

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
10.25.13

BILL 1

LLS NO. 14-0193.01 Bob Lackner x4350

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

SHORT TITLE: "Wildfire Mitigation Codes New Construction"

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT CERTAIN LOCAL**
102 **GOVERNMENTS ADOPT WILDFIRE MITIGATION CODES IN**
103 **CONNECTION WITH THE NEW CONSTRUCTION OF BUILDINGS IN**
104 **FIRE HAZARD AREAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Wildfire Matters Review Committee. Not later than January 1, 2016, the bill requires the governing body of each county and

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

municipality (local government) that has enacted a building code to adopt and enforce the international wildland-urban interface code. In place of adopting of the international wildland-urban interface code, the local government may adopt and enforce a substitute code that offers comparable fire protection safety standards to the international wildland-urban interface code. The wildfire mitigation code adopted by a local government applies to the construction of, and any renovations or additions to, any commercial or residential building located within the unincorporated areas of the county or the territorial boundaries of the municipality, as applicable, that are further located within a fire hazard area. The enforcement of a wildfire mitigation code by a local government is subject to whatever exemptions to the code may be adopted by the local government to address conditions specific to the local government.

The requirements apply to any commercial or residential building located within the local government for which a building permit application is received subsequent to the adoption of the wildfire mitigation code.

Not less than 90 days before the date by which a local government adopts or amends a wildfire mitigation code, the local government is required to submit to the division of fire prevention and control within the department of public safety (division) the proposed code. Not less than 60 days after the submission by the local government, the division is required to determine and inform the local government whether the code proposed for approval is sufficient or, if not, the modifications the local government must make to the proposed code to obtain the approval of the division. The local government is required to make any modifications required by the division prior to adopting the proposed code or amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-201, **add** (4)

3 as follows:

4 **30-28-201. Commissioners may adopt - emission performance**

5 **standards required.** (4) BY THE DATE ESTABLISHED IN SECTION

6 30-28-212 (3), EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY

7 THAT HAS ENACTED A BUILDING CODE, AND THEREAFTER EVERY BOARD

8 THAT ENACTS A BUILDING CODE, SHALL ADOPT AND ENFORCE A WILDFIRE

1 MITIGATION CODE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
2 30-28-212.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 30-28-212 as
4 follows:

5 **30-28-212. Wildland-urban interface code - legislative**
6 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS,
7 DETERMINES, AND DECLARES THAT:

8 (a) WILDFIRES POSE A REAL AND SIGNIFICANT RISK TO LIFE,
9 PROPERTY, AND INFRASTRUCTURE LOCATED IN FIRE HAZARD AREAS.

10 (b) IN THE CASE OF COUNTIES CONTAINING FIRE HAZARD AREAS
11 WITHIN THEIR TERRITORIAL BOUNDARIES, A REQUIREMENT THAT EACH
12 COUNTY ADOPT AND ENFORCE EITHER THE INTERNATIONAL
13 WILDLAND-URBAN INTERFACE CODE OR ANOTHER CODE THAT
14 SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL WILDLAND-URBAN
15 INTERFACE CODE WILL PROACTIVELY HELP ENSURE THAT BUILDINGS
16 LOCATED IN FIRE HAZARD AREAS WILL BE ABLE TO WITHSTAND THE
17 DANGERS CAUSED BY WILDFIRES AND THAT THE IMPACTS OF WILDFIRES
18 ARE MITIGATED TO THE GREATEST EXTENT POSSIBLE, WITH CONSEQUENT
19 BENEFITS FOR THE RESIDENTS OF SUCH AREAS AND THEIR PROPERTY.

20 (c) WILDFIRES OFTEN CREATE EFFECTS BEYOND THE TERRITORIAL
21 BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE WILDFIRES
22 STARTED, AND THE STRAIN ON PUBLIC AND PRIVATE RESOURCES CAUSED
23 BY WILDFIRES IS 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 FIRE HAZARD AREAS, THERE IS A STATEWIDE INTEREST IN THE ADOPTION
27 AND ENFORCEMENT BY COUNTIES OF EITHER THE INTERNATIONAL

1 WILDLAND-URBAN INTERFACE CODE OR ANOTHER CODE THAT
2 SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL WILDLAND-URBAN
3 INTERFACE CODE IN ORDER TO PROTECT THE LIVES OF FIREFIGHTERS,
4 PREVENT THE SPREAD OF WILDFIRE TO ADJACENT PROPERTIES AND
5 JURISDICTIONS, AND MINIMIZE THE DANGER TO PUBLIC SAFETY.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
9 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
10 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
11 BUILDINGS.

12 (b) "DIVISION" MEANS THE DIVISION OF FIRE PREVENTION AND
13 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION
14 24-33.5-1201 (1), C.R.S.

15 (c) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
16 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,
17 C.R.S., AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO
18 SEVERE FIRE HAZARDS.

19 (d) "INTERNATIONAL WILDLAND-URBAN INTERFACE CODE" MEANS
20 THE 2012 EDITION OF THE "INTERNATIONAL WILDLAND-URBAN INTERFACE
21 CODE" AS ADOPTED OR SUBSEQUENTLY AMENDED BY THE INTERNATIONAL
22 CODE COUNCIL.

23 (e) "WILDFIRE MITIGATION CODE" MEANS A CODE ADOPTED BY A
24 COUNTY IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND
25 CONSISTS OF EITHER THE INTERNATIONAL WILDLAND-URBAN INTERFACE
26 CODE OR A SUBSTITUTE CODE THAT OFFERS COMPARABLE FIRE
27 PROTECTION SAFETY STANDARDS TO THE INTERNATIONAL

1 WILDLAND-URBAN INTERFACE CODE.

2 (3) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (5) OF THIS
3 SECTION, NOT LATER THAN JANUARY 1, 2016, EACH BOARD OF COUNTY
4 COMMISSIONERS THAT HAS ENACTED A BUILDING CODE PURSUANT TO
5 SECTION 30-28-201 SHALL ADOPT AND ENFORCE THE INTERNATIONAL
6 WILDLAND-URBAN INTERFACE CODE. IN PLACE OF ADOPTING THE
7 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, THE COUNTY MAY
8 ADOPT AND ENFORCE A SUBSTITUTE CODE THAT OFFERS COMPARABLE FIRE
9 PROTECTION SAFETY STANDARDS TO THE INTERNATIONAL
10 WILDLAND-URBAN INTERFACE CODE. THE WILDFIRE MITIGATION CODE
11 ADOPTED PURSUANT TO THIS SUBSECTION (3) APPLIES TO THE
12 CONSTRUCTION OF, AND ANY RENOVATIONS OR ADDITIONS TO, ANY
13 COMMERCIAL OR RESIDENTIAL BUILDING LOCATED WITHIN AN
14 UNINCORPORATED AREA OF THE COUNTY THAT IS FURTHER LOCATED
15 WITHIN A FIRE HAZARD AREA. NOTWITHSTANDING ANY OTHER PROVISION
16 OF THIS SECTION, A COUNTY MAY ADOPT EXEMPTIONS TO THE CODE TO
17 ADDRESS CONDITIONS SPECIFIC TO THE COUNTY. ANY EXEMPTION TO THE
18 CODE SHALL BE APPROVED BY THE DIVISION IN THE SAME MANNER AS A
19 PROPOSED CODE OR AMENDMENT TO A CODE IS APPROVED PURSUANT TO
20 SUBSECTION (5) OF THIS SECTION.

21 (4) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION APPLY
22 TO ANY COMMERCIAL OR RESIDENTIAL BUILDING FOR WHICH A BUILDING
23 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE
24 WILDFIRE MITIGATION CODE.

25 (5) NOT LESS THAN NINETY DAYS BEFORE THE ADOPTION OR
26 AMENDMENT OF A WILDFIRE MITIGATION CODE, THE COUNTY SHALL
27 SUBMIT A COPY OF THE PROPOSED CODE OR AMENDMENT TO THE DIVISION.

1 NOT LESS THAN SIXTY DAYS AFTER THE SUBMISSION BY THE COUNTY, THE
2 DIVISION SHALL MAKE A DETERMINATION AND INFORM THE COUNTY
3 WHETHER THE CODE OR AMENDMENT PROPOSED FOR APPROVAL IS
4 SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE COUNTY MUST MAKE TO
5 OBTAIN THE APPROVAL OF THE DIVISION. THE COUNTY SHALL MAKE ANY
6 MODIFICATIONS REQUIRED BY THE DIVISION PRIOR TO ADOPTING THE
7 PROPOSED CODE OR AMENDMENT.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 31-15-603 as
9 follows:

10 **31-15-603. Wildland-urban interface code - legislative**
11 **declaration - definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS,
12 DETERMINES, AND DECLARES THAT THERE IS STATEWIDE INTEREST IN
13 REQUIRING THE ADOPTION AND ENFORCEMENT OF EITHER THE
14 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE OR ANOTHER CODE
15 THAT SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL
16 WILDLAND-URBAN INTERFACE CODE IN FIRE HAZARD AREAS WITHIN THE
17 TERRITORIAL BOUNDARIES OF MUNICIPALITIES FOR THE FOLLOWING
18 REASONS:

19 (a) WILDFIRES POSE A REAL AND SIGNIFICANT RISK TO LIFE,
20 PROPERTY, AND INFRASTRUCTURE LOCATED IN FIRE HAZARD AREAS.

21 (b) IN THE CASE OF MUNICIPALITIES CONTAINING FIRE HAZARD
22 AREAS WITHIN THEIR TERRITORIAL BOUNDARIES, A REQUIREMENT THAT
23 EACH MUNICIPALITY ADOPT AND ENFORCE EITHER THE INTERNATIONAL
24 WILDLAND-URBAN INTERFACE CODE OR A SUBSTITUTE CODE THAT
25 SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL WILDLAND-URBAN
26 INTERFACE CODE WILL PROACTIVELY HELP ENSURE THAT BUILDINGS
27 LOCATED IN FIRE HAZARD AREAS WILL BE ABLE TO WITHSTAND THE

1 DANGERS CAUSED BY WILDFIRES AND THAT THE IMPACTS OF WILDFIRES
2 ARE MITIGATED TO THE GREATEST EXTENT POSSIBLE, WITH CONSEQUENT
3 BENEFITS FOR THE RESIDENTS OF SUCH AREAS AND THEIR PROPERTY.

4 (c) WILDFIRES OFTEN CREATE EFFECTS BEYOND THE TERRITORIAL
5 BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE WILDFIRE
6 STARTED, AND THE STRAIN ON PUBLIC AND PRIVATE RESOURCES CAUSED
7 BY WILDFIRES IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES.

8 (d) TO ADDRESS THESE SPILLOVER EFFECTS AND TO MINIMIZE THE
9 SIGNIFICANT RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE LOCATED IN
10 FIRE HAZARD AREAS, THERE IS A STATEWIDE INTEREST IN THE ADOPTION
11 AND ENFORCEMENT BY MUNICIPALITIES OF EITHER THE INTERNATIONAL
12 WILDLAND-URBAN INTERFACE CODE OR A SUBSTITUTE CODE THAT
13 SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL WILDLAND-URBAN
14 INTERFACE CODE IN ORDER TO PROTECT THE LIVES OF FIREFIGHTERS,
15 PREVENT THE SPREAD OF WILDFIRE TO ADJACENT PROPERTIES AND
16 JURISDICTIONS, AND MINIMIZE THE DANGER TO PUBLIC SAFETY.

17 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
20 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
21 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
22 BUILDINGS.

23 (b) "DIVISION" MEANS THE DIVISION OF FIRE PREVENTION AND
24 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION
25 24-33.5-1201 (1), C.R.S.

26 (c) "FIRE HAZARD AREA" MEANS AN AREA MAPPED BY THE
27 COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION 23-31-302,

1 C.R.S., AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE TO
2 SEVERE FIRE HAZARDS.

3 (d) "INTERNATIONAL WILDLAND-URBAN INTERFACE CODE" MEANS
4 THE 2012 EDITION OF THE "INTERNATIONAL WILDLAND-URBAN INTERFACE
5 CODE" AS ADOPTED OR SUBSEQUENTLY AMENDED BY THE INTERNATIONAL
6 CODE COUNCIL.

7 (e) "WILDFIRE MITIGATION CODE" MEANS A CODE ADOPTED BY A
8 MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION
9 AND CONSISTS OF EITHER THE INTERNATIONAL WILDLAND-URBAN
10 INTERFACE CODE OR ANOTHER CODE THAT OFFERS COMPARABLE FIRE
11 PROTECTION SAFETY STANDARDS TO THE INTERNATIONAL
12 WILDLAND-URBAN INTERFACE CODE.

13 (3) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (5) OF THIS
14 SECTION, NOT LATER THAN JANUARY 1, 2016, EACH GOVERNING BODY OF
15 A MUNICIPALITY THAT HAS ENACTED A BUILDING CODE SHALL ADOPT AND
16 ENFORCE THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE. IN
17 PLACE OF ADOPTING THE INTERNATIONAL WILDLAND-URBAN INTERFACE
18 CODE, THE MUNICIPALITY MAY ADOPT AND ENFORCE A SUBSTITUTE CODE
19 THAT OFFERS COMPARABLE FIRE PROTECTION SAFETY STANDARDS TO THE
20 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE. THE WILDFIRE
21 MITIGATION CODE ADOPTED PURSUANT TO THIS SUBSECTION (3) APPLIES
22 TO THE CONSTRUCTION OF, AND ANY RENOVATIONS OR ADDITIONS TO, ANY
23 COMMERCIAL OR RESIDENTIAL BUILDING IN THE MUNICIPALITY THAT IS
24 LOCATED WITHIN A FIRE HAZARD AREA. NOTWITHSTANDING ANY OTHER
25 PROVISION OF THIS SECTION, A MUNICIPALITY MAY ADOPT EXEMPTIONS TO
26 THE CODE TO ADDRESS CONDITIONS SPECIFIC TO THE MUNICIPALITY. ANY
27 EXEMPTION TO THE CODE SHALL BE APPROVED BY THE DIVISION IN THE

1 SAME MANNER AS A PROPOSED CODE OR AMENDMENT TO A CODE IS
2 APPROVED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

3 (4) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION APPLY
4 TO ANY COMMERCIAL OR RESIDENTIAL BUILDING FOR WHICH A BUILDING
5 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE
6 WILDFIRE MITIGATION CODE.

7 (5) NOT LESS THAN NINETY DAYS BEFORE THE ADOPTION OR
8 AMENDMENT OF A WILDFIRE MITIGATION CODE, THE MUNICIPALITY SHALL
9 SUBMIT A COPY OF THE PROPOSED CODE OR AMENDMENT TO THE DIVISION.
10 NOT LESS THAN SIXTY DAYS AFTER THE SUBMISSION BY THE
11 MUNICIPALITY, THE DIVISION SHALL MAKE A DETERMINATION AND INFORM
12 THE MUNICIPALITY OF WHETHER THE CODE OR AMENDMENT PROPOSED FOR
13 APPROVAL IS SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE
14 MUNICIPALITY MUST MAKE TO THE PROPOSED CODE TO OBTAIN THE
15 APPROVAL OF THE DIVISION. THE MUNICIPALITY SHALL MAKE ANY
16 MODIFICATIONS REQUIRED BY THE DIVISION PRIOR TO ADOPTING THE
17 PROPOSED CODE OR AMENDMENT.

18 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1203, **add**
19 (1) (v) as follows:

20 **24-33.5-1203. Duties of division.** (1) The division shall perform
21 the following duties:

22 (v) MAKE A DETERMINATION AND INFORM A COUNTY OR
23 MUNICIPALITY, AS APPLICABLE, WHETHER A PROPOSED WILDFIRE
24 MITIGATION CODE ADOPTED AND SUBMITTED BY THE COUNTY OR
25 MUNICIPALITY IS SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE COUNTY
26 OR MUNICIPALITY MUST MAKE TO THE PROPOSED CODE TO OBTAIN THE
27 APPROVAL OF THE DIVISION IN ACCORDANCE WITH THE PROVISIONS OF

1 SECTION 30-28-212 (5) OR 31-15-603 (5), C.R.S., AS APPLICABLE.

2 **SECTION 5. Effective date.** This act takes effect July 1, 2014.

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.