

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
9.11.08

**BILL 8**

LLS NO. 09-0128.02 Bob Lackner

**INTERIM COMMITTEE BILL**

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

**SHORT TITLE:** "Wild Land-Urban Interface Building Code"

**A BILL FOR AN ACT**

101 **CONCERNING THE ADOPTION OF WILD LAND-URBAN INTERFACE CODES**  
102 **BY LOCAL GOVERNMENTS TO ADDRESS THE FIRE RISKS IN WILD**  
103 **LAND-URBAN INTERFACE AREAS.**

**Bill Summary**

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

Not later than a specified date, a county shall adopt a wild land-urban interface (WUI) code governing the construction or modification of structures in WUI areas located within the unincorporated portion of the county. The code shall apply to applications submitted to the county for a building permit for new residential, commercial, or industrial construction in a WUI area or for the renovation of an existing

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

residential, commercial, or industrial structure that is located within such area.

Specifies requirements the code must satisfy.

Permits the county to consult with the division of fire safety (division) or with a fire protection district in connection with the adoption of the code and to request from the division technical assistance concerning the adoption, implementation, or enforcement of such code.

Specifies that, upon adoption by the county of the code, a building permit may be granted by the county for new residential, commercial, or industrial construction in a WUI area located within the unincorporated portion of its territorial boundaries or for the renovation of an existing residential, commercial, or industrial structure that is located within such area only if the new construction or renovation satisfies the code.

Specifies that the adoption of the code may be considered in determining the county's eligibility for financial assistance for the development and creation of a fire service education and training program funded from the fire service education and training fund.

Requires the division to: Make available to county governments for their adoption a model code meeting the requirements of the act; provide county governments with technical assistance concerning the adoption, implementation, or enforcement of the code; make information explaining the requirements of the code available to builders, designers, engineers, and architects; and assure that a code adopted by a county is consistent with the requirements of the act.

Makes legislative findings and declarations. Defines terms.

---

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

2           **SECTION 1.** Section 24-33.5-1203 (1), Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH  
4 to read:

5           **24-33.5-1203. Duties of the division.** (1) The division shall  
6 perform the following duties:

7           (r) IN CONNECTION WITH A WILD LAND-URBAN INTERFACE CODE  
8 REQUIRED PURSUANT TO SECTION 30-28-140, C.R.S., MAKE AVAILABLE TO  
9 COUNTY GOVERNMENTS FOR THEIR ADOPTION A MODEL CODE MEETING  
10 THE REQUIREMENTS OF SECTION 30-28-140, C.R.S., PROVIDE ANY COUNTY  
11 GOVERNMENT WITH TECHNICAL ASSISTANCE CONCERNING THE ADOPTION,

1 IMPLEMENTATION, OR ENFORCEMENT OF SUCH CODE, MAKE INFORMATION  
2 EXPLAINING THE REQUIREMENTS OF THE CODE AVAILABLE TO BUILDERS,  
3 DESIGNERS, ENGINEERS, AND ARCHITECTS, AND ASSURE THAT A CODE  
4 ADOPTED BY A COUNTY IS CONSISTENT WITH THE REQUIREMENTS OF  
5 SECTION 30-28-140, C.R.S.

6 **SECTION 2.** Part 1 of article 28 of title 30, Colorado Revised  
7 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
8 read:

9 **30-28-140. Permits - new development - renovations - existing**  
10 **structures - wildland-urban interface code - definitions.** (1) THE

11 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

12 (a) WILDFIRES POSE A REAL AND SIGNIFICANT RISK TO LIFE,  
13 PROPERTY, AND INFRASTRUCTURE LOCATED IN WILD LAND-URBAN  
14 INTERFACE AREAS.

15 (b) DEVELOPMENT OF A SPECIALIZED CODE TO GUIDE LAND USE  
16 DEVELOPMENT IN SUCH AREAS WILL PROACTIVELY HELP ENSURE THAT  
17 STRUCTURES LOCATED IN SUCH AREAS WILL WITHSTAND THE DANGERS  
18 CAUSED BY WILDFIRES BEFORE THEY ARE BUILT, WITH CONSEQUENT  
19 BENEFITS FOR THE RESIDENTS OF SUCH AREAS AND THEIR PROPERTY.

20 (c) WILDFIRES OFTEN CREATE EFFECTS BEYOND THE BOUNDARIES  
21 OF THE LOCAL GOVERNMENT WITHIN WHICH THE WILDFIRE STARTED, AND  
22 THE STRAIN ON PUBLIC AND PRIVATE RESOURCES CAUSED BY WILDFIRES IS  
23 NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

24 (d) TO ADDRESS THESE SPILLOVER EFFECTS AND TO MINIMIZE THE  
25 SIGNIFICANT RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE LOCATED IN  
26 WILD LAND-URBAN INTERFACE AREAS, THERE IS A STATEWIDE INTEREST IN  
27 MINIMUM STANDARDS TO ADDRESS FIRE RESISTANCE IN ORDER TO

1 PROTECT THE LIVES OF FIREFIGHTERS, PREVENT THE SPREAD OF WILDFIRE  
2 TO ADJACENT PROPERTIES AND JURISDICTIONS, AND MINIMIZE THE DANGER  
3 TO PUBLIC SAFETY.

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
5 REQUIRES:

6 (a) "CODE" MEANS THE WILD LAND-URBAN INTERFACE CODE  
7 ADOPTED BY A COUNTY PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3)  
8 OF THIS SECTION.

9 (b) "DISTRICT" MEANS A FIRE PROTECTION DISTRICT CREATED  
10 PURSUANT TO TITLE 32, C.R.S., WITH TERRITORIAL BOUNDARIES THAT  
11 OVERLAP WHOLLY OR PARTLY WITH THE TERRITORIAL BOUNDARIES OF A  
12 PARTICULAR COUNTY ADOPTING A CODE PURSUANT TO THIS SECTION.

13 (c) "DIVISION" MEANS THE DIVISION OF FIRE SAFETY IN THE  
14 DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION 24-33.5-1201 (1),  
15 C.R.S.

16 (d) "WUI" OR "WILD LAND-URBAN INTERFACE" MEANS THE LINE,  
17 AREA, OR ZONE WHERE STRUCTURES AND OTHER HUMAN DEVELOPMENT,  
18 INCLUDING URBAN DEVELOPMENT, MEET OR INTERMINGLE WITH  
19 UNDEVELOPED WILD LAND OR VEGETATIVE FUEL AS MAPPED BY THE  
20 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,  
21 C.R.S.

22 (3) (a) NOT LATER THAN *[insert date]*, A COUNTY SHALL ADOPT A  
23 WILD LAND-URBAN INTERFACE CODE GOVERNING THE CONSTRUCTION OR  
24 MODIFICATION OF STRUCTURES IN WUI AREAS LOCATED WITHIN THE  
25 UNINCORPORATED PORTION OF THE COUNTY. THE CODE SHALL APPLY TO  
26 APPLICATIONS SUBMITTED TO THE COUNTY ON OR AFTER THE EFFECTIVE  
27 DATE OF THIS SECTION FOR A BUILDING PERMIT FOR NEW RESIDENTIAL,

1 COMMERCIAL, OR INDUSTRIAL CONSTRUCTION IN A WUI AREA OR FOR THE  
2 RENOVATION OF AN EXISTING RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL  
3 STRUCTURE THAT WAS CONSTRUCTED BEFORE THE EFFECTIVE DATE OF  
4 THIS SECTION AND THAT IS LOCATED WITHIN SUCH AREA.

5 (b) THE CODE SHALL CONSIST OF EITHER A MODEL WILD  
6 LAND-URBAN INTERFACE CODE ADOPTED BY A NATIONAL OR  
7 INTERNATIONAL ORGANIZATION OR ANY OTHER CODE RECOMMENDED BY  
8 THE DIVISION AS MORE APPROPRIATE FOR MITIGATING SEVERE FIRE  
9 HAZARDS TO LIFE AND PROPERTY THROUGHOUT THE STATE. WITHOUT  
10 LIMITATION, THE CODE SHALL ADDRESS MINIMUM STANDARDS FOR  
11 CONSTRUCTION MATERIALS FOR STRUCTURES LOCATED IN WUI AREAS  
12 AND MINIMUM STANDARDS FOR EXTERIOR WILDFIRE EXPOSURE  
13 PROTECTIONS FOR SUCH STRUCTURES. THESE STANDARDS SHOULD OFFER  
14 ADEQUATE AND REASONABLE PROTECTION FROM A FIRE IN AN ADJACENT  
15 STRUCTURE AND PREVENT THE SPREADING OF THE FIRE TO WILD LAND  
16 VEGETATION AND SHOULD SPECIFY A MINIMUM AMOUNT OF DEFENSIBLE  
17 SPACE FOR NEW DEVELOPMENT. THE CODE MAY CONTAIN SUCH  
18 EXEMPTIONS FROM ITS REQUIREMENTS AS THE COUNTY FINDS  
19 APPROPRIATE AS LONG AS THE EXEMPTIONS WILL NOT WEAKEN EFFECTIVE  
20 PROTECTION AGAINST WILDFIRES IN WUI AREAS. IN THE CASE OF AN  
21 INDUSTRIAL STRUCTURE, THE CODE SHALL TAKE INTO ACCOUNT THE SIZE  
22 AND PURPOSE OF THE STRUCTURE.

23 (4) IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
24 24-33.5-1203 (1) (r), C.R.S., THE COUNTY MAY CONSULT WITH THE  
25 DIVISION OR WITH A DISTRICT IN CONNECTION WITH THE ADOPTION OF THE  
26 CODE, AND THE COUNTY MAY REQUEST FROM THE DIVISION TECHNICAL  
27 ASSISTANCE CONCERNING THE ADOPTION, IMPLEMENTATION, OR

1 ENFORCEMENT OF SUCH CODE.

2 (5) UPON ADOPTION BY THE COUNTY OF THE CODE, A BUILDING  
3 PERMIT MAY BE GRANTED BY THE COUNTY FOR NEW RESIDENTIAL,  
4 COMMERCIAL, OR INDUSTRIAL CONSTRUCTION IN A WUI AREA LOCATED  
5 WITHIN THE UNINCORPORATED PORTION OF ITS TERRITORIAL BOUNDARIES  
6 OR FOR THE RENOVATION OF AN EXISTING RESIDENTIAL, COMMERCIAL, OR  
7 INDUSTRIAL STRUCTURE THAT WAS CONSTRUCTED BEFORE THE EFFECTIVE  
8 DATE OF THIS SECTION AND THAT IS LOCATED WITHIN SUCH AREA ONLY IF  
9 THE NEW CONSTRUCTION OR RENOVATION SATISFIES THE CODE.

10 (6) A COUNTY SHALL MAKE INFORMATION EXPLAINING THE  
11 REQUIREMENTS OF THE CODE AVAILABLE TO BUILDERS, DESIGNERS,  
12 ENGINEERS, AND ARCHITECTS.

13 (7) THE ADOPTION OF A CODE UNDER THIS SECTION MAY BE  
14 CONSIDERED IN DETERMINING THE COUNTY'S ELIGIBILITY FOR FINANCIAL  
15 ASSISTANCE FOR THE DEVELOPMENT AND CREATION OF A FIRE SERVICE  
16 EDUCATION AND TRAINING PROGRAM FUNDED FROM THE FIRE SERVICE  
17 EDUCATION AND TRAINING FUND CREATED IN SECTION 24-33.5-1207.5 (1)  
18 (a), C.R.S.

19 **SECTION 3.** Part 2 of article 28 of title 30, Colorado Revised  
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
21 read:

22 **30-28-212. Permits - new development - renovations - existing**  
23 **structures - wild land-urban interface code - definitions.** (1) AS USED  
24 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

25 (a) "CODE" MEANS THE WILD LAND-URBAN INTERFACE CODE  
26 ADOPTED BY A COUNTY PURSUANT TO SECTION 30-28-140.

27 (b) "WUI" OR "WILD LAND-URBAN INTERFACE" MEANS THE LINE,

1 AREA, OR ZONE WHERE STRUCTURES AND OTHER HUMAN DEVELOPMENT,  
2 INCLUDING URBAN DEVELOPMENT, MEET OR INTERMINGLE WITH  
3 UNDEVELOPED WILD LAND OR VEGETATIVE FUEL AS MAPPED BY THE  
4 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,  
5 C.R.S.

6 (2) UPON ADOPTION BY A COUNTY OF THE WILD LAND-URBAN  
7 INTERFACE CODE PURSUANT TO SECTION 30-28-140 (3) (a), A BUILDING  
8 PERMIT MAY BE GRANTED BY THE COUNTY FOR NEW RESIDENTIAL,  
9 COMMERCIAL, OR INDUSTRIAL CONSTRUCTION IN A WUI AREA LOCATED  
10 WITHIN THE UNINCORPORATED PORTION OF THE COUNTY OR FOR THE  
11 RENOVATION OF AN EXISTING RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL  
12 STRUCTURE THAT WAS CONSTRUCTED BEFORE THE EFFECTIVE DATE OF  
13 THIS SECTION AND THAT IS LOCATED WITHIN SUCH AREA ONLY IF THE NEW  
14 CONSTRUCTION OR RENOVATION SATISFIES THE CODE IN ACCORDANCE  
15 WITH THE PROVISIONS OF SECTION 30-28-140 (3).

16 **SECTION 4. Effective date.** This act shall take effect at 12:01  
17 a.m. on the day following the expiration of the ninety-day period after  
18 final adjournment of the general assembly that is allowed for submitting  
19 a referendum petition pursuant to article V, section 1 (3) of the state  
20 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);  
21 except that, if a referendum petition is filed against this act or an item,  
22 section, or part of this act within such period, then the act, item, section,  
23 or part, if approved by the people, shall take effect on the date of the  
24 official declaration of the vote thereon by proclamation of the governor.

25 **[ASK COMMITTEE]**