

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-142

BY SENATOR(S) Baisley and Cutter, Exum, Jodeh, Kipp, Michaelson Jenet, Snyder, Wallace, Winter F.;
also REPRESENTATIVE(S) Velasco, Boesenecker, Brown, Clifford, Duran, Froelich, Jackson, Lieder, Lindsay, Mabrey, Martinez, McCluskie, McCormick, Rutinel, Smith, Titone.

CONCERNING CHANGES TO THE WILDFIRE RESILIENCY CODE BOARD'S CODE
IMPLEMENTATION REQUIREMENTS.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-1237, **amend** (1)(a), (2), and (3); and **add** (1)(a.3) and (1)(c.5) as follows:

24-33.5-1237. Application of wildfire resiliency codes - enforcement - definitions. (1) As used in this section, unless the context otherwise requires:

(a) ~~"Board" means the wildfire resiliency code board created in section 24-33.5-1236 (2).~~ "ADOPTING GOVERNING BODY" MEANS A GOVERNING BODY THAT HAS JURISDICTION IN AN AREA WITHIN THE WILDLAND-URBAN INTERFACE AND HAS THE AUTHORITY TO ADOPT BUILDING

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CODES OR FIRE CODES.

(a.3) "BOARD" MEANS THE WILDFIRE RESILIENCY CODE BOARD CREATED IN SECTION 24-33.5-1236 (2).

(c.5) "COOPERATIVE AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY THE ADOPTING GOVERNING BODY AND AT LEAST ONE OTHER ENTITY, SUCH AS A THIRD-PARTY CONTRACTOR OR ANOTHER GOVERNING BODY, THAT PROVIDES FOR THE ENFORCEMENT OF THE CODES.

(2) (a) ~~A governing body with jurisdiction in an area within the wildland-urban interface that has the authority to adopt building codes or fire codes~~ AN ADOPTING GOVERNING BODY shall adopt a code that meets or exceeds the minimum standards set forth in the codes within ~~three~~ NINE months of the board adopting the codes in accordance with section 24-33.5-1236 (4)(b)(II)(D).

(b) Enforcement of a code adopted pursuant to subsection (2)(a) of this section shall be in accordance with the rules and regulations for code enforcement by the ADOPTING governing body, OR THROUGH A COOPERATIVE AGREEMENT. The period to comply with an adopted code shall be in accordance with the rules and regulations of the ADOPTING governing body or within three months of the date the code is adopted by the ADOPTING governing body, whichever is sooner.

(c) The board may review ~~a~~ AN ADOPTING governing body's codes adopted pursuant to subsection (2)(a) of this section and ~~a~~ AN ADOPTING governing body's application of the adopted codes to determine compliance with the requirements of this section. ~~Governing~~ ADOPTING GOVERNING bodies shall cooperate with the board and be responsive to any requests for information from the board made pursuant to the board's review set forth in this subsection (2)(c).

(d) Notwithstanding subsection (2)(b) of this section, if ~~a~~ AN ADOPTING governing body does not have rules and regulations OR A COOPERATIVE AGREEMENT in place for the enforcement of a code adopted pursuant to subsection (2)(a) of this section, the ADOPTING governing body may request support from the division in conducting inspections and enforcing the code pursuant to the division's procedures set forth in section 24-33.5-1213; except that any civil penalty collected pursuant to section

24-33.5-1213 (4) shall be deposited in the code board cash fund. The division may charge a reasonable fee to the property owner for conducting inspections and enforcing the code, and money from the fee shall be deposited in the code board cash fund.

(3) ~~A~~ AN ADOPTING governing body may petition the board for a modification of the codes within its jurisdiction in accordance with procedures adopted by the board pursuant to section 24-33.5-1236 (4)(b)(IV). If the board grants the petition for modification, the modification applies only within the jurisdiction that is granted the modification. The order granting the petition for modification must specify a date on which the modification expires, and the ADOPTING governing body must petition the board before the expiration date to keep the modification in effect, or the board at its discretion and through its own action may extend the modification and specify a new expiration date. ~~A~~ AN ADOPTING governing body may appeal a denial of a petition to the board in accordance with procedures adopted by the board pursuant to section 24-33.5-1236 (4)(b)(V).

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO