

**ORDINANCE No. 16**  
**(Series of 2023)**

**AN ORDINANCE OF THE ASPEN CITY COUNCIL AMENDING CHAPTER  
8.60 ENERGY BENCHMARKING TO REDUCE GREENHOUSE GAS EMISSIONS**

**WHEREAS**, on or about April 12, 2022, the City of Aspen adopted Ordinance #5, Series of 2022, which added Chapter 8.60, to Title 8 of the Aspen Municipal Code; and,

**WHEREAS**, pursuant to Ordinance #5, the City of Aspen recognized that anthropogenic climate change and the impacts to the ecological and economic health of the community constitutes an emergency and a threat to the health and safety of the residents of the City of Aspen and the global community; and,

**WHEREAS**, the City of Aspen is a signatory to the US Mayors' Climate Protection Agreement, the Chicago Climate Exchange, and the Global Covenant of Mayors for Climate and Energy, and is committed to the Race to Zero campaign and the provisions of its own Ecological Bill of Rights; and

**WHEREAS**, pursuant to Ordinance #5, Series of 2022, the Department of Environmental Health and Sustainability was directed to develop proposed building performance standard guidelines to be considered and adopted by City Council on or before October 1, 2023; and

**WHEREAS**, modeling the approach taken by other communities with similar programs, the City had planned to convene a committee of stakeholders monthly between January and May 2023 to provide input on BPS guidelines, developing final recommendations over the summer. However, at the March and April BPS Stakeholder Committee meetings, stakeholders asked for additional cost information to support more informed discussion and recommendations on energy efficiency and beneficial electrification policy options. Specifically, they asked for on-the-ground, local examples of what making building improvements to reduce GHG emissions could look like—both what technology is available and what it could cost. In response to this feedback, the City shifted and updated the Committee process to address this feedback and meet the needs of stakeholders by spending additional time gathering more data. This community-responsive approach to the stakeholder process is critical to the success of the Building IQ program, as policy design must consider the on-the-ground realities of buildings in Aspen and its unique building stock relative to other jurisdictions (i.e., smaller buildings, different mechanical equipment use, cold climate); and,

**WHEREAS**, based on the foregoing, the Department of Environmental Health and Sustainability is requesting that the provision of Section 8.60.120 (a) setting out a specific date of October 1, 2023 for submission of proposed building performance guidelines be deleted; and

**WHEREAS**, the proposed amendment to Section 8.60.120 (a), with additions in red and deletions reflected in red with a strikethrough notation will read as follows:

Pursuant to the powers and authority conferred by the Charter of the City, the Department of Environmental Health and Sustainability shall develop proposed building performance standard

guidelines to be considered and adopted by City Council by ordinance. The building performance standards shall address following: ...; and

**WHEREAS**, the remainder of Section 8.60.120, including the remainder of subsection (a), shall remain the same; and

**WHEREAS**, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare; and

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

**Section 1:** Section 8.60.120 (a), of the Aspen Municipal Code is hereby deleted in its entirety and replaced with the following:

Pursuant to the powers and authority conferred by the Charter of the City, the Department of Environmental Health and Sustainability shall develop proposed building performance standard guidelines to be considered and adopted by City Council by ordinance. The building performance standards shall address following:

**Section 2:** All other provisions of Section 8.60.120, including the remaining portions of subsection (a), shall remain in full force and effect.

**Section 3:** Any scrivener's errors contained in the code amendments approved by Ordinance #5 (Series of 2022) or set forth herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

**Section 4: Effect Upon Existing Litigation.**

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 ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

**Section 5: Severability.**

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.

**Section 6: Effective Date.**

In accordance with Section 4.9 of the City of Aspen Home Rule Charter, this Ordinance shall become effective thirty (30) days following final passage.

**Section 7: Public Hearing**

A public hearing on this ordinance shall be held on the 10<sup>th</sup> day of October 2023, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

**INTRODUCED, READ AND ORDERED PUBLISHED** as provided by law, by the City Council of the City of Aspen on the 26<sup>th</sup> day of September 2023.


Attest:

  
\_\_\_\_\_  
Nicole Henning, City Clerk

  
\_\_\_\_\_  
Torre, Mayor


**FINALLY**, adopted, passed and approved this 10 day of October 2023.

Attest:

  
\_\_\_\_\_  
Nicole Henning, City Clerk

  
\_\_\_\_\_  
Torre, Mayor

Approved as to form:

  
\_\_\_\_\_  
James R. True, City Attorney

