

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2023-7

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL ADDING
CHAPTER 15.25 TO THE NEW CASTLE MUNICIPAL CODE FOR THE
ADOPTION OF THE 2021 EDITION OF THE INTERNATIONAL WILDLAND
URBAN INTERFACE CODE WITH AMENDMENTS.

WHEREAS, pursuant to Article IV of the Charter of the Town of New Castle (“Town”) and C.R.S. § 31-16-202, the Town is authorized to adopt codes by reference; and

WHEREAS, the Town has previously adopted by reference the 2015 editions of the International Building Code, the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, and the International Fire Code (collectively, the “ICodes”); and

WHEREAS, the ICodes serve as the building codes for the Town as set forth in Title 15 of the New Castle Municipal Code (“Town Code”); and

WHEREAS, Colorado River Fire Rescue (“CRFR”) has recommended that the Town adopt regulations to protect from potential wildfire impacts within Town limits by requiring improved fire resistance of newly built structures including provisions for vegetative fuel management; and

WHEREAS, other neighboring municipalities with high exposure to wildland fire risk have adopted similar ordinances meant to improve resilience and safety during a local wildfire event; and

WHEREAS, to be consistent with these communities and promote the health, safety, and welfare of Town residents, the Town Building Official has recommended that the Town adopt the 2021 version of the International Wildland Urban Interface Code (“WUI Code”); and

WHEREAS, Town staff has reviewed the WUI Code in light of the Town’s unique physical setting and development needs and determined that the amendments set forth herein will ensure efficient administration and enforcement; and

WHEREAS, on March 21st, 2023 and again on September 19th, 2023, Town Council (“Council”) conducted a public workshop to discuss the merits and practicality of such adoption; and

WHEREAS, on October 17, 2023 (FIRST READING), Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the International Codes pursuant to C.R.S. § 31-16-203; and

WHEREAS, on November 7, 2023 (SECOND READING), Council conducted a duly noticed public hearing regarding the adoption of the updated editions of the International Codes pursuant to C.R.S. § 31-16-203;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are incorporated as findings of the Town Council.

Section 2. Adoption. Council hereby adopts by reference the 2021 edition of the International Wildland Urban Interface Code, subject to the amendments set forth in Section 3 of this Ordinance. The new provisions will occupy Chapter 15.25 of the New Castle Municipal Code.

Section 3. Code Amendments to Town Code Chapter 15.25. New section Chapter 15.25 of the Municipal Code shall include the following amendments to the WUI Code. Appendices A through H of the 2021 WUI Code shall not be mandatory, but may serve to inform risk assessments and vegetation management planning. Those sections of the WUI Code not expressly amended in this Ordinance shall remain unchanged and in full force and effect. All title pages and tables of contents shall be updated accordingly.

Chapter 15.25 – International Wildland Urban Interface Code

15.25.010 Adoption by reference.

Pursuant to the power and authority conferred by the Town Charter and C.R.S. § 31-16-201 et seq., there is adopted by reference thereto the International Wildland Urban Interface Code, 2021 Edition, promulgated by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478. The purpose and subject matter of this code is to regulate and govern the safeguarding of life and property from conditions hazardous to life or property in the occupancy of buildings and premises in the Town. Where conflicts exist between this code and other adopted codes, the more conservative code shall be enforced.

15.25.020 Amendments.

The International Wildland Urban Interface Code, 2021 Edition, is hereby amended as follows:

Section 101.1 Insert: “Town of New Castle”

Section 103.1 Insert: “The Town of New Castle Building Department”

Sections 104.3 through 104.3.1 are hereby deleted. Section 15.04.030 of the Municipal Code shall control.

Subsection 106.3 #2 is hereby deleted. Chapter 15.48 of the Municipal Code shall control.

Section 106.3 substitute the following in place of # 2 above:

2. Planting or maintenance of vegetation on lots with primary structures constructed prior to the adoption of this Chapter;

Chapter 3 is hereby repealed and replaced by the following text:

Chapter 3: Wildland-Urban Interface Area

Section 301.1 Studies provided by the Garfield County Community Wildfire Protection Plan (2022, see Exhibit A, Figure 1) demonstrate that all lands within Town boundaries and all lands within the proposed the Urban Growth Boundary (“UGB”) as represented in the New Castle Comprehensive Plan (Exhibit A, Figure 3) are subject to wildland fire potential that poses hazards to human life, safety, and property. CRFR therefore deems the entirety of these lands within the UGB as *Wildland-Urban Interface Area* as defined by WUI Code Chapter 2 and subject to the mitigation provisions below. In consultation with the staff, CRFR, and any other outside referral agencies, Council may reevaluate and recommend modification to the wildland-urban interface area as necessary.

Chapter 4 is hereby repealed and replaced by the following text:

Chapter 4: Wildland-Urban Interface Area Requirements

Section 401.1 As part of the wildland-urban interface area, all new land use applications submitted to the municipality, including but not limited to annexations, master plans, planned urban developments (“PUDs”), subdivisions, rezoning, PUD or master plan amendments, or any other land use proposals considered by the Town Planner to be at risk for wildland fire impact, shall be subject to review and comment by CRFR.

Section 402.1 Applications subject to CRFR review will be evaluated for wildfire hazard posed to persons and/or property and any proposed mitigation measures considered. CRFR will be asked to evaluate the site plan for planned or existing roads, water supply facilities, configuration and location of lots, topography of the site, types and density of vegetation or other fuels present, the fire protection measures proposed by the applicant, and any other relevant factors in making its recommendation.

Section 403.1 If CRFR finds that wildland fire hazards exist to persons and property as a result of the proposed land use, CRFR is requested to recommend mitigation strategies to be incorporated by the Town into the land use application approval, including but not limited to additional access for emergency vehicles, turnouts, establishment of adequate grades and sight distances, the establishment of fuel breaks, location of proposed landscape vegetation, and any mitigation measures for current vegetation.

Section 404.1 The Town will consider the recommendations of CRFR and incorporate them into any final land use approval that is determined to be appropriate.

Section 502 is hereby deleted.

Section 503.1 is hereby deleted and replaced by the following text:

503.1 General. All primary and accessory structures hereafter constructed or relocated into or within wildland-urban interface areas shall meet the requirements for Class 1 ignition-resistant construction in Section 504. Materials required to be ignition-resistant shall comply with the requirements of Section 503.2.

Subsection 503.2 #1.1 is hereby deleted and replaced by the following text:

1.1 Flame Spread. Materials shall exhibit a flame spread index not exceeding 75 (Class B).

Section 504.10 is hereby deleted and replaced by the following text:

504.10 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed a minimum of 1/16-inch and a maximum of 1/8-inch.

Exception: Openings size is not limited where approved rated vents are installed.

Subsection 504.10.1 is hereby amended to include the following exception:

Exception: Attic ventilation may be permitted in soffits if vents are listed with an approved testing agency in compliance with ASTM E2886.

Section 505 is hereby deleted.

Section 506 is hereby deleted.

Section 601.1 is hereby deleted and replaced with the following text:

601.1 Scope. The provisions of this chapter establish general requirements for properties with new principal structures built within the wildland-urban interface area.

Section 602 is hereby deleted.

Section 603.2 and Table 603.2 are hereby deleted. Section 603.2 is replaced by the following text:

603.2 Fuel Modification. The fuel modification distance in any direction shall be not less than 30 feet or the distance to the lot line, whichever is less. The distance shall be

measured on a horizontal plane from the furthest projection point of each wall line as shown in Figure 603.2. The fuel modification distance may be modified at the discretion of the Building Official if it is found that conditions on the site exist such that the required distance is impracticable.

1. *Nonfire-resistive* shrubs or plants (not including trees), combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation may be located anywhere within the fuel modification distance.

Exception 1: In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within five (5) feet of any structure.

Exception 2: In no instance shall nonfire-resistive shrubs and plants, combustible landscape materials (e.g. wood fencing, mulch, wood retaining walls), or other combustible yard ornamentation be located within ten (10) feet of any tree or tree cluster as specified in Section 603.2.2.

2. *Fire-resistive* shrubs or plants (not including trees), as listed on the FireWise Plant List provided by Colorado State University or other equivalent list, may be planted within the fuel modification distance without limitation.
3. Ignition-resistant building materials subject to the provisions of Section 503.2 may be used for landscaping or other yard ornamentation within the fuel modification distance without limitation.

Section 603.2.2 is hereby amended to include the following exception:

Exception: The Building Official or designated representative may allow tree clustering (i.e. densification) of certain species on the property only if such species are listed on the FireWise Plant List provided by Colorado State University or other equivalent list. For purposes of this code, a cluster is any grouping of trees wherein the area of the cluster occupies no more than fifty (50) square feet (e.g. 8 foot diameter circle) as bounded by the tree trunks. Each cluster must maintain the required ten (10) feet of separation between other trees, tree clusters, and other nonfire-resistive vegetation.

Section 604.4 is hereby deleted and replaced by the following text:

604.4 Trees. Tree crowns extending to less than (10) feet from any building structure shall be pruned to maintain a minimum horizontal clearance of ten (10) feet.

Trees shall not be planted within any side or rear setbacks, unless, at the discretion of the Building Official, trees within such setback locations are considered nonhazardous to adjoining properties.

All trees within the fuel modification distance shall be pruned to remove lower limbs up to a minimum of 4 feet above the adjacent ground surface.

Exception: For newly planted trees, pruning of limbs above the ground surface shall not be required to exceed a pruning height-to-tree height ratio of 1:6. (For example, a newly planted six foot spruce shall have limbs removed one foot above surrounding grade. Or, a tree that has grown to twelve (12) feet shall have lower limbs removed at least two (2) feet above surrounding grade). However, at no time shall any tree limbs be lower than one (1) foot above the adjacent ground surface.

Section 4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 5. Effective Date. This Ordinance shall take effect on January 1st, 2024..

INTRODUCED on October 17, 2023 at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on November 7, 2023 read by title and number, passed with amendments, approved, ordered, and published as required by the Town Charter.



TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By:

Art B. Riddile
Art Riddile, Mayor

ATTEST:

Mindy Andis, CMC
Mindy Andis, Town Clerk

EXHIBIT A

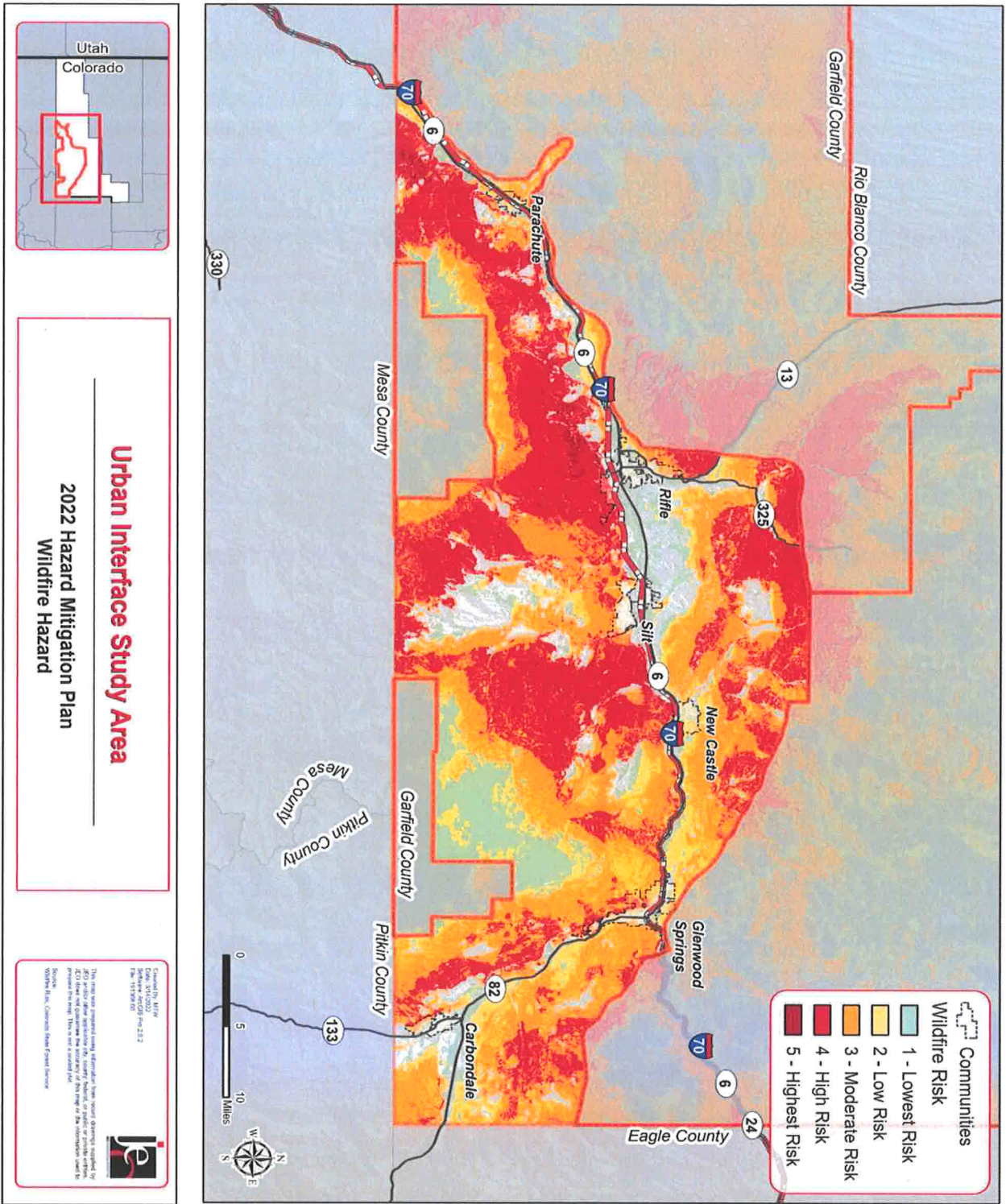


Figure 1: Garfield County Urban Interface Study Area - Wildfire Risk Levels

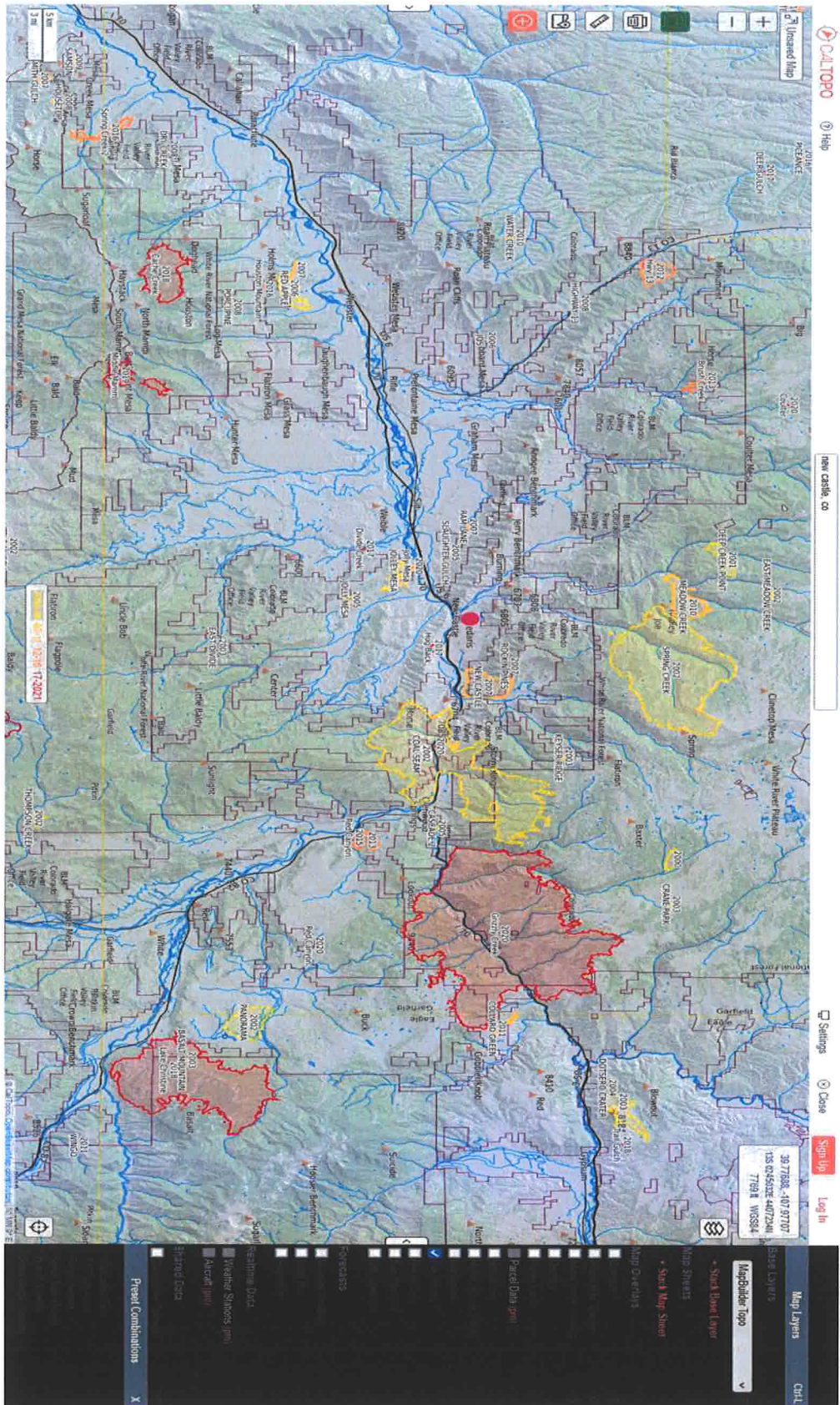


Figure 2: CalTopo - New Castle Wildland Fire History

