

CHAPTER 259

GOVERNMENT - LOCAL

HOUSE BILL 16-1088

BY REPRESENTATIVE(S) Dore, Arndt, Becker K., Fields, Kraft-Tharp, Lee, Melton, Rankin, Tyler, Winter, Young, Hulinghorst;
also SENATOR(S) Roberts, Aguilar, Crowder, Heath, Hodge, Jones, Kefalas, Merrifield, Newell, Todd.

AN ACT

CONCERNING THE AUTHORIZATION FOR A FIRE PROTECTION DISTRICT TO IMPOSE AN IMPACT FEE ON NEW DEVELOPMENT, AND, IN CONNECTION THEREWITH, ENACTING THE "PUBLIC SAFETY FAIRNESS ACT".

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

SECTION 1. Short title. The short title of this act is the "Public Safety Fairness Act".

SECTION 2. In Colorado Revised Statutes, 29-20-103, **add** (1.3) as follows:

29-20-103. Definitions. As used in this article, unless the context otherwise requires:

(1.3) "FIRE AND EMERGENCY SERVICES PROVIDER" MEANS A FIRE PROTECTION DISTRICT ORGANIZED UNDER ARTICLE 1 OF TITLE 32, C.R.S., OR A FIRE AUTHORITY ESTABLISHED PURSUANT TO SECTION 29-1-203.5.

SECTION 3. In Colorado Revised Statutes, 29-20-104.5, **amend** (1) introductory portion, (2), (3), (4) (a), and (4) (c) as follows:

29-20-104.5. Impact fees - definition. (1) Pursuant to the authority granted in section 29-20-104 (1) (g) and as a condition of issuance of a development permit, a local government may impose an impact fee or other similar development charge to fund expenditures by such local government OR A FIRE AND EMERGENCY SERVICES PROVIDER THAT PROVIDES FIRE PROTECTION, RESCUE, AND EMERGENCY SERVICES IN THE NEW DEVELOPMENT on capital facilities needed to serve new development. No impact fee or other similar development charge shall be imposed

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

except pursuant to a schedule that is:

(2) (a) A local government shall quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development. No impact fee or other similar development charge shall be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed development.

(b) A LOCAL GOVERNMENT SHALL CONFER WITH ANY FIRE AND EMERGENCY SERVICES PROVIDER THAT PROVIDES FIRE PROTECTION, RESCUE, AND EMERGENCY MEDICAL SERVICES IN A NEW DEVELOPMENT, TOGETHER WITH THE OWNER OR DEVELOPER OF THE DEVELOPMENT, TO ASSESS AND DETERMINE WHETHER THERE SHOULD BE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE IMPOSED TO DEFRAY THE IMPACTS TO THE FIRE AND EMERGENCY SERVICES PROVIDER.

(c) IF A LOCAL GOVERNMENT, IN ITS SOLE DISCRETION, ELECTS TO IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO FUND THE EXPENDITURES BY A FIRE AND EMERGENCY SERVICES PROVIDER FOR A CAPITAL FACILITY, THEN THE LOCAL GOVERNMENT AND FIRE AND EMERGENCY SERVICES PROVIDER SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT DEFINING THE IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE AND THE DETAILS OF COLLECTION AND REMITTANCE.

(d) A LOCAL GOVERNMENT THAT IMPOSES AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO FUND THE EXPENDITURES BY A FIRE AND EMERGENCY SERVICES PROVIDER FOR A CAPITAL FACILITY SHALL PAY THE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES COLLECTED TO THE FIRE PROTECTION AND EMERGENCY SERVICE PROVIDER.

(3) Any schedule of impact fees or other similar development charges adopted by a local government pursuant to this section shall include provisions to ensure that no individual landowner is required to provide any site specific dedication or improvement to meet the same need for capital facilities for which the impact fee or other similar development charge is imposed. A LOCAL GOVERNMENT SHALL NOT IMPOSE AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE ON AN INDIVIDUAL LANDOWNER TO FUND EXPENDITURES FOR A CAPITAL FACILITY USED TO PROVIDE FIRE, RESCUE, AND EMERGENCY SERVICES IF THE LANDOWNER IS ALREADY REQUIRED TO PAY AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE FOR ANOTHER CAPITAL FACILITY USED TO PROVIDE A SIMILAR FIRE, RESCUE, AND EMERGENCY SERVICE OR IF THE LANDOWNER HAS VOLUNTARILY CONTRIBUTED MONEY FOR SUCH A CAPITAL FACILITY.

(4) As used in this section, the term "capital facility" means any improvement or facility that:

(a) Is directly related to any service that a local government OR A FIRE AND EMERGENCY SERVICES PROVIDER is authorized to provide;

(c) Is required by the charter or general policy of a local government OR FIRE AND EMERGENCY SERVICES PROVIDER pursuant to a resolution or ordinance.

SECTION 4. In Colorado Revised Statutes, 32-1-1002, **add** (1) (d.5) as follows:

32-1-1002. Fire protection districts - additional powers and duties. (1) In addition to the powers specified in section 32-1-1001, the board of any fire protection district has the following powers for and on behalf of such district:

(d.5) TO RECEIVE AND SPEND AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE IMPOSED PURSUANT TO THE PROVISIONS DESCRIBED IN SECTION 29-20-104.5, C.R.S.

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

Approved: June 8, 2016