

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1868, SERIES 2023**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on December 19, 2023 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027 or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed **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.**

Published in the *Daily Camera* on December 3, 2023 with full ordinance.

Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

**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 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 ____ day of _____, 2023.

Christopher M. Leh, Mayor

ATTEST:
Meredyth Muth, City Clerk