

**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 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 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; 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, the Board of County Commissioners of Boulder County and Boulder County Sheriff have today, 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; 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

WHEREAS, the Mayor hereby amends the measures set forth in the Declaration as they pertain to welding, to create the exception set forth herein, and to further provide for the opportunity of written waivers to be issued by the City upon consultation with the Louisville Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. There is hereby declared to be a local disaster emergency in the City of Louisville, that is, 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.

2. **Stage 2 Fire Restrictions are now in effect and include ALL property located within the municipal boundaries of the City of Louisville.**

3. Definitions:

a. Open Fires: For the purposes of this Declaration, “open fires” shall mean any activity that produces or maintains, or attempts to produce or maintain, spark or flame or ignition. “Open fires” does not include fires wholly contained within an enclosed building or vehicle that are used in a safe manner and that do not permit any flame, spark or burning or ignited material to exit such building or vehicle.

b. Undeveloped Lands: Lands that are not groomed, manicured, or watered, where grasses, brush, and trees have been allowed to grow in a natural environment. This includes green belts that are not landscaped or manicured, open space lands, non-manicured park lands, and other areas where the fire hazard presented by the vegetation is determined to be an undue fire hazard.

4. PROHIBITIONS

a. Building, maintaining, attending, or using an open fire, campfire, or stove fire. This includes charcoal barbeques and grills, coal and wood burning stoves and shepherd’s stoves and includes use in developed camping and picnic grounds.

i. **EXCEPTION**: A device that uses pressurized fuel or jellied petroleum (stoves, grills, or lanterns) that is equipped with a functional shut-off valve is permitted and may be used in an area at least 3 feet or more from flammable material such as grasses or pine needles.

b. Fireworks sales, use, and possession including otherwise legal fireworks.

- c. Shooting or discharge of firearms for recreational purposes except for hunting with a valid and current hunting license on public lands.
- d. Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least 10 feet in diameter that is barred or cleared of all flammable materials.
- e. Operating a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher kept with the operator and one round point shovel with an overall length of at least 35 inches readily available for use.
- f. Welding or operating acetylene or other torch with open flame.
 - i. EXCEPTION: Welding can occur inside a building or if outside there must be two (2) 20-lb fire extinguishers on site along with four (4) 5-gallon buckets of water on site next to the area where welding is occurring and fire watch protocols are taking place with an extra person spotting the welder and watching where sparks are going. Welding shall take place in an area where combustible and flammable material such as grasses and other natural vegetation is greater than 25 feet away from what is being welded.
- g. Using an explosive or doing any kind of blasting work.
- h. Possessing or using a motor vehicle off established roads, motorized trails, or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle.

5. These Stage 2 Fire Restrictions shall not be construed as diminishing or reducing restrictions enacted by the State of Colorado, Boulder County, or state or federal land management agencies regarding areas of the City under their respective control and management.

6. Nothing in this Declaration shall apply to an officer of federal, state, or local government or to a member of an organized rescue, police, or firefighting agency in the performance of an official duty.

7. The City Manager or their designee is authorized to grant written waivers and exceptions to the restrictions set forth herein upon consultation with the Louisville Fire Protection District, based on specific criteria and conditions developed in the context of the activity for which an exception or waiver is requested. Copies of any exceptions or waivers shall be provided to the City Council as informational items immediately after they are granted by the City Manager or their designee. Where such waivers or exceptions may apply to a broad category of persons who may be involved in such activity, the City Manager or their designee shall promptly publish and disseminate information to the public regarding the waiver or exception, including but not limited to on the City's website and social media accounts maintained by the City.

BE IT FURTHER RESOLVED that this Amended Declaration shall be effective upon the date and time given below and shall remain in effect for a period of not more than seven days unless rescinded or extended by the Louisville City Council prior to expiration.

BE IT FURTHER RESOLVED that the City Manager shall forthwith:

1. Publish and disseminate information to the public, including but not limited to on the City's website and social media accounts maintained by the City;
2. File a copy of this Amended Declaration of Local Disaster Emergency with the City Clerk;
3. File a copy of this Amended Declaration of Local Disaster Emergency with the Colorado Division of Emergency Management; and
4. Distribute a copy of this Amended Declaration of Local Disaster Emergency to the appropriate representatives of the news media.

SIGNED and made immediately effective this 2nd day of August at 1:07 pm.

CITY OF LOUISVILLE



Christopher M. Leh, Mayor