

PUBLIC NOTICE
ORDINANCE NO. 1823, SERIES 2022

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, held on January 18, 2022 at the hour of 6:00 p.m., at an electronic meeting, the City Council held a Public Hearing on the passage and adoption of a proposed emergency Ordinance No. 1823, Series 2022.

**AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING CERTAIN
PROVISIONS OF THE LOUISVILLE MUNICIPAL CODE REGARDING UTILITY
CHARGES AND AUTHORIZING THE FINANCE DIRECTOR TO WRITE-OFF UTILITY
BILL BALANCES FOR STRUCTURES DAMAGED OR DESTROYED BY THE
MARSHALL FIRE**

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE
AND ORDERED PUBLISHED IN FULL this 18th DAY OF JANUARY, 2022.

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk

Published with full ordinance in the *Daily Camera* 1/23/22.

ORDINANCE NO. 1823
SERIES 2022

**AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING CERTAIN
PROVISIONS OF THE LOUISVILLE MUNICIPAL CODE REGARDING UTILITY
CHARGES AND AUTHORIZING THE FINANCE DIRECTOR TO WRITE-OFF
UTILITY BILL BALANCES FOR STRUCTURES DAMAGED OR DESTROYED BY THE
MARSHALL FIRE**

WHEREAS, on December 30, 2021, a wildfire referred to as the Marshall Fire ignited and quickly spread to the City of Louisville, resulting in severe damage or total loss of almost six hundred (6000 structures within the City of Louisville, most of them residential homes; and

WHEREAS, also on that date, the Governor of the State of Colorado issued a Declaration of Statewide Emergency in response to the Marshall Fire and 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 (the “Mayor’s Declaration”); 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, 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 in response to the Marshall Fire (the “Mayor’s Declaration”); and

WHEREAS, by Resolution No. 6 adopted on January 4, 2022, the City Council continued in effect the Mayor’s Declaration until terminated by resolution of the City Council; and

WHEREAS, all City water customers experienced a disruption in delivery of potable water because the City’s treated water supply was fully exhausted by fire suppression efforts; and

WHEREAS, the full economic impacts of the Marshall Fire cannot be determined at this time, but those Louisville residents whose homes were destroyed or severely damaged so as to make them uninhabitable may experience challenges meeting important financial obligations; and

WHEREAS, identification of those destroyed and damaged properties by City staff will assist the City with response and recovery efforts, including necessary adjustments to the City’s provision of public utilities; and

WHEREAS, each customer receives a single bill each month for water, wastewater, stormwater, and trash and recycling fees (collectively, “City Utilities”), and the method of establishing rates, fees, billing, delinquencies, and collection are set forth in City ordinances and resolutions enacted pursuant to the authority in such ordinances; and

WHEREAS, the City Council desires to grant such temporary and further relief to the City’s utility customers as set forth herein; and

WHEREAS, the City Council finds that an emergency exists because the preservation of public property, health, safety, and welfare requires the City to take immediate action to respond to impacts on the City’s public utilities due to the Marshall Fire.

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

Section 1. Those provisions of ordinances and resolutions adopted by the City Council addressing City Utilities shall be, and hereby are, temporarily suspended as follows:

- A. All collection procedures for delinquent accounts for City Utilities shall be suspended for a period of one month.
- B. Billing of City Utilities shall be suspended for one month, during which time City staff shall investigate and identify those properties served by City Utilities that have been destroyed or damaged by the Marshall Fire. For purposes of this ordinance, “damaged” shall mean the structure is not habitable and is not being occupied as a result of the Marshall Fire.

Section 2. All outstanding charges for City Utilities to properties identified by City staff as damaged or destroyed by the Marshall Fire shall be discharged. Charges for City Utilities to properties not damaged or destroyed by the Marshall Fire accrued during the one-month period set forth in Section 1.B shall be discharged.

Section 3. The Finance Director is hereby authorized to promulgate such rules and procedures as are necessary or expedient to effectuate the provisions of Sections 1 and 2 of this ordinance, including but not limited to determining how to coordinate the temporary suspensions set forth in Section 1 with utility billing cycles and dates on which meters are read. Within thirty (30) days following the final reconciliation of accounts for City Utilities, the Finance Director shall notify the City Council in writing of the amounts discharged pursuant to Section 2.

Section 4. This ordinance shall become effective upon adoption and shall continue in effect for each property served by City Utilities for only the temporary period set forth herein, based on billing cycles and meter readings as determined by the Finance Director, after which time all ordinances and resolutions temporarily suspended by this ordinance shall be reinstated without further action by the City Council. During the time when this ordinance is effective, and thereafter, all water rents and rates shall be a charge and lien upon the real property to which water service is provided from the time such rents are due, and shall be a perpetual charge against such property until paid or discharged by the City, as provided in Section 13.12.130 of the Louisville Municipal Code.

Section 5. 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 6. 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 7. 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 8. 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 due to the impacts of the Marshall Fire on the City's utilities.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 18th day of January, 2022.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney