ORDINANCE NO. 1916
SERIES 2026

AN EMERGENCY ORDINANCE AMENDING THE FIRE HARDENING CODE FOR STRUCTURES IN CHAPTER 15.70 OF THE LOUISVILLE MUNICIPAL CODE REGARDING DEFENSIBLE SPACE AROUND PRIMARY STRUCTURES IN THE MARSHALL FIRE REBUILD AREAS

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, in response to the high fire danger conditions within the City and surrounding areas, resulting in implementation of Stage 1 Fire Restrictions by the City and Boulder County, the City Council on January 20, 2026 adopted Ordinance No. 1913, Series 2026, An Emergency Ordinance Amending the Fire Hardening Code for Structures in Chapter 15.70 of the Louisville Municipal Code, which amendments require certain building materials to meet the highest level of fire resistance standards, including requiring Class A rated materials verified through ASTM E84 or US 723 testing or demonstration that proposed materials meet or exceed this standard, and prohibited the planting of any species of juniper within the City; and

WHEREAS, the City Council desires to further amend Chapter 15.70 of the Louisville Municipal Code as set forth herein to require defensible space within the immediate zone of primary commercial and residential structures within certain subdivisions of the City that were affected by the Marshall Fire; and

WHEREAS, the City Council finds that an emergency exists because of extreme fire conditions that continue within 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 by the addition of a new Section 15.70.050 to read as follows:

Sec. 15.70.050 Defensible Space in Immediate Zone.

A. The Immediate Zone is an area between 0 and 5 feet around a primary commercial or residential structure. The purpose of this Section is to provide defensible space around such primary commercial and residential structures, in order to deter the spread of wildfire within that area of the City impacted by the Marshall Fire. Within the Immediate Zone only noncombustible, hard surface ground cover materials, such as rock, gravel, sand, concrete, bare earth, or stone/concrete pavers, shall be allowed.

B. Trees, shrubs, and other landscape plantings must be maintained and pruned so as not to encroach into the Immediate Zone.

C. Any existing landscaping and ground cover materials installed in the Immediate Zone prior to the effective date of this ordinance may be maintained but may not be expanded or replaced within the Immediate Zone.

D. The requirements set forth in this Section shall apply to landscaping installed in the Immediate Zone of properties within the following subdivisions: The Enclave; A replat of the Enclave; Second Replat of the Enclave; Centennial Heights West; Cornerstone Subdivision; Centennial 8; Centennial 8 Replat A; Centennial 6; A Replat of Centennial 7; Sundance Second Filing Partial Replat; Cherrywood II; Centennial Heights Subdivision; Sundance Third Filing; Coal Creek Ranch Filing No. 3; Coal Creek Ranch Filing No. 3 Replat A; and Coal Creek Ranch Filing No. 4.

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 continued extreme fire conditions 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 3rd day of February 2026.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, City Clerk

CITY OF LOUISVILLE SEAL COLORADO

APPROVED AS TO FORM:
Kelly PC

Kathleen M. Kelly, City Attorney

City of Louisville
COLORADO • SINCE 1878

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF BOULDER

I, Genny Kline, City Clerk for Louisville, Colorado, do solemnly swear and affirm that on February 4, 2026, I published in full a true and correct copy of:

Ordinance No. 1916 Series 2026,

was duly adopted by a two-thirds vote and is not subject to a second reading.

on the City of Louisville's website:
https://www.louisvilleco.gov/local-government/public-notices

Witness my hand and seal this 4th day of February 2026.

G. Kline

Genny Kline
City Clerk

CITY OF LOUISVILLE SEAL COLORADO