

**SUBJECT: RESOLUTION NO. 33, SERIES 2024 – A RESOLUTION
PROVIDING FOR THE CONTINUATION OF THE AMENDED
DECLARATION OF STAGE 2 FIRE RESTRICTIONS FOR THE
CITY OF LOUISVILLE**

DATE: AUGUST 6, 2024

PRESENTED BY: KURT KOWAR, ACTING CITY MANAGER

SUMMARY:

Staff is recommending approval of Stage 2 Fire Restrictions for the City of Louisville in alignment with issuance of similar restrictions by Boulder County and surrounding communities such as Superior.

Colorado and the Front Range are currently experiencing high fire danger under moderate to extreme drought conditions. In the past week, the Stone Canyon Fire and the Lake Shore Fire started burning in Boulder County and other fires began burning and remain active in surrounding counties, depleting the regional resources available to emergency response, evacuation, and firefighting.

The Board of County Commissioners of Boulder County and Boulder County Sheriff on, August 1, 2024, issued an order Declaring Stage 2 Fire Restrictions for all Unincorporated Areas in Boulder County, finding such measure necessary to reduce the danger of wildfire, forest or grass fires in unincorporated Boulder County.

On August 1, 2024, the Mayor of the City of Louisville, as principal executive officer of the City of Louisville, unilaterally declared a local disaster pursuant to § 24-33.5-709, C.R.S. and Section 2.32.010 of the Louisville Municipal Code and imposed certain measures to protect the health, safety and welfare of the City and its residents (the “Declaration”).

The Declaration was further amended (the “Amended Declaration”) on August 2, 2024, to provide for:

- exceptions and conditions pursuant to outdoor welding to support ongoing Marshall Fire rebuild and commercial construction;
- an exceptions and waiver clause for consideration of unintended restrictions on activities that may be approved by the City under consultation with the Louisville Fire Department.

The Amended Declaration is effective for a period of not more than seven days unless rescinded or extended by the Louisville City Council prior to expiration. Staff is recommending approval of The Amended Declaration as a Resolution to extend the

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Boulder County Stage 2 Fire Restrictions and associated Louisville modified language until such time it is terminated by Resolution of the City Council.

FISCAL IMPACT:

The City does not currently anticipate a fiscal impact from this approval.

PROGRAM/SUB-PROGRAM IMPACT:

Adoption of this Resolution protects the public health and safety of the community across all programs and sub-programs.

RECOMMENDATION:

Adopt Resolution No. 33, Series 2024, A Resolution Provided for the Continuation of the Amended Declaration of Stage 2 Fire Restrictions for the City of Louisville.

ATTACHMENT(S):

1. Resolution No. 33, Series 2024

STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☒	 Reliable Core Services
☐	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☒	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☒	 Collaborative Regional Partner

**RESOLUTION NO. 33
SERIES 2024**

**A RESOLUTION PROVIDING FOR THE CONTINUATION OF THE AMENDED
DECLARATION OF STAGE 2 FIRE RESTRICTIONS FOR THE
CITY OF LOUISVILLE**

WHEREAS, Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-801, *et seq.* authorizes the Mayor of the City of Louisville to declare that a disaster emergency has occurred or the threat of such event is imminent; and

WHEREAS, Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-801, *et seq.* authorizes the Mayor of the City of Louisville to declare that a disaster emergency has occurred or the threat of such event is imminent from any natural cause or cause of human origin, including but not limited to fire; and

WHEREAS, on July 1, 2024, based on competent evidence of high fire danger including quantitative data produced by the National Weather Service of the United States Forest Service as follows: 1000 hr fuel moisture at 7%, an Energy Release Component above the 80th percentile, a seasonal shift toward moderate to severe drought conditions, and the existence of a D0 abnormally dry drought conditions in Western Boulder County; and

WHEREAS, in the past few weeks, the Stone Canyon Fire and the Lake Shore Fire started burning in Boulder County and other fires began burning and remain active in surrounding counties, depleting the regional resources available to emergency response, evacuation, and firefighting; and

WHEREAS, competent evidence including quantitative data produced by the National Weather Service and the United States Forest Service, exists, which necessitates implementing Stage 2 Fire Restrictions in the City and includes:

- a. 1000 hr fuels: <8%
- b. Energy Release Component (ERC): >90th percentile
- c. Above average warm and dry conditions anticipated for the extended forecast
- d. Portions of Boulder County are currently in a D2 Abnormally dry drought condition, forecasted to increase over the next few weeks
- e. Exceptional draw-down of firefighting resources and extreme competition for assets due to national, regional, and state-wide fire activity; and

WHEREAS, on August 1, 2024, the Board of County Commissioners of Boulder County and Boulder County Sheriff issued an order Declaring Stage 2 Fire Restrictions for all Unincorporated Areas in Boulder County, finding such measure necessary to reduce the danger of wildfire, forest or grass fires in unincorporated Boulder County; and

WHEREAS, as a municipality wholly contained within Boulder County, there exists a threat of the spread of wildfire to properties within the City; and

WHEREAS, declaration of a local disaster emergency pursuant to Chapter 2.32 of the Louisville Municipal Code authorizes the enactment of the measures set forth herein, in order to protect the health and safety of the public by in the City of Louisville; and

WHEREAS, on August 1, 2024 at 8:30 p.m., the Mayor of the City of Louisville, as principal executive officer of the City of Louisville, unilaterally declared a local disaster pursuant to § 24-33.5-709, C.R.S. and Section 2.32.010 of the Louisville Municipal Code and imposed certain measures to protect the health, safety and welfare of the City and its residents (the “Declaration”), and which Declaration was amended on August 2, 2024 at 1:07 p.m. to include an exception regarding welding and to provide for the opportunity of written waivers to be issued by the City upon consultation with the Louisville Fire Protection District (“Amended Declaration”); and

WHEREAS, Section 2.32.010.D of the Louisville Municipal Code provides the Mayor’s Declaration shall not be continued or renewed for a period in excess of seven (7) days unless the City Council approves a longer duration; and

WHEREAS, the City Council finds the continuation of the Mayor’s Amended Declaration is in the best interest of the public’s health and welfare; and

WHEREAS, it is therefore appropriate and in the interests of the public health and safety of the City and its residents to continue in effect Stage 2 Fire Restrictions, and to further protect the health and safety of the public by declaring an emergency in the City of Louisville by the City Council continuing the Mayor’s Amended Declaration as set forth herein.

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

Section 1. The City Council hereby finds and declares there to be a local disaster emergency in the City of Louisville, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, that may result from the potential spread of the Boulder County Fires to property located within the City of Louisville, requiring emergency action to avert danger or damage, and that the Amended Declaration of Stage 2 Fire Restrictions for the City of Louisville executed by the Mayor

of the City of Louisville on August 2, 2024 shall be continued in effect until terminated by resolution of the City Council.

Section 2. The effect of this Resolution shall be to continue in effect the measures set forth in the Amended Declaration, the activation, as may be required, of the response and recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to further authorize the furnishing of aid and assistance under such plans, and for the Mayor, City Manager, and other appropriate City staff to exercise those functions and be vested with such authority as set forth in Section 2.32.010 of the Louisville Municipal Code and C.R.S. § 24-33.5-709.

Section 3. The City Manager shall forthwith:

A. Publish and disseminate information to the public regarding this Resolution and the continuation of the Amended Declaration of Stage 2 Fire Restrictions for the City of Louisville authorized hereby, including but not limited to on the City's website and social media accounts maintained by the City;

B. File a copy of this Resolution with the City Clerk;

C. File a copy of this Resolution with the Colorado Division of Emergency Management; and

C. Distribute a copy of this Resolution to the appropriate representatives of the news media.

PASSED AND ADOPTED this 6th day of August, 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk