

SUBJECT: **ORDINANCE NO. 1891, SERIES 2025 – AN ORDINANCE
AMENDING THE CITY OF LOUISVILLE FIRE HARDENING
CODE FOR STRUCTURES – 1ST READING, SET PUBLIC
HEARING FOR 03/04/2025**

DATE: **FEBRUARY 4, 2025**

PRESENTED BY: **ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR
CHAD ROOT, CHIEF BUILDING OFFICIAL**

SUMMARY:

The proposed ordinance updates Chapter 15.70, Fire Hardening Code for Structures to allow Class B materials for decks and fences.

BACKGROUND:

On November 4, 2024, City Council adopted Ordinance 1884, Series 2024, establishing a City-wide fire hardening building standards that address the following building elements:

- Roof coverings
- Siding and eave materials
- Deck surface materials
- Fencing materials (within 5-feet of the home)
- Vent coverings
- Solar panel screens
- Gutter materials and guards

ANALYSIS:

The code established that fence and certain deck materials meet a Class A flame spread rating of 25 or less. There are standardized testing methods to determine fire spread ratings through different agencies (e.g. American Society for Testing and Material (ASTM), National Fire Protection Association (NFPA), Underwriters Laboratory (UL)). The following are the different standardized classifications:

Class A – 0-25

Class B – 26-75

Class C – 76-200

Both Class A and Class B rated material are often used in Wildland Urban Interface codes depending on the potential fire hazard being addressed and location of the materials. Cedar and many pressure-treated woods do not meet the Class B rating and would still not be allowed. Some specialized composite materials will meet the Class A rating, but these materials do not appear readily available in our market and are significantly more expensive than Class B composite materials. Class B composite

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materials are much more readily available and still provide a higher level of flame spread resistance than typical untreated soft wood or pressure treated woods (e.g. Trex brand decking most often rates as Class B with a flame spread index of around 75). Some natural hardwoods, such as redwood may also qualify as Class B.

PUBLIC COMMENTS:

No public comments have been received on the draft ordinance.

FISCAL IMPACT:

There is no anticipated fiscal impact from the proposed amendments.

STAFF RECOMMENDATION:

Staff recommends approval on first reading and setting the public hearing for March 4, 2025.

ATTACHMENTS:

1. Ordinance No. 1891, Series 2025

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. 1891

SERIES 2025

AN ORDINANCE AMENDING THE CITY OF LOUISVILLE FIRE HARDENING CODE FOR STRUCTURES

WHEREAS, the City Council adopted the Louisville Fire Hardening Code for Structures by Ordinance No. 1884, Series 2024 in order to reduce threats from wildfires and to mitigate structure fires from spreading to adjacent residential and commercial structures; and

WHEREAS, it is deemed to be in the interest of the public health, safety and general welfare for the residence of Louisville to adopt such code; and

WHEREAS, the City Council desires to amend some of the provisions of the code to ensure there is building material availability for decks and fences that meet the minimum standards and intent of the code; and

WHEREAS, the City Council, after proper notice as required by law, has held a public hearing on this ordinance providing for the adoption of said codes.

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

Section 1. Chapter 15.70 of the Louisville Municipal Code is hereby amended as follows (new text underlined and deleted text as ~~cross through~~):

Chapter 15.70

Fire Hardening Code for Structures

Sec. 15.70.010. - Applicability

This Chapter provides minimum City-wide building and construction standards for residential and commercial structures in order to decrease threats from wildfires and the spread of fire between structures. The requirements set forth in this Chapter shall apply to all new construction, additions, and replacement of building materials, except as set forth in Section 15.70.030

Sec. 15.70.020. – Construction Standards.

- A. *Class A Roof Coverings* tested with ASTM E108 or UL 790 are required on all new structures, additions and replacement roofs where the replaced roof is 50% or greater. Examples of a Class A roof coverings include metal, membrane, asphalt, tile, clay, concrete, stone and slate shingles.
- B. *Fire Resistant Siding and Eaves* are required on all new structures, additions and where 50% or more of the siding or eave is replaced. Siding and eaves shall be

fire and ignition resistant with a ~~maximum~~ flame spread rating of 25 or less (Class A). Heavy timber and log construction is also acceptable.

- C. *Fire and Ignition Resistant Deck Surface, Steps and Guardrails* are required on all new decks and all replacement decks, steps and guardrails. The deck surface, step surface and guardrails shall be fire and Ignition resistant with a ~~maximum~~ flame spread rating of ~~25~~ 26-75 (Class B) or better. For decks six feet or lower to the ground, the surface below the deck shall be gravel placed over a sheet of 6 mil plastic or concrete slab to prevent vegetation growth under the deck.
- D. *Fire and Ignition Resistant Fencing within 5 feet of a structure*. New construction and all replacement fences within 5 feet of the structure must be fire and ignition resistant with a ~~maximum~~ flame spread index of ~~25~~ 26-75 (Class B) or better.
- E. *Roof/Attic Vents, Crawlspace Vents and Solar Panels Screens* - New structures and all replacement vents shall have the following:
 - 1. 1/8-inch metal mesh for attic vents, roof vents, eave vents and foundation vents. Mechanical and plumbing vents do not need to be screened.
 - 2. If solar panels on the roof are screened with metal mesh then the screen must be removable to clean out debris from under panels.
- F. *Metal Gutters with Gutter Guards* - New structures and replacement Gutters shall be made of metal and shall have an approved ignition resistant means to prevent accumulation of debris in gutter.

Sec. 15.70.030 Exemptions.

Exemptions from the requirements of this Chapter 15.70 are as follows:

- A. *Historic Home Exemption*. Historic homes and buildings may be exempted by the Building Official from roofing or siding requirements, or both, of this Chapter if the Building Official finds there is no practical means to meet the intent of the Chapter while maintaining historic features.
- B. *Commercial Structures* that are fully sprinklered and are in compliance with NFPA-13 and are located greater than 35 feet from the property line are exempt from the requirements of this Chapter..
- C. *Temporary Structures*. Permitted Temporary structures, such as tents and membrane structures, are exempt for a period of time not to exceed a 180 days.
- D. The building official may approve alternative methods demonstrating class A or a flame spread of 25 or less in lieu of the requirements of this Chapter.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. The repeal or modification of any provision of any prior ordinance 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 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.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this 4th day of February 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly, P.C., City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____ day of _____, 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

DRAFT