

CHAPTER 69

GOVERNMENT - COUNTY

HOUSE BILL 96-1245

BY REPRESENTATIVES Kreutz, Dyer, Nichol, Schwarz, Sullivant, Taylor, Tucker, and Young;
also SENATORS Alexander, Dennis, Feeley, Hernandez, Hopper, Johnson, Matsunaka, L. Powers, and Thiebaut.

AN ACT

CONCERNING THE AUTHORITY OF LOCAL GOVERNMENTS RELATING TO FIRE PROTECTION AND, IN CONNECTION THEREWITH, AUTHORIZING COUNTIES WITH A POPULATION OF LESS THAN FIFTEEN THOUSAND PEOPLE TO ADOPT ORDINANCES TO PROVIDE FOR MINIMUM FIRE SAFETY STANDARDS MODELED UPON THOSE CONTAINED IN THE MOST RECENT EDITION OF THE UNIFORM FIRE CODE, BUT RESTRICTING COUNTY GOVERNMENTS AND SPECIAL DISTRICTS FROM PROHIBITING THE SALE OF PERMISSIBLE FIREWORKS WITHIN THEIR JURISDICTIONS.

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

SECTION 1. 30-15-401.5 (1), Colorado Revised Statutes, 1986 Repl. Vol., is amended, and the said 30-15-401.5, as amended, is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-15-401.5. Fire safety standards. (1) In addition to any other powers granted by the general assembly, the board of county commissioners of each county ~~having a population of not less than fifteen thousand, as determined by the most recent decennial census of the United States,~~ **having** has the power to adopt ordinances to provide for minimum fire safety standards which shall be modeled upon those contained in the uniform fire code, including the table of contents, indices, appendices, and tables, ~~1982 edition,~~ as promulgated by the international conference of building officials, THE INTERNATIONAL FIRE CODE INSTITUTE, and THE western fire chiefs association.

(10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO COUNTY OR FIRE PROTECTION DISTRICT SHALL PROHIBIT THE SALE OF PERMISSIBLE FIREWORKS AS DEFINED IN SECTION 12-28-101 (8), C.R.S., WITHIN ITS JURISDICTION.

SECTION 2. 30-20-512 (1) (n) (II), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

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

30-20-512. General powers of district. (1) The district has the following limited powers:

(n) In a district providing fire protection services:

(II) To adopt and enforce fire codes, as the board deems necessary, but no such code shall apply within any municipality or the unincorporated portion of any county unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific portions thereof shall be applicable within the portion of the municipality or the county which is within the district's boundaries; except that nothing in this paragraph (n) shall be construed to affect any existing fire codes which have been adopted by the governing body of a municipality or county. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO DISTRICT PROVIDING FIRE PROTECTION SERVICE SHALL PROHIBIT THE SALE OF PERMISSIBLE FIREWORKS AS DEFINED IN SECTION 12-28-101 (8), C.R.S., WITHIN ITS JURISDICTION.

SECTION 3. 32-1-1002 (1) (d), Colorado Revised Statutes, as amended, is amended to read:

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) To adopt and enforce fire codes, as the board deems necessary, but no such code shall apply within any municipality or the unincorporated portion of any county unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific portions thereof shall be applicable within the fire protection district's boundaries; except that nothing in this paragraph (d) shall be construed to affect any fire codes existing on June 30, 1981, which have been adopted by the governing body of a municipality or county. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO FIRE PROTECTION DISTRICT SHALL PROHIBIT THE SALE OF PERMISSIBLE FIREWORKS AS DEFINED IN SECTION 12-28-101 (8), C.R.S., WITHIN ITS JURISDICTION.

SECTION 4. 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: April 11, 1996