

ORDINANCE NO. _____
SERIES 2022

AN ORDINANCE AMENDING SECTION 17.20.170.C. OF THE LOUISVILLE MUNICIPAL CODE ALLOWING AN ALTERNATIVE TO INSTALLING ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AS PART OF THE 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 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 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. 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 _____ day of _____, 2021.

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 _____ day of _____, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk