

SUBJECT: **ORDINANCE NO. 1913, SERIES 2026 – AN EMERGENCY
ORDINANCE AMENDING THE FIRE HARDENING CODE FOR
STRUCTURES IN CHAPTER 15.70 OF THE LOUISVILLE
MUNICIPAL CODE – PUBLIC HEARING**

DATE: **JANUARY 20, 2025**

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

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

SUMMARY:

The proposed ordinance adds a new section to Louisville Municipal Code (LMC) Chapter 15.70 – Fire Hardening for Structures to establish a city-wide ban on the planting of new junipers of any species.

Staff recommends additional amendments to the code to provide clarifications and address issues that have arisen as part of administering the original ordinance. These include:

- Specifying that exterior building materials meet a Class A ratings per ASTM E84 or UL 723 testing standards.
- Specifying that treated materials will not be allowed unless the Class A treatment is rated to last for the lifetime of the material without reapplication of the treatment.
- Specifying that any approvals of alternative materials or methods must be based on demonstration that the material will not ignite (e.g. metal, concrete, or stone) or demonstration that the alternative material would meet the equivalent of a Class A rating.

BACKGROUND / PRIOR DISCUSSIONS:

The City adopted [LMC Chapter 15.70](#) by Ordinance No. 1884, Series 2024, which established minimum building code standards for fire hardening of structures applicable to all new development in the City. The ordinance is intended to address resilience of the built environment to conflagration fires, whether the fire spreads from a wildland area or starts elsewhere in the City.

At the December 16, 2025 City Council meeting, Council requested that an emergency ordinance be drafted for consideration that would ban planting of new junipers throughout the City.

The Building Code Board of Appeals reviewed the draft ordinance at their January 14, 2026 meeting and voted 2-1 to recommend approval as drafted. The member voting against the ordinance noted that his vote was due to concerns over availability and cost of Class A deck materials and not in relation to the juniper ban.

ANALYSIS:

Juniper Ban

Junipers contain volatile resins and oils that easily ignite and burn hot compared to other vegetative fuels. Junipers also tend to have low branches creating ladder fuels and tend to accumulate dry dead needles inside and below the plant, further adding to fire risk. Due to these properties, junipers have the potential to significantly contribute to the spread of fire between structures and the spread of fire from a wildland area to a structure when compared to other types of vegetation.

The proposed ordinance bans new plantings of all species of junipers anywhere in the City. Existing junipers may be maintained but may not be replanted or replaced with a juniper species.

Adding a City-wide ban on junipers furthers the purpose of LMC Chapter 15.70 – Fire Hardening for Structures, which is to establish development and construction standards that decrease threats from wildfires and the spread of fires between structures.

Clarification of Class A Rating Standards

The current ordinance requires a maximum flame spread index (FSI) material rating of 25 or better for siding, eaves, decking, and fences within five feet of a structure, which is the minimum FSI rating that is part of classifying as Class A rated material. However, the ordinance does not address the maximum smoke development index (SDI) requirement of 450, which is also typically required for a Class A rated material. This has resulted in the submittal of permit applications that include materials meeting an FSI exceeding 25, but not meeting the SDI requirements, and thus are not Class A rated. Staff recommends amending the code to specify that materials be Class A based on ASTM E84 or UL 723 rating standards to ensure that the SDI standards are also met.

In addition, there are treatments that can be added to building materials that provide a Class A rating. These options tend to be significantly more cost effective than Class A manufactured materials. However, these treatments typically must be reapplied periodically during the lifespan of the product to maintain their effectiveness. Because the City cannot monitor compliance when reapplication of the treatments is required over time, staff recommends that treated materials not be allowed unless the treatment itself is rated to last the lifetime of the product without reapplication.

The amendments also clarify that alternative materials that will not ignite, such as stone, concrete, or metal, may be allowed even though these materials are not tested for Class A rating and allows other alternative materials if demonstrated they have an equivalent Class A rating as determined by the Building Official. The ordinance already includes language to this effect, but the revisions clarify the intent.

2025 COUNCIL WORK PLAN:

The 2025 City Council workplan includes Safety as a core priority, including consideration of potential defensible space standards to aid in wildfire mitigation and preparedness. This ordinance addresses an aspect of creating defensible space standards for wildfire mitigation and preparedness.

FISCAL IMPACT:

Budgeted?: **No**

It is anticipated that additional staff time will be needed for administration and code enforcement related to implementation of this ordinance. The City currently regulates commercial and multifamily landscaping but does not regulate or administer permitting requirements for single-family residential landscaping standards. Additionally, staff anticipates that further defensible space standards will be adopted in the near future as part the City's Wildland Urban Interface (WUI) code and also potentially through consideration of City-wide defensible space landscaping requirements. For effective administration of these requirements, staffing is needed for community education, communication, permitting, inspection of new construction, compliance checks, and enforcement of the code. Staff will need to evaluate if current staffing levels are adequate depending on the extent of requirements ultimately adopted by City Council.

ALTERNATIVE(S):

- Adopt the ordinance as drafted.
- Adopt the ordinance with Council-directed amendments.
- Not adopt the ordinance, and if desired, provide staff direction on next steps or alternatives that Council would like to consider.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 1913, Series 2026.

ATTACHMENT(S):

1. Ordinance No. 1913, Series 2025

**ORDINANCE NO. 1913
SERIES 2026**

**AN EMERGENCY ORDINANCE AMENDING THE FIRE HARDENING CODE FOR
STRUCTURES IN CHAPTER 15.70 OF THE LOUISVILLE MUNICIPAL CODE**

WHEREAS, the City of Louisville (the “City”) is a home-rule city and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and Charter of the City; and

WHEREAS, by Ordinance No. 1884, Series 2024, adopted on November 4, 2024, the City Council enacted a Fire Hardening Code for Structures, which is set forth in Chapter 15.70 of the Louisville Municipal Code; and

WHEREAS, the City and surrounding areas have recently experienced high fire danger conditions, resulting in implementation of Stage 1 Fire Restrictions by the City and Boulder County; and

WHEREAS, junipers are considered a significant fire hazard in Colorado because they contain highly flammable, volatile oils, accumulate large amounts of dry, dead fuel in the form of needles and branches within their dense structure, and burn intensely, fast and hot, easily igniting homes and spreading wildfires, especially when overgrown or planted too close to structures; and

WHEREAS, the City Council has identified certain amendments to the Fire Hardening Code intended to further decrease threats from wildfires and the spread of fire between structures as set forth herein, including adding a prohibition on planting junipers; and

WHEREAS, the City Council desires to ensure that certain building materials required by the Fire Hardening Code for Structures meet the highest level of fire resistance standards, including requiring Class A rated materials verified through ASTM E84 or US 723 testing or demonstration of materials meeting or exceeding this standard; and

WHEREAS, the City Council finds that an emergency exists because, given the extreme fire conditions recently experienced in the City and surrounding areas, the preservation of public property, health, safety, and welfare requires the City to take immediate action to minimize fire risk within the City.

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 to read as follows, including by the addition of a new Section 15.70.040 (words to be deleted stricken; words to be added underlined):

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.

The requirements set forth in this Section shall apply to all new construction, additions, and replacement of building materials, except as set forth in Section 15.70.030.

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 percent or greater. Examples of 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 percent 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 rating (ASTM E84 or UL 723). Treated building materials will not be allowed unless the treatment is rated to maintain its Class A rating for the life of the material without reapplication. 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 Class A rating (ASTM E84 or UL 723). Treated building materials will not be allowed unless the treatment is rated to maintain its Class A rating for the life of the material

without reapplication. For decks six feet or lower to the ground, the surface below the deck shall be gravel placed over a sheet of six millimeter plastic or concrete slab to prevent vegetation growth under the deck.

D. *Fire and ignition resistant fencing within five feet of a structure.* New construction and all replacement fences within five feet of the structure must be fire and ignition resistant with a ~~maximum flame spread index of 25~~ Class A rating (ASTM E84 or UL 723). Treated building materials will not be allowed unless the treatment is rated to maintain its Class A rating for the life of the material without reapplication.

E. *Roof/attic vents, crawlspace vents and solar panel screens.* New structures and all replacement vents shall have the following:

1. One-eighth-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 gutters

Sec. 15.70.030 Exemptions to construction standards.

Exemptions from the requirements of ~~this chapter 15.70~~ Section 15.70.020 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 180 days.

D. The building official may approve alternative methods demonstrating or materials in which the material does not ignite (e.g. metal, concrete, or stone) or it is demonstrated that a method or material has the equivalent of a Class A rating (ASTM E84 or UL 723) or a flame spread of 25 or less in lieu of the requirements of this chapter.

Sec. 15.70.040 Prohibition on planting, relocating, or replacing junipers

A. Planting or installation of any species of juniper (Juniperus spp) is prohibited.

B. Any existing species of juniper that have been planted or installed prior to the effective date of this ordinance may be maintained but may not be replanted, relocated, or replaced with another juniper species.

Section 2. Effective Date This ordinance shall become effective immediately upon adoption by the affirmative vote of at least five (5) Councilmembers.

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. 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 because of the extreme fire conditions recently experienced in the City and surrounding area.

**INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY
ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED
PUBLISHED** this 20th day of January 2026.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, City Clerk

APPROVED AS TO FORM:
Kelly PC

Kathleen M. Kelly, City Attorney