

Second Reading Amendments

Ordinance No. 1825, Series 2022 is revised to read as follows (amendments are shown in **underline** and ~~bold-strikeout~~):

ORDINANCE NO. 1825 SERIES 2022

AN ORDINANCE ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE AS AN ALTERNATIVE FOR 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 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 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, ~~2023~~ 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, 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. Chapter 15.18 of the Louisville Municipal Code is hereby amended by the addition of a new Section 15.18.035 to read as follows:

Sec. 15.18.025. Section 101.1 amended—Title.

Section 101.1 of the 2018 International Energy Conservation Code is amended to insert "the City of Louisville" so the section will read:

101.1 Title. These regulations shall be known as the 2018 Energy Conservation Code of the City of Louisville, hereinafter referred to as "this code."

Section 4. Section 15.18.040 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.040. Design Criteria.

(a) All new heated commercial and residential heated structures constructed pursuant to the 2021 IECC shall meet the following design criteria:

1. Non-reducible Snow roof snow load: 30 pounds per square foot.
2. Wind speed:
 - a. 145 miles per hour three second gust ASCE-7-10;
 - b. ASTM D3161 test with Class F Application.
3. Wind exposure: "C", unless in the opinion of the Chief Building Official greater restrictions are needed to protect public safety.
4. Seismic zone: B.
5. Frost line depth: 36 inches below finished grade.
6. Weathering: Severe – Climate Zone 5B.
7. Termite: Slight.
8. Decay: Slight.
9. Winter design temperature: one degree.
10. Anticipated snow: six inches.
11. Ice and water shield: required on all shingled roofs – eaves only. Shields must extend from the lowest edges to a point at least 24 inches inside the exterior wall line of the building.
12. Drip edge: required on both eaves and rakes of roof.
13. Air freezing index: less than 1000.
14. Mean annual temperature: 47 degrees.
15. Elevation: 5,337 feet above sea level.

16. Sump pumps:
 - a. Cannot drain into sanitary or storm sewer;
 - b. Must daylight into lawn away from foundation;
 - c. Perimeter foundation systems must day light or drain into sump pit and then sump pump, and sump pump must drain into lawn.
17. Drainage from house: slope at least six inches in the first ten feet.
18. Retaining walls:
 - a. Less than 48 inches from the bottom of the footing to the top of the retaining wall with no surcharge: no permit required.
 - b. More than 48 inches from bottom of footing to top of retaining wall, or any wall with surcharge: requires stamped engineering plans.
19. Backflow preventer: required on all residential irrigation systems (see cross connection control regulations).
20. Hot water heaters:
 - a. Expansion tanks required for all hot water heaters;
 - b. Drain pan required if placed on wood floor.

(b) All new heated commercial and residential heated structures constructed pursuant to the 2018 IECC shall meet the requirements of Chapter 15.60 of this Code.

Section 5. Section 15.18.060 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.18.060 Copies available.

At least one copy of the International Energy Conservation Code, 2021 Edition, as amended herein, and the International Energy Conservation Code, 2018 Edition, as amended herein, each certified to be true and accurate, shall be available for public inspection at the office of the Building Safety Division, during business hours. The city clerk shall at all times maintain a reasonable supply

of copies of the codes available for purchase by the public at a moderate price. Electronic copies are available, without amendment, at <https://codes.iccsafe.org/public/collections/I-Codes>.

Section 6. Title 15 of the Louisville Municipal Code is hereby amended by the addition of a new chapter 15.60 to read as follows:

Chapter 15.60

PRESCRIPTIVE ENERGY CODE AND DESIGN CRITERIA
(2018 IECC)

- Sec. 15.60.010. Applicability.
- Sec. 15.60.020. Insulation.
- Sec. 15.60.030. Windows and glazing U factors.
- Sec. 15.60.040. Electrical.
- Sec. 15.60.050. Mechanical.
- Sec. 15.60.060. Natural lighting.
- Sec. 15.60.070. Air changes.
- Sec. 15.60.080. Design criteria.
- Sec. 15.60.090. Violations and penalties.

Sec. 15.60.010. Applicability.

This chapter regulates the design and construction of residential and commercial heated structures constructed pursuant to the 2018 International Energy Conservation Code, adopted pursuant to Section 15.18.010.B of this Code, for purposes of energy efficiency.

Sec. 15.60.020. Insulation.

All insulation in residential and commercial heated structures shall meet the following standards (including core/shell):

1. R-49 Ceiling.
2. R-21 Exterior Walls.
3. R-19 Basement Walls.
4. R-38 Under Floors (with unconditioned space below).
5. R-10 Under Concrete Slabs.
6. R-3 Hot Water Lines Insulated.

Sec. 15.60.030. Windows and glazing U factors.

All windows in residential and commercial heated structures shall meet the following standards:

1. U- .30 on windows;
2. U- .55 on skylights.

Sec. 15.60.040. Electrical.

Except as otherwise noted, all residential and commercial heated structures shall meet the following electrical standards:

1. Structures shall be built to be solar ready.
2. Timers shall be installed on bathroom exhaust (residential only).
3. Light occupant sensors shall be installed in commercial buildings.
4. Recessed luminaires shall be installed in the building thermal envelope and shall be sealed to limit air leakage.
5. 90 percent or more of all light fixtures shall contain high-efficiency lamps.

Sec. 15.60.050. Mechanical.

Except as otherwise noted, all residential and commercial heated structures shall meet the following mechanical standards:

1. 90 percent Plus Furnaces; 90 percent Plus Boilers (residential only).
2. 85 percent Plus RTU (commercial only).
3. Air conditioning units – 14 SEER.
4. Occupancy sensors on Thermostatic set back controls (brings buildings to lower temperature).
5. Manual J and D shall be required on residential additions greater than 500 square feet in area.

Sec. 15.60.060. Natural lighting.

Commercial heated structures shall meet the following natural lighting standards:

1. Three percent of roof shall be skylights, unless used for solar panels;
2. Not less than eight percent of floor area shall be glazed.

Sec. 15.60.070. Air changes.

All new heated residential structures shall be designed and constructed with whole house mechanical ventilation in accordance with section M1505.4 of the 2018 International Residential Code, and shall be tested to verify air leakage rate does not exceed three air changes in one hour.

Sec. 15.60.080. Design criteria.

All new heated commercial and residential heated structures shall meet the following design criteria:

1. Snow load: 30 pounds per square foot.
2. Wind speed:
 - a. 145 miles per hour three second gust ASCE-7-10;
 - b. ASTM D3161 test with Class F Application.
3. Wind exposure: "C", unless in the opinion of the Chief Building Official greater restrictions are needed to protect public safety.
4. Seismic zone: B.
5. Frost line depth: 36 inches below finished grade.
6. Weathering: Severe – Climate Zone 5B.
7. Termite: Slight.
8. Decay: Slight.
9. Winter design temperature: one degree.
10. Anticipated snow: six inches.

11. Ice and water shield: required on all shingled roofs – eaves only. Shields must extend from the lowest edges to a point at least 24 inches inside the exterior wall line of the building.

12. Drip edge: required on both eaves and rakes of roof.

13. Air freezing index: less than 1000.

14. Mean annual temperature: 47 degrees.

15. Elevation: 5,337 feet above sea level.

16. Sump pumps:

- a. Cannot drain into sanitary or storm sewer;
- b. Must daylight into lawn away from foundation;
- c. Perimeter foundation systems must drain into sump pit and then sump pump, and sump pump must drain into lawn.

17. Drainage from house: slope at least six inches in the first ten feet.

18. Retaining walls:

a. Less than 48 inches from the bottom of the footing to the top of the retaining wall with no surcharge: no permit required.

b. More than 48 inches from bottom of footing to top of retaining wall, or any wall with surcharge: requires stamped engineering plans.

19. Backflow preventer: required on all residential irrigation systems (see cross connection control regulations).

20. Hot water heaters:

a. Expansion tanks required for all hot water heaters;

b. Drain pan required if placed on wood floor.

Sec. 15.60.090. Violations and penalties.

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 this chapter or the terms of the code or standards adopted and incorporated in this chapter. 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.

~~**Section 7.** 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.~~

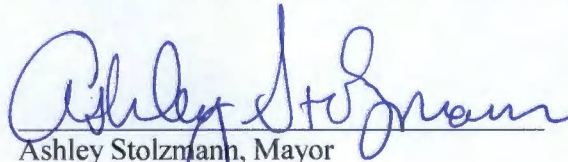
~~**Section 8 7.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.~~

~~**Section 9 8.** 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.~~

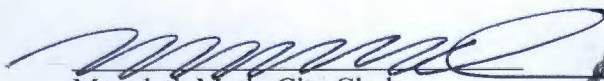
~~**Section 10 9.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.~~

Section 44 10. 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.

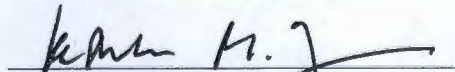
INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 15th day of March, 2022.


Ashley Stolzman, Mayor

ATTEST:

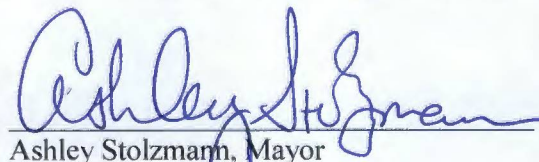

Meredyth Muth, City Clerk

APPROVED AS TO FORM:



Kelly PC, City Attorney



PASSED AND ADOPTED ON SECOND AND FINAL READING, this 5th day of April, 2022.


Ashley Stolzman, Mayor

ATTEST:


Meredyth Muth, City Clerk

