

**SUBJECT: ORDINANCE NO. 1886, SERIES 2024 – AN ORDINANCE
AMENDING CHAPTER 15 OF THE LOUISVILLE MUNICIPAL
CODE TO EXTEND THE DEADLINE TO FILE A BUILDING
PERMIT EXPAND THE AVAILABILITY OF THE 2018
INTERNATIONAL ENERGY CONSERVATION CODE AS AN
ALTERNATIVE FOR REBUILDING OF STRUCTURES – 2nd
READING, PUBLIC HEARING**

DATE: NOVEMBER 19, 2024

**PRESENTED BY: ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR**

SUMMARY:

Staff is presenting an ordinance that will extend the deadline for original homeowners to opt-out from the 2021 International Energy Conservation Code (IECC) and Appendix RC – Zero Energy Residential Building Provisions when rebuilding or repairing their home damaged by the Marshall Fire. The current deadline for applying for a building permit is December 31, 2025 and the proposed ordinance extends the deadline to December 31, 2028. City Council recently extended the deadline to qualify for the City construction use tax exemption for those rebuilding or repairing their homes to December 31, 2028, and indicated during the adoption hearing that Council would like to consider extending the IECC opt-out to the same deadline.

BACKGROUND:

By Ordinance No. 1825, Series 2022, City Council adopted an opt-out provision in the City's Building Code to allow those rebuilding after the Marshall Fire to meet the 2018 International Energy Conservation Code (IECC) or the 2021 IECC without Appendix RC – Zero Energy Residential Building Provisions. Prior to the Marshall Fire, City Council adopted the 2021 IECC with Appendix RC as a minimum standard for all new residential development. This opt-out was limited to original owners that were rebuilding, who self-certified as being under insured, and for rebuilding or repairing homes that were destroyed or sustained fire damage. City Council adopted the opt-out in recognition that building to the more stringent 2021 IECC with Appendix RC would add to the cost of rebuilding and many who lost their home were significantly underinsured. The ordinance included a December 31, 2024 deadline to apply for a rebuild permit.

By Ordinance No. 1842, Series 2022, City Council amended the opt-out provisions so that those who owned a destroyed or fire damaged home in another jurisdiction but chose to rebuild in Louisville instead of the original location would qualify. The deadline to apply for a rebuild permit remained December 31, 2024 with this amendment.

By Ordinance 1868, Series 2023, City Council again amended the opt-out provisions so that those whose homes weren't destroyed or damaged by the fire, but instead sustained smoke, heat, water, ash or other damage as the result of the Marshall Fire, would also qualify for the opt-out provisions. The deadline to apply for a permit was extended by one year to December 31, 2025.

DISCUSSION:

One of the reasons for setting the original deadline was to help ensure that the City could plan for a reasonable amount of time and resources to implement the program. The code allows those rebuilding and repairing their homes to choose between four different energy code paths, including the more stringent 2021 IECC or 2021 IECC with Appendix RC. The purpose for allowing homeowners to choose between code options, including the more stringent code options, was to allow them to take advantage of "law and ordinances" insurance coverage that may pay for some of the cost for the mandated code upgrades. Building Division staff must track, review plans, and conduct inspections under each of the four energy code pathways. In some cases, builders have switched energy code paths during the rebuilding process. Administering alternative code options adds complexity and an administrative burden compared to implementing a single code option.

Another reason for the original deadline was to incentivize a quick recovery period that limits the impact on residents in and around the impacted neighborhoods. Extending the deadline by three years to December 31, 2028 will no longer provide an incentive for a quick recovery, but will ensure that those who may have been delayed in their rebuilding efforts will have sufficient opportunity to take advantage of the opt-out provisions.

There are approximately 19 original homeowners left that lost their home in the Marshall Fire, who do not have their lot for sale, and who have not applied for a building permit. It is likely that homeowners have completed repairs on the majority of damaged homes, but staff is aware of three standing homes that aren't occupied and likely need repairs completed. Extending the expiration date for the IECC opt-out will provide more opportunity for these homeowners to take advantage of the code options.

FISCAL IMPACT:

There is no direct fiscal impact from the adoption of this ordinance.

PROGRAM/SUB-PROGRAM IMPACT:

Adoption of this ordinance is consistent with the Community Design, Development Review Sub-Program Goal to: "Review development applications and enforce the building, zoning and subdivision laws of the city to promote public health, safety, comfort, convenience, prosperity, general welfare and consumer protection."

SUBJECT: ORDINANCE NO. 1886, SERIES 2024

DATE: NOVEMBER 19, 2024

PAGE 3 OF 3

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance No. 1886, Series 2024.

ATTACHMENTS:

1. Proposed Ordinance No. 1886, Series 2024
2. Ordinance 1825, Series 2022
3. Ordinance 1842, Series 2022
4. Ordinance 1868, Series 2023

STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☐	 Reliable Core Services
☐	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☒	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

**ORDINANCE NO. 1886
SERIES 2024**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE LOUISVILLE MUNICIPAL CODE
TO EXTEND THE DEADLINE TO FILE A BUILDING PERMIT EXPAND THE
AVAILABILITY OF THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS
AN ALTERNATIVE FOR REBUILDING OF STRUCTURES**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (600) structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on December 30, 2021, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville, which Declaration was thereafter continued in effect by resolution of the City Council, and the Governor of the State of Colorado also issued a Declaration of Statewide Emergency in response to the Marshall Fire; and

WHEREAS, on January 1, 2022, President Joseph R. Biden approved a Major Disaster Declaration for the Event (DR-4634-CO) beginning on December 30, 2021 and continuing thereafter; and

WHEREAS, the structures damaged and destroyed by the Marshall Fire comprise significant portions of several residential subdivisions within the City; and

WHEREAS, the City regulates building and construction standards in Title 15 of the Louisville Municipal Code (the "Building Code"); and

WHEREAS, by Ordinance No. 1816 adopted on October 19, 2021, the City Council adopted, with certain amendments, the 2021 International Energy Conservation Code with Appendix RC Zero Energy Residential Building Provisions (the "2021 IECC"); and

WHEREAS, by Ordinance No. 1825 adopted on April 5, 2022, the City Council adopted the 2018 International Energy Conservation Code (the "2018 IECC") or the 2021 International Energy Conservation Code without Appendix RC (collectively, the "Marshall Fire Alternate Codes") as an alternative for rebuilding of structures significantly damaged or destroyed by the Marshall Fire; and

WHEREAS, use of the Marshall Fire Alternate Codes for Marshall Fire rebuilds was limited to rebuilding of residential structures by persons who on December 31, 2021 owned a property within the City on which the home was damaged or destroyed and on which the permit to rebuild was issued and for which a building permit application was

Ordinance No. 1886, Series 2024
Page 1 of 4

filed with the City by December 31, 2024; and

WHEREAS, on October 3, 2022, the City Council adopted Ordinance No. 1842, Series 2022, which expanded use of the Marshall Fire Alternate Codes to any building permit applicant who owned a home damaged or destroyed by the Marshall Fire in any jurisdiction, and who wished to restore or rebuild a home on a lot in Louisville that was damaged or destroyed by the Marshall Fire; and

WHEREAS, on December 19, 2023, the City Council adopted Ordinance No. 1868, Series 2023, which expanded the use of the Marshall Fire Alternate Codes to building permit applicants whose home sustained smoke, heat, water, ash, or other damage as a result of the Marshall Fire, and extended the deadline for building permit applications to December 31, 2025; and

WHEREAS, the City Council recognizes that not all homeowners wishing to rebuild or make repairs will be able to file for a building permit by December 31, 2025 and desires to extend the deadline for doing so; and

WHEREAS, many affected by the Marshall Fire have learned they may be significantly underinsured and will thus face financial hardships rebuilding their fire-damaged homes; and

WHEREAS, the 2021 IECC includes energy conservation measures that increase the cost of construction over the 2018 IECC and, although grant funding, rebates and other resources have been identified to defray these costs, building permit applicants remain concerned that the financial burden and potential delay that could result by complying with the 2021 IECC will affect their ability to rebuild homes damaged or destroyed by the Marshall Fire; and

WHEREAS, the City Council finds that rebuilding of homes lost to the Marshall Fire is essential to maintaining the fabric of the community, and that allowing those who face financial hardship to rebuild in accordance with the Marshall Fire Alternate Codes will still result in homes that are significantly more energy efficient than the homes that were destroyed; and

WHEREAS, the City Council further finds its adoption of the 2021 IECC was in furtherance of its important policy objectives contained in the City's Sustainability Action Plan, and therefore the 2021 IECC should be implemented to the greatest extent possible; and

WHEREAS, the determination that a building permit applicant may rebuild a residence damaged or destroyed by the Marshall Fire using the Marshall Fire Alternate Codes may only be made based upon satisfaction of those criteria set forth in Section 15.18.010 of the Louisville Municipal Code, to ensure the sustainability measures in the

Ordinance No. 1886, Series 2024

Page 2 of 4

2021 IECC are relaxed only to the extent reasonably necessary to facilitate the rebuilding of fire-damaged homes within the community; and

WHEREAS, the City Council finds that restoring a vibrant and robust community requires rebuilding to occur within a reasonable amount of time, and that the relief set forth herein afforded those who lost their homes in the Marshall Fire who are experiencing financial hardship is rationally related to the important government function of fostering and maintaining such a vibrant and robust community; and

WHEREAS, the City Council finds those persons who lost their homes in the Marshall Fire have experienced and been impacted by a natural disaster of epic proportions, and thus are differently situated from those within the City who choose to repair or remodel an existing residence, build a new residence, or make repairs or replacements that occur in the normal course of owning a residence; and

WHEREAS, by this ordinance, the City Council furthers its established policy of facilitating rebuilding of structures damaged or destroyed by the Marshall Fire as set forth in previous actions of the City Council; and

WHEREAS, the City Council recognizes those persons whose homes were damaged or destroyed by the Marshall Fire have suffered great losses and it is the policy of the City to assist and encourage these residents to rebuild within the City.

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

Section 1. Section 15.18.010.(b)(3) of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

(3) The building permit application was filed on or before
~~December 31, 2025~~ December 31, 2028 and

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be

Ordinance No. 1886, Series 2024

Page 3 of 4

rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare due to the impacts of the Marshall Fire set forth herein.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this 4th day of November 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 19th day of November 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

Second Reading Amendments

Ordinance No. 1825, Series 2022 is revised to read as follows (amendments are shown in **bold underline** and ~~**bold-strikeout**~~):

ORDINANCE NO. 1825 SERIES 2022

AN ORDINANCE ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR REBUILDING OF STRUCTURES SIGNIFICANTLY DAMAGED OR DESTROYED BY THE MARSHALL FIRE.

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (600) structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on December 30, 2021, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville, which Declaration was thereafter continued in effect by resolution of the City Council, and the Governor of the State of Colorado also issued a Declaration of Statewide Emergency in response to the Marshall Fire; and

WHEREAS, on January 1, 2022, President Joseph R. Biden approved a Major Disaster Declaration for the Event (DR-4634-CO) beginning on December 30, 2021 and continuing thereafter; and

WHEREAS, the structures damaged and destroyed by the Marshall Fire comprise significant portions of several residential subdivisions within the City; and

WHEREAS, the City regulates building and construction standards in Title 15 of the Louisville Municipal Code (the "Building Code") ~~and land use and development in Title 17 of the Louisville Municipal Code (the "Zoning Code")~~; and

WHEREAS, by Ordinance No. 1816 adopted on October 19, 2021, the City Council adopted, with certain amendments, the 2021 International Energy Conservation Code with Appendix RC Zero Energy Residential Building Provisions (the "2021 IECC") ~~and amended the Zoning Code to require new construction include electric vehicle charging infrastructure~~; and

WHEREAS, the 2021 IECC adopted by Ordinance No. 1816 replaced the previously-

adopted 2018 Edition of the International Energy Conservation Code (the “2018 IECC”), which also included and required certain energy conservation measures; and

WHEREAS, many of the City’s residents affected by the Marshall Fire have learned they may be significantly underinsured and will thus face financial hardships rebuilding their fire-damaged homes; and

WHEREAS, the 2021 IECC includes energy conservation measures that increase the cost of construction over the 2018 IECC and, although grant funding, rebates and other resources have been identified to defray these costs, residents remain concerned that the financial burden and potential delay that could result by complying with the 2021 IECC will affect their ability to rebuild their homes; and

WHEREAS, the City Council finds that rebuilding of homes lost to the Marshall Fire is essential to maintaining the fabric of the community, and that allowing those who face financial hardship to rebuild in accordance with the 2018 IECC will still result in homes that are significantly more energy efficient than the homes that were destroyed; and

WHEREAS, the City Council further finds its adoption of the 2021 IECC was in furtherance of its important policy objectives contained in the City’s Sustainability Action Plan, and therefore the 2021 IECC should be implemented to the greatest extent possible; and

WHEREAS, the determination that a resident may rebuild a residence damaged or destroyed by the Marshall Fire using the 2018 IECC may only be made based upon satisfaction of those criteria set forth herein, to ensure the sustainability measures in the 2021 IECC are relaxed only to the extent reasonably necessary to facilitate the rebuilding of fire-damaged homes within the community; and

WHEREAS, the City Council finds that restoring a vibrant and robust community requires rebuilding to occur within a reasonable amount of time, and that the relief set forth herein afforded those who lost their homes in the Marshall Fire who are experiencing financial hardship is rationally related to the important government function of fostering and maintaining such a vibrant and robust community; and

WHEREAS, the City Council finds those persons who lost their homes in the Marshall Fire have experienced and been impacted by a natural disaster of epic proportions, and thus are differently situated from those within the City who choose to repair or remodel an existing residence, build a new residence, or make repairs or replacements that occur in the normal course of owning a residence; and

WHEREAS, by this ordinance, the City Council furthers its established policy of facilitating rebuilding of structures damaged or destroyed by the Marshall Fire as set forth in previous actions of the City Council; and

WHEREAS, the City Council recognizes those residents whose homes were damaged or destroyed by the Marshall Fire have suffered great losses and it is the policy of the City to assist and encourage these residents to return to the community;

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

Section 1. Section 15.18.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.010. Adoption.

(a) The International Energy Conservation Code, 2021 Edition (the "2021 IECC"), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2021 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2021 IECC, as amended by this Chapter, shall apply to all property within the City except as provided in subsection (b) of this Section and Section 15.18.020 regarding Appendix R-C.

(b) The International Energy Conservation Code, 2018 Edition (the "2018 IECC"), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2018 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2018 IECC, as amended by this Chapter, shall apply only to major structural repair or rebuilding of those residential properties within the City that sustained fire damage from the Marshall Fire, as approved by the Chief Building Official or their designee at the time of building permit issuance upon a finding that all of the following requirements are met:

(1) The building permit application is for major structural repair or rebuilding of a residence that sustained fire damage from the Marshall Fire,

not consisting solely of smoke or ash damage, that rendered the residence not habitable;

(2) The building permit application has been filed by the owner of record of the property, or an authorized representative, and such person was the owner of record on December 30, 2021;

(3) The building permit application was filed on or before December 31, ~~2023~~ 2024 and

(4) The applicant certifies that a financial hardship prevents completion of the work to be performed in accordance with the 2021 IECC due to inadequate insurance coverage.

Section 2. Section 15.18.020 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.020. Appendices to 2021 IECC Adopted.

The following appendices of the 2021 International Energy Conservation Code are hereby specifically adopted; any appendices not listed are not adopted: Appendix RC, Zero Energy Residential Building Provisions, Appendix CB, Solar Ready Zone – Commercial and Appendix RB, Solar Ready Provisions – Detached One and Two-Family Dwellings and Townhouses. Group R2, R3, and R4, three stories or less shall comply with Appendix RB. A building permit applicant may request not to comply with Appendix RC, Zero Energy Residential Building Provisions, for major structural repair or rebuilding of a residential property that sustained fire damage from the Marshall Fire, which request shall be approved by the Chief Building Official upon finding the criteria in Section 15.18.010(b)(1)-(3) are all met and the applicant certifies that a financial hardship prevents completion of the work to be performed in accordance with Appendix RC of the 2021 IECC due to inadequate insurance coverage.

Section 3. Chapter 15.18 of the Louisville Municipal Code is hereby amended by the addition of a new Section 15.18.035 to read as follows:

Sec. 15.18.025. Section 101.1 amended—Title.

Section 101.1 of the 2018 International Energy Conservation Code is amended to insert "the City of Louisville" so the section will read:

101.1 Title. These regulations shall be known as the 2018 Energy Conservation Code of the City of Louisville, hereinafter referred to as "this code."

Section 4. Section 15.18.040 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.040. Design Criteria.

(a) All new heated commercial and residential heated structures constructed pursuant to the 2021 IECC shall meet the following design criteria:

1. Non-reducible Snow roof snow load: 30 pounds per square foot.
2. Wind speed:
 - a. 145 miles per hour three second gust ASCE-7-10;
 - b. ASTM D3161 test with Class F Application.
3. Wind exposure: "C", unless in the opinion of the Chief Building Official greater restrictions are needed to protect public safety.
4. Seismic zone: B.
5. Frost line depth: 36 inches below finished grade.
6. Weathering: Severe – Climate Zone 5B.
7. Termite: Slight.
8. Decay: Slight.
9. Winter design temperature: one degree.
10. Anticipated snow: six inches.
11. Ice and water shield: required on all shingled roofs – eaves only. Shields must extend from the lowest edges to a point at least 24 inches inside the exterior wall line of the building.
12. Drip edge: required on both eaves and rakes of roof.
13. Air freezing index: less than 1000.
14. Mean annual temperature: 47 degrees.
15. Elevation: 5,337 feet above sea level.

16. Sump pumps:
 - a. Cannot drain into sanitary or storm sewer;
 - b. Must daylight into lawn away from foundation;
 - c. Perimeter foundation systems must day light or drain into sump pit and then sump pump, and sump pump must drain into lawn.
17. Drainage from house: slope at least six inches in the first ten feet.
18. Retaining walls:
 - a. Less than 48 inches from the bottom of the footing to the top of the retaining wall with no surcharge: no permit required.
 - b. More than 48 inches from bottom of footing to top of retaining wall, or any wall with surcharge: requires stamped engineering plans.
19. Backflow preventer: required on all residential irrigation systems (see cross connection control regulations).
20. Hot water heaters:
 - a. Expansion tanks required for all hot water heaters;
 - b. Drain pan required if placed on wood floor.

(b) All new heated commercial and residential heated structures constructed pursuant to the 2018 IECC shall meet the requirements of Chapter 15.60 of this Code.

Section 5. Section 15.18.060 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.060 Copies available.

At least one copy of the International Energy Conservation Code, 2021 Edition, as amended herein, and the International Energy Conservation Code, 2018 Edition, as amended herein, each certified to be true and accurate, shall be available for public inspection at the office of the Building Safety Division, during business hours. The city clerk shall at all times maintain a reasonable supply

of copies of the codes available for purchase by the public at a moderate price. Electronic copies are available, without amendment, at <https://codes.iccsafe.org/public/collections/I-Codes>.

Section 6. Title 15 of the Louisville Municipal Code is hereby amended by the addition of a new chapter 15.60 to read as follows:

Chapter 15.60

PRESCRIPTIVE ENERGY CODE AND DESIGN CRITERIA (2018 IECC)

- Sec. 15.60.010. Applicability.
- Sec. 15.60.020. Insulation.
- Sec. 15.60.030. Windows and glazing U factors.
- Sec. 15.60.040. Electrical.
- Sec. 15.60.050. Mechanical.
- Sec. 15.60.060. Natural lighting.
- Sec. 15.60.070. Air changes.
- Sec. 15.60.080. Design criteria.
- Sec. 15.60.090. Violations and penalties.

Sec. 15.60.010. Applicability.

This chapter regulates the design and construction of residential and commercial heated structures constructed pursuant to the 2018 International Energy Conservation Code, adopted pursuant to Section 15.18.010.B of this Code, for purposes of energy efficiency.

Sec. 15.60.020. Insulation.

All insulation in residential and commercial heated structures shall meet the following standards (including core/shell):

1. R-49 Ceiling.
2. R-21 Exterior Walls.
3. R-19 Basement Walls.
4. R-38 Under Floors (with unconditioned space below).
5. R-10 Under Concrete Slabs.
6. R-3 Hot Water Lines Insulated.

Sec. 15.60.030. Windows and glazing U factors.

All windows in residential and commercial heated structures shall meet the following standards:

1. U- .30 on windows;
2. U- .55 on skylights.

Sec. 15.60.040. Electrical.

Except as otherwise noted, all residential and commercial heated structures shall meet the following electrical standards:

1. Structures shall be built to be solar ready.
2. Timers shall be installed on bathroom exhaust (residential only).
3. Light occupant sensors shall be installed in commercial buildings.
4. Recessed luminaires shall be installed in the building thermal envelope and shall be sealed to limit air leakage.
5. 90 percent or more of all light fixtures shall contain high-efficiency lamps.

Sec. 15.60.050. Mechanical.

Except as otherwise noted, all residential and commercial heated structures shall meet the following mechanical standards:

1. 90 percent Plus Furnaces; 90 percent Plus Boilers (residential only).
2. 85 percent Plus RTU (commercial only).
3. Air conditioning units – 14 SEER.
4. Occupancy sensors on Thermostatic set back controls (brings buildings to lower temperature).
5. Manual J and D shall be required on residential additions greater than 500 square feet in area.

Sec. 15.60.060. Natural lighting.

Commercial heated structures shall meet the following natural lighting standards:

1. Three percent of roof shall be skylights, unless used for solar panels;
2. Not less than eight percent of floor area shall be glazed.

Sec. 15.60.070. Air changes.

All new heated residential structures shall be designed and constructed with whole house mechanical ventilation in accordance with section M1505.4 of the 2018 International Residential Code, and shall be tested to verify air leakage rate does not exceed three air changes in one hour.

Sec. 15.60.080. Design criteria.

All new heated commercial and residential heated structures shall meet the following design criteria:

1. Snow load: 30 pounds per square foot.
2. Wind speed:
 - a. 145 miles per hour three second gust ASCE-7-10;
 - b. ASTM D3161 test with Class F Application.
3. Wind exposure: "C", unless in the opinion of the Chief Building Official greater restrictions are needed to protect public safety.
4. Seismic zone: B.
5. Frost line depth: 36 inches below finished grade.
6. Weathering: Severe – Climate Zone 5B.
7. Termite: Slight.
8. Decay: Slight.
9. Winter design temperature: one degree.
10. Anticipated snow: six inches.

11. Ice and water shield: required on all shingled roofs – eaves only. Shields must extend from the lowest edges to a point at least 24 inches inside the exterior wall line of the building.

12. Drip edge: required on both eaves and rakes of roof.

13. Air freezing index: less than 1000.

14. Mean annual temperature: 47 degrees.

15. Elevation: 5,337 feet above sea level.

16. Sump pumps:

- a. Cannot drain into sanitary or storm sewer;
- b. Must daylight into lawn away from foundation;
- c. Perimeter foundation systems must drain into sump pit and then sump pump, and sump pump must drain into lawn.

17. Drainage from house: slope at least six inches in the first ten feet.

18. Retaining walls:

- a. Less than 48 inches from the bottom of the footing to the top of the retaining wall with no surcharge: no permit required.
- b. More than 48 inches from bottom of footing to top of retaining wall, or any wall with surcharge: requires stamped engineering plans.

19. Backflow preventer: required on all residential irrigation systems (see cross connection control regulations).

20. Hot water heaters:

- a. Expansion tanks required for all hot water heaters;
- b. Drain pan required if placed on wood floor.

Sec. 15.60.090. Violations and penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the work to be done, in violation of the provisions of this chapter or the terms of the code or standards adopted and incorporated in this chapter. Any person convicted of a violation of any provision of this chapter or of the provisions of the code or standards adopted and incorporated in this chapter shall be subject to the penalty provided in section 1.28.010.

~~**Section 7.** Section 17.20.170.C of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted stricken), with subsections C.1 and C.2 to remain unchanged:~~

~~**Sec. 17.20.170 Electric vehicle charging infrastructure.**~~

~~**C.** Number of required electric vehicle charging stations. The following table sets forth the number of required charging stations for all new development or redevelopments as required in for which a building permit is issued pursuant to the International Energy Conservation Code ("IECC") set forth in Chapter 15.18 of the Louisville Municipal Code, except that charging stations shall not be required for building permits issued pursuant to the 2018 Edition of the IECC. This list is not intended to be exhaustive of each use category, however is intended to establish general categories of use tiers. The Director of Planning and Building Safety shall determine the appropriate tier if the use is not identified in the table below.~~

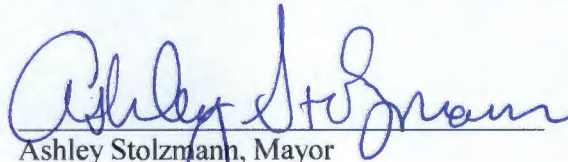
Section 8 7. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9 8. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

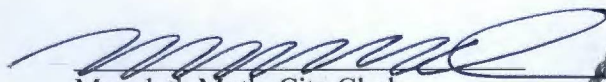
Section 10 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 44 10. As set forth in Section 15.18.070, it shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the work to be done, in violation of the provisions of Chapter 15.18 of the Louisville Municipal Code or the terms of the code or standards adopted and incorporated in Chapter 15.18. Any person convicted of a violation of any provision of this chapter or of the provisions of the code or standards adopted and incorporated in this chapter shall be subject to the penalty provided in Section 1.28.010 of the Louisville Municipal Code.

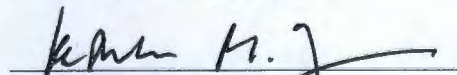
INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 15th day of March, 2022.


Ashley Stolzmann, Mayor

ATTEST:

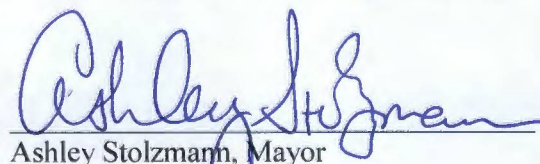

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

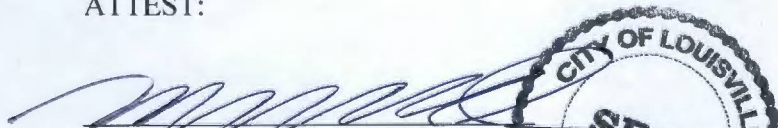

Kelly PC, City Attorney



PASSED AND ADOPTED ON SECOND AND FINAL READING, this 5th day of April, 2022.


Ashley Stolzmann, Mayor

ATTEST:


Meredyth Muth, City Clerk



Published Boulder Daily Camera April 10, 2022-182

**ORDINANCE NO. 1842
SERIES 2022**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 15 OF THE LOUISVILLE
MUNICIPAL CODE TO EXPAND THE AVAILABILITY OF THE 2018
INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR
REBUILDING OF STRUCTURES SIGNIFICANTLY DAMAGED OR DESTROYED BY
THE MARSHALL FIRE**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (600) structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on December 30, 2021, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville, which Declaration was thereafter continued in effect by resolution of the City Council, and the Governor of the State of Colorado also issued a Declaration of Statewide Emergency in response to the Marshall Fire; and

WHEREAS, on January 1, 2022, President Joseph R. Biden approved a Major Disaster Declaration for the Event (DR-4634-CO) beginning on December 30, 2021 and continuing thereafter; and

WHEREAS, the structures damaged and destroyed by the Marshall Fire comprise significant portions of several residential subdivisions within the City; and

WHEREAS, the City regulates building and construction standards in Title 15 of the Louisville Municipal Code (the “Building Code”); and

WHEREAS, by Ordinance No. 1825 adopted on April 4, 2022, the City Council adopted the 2018 International Energy Conservation Code (the “2018 IECC”) as an alternative for rebuilding of structures significantly damaged or destroyed by the Marshall Fire; and

WHEREAS, use of the 2018 IECC for Marshall Fire rebuilds was limited to rebuilding of residential structures by persons who on December 31, 2021 owned a property within the City on which the home was damaged or destroyed and on which the permit to rebuild was issued; and

WHEREAS, the City Council desires by this ordinance to expand the ability of building permit applicants to utilize the 2018 IECC to any applicant who owned a home damaged or destroyed by the Marshall Fire, whether such home was located in Louisville, Superior, or Boulder County, and who wishes to restore or rebuild a home on a lot in Louisville damaged or destroyed by the Marshall Fire; and

WHEREAS, many affected by the Marshall Fire have learned they may be significantly underinsured and will thus face financial hardships rebuilding their fire-damaged homes; and

WHEREAS, the 2021 IECC includes energy conservation measures that increase the cost of construction over the 2018 IECC and, although grant funding, rebates and other resources have been identified to defray these costs, building permit applicants remain concerned that the financial burden and potential delay that could result by complying with the 2021 IECC will affect their ability to rebuild homes damaged or destroyed by the Marshall Fire; and

WHEREAS, the City Council finds that rebuilding of homes lost to the Marshall Fire is essential to maintaining the fabric of the community, and that allowing those who face financial hardship to rebuild in accordance with the 2018 IECC will still result in homes that are significantly more energy efficient than the homes that were destroyed; and

WHEREAS, the City Council further finds its adoption of the 2021 IECC was in furtherance of its important policy objectives contained in the City's Sustainability Action Plan, and therefore the 2021 IECC should be implemented to the greatest extent possible; and

WHEREAS, the determination that a building permit applicant may rebuild a residence damaged or destroyed by the Marshall Fire using the 2018 IECC may only be made based upon satisfaction of those criteria set forth herein, to ensure the sustainability measures in the 2021 IECC are relaxed only to the extent reasonably necessary to facilitate the rebuilding of fire-damaged homes within the community; and

WHEREAS, the City Council finds that restoring a vibrant and robust community requires rebuilding to occur within a reasonable amount of time, and that the relief set forth herein afforded those who lost their homes in the Marshall Fire who are experiencing financial hardship is rationally related to the important government function of fostering and maintaining such a vibrant and robust community; and

WHEREAS, the City Council finds those persons who lost their homes in the Marshall Fire have experienced and been impacted by a natural disaster of epic proportions, and thus are differently situated from those within the City who choose to repair or remodel an existing residence, build a new residence, or make repairs or replacements that occur in the normal course of owning a residence; and

WHEREAS, by this ordinance, the City Council furthers its established policy of facilitating rebuilding of structures damaged or destroyed by the Marshall Fire as set forth in previous actions of the City Council; and

WHEREAS, the City Council recognizes those persons whose homes were damaged or destroyed by the Marshall Fire have suffered great losses and it is the policy of the City to assist and encourage these residents to rebuild within the City; and

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

Section 1. Section 15.18.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.010. Adoption.

(a) The International Energy Conservation Code, 2021 Edition (the “2021 IECC”), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2021 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2021 IECC, as amended by this Chapter, shall apply to all property within the City except as provided in subsection (b) of this Section and Section 15.18.020 regarding Appendix R-C.

(b) The International Energy Conservation Code, 2018 Edition (the “2018 IECC”), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2018 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2018 IECC, as amended by this Chapter, shall apply only to major structural repair or rebuilding of those residential properties within the City that sustained fire damage from the Marshall Fire, as approved by the Chief Building Official or their designee at the time of building permit issuance upon a finding that all of the following requirements are met:

(1) The building permit application is for major structural repair or rebuilding of a residence that sustained fire damage from the Marshall Fire, not consisting solely of smoke or ash damage, that rendered the residence not habitable;

(2) The building permit application has been filed by a person who, on December 30, 2021, was the owner of record of the property in any jurisdiction on which a residence was damaged or destroyed by the Marshall

~~Fire, or an such person's authorized representative, and such person was the owner of record on December 30, 2021;~~

(3) The building permit application was filed on or before December 31, 2024 and

(4) The applicant acknowledges on the building permit application that a financial hardship prevents completion of the work to be performed in accordance with the 2021 IECC due to inadequate insurance coverage.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

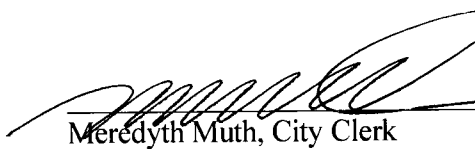
Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

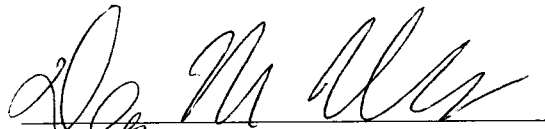
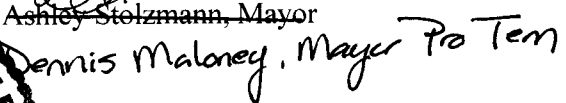
Section 5. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare due to the impacts of the Marshall Fire set forth herein.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 3rd day of October, 2022.

ATTEST:


Meredyth Muth, City Clerk




Ashley Stolzmann, Mayor

Dennis Maloney, Mayor Pro Tem

**PUBLIC NOTICE
ORDINANCE NO. 1842, SERIES 2022**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, held on February 15, 2022 at the hour of 6:00 p.m., at 749 Main Street, Louisville, Colorado, the City Council held a Public Hearing on the passage and adoption of a proposed emergency Ordinance No. 1842, Series 2022.

AN EMERGENCY ORDINANCE AMENDING CHAPTER 15 OF THE LOUISVILLE MUNICIPAL CODE TO EXPAND THE AVAILABILITY OF THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR REBUILDING OF STRUCTURES SIGNIFICANTLY DAMAGED OR DESTROYED BY THE MARSHALL FIRE

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE AND ORDERED PUBLISHED IN FULL this 3rd DAY OF OCTOBER, 2022.

Dennis Maloney, Mayor Pro Tem

ATTEST:
Meredyth Muth, City Clerk

Published with full ordinance in the Daily Camera 10/9/22.

**ORDINANCE NO. 1842
SERIES 2022**

AN EMERGENCY ORDINANCE AMENDING CHAPTER 15 OF THE LOUISVILLE MUNICIPAL CODE TO EXPAND THE AVAILABILITY OF THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR REBUILDING OF STRUCTURES SIGNIFICANTLY DAMAGED OR DESTROYED BY THE MARSHALL FIRE

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (600) structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on December 30, 2021, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville, which Declaration was thereafter continued in effect by resolution of the City Council, and the Governor of the State of Colorado also issued a Declaration of Statewide Emergency in response to the Marshall Fire; and

WHEREAS, on January 1, 2022, President Joseph R. Biden approved a Major Disaster Declaration for the Event (DR-4634-CO) beginning on December 30, 2021 and continuing thereafter; and

WHEREAS, the structures damaged and destroyed by the Marshall Fire comprise significant portions of several residential subdivisions within the City; and

WHEREAS, the City regulates building and construction standards in Title 15 of the Louisville Municipal Code (the "Building Code"); and

WHEREAS, by Ordinance No. 1825 adopted on April 4, 2022, the City Council adopted the 2018 International Energy Conservation Code (the "2018 IECC") as an alternative for rebuilding of structures significantly damaged or destroyed by the Marshall Fire; and

WHEREAS, use of the 2018 IECC for Marshall Fire rebuilds was limited to rebuilding of residential structures by persons who on December 31, 2021 owned a property within the City on which the home was damaged or destroyed and on which the permit to rebuild was issued; and

WHEREAS, the City Council desires by this ordinance to expand the ability of building permit applicants to utilize the 2018 IECC to any applicant who owned a home damaged or destroyed by the Marshall Fire, whether such home was located in Louisville, Superior, or Boulder County, and who wishes to restore or rebuild a home on a lot in Louisville damaged or destroyed by the Marshall Fire; and

WHEREAS, many affected by the Marshall Fire have learned they may be significantly underinsured and will thus face financial hardships rebuilding their fire-damaged homes; and

WHEREAS, the 2021 IECC includes energy conservation measures that increase the cost of construction over the 2018 IECC and, al-

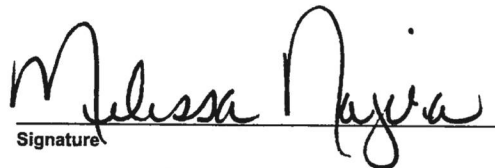
PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

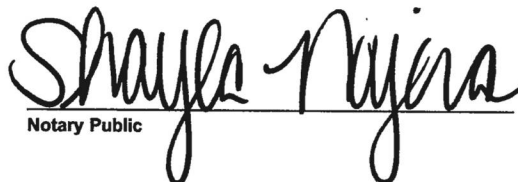
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Daily Camera*.
2. The *Daily Camera* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Daily Camera* in Boulder County on the following date(s):

Oct 9, 2022


Signature

Subscribed and sworn to me before me this
21st day of October, 2022.


Notary Public

(SEAL)

**SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025**

Account: 1048836
Ad Number: 1925950
Fee: \$348.04

though grant funding, rebates and other resources have been identified to defray these costs, building permit applicants remain concerned that the financial burden and potential delay that could result by complying with the 2021 IECC will affect their ability to rebuild homes damaged or destroyed by the Marshall Fire; and

WHEREAS, the City Council finds that rebuilding of homes lost to the Marshall Fire is essential to maintaining the fabric of the community, and that allowing those who face financial hardship to rebuild in accordance with the 2018 IECC will still result in homes that are significantly more energy efficient than the homes that were destroyed; and

WHEREAS, the City Council further finds its adoption of the 2021 IECC was in furtherance of its important policy objectives contained in the City's Sustainability Action Plan, and therefore the 2021 IECC should be implemented to the greatest extent possible; and

WHEREAS, the determination that a building permit applicant may rebuild a residence damaged or destroyed by the Marshall Fire using the 2018 IECC may only be made based upon satisfaction of those criteria set forth herein, to ensure the sustainability measures in the 2021 IECC are relaxed only to the extent reasonably necessary to facilitate the rebuilding of fire-damaged homes within the community; and

WHEREAS, the City Council finds that restoring a vibrant and robust community requires rebuilding to occur within a reasonable amount of time, and that the relief set forth herein afforded those who lost their homes in the Marshall Fire who are experiencing financial hardship is rationally related to the important government function of fostering and maintaining such a vibrant and robust community; and

WHEREAS, the City Council finds those persons who lost their homes in the Marshall Fire have experienced and been impacted by a natural disaster of epic proportions, and thus are differently situated from those within the City who choose to repair or remodel an existing residence, build a new residence, or make repairs or replacements that occur in the normal course of owning a residence; and

WHEREAS, by this ordinance, the City Council furthers its established policy of facilitating rebuilding of structures damaged or destroyed by the Marshall Fire as set forth in previous actions of the City Council; and

WHEREAS, the City Council recognizes those persons whose homes were damaged or destroyed by the Marshall Fire have suffered great losses and it is the policy of the City to assist and encourage these residents to rebuild within the City; and

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

Section 1. Section 15.18.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted stricken):

Sec. 15.18.010. Adoption.

(a) The International Energy Conservation Code, 2021 Edition (the "2021 IECC"), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2021 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2021 IECC, as amended by this Chapter, shall apply to all property within the City except as provided in subsection (b) of this Section and Section 15.18.020 regarding Appendix R-C.

(b) The International Energy Conservation Code, 2018 Edition (the "2018 IECC"), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of ener-

gy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2018 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2018 IECC, as amended by this Chapter, shall apply only to major structural repair or rebuilding of those residential properties within the City that sustained fire damage from the Marshall Fire, as approved by the Chief Building Official or their designee at the time of building permit issuance upon a finding that all of the following requirements are met:

- (1) The building permit application is for major structural repair or rebuilding of a residence that sustained fire damage from the Marshall Fire, not consisting solely of smoke or ash damage, that rendered the residence not habitable;
- (2) The building permit application has been filed by a person who, on December 30, 2021, was the owner of record of the property in any jurisdiction on which a residence was damaged or destroyed by the Marshall Fire, or an such person's authorized representative, and such person was the owner of record on December 30, 2021;
- (3) The building permit application was filed on or before December 31, 2024 and
- (4) The applicant acknowledges on the building permit application that a financial hardship prevents completion of the work to be performed in accordance with the 2021 IECC due to inadequate insurance coverage.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare due to the impacts of the Marshall Fire set forth herein.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 3rd day of October, 2022.

Dennis Maloney, Mayor Pro Tem

ATTEST:
Meredyth Muth, City Clerk

Published: Boulder Daily Camera October 9, 2022-1925950

Second Reading Amendments

Ordinance No. 1868, Series 2023, is revised to read as follows (amendments on second reading are shown in track changes format):

ORDINANCE NO. 1868 SERIES 2023

AN ORDINANCE ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR THE REPAIR AND REBUILDING OF HOMES THAT SUSTAINED SMOKE, HEAT, WATER, ASH OR OTHER DAMAGE AS A RESULT OF THE MARSHALL FIRE

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (600) structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on December 30, 2021, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville, which Declaration was thereafter continued in effect by resolution of the City Council, and the Governor of the State of Colorado also issued a Declaration of Statewide Emergency in response to the Marshall Fire; and

WHEREAS, on January 1, 2022, President Joseph R. Biden approved a Major Disaster Declaration for the Event (DR-4634-CO) beginning on December 30, 2021 and continuing thereafter; and

WHEREAS, the structures damaged and destroyed by the Marshall Fire comprise significant portions of several residential subdivisions within the City; and

WHEREAS, the City regulates building and construction standards in Title 15 of the Louisville Municipal Code (the "Building Code"); and

WHEREAS, by Ordinance No. 1816 adopted on October 19, 2021, the City Council adopted, with certain amendments, the 2021 International Energy Conservation Code with Appendix RC Zero Energy Residential Building Provisions (the "2021 IECC"); and

WHEREAS, the 2021 IECC adopted by Ordinance No. 1816 replaced the previously-adopted 2018 Edition of the International Energy Conservation Code (the "2018 IECC"), which also included and required certain energy conservation measures; and

WHEREAS, many of the City's residents affected by the Marshall Fire have learned they may be significantly underinsured and will thus face financial hardships rebuilding their fire-damaged homes; and

WHEREAS, the 2021 IECC includes energy conservation measures that increase the cost of construction over the 2018 IECC and, although grant funding, rebates and other resources have been identified to defray these costs, residents remain concerned that the financial burden and potential delay that could result by complying with the 2021 IECC will affect their ability to rebuild their homes; and

WHEREAS, the City Council finds that repairing and rebuilding of homes lost to the Marshall Fire is essential to maintaining the fabric of the community, and that allowing those who face financial hardship to repair and rebuild in accordance with the 2018 IECC will still result in homes that are significantly more energy efficient than the homes that were destroyed; and

WHEREAS, the City Council further finds its adoption of the 2021 IECC was in furtherance of its important policy objectives contained in the City's Sustainability Action Plan, and therefore the 2021 IECC should be implemented to the greatest extent possible; and

WHEREAS, the determination that a resident may rebuild or repair a residence damaged or destroyed by the Marshall Fire using the 2018 IECC may only be made based upon satisfaction of those criteria set forth herein, to ensure the sustainability measures in the 2021 IECC are relaxed only to the extent reasonably necessary to facilitate the rebuilding of fire-damaged homes within the community; and

WHEREAS, the City Council finds that restoring a vibrant and robust community requires rebuilding to occur within a reasonable amount of time, and that the relief set forth herein afforded those who lost their homes in the Marshall Fire who are experiencing financial hardship is rationally related to the important government function of fostering and maintaining such a vibrant and robust community; and

WHEREAS, the City Council finds those persons who lost their homes in the Marshall Fire have experienced and been impacted by a natural disaster of epic proportions, and thus are differently situated from those within the City who choose to repair or remodel an existing residence, build a new residence, or make repairs or replacements that occur in the normal course of owning a residence; and

WHEREAS, by this ordinance, the City Council furthers its established policy of facilitating rebuilding of structures damaged or destroyed by the Marshall Fire as set forth in previous actions of the City Council; and

WHEREAS, the City Council recognizes those residents whose homes were damaged or destroyed by the Marshall Fire have suffered great losses and it is the policy of

the City to assist and encourage these residents to return to the community.

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

Section 1. Section 15.18.010 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.010. Adoption.

(a) The International Energy Conservation Code, 2021 Edition (the “2021 IECC”), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2021 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2021 IECC, as amended by this Chapter, shall apply to all property within the City except as provided in subsection (b) of this Section and Section 15.18.020 regarding Appendix R-C.

(b) The International Energy Conservation Code, 2018 Edition (the “2018 IECC”), published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, is hereby adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The subject matter of the International Energy Conservation Code is to regulate and govern energy efficient building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Louisville, and to provide for the issuance of permits and collection of fees therefor. The International Energy Conservation Code, 2018 Edition, is adopted in full, including the outline table of contents and index; but no appendices to such code are adopted. The 2018 IECC, as amended by this Chapter, shall apply ~~only~~ to major structural repair or rebuilding of those residential properties within the City that sustained fire damage from the Marshall Fire, or for repair or rebuilding of a primary residential structure that sustained smoke, heat, water, ash or other damage from the Marshall Fire, as approved by the Chief Building Official or their designee at the time of building permit issuance upon a finding that all of the following requirements are met:

(1) The building permit application is for major structural repair or rebuilding of a residence that sustained fire damage from the

Marshall Fire, or for repair or rebuilding of a primary residential structure that sustained smoke, heat, water, ash or other damage from the Marshall Fire not consisting solely of smoke or ash damage, that rendered the residence not habitable;

(2) The building permit application has been filed by the owner of record of the property, or an authorized representative, and such person was the owner of record on December 30, 2021;

(3) The building permit application was filed on or before December 31, ~~2024~~ 2025 and

(4) The applicant certifies that a financial hardship prevents completion of the work to be performed in accordance with the 2021 IECC due to inadequate insurance coverage.

Section 2. Section 15.18.020 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.020. Appendices to 2021 IECC Adopted.

The following appendices of the 2021 International Energy Conservation Code are hereby specifically adopted; any appendices not listed are not adopted: Appendix RC, Zero Energy Residential Building Provisions, Appendix CB, Solar Ready Zone – Commercial and Appendix RB, Solar Ready Provisions – Detached One and Two-Family Dwellings and Townhouses. Group R2, R3, and R4, three stories or less shall comply with Appendix RB. A building permit applicant may request not to comply with Appendix RC, Zero Energy Residential Building Provisions, for major structural repair or rebuilding of a residential property that sustained fire damage from the Marshall Fire, or for repair or rebuilding of a primary residential structure that sustained smoke, heat, water, ash or other damage from the Marshall Fire, which request shall be approved by the Chief Building Official upon finding the criteria in Section 15.18.010(b)(1)-(3) are all met and the applicant certifies that a financial hardship prevents completion of the work to be performed in accordance with Appendix RC of the 2021 IECC due to inadequate insurance coverage.

Section 3. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change

in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. As set forth in Section 15.18.070, it shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the work to be done, in violation of the provisions of Chapter 15.18 of the Louisville Municipal Code or the terms of the code or standards adopted and incorporated in Chapter 15.18. Any person convicted of a violation of any provision of this chapter or of the provisions of the code or standards adopted and incorporated in this chapter shall be subject to the penalty provided in Section 1.28.010 of the Louisville Municipal Code.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 28th day of November, 2023.



Christopher M. Leh, Mayor

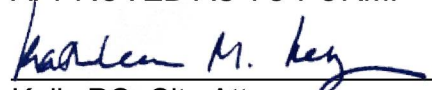
ATTEST:



Meredyth Muth, City Clerk



APPROVED AS TO FORM:



Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 19th day of December, 2023.



Christopher M. Leh, Mayor

ATTEST:


Meredyth Muth, City Clerk

