

**ORDINANCE NO. 2022-27**

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO, AMENDING  
CHAPTER 15.28 OF THE FRUITA MUNICIPAL CODE TO ADOPT THE  
INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION**

**WHEREAS**, the City of Fruita enacted City Fruita Ordinance Number 2019-03 (the "Ordinance") on January 15, 2019 adopting a complete set of codes to apply to City of Fruita (collectively, "the Building Codes"), pursuant to C.R.S. 31-16- 201 et seq.; and

**WHEREAS**, the Ordinance repealed all prior City of Fruita ordinances and resolutions related to the Building Codes, and the Building Codes in the Ordinance are current for the City of Fruita; and

**WHEREAS**, Section 8 of the Ordinance referring to Chapter 15.28 of the City Municipal Code ("Code") adopted the 2009 International Energy Conservation Code; and

**WHEREAS**, Colorado House Bill 22-1362 requires all building codes statewide that utilized the 2009 International Energy Conservation Code to be updated; and

**WHEREAS**, C.R.S. 31-16-207 states that the City Council can amend any building codes by adopting an ordinance in the regular manner of doing the same; and

**WHEREAS**, the Fruita City Council wishes to comply with Colorado House Bill 22-1362 and amend Chapter 15.28 of the Code to replace the 2009 International Energy Conservation Code with the 2018 International Energy Conservation Code.

**NOW, THEREFORE, BE IT ORDAINED**, by the Fruita City Council as follows:

**Section 1:** Chapter 15.28 of the Fruita Municipal Code and Ordinance 2019-03, Section 8, are hereby repealed and reenacted to read as follows:

**Chapter 15.28**  
**INTERNATIONAL ENERGY CONSERVATION CODE**

**Sections:**

**15.28.010      Adopted by reference**  
**15.28.020      Amendments**

**15.28.010      ADOPTED BY REFERENCE**

A. The International Energy Conservation Code, 2018 Edition, published by the

International Code Council, (hereinafter “IECC or International Energy Conservation Code”) (or more current energy compliance method used in its entirety) is hereby adopted as the Energy Conservation Code of the City of Fruita regulating design, construction, quality of materials, erection, installations, alterations, repair, location, relocation, replacement, additions to, use and maintenance of the building envelope, mechanical, lighting and power systems in the City of Fruita.

**15.28.020 AMENDMENTS.** The IECC adopted in Section 15.28.010 is hereby amended as follows:

**Amendments to the International Energy Conservation Code**

- A. Section R103: Section R103.5 **Retention of construction documents** is hereby amended by deletion of this section in its entirety.
- B. Section C104 & Section R104: Section C104.2 & Section R104.2 **Schedule of permit fees** are amended by the addition of the Ordinance, Exhibit A, Mesa County Building Department Fee Schedule. (Copy of Exhibit A, Mesa County Building Department Fee Schedule, is on file in the Building Inspection office).
- C. Section C109 & Section R109: Section C109 & Section R109 **Board Of Appeals** are hereby amended by deletion of these sections in their entirety and replaced with: "The Board of Appeals established in Part 13 of the Ordinance, shall serve as the Board of Appeals."
- D. Section C110 & Section R110: Section C110 & Section R110 **Duties Of The Code Official** are hereby amended by the addition of these sections: "The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code"; and

**Section 2.** All other aspects of the Ordinance remain in full force and effect.

**Section 3.** Any and all ordinances of the City of Fruita, or parts thereof, whose provisions are in conflict with this ordinance are hereby repealed. Provided, however, this ordinance shall not affect the construction of buildings or completion of projects for which permits were issued prior to the effective date of this Ordinance. All buildings now under construction pursuant to existing permits shall be constructed in conformance with the building and construction codes applicable at the time of issuance of said permit. Provided further, however, no construction authorized by an existing permit shall be altered without complying with the newly adopted building and construction codes. The adoption of this ordinance shall not in any way prevent the prosecution

of violations of any previous ordinance adopting previous building codes which occurred prior to the effective date of this ordinance. Where this ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Fruita, Colorado, the more restrict provision shall apply.

**Section 4. SEVERABILITY.** If any part, section, subsection, sentence, clause or phrase of this ordinance or the Codes adopted herein is for any reason held to be invalid, such decision shall not affect the validity of the remaining section of this ordinance or of the Codes adopted herein, the Fruita City Council hereby declares that it would have passed the ordinance and adopted said Codes in each part, sections, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 5. EFFECTIVE DATE.** Pursuant to Section 31-16-203, C.R.S., a public notice shall be published twice in a newspaper of general circulation within the City once at least fifteen (15) days preceding a public hearing, and once at least eight (8) days preceding the public hearing. The notice shall state the time and place of the hearing, shall state that copies of the primary codes to be considered for adoption are on file with the City Clerk and are open to public inspection, shall contain a description deemed sufficient to give notice to interested persons of the purpose of the primary codes, the subject matter of said codes and the name and address of the agency by which it has been enacted. The public hearing on the adoption of this Ordinance is hereby set for December 6<sup>th</sup>, 2022.

This Ordinance shall be in full force and effect 30 days following approval and adoption by the Fruita City Council.

Introduced, read and public notice ordered published at regular meeting of the Fruita City Council of November 15, 2022.

Published Notice Publication Date:  
November 20 and November 27, 2022

Introduced a second time at a regular meeting of the Fruita City Council held on December 6, 2022 and passed and adopted and ordered published pursuant to the law.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL,**

**THIS 6<sup>TH</sup> DAY OF DECEMBER 2022.**

ATTEST:

CITY OF FRUITA, COLORADO

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor