

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
9.11.08

BILL 4

LLS NO. 09-0124.02 Ed DeCecco

INTERIM COMMITTEE BILL

Interim Committee on Wildfire Issues
in Wild Land-Urban Interface Areas

SHORT TITLE: "Unincorporated Area Fire Protection Serv"

A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF FIRE PROTECTION SERVICES IN THE
102 UNINCORPORATED AREA OF A COUNTY THAT IS A WILD
103 LAND-URBAN INTERFACE AREA.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

<{Double-underlining shows changes from version 1 of this bill request.}>

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Requires a board of county commissioners (board), or the board's designee, in consultation with local fire departments, to

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

develop and annually update a wildfire preparedness plan for the unincorporated area of the county that is a wild land-urban interface area. As part of the plan, permits the board to enter into agreements with a fire department for the provision of fire protection services in the unincorporated area that is a wild land-urban interface area.

If a fire department assists in controlling or extinguishing a fire on property that is not covered by established fire protection services, entitles the fire department to reimbursement from the property owner on whose property the fire occurred or from the party responsible for the occurrence of the fire for costs incurred. Establishes a procedure for reimbursement of debt owed to a governmental fire department to be collected in the same manner as a property tax.

Prohibits a board from approving a subdivision in an unincorporated area of a county that is a wild land-urban interface area unless the subdivider provides evidence that the subdivision will be located within a fire protection district or evidence that a fire department will provide fire protection services for the subdivision.

Prohibits the issuance of a building permit for the construction of a new commercial or residential building to be located in an unincorporated area of a county that is a wild land-urban interface area unless the building will be located within a fire protection district or there is evidence that a fire department will provide fire protection services for the building. Requires the board to establish a procedure for a property owner to submit evidence of compliance with this requirement.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 11 of title 30, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **30-11-124.5. Wildfire preparedness plan for unincorporated**
6 **wild land-urban interface areas - reimbursement for fire protection**
7 **services - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (a) "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
10 FORTH IN SECTION 29-5-112, C.R.S.

11 (b) "WILDLAND-URBAN INTERFACE AREA" MEANS THE LINE, AREA,

1 OR ZONE WHERE STRUCTURES AND OTHER HUMAN DEVELOPMENT MEET OR
2 INTERMINGLE WITH UNDEVELOPED WILD LAND OR VEGETATIVE FUEL.

3 (2) THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY, OR
4 THE BOARD'S DESIGNEE, IN CONSULTATION WITH ALL FIRE DEPARTMENTS
5 LOCATED WITHIN THE COUNTY, SHALL DEVELOP AND ANNUALLY UPDATE
6 A WILDFIRE PREPAREDNESS PLAN FOR THE UNINCORPORATED AREA OF THE
7 COUNTY THAT IS A WILD LAND-URBAN INTERFACE AREA. IN FURTHERANCE
8 OF THE PLAN, THE BOARD OR ITS DESIGNEE MAY ENTER INTO AN
9 AGREEMENT WITH A FIRE DEPARTMENT FOR THE PROVISION OF FIRE
10 PROTECTION SERVICES FOR ALL OR PART OF THE UNINCORPORATED AREA
11 OF THE COUNTY THAT IS A WILD LAND-URBAN INTERFACE AREA.

12 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ANY
13 FIRE DEPARTMENT ASSISTING IN CONTROLLING OR EXTINGUISHING A FIRE
14 IN ACCORDANCE WITH A WILDFIRE PREPAREDNESS PLAN ON PROPERTY
15 THAT IS NOT WITHIN THE BOUNDARIES OF A FIRE PROTECTION DISTRICT OR
16 OTHERWISE COVERED BY ESTABLISHED FIRE PROTECTION SERVICES IS
17 ENTITLED TO REIMBURSEMENT FROM A PROPERTY OWNER ON WHOSE
18 PROPERTY THE FIRE OCCURRED OR FROM THE PARTY RESPONSIBLE FOR THE
19 OCCURRENCE OF THE FIRE FOR THE REASONABLE AND DOCUMENTED COSTS
20 RESULTING FROM THE ASSISTANCE IN CONTROLLING OR EXTINGUISHING
21 THE FIRE ON THE PROPERTY. THE FIRE DEPARTMENT MAY RECOVER THE
22 COSTS INCURRED IN A CIVIL ACTION AGAINST THE PROPERTY OWNER OR
23 THE RESPONSIBLE PARTY OR, IF THE FIRE DEPARTMENT IS A DULY
24 AUTHORIZED FIRE PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY,
25 OR CITY AND COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN
26 DISTRICT OR COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE
27 PROTECTION SERVICES, THE FIRE DEPARTMENT MAY, BY RESOLUTION OR

1 ORDINANCE OF ITS BOARD OF DIRECTORS OR GOVERNING BODY ADOPTED
2 AT A PUBLIC HEARING AFTER NOTICE TO THE AFFECTED PARTIES, CERTIFY
3 TO THE COUNTY TREASURER THE AMOUNT OF ANY COSTS INCURRED THAT
4 REMAINS UNCOLLECTED AFTER DILIGENT EFFORT FOR A PERIOD GREATER
5 THAN ONE HUNDRED EIGHTY DAYS. THE CERTIFICATION IS SUBJECT TO THE
6 APPEAL PROCESS AND ALL OTHER REMEDIES, IF ANY, PROVIDED IN THE
7 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
8 C.R.S. IF THE FIRE DEPARTMENT PREVAILS, THE AMOUNT CERTIFIED
9 SHALL BE COLLECTED BY THE COUNTY TREASURER IN THE SAME MANNER
10 AS TAXES ARE AUTHORIZED TO BE COLLECTED PURSUANT TO ARTICLE 10
11 OF TITLE 39, C.R.S. TO DEFRAY THE COSTS OF COLLECTION, THE COUNTY
12 TREASURER SHALL BE AUTHORIZED TO CHARGE AN AMOUNT EQUAL TO TEN
13 PERCENT OF THE AMOUNT COLLECTED.

14 (4) UPON RECEIVING NOTICE PURSUANT TO SECTION 30-10-513.5
15 OF A CONTROLLED BURN ON A PROPERTY, THE COUNTY SHERIFF SHALL
16 PROVIDE NOTICE OF THE CONTROLLED BURN TO ANY FIRE DEPARTMENT
17 RESPONSIBLE FOR PROVIDING FIRE PROTECTION SERVICES FOR THE
18 PROPERTY PURSUANT TO THE WILDFIRE PREPAREDNESS PLAN. ANY
19 PROPERTY OWNER PROVIDING NOTIFICATION PURSUANT TO SECTION
20 30-10-513.5 SHALL NOT BE LIABLE FOR ANY COSTS UNDER THIS SECTION
21 RESULTING FROM THE RESPONSE BY A FIRE DEPARTMENT TO A
22 CONTROLLED BURN DUE TO ANY PERSON INFORMING OR WARNING THE FIRE
23 DEPARTMENT OF THE FIRE ARISING FROM THE BURN.

24 **SECTION 2.** 30-28-133 (6), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **30-28-133. Subdivision regulations.** (6) No board of county
27 commissioners shall approve any preliminary plan or final plat for any

1 subdivision located within the county unless the subdivider has provided
2 the following materials as part of the preliminary plan or final plat
3 subdivision submission:

4 (d) IF ANY PORTION OF THE SUBDIVISION IS TO BE LOCATED WITHIN
5 A WILD LAND-URBAN INTERFACE AREA, AS DEFINED IN SECTION
6 30-11-124.5 (1) (b), EVIDENCE THAT THE SUBDIVISION WILL BE LOCATED
7 WITHIN A FIRE PROTECTION DISTRICT OR EVIDENCE THAT FIRE PROTECTION
8 SERVICES WILL BE PROVIDED FOR THE SUBDIVISION THROUGH AN
9 AGREEMENT WITH A FIRE DEPARTMENT, AS DEFINED IN SECTION 29-5-112,
10 C.R.S.

11 **SECTION 3.** Part 2 of article 38 of title 30, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **30-28-212. Provision of fire protection of services -**
15 **unincorporated areas.** (1) NO BUILDING PERMIT SHALL BE ISSUED FOR
16 THE CONSTRUCTION OF A NEW COMMERCIAL OR RESIDENTIAL BUILDING
17 LOCATED IN AN UNINCORPORATED AREA OF A COUNTY THAT IS A WILD
18 LAND-URBAN INTERFACE AREA, AS DEFINED IN SECTION 30-11-124.5 (1)
19 (b), UNLESS THE BUILDING IS LOCATED IN A FIRE PROTECTION DISTRICT OR
20 THERE IS EVIDENCE THAT FIRE PROTECTION SERVICES WILL BE PROVIDED
21 FOR THE BUILDING THROUGH AN AGREEMENT WITH A FIRE DEPARTMENT,
22 AS DEFINED IN SECTION 29-5-112, C.R.S. THE BOARD OF COUNTY
23 COMMISSIONERS OF EACH COUNTY OF THE STATE SHALL ESTABLISH A
24 PROCEDURE FOR A PROPERTY OWNER TO SUBMIT EVIDENCE OF
25 COMPLIANCE WITH THE REQUIREMENT OF THIS SUBSECTION (1).

26 (2) EVIDENCE PROVIDED PURSUANT TO SECTION 30-28-133 (6) (d)
27 SHALL BE SUFFICIENT TO SATISFY THE REQUIREMENT OF SUBSECTION (1)

1 OF THIS SECTION.

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety. <{Ask committee.}>