

RESOLUTION NO. () It was moved by Commissioner () and duly seconded by Commissioner () to adopt the following resolution:

WHEREAS, Section 30-28-204, Colorado Revised Statutes (C.R.S.) authorizes the Board of County Commissioners of Arapahoe County (“the Board”) to alter or amend the Arapahoe County Building Code after a public hearing and fourteen (14) days advance notice published in a newspaper of general circulation in the county; and

WHEREAS, the Board has previously adopted and amended a Building Code for and that is in effect in the unincorporated territory of Arapahoe County (“the Arapahoe County Building Code”); and

WHEREAS, the Arapahoe County Building Code was amended to adopt the 2020 edition of the National Electrical Code (NFPA-70), for incorporation into the Arapahoe County Building Code, all of which are intended to be replaced and superseded with the adoption of the 2023 National Electrical Codes (NFPA-70) by this Resolution; and

WHEREAS, Section 12-115-107(1)(j), Colorado Revised Statutes, requires that the County adopt or adhere to the minimum electric code standards as are in effect in the state within 12 months of the State’s adoption of such standards and the State adopted the 2023 NEC effective August 1, 2023; and

WHEREAS, the Public Works and Development, Building Division Building Official and Division Staff recommend that the Board amend the Arapahoe County Building Code to update to and adopt the 2023 National Electrical Code (NFPA-70) edition effective July 9, 2024; and

WHEREAS, the State of Colorado Legislature introduced and approved the HB22-1362 - Building Greenhouse Gas Emissions bill, which directed the Colorado Energy office to develop model codes for local and state governments to follow concerning electrical ready and solar readiness for buildings; and

WHEREAS, the Colorado Governor signed HB22-1362 on June 2, 2022, which became state law and placed into statute, and

WHEREAS, the Colorado Energy Office published the final Model Electric Ready and Solar Ready Code package on June 1, 2023, which required local governments to adopt the State Model Electric Ready and Solar Ready Code when adopting updates to their building codes when updating other building codes after July 1, 2023; and

WHEREAS, nothing in this Resolution is intended to and shall not affect the area covered by the Building Code, which is and shall remain the unincorporated territory of Arapahoe County; and

WHEREAS, a Notice of Public Hearing on the proposed amendments the Arapahoe County Building Code was published in The Denver Post, a newspaper of general circulation, on June 17, 2024; and

WHEREAS, on July 9, 2024, at 9:30 A.M., the date and time set forth in the Notice of Public Hearing, the Board of County Commissioners held a Public Hearing concerning the proposed amendment to the Arapahoe County Building Code; and

WHEREAS, evidence was received showing that the notice, publication and referral procedures required by law for amending the building code were followed; and

WHEREAS, at the public hearing, County staff presented and explained the proposed amendment and the hearing was opened for public comments; and

WHEREAS, upon consideration of the staff presentation and such public comments as were made, the Board desires to amend the Arapahoe County Building Code to update to and adopt the 2023 National Electrical Code (NFPA-70) and the Colorado Model Electric Ready and Solar Ready Code published on June 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners makes the following findings:

1. The Board of County Commissioners finds and determines that the statutory jurisdictional requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendments to the Building Code.
2. That adequate opportunity for public input and comments has been provided.
3. That the Board has fully considered the proposed amendments in light of the public health, safety and general welfare, and in light of the safety, protections, and sanitation of dwellings, buildings and structures subject to the Building Code, and finds that the proposed amendments will protect, support, advance and encourage such standards.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners of Arapahoe County hereby adopts the 2023 National Electrical Code (NFPA-70) as adopted by the State on August 1, 2023, and the Colorado Model Electric Ready and Solar Ready Code published on June 1, 2023, for incorporation into the Arapahoe County Building Code. The adoption of the 2023 National Electric Code shall become effective as of July 9, 2024, and the adoption of the Model Electric Ready and Solar Ready Code shall become effective July 9, 2024.

BE IT FURTHER RESOLVED that the Arapahoe County Building Code as amended by this Resolution shall govern all building permit applications for buildings and structures to be constructed or modified within unincorporated Arapahoe County that are submitted on or after the respective effective dates of this Resolution as stated above. Upon such effective dates, all prior versions of the Arapahoe County Building Code replaced by this Resolution update shall be rescinded.

The vote was:

Commissioner Baker, ____; Commissioner Holen, ____; Commissioner Summey, ____; Commissioner Campbell, ____; Commissioner Warren-Gully.

The Chair declared the motion carried and so ordered.