

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

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Bill 1

Temporary storage location: S:\LCS\Policy & Research\Committees\Interim\2015\Wildfire Matters Review
Committee\Bills\Bill 1_16-0270.wpd

LLS NO. 16-0270.01 Bob Lackner x4350

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Adoption Of Wildfire Mitigation Codes"

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, 2017, the governing body of each county and municipality (local

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

government) that has enacted a building code is required to adopt and enforce the international wildland-urban interface code. In place of adopting 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 code 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 SECTION 30-28-212.

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

4 **30-28-212. Wildfire mitigation code - legislative declaration -**
5 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
6 AND DECLARES THAT:

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

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

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

23 (d) TO ADDRESS THESE SPILLOVER EFFECTS AND TO MINIMIZE THE
24 SIGNIFICANT RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE LOCATED IN
25 FIRE HAZARD AREAS, THERE IS A STATEWIDE INTEREST IN THE ADOPTION
26 AND ENFORCEMENT BY COUNTIES OF EITHER THE INTERNATIONAL
27 WILDLAND-URBAN INTERFACE CODE OR ANOTHER CODE THAT

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

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

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

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

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

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

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

1 (3) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (5) OF THIS
2 SECTION, NOT LATER THAN JANUARY 1, 2017, EACH BOARD OF COUNTY
3 COMMISSIONERS THAT HAS ENACTED A BUILDING CODE PURSUANT TO
4 SECTION 30-28-201 SHALL ADOPT AND ENFORCE A WILDFIRE MITIGATION
5 CODE. THE WILDFIRE MITIGATION CODE ADOPTED PURSUANT TO THIS
6 SUBSECTION (3) APPLIES TO THE CONSTRUCTION OF, AND ANY
7 RENOVATIONS OR ADDITIONS TO, ANY COMMERCIAL OR RESIDENTIAL
8 BUILDING LOCATED WITHIN AN UNINCORPORATED AREA OF THE COUNTY
9 THAT IS FURTHER LOCATED WITHIN A FIRE HAZARD AREA.
10 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COUNTY
11 MAY ADOPT EXEMPTIONS TO THE CODE TO ADDRESS CONDITIONS SPECIFIC
12 TO THE COUNTY. ANY EXEMPTION TO THE CODE SHALL BE APPROVED BY
13 THE DIVISION IN THE SAME MANNER AS A PROPOSED CODE OR AMENDMENT
14 TO A CODE IS APPROVED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

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

19 (5) NOT LESS THAN NINETY DAYS BEFORE THE ADOPTION OR
20 AMENDMENT OF A WILDFIRE MITIGATION CODE, THE COUNTY SHALL
21 SUBMIT A COPY OF THE PROPOSED CODE OR AMENDMENT TO THE DIVISION.
22 NOT LESS THAN SIXTY DAYS AFTER THE SUBMISSION BY THE COUNTY, THE
23 DIVISION SHALL MAKE A DETERMINATION AND INFORM THE COUNTY
24 WHETHER THE CODE OR AMENDMENT PROPOSED FOR APPROVAL IS
25 SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE COUNTY MUST MAKE TO
26 OBTAIN THE APPROVAL OF THE DIVISION. THE COUNTY SHALL MAKE ANY
27 MODIFICATIONS REQUIRED BY THE DIVISION PRIOR TO ADOPTING THE

1 PROPOSED CODE OR AMENDMENT.

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

4 **31-15-603. Wildfire mitigation code - legislative declaration -**
5 **definitions.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
6 AND DECLARES THAT THERE IS STATEWIDE INTEREST IN REQUIRING THE
7 ADOPTION AND ENFORCEMENT OF EITHER THE INTERNATIONAL
8 WILDLAND-URBAN INTERFACE CODE OR ANOTHER CODE THAT
9 SUBSTANTIALLY CONFORMS TO THE INTERNATIONAL WILDLAND-URBAN
10 INTERFACE CODE IN FIRE HAZARD AREAS WITHIN THE TERRITORIAL
11 BOUNDARIES OF MUNICIPALITIES FOR THE FOLLOWING REASONS:

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

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

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

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

10 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "BUILDING CODE" MEANS REGULATIONS RELATED TO ENERGY
13 PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING
14 SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL
15 BUILDINGS.

16 (b) "DIVISION" MEANS THE DIVISION OF FIRE PREVENTION AND
17 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN SECTION
18 24-33.5-1201 (1), C.R.S.

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

23 (d) "INTERNATIONAL WILDLAND-URBAN INTERFACE CODE" MEANS
24 THE 2012 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE
25 CODE AS ADOPTED OR SUBSEQUENTLY AMENDED BY THE INTERNATIONAL
26 CODE COUNCIL.

27 (e) "WILDFIRE MITIGATION CODE" MEANS A CODE ADOPTED BY A

1 MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION
2 THAT CONSISTS OF EITHER THE INTERNATIONAL WILDLAND-URBAN
3 INTERFACE CODE OR ANOTHER CODE THAT OFFERS COMPARABLE FIRE
4 PROTECTION SAFETY STANDARDS TO THE INTERNATIONAL
5 WILDLAND-URBAN INTERFACE CODE.

6 (3) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (5) OF THIS
7 SECTION, NOT LATER THAN JANUARY 1, 2017, EACH GOVERNING BODY OF
8 A MUNICIPALITY THAT HAS ENACTED A BUILDING CODE SHALL ADOPT AND
9 ENFORCE A WILDFIRE MITIGATION CODE. THE WILDFIRE MITIGATION CODE
10 ADOPTED PURSUANT TO THIS SUBSECTION (3) APPLIES TO THE
11 CONSTRUCTION OF, AND ANY RENOVATIONS OR ADDITIONS TO, ANY
12 COMMERCIAL OR RESIDENTIAL BUILDING IN THE MUNICIPALITY THAT IS
13 LOCATED WITHIN A FIRE HAZARD AREA. NOTWITHSTANDING ANY OTHER
14 PROVISION OF THIS SECTION, A MUNICIPALITY MAY ADOPT EXEMPTIONS TO
15 THE CODE TO ADDRESS CONDITIONS SPECIFIC TO THE MUNICIPALITY. ANY
16 EXEMPTION TO THE CODE SHALL BE APPROVED BY THE DIVISION IN THE
17 SAME MANNER AS A PROPOSED CODE OR AMENDMENT TO A CODE IS
18 APPROVED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

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

23 (5) NOT LESS THAN NINETY DAYS BEFORE THE ADOPTION OR
24 AMENDMENT OF A WILDFIRE MITIGATION CODE, THE MUNICIPALITY SHALL
25 SUBMIT A COPY OF THE PROPOSED CODE OR AMENDMENT TO THE DIVISION.
26 NOT LESS THAN SIXTY DAYS AFTER THE SUBMISSION BY THE
27 MUNICIPALITY, THE DIVISION SHALL MAKE A DETERMINATION AND INFORM

1 THE MUNICIPALITY OF WHETHER THE CODE OR AMENDMENT PROPOSED FOR
2 APPROVAL IS SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE
3 MUNICIPALITY MUST MAKE TO THE PROPOSED CODE TO OBTAIN THE
4 APPROVAL OF THE DIVISION. THE MUNICIPALITY SHALL MAKE ANY
5 MODIFICATIONS REQUIRED BY THE DIVISION PRIOR TO ADOPTING THE
6 PROPOSED CODE OR AMENDMENT.

7 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-1203, **add**
8 (1) (x) as follows:

9 **24-33.5-1203. Duties of division.** (1) The division shall perform
10 the following duties:

11 (x) MAKE A DETERMINATION AND INFORM A COUNTY OR
12 MUNICIPALITY, AS APPLICABLE, WHETHER A PROPOSED WILDFIRE
13 MITIGATION CODE ADOPTED AND SUBMITTED BY THE COUNTY OR
14 MUNICIPALITY IS SUFFICIENT OR, IF NOT, THE MODIFICATIONS THE COUNTY
15 OR MUNICIPALITY MUST MAKE TO THE PROPOSED CODE TO OBTAIN THE
16 APPROVAL OF THE DIVISION IN ACCORDANCE WITH SECTION 30-28-212 (5)
17 OR 31-15-603 (5), C.R.S., AS APPLICABLE.

18 **SECTION 5. Effective date.** This act takes effect July 1, 2016.

19 **SECTION 6. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety. **[ASK**
22 **COMMITTEE]**