

**TOWN OF BERTHOUD ORDINANCE  
NUMBER 1336  
(SERIES 2024)**

**AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 2023 EDITION BY  
REFERENCE IN MUNICIPAL CODE CHAPTER 11**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

**WHEREAS**, Colorado Revised Statutes § 31-16-201 to 208 provide that municipalities may adopt certain codes and standards by reference; and

**WHEREAS**, pursuant to Section 12-115-107(2)(a), C.R.S., municipalities must adhere to the minimum standards of the National Electrical Code adopted by the State Electrical Board; and

**WHEREAS**, the State Electrical Board adopted the 2023 National Electrical Code on August 1, 2023 and allows communities to adopt within one year following the State’s adoption; and

**WHEREAS**, the Town published notification and the Town Board of Trustees held a public meeting on April 23, 2024 to introduce this ordinance; and

**WHEREAS**, the Town published notification and the Town Board of Trustees held a public hearing on May 14, 2024 on this ordinance; and

**WHEREAS**, Pursuant to CRS § 31-16-204, the Board of Trustees may alter and amend any building code; and

**WHEREAS**, the Municipal Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF  
THE TOWN OF BERTHOUD, COLORADO:**

**Section 1. Code Adopted by Reference.**

Pursuant to parts 1 and 2 of article 16 of title 31, C.R.S., there is hereby adopted by reference: 2023 National Electrical Code, as published by the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169, and as adopted by the State of Colorado, amended as shown in Attachment A hereto. The subject matter of the code adopted

herein is to provide consistent regulations for all property, buildings, structures, and maintenance thereof within the Town of Berthoud, Counties of Larimer and Weld, State of Colorado. Three (3) copies of the code adopted herein are now filed in the office of the Clerk of the Town of Berthoud, Colorado, and may be inspected during regular business hours.

The 2023 National Electrical Code, as amended hereby (the “Code”) shall be codified in Chapter 11 of the Berthoud Municipal Code.

Section 2.     Notice of Violations, Penalties. Notice of violations and penalties shall conform to (A) and (B) below, or such penalties as set forth in Section 20.2 of the Municipal Code of the Town of Berthoud, as amended from time to time.

**(A)     Violations.**

1.       Whenever the Town determines that there are violations of this Code, a written notice shall be issued to confirm such findings.
2.       Any order or notice issued pursuant to this Code shall be served upon the owner, operator, occupant, other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant. or both.

**B.       Penalties.**

1.       Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the Town.
2.       Failure to comply with the time limits of an abatement notice or other corrective notice issued by the Town shall result in each day that such violation continues being regarded as a new and separate offense.
3.       Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this Code shall, upon conviction thereof, be fined a sum of not less than \$1.00 nor more than \$2,650.00, or imprisoned for a term not exceeding one year, or by both fine and imprisonment for each offense. Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense.

Section 4.     Interpretation. This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 5.      Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 6.      Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7.      Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing to adopt the Guidelines by reference.

[INTENTIONALLY LEFT BLANK]

INTRODUCED, READ, ADOPTED, AND APPROVED on this 14<sup>th</sup> day of May, 2024.

TOWN OF BERTHOUD

By: \_\_\_\_\_  
William Karspeck, Mayor

ATTEST:

By: \_\_\_\_\_  
Christian Samora, Town Clerk

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## EXHIBIT A, ORDINANCE 1336

### 11.5 The National Electrical Code, 2023 Edition

The 2023 Edition of NFPA 70, National Electrical Code, ("NEC") published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, is hereby adopted by reference as the Town of Berthoud with the additions, deletions, insertions and changes as follows:

- A. The installation of the Electrical Vehicle Charging Stations shall meet all requirements of the NEC as well as the following section:

Residential EV Charging Language:

Electric vehicle (EV) charging for new construction.

1. New Construction shall comply with the adopted Electrical Code and this Section. Purpose is to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be as follows:
  - a. New one- and two-family dwellings and townhouses with attached private garages.
    - i. For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.
    - ii. Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".
  - b. New multifamily dwellings.
    - i. Where 17 or more multifamily dwelling units are constructed on a building site, 3 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. At least one Level 2 EVSE shall be provided. Note: Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.
  - c. Electric vehicle charging space (EV space) locations.

Construction documents shall indicate the location of proposed EV spaces. At least one EV space shall be located in common use areas and available for use by all residents. When EV chargers are installed, EV spaces, shall comply with at least one of the following options:

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- i. The EV space shall be located adjacent to an accessible parking space meeting the requirements of the Building Code, Chapter 11, to allow use of the EV charger from the accessible parking space.
    - ii. The EV space shall be located on an accessible route, as defined in the Building Code, Chapter 11, to the building.
  - d. Electric vehicle charging space (EV space) dimensions.

The EV spaces shall be designed to comply with the following:

    - i. The minimum length of each EV space shall be 18 feet (5486 mm).
    - ii. The minimum width of each EV space shall be 9 feet (2743 mm).
    - iii. One in every 25 EV spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).
    - iv. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.
  - e. Single EV space required.
    - i. Install a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV spaces. Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.
  - f. Multiple EV spaces required.
    - i. Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction. At least one Level 2 EVSE shall be provided.
  - g. Identification

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE"
  - h. Non-Residential EV Stations

Electric vehicle (EV) charging. New Construction shall comply with the adopted Electrical Code and this Section. Purpose is to facilitate future installation of electric vehicle supply equipment (EVSE). When EVSE(s) is/are installed, it shall be as follows:

    - 1. Single charging space requirements.

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- a. When only a single charging space is required per Table 1, a raceway is required to be installed at the time of construction and shall be installed in accordance with the Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:
  - b. The type and location of the EVSE.
  - c. A listed raceway capable of accommodating a 208/240-volt dedicated branch circuit.
  - d. The raceway shall not be less than trade size 1."
  - e. The raceway shall originate at a service panel or a subpanel serving the area, and shall terminate in close proximity to the proposed location of the charging equipment and into a listed suitable cabinet, box, enclosure or equivalent.
  - f. The service panel or subpanel shall have sufficient capacity to accommodate a minimum 40- ampere dedicated branch circuit for the future installation of the EVSE.

2. Multiple charging space requirements.

When multiple charging spaces are required per Table 1, raceway(s) is/are required to be installed at the time of construction and shall be installed in accordance with the Electrical Code. Construction plans and specifications shall include, but are not limited to, the following:

- a. The type and location of the EVSE.
- b. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
- c. Plan design shall be based upon 40-ampere minimum branch circuits.
- d. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EVs at its full rated amperage.
- e. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.
- f. At least one Level 2 EVSE shall be provided.

2. EV charging space calculation.

Table 1 shall be used to determine if single or multiple charging space requirements apply for the future installation of EVSE.

Exceptions: On a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure is not feasible based upon one or more of the following conditions:

- a. Where there is insufficient electrical supply.

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- b. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of this Section, may adversely impact the construction cost of the project.

TABLE 1

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER REQUIRED FOR EV CHARGING SPACES
0—9	0
10—25	1
26—100	2
101—200	4
201 and over	3 percent of total*

\*Calculation for spaces shall be rounded up to the nearest whole number.

"Violation of the provisions of this code, as adopted in this ordinance, may be punished in accordance with Section 20.2 of the Berthoud municipal code in addition to any relief at equity to prevent continuing violation"