

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
9.11.08

BILL 4

LLS NO. 09-0124.01 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.**

Bill Summary

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

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 develop and annually update a wildfire preparedness plan for the unincorporated area of the county. 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.

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

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 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 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 **areas - reimbursement for fire protection services - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES, "FIRE DEPARTMENT" SHALL HAVE THE SAME MEANING AS SET
9 FORTH IN SECTION 29-5-112, C.R.S.

10 (2) THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY, OR
11 THE BOARD'S DESIGNEE, IN CONSULTATION WITH ALL FIRE DEPARTMENTS
12 LOCATED WITHIN THE COUNTY, SHALL DEVELOP AND ANNUALLY UPDATE
13 A WILDFIRE PREPAREDNESS PLAN FOR THE UNINCORPORATED AREA OF THE
14 COUNTY. IN FURTHERANCE OF THE PLAN, THE BOARD OR ITS DESIGNEE

1 MAY ENTER INTO AN AGREEMENT WITH A FIRE DEPARTMENT FOR THE
2 PROVISION OF FIRE PROTECTION SERVICES FOR ALL OR PART OF THE
3 UNINCORPORATED AREA OF THE COUNTY.

4 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ANY
5 FIRE DEPARTMENT ASSISTING IN CONTROLLING OR EXTINGUISHING A FIRE
6 IN ACCORDANCE WITH A WILDFIRE PREPAREDNESS PLAN ON PROPERTY
7 THAT IS NOT WITHIN THE BOUNDARIES OF A FIRE PROTECTION DISTRICT OR
8 OTHERWISE COVERED BY ESTABLISHED FIRE PROTECTION SERVICES IS
9 ENTITLED TO REIMBURSEMENT FROM A PROPERTY OWNER ON WHOSE
10 PROPERTY THE FIRE OCCURRED OR FROM THE PARTY RESPONSIBLE FOR THE
11 OCCURRENCE OF THE FIRE FOR THE REASONABLE AND DOCUMENTED COSTS
12 RESULTING FROM THE ASSISTANCE IN CONTROLLING OR EXTINGUISHING
13 THE FIRE ON THE PROPERTY. THE FIRE DEPARTMENT MAY RECOVER THE
14 COSTS INCURRED IN A CIVIL ACTION AGAINST THE PROPERTY OWNER OR
15 THE RESPONSIBLE PARTY OR, IF THE FIRE DEPARTMENT IS A DULY
16 AUTHORIZED FIRE PROTECTION ORGANIZATION OF A TOWN, CITY, COUNTY,
17 OR CITY AND COUNTY, A FIRE PROTECTION DISTRICT, OR A METROPOLITAN
18 DISTRICT OR COUNTY IMPROVEMENT DISTRICT THAT PROVIDES FIRE
19 PROTECTION SERVICES, THE FIRE DEPARTMENT MAY, BY RESOLUTION OR
20 ORDINANCE OF ITS BOARD OF DIRECTORS OR GOVERNING BODY ADOPTED
21 AT A PUBLIC HEARING AFTER NOTICE TO THE AFFECTED PARTIES, CERTIFY
22 TO THE COUNTY TREASURER THE AMOUNT OF ANY COSTS INCURRED THAT
23 REMAINS UNCOLLECTED AFTER DILIGENT EFFORT FOR A PERIOD GREATER
24 THAN ONE HUNDRED EIGHTY DAYS. THE CERTIFICATION IS SUBJECT TO THE
25 APPEAL PROCESS AND ALL OTHER REMEDIES, IF ANY, PROVIDED IN THE
26 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
27 C.R.S. IF THE FIRE DEPARTMENT PREVAILS, THE AMOUNT CERTIFIED

1 SHALL BE COLLECTED BY THE COUNTY TREASURER IN THE SAME MANNER
2 AS TAXES ARE AUTHORIZED TO BE COLLECTED PURSUANT TO ARTICLE 10
3 OF TITLE 39, C.R.S. TO DEFRAY THE COSTS OF COLLECTION, THE COUNTY
4 TREASURER SHALL BE AUTHORIZED TO CHARGE AN AMOUNT EQUAL TO TEN
5 PERCENT OF THE AMOUNT COLLECTED.

6 (4) UPON RECEIVING NOTICE PURSUANT TO SECTION 30-10-513.5
7 OF A CONTROLLED BURN ON A PROPERTY, THE COUNTY SHERIFF SHALL
8 PROVIDE NOTICE OF THE CONTROLLED BURN TO ANY FIRE DEPARTMENT
9 RESPONSIBLE FOR PROVIDING FIRE PROTECTION SERVICES FOR THE
10 PROPERTY PURSUANT TO THE WILDFIRE PREPAREDNESS PLAN. ANY
11 PROPERTY OWNER PROVIDING NOTIFICATION PURSUANT TO SECTION
12 30-10-513.5 SHALL NOT BE LIABLE FOR ANY COSTS UNDER THIS SECTION
13 RESULTING FROM THE RESPONSE BY A FIRE DEPARTMENT TO A
14 CONTROLLED BURN DUE TO ANY PERSON INFORMING OR WARNING THE FIRE
15 DEPARTMENT OF THE FIRE ARISING FROM THE BURN.

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

18 **30-28-133. Subdivision regulations.** (6) No board of county
19 commissioners shall approve any preliminary plan or final plat for any
20 subdivision located within the county unless the subdivider has provided
21 the following materials as part of the preliminary plan or final plat
22 subdivision submission:

23 (d) EVIDENCE THAT THE SUBDIVISION WILL BE LOCATED WITHIN A
24 FIRE PROTECTION DISTRICT OR EVIDENCE THAT FIRE PROTECTION SERVICES
25 WILL BE PROVIDED FOR THE SUBDIVISION THROUGH AN AGREEMENT WITH
26 A FIRE DEPARTMENT, AS DEFINED IN SECTION 29-5-112, C.R.S.

27 **SECTION 3.** Part 2 of article 38 of title 30, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **30-28-212. Provision of fire protection services -**
4 **unincorporated areas.** (1) NO BUILDING PERMIT SHALL BE ISSUED FOR
5 THE CONSTRUCTION OF A NEW COMMERCIAL OR RESIDENTIAL BUILDING TO
6 BE LOCATED IN AN UNINCORPORATED AREA OF A COUNTY UNLESS THE
7 BUILDING IS LOCATED IN A FIRE PROTECTION DISTRICT OR THERE IS
8 EVIDENCE THAT FIRE PROTECTION SERVICES WILL BE PROVIDED FOR THE
9 BUILDING THROUGH AN AGREEMENT WITH A FIRE DEPARTMENT, AS
10 DEFINED IN SECTION 29-5-112, C.R.S. THE BOARD OF COUNTY
11 COMMISSIONERS OF EACH COUNTY OF THE STATE SHALL ESTABLISH A
12 PROCEDURE FOR A PROPERTY OWNER TO SUBMIT EVIDENCE OF
13 COMPLIANCE WITH THE REQUIREMENT OF THIS SUBSECTION (1).

14 (2) EVIDENCE PROVIDED PURSUANT TO SECTION 30-28-133 (6) (d)
15 SHALL BE SUFFICIENT TO SATISFY THE REQUIREMENT OF SUBSECTION (1)
16 OF THIS SECTION.

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