

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.

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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.

Dennis Maloney, Mayor Pro Tem

ATTEST:
Meredyth Muth, City Clerk