conditions, the Town of Breckenridge Building Code will be aligned with the international code system; and

WHEREAS, Town staff has held meetings with and solicited input from local, technical building code experts, including but not limited to members of the architectural, mechanical engineering, and construction community; and

WHEREAS, work sessions have been held with Town Council on August 12, 2025; and August 26, 2025 to discuss the adoption of the IECC along with the amendments;

WHEREAS, public educational meetings to introduce the new codes have been held and opportunities for interested party input regarding adoption of this new code have been made available; and

WHEREAS, an analysis done by the Town of Breckenridge Building Department, Mzingo Code Group and Group 14 Engineering retained by the Town of Breckenridge as part of the Energy Grant Awarded by the State of Colorado Energy Office demonstrates reasonable strategic amendments that are based on local market and weather conditions; and

1 WHEREAS, the Chief Building Official, also referred to herein as the “building official” is  
2 authorized to administer and enforce the Building Code; and  
3

4 WHEREAS, as the culmination of input from Town Council, staff expertise, consultant  
5 expertise, and feedback from local design, building, and engineering professionals, the Town  
6 Council believes that the proposed Building Code adoption with amendments will result in more  
7 efficient and higher performance associated with building energy use, including outdoor energy;  
8 and  
9

10 WHEREAS, it is in the furtherance of the public safety, health, and welfare and in the  
11 best interest of the citizens of and visitors to the Town for Breckenridge to continue to maintain a  
12 leadership role in energy code adoption and administration.  
13

14 NOW THEREFORE, BE IT ORDAINED BY THE BRECKENRIDGE TOWN COUNCIL OF THE  
15 TOWN OF BRECKENRIDGE, COLORADO THAT:

16  
17 Section 1. Amend Section 8-1-3(F) of the Breckenridge Town Code to adopt by reference the  
18 International Energy Conservation Code, 2024 Edition, published by the International Energy  
19 Code Council Inc., as well as Sections C406, C410 and R409 of the Colorado Model Low  
20 Energy and Carbon Code, published by the Colorado Energy Office, September 2025.  
21

22 Section 2. Amend Section 8-1-9 of the Breckenridge Town Code, concerning the amendments  
23 to the International Energy Conservation Code, by amending subsection A and repealing  
24 subsections A(1) through A(23) and replacing those provisions as follows:

25 A. The following sections of the International Energy Conservation Code, 2024 Edition,  
26 amended to read as follows:

27 1. **C101.1, Title**, is amended as follows:  
28

29 This code shall be known as the Energy Conservation Code of the Town of Breckenridge  
30 and shall be cited as such. It is referred to herein as “this code”.

31  
32 2. **Section C103.1, Creation of Enforcement Agency**, is amended by adding the name  
33 of the “Town of Breckenridge Building ~~Safety~~ Division.” The rest of the section will  
34 remain unchanged.

35 **C103.1 Creation of enforcement agency.** The Town of Breckenridge Building Safety  
36 Division is hereby created.  
37  
38

1 3. **Section C105.6.2, Compliance Documentation**, is deleted in its entirety.

2  
3  
4 4. **Sectio C401.2** is amended to read as follows:

5 **C401.2 Application.** Commercial buildings shall comply with all the following:

- 6 1. The Colorado Model Electric-Ready and Solar Ready Code commercial  
7 provisions as found in the new Section C410 of the Colorado Model Low Energy  
8 and Carbon Code (LECC), ~~found here~~ (with the exception of the EV requirements  
9 found in Section C410 of this code).
- 10 2. Section C409 Renewable Energy Mitigation Program (REMP), of this code,
- 11 3. Section C410 Electric Vehicle (EV) Ready, of this code, and
- 12 4. Either Section C401.2.1 or C401.2.2, of this code.

13  
14  
15 5. **Section C401.2.1** is amended to read as follows:

16 **C401.2.1 International Energy Conservation Code.** Commercial buildings shall comply  
17 with one of the following:

- 18 1. **Prescriptive Compliance.** The Prescriptive Compliance option requires compliance  
19 with Sections C401.2, C402 through C406 and Section C408. Dwelling units and  
20 sleeping units in Group R-2 buildings shall be deemed to be in compliance with this  
21 chapter, provided that they comply with Sections C401.2 and R406.
- 22 2. **Simulated Building Performance.** The *Simulated Building Performance* option  
23 requires compliance with Section C401.2 and ANSI/ASHRAE/IES 90.1 Appendix G,  
24 as modified to be based on Site Energy Use Intensity in accordance with Section I6 of  
25 Informative Appendix I. Section C407 of this code is deleted entirely. Utilizing the  
26 Simulated Building Performance Option removes all requirements of the IECC and  
27 replaces them with all requirements of ASHRAE 90.1-2022 as applicable, with the  
28 exception of the requirement for compliance with the Colorado Electric Ready and  
29 Solar Ready Code as amended by Section C410 of this code, and Section C409  
30 REMP.

31 **Exception:** *Additions, alterations, repairs* and changes of occupancy to existing  
32 buildings complying with Chapter 5, unless called out within Section C410 of the Model  
33 Low Energy and Carbon Code or REMP.  
34

1       6. **Section C401.2.2** is amended to read as follows:

2       **C401.2.2 ASHRAE 90.1.** Commercial buildings shall comply with Section C410 of the  
3       Model Low Energy and Carbon Code as amended to include Section C410 of this code,  
4       Section C409 REMP, and ASHRAE 90.1-2022. The Energy Cost Budget pathway is  
5       deleted. ANSI/ASHRAE/IES 90.1 Appendix G is modified to be based on Site Energy Use  
6       Intensity in accordance with Section I6 of Informative Appendix I.

7  
8       7. **Section C402.1** is amended to read as follows:

9       **C402.1 General.** Building thermal envelope assemblies for buildings that are intended to  
10       comply with the code on a prescriptive basis in accordance with the compliance path  
11       described in Item 1 of Section C401.2.1 shall comply with the following:

12           1. The opaque portions of the building thermal envelope shall comply with the specific  
13           insulation requirements of Section C402.2 and the thermal requirements of Section  
14           C402.1.2, C402.1.3 or C402.1.4. Where the total area of through penetrations of  
15           mechanical equipment is greater than 1 percent of the opaque above-grade wall area,  
16           the building thermal envelope shall comply with Section C402.1.2.1.8.

17           2. Wall solar reflectance and thermal emittance shall comply with Section C402.3.

18           3. Roof solar reflectance and thermal emittance shall comply with Section C402.4

19           4. Fenestration in the building thermal envelope shall comply with Section C402.5.

20           Where buildings have a vertical fenestration area or skylight area greater than that  
21           allowed in Section C402.5, the building and building thermal envelope shall comply  
22           with Item 2 of Section C401.2.1, C401.2.2 or C402.1.4.

23           5. Air leakage of building thermal envelope shall comply with Section C402.6. Air  
24           barrier and air sealing details, including the location of the *air barrier*, shall comply  
25           with Section C105.2. Proof that an *approved* third party for *air leakage* testing has  
26           been engaged shall be provided.

27           6. Thermal bridges in above-grade walls shall comply with Section C402.7.

28           7. Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated  
29           warehouse freezers shall comply with Section C403.12.

30  
31       8. **Section C402.1.4 Component Performance Method** is amended to read as follows:

1 **C402.1.4 Component performance method.** Building thermal envelope values and  
2 fenestration areas determined in accordance with Equation 4-1 shall be an alternative to  
3 compliance with the maximum allowable fenestration areas in Section C402.5.1.

4 Fenestration shall meet the applicable SHGC requirements of Section C402.5.3.

5 Equation 4-1  $AP + BP + CP + \square AT + BT + CT + - VF - VS$

6 where:

7 AP = Sum of the (area × U-factor) for each proposed building thermal envelope assembly,  
8 other than slab-on-grade or below-grade wall assemblies.

9 BP = Sum of the (length × F-factor) for each proposed slab-on-grade edge condition.

10 CP = Sum of the (area × C-factor) for each proposed below-grade wall assembly.

11 AT = Sum of the (area × U-factor permitted by Tables C402.1.2 and C402.5) for each  
12 proposed building thermal envelope assembly, other than slab-on-grade or below-grade  
13 wall assemblies.

14 BT = Sum of the (length × F-factor permitted by Table C402.1.2) for each proposed slab-on-  
15 grade edge condition.

16 CT = Sum of the (area × C-factor permitted by Table C402.1.2) for each proposed below-  
17 grade wall assembly.

18 PF = Maximum vertical fenestration area allowable by Section C402.5.1, C402.5.1.1 or  
19 C402.5.1.2.

20 QF = Proposed vertical fenestration area.

21 RF = QF – PF, but not less than zero (excess vertical fenestration area).

22 SF = Area-weighted average U-factor permitted by Table C402.5 of all vertical fenestration  
23 assemblies.

24 TF = Area-weighted average U-factor permitted by Table C402.1.2 of all exterior opaque  
25 wall assemblies.

26 UF = SF – TF (excess U-factor for excess vertical fenestration area).

27 VF = RF × UF (excess U × A due to excess vertical fenestration area).

28 PS = Maximum skylight area allowable by Section C402.1.2.

29 QS = Actual skylight area.

30 RS = QS – PS, but not less than zero (excess skylight area).

31 SS = Area-weighted average U-factor permitted by Table C402.5 of all skylights.

32 TS = Area-weighted average U-factor permitted by Table C402.1.2 of all opaque roof  
33 assemblies.

1 US = SS – TS (excess U-factor for excess skylight area).  
2 VS = RS × US (excess U × A due to excess skylight area).

3  
4 9. **Section C403.1** is amended to read as follows:

5 **C403.1 General.** Mechanical systems and equipment serving the building heating, cooling,  
6 ventilating or refrigerating needs shall comply with one of the following:

- 7 1. Section C403.1.1 and Sections C403.2 through C403.17.  
8 2. Data Centers shall comply with Section C403.1.1, Section C403.1.2 and Sections  
9 C403.6 through C403.17.

10  
11 10. **Section C403.12.2 Snow- and ice-melt system controls** is amended to read as  
12 follows:

13 **C403.14.2 Snow- and ice-melt system controls.**

14 Snow- and ice-melt system controls shall include automatic controls in accordance with  
15 REMP Section C409.3.2, #2.

16  
17 11. **Section C404 Service Water Heating** is amended by adding the following new  
18 Section C404.11:

19 **C404.11 Building Water Use Reduction.**

20 All commercial buildings shall comply with the requirements as set forth in Section  
21 C404.11 and as shown in Table C404.11.1.

22 **Exception:** All structures complying with the Department of Energy's Zero Energy  
23 Ready Home National Program do not have to comply with Section C404.11.

24 **Table C404.11.1. PLUMBING FIXTURES AND FITTINGS REQUIREMENTS**

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - flushometer single-flush valve type	Single-flush volume of 1.28 gal (4.8 L)

PLUMBING FIXTURE	MAXIMUM
Water Closets (toilets) - flushometer dual-flush valve type	Full-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - single-flush tank-type	Single-flush volume of 1.28 gal (4.8 L)
Water Closets (toilets) - dual-flush tank-type	Full-flush volume of 1.28 gal (4.8 L)
Urinals	Flush volume 0.5 gal (1.9 L)
Public lavatory faucets	Flow rate - 0.5 gpm (1.9 L/min)
Public metering self-closing faucet	0.25 gal(1.0 L) per metering cycle
Residential bathroom lavatory sink faucets	Flow rate - 1.5 gpm (5.7 L/min)
Residential kitchen faucets	Flow rate - 1.8 gpm (6.8 L/min) <sup>a</sup>
Residential showerheads	Flow rate - 2.0 gpm (7.6 L/min)
Residential shower compartment (stall) in dwelling units and guest rooms	Flow rate from all shower outlets total of 2.0 gpm (7.6 L/min) <sup>211 elk</sup>

1           a. With provision for a temporary override to 2.2 gpm (8.3 L/min) as specified in  
2           Section 404.11.1(g)

3           **C404.11.1 Plumbing Fixtures and Fittings.**

4           Plumbing fixtures (water closets and urinals) and fittings (faucets and  
5           showerheads) shall comply with the following requirements as shown in Table  
6           C404.11.1.

7           A. Water Closets (toilets) - flushometer valve type. For single-flush, maximum  
8           flush volume shall be determined in accordance with ASME A112.19.2/CSA  
9           B45.1 and shall not exceed 1.28 gal (4.8 L) per flush. For dual-flush, the full

1 flush volume shall not exceed 1.28 gal (4.8L) per flush. Dual -flush fixtures  
2 shall also comply with the provisions of ASME A112.19.14.

3 B. Water Closets (toilets) - tank-type. Tank-type water closets shall be certified  
4 to the performance criteria of the USEPA WaterSense Tank-Type High-  
5 Efficiency Toilet Specification and shall have a maximum full-flush volume of  
6 1.28 gal (4.8L) per flush. Dual-flush fixtures shall also comply with the  
7 provisions of ASME A112.19.14.

8 C. Urinals. Maximum flush volume, when determined in accordance with  
9 ASME A112.19.2/CBA B45.1, shall not exceed 0.5 gal (1.9L) per flush.  
10 Flushing urinals shall comply with the performance criteria of the USEPA  
11 WaterSense Specification for Flushing Urinals. Non-water urinals shall comply  
12 with ASME A112.19.19 (vitreous china) or IAPMO Z124.9 (plastic) as  
13 appropriate.

14 D. Public Lavatory Faucets. Maximum flow rate shall not exceed 0.5 gpm  
15 (1.9L/min) when tested in accordance with ASME A112.18.1/CSA B 125.1.

16 E. Public Metering Self-Closing Faucet. Maximum water use shall not exceed  
17 0.25 gal (1.0 L) per metering cycle when tested in accordance with ASME  
18 A112.18.1/CSA B125.1.

19 F. Residential Bathroom Lavatory Sink Faucets. Maximum flow rate shall not  
20 exceed 1.5 gpm (5.7 L) when tested in accordance with ASME A112.18.1/CSA  
21 B125.1. Residential WaterSense High-Efficiency Lavatory Faucet  
22 Specifications.

23 G. Residential Kitchen Faucets. Maximum flow rate shall not exceed 1.8 gpm  
24 (6.8 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.  
25 Kitchen faucets shall be permitted to temporarily increase the flow greater than  
26 1.8 gpm (6.8 L/min) but shall not exceed 2.2 gpm (8.3 L/min) and must  
27 automatically revert to the established maximum flow rate of 1.8 gpm (6.8  
28 L/min) upon physical release of the activation mechanism or closure of the  
29 faucet valve.

30 H. Residential Showerheads. Maximum flow rate shall not exceed 2.0 gpm  
31 (7.6 L/min) when tested in accordance with ASME A112.18.1/CSA B125.1.  
32 Residential showerheads shall comply with the performance requirements of  
33 the USEPA WaterSense Specifications for Showerheads.

1 I. Residential Shower Compartment (stall) in Dwelling Units and Guest Rooms.  
2 The allowable flow rate from all shower outlets (including rain systems,  
3 waterfalls, body sprays, and jets) that can operate simultaneously shall be  
4 limited to a total of 2.0 gpm (7.6 L/min).

5 **Exception:** Where the area of a shower compartment exceeds 2600 inch<sup>2</sup> (1.7  
6 m<sup>2</sup>), an additional flow of 2.0 gpm (7.6 L/min) shall be permitted for each  
7 multiple of 2600 inch<sup>2</sup> (1.7 m<sup>2</sup>) of floor area or fraction thereof.

8 J. Water Bottle Filling Stations. Water bottle filling stations shall be an integral  
9 part of, or shall be installed adjacent to, not less than 50% of all drinking  
10 fountains installed indoors on the premises.

11  
12 **C404.11.2 Appliances.**

13 Commercial appliances shall comply with the following requirements:

14 A. Clothes Washers and Dishwashers installed within dwelling units shall  
15 comply with the ENERGY STAR program requirements for Clothes Washers  
16 and ENERGY STAR Program requirements for Dishwashers. Maximum water  
17 use shall be as follows:

18 1. Clothes Washers - Maximum water factor (WF) of 5.4 gal/ft<sup>3</sup> of drum  
19 capacity (0.7 L/L of drum capacity)

20 2. Dishwashers - Standard size dishwashers shall have a maximum WF  
21 3.8 gal/full operating cycle (14.3 L/full operating cycle). Compact sizes  
22 shall have a maximum WF of 3.5 gal/full operating cycle (13.2 L/full  
23 operating cycle). Standard and compact size shall be defined by ENERGY  
24 STAR criteria.

25 B. Clothes washers installed in publicly accessible spaces (multifamily and  
26 hotel common areas), and coin/card operated clothes washers of any size  
27 used in laundromats, shall have a maximum WF of 4.0 gal/ft<sup>3</sup> of drum capacity  
28 during normal cycle (.053 L/L of drum capacity during normal cycle).

29 C. Commercial dishwashers in commercial food service facilities shall meet all  
30 ENERGY STAR requirements as listed in the ENERGY STAR Program  
31 requirements for Commercial Dishwashers, Version 2.0.

32 **C404.11.3 Commercial Food Service Operations.**

1 Commercial food service operations (restaurants, cafeterias, food preparation  
2 kitchens, caterers, etc.) shall comply with the following requirements:

3 A. Shall use high-efficiency pre rinse spray valves (i.e. valves that function at  
4 1.3 gpm (4.9 L/min) or less and comply with a 26 second performance  
5 requirement when tested in accordance with ASTM F2324.

6 B. Shall use dishwashers that comply with the requirements of the ENERGY  
7 STAR Program for Commercial Dishwashers.

8 C. Shall use boiler-less/connectionless food steamers that consume no more  
9 than 2.0 gal/h (7.5 L/h) in the full operational mode.

10 D. Shall use combination ovens that consume not more than 10 gal/h (38 L/h)  
11 in full operational mode.

12 E. Shall use air-cooled ice machines that comply with the requirements of the  
13 ENERGY STAR Program for Commercial Ice Machines.

14 F. Shall be equipped with hands-free faucet controllers (foot controllers, sensor  
15 activated, or other) for all faucet fittings within the food preparation area of the  
16 kitchen and the dish room, including pot sinks and washing sinks.

17 **C404.11.4 Medical and Laboratory Facilities.**

18 Medical and laboratory facilities, including clinics, hospitals, medical centers,  
19 physician and dental offices, and medical and nonmedical laboratories of all types  
20 shall comply with the following:

21 A. Use only water-efficient steam sterilizers equipped with:

22 1. Water-tempering devices that allow water to flow only when the  
23 discharge of condensate or hot water from the sterilizer exceeds 140°F  
24 (60°C).

25 2. Mechanical vacuum equipment in place of venture-type vacuum  
26 systems for vacuum sterilizers.

27 B. Use film processor water-recycling units where large-frame X-ray films of  
28 more than 6 inches (150 mm) in either length or width are processed.

29 **Exception:** Small dental X-ray equipment is exempt from this requirement.

1 C. Use digital imaging and radiography systems where the digital networks are  
2 installed.

3 D. Use a dry-hood scrubber system or, if the applicant determines that a wet-  
4 hood scrubber is required, the scrubber shall be equipped with a water  
5 recirculation system. For perchlorate hoods and other applications where a  
6 hood wash-down system is required, the hood shall be equipped with self-  
7 closing valves on those wash down systems.

8 E. Use only dry vacuum pumps unless fire and safety codes (International Fire  
9 Code) for explosive, corrosive, or oxidative gases require a liquid ring pump.

10 F. Use only efficient water treatment systems that comply with the following  
11 criteria:

12 1. For all filtration processes, pressure gauges shall determine and display  
13 when to backwash or change cartridges.

14 2. For all ion exchange and softening processes, recharge cycles shall be  
15 set by volume of water treated or based on conductivity or hardness.

16 3. For reverse osmosis and nanofiltration equipment with a capacity  
17 greater than 27 gal/h (100 L/h), reject water shall not exceed 60% of the  
18 feed water and shall be used as scrubber feed water or for the other  
19 beneficial uses on the project site.

20 4. Simple distillation is not an acceptable means of water purification.

21 G. With regard to food service operations within medical facilities, comply with  
22 Section 404.11.3.

23 12. **Section C405.2.8.1** is amended to read as follows:

24 **C405.2.8.1 Demand responsive lighting control function.** Where installed, demand  
25 responsive controls for lighting shall be capable of the following: (remainder of section  
26 unchanged)

27

28 13. **Section C405.2.10.2**, subnumeral 2 is amended to read as follows:

29 **C405.2.10.2 Sleeping units in congregate living facilities.**

1 2. Each unit shall have a manual control by the entrance that turns off all lighting and where  
2 installed, switched receptacles in the unit, except for lighting in bathrooms and kitchens.  
3 The manual control shall be marked to indicate its function.

4  
5 14. **Section C405.15 Renewable energy systems** is deleted in its entirety.

6  
7  
8 15. **Section C406** is deleted in its entirety and replaced with Section C406 of the Colorado  
9 Model Low Energy and Carbon Code.

10  
11 16. **Section C409 is deleted in its entirety and replaced as follows:**

12 **C409 Title.**

13 Renewable Energy Mitigation Program (REMP) – Commercial Provisions

14 **C409.1 Scope.**

15 This section establishes criteria for compliance with the Breckenridge Renewable  
16 Energy Mitigation Program (REMP). The scope of this program includes exterior  
17 energy uses and energy production to offset exterior energy use.

18 **C409.2 Mandatory Requirements.**

19 Mandatory Requirements. Compliance with this section requires that the provisions of  
20 this section be followed for all exterior energy use. Compliance with this section will be  
21 documented via the free Public Domain tool "Breckenridge REMF Calculation Sheet" in  
22 the most current version at the time of permit application. Projected energy use,  
23 associated energy offset required, fees and credits are defined within this tool.

24 Credits for on-site renewable energy. The payment-in-lieu option is voluntary.  
25 Applicants interested in exterior energy use systems can alternatively choose to  
26 produce on-site renewable energy with renewable energy systems such as solar  
27 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient  
28 technology of ground source heat pumps is also permitted for supplemental on-site  
29 energy.

30 **C409.3 Exterior energy uses.**

31 Commercial exterior energy uses (per list below) may be installed only if the  
32 supplemental energy meets the requirements of the Renewable Energy Mitigation

1 Program. This applies to all installation for which an application for a permit is filed or is  
2 by law required to be filed with or without an associated Building Permit. This does not  
3 apply to work on existing systems that were permitted prior to this code.

4 1. Snowmelt (i.e. driveways, patios, walkways, etc.)

5 2. Exterior pools

6 3. Exterior hot tubs and spas

7 4. Permanent natural gas or electric systems for heating outdoor commercial spaces.

8 **C409.3.1 On-site renewable credits.**

9 Credits for renewable energy production will be calculated and applied per  
10 "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable  
11 energy methods listed in the calculator include: solar photovoltaic, solar thermal,  
12 ground source heat pumps, hydroelectric and wind power. Provision for alternative  
13 method calculations is also provided, but it will require specific review and approval by  
14 the Building Official.

15 **C409.3.2 Snowmelt systems.**

16 1. R-15 insulation shall be installed under all areas to be snowmelted.

17 2. Required snowmelt controls. All systems are required to have automated controls to  
18 limit operation to when moisture is present, outdoor air temperature is below 40F and  
19 above 20F, and the slab temperature shall be controlled via slab temperature sensing  
20 to a maximum of 38F. Idling of commercial slabs is only allowed where public safety is  
21 a factor.

22 3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric  
23 resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
24 the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
25 boiler operation.

26 4. Up to 100 square feet of snowmelt per emergency egress pathway is exempt.

27 **C409.3.3 Exterior pools.**

28 1. Pool covers are required for all pools, with a minimum R-value of 2.

29 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric  
30 resistance and heat pump heaters will be allowed. Where condensing boilers are used,

1 the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
2 boiler operation.

3 **C409.3.4 Exterior hot tubs and spas.**

4 1. Hot tub and spa covers are required for all hot tubs and spas, with a minimum R-  
5 value of 12.

6 2. Hot tub and spa heating appliances will have a minimum efficiency of 92% AFUE.  
7 Electric resistance and heat pump heaters will be allowed. Where condensing boilers  
8 are used, the boiler supply water temperature shall be a maximum of 130F to allow for  
9 efficient boiler operation.

10 **C409.3.5 Other permanent natural gas or electric heating and cooking elements.**

11 1. A combined 350,000 BTU budget is allowed for permanent natural gas or electric  
12 heating and cooking elements at a reduced renewable offset requirement.

13 **C409.3.6 Gas fireplace, firepit, fire table controls.**

14 Commercial outdoor natural gas fireplaces, firepits, and fire tables shall include timers  
15 required to limit the run time of the system. Controls and switching shall be configured  
16 so as not to allow continuous operation.

17 **C409.3.7 Electric heat tape controls.**

18 Electric roof and gutter deicing systems shall include either automatic controls capable  
19 of shutting off the system when outdoor temperature is above 40F and below 25F, and  
20 which limit the use of the system to daylight hours by means of a programmable timer  
21 or automated clock, or moisture detection sensors.

22 **C409.4 Permit Validity.**

23 A permit shall not be valid until all fees as in effect at the time of permit submittal are  
24 paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a  
25 change order to the permit be released until the additional fees, if any, have been paid.  
26 REMP compliance will be verified at Certificate of Occupancy or Certificate of  
27 Completion according to the proposed plans. C.O. can be withheld if the project is non-  
28 compliant.

29 **C409.5 Pre-existing systems.**

1 Pre-existing systems, for which a prior permit was applied for and granted prior to the  
2 effective date of this code, are exempt from this program. Additions or expansions of  
3 existing systems that require a permit will require compliance with this above code  
4 program.

5 Pre-existing systems for which a prior REMP payment was paid and which seek to be  
6 replaced shall receive a pro-rated credit calculated by the number of years since prior  
7 REMP payment divided by 20 years. For example, a REMP payment made for a  
8 system permitted 10 years prior to the current replacement being sought will receive  
9 credit for ½ of the prior REMP payment and that amount shall be deducted from the  
10 REMP payment owed on the replacement. For renewable systems installed on site, full  
11 credit will be given for up to 20 years after the date of installation. Credits will only be  
12 applied to properly permitted and functioning systems within the scope of the adopted  
13 Energy Code and applicable Mechanical and Electrical Codes. Systems installed prior  
14 to 20 years before the date of permit application are not eligible for pro-ration of system  
15 credits.

16 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
17 etc.) or renewable energy systems will not require submittal to the REMP program.

18 **C409.6 Solar photovoltaic systems.**

19 System designer and installer must be certified by Colorado Solar Energy Industries  
20 Association (COSEIA) or North American Board of Certified Energy Practitioners  
21 (NABCEP), or a licensed Professional Engineer in the State of Colorado.

22 **C409.6.1 Solar thermal.**

23 The size of solar hot water systems is limited to 500 square feet of collector area  
24 absent approval by the Building Official. Systems larger than this limit will be  
25 considered but will require documentation showing year-round utilization of the system.

26 **C409.6.2 Ground source heat pumps.**

27 In order to use ground source heat pumps for on-site renewable credit, the GSHP  
28 system must supply at least 20% of the peak load for heating all the exterior energy  
29 uses. Each GSHP shall be tested and balanced and the design engineer shall certify in  
30 writing that it meets or exceeds a design coefficient of performance of 3.0 inclusion of  
31 source pump power. Design conditions for determining COP will be 30F ground loop  
32 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.  
33

17. New **Section C410** is added as follows:

**C410 Electric Vehicle (EV) Ready.**

**C410.1 General.** The provisions of this section shall be applicable for new *commercial buildings*, and major renovations and *additions*.

**C410.2 Electric Vehicle Power Transfer Infrastructure.** Where new parking is provided for *commercial buildings*, it shall be provided with electric vehicle power transfer infrastructure in accordance with Sections C410.2.1 through C410.2.8.

**C410.2.1 Quantity.** The number of required *EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces* shall be determined in accordance with this section and Table C410.2.1 based on the total number of vehicle parking spaces provided and shall be rounded up to the nearest whole number. This includes all covered parking under carports or detached garages.

**Table C410.2.1 EV Power Transfer Infrastructure Requirements**

<b>Building Type/Space Type</b>	<b>Level 2 EVSE Installed Spaces</b>	<b>Level 2 EV ready Spaces</b>	<b>Level 2 EV Capable Spaces</b>	<b>Level 2 EV Capable Light Spaces</b>
<b>Commercial buildings, except for Group R-2 occupancies, with 15 or fewer parking spaces</b>	<b>1</b>	20% of spaces (not fewer than 2)	0	0
<b>Commercial buildings, except for Group R-2 occupancies, with greater than 15 parking spaces</b>	2% of spaces	8% of spaces	10% of spaces	10% of spaces
<b>Group R-2 occupancies with 10 or fewer parking spaces</b>	<b>1</b>	15% of spaces	10% of spaces	10% of spaces
<b>Group R-2 occupancies with greater than 10 parking spaces</b>	5% of spaces	15% of spaces	10% of spaces	30% of spaces

**C410.2.1.1 Multiple Parking Lots.** Where more than one parking lot is provided on a *building site*, the number of vehicle parking spaces provided is required to have *EV power transfer infrastructure* shall be calculated separately for each parking lot.

1 **C410.2.1.2 Group R-2 Occupancies.** *Group R-2* occupancies shall use the total parking  
2 requirement for the entire development to determine the *EV* power transfer infrastructure  
3 requirements of Table C410.2.1.  
4

5 **C410.2.1.3 Space Type Substitutions.** *Commercial buildings* shall be permitted to  
6 substitute *EV* parking spaces required in Table C410.2.1 in accordance with Sections  
7 C410.2.1.3.1 through C410.2.1.3.5.  
8

9 **C410.2.1.3.1 DC Fast Charging.** For *commercial buildings* that install a *DCFC EVSE*, each  
10 *DCFC EVSE* installed shall be permitted to be substituted for other space types as follows:

- 11 1. *Commercial buildings* other than *Group R-2* occupancies shall be permitted to  
12 substitute up to 10 spaces when the *building* provides a minimum of 20 percent of  
13 parking spaces as a combination of *EV capable*, *EV ready*, or *EVSE installed*  
14 *spaces*.
- 15 2. *Group R-2* occupancies shall be permitted to substitute up to 5 spaces when the  
16 *building* provides a minimum of 60 percent of parking spaces as a combination of  
17 *EV capable light*, *EV capable*, *EV ready*, or *EVSE installed spaces*.  
18

19 **C410.2.1.3.2 Excess EVSE Installed Spaces.** *EVSE installed spaces* that exceed the  
20 minimum requirements of this section are permitted to be used to meet minimum  
21 requirements for *EV ready spaces*, *EV capable spaces*, and *EV capable light spaces*.  
22

23 **C410.2.1.3.3 Excess EV Ready Spaces.** *EV ready spaces* that exceed the minimum  
24 requirements of this section are permitted to be used to meet minimum requirements for *EV*  
25 *capable spaces* and *EV capable light spaces*.  
26

27 **C410.2.1.3.4 Excess EV Capable Spaces.** *EV capable spaces* that exceed the minimum  
28 requirements of this section are permitted to be used to meet minimum requirements for *EV*  
29 *capable light spaces*.  
30

31 **C410.2.1.3.5 Attached garages.** All attached garages with direct connection to a *dwelling*  
32 *unit* will be required to have one Level 2 *EV ready space*.  
33

34 **Exception:** One- and two-family dwellings built under the International Residential Code

1  
2 **C410.2.2 Level 2 EV Capable Light Spaces.** Each *EV capable light space* shall comply with  
3 all the following:

- 4 1. A continuous raceway and/or conduit shall be installed between a suitable electrical  
5 panel or other electrical distribution equipment and terminate within 3 feet of the *EV*  
6 *capable light space* and shall be capped. *EV capable light* includes two adjacent  
7 parking spaces if the raceway and/or conduit terminates adjacent to and between  
8 both parking spaces.

9 **Exception:** Conduit installed with a pull string from the termination locations at parking  
10 spaces to a location of a future transformer or future electrical panel with electrical  
11 service size determined at the time of future permit.

- 12 2. Installed raceway and/or conduit shall be sized and rated to supply a minimum of  
13 208/240 volts and a minimum of 40-ampere rated circuits.  
14 3. Dedicated physical space to accommodate all equipment necessary for electrical  
15 service to future *EVSE*.  
16 4. The routing of the raceway and/or conduit must be noted on the construction  
17 documents and the raceway shall be permanently and visibly marked “EV  
18 CAPABLE” at the load center and termination point locations.

19  
20 **C410.2.3 Level 2 EV Capable Spaces.** Each *EV capable space* shall comply with all the  
21 following:

- 22 1. A continuous raceway and/or conduit with a pull string from the termination  
23 locations at parking spaces shall be installed between a suitable electrical panel or  
24 other electrical distribution equipment and terminate within 3 feet of the *EV capable*  
25 *space* and shall be capped. *EV capable* includes two adjacent parking spaces if the  
26 raceway and/or conduit terminates adjacent to and between both parking spaces.  
27 2. The installed raceway and/or conduit shall be sized and rated to supply a minimum  
28 of 208/240 volts and a minimum of 40-ampere rated circuits.  
29 3. The electrical panel or other electrical distribution equipment to which the raceway  
30 and/or conduit connects shall have sufficient dedicated space and spare electrical  
31 capacity to supply a minimum of 208/240 volts and a minimum of 40-ampere rated  
32 circuits.

1 4. The termination point of the conduit and/or raceway and the electrical distribution  
2 equipment directory shall be marked: "For future electric vehicle supply equipment  
3 (EVSE)."

4 5. Reserved capacity shall be no less than 8.3 kVA (40A 208/240V) for each *EV*  
5 *capable space*.  
6

7 **C410.2.4 Level 2 EV Ready Spaces.** Each *EV ready space* shall have a branch circuit that  
8 complies with all the following:

9 1. Terminates at a receptacle or junction box located within 3 feet of each *EV ready*  
10 *space* it serves. *EV ready* includes two adjacent parking spaces if the receptacle is  
11 installed adjacent to and between both parking spaces.

12 2. It has a minimum circuit capacity of 8.3 kVA (40A 208/240V).

13 3. The electrical panel, electrical distribution equipment directory, and all outlets or  
14 enclosures shall be marked "For future electric vehicle supply equipment (EVSE)."  
15

16 **C410.2.5 Level 2 EVSE Installed Spaces.** An installed *EVSE* with multiple output  
17 connections shall be permitted to serve multiple *EVSE installed spaces*. Each *Level 2 EVSE*  
18 installed serving either a single *EVSE installed space* or multiple *EVSE installed spaces* shall  
19 comply with all the following:

20 1. Have a minimum charging rate in accordance with Section C410.2.7.

21 2. Be located within 3 feet of each *EVSE installed space* it serves.

22 3. Be installed in accordance with Section C410.2.8.

23 4. Have a minimum circuit capacity of 8.3 kVA (40A 208/240V).  
24

25 **C410.2.6 Level 2 EVSE Minimum Charging Rate.** Each installed *Level 2 EVSE* shall  
26 comply with one of the following:

27 1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).

28 2. When serving multiple *EVSE installed spaces* and controlled by an energy  
29 management system providing load management, be capable of simultaneously  
30 sharing each *EVSE installed space* at a minimum charging rate of not less than 3.3  
31 kVA.  
32

33 **C410.2.7 EVSE Installation.** *EVSE* shall be installed in accordance with NFPA 70 and shall  
34 be listed and labeled in accordance with UL 2202 or UL 2594.

1  
2 **C410.2.8 Accessible EV Parking Spaces.** For Level 2 *EVSE installed spaces* required by  
3 Table C410.2.1, a minimum of 5 percent (not less than one space) shall be van accessible  
4 spaces in accordance with Section 1107.2.2 of the International Building Code. In addition, 5  
5 percent (not less than one space) of the total vehicle parking spaces required by Table  
6 C410.2.1 to be Level 2 *EV ready, EV capable, or EV capable light spaces* shall meet one of  
7 the following:

- 8 1. Be van accessible parking spaces in accordance with Section 1107.2.2 of the  
9 International Building Code.
- 10 2. Have the electrical infrastructure that is required by Section C410.2.2 for *EV*  
11 *capable light spaces*, Section C410.2.3 for *EV capable spaces*, or Section C410.2.4  
12 for *EV ready spaces* be configured so that future *EVSE* shall be capable of serving  
13 van accessible parking spaces.

14  
15  
16 18. **Section R101.1 Title** is amended as follows:

17  
18 **R101.1 Title** This code shall be known as the Energy Conservation Code of the Town of  
19 Breckenridge and shall be cited as such. It is referred to herein as “**this code**”.

20  
21 19. **Section R103.1 Creation of enforcement agency** is amended as follows:

22 **R103.1 Creation of enforcement agency.** The Town of Breckenridge Building Division is  
23 hereby created (remainder of sentence to be unchanged)

24  
25 20. A new **Section R104.1.1.1 Deemed to comply** section is added to the requirements  
26 for Above Code Programs:

27 **R104.1.1.1 Deemed to comply.** The following programs shall be considered deemed to  
28 comply with the above code program requirements as found in Section R104.1.1

- 29 1. The Department of Energy’s Zero Energy Ready Homes (ZERH) program, Version  
30 2most recently published at time of permit submittal, shall be deemed to comply as  
31 an above code program when including new Section R409 of the Colorado Model  
32 Low Energy and Carbon Code, and the REMP provisions found in R409 of this  
33 Code.

1           2. The State of Colorado Model Low Energy and Carbon Code – Residential  
2           Provisions, plus the REMP provisions as found in R409 of this code shall be met.

3  
4           21. Section R401.2 Application is amended to read as follows:

5           **R401.2 Application.** Residential buildings shall comply with all of the following:

- 6           1. the Colorado Model Electric Ready and Solar Ready Code, as updated in New  
7           Section R409 of the Model Low Energy and Carbon Code.
- 8           2. Section R409 (of this code)Breckenridge Renewable Energy Mitigation Program  
9           (REMP), and
- 10          3. either Section R401.2.1, R401.2.2, or R401.2.3.

11           **Exceptions**

- 12          1. Additions, alterations, repairs and changes of occupancy to existing buildings  
13          complying with Chapter 5, unless otherwise noted in the Colorado Model Electric  
14          Ready and Solar Ready Code and R409 (REMP) of this code.
- 15          2. Residential buildings complying with the Department of Energy's Zero Energy Ready  
16          Homes (ZERH) Program in accordance with Section R104.1.1.
- 17          3. Residential buildings complying with the Residential Provisions of the Colorado State  
18          Model Low Energy and Carbon Code in its entirety.

19  
20  
21          22. **Table R402.1.2** U-Factor Assemblies is amended to change the Vertical Fenestration  
22          U-factor from .27 to .30 and remove footnote d. in its entirety.

23  
24  
25          23. **Table R402.1.3** R-Value Alternative is amended to change the Vertical Fenestration U-  
26          factor from .27 to .30 and remove footnote g. in its entirety.

27  
28  
29          24. **Section R402.2.13 Sunroom and Heated Garage Insulation** is amended by  
30          removing the exception in its entirety. The remainder of R402.2.13 is unchanged.

31  
32  
33          25. New **Section R402.2.14 Thermal Bridging** is added as follows:

34          **R402.2.14 Thermal bridges in above-grade walls.** Thermal bridges in above-grade walls  
35          shall comply with Sections R402.2.14.1 through R402.14.3 or an approved design.

36          **Exceptions:**

- 1 1. Any thermal bridge with a material thermal conductivity not greater than 3.0 Btu/h-ft-  
2 °F.
- 3 2. Blocking, coping, flashing, and other similar materials for attachment of roof coverings.
- 4 3. Thermal bridges accounted for in the U-factor or C-factor for a building thermal  
5 envelope.

6  
7 **R402.2.14.1 Balconies and floor decks.** Balconies and concrete floor decks shall not  
8 penetrate the building thermal envelope. Such assemblies shall be separately supported or  
9 shall be supported by approved structural attachments or elements that minimize thermal  
10 bridging through the building thermal envelope.

11 **Exceptions:** Balconies and concrete floor decks shall be permitted to penetrate the  
12 building thermal envelope where:

- 13 1. an area-weighted U-factor is used for above-grade wall compliance which  
14 includes a U-factor of 0.8 Btu/h-°F-ft<sup>2</sup> for the area of the above-grade wall  
15 penetrated by the concrete floor deck, or
- 16 2. an approved thermal break device of not less than R-10 is installed in  
17 accordance with the manufacturer's instructions.

18  
19 **R402.2.14.2 Cladding supports.** Linear elements supporting opaque cladding shall be off  
20 set from the structure with attachments that allow the continuous insulation, where present,  
21 to pass behind the cladding support element.

22 **Exceptions:**

- 23 1. An approved design where the above-grade wall U-factor used for compliance  
24 accounts for the cladding support element thermal bridge.
- 25 2. Anchoring for curtain wall and window wall systems.

26  
27 **R402.2.14.3 Structural beams and columns.** Structural steel and concrete beams and  
28 columns that project through the building thermal envelope shall be covered with not less  
29 than R-5 insulation for not less than 2 feet (610 mm) beyond the interior or exterior surface  
30 of an insulation component within the building thermal envelope.

31 **Exceptions:**

- 32 1. Where an approved thermal break device is installed in accordance with the  
33 manufacturer's instructions.

1 2. An approved design where the above-grade wall U-factor used to demonstrate  
2 compliance accounts for the beam or column thermal bridge.

3  
4  
5 26. **Section R402.4 Fenestration** has been amended to read as follows:

6 **R402.4 Fenestration.** In addition to the requirements of Section R402, fenestration shall  
7 comply with Sections R402.4.1 through R402.4.6.

8  
9  
10 27. **Section R402.4.5 Sunroom and heated garage fenestration** is amended to remove  
11 the exception in its entirety. The remainder of R402.4.5 is unchanged.

12  
13 28. A new **Section R402.4.6** is added as follows:

14 **R402.4.6 Maximum area.** The vertical fenestration area, not including opaque doors and  
15 opaque spandrel panels, shall be not greater than 30 percent of the gross above grade  
16 framed wall area enclosing conditioned space. The skylight area shall be not greater than 3  
17 percent of the gross roof area over conditioned space.

18 **Exception:** Vertical fenestration in residential buildings complying with an above  
19 code program in accordance with Sections R104.1.1 or R104.1.1.1

20  
21  
22 29. **Section R403.1.1 Programmable Thermostats** is amended by adding the following  
23 Exception. The remainder of Section R403.1.1 is unchanged:

24 **Exception:** Thermostats serving hydronic radiant systems

25  
26 30. **Section R403.5.1.2 Heat Trace systems** is deleted and replaced with the following:  
27 **R403.5.1.2 Electric heat tape controls.** Electric roof and gutter deicing systems shall  
28 include automatic controls in accordance with REMP Section R411.1.

29  
30 31. **Section R403.7.1 Electric-resistance space heating** is amended to read as follows:

31  
32 **R403.7.1 Electric-resistance space heating.** Detached one- and two-family dwellings  
33 and multiple single-family dwellings (townhouses) and Group R-2, R-3 and R-4 buildings  
34 three stories or less in height above grade plane in Climate Zone ~~4 through 8~~ shall not use  
35 electric-resistance for space heating.

1           **Exceptions:**

- 2           1. Where electric-resistance heating is used for heat pump supplementary heat in  
3           accordance with Section R403.1.2.  
4           2. Electric-resistance heating used for freeze protection.  
5           3. Electric-resistance heating where the criteria in Section R408.2.2.2 for evaporative  
6           cooling are met.  
7           4. Electric-resistance heating not exceeding a cumulative total of 1kW per dwelling  
8           unit, with a thermostat and fan.  
9           5. Electric-resistance heating that is 100% offset by renewable energy  
10          6. Electric-resistance heating where the criteria in Section R408.2.1.1(6)≥20%  
11          reduction in total TC are met.

12  
13  
14          32. **Section R403.9.2 Snow- and ice-melt system controls** is amended to read as  
15          follows:

16          **R403.9.2 Snow- and ice-melt system controls.**

17          Snow- and ice-melt system controls shall comply with REMP Section R409.3.2, item #2.

18  
19  
20          33. A new **Section R403.13 WaterSense** is added as follows:

21          **R403.13 WaterSense.** All water-using appliances and plumbing fixtures within the  
22          residential building shall be EPA WaterSense labeled products.

23  
24  
25          34. **Section R404.4 Renewable energy certificate (REC) documentation** is deleted in  
26          its  
27          entirety.

28  
29  
30          35. **Section R405.2 Simulated building performance compliance**, item #3, is amended  
31          as follows. The remainder of Section R405.2 is unchanged:

32          **R405.2 Simulated building performance compliance.**

- 33          3. ~~For all dwelling units, the annual energy cost of the proposed design shall be~~  
34          ~~less than or equal to 85 percent of the annual energy cost of the standard~~  
35          ~~reference design.~~ For each dwelling unit with greater than 4500 square feet of

1 conditioned space, the annual energy cost of the dwelling unit shall be reduced  
2 by an additional 5 percent of annual energy cost of the standard reference  
3 design. Energy prices shall be taken from an approved source, such as the US  
4 Energy Information Administration’s State Energy Data system prices and  
5 expenditures reports. Code official shall be permitted to require time-of-use  
6 pricing in energy cost calculations. Heated garages shall be evaluated separately  
7 from the remainder of the home by showing compliance with the Prescriptive R-  
8 Value or U-Factor thermal envelope provisions and will not require air leakage  
9 testing.

10 **Exception:** Buildings complying with Section R405.2 Simulated Building  
11 Performance, utilizing a site energy use target as found in the Colorado Model Low  
12 Energy and Carbon Code (LECC).

13  
14  
15 36. **Section R406.3 Building thermal envelope** is amended by adding the following  
16 sentence to the end of the Section (remainder of section unchanged):

17 **R406.3** Heated garages shall be evaluated separately from the remainder of the home by  
18 showing compliance with the Prescriptive R-Value or U-Factor thermal envelope provisions,  
19 with the exception of air leakage testing.

20  
21  
22 37. **Section R407 Tropical Climate Region Compliance Path** is deleted in its entirety.

23  
24  
25 38. **Section R408.2 Additional energy efficiency credit requirements** is amended as  
26 follows:

27 **R408.2 Additional energy efficiency credit requirements.** Residential buildings shall  
28 earn not less than 10 credits from not less than two measures specified in Table R408.2.  
29 Five additional credits shall be earned for dwelling units with more than 4500 square feet of  
30 conditioned space (remainder of text unchanged).

31 **Exception:** Residential buildings complying with Section R408.3 Additional energy  
32 efficiency prescriptive Pathway on a Platter requirements.

1 39. **Table R408.2 Credits for Additional Energy Efficiency** is amended by the following:

- 2  
3 a. Change Table R408.2.1.2 Improved Fenestration to a U-Factor of .28 for residential  
4 buildings up to 4500 sq ft of conditioned space and .25 for homes 4500 sq ft or larger  
5 for Climate Zone 7.  
6 b. Delete credits allowed for R408.2.2(2) and R408.2.2(3), also deleting the  
7 subsections R408.2.2(2) and (3) in their entirety.  
8 c. Delete credits allowed for R408.2.5(1) and R408.2.5(3), also deleting the  
9 subsections R408.2.5 (1) and (3) in their entirety.

10  
11  
12 40. Add new **Section R408.3 Additional energy efficiency Prescriptive Pathway on a**  
13 **Platter Requirements**, as follows:

14 **R408.3 Additional energy efficiency Prescriptive Pathway on a Platter Requirements.**

15 Residential buildings utilizing this optional prescriptive platter approach to additional energy  
16 efficiency shall comply with R408.3.1 or R408.3.2 as applicable.

17  
18 **R408.3.1 Regular Platter Requirements.** Residential buildings that enclose 4500 square  
19 feet or less of conditioned space shall include all of the following additional efficiency  
20 requirements:

- 21 1. If forced air-furnace system installed, minimum 97% AFUE, 100% of ducts inside  
22 conditioned space and space conditioning equipment utilized for heating is located  
23 completely inside condition space.  
24 2. If Radiant heating system installed, minimum 95% AFUE in combination with hydronic  
25 thermal distribution system and space conditioning equipment is located completely  
26 inside condition space.  
27 3. If heat pump installed, must be cold climate heat pump with minimum ability to meet  
28 ~~100~~90% capacity at 5 degrees Fahrenheit or as first approved by the code official.  
29 4. If stand-alone gas water heater installed, must be minimum .86 Uniform Energy Factor  
30 (UEF)  
31 5. If electric water heater is installed, must meet minimum 2.2 Uniform Energy Factor  
32 (UEF) for integrated HPWH or UEF 3.75 for split-system HPWH.  
33 6. Window U-Factor of .28 in accordance with R408.2.1.2.  
34 7. Maximum Vertical Fenestration Area of 30% in accordance with R402.4.6.

1 In Addition to the above items, one additional selection from the list below shall be required  
2 in order to Comply with this Section:

- 3 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the  
4 top plate and verified by approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 5 • An air leakage rate equal to or less than 2.3 ACH50 or an air leakage rate equal to 2.5  
6 ACH50 plus air sealing inspection performed by Approved 3<sup>rd</sup> party meeting the  
7 requirements of Section R107.4.
- 8 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of  
9 conditioned space.

10  
11 **R408.3.2 Large Platter Requirements.** Residential buildings that enclose greater than  
12 4500 square feet of conditioned-living space shall include all of the Regular Platter  
13 Requirements as found in R408.3.1, plus two additional selections from the list below:

- 14 • A 10% reduction in total Thermal Conductance in accordance with R408.2.1.1(4)
- 15 • An air leakage rate equal to or less than 2.3 ACH50 with ERV or HRV installed in  
16 accordance with R408.2.5(2) or air leakage rate equal to 2.5 ACH50 plus air sealing  
17 inspection performed by Approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 18 • R-60 roof/ceiling insulation installed, or R49 roof/ceiling installed uncompressed over the  
19 top plate and verified by approved 3<sup>rd</sup> party meeting the requirements of Section R107.4.
- 20 • A Window U-Factor of .25 in accordance with R408.2.1.2
- 21 • On-site renewable energy measure, minimum 1.0 watt PV system per square foot of  
22 conditioned space.
- 23 • No exterior energy use is required to be mitigated as defined by Sections R409-R414.2.

24  
25  
26 41. **Sections R409- R409.7.2 Renewable Energy Mitigation Program (REMP)** are  
27 added as follows:

28 **R409 Title.** Renewable Energy Mitigation Program (REMP) – Residential Provisions

29 **R409.1 Scope.**

30 This section establishes criteria for compliance with the Breckenridge Renewable  
31 Energy Mitigation Program (REMP). The scope of this program includes exterior  
32 energy uses and energy production to offset exterior energy use.

1 **R409.2 Mandatory Requirements.**

2 Compliance with this section requires that the provisions of this section be followed for  
3 all exterior energy use. Compliance with this section will be documented via the free  
4 Public Domain tool "Breckenridge REMP Calculation Sheet" in the most current version  
5 at the time of permit application. Projected energy use, associated energy offset  
6 required, fees and credits are defined within this tool.

7 Credits for on-site renewable energy. The payment-in-lieu option is voluntary.  
8 Applicants interested in exterior energy use systems can alternatively choose to  
9 produce on-site renewable energy (Section R412) with renewable energy sources such  
10 as solar photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient  
11 technology of ground source heat pumps is also permitted for supplemental on-site  
12 energy.

13 **R409.3 Exterior energy uses.**

14 Residential exterior energy uses (per list below) may be installed only if the  
15 supplemental energy meets the requirements of the Renewable Energy Mitigation  
16 Program. This applies to all installation for which an application for a permit is filed or is  
17 by law required to be filed with or without an associated Building Permit. This does not  
18 apply to work on existing systems that were permitted prior to this code.

- 19 1. Snowmelt (i.e. driveways, patios, walkways, etc.)  
20 2. Exterior pools  
21 3. Exterior hot tubs and spas  
22 4. Permanent natural gas or electric systems for heating outdoor residential spaces.

23 **R409.3.1 On-site renewable credits.**

24 Credits for renewable energy production will be calculated and applied per  
25 "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable  
26 energy methods listed in the calculator include: solar photovoltaic, solar thermal,  
27 ground source heat pumps, hydroelectric and wind power. Provision for alternative  
28 method calculations is also provided, but it will require specific review and approval by  
29 the Building Official.

1       **R409.3.2 Snowmelt systems.**

- 2           1. R-15 insulation shall be installed under all areas to be snow melted.
- 3           2. Required snowmelt controls. All systems are required to have automated controls to  
4           limit operation to when moisture is present, outdoor air temperature is below 40F and  
5           above 20F, and the slab temperature sensing. Idling of residential slabs is not  
6           permitted.
- 7           3. Snowmelt heating appliances will have a minimum efficiency of 95% AFUE. Electric  
8           resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
9           the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
10          boiler operation.
- 11          4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for  
12          safety.

13       **R409.3.3 Exterior pools.**

- 14          1. Pool covers are required for all pools, with a minimum R-value of 2.
- 15          2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric  
16          resistance and heat pump heaters will be allowed. Where condensing boilers are used,  
17          the boiler supply water temperature shall be a maximum of 130F to allow for efficient  
18          boiler operation.

19       **R409.3.4 Exterior hot tubs and spas.**

- 20          1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 21          2. Packaged spas less than 64 square feet are exempt.
- 22          3. A maximum of (1) hot tub or spa per residential property is exempt. For residential  
23          HOAs with individual ownership, 64 square feet of hot tub or spa space is exempt for  
24          every 10 residential units.
- 25          4. Hot tubs and spa heating appliances will have a minimum efficiency of 92% AFUE.  
26          Electric resistance and heat pump heaters will be allowed. Where condensing boilers

1 are used, the boiler supply water temperature shall be a maximum of 130F to allow for  
2 efficient boiler operation.

3 **R409.3.5 Other permanent natural gas or electric heating and cooking elements.**

4 1. A combined 200,000 BTU budget is allowed for permanent natural gas or electric  
5 heating or cooking elements at a reduced renewable offset requirement.

6 **R409.4 Gas fireplace, firepit, fire-table controls.**

7 Residential outdoor natural gas fireplaces, firepits, and fire tables shall include timers  
8 required to limit the run time of the system. Controls and switching shall be configured  
9 so as not to allow continuous operation.

10 **R409.4.1 Electric heat tape controls.**

11 Electric roof and gutter deicing systems shall include either automatic controls capable  
12 of shutting off the system when outdoor temperature is above 40F and below 25F, and  
13 which limit the use of the system to daylight hours by means of a programmable timer  
14 or automated clock, or moisture detection sensors.

15 **R409.5 Renewable energy mitigation payment.**

16 A permit shall not be valid until all fees as in effect at the time of permit submittal are  
17 paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a  
18 change order to the permit be released until the additional fees, if any, have been paid.  
19 REMP compliance will be verified at Certificate of Occupancy or Certificate of  
20 Completion according to the proposed plans. C.O. can be withheld if the project is non-  
21 compliant.

22 **R409.6 Pre-existing systems.**

23 Pre-existing systems, for which a prior permit was applied for and granted prior to the  
24 effective date of this code are exempt from this program. Additions or expansions of  
25 existing systems that require a permit will require compliance with this above code  
26 program.

1 Pre-existing systems for which a prior REMP payment was paid, and which seek to be  
2 replaced, shall receive a pro-rated credit calculated by the number of years since prior  
3 REMP payment divided by 20 years. For example, a REMP payment made for a  
4 system permitted 10 years prior to the current replacement being sought will receive  
5 credit for ½ of the prior REMP payment and that amount shall be deducted from the  
6 REMP payment owed on the replacement. For renewable systems installed on site, full  
7 credit will be given for up to 20 years after the date of installation. Credits will only be  
8 applied to properly permitted and functioning systems within the scope of the adopted  
9 Energy Code and applicable Mechanical and Electrical Codes. Systems installed prior  
10 to 20 years before the date of permit application are not eligible for pro-ration of system  
11 credits.

12 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
13 etc.) or renewable energy systems will not require submittal to the REMP program.

14 **R409.7 Solar photovoltaic systems.**

15 System designer and installer must be certified by Colorado Solar Energy Industries  
16 Association (COSEIA) or North American Board of Certified Energy Practitioners  
17 (NABCEP), or a licensed Professional Engineer in the State of Colorado.

18 **R409.7.1 Solar thermal.**

19 The size of solar hot water systems is limited to 500 square feet of collector area  
20 absent approval by the Building Official. Systems larger than this limit will be  
21 considered but will require documentation showing year-round utilization of the system.

22 **R409.7.2 Ground source heat pumps.**

23 In order to use ground source heat pumps for on-site renewable credit, the GSHP  
24 system must supply at least 20% of the peak load for heating all the exterior energy  
25 uses. Each GSHP shall be tested and balanced, and the design engineer shall certify  
26 in writing that it meets or exceeds a design coefficient of performance of 3.0 inclusion  
27 of source pump power. Design conditions for determining COP will be 30F ground loop  
28 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

29  
30

1           **42. Section R502.2.5 Additional energy efficiency credit requirements for**  
2           **additions** is amended to read as follows:

3           **R502.2.5 Additional energy efficiency credit requirements for additions.**

4           Additions shall comply with sufficient measures from amended Table R408.2, to achieve  
5           not less than five credits from at least two different measures. Five additional credits  
6           shall be earned for additions that add to or create a dwelling unit of more than 4500  
7           square feet of conditioned space. Alterations to the existing building that are not part of  
8           the addition but are permitted with an addition shall be permitted to be used to achieve  
9           this requirement.

10           **Exceptions:**

- 11           1. Additions that increase the building's total conditioned floor area by less than 25  
12           percent.
- 13           2. Additions that do not include the addition or replacement of equipment covered in  
14           Section R403.5 or R403.7.
- 15           3. Additions that do not increase conditioned space.
- 16           4. Where the addition alone or the existing building and addition together comply  
17           with Section R405 or R406
- 18           5. Where the addition alone or the existing building and addition together comply  
19           with R408.3.

20  
21  
22           **43. Section R503.1.1.3 Above-grade wall alterations** is amended to read as follows:  
23           **R503.1.1.3 Above-grade wall alterations.** Above-grade wall alterations shall comply  
24           with the following as applicable:

- 25           1. Where wall cavities are exposed, the exposed cavities shall be filled with insulation  
26           complying with Section R303.1.4. New cavities created shall be insulated in  
27           accordance with Section R402.1, at an R-Value of R-23 minimum or an approved  
28           design that minimizes deviation from Section R402.1. An interior vapor retarder shall be  
29           provided where required in accordance with Section R702.7 of the International  
30           Residential Code or Section 1404.3 of the International Building Code, as applicable.
- 31           2. Where exterior wall coverings and fenestration are added or replaced for the full  
32           extent of any exterior facade of one or more elevations of the building, continuous  
33           insulation shall be provided where required in accordance with Section R402.1 or the  
34           wall insulation shall be in accordance with an approved design that minimizes deviation

1 from Section R402.1. Where specified, the continuous insulation requirement also shall  
2 comply with Section R702.7 of the International Residential Code. Replacement  
3 exterior wall coverings shall comply with the water-resistance requirements of Section  
4 R703.1.1 of the International Residential Code or Section 1402.2 of the International  
5 Building Code, as applicable, and manufacturers' instructions.

6 3. Where new interior finishes or exterior wall coverings are applied to the full extent of  
7 any exterior wall assembly of mass construction, insulation shall be provided in  
8 accordance with Section R402.1 or an approved design in compliance with Section  
9 R104.1 that minimizes deviation from Section R402.1.

10  
11  
12 **44. Section R503.1.5 Additional efficiency credit requirements for substantial**  
13 **improvements** is amended to read as follows:

14 **R503.1.5 Additional efficiency credit requirements for substantial improvements.**

15 Substantial improvements shall comply with sufficient measures from Table R408.2 to  
16 achieve not less than three credits. Substantial improvements to homes greater than 4500  
17 of conditioned space shall require 5 credits from amended Table R408.2.

18 **Exceptions:**

- 19 1. Alterations that are permitted with an addition complying with Section R502.2.5.
- 20 2. Alterations that comply with Section R405 or R406.
- 21 3. Substantial improvements that do not include the addition or replacement of  
22 equipment covered in either Section R403.5 or R403.7.
- 23 4. Substantial improvements complying with R408.3

24  
25 Section 4. Ordinances 2020-12, 2022-26, and 2023-21 are hereby repealed.

26  
27 Section 5. The effective date of this Ordinance is January 13, 2026.

28  
29 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN  
30 FULL this 9th day of September 2025-, with a public hearing to be held on September 23, 2025.

31  
32 READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE

1 TOWN'S WEBSITE the \_\_\_\_ day of \_\_\_\_\_ 2025. 23rd day of September 2025 with an  
2 Effective and Enforceable Date of the 13th day of January 2026. A copy of this Ordinance is  
3 available for inspection in the office of the Town Clerk.

4

5 ATTEST:

TOWN OF BRECKENRIDGE

6

\_\_\_\_\_

\_\_\_\_\_

7 Mae Watson, Town Clerk

Kelly Owens, Mayor

8

9

10 APPROVED IN FORM

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\_\_\_\_\_

13 Town Attorney

Date

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# Memo

**To:** Town Council  
**From:** Keely Ambrose, Town Attorney; and Mae Watson, Town Clerk  
**Date:** 09/23/2025  
**Subject:** Council Bill for Campaign Finance Referral (Second Reading)

**Town Council Goals** (Check all that apply)

- |                                     |                                       |                          |                                     |
|-------------------------------------|---------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/>            | More Boots & Bikes, Less Cars         | <input type="checkbox"/> | Leading Environmental Stewardship   |
| <input type="checkbox"/>            | Deliver a Balanced Year-Round Economy | <input type="checkbox"/> | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need                   |                          |                                     |

**Summary**

This Council Bill would amend and update Title 1 Chapter 12 of the Breckenridge Town code to allow for the referral of municipal campaign finance complaints to the Colorado Secretary of State, as permitted by House Bill 24-1283. The Council Bill establishes procedures for filing, reviewing, and referring complaints to the Secretary.

Key points include:

- Complaints must be written, signed, name at least one respondent, and follow a Secretary of State prescribed format.
- The Town Clerk has 10 business days to review a complaint for compliance and must refer valid complaints to the Secretary of State within 14 business days.
- Complainants will be notified of dismissal or referral.
- Complaints must be filed within 180 days of when the alleged violation was or should have been known.
- The Secretary of State will handle the investigation and resolution using state procedures, and Town staff will cooperate.
- The Town waives any claim to fines collected through this process.

There are no changes since first reading.

**Background**

Per HB24-1283, a municipal clerk may refer campaign finance complaints to the Colorado Secretary of State if the municipality has adopted an ordinance allowing referral due to the absence of a local investigation and hearing process. The Town does not have a process dedicated to the investigation of campaign finance complaints nor does it have the resources to manage complex complaints. The adoption of this Council Bill would allow the Town to refer complaints to the Secretary pursuant to state law.

HB24-1283 requires municipalities to submit the authorizing ordinance to the Secretary of State at least 180 days before an election. Therefore, staff would need to submit an approved ordinance by October 2025 to allow referral of any campaign finance complaints for the April 2026 election. The municipality must cooperate with the Secretary's investigation. When the Secretary receives a referred complaint, it is treated as filed on that date, and if from a home rule municipality, local laws must be applied.

**Mission:** The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

**Public outreach/engagement**

Public input was not specifically sought during the development of the Council Bill. The need for the Town Code amendment and update was primarily informed by internal staff analysis and legal review.

**Financial Implications**

Staff expect a positive financial impact, as referring complaints to the Secretary of State would save staff time and resources by removing the need for local campaign finance complaint investigations.

**Equity Lens**

The ordinance promotes fair, consistent, and equitable elections by enabling independent oversight of campaign finance complaints. Instead of being handled by the Town Clerk—where limited resources may affect outcomes—complaints are referred to the Colorado Secretary of State. This ensures impartiality. Town of Breckenridge lacks the resources and staff to manage complex campaign finance investigations effectively. By redirecting complaints to the Secretary of State, it ensures equitable access to enforcement and oversight, regardless of a town's size or capacity. It enhances public trust by aligning procedures statewide and reducing potential bias or inconsistency.

**Staff Recommendation**

Staff recommend approval of the attached Council Bill.

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**For Second Reading 9-23-25**

Additions To The Current Breckenridge Town Code Are  
Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

COUNCIL BILL NO. 14

Series 2025

AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING CAMPAIGN FINANCE COMPLAINTS IN MUNICIPAL ELECTIONS

WHEREAS, the Town of Breckenridge is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Breckenridge Home Rule Charter; and

WHEREAS, pursuant to its authority, the Town, acting through the Town Council, is authorized to adopt ordinances regulating matters concerning campaign finance; and

WHEREAS, Colorado House Bill 24-1283 authorizes the Colorado Secretary of State to hear and investigate complaints related to municipal election campaign finance, provided the municipality adopts an ordinance referring such complaints to the Secretary of State; and

WHEREAS, the Town does not have a process dedicated to campaign finance complaints and does not have the resources to manage campaign finance complaints; and

WHEREAS, the Town desires to adopt this ordinance to refer campaign finance complaints to the Colorado Secretary of State pursuant to state law.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Title 1, Chapter 12, Section 1 of the Breckenridge Town Code is amended as follows:

1-12-1: Except as otherwise provided by ordinance, or in connection with a coordinated election as provided in section 1-12-6 of this chapter or a mail ballot election as provided in section 1-12-8 of this chapter, all Municipal elections shall be held in accordance with the provisions of the Colorado Municipal Election Code of 1965, article 10, of title 31, Colorado Revised Statutes **as such may be amended from time to time.**

Section 2. Chapter 12 of Title 1 of the Breckenridge Town Code is amended by the addition of a new Section 1-12-11, which shall read in its entirety as follows:

**1-12-11:**

**A. As used in this section, the following words have the following meanings:**

1 COMPLAINT: a complaint alleging that a violation of Article XXVIII of the  
2 Colorado constitution, Article 45 of Title 1 of the Colorado Revised  
3 Statutes, or the rules related to either has occurred in connection with a  
4 Town of Breckenridge campaign finance matter.

5  
6 SECRETARY: the Colorado Secretary of State.  
7

- 8 **B. Pursuant to §1-45-111.7(10)(c)(II), the Town Clerk is authorized to refer**  
9 **all complaints to the Secretary, in accordance with the following:**
- 10 1. **A complainant must file a signed written complaint with the**  
11 **Town Clerk, which complaint must identify one or more**  
12 **respondents, be in a form prescribed by the Secretary, and**  
13 **including any information required to be provided on such form.**
  - 14 2. **Within ten (10) business days of receipt of the complaint, the**  
15 **Town Clerk will conduct a review of the complaint to determine if**  
16 **the complaint complies with subsection B.1, above.**
  - 17 3. **If the complaint complies with subsection B.1, the Town Clerk**  
18 **shall refer the complaint to the Secretary in the form and manner**  
19 **prescribed by the Secretary within fourteen (14) business days of**  
20 **the Clerk's receipt of the complaint.**
  - 21 4. **The Clerk shall notify the complainant via email or regular mail, if**  
22 **email is unavailable, of the Clerk's action in either dismissing the**  
23 **complaint for failure to comply with subsection B.1 or referring**  
24 **the complaint to the Secretary.**
  - 25 5. **A complaint shall not be filed more than one hundred and eighty**  
26 **(180) days after the date on which the complainant either knew or**  
27 **should have known, by the exercise of reasonable diligence, of**  
28 **the alleged violation.**
  - 29 6. **All applicable timelines found in state law are adopted so as to**  
30 **apply herein.**
- 31
- 32 **C. Authorizations.**
- 33 1. **The Secretary is authorized to use the provisions of C.R.S. §1-45-**  
34 **111.7(3) through (7) to process, investigate, and resolve the**  
35 **complaint.**
  - 36 2. **The Town staff will cooperate with the Secretary in the**  
37 **processing and investigation of the complaint.**
  - 38 3. **The Town disclaims any interest in fines collected in connection**  
39 **with the complaint.**
- 40  
41

42 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and  
43 the various secondary codes adopted by reference therein, shall continue in full force and effect.  
44

45 Section 4. This Ordinance shall take effect as provided for in Section 5.9 of the  
46 Breckenridge Town Charter.  
47

48  
49 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
50 PUBLISHED IN FULL this 9th day of September, 2025. A Public Hearing shall be held at the  
51 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23 day of

1 September 2025, at 7:00 p.m. or as soon thereafter as possible in the Municipal Building of the  
2 Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
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9 By: \_\_\_\_\_  
10 Kelly Owens, Mayor

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12 ATTEST:

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17 Mae Watson, Town Clerk  
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22 APPROVED IN FORM  
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27 Town Attorney  
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# Memo

**To:** Town Council  
**From:** Mae Watson, Town Clerk; and Keely Ambrose, Town Attorney  
**Date:** 09/23/2025  
**Subject:** Council Bill for Liquor Code Amendments (First Reading)

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**Town Council Goals** (Check all that apply)

- |                                                                |                                                              |
|----------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> More Boots & Bikes, Less Cars         | <input type="checkbox"/> Leading Environmental Stewardship   |
| <input type="checkbox"/> Deliver a Balanced Year-Round Economy | <input type="checkbox"/> Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> Organizational Need        |                                                              |

**Summary**

This proposed ordinance would amend Title 4, Chapter 3 of the Breckenridge Town Code to remove references to Liquor-Licensed Drugstores (LLDS). The State of Colorado recently passed Senate Bill 25-033 which prohibits the issuance of new licenses for Liquor-Licensed Drugstores. The Town of Breckenridge does not currently license any such establishments, therefore staff proposed to eliminate any references to liquor LLDS in the Town Code. These updates would then align the Town Code with current state law.

**Background**

Senate Bill 25-033 prohibits state and local licensing authorities from issuing any new liquor-licensed drugstore (LLDS) licenses. While current LLDS licensees may renew their licenses, the bill imposes several restrictions, including:

- Prohibiting licensees from changing locations or transferring their license, except to an independent pharmacist who does not already hold an LLDS license;
- Prohibiting tastings on LLDS premises; and
- Limiting financial interest to no more than eight LLDS licenses per licensee.

The Town of Breckenridge does not currently have any LLDS licensees and, under SB25-033, will be unable to issue new LLDS licenses going forward. As a result, references to liquor-licensed drugstores in Title 4, Chapter 3 of the Breckenridge Town Code should be removed to ensure compliance with state law.

**Public outreach/engagement**

Public input was not specifically sought during the development of the ordinance. The need for the Town Code amendment and update was primarily informed by internal staff analysis and legal review.

**Financial Implications**

The proposed ordinance may result in a minimal decrease in potential local revenue by prohibiting the issuance of new liquor-licensed drugstore (LLDS) licenses. However, staff believe this impact is negligible, as the Town has not recently received any LLDS license applications nor are there any active LLDS licenses.

**Equity Lens**

This ordinance has minimal impact on equity, as the Town of Breckenridge does not have any liquor-licensed drugstores (LLDS), and state law now prohibits the issuance of new LLDS licenses. The Town follows the

**Mission:** The Town of Breckenridge protects, maintains, and enhances our sense of community, historical heritage, and alpine environment. We provide leadership and encourage community involvement.

Colorado Revised Statutes and the Colorado Beer and Liquor Code; the proposed ordinance is necessary to bring the Town Code into alignment with current state law.

**Staff Recommendation**

Staff recommend that Council review the attached proposed ordinance on First Reading and order it published and scheduled for a public hearing and Second Reading.

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 3 OF THE BRECKENRIDGE TOWN CODE REGARDING ALCOHOLIC BEVERAGES LICENSING REGULATIONS TO REMOVE REFERENCES TO DRUGSTORE LIQUOR LICENSES AND MAKE OTHER MINOR AMENDMENTS**

WHEREAS, Title 4, Chapter 3 of the Breckenridge Town Code governs the Town of Breckenridge liquor licensing regulations; and

WHEREAS, the legislature of the State of Colorado passed Senate Bill 25-033, which prohibits local jurisdictions from issuing new liquor licenses to drugstores; and

WHEREAS, there are currently no existing drugstore liquor licenses within the Town of Breckenridge; and

WHEREAS, in order to be in compliance with state law, the Town desires to remove all references to drugstore liquor licenses in the Town Code, and make other minor amendments as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

**Section 1.** That Section 4-3-1: Definitions is hereby amended by deleting the language stricken to read as follows:

**4-3-1: DEFINITIONS:**

TASTING: The sampling of malt, vinous, or spirituous liquors on the premises of a retail liquor store. ~~or liquor licensed drugstore.~~

**Section 2.** That Section 4-3-2: Application is hereby amended by adding the language underlined to read as follows:

**4-3-2: APPLICATION:**

The application for every license required by and issued under the authority of this chapter shall be made to the Town Clerk. Applications shall be deemed incomplete and will not be accepted if they do not contain the information required for the particular license sought, as specified in this Code and any regulations promulgated thereto, and any other relevant information required by the Town Clerk. References to clerk in this Chapter 3 shall mean the Town Clerk.

1           **Section 3.** Sections 4-3-18, 4-3-19, 4-3-21, 4-3-23, 4-3-24, and 4-3-25 are hereby  
2 amended by deleting the stricken language to read as follows:

3           **4-3-18: ALCOHOLIC BEVERAGE TASTINGS LICENSE:**

4           A retail liquor store ~~or liquor licensed drugstore~~ licensee may conduct tastings only pursuant to a  
5 valid tastings license.

6           **4-3-19: TASTINGS LICENSE APPLICATION:**

7           A retail liquor store ~~or liquor licensed drugstore~~ licensee who wishes to conduct tastings shall  
8 submit an application to the liquor and marijuana licensing authority on forms supplied by the  
9 liquor and marijuana licensing authority. Such application shall be accompanied by a  
10 nonrefundable annual fee of twenty five dollars (\$25.00).

11           **4-3-21: ANNUAL LICENSE:**

12           A tastings license shall be valid for one (1) year, and shall run concurrently with the retail liquor  
13 store or liquor licensed drugstore license of the holder of the tastings license; provided,  
14 however, that the first tastings license issued to a retail liquor store ~~or liquor licensed drugstore~~  
15 licensee shall be valid only until the expiration of the then current retail liquor store ~~or liquor~~  
16 ~~licensed drugstore~~ license.

17           **4-3-23: LICENSEE RESPONSIBLE:**

18           A violation of the provisions of this chapter by a retail liquor store ~~or liquor licensed drugstore~~  
19 licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of  
20 the retail liquor store ~~or liquor licensed drugstore~~ licensee who is conducting the tasting.

21           **4-3-24: SUSPENSION OR REVOCATION OF TASTINGS LICENSE:**

22           Any violation of the terms and conditions of a tastings license may result in the suspension or  
23 revocation of the tastings license, as well as the licensee's retail liquor store ~~or liquor licensed~~  
24 ~~drugstore~~ license. The suspension or revocation of the retail liquor store ~~or liquor licensed~~  
25 ~~drugstore~~ license of the holder of a tastings license shall automatically operate to suspend or  
26 revoke such tastings license.

27           **4-3-25: PROOF OF QUALIFICATIONS OF PERSONS CONDUCTING TASTINGS:**

1 Upon the request of any peace officer, the holder of a tastings license shall provide proof that  
2 tastings are to be conducted only by a person who has completed a server training program that  
3 meets the standards established by the liquor enforcement division in the department of  
4 revenue of the state of Colorado, and who is either the retail liquor store licensee ~~or a liquor~~  
5 ~~licensed drugstore licensee~~, or an employee of such licensee.

6 **Section 4.** Except as specifically amended hereby, the Breckenridge Town Code, and  
7 the various secondary codes adopted by reference therein, shall continue in full force and effect.

8  
9 **Section 5.** The Town Council hereby finds, determines and declares that this ordinance  
10 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
11 and improve the order, comfort and convenience of the Town of Breckenridge and the  
12 inhabitants thereof.

13  
14 **Section 6.** This ordinance shall be published and become effective as provided by  
15 Section 5.9 of the Breckenridge Town Charter.

16  
17 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
18 PUBLISHED IN FULL this 23rd day of September, 2025. A Public Hearing shall be held at the  
19 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the X<sup>th</sup> day of  
20 XXXX, 2025, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
21 Town.

22  
23 TOWN OF BRECKENRIDGE

24  
25  
26  
27 By: \_\_\_\_\_  
28 Kelly Owens, Mayor

29  
30 ATTEST:

1 \_\_\_\_\_  
2 Mae Watson, Town Clerk

3

4

5 APPROVED:

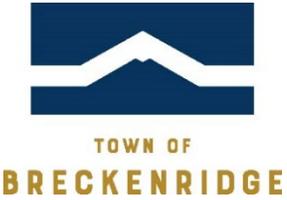
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7

8 \_\_\_\_\_

9 Town Attorney

DRAFT



# Memo

**To:** Town Council  
**From:** Keely Ambrose, Town Attorney  
**Date:** 9/15/2025 (for 09/23/2025)  
**Subject:** Municipal Court Restitution Ordinance

---

**Town Council Goals** (Check all that apply)

- |                                     |                                       |                          |                                     |
|-------------------------------------|---------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/>            | More Boots & Bikes, Less Cars         | <input type="checkbox"/> | Leading Environmental Stewardship   |
| <input type="checkbox"/>            | Deliver a Balanced Year-Round Economy | <input type="checkbox"/> | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need                   |                          |                                     |

**Summary**

Staff is presenting for First Reading a proposed ordinance revising the timelines by which restitution must be determined by the Municipal Court judge and prosecutor.

**Background**

The Town Code aligns with state law in the area of restitution granted in municipal court cases. State law recently changed as a result of HB25-1304 to allow for a different calculation of the timelines related to when the presiding judge has to order restitution. The proposed ordinance will change the timelines in the Town Code to match the new state statutory timelines.

**Public outreach/engagement**

None. This is driven by changes in state law that necessitate changes in the Town Code.

**Financial Implications**

There should be no financial implications to this change.

**Equity Lens**

The changes to the restitution timelines will likely result in victims of crime receiving restitution sooner than they had previously.

**Staff Recommendation**

Staff recommends that Town Council review and approve the proposed ordinance on First Reading and schedule a public hearing and Second Reading.

1  
2 COUNCIL BILL NO. \_\_\_  
3

4 Series 2025  
5

6 **AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING**  
7 **RESTITUTION TO BE AWARDED TO VICTIMS OF CRIMES**  
8

9 WHEREAS, the Breckenridge Town Code aligns with the State of Colorado statutory  
10 requirements regarding the award and payment of restitution to the victims of those found guilty  
11 of petty or misdemeanor offenses in the Breckenridge Municipal Court; and  
12

13 WHEREAS, the legislature of the State of Colorado recently passed HB25-1304, which changed  
14 how the calculation of the length of time in which a court must determine the amount of  
15 restitution owed; and  
16

17 WHEREAS, the Breckenridge Town Council wishes to amend the Town Code to match the new  
18 requirements in state law.  
19

20 NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
21 BRECKENRIDGE, COLORADO:  
22

23 Section 1. That Section 1-4-3(D)(2) of the Breckenridge Town Code is hereby amended  
24 by deleting the language stricken and adding the language underlined to read in its entirety as  
25 follows:  
26

27 1-4-3.D.2:  
28

29 An order that the defendant is obligated to pay restitution, but that the specific amount of  
30 restitution ~~is shall be determined within the ninety one (91) sixty-three~~ days following the  
31 prosecuting attorney's submission of restitution information presented to the court as required  
32 by subsection F below or within sixty three days immediately following the order of conviction,  
33 whichever is later, unless good cause is shown for extending the time period by which the  
34 restitution ~~shall be~~ is determined.  
35

36  
37 Section 2. That Section 1-4-3(F) of the Breckenridge Town Code is hereby amended by  
38 deleting the language stricken and adding the language underlined to read in its entirety as  
39 follows:  
40

41 The municipal court shall base its order for restitution upon information presented to the court by  
42 the prosecuting attorney, who shall compile such information through victim impact statements  
43 or other means to determine the amount of restitution and the identities of the victims. Further  
44 the prosecuting attorney shall present this information to the court prior to the order of conviction  
45 or within ~~ninety one sixty-three~~ days, if it is not available prior to the order of conviction. The  
46 court may extend this date if it finds that there are extenuating circumstances affecting the  
47 prosecuting attorney's ability to determine restitution.

RESTITUTION ORDINANCE



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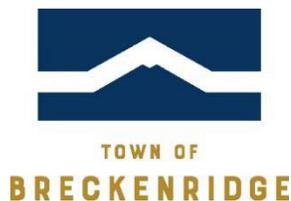
ATTEST:

\_\_\_\_\_  
Mae Watson, Town Clerk

APPROVED

\_\_\_\_\_  
Town Attorney

RESTITUTION ORDINANCE



# Memo

**To:** Town Council  
**From:** Tracey Lambert, Senior Accountant  
**Date:** September 17, 2025 (for September 23, 2025)  
**Subject:** US Bank Lease Renewal Agreement (First Reading)

---

## Town Council Goals (Check all that apply)

- |                                     |                                       |                          |                                     |
|-------------------------------------|---------------------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/>            | More Boots & Bikes, Less Cars         | <input type="checkbox"/> | Leading Environmental Stewardship   |
| <input type="checkbox"/>            | Deliver a Balanced Year-Round Economy | <input type="checkbox"/> | Hometown Feel & Authentic Character |
| <input checked="" type="checkbox"/> | Organizational Need                   |                          |                                     |

## Summary

US Bank currently leases Suite 100A at the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge CO 80424. US Bank has been a tenant in the Professional Building since September 2006. The tenant is requesting three options to extend for a period of three years of their current lease, which will extend the lease term to May 31, 2036.

## Background

Town Ordinance 3 Series 2020 requires Town Council approval for any lease beyond three years at the Breckenridge Professional Building. The three, three-year extensions require approval from the Town Council.

## Public outreach/engagement

Outside of the work session review on September 23rd, there will be an ordinance to be voted on during the regular meeting on both September 23rd and October 14th, 2025. No other public outreach is planned.

## Financial Implications

There is no impact on the current budget for this lease amendment. The three three-year renewals will provide secure rental income for future years. The attached lease amendment provides the monthly rental income by year.

## Equity Lens

US Bank expresses a strong commitment to Accessible banking for everyone.

This lease assures US Bank of nine more years of a lease in the Breckenridge Professional Building, providing continuity of banking access for our community members.

## Staff Recommendation

Staff recommends approval of the 5th amendment of the lease.

1 COUNCIL BILL NO. \_\_

2  
3 Series 2025

4  
5 **AN ORDINANCE APPROVING AN AMENDMENT TO A LEASE OF THE**  
6 **BRECKENRIDGE PROFESSIONAL BUILDING.**  
7

8 WHEREAS, the Town owns the real property commonly known as the Breckenridge  
9 Professional Building (“Professional Building”) located at 130 Ski Hill Road, Breckenridge,  
10 Colorado;

11 WHEREAS, the Town has leased the Professional Building to U.S. Bank National  
12 Association (“U.S. Bank”) in a Lease Agreement dated May 7, 1997, which has been amended  
13 as follows: First Amendment to Lease dated November 28, 2006, Second Amendment to Lease  
14 dated April 19, 2013, Third Amendment to Lease dated November 25, 2020, and Fourth  
15 Amendment to Lease dated January 25, 2024 (collectively, the “Lease”);

16 WHEREAS, the Town Council desires to approve a fifth amendment to the Lease with U.S.  
17 Bank for a term of twenty-nine months with three (3) options to extend the term of the lease for  
18 three (3) years each;

19 WHEREAS, Section 1-11-4 of the Breckenridge Town Code requires that leases of Town  
20 real property longer than one year must be approved and authorized by ordinance;

21 WHEREAS, in the event U.S. Bank exercises its option to renew the lease for any of the  
22 three (3), three (3) year extensions, the Town Manager is authorized to execute an amendment  
23 upon the terms and conditions set forth in the Fourth Amendment to the lease.

24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
25 BRECKENRIDGE, COLORADO:

26 Section 1. Town Council hereby approves the Fifth Amendment to the lease  
27 between the Town of Breckenridge and U.S. Bank National Association, a copy of which is  
28 attached hereto as **Exhibit A**.

29 Section 2. This ordinance shall be published and become effective as provided by  
30 Section 5.9 of the Breckenridge Town Charter.

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
32 PUBLISHED IN FULL this 23rd day of September 2025. A Public Hearing shall be held at the  
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_ day of  
34 \_\_\_\_\_, 2025, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building  
35 of the Town.

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TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Kelly Owens, Mayor

ATTEST:

\_\_\_\_\_  
Mae Watson, Town Clerk

APPROVED:

\_\_\_\_\_  
Town Attorney

**Exhibit A**  
**FIFTH AMENDMENT OF LEASE**

This Fifth Amendment of Lease (the "Amendment") is made as of \_\_\_\_\_, 2025, between **Town of Breckenridge**, a Colorado municipal corporation ("Landlord") successor in interest to Breckenridge Professional Building, LLC, and **U.S. Bank National Association**, a national banking association ("Tenant").

WITNESSETH:

WHEREAS, pursuant to the Lease Agreement dated as of May 7, 1997, First Amendment to Lease dated November 28, 2006, Second Amendment to Lease dated April 19, 2013, Third Amendment to Lease dated November 25, 2020, and Fourth Amendment to Lease dated January 25, 2024 (collectively, the "Lease"), Landlord leased to Tenant approximately 1,892 square feet of space, known as Unit #100A, in the Breckenridge Professional Building located at 130 Ski Hill Road, Breckenridge, Colorado, 80424, as more particularly described in the Lease (the "Premises"); and

WHEREAS, Landlord and Tenant desire to amend and modify the Lease;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants set forth below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the parties hereto do hereby agree as follows:

1. **Lease Term.** The Lease Term is hereby amended for a period of twenty-nine (29) months commencing on January 1, 2025, and expiring on May 31, 2027 (the "Fifth Amendment Term"). All terms and conditions shall remain the same during the extension term, with the exception of Monthly Rent, which shall be as set forth as follows:

<b><u>PERIOD</u></b>	<b><u>MONTHLY RENT AMOUNT</u></b>
January 1, 2025 – May 31, 2025	\$7,214.22 per month / \$86,570.64 per year
June 1, 2025 – May 31, 2026	\$7,430.65 per month / \$89,167.76 per year
June 1, 2026 – May 31, 2027	\$7,653.57 per month / \$91,842.83 per year

Tenant shall have three (3) options to extend the Lease Term for a period of three (3) years each. To exercise the option, Tenant shall give Landlord written notice not less than six (6) months prior to the end of the then current term. All terms and conditions shall remain the same during the extension term, with the exception of Monthly Rent, which shall increase by three percent (3%) over the Monthly Rent of the immediately previous lease year (with the lease year running from June 1 – May 31).

2. **Gross Lease.** Notwithstanding anything to the contrary in the Lease, Tenant shall pay to Landlord a fixed Monthly Rent, which shall be inclusive of all amounts previously designated as Minimum Rent and Additional Rent (including, but not limited to Operating Costs, common area maintenance charges, property taxes, and insurance). This Amendment is reflective of the change to a Fixed Gross Rate, eliminating any future billings for Additional Rent. For clarification, Tenant shall not be responsible for any Additional Rent, pass through expenses, or reimbursements related to Operating Costs, common area maintenance, property taxes, or insurance. Landlord

shall be responsible for all such costs.

The Monthly Rent shall not be subject to adjustment or reconciliation based on variations in the Operating Costs, common area maintenance, property taxes, or insurance.

- 3. **Counterparts.** This Amendment may be executed in two or more identical counterparts and delivered by facsimile or by .pdf or other comparable electronic format, with the same force and effect as if all required signatures were contained in a single, original instrument.
- 4. **Ratification.** All of the terms of the Lease, as amended hereby, are hereby ratified and confirmed.
- 5. **Defined Terms.** Unless otherwise stated, all capitalized words in this Amendment that are not normally capitalized shall have the meaning ascribed in the Lease.
- 6. **Mortgages; SNDA.** Landlord represents and warrants to Tenant that there is currently no mortgage, deed of trust or ground lease on the Land or the Premises that has not been brought to Tenant’s attention by Landlord in writing. Upon execution of a subordination, nondisturbance and attornment agreement reasonably satisfactory to Tenant, this Lease, and all rights of Tenant hereunder, are and shall be subject and subordinate to any mortgage, trust deed, ground lease or other financing and security instrument.
- 7. **Authority.** Landlord and Tenant each represents and warrants that it has all the necessary approvals and authority to enter into this Amendment, including the consent of any lender, and shall indemnify and hold each other harmless for any breach of this representation and warranty.
- 8. **No Existing Defaults.** Landlord and Tenant represent that there are currently no defaults by either party under the Lease.

IN WITNESS WHEREOF, Landlord and Tenant have executed this agreement as of the date first above written.

**LANDLORD:**

**TENANT:**

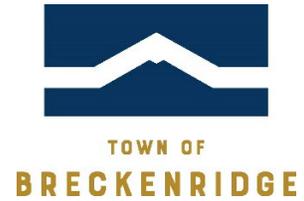
TOWN OF BRECKENRIDGE,  
a Colorado municipal corporation

U.S. BANK NATIONAL ASSOCIATION,  
a national banking association

By: \_\_\_\_\_  
Shannon Haynes  
Town Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Attest: \_\_\_\_\_  
Mae Watson  
Town Clerk



# Memo

**To:** Breckenridge Town Council  
**From:** Mark Truckey, Director of Community Development  
**Date:** September 17, 2025  
**Subject:** Planning Commission Decisions of the September 16, 2025 Meeting

---

## ***DECISIONS FROM THE PLANNING COMMISSION MEETING, September 16, 2025:***

### **CLASS A APPLICATIONS:**

1. [BGV Parcel 6 Resubdivision Plat, TBD Timber Trail Road, PL-2025-0148](#)  
A proposal to create a new subdivision of 14 single-family lots and associated easements off an extension of Timber Trail Road by replatting Parcel 6 of the remainder of Tract C, Peak 8 Subdivision. *Approved, see second memo.*

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:** None.

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.

# Memo



**To:** Town Council  
**From:** Sarah Crump, Senior Planner  
**Date:** September 17, 2025 for meeting of September 23, 2025  
**Subject:** BGV Parcel 6 – Valor Heritage Subdivision; PL-2025-0148 Planning Commission Approval Summary

---

A final hearing for the Breckenridge Grand Vacations (BGV) Parcel 6, Valor Heritage Subdivision, was held by the Planning Commission on September 16, 2025. The application proposes to create a new subdivision of 14 single-family lots and associated easements off a future extension of Timber Trail Road by replatting Parcel 6. The approved April 9, 2024 Development Agreement between the Town and BGV and amended Peak 7 & 8 Master Plan contemplated the eventual subdivision of this parcel into 14 single-family residential lots. The property is subject to the approved Development Agreement which supersedes the Subdivision Code by granting waivers from some standards such as lot shape, disturbance envelope shape, and Engineering standards regarding roadway slope. The Development Agreement also sets a minimum lot size of 0.6 acres, sets a maximum total density of 7,500 square feet per lot, and requires additional plat notes such as a 1.25 PIF rate for future development, mandatory fire suppression sprinkler systems, and shuttle service. The application meets these requirements.

The Commission found the proposal complied with the Development Agreement and all applicable Subdivision Standards. The Commission approved the project with a motion that passed 6 to 0.

Staff will be available at the meeting to answer any questions.

[Link to the Planning Commission Packet](#)



NOT TO SCALE

# Breckenridge South



**BGV Parcel 6 Second Resubdivision Plat**



## PLANNING COMMISSION MEETING

The regular meeting was called to order at 5:31 pm by Chair Guerra.

### ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Matt Smith
Ethan Guerra	Elaine Gort	Susan Propper <b>absent</b>	

### APPROVAL OF MINUTES

With no changes, the September 2, 2025 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the September 16, 2025 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comments.

### FINAL HEARINGS:

1. BGV Parcel 6 Resubdivision Plat (SVC), TBD Timber Trail Road, PL-2025-0148

Ms. Crump presented a proposal to create a new subdivision of 14 single-family lots and associated easements off an extension of Timber Trail Road by replatting Parcel 6 of the remainder of Tract C, Peak 8 Subdivision.

#### *Commissioner Questions / Comments:*

Mr. Frechter: Will each of the applications come to us? (Ms. Crump: The applications for future residences would be D Majors and handled at staff level approval. Only if the applications receive positive or negative points that are subjective in the Development Code, would the Commission review the application at a public hearing.) And the development agreement and what you described in terms of the building envelope, all permitted structures and construction has to be within the envelope. What about exceptions for driveways coming into the envelope? (Ms. Crump: Driveways can cross the envelope once. They will be outside of the envelope to enter; once you cross the envelope, you cannot cross the threshold again. We do have fairly high precedent for allowing some bump-outs for parking circulation, but primarily driveways need to be within the disturbance area. The applicant included a diagram of suggested driveway locations, but those are subject to change.)

Ms. Gort: Regarding the pedestrian easement on the north end. It seems pretty narrow near Lot 19. Is that a pinch point for people going through there? Are they going across lot 19? The section is in between Lot 14 and Lot 1. (Ms. Crump: It is a 10-foot wide trail easement so that should be sufficient for pedestrians or bikers or skiers.) It does not look 10 feet wide when compared to the upper left and at the bottom. (This is an existing easement and the applicant is not proposing to change the size or location. We can have the applicant clarify but the easement also extends off the plat onto Timber Trail Lot 19.)

Mr. Giller: With respect to the skier bridge, does the town have any concern about the loss of that potential amenity, or is it really up to the adjacent HOAs? (Ms. Crump: I would say it is up to the HOAs. The town would not want the responsibility to maintain the bridge, should it not be maintained by the HOA. I don't think the Town has any qualms with the bridge being removed from the proposal.) (Mr. Kulick: In theory, you could ski down past it, take your skis off, cross Four O'clock Run Road, and then get on Four O'clock Run, but that is something that a majority of people are not going to do. They will stay on the ski run or take another route down to that area. If you were to compare it against the Skiway Skyway which has a huge benefit to the town and a lot of downstream traffic, we'd likely be

steadfast that there needs to be a bridge. But this is really an easement for the existing Timber Trail neighborhood. They weighed in and we will accept the recommendation of the neighborhood.)

Applicant, Graham Frank, Breckenridge Grand Vacations: To the sole question, Elaine, that easement is on both sides of the property line, so it you will pick up more than 10 feet as the easement is on both sides. I think the only items of note, we tried to take all of the Commissioners' comments from the last meeting, whether it be lot size, lot shape, or optimizing the building envelopes within the lot. Mike, to your comment on the healthy stands of trees, we evaluated that. We looked at where we thought critical areas were where we could preserve, within the disturbance envelopes. We tried to take all of that into account. Chris, Sarah, Mark, and Shannon have been hugely helpful because there is a labyrinth of easements, utility lines, and communication lines all going through the site. I think we got all of that addressed and got some pretty good congruency with the Timber Trail neighborhood next door. All of those things have now gone into the plan, and I think we feel like we are in a good spot that represents what's been approved to date at other places, nearby, and then what provides valuable building envelopes for these potential buyers. So, thank you for the help, and thank you for the feedback.

The hearing was opened to public comment. There were no public comments and the period was closed.

Mr. Leas: After hearing that the bridge was not going to be done, that's probably going to make a more seamless community up there, where there really isn't going to be any differentiation between the existing Timber Trail community and the new community. It is probably for the best.

Mr. Giller: I thank the applicant for refining and reducing the size of the building envelopes.

Mr. Smith: The public comment that was emailed to us, has that been addressed by a plat note? (Ms. Crump: We cannot require the applicant to provide that kind of easement through the Development Code. If the applicant and the commenter had a private agreement that they reached that is something that they can do separately from this process, but we cannot require it.)

Mr. Leas: Is that something that there would be a future agreement, potentially, between the two HOAs? (Ms. Crump: I suppose they could arrange to have that easement, and then it could be a recorded document if the HOAs both agreed to something like that, but they already have access easements between the two subdivisions so I don't see the necessity for an additional easement.

Mr. Smith: As long as they are maintained easements and there is understanding by the property owners then it should work out. Thanks.

Mr. Frechter: I saw that for most of the lots you tried to optimize having the driveway access up top at that higher point of the lots to avoid the future homeowners coming in with several hundred feet of retaining walls, and now with the restrictions on the building envelope, they probably wouldn't be able to do it. I know that there are some of the lots where it's lower, just something to consider if the driveway access could be pushed further up the road. I don't know if that's possible in a couple of those lots. I guess those homeowners will just have to realize, that they're going to have to have an elevator from their garage in the basement.

Mr. Guerra: My only comment is to echo Mr. Giller and say thank you for working on refining those building envelopes.

Mr. Giller made a motion to approve the BGV Parcel 6 Resubdivision Plat, Valor Heritage Subdivision, seconded by Mr. Frechter. The motion passed 6 to 0.

**OTHER MATTERS:**

1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 6:08 pm.

---

Ethan Guerra, Chair



**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL**

*Only 2 Council Members at each meeting, a third just means it needs to be posted.*

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

Date	Meeting	Location	Time
------	---------	----------	------

**September 2025**

Sept. 18th - 21st, 2025	Breckenridge Film Festival	Theaters around Town	All Day
<b>Tuesday, Sept. 23rd, 2025</b>	<b>Second Meeting of the Month</b>	<b>Council Chambers</b>	<b>2:00 pm / 7:00 pm</b>

**October 2025**

Oct. 7th & 8th, 2025	MT2030	Breckenridge	All Day
Oct. 9th, 2025	CAST	Keystone	All Day
<b>Tuesday, Oct. 14th, 2025</b>	<b>First Meeting of the Month</b>	<b>Council Chambers</b>	<b>2:00 pm / 7:00 pm</b>
Oct. 18th & 19th, 2025	Dia De Muertos	Breckenridge	All Day
<b>Tuesday, Oct. 28th, 2025</b>	<b>Second Meeting of the Month</b>	<b>Council Chambers</b>	<b>2:00 pm / 7:00 pm</b>

**November 2025**

<b>Tuesday, Nov. 11th, 2025</b>	<b>First Meeting of the Month</b>	<b>Council Chambers</b>	<b>2:00 pm / 7:00 pm</b>
<b>Tuesday, Nov. 25th, 2025</b>	<b>Second Meeting of the Month</b>	<b>Council Chambers</b>	<b>2:00 pm / 7:00 pm</b>

**Other Meetings**

September 23rd, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
September 25th, 2025	Summit Stage Transit Board Meeting	Senior Center	8:15am
	Breckenridge Tourism Office Board Meeting	BTO Office	8:30am
	RW&B Board Meeting	Main Street Station	3:00pm
October 1st, 2025	Breckenridge Events Committee	Town Hall	9:00am
October 2nd 2025	Breck Create	Virtual	2:00pm
October 7th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
October 9th, 2025	I-70 Coalition	Keystone Policy Center	1:00pm
	Upper Blue Sanitation District	Administrative Office	5:30pm
October 14th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
	Workforce Housing Committee	Town Hall	10:30am
October 15th, 2025	Social Equity Advisory Commission	Town Hall	5:30pm
October 20th, 2025	Summit Combined Housing Authority	Virtual	1:00pm
	Open Space & Trails Meeting	Town Hall	5:30pm
October 21st, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Liquor & Marijuana Licensing Authority	Town Hall	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
October 23rd, 2025	Summit Stage Transit Board Meeting	Senior Center	8:15am
	Breckenridge Tourism Office Board Meeting	BTO Office	8:30am
	NWCCOG Board Meeting	Silverthorne Office	10:00am
	RW&B Board Meeting	Main Street Station	3:00pm



**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL**

*Only 2 Council Members at each meeting, a third just means it needs to be posted.*

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

<b>Date</b>	<b>Meeting</b>	<b>Location</b>	<b>Time</b>
October 28th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
October 30th, 2025	QQ - Quality and Quantity - Water District	CMC	10:00am
November 4th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
November 5th, 2025	Police Advisory Committee	PD Training Room	7:30am
	Breckenridge Events Committee	Town Hall	9:30am
November 11th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am / 1:30pm
	Workforce Housing Committee	Town Hall	10:30am
November 12th, 2025	Breckenridge History	Town Hall	Noon
November 13th, 2025	Upper Blue Sanitation District	Administrative Office	5:30pm
November 17th, 2025	Summit Combined Housing Authority	Virtual	1:00pm
	Open Space & Trails Meeting	Town Hall	5:30pm
November 18th, 2025	Board of County Commissioners Meeting	County Courthouse	9:00am
	Liquor & Marijuana Licensing Authority	Town Hall	9:00am
	Planning Commission Meeting	Town Hall	5:30pm
November 19th, 2025	Social Equity Advisory Commission	Town Hall	5:30pm
December 4th, 2025	NWCCOG Board Meeting	Silverthorne Office	10:00am
December 18th, 2025	Breck Create	Virtual	2:00pm
TBD	Transit Advisory Council Meeting		8:00am
	Water Task Force Meeting		9:30am