

ORDINANCE XX, 2023

**AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE  
BRECKENRIDGE TOWN CODE TO CREATE A PROGRAM TO REDUCE  
OUTDOOR ENERGY USE AND IN CONNECTION THEREWITH ESTABLISH  
FEES FOR THE ADMINISTRATION OF THE PROGRAM.**

WHEREAS, the Town of Breckenridge is committed to reducing energy and greenhouse gas emissions associated with stationary energy use 36% by 2050; and

WHEREAS, after robust public process, the SustainableBreck Plan was adopted in 2022 and outlines policy strategies to achieve energy and greenhouse gas emissions savings; and

WHEREAS, the purpose of this code is to specifically address outdoor energy use; and

WHEREAS, the above code program to certain International Code Council Building Codes were drafted in response to local conditions; and

WHEREAS, meetings with local, technical experts – including members of the architectural, mechanical engineering, and construction community have been held and input solicited; and

WHEREAS, work sessions have been held with Town Council on July 13, 2021; November 23, 2021; January 25, 2022; January 10, 2023; March 28, 2023; and May 9, 2023;

WHEREAS, staff presented Council with the policy proposal pursued by this above code program and received feedback and direction from Council; and

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

WHEREAS, an analysis done by Resource Engineering Group (REG) retained by the High Country Conservation Center (HC3), the project lead for the Summit Climate Action Collaborative, demonstrates a reasonable relationship between fossil fuel energy intensity of outdoor systems and the mitigation requirements to off-set that use based on local market and weather conditions; and

WHEREAS, the fee established herein is designed to offset the energy intensity of unmitigated projects through investment in other community energy efficiency projects; and

1 WHEREAS, the Chief Building Official, also referred to herein as the “building official” is  
2 authorized by the Town Council to administer and enforce this code; and

3 WHEREAS, the Town Council has determined that it is in the best interest of the  
4 residents of Breckenridge to continue to have code compliance reviews performed by the Town;  
5 and

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

10 WHEREAS, contemporaneously with this ordinance, is a companion ordinance to adopt  
11 a new Absolute Policy 33 limiting fireplaces and amending Relative Policy 33 to disincentivize  
12 outdoor energy use; and

13 WHEREAS, it is in the best interest of the citizens of and visitors to our community for  
14 Breckenridge to continue to maintain a leadership role in energy code adoption and  
15 administration.

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

18 **Section 1.** That a new paragraph 79 of section 8-1-5 A of “Amendments to the  
19 International Residential Code” 2018 be added by adopting the language underlined to read as  
20 follows:

21 79. Section N1101.4 Above code program is amended by adding new subsections to read  
22 as follows:

23 N1101.4.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as  
24 defined in N1113.1 shall be designed and comply with the mandatory requirements of the  
25 Breckenridge Renewable Energy Mitigation Program.

26 **Section 2.** That a new paragraph 80 of section 8-1-5 A of “Amendments to the  
27 International Residential Code” 2018 be added by adopting the language underlined to read as  
28 follows:

29 80. N1112.1 Title. Renewable Energy Mitigation Program (REMP)

1        N1112.2 Scope. This section establishes criteria for compliance with the Breckenridge  
2 Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior  
3 energy uses and energy production to offset exterior energy use.

4        N1112.3 Mandatory Requirements. Compliance with this section requires that the  
5 provisions of this section be followed for all exterior energy use as defined in N1113.1.  
6 Compliance with this section will be documented via the free Public Domain tool “Breckenridge  
7 REMP Calculation Sheet” in the most current version at the time of permit application. Projected  
8 energy use, associated energy offset required, fees and credits are defined within this tool.

9  
10 Credits for on-site renewable energy. The Renewable Energy Mitigation Payment (REMP)  
11 option is voluntary. Applicants interested in exterior energy use systems can alternatively  
12 choose to produce on-site renewable energy with renewable energy systems such as solar  
13 photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient technology of  
14 ground source heat pumps is also permitted for supplemental on-site energy.

15  
16        N1113.1 Exterior energy uses. Residential exterior energy uses (per list below) may be  
17 installed only if the supplemental energy meets the requirements of the Renewable Energy  
18 Mitigation Program. This applies to all installation for which an application for a permit is filed or  
19 is by law required to be filed. This does not apply to work on existing systems that were  
20 permitted prior to this code.

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

22        2. Exterior pools

23        3. Exterior hot tubs and spas

24        4. Permanent natural gas or electric systems or appliances for heating or cooking  
25 outdoor residential spaces.

26  
27 N1113.2 On-site renewable credits. Credits for renewable energy production will be calculated  
28 and applied per “Breckenridge REMF Calculation Sheet” for energy generated on-site.  
29 Renewable energy methods listed in the calculator include: solar photovoltaic, solar thermal,  
30 ground source heat pumps, hydroelectric and wind power. Provision for alternative method  
31 calculations is also provided, but it will require specific review and approval by the Building  
32 Official.

33  
34        N1113.3 Snowmelt systems.

1. R-10 insulation shall be installed under all areas to be snowmelted.
2. Required snowmelt controls. All systems are required to have automated controls to limit operation to when moisture is present, outdoor air temperature is below 40F and above 20F, and the slab temperature sensing. Idling of residential slabs is not permitted.
3. Snowmelt heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.
4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for safety.

#### N1113.4 Exterior pools.

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

#### N1113.5 Exterior hot tubs and spas.

1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
2. Packaged hot tubs and spas less than 64 square feet are exempt.
3. A maximum of (1) hot tub or spa per residential property is exempt. For residential HOAs with individual ownership, 64 square feet of hot tub or spa space is exempt for every 10 residential units.
4. Hot tub and spa heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler operation.

#### N1113.6 Other permanent natural gas or electric heating or cooking elements.

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

1        N1113.7 Gas fireplace, firepit, firetable controls. Residential outdoor natural gas  
2 fireplaces, firepits, or firetables shall include timers required to limit the run time of the system.  
3 Controls and switching shall be configured so as not to allow continuous operation.

4        N1113.8 Electric heat tape controls. Electric roof and gutter deicing systems shall  
5 include either automatic controls capable of shutting off the system when outdoor temperature is  
6 above 40F and below 25F, and which limit the use of the system to daylight hours by means of  
7 a programmable timer or automated clock, or moisture detection sensors.

8        N1114.1. A permit shall not be valid until all fees as in effect at the time of permit  
9 submittal are paid in full, or the renewable energy system is proposed for on-site credit. Nor  
10 shall a change order to the permit be released until the additional fees, if any, have been paid.  
11 REMP compliance will be verified at Certificate of Occupancy or Certificate of Completion  
12 according to the proposed plans. C.O. can be withheld if the project is non-compliant.

13  
14        N1115.1 Pre-existing systems. Pre-existing systems, for which a permit was applied for  
15 and granted prior to the effective date of this code, are exempt from this program. Additions or  
16 expansions of existing systems that require a permit will require compliance with this above  
17 code program.

18  
19        Pre-existing systems for which a prior REMF payment was paid and which seek to be  
20 replaced shall receive a pro-rated credit calculated by the number of years since prior REMF  
21 payment divided by 20 years. For example, a REMF payment made for a system permitted 10  
22 years prior to the current replacement being sought will receive credit for ½ of the prior REMF  
23 payment and that amount shall be deducted from the REMF payment owed on the replacement.  
24 For renewable systems installed on site, full credit will be given for up to 20 years after the date  
25 of installation. Credits will only be applied to properly permitted and functioning systems within  
26 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.  
27 Systems installed prior to 20 years before the date of permit application are not eligible for pro-  
28 ration of system credits.

29  
30        Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
31 etc.) or renewable energy systems will not require submittal to the REMF program.

1        N1116.1 Solar photovoltaic systems. System designer and installer must be certified by  
2 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified  
3 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

4        N1116.2 Solar thermal. The size of solar hot water systems is limited to 500 ft2 of  
5 collector area absent approval by the Building Official. Systems larger than this limit will be  
6 considered, but will require documentation showing year-round utilization of the system.

7        N1116.3 Ground source heat pumps. In order to use ground source heat pumps for on-  
8 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating  
9 the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer  
10 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0  
11 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop  
12 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

13        **Section 2.** That reserved paragraph 3 of section 8-1-9A of “Amendments to the  
14 International Energy Conservation Code” 2018 Edition be amended by adding the language  
15 underlined to read as follows:

16 Paragraph 3. C102.1.1 Above code program is amended by adding new subsections to read  
17 as follows:

18        C102.1.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as  
19 defined in C410 shall be designed and comply with the mandatory requirements of the  
20 Breckenridge Renewable Energy Mitigation Program.

21        **Section 3.** That section 8-1-9A of “Amendments to the International Energy  
22 Conservation Code” 2018 Edition be amended by adding a new paragraph 14 and renumber the  
23 subsequent paragraphs accordingly:

24        Paragraph 14. C409 Title. Renewable Energy Mitigation Program (REMP)

25        C409.1 Scope. This section establishes criteria for compliance with the Breckenridge  
26 Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior  
27 energy uses and energy production to offset exterior energy use.

28        C409.2 Mandatory Requirements. Mandatory Requirements. Compliance with this  
29 section requires that the provisions of this section be followed for all exterior energy use.  
30 Compliance with this section will be documented via the free Public Domain tool “Breckenridge  
31 REMP Calculation Sheet” in the most current version at the time of permit application. Projected  
32 energy use, associated energy offset required, fees and credits are defined within this tool.

Credits for on-site renewable energy. The Renewable Energy Mitigation Payment (REMP) option is voluntary. Applicants interested in exterior energy use systems can alternatively choose to produce on-site renewable energy with renewable energy systems such as solar photovoltaics and/or solar hot water, wind, or micro-hydro. The energy efficient technology of ground source heat pumps is also permitted for supplemental on-site energy.

C410 Exterior energy uses. Commercial exterior energy uses (per list below) may be installed only if the supplemental energy meets the requirements of the Renewable Energy Mitigation Program. This applies to all installation for which an application for a permit is filed or is by law required to be filed with or without an associated Building Permit. This does not apply to work on existing systems that were permitted prior to this code.

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

2. Exterior pools

3. Exterior hot tubs and spas

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

C410.1 On-site renewable credits. Credits for renewable energy production will be calculated and applied per "Breckenridge REMP Calculation Sheet" for energy generated on-site. Renewable energy methods listed in the calculator include: solar photovoltaic, solar thermal, ground source heat pumps, hydroelectric and wind power. Provision for alternative method calculations is also provided, but it will require specific review and approval by the Building Official.

C410.2 Snowmelt systems.

1. R-10 insulation shall be installed under all areas to be snowmelted.

2. Required snowmelt controls. All systems are required to have automated controls to limit operation to when moisture is present, outdoor air temperature is below 40F and above 20F, and the slab temperature sensing. Idling of commercial slabs is allowed where public safety is a factor.

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

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

2  
3 C410.3 Exterior pools.

4  
5 1. Pool covers are required for all pools, with a minimum R-value of 2.

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

9  
10 C410.4 Exterior hot tubs and spas.

11  
12 1. Hot tub and spa covers are required for all hot tubs and spas, with a minimum R-value of 12.

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

17  
18 C410.5 Other permanent natural gas or electric heating and cooking elements.

19  
20 1. A combined 350,000 BTU budget is allowed for permanent natural gas or electric heating  
21 and cooking elements at a reduced renewable offset requirement.

22  
23 C410.6 Gas fireplace, firepit, firetable controls. Commercial outdoor natural gas  
24 fireplaces, firepits, and firetables shall include timers required to limit the run time of the  
25 system. Controls and switching shall be configured so as not to allow continuous operation.

26 C410.7 Electric heat tape controls. Electric roof and gutter deicing systems shall include  
27 either automatic controls capable of shutting off the system when outdoor temperature is above  
28 40F and below 25F, and which limit the use of the system to daylight hours by means of a  
29 programmable timer or automated clock, or moisture detection sensors.

30 C411 A permit shall not be valid until all fees as in effect at the time of permit submittal  
31 are paid in full, or the renewable energy system is proposed for on-site credit. Nor shall a  
32 change order to the permit be released until the additional fees, if any, have been paid. REMP  
33 compliance will be verified at Certificate of Occupancy or Certificate of Completion according to  
34 the proposed plans. C.O. can be withheld if the project is non-compliant.



1        C412 Pre-existing systems. Pre-existing systems, for which a prior permit was applied  
2 for and granted prior to the effective date of this code, are exempt from this program. Additions  
3 or expansions of existing systems that require a permit will require compliance with this above  
4 code program.

5  
6        Pre-existing systems for which a prior REMP payment was paid and which seek to be  
7 replaced shall receive a pro-rated credit calculated by the number of years since prior REMP  
8 payment divided by 20 years. For example, a REMP payment made for a system permitted 10  
9 years prior to the current replacement being sought will receive credit for ½ of the prior REMP  
10 payment and that amount shall be deducted from the REMP payment owed on the replacement.  
11 For renewable systems installed on site, full credit will be given for up to 20 years after the date  
12 of installation. Credits will only be applied to properly permitted and functioning systems within  
13 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.  
14 Systems installed prior to 20 years before the date of permit application are not eligible for pro-  
15 ration of system 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  
19        C413 Solar photovoltaic systems. System designer and installer must be certified by  
20 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified  
21 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

22        C413.1 Solar thermal. The size of solar hot water systems is limited to 500 square feet  
23 of collector area absent approval by the Building Official. Systems larger than this limit will be  
24 considered, but will require documentation showing year-round utilization of the system.

25        C413.2 Ground source heat pumps. In order to use ground source heat pumps for on-  
26 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating  
27 all the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer  
28 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0  
29 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop  
30 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.

31        **Section 4.** That existing paragraph 16 to section 8-1-9A of “Amendments to the  
32 International Energy Conservation Code” 2018 Edition be replaced with the below language to  
33 read as follows and that paragraph 16 along with the subsequent paragraphs be renumbered  
34 accordingly:

16. R102.1.1 Above code program is amended by adding new subsections to read as follows:

R102.1.2 Renewable Energy Mitigation Program (REMP). All exterior energy use as defined in R408 shall be designed and comply with the mandatory requirements of the Breckenridge Renewable Energy Mitigation Program.

**Section 5.** That existing paragraph 19 of section 8-1-9A of “Amendments to the International Energy Conservation Code” 2018 Edition be replaced with the below underlined language and that paragraph 19 and the subsequent paragraphs be renumbered accordingly:

19. R407 Title. Renewable Energy Mitigation Program (REMP)

R407.1 Scope. This section establishes criteria for compliance with the Breckenridge Renewable Energy Mitigation Program (REMP). The scope of this program includes exterior energy uses and energy production to offset exterior energy use.

R407.2 Mandatory Requirements. Compliance with this section requires that the provisions of this section be followed for all exterior energy use. Compliance with this section will be documented via the free Public Domain tool “Breckenridge REMF Calculation Sheet” in the most current version at the time of permit application. Projected energy use, associated energy offset required, fees and credits are defined within this tool.

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

R408 Exterior energy uses. Residential exterior energy uses (per list below) may be installed only if the supplemental energy meets the requirements of the Renewable Energy Mitigation Program. This applies to all installation for which an application for a permit is filed or is by law required to be filed with or without an associated Building Permit. This does not apply to work on existing systems that were permitted prior to this code.

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

2. Exterior pools

3. Exterior hot tubs and spas

1 4. Permanent natural gas or electric systems for heating outdoor residential  
2 spaces.

3  
4 R408.1 On-site renewable credits. Credits for renewable energy production will be  
5 calculated and applied per "Breckenridge REMP Calculation Sheet" for energy generated on-  
6 site. Renewable energy methods listed in the calculator include: solar photovoltaic, solar  
7 thermal, ground source heat pumps, hydroelectric and wind power. Provision for alternative  
8 method calculations is also provided, but it will require specific review and approval by the  
9 Building Official.

10  
11 R408.2 Snowmelt systems.

12  
13 1. R-10 insulation shall be installed under all areas to be snowmelted.

14  
15 2. Required snowmelt controls. All systems are required to have automated controls to limit  
16 operation to when moisture is present, outdoor air temperature is below 40F and above 20F,  
17 and the slab temperature sensing. Idling of residential slabs is not permitted.

18  
19 3. Snowmelt heating appliances will have a minimum efficiency of 92% AFUE. Electric  
20 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the  
21 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler  
22 operation.

23  
24 4. Up to 100 square feet of snowmelt continuous to a residential building is exempt for safety.

25  
26 R408.3 Exterior pools.

27  
28 1. Pool covers are required for all pools, with a minimum R-value of 2.

29  
30 2. Pool heating appliances will have a minimum efficiency of 92% AFUE. Electric resistance and  
31 heat pump heaters will be allowed. Where condensing boilers are used, the boiler supply water  
32 temperature shall be a maximum of 130F to allow for efficient boiler operation.

33  
34 R408.4 Exterior hot tubs and spas.

- 1
- 2 1. Hot tub and spa covers are required for all spas, with a minimum R-value of 12.
- 3 2. Packaged spas less than 64 square feet are exempt.
- 4 3. A maximum of (1) hot tub or spa per residential property is exempt. For residential HOAs with
- 5 individual ownership, 64 square feet of hot tub or spa space is exempt for every 10 residential
- 6 units.
- 7 4. Hot tubs and spa heating appliances will have a minimum efficiency of 92% AFUE. Electric
- 8 resistance and heat pump heaters will be allowed. Where condensing boilers are used, the
- 9 boiler supply water temperature shall be a maximum of 130F to allow for efficient boiler
- 10 operation.

11

12 R408.5 Other permanent natural gas or electric heating and cooking elements.

13

- 14 1. A combined 200,000 BTU budget is allowed for permanent natural gas or electric heating or
- 15 cooking elements at a reduced renewable offset requirement.
- 16

17 R409 Gas fireplace, firepit, firetable controls. Residential outdoor natural gas fireplaces,

18 firepits, and firetables shall include timers required to limit the run time of the system. Controls

19 and switching shall be configured so as not to allow continuous operation.

20 R409.1 Electric heat tape controls. Electric roof and gutter deicing systems shall include

21 either automatic controls capable of shutting off the system when outdoor temperature is above

22 40F and below 25F, and which limit the use of the system to daylight hours by means of a

23 programmable timer or automated clock, or moisture detection sensors.

24 R410 Renewable energy mitigation payment. A permit shall not be valid until all fees as

25 in effect at the time of permit submittal are paid in full, or the renewable energy system is

26 proposed for on-site credit. Nor shall a change order to the permit be released until the

27 additional fees, if any, have been paid. REMP compliance will be verified at Certificate of

28 Occupancy or Certificate of Completion according to the proposed plans. C.O. can be withheld if

29 the project is non-compliant.

30

31 R411 Pre-existing systems. Pre-existing systems, for which a prior permit was applied

32 for and granted prior to the effective date of this code are exempt from this program. Additions

33 or expansions of existing systems that require a permit will require compliance with this above

34 code program.

1  
2 Pre-existing systems for which a prior REMP payment was paid and which seek to be  
3 replaced shall receive a pro-rated credit calculated by the number of years since prior REMP  
4 payment divided by 20 years. For example, a REMP payment made for a system permitted 10  
5 years prior to the current replacement being sought will receive credit for ½ of the prior REMP  
6 payment and that amount shall be deducted from the REMP payment owed on the replacement.  
7 For renewable systems installed on site, full credit will be given for up to 20 years after the date  
8 of installation. Credits will only be applied to properly permitted and functioning systems within  
9 the scope of the adopted Energy Code and applicable Mechanical and Electrical Codes.  
10 Systems installed prior to 20 years before the date of permit application are not eligible for pro-  
11 ration of system credits.  
12

13 Upgrades to existing mechanical equipment (boilers, heat pumps, HVAC equipment,  
14 etc.) or renewable energy systems will not require submittal to the REMP program.  
15

16 R412 Solar photovoltaic systems. System designer and installer must be certified by  
17 Colorado Solar Energy Industries Association (COSEIA) or North American Board of Certified  
18 Energy Practitioners (NABCEP), or a licensed Professional Engineer in the State of Colorado.

19 R412.1 Solar thermal. The size of solar hot water systems is limited to 500 square feet  
20 of collector area 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 R412.2 Ground source heat pumps. In order to use ground source heat pumps for on-  
23 site renewable credit, the GSHP system must supply at least 20% of the peak load for heating  
24 all the exterior energy uses. Each GSHP shall be tested and balanced and the design engineer  
25 shall certify in writing that it meets or exceeds a design coefficient of performance of 3.0  
26 inclusion of source pump power. Design conditions for determining COP will be 30F ground loop  
27 temperature measured at the GSHP inlet, and 110F GSHP load side outlet.  
28

29  
30 **Section 6.** That a new section 8-1-26, entitled "REMP Fees", is added to read as  
31 follows:

32 8-1-26 REMP Fees.

33 A. Regulatory Fee:

1        1. Commencing with an application for a permit for outdoor energy use, a regulatory  
2 fee shall be imposed where an applicant elects not to mitigate outdoor energy use on-site or  
3 where the mitigation is not sufficient per the requirements.

4        2. The amount of the regulatory fee is established by calculations set forth in Exhibit  
5 A, which calculations may be administratively amended based on the annual energy use  
6 assumptions by energy use.

7        3. The regulatory fee bears a reasonable relationship to the direct and indirect costs  
8 of implementing the town's comprehensive regulatory program established by this chapter.

9  
10       4. The fee established by this section is not designed to raise revenues to defray the  
11 general expenses of town government, but rather is a charge imposed for the purpose of  
12 defraying some of the costs of the particular town services and programs described in this  
13 section.

14       B. Uses: All monies collected under this section shall be recorded in a special fund  
15 and shall be used for the following purposes:

16       1. To reduce fossil fuel-generated energy consumption by supporting community  
17 renewable energy and energy efficiency improvements in the community;

18       2. To administer the IECC and IRC provisions in the Breckenridge Town Code;

19       3. To educate the development of industry and the public at large of the methods of  
20 energy efficient construction practices and the benefits of energy conservation; and,

21       4. To achieve the goals of the SustainableBreck Plan.

22       **Section 7.** That a new section 8-1-27, entitled "Administrative Rules and Regulations"  
23 shall be amended by adding the language underlined to reads as follows:

24       8-1-26 Rules and Regulations. The director of community development shall have the  
25 authority from time to time to adopt, amend, alter, and repeal administrative rules and  
26 regulations as may be necessary for the proper administration of this chapter. Such regulations  
27 shall be adopted in accordance with the procedures established by title 1, chapter 18 of this  
28 code.

1           **Section 8.** This ordinance shall be effective as provided in Section 5.9 of the  
2 Breckenridge Town Charter.

3           INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
4 PUBLISHED IN FULL this \_\_\_\_day of \_\_\_\_, 2023. A Public Hearing shall be held at the  
5 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_day of  
6 \_\_\_\_, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the Town.