

**ORDINANCE #05
SERIES OF 2023**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL AMENDING CITY OF ASPEN
MUNICIPAL CODE SECTION 2.12.100. – BUILDING AND PLANNING FEES
RELATED SPECIFICALLY TO THE RENEWABLE ENERGY MITIGATION
PAYMENT FOR EXTERIOR ENERGY USES ON RESIDENTIAL AND
COMMERCIAL DEVELOPMENT.**

WHEREAS, On January 24, 2023, City Council passed at second reading Ordinance No. 1, Series of 2023, adopting 2021 Editions of certain International Building Codes with City of Aspen specific amendments; and,

WHEREAS, Ordinance No. 1, Series of 2023 amended certain provisions of the City's long-standing Renewable Energy Mitigation Payment program including changes to the calculation of program fees; and,

WHEREAS, Aspen Municipal Code Section 2.12.100 – Building and Planning fees, effective January 1, 2022 sets forth base fees related to the Renewable Energy Mitigation Payment program; and,

WHEREAS, the fees set forth for Renewable Energy Mitigation Payment in Aspen Municipal Code Section 2.12.100 – Building and Planning Fees conflict with the method to calculate such fees set forth in Ordinance No. 1, Series of 2023 and the Residential Energy Program Payment calculator tool approved by City Council and utilized by City staff to calculate fees charged in association with Residential Energy Mitigation Payment program; and,

WHEREAS, the Residential Energy Mitigation Payment program calculator tool will be adopted by City Council by Resolution and may be amended from time to time by subsequent Resolution, which approval and amendments, if any, will be published on the City of Aspen Community Development's website; and,

WHEREAS, this ordinance is intended to amend Aspen Municipal Code Section 2.12.100 – Building and Planning Fees to remove all scheduled fees applicable to Renewable Energy Mitigation Payment, as such fees will be calculated pursuant to Ordinance No. 1, Series of 2023.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO THAT:

Section 1:

The table in the City of Aspen Municipal Code section 2.12.100 – *Building and Planning, Renewable Energy Mitigation Payment* is hereby deleted in its entirety. All references to fees for

Renewable Energy Mitigation Payment shall be removed from the City of Aspen Municipal Code Section 2.12.100.

Section 2:

Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

Section 3:

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

Section 4:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

INTRODUCED AND READ, as provided by law, by the City Council of the City of Aspen on the 14th day of February 2023.

ATTEST:



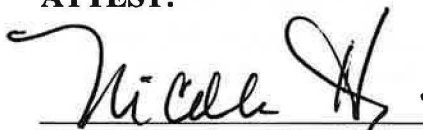
Nicole Henning, City Clerk



Torre, Mayor

FINALLY, adopted, passed, and approved this 28th day of February 2023.

ATTEST:

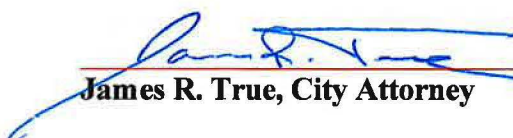


Nicole Henning, City Clerk



Torre, Mayor

APPROVED AS TO FORM:



James R. True, City Attorney

