

CHAPTER 282

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 04-221

BY SENATOR(S) Taylor;
also REPRESENTATIVE(S) White, Coleman, Larson, Miller, and Rippy.

AN ACT

**CONCERNING THE AUTHORITY OF A METROPOLITAN DISTRICT TO EXERCISE SPECIFIED ENFORCEMENT
ACTIVITIES OF OTHER ENTITIES WITHIN THE BOUNDARIES OF THE DISTRICT.**

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

SECTION 1. 32-1-1004, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

32-1-1004. Metropolitan districts - additional powers and duties. (7) THE BOARD OF A METROPOLITAN DISTRICT HAS THE POWER TO FURNISH SECURITY SERVICES FOR ANY AREA WITHIN THE SPECIAL DISTRICT. SUCH POWER MAY BE EXERCISED ONLY AFTER THE DISTRICT HAS PROVIDED WRITTEN NOTIFICATION TO, CONSULTED WITH, AND OBTAINED THE WRITTEN CONSENT OF ALL LOCAL LAW ENFORCEMENT AGENCIES HAVING JURISDICTION WITHIN THE AREA AND ANY APPLICABLE MASTER ASSOCIATION OR SIMILAR BODY HAVING AUTHORITY IN ITS CHARTER OR DECLARATION TO FURNISH SECURITY SERVICES IN THE AREA. ANY LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION WITHIN THE AREA AND ANY APPLICABLE MASTER ASSOCIATION OR SIMILAR BODY HAVING AUTHORITY IN ITS CHARTER OR DECLARATION TO FURNISH SECURITY SERVICES IN THE AREA MAY SUBSEQUENTLY WITHDRAW ITS CONSENT AFTER CONSULTATION WITH AND PROVIDING WRITTEN NOTICE OF THE WITHDRAWAL TO THE BOARD.

(8) (a) THE BOARD OF A METROPOLITAN DISTRICT HAS THE POWER TO FURNISH COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES WITHIN THE DISTRICT IF:

(I) THE GOVERNING BODY OF THE APPLICABLE MASTER ASSOCIATION OR SIMILAR BODY AND THE METROPOLITAN DISTRICT HAVE ENTERED INTO A CONTRACT TO DEFINE THE DUTIES AND RESPONSIBILITIES OF EACH OF THE CONTRACTING PARTIES, INCLUDING THE COVENANTS THAT MAY BE ENFORCED BY THE DISTRICT, AND THE

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

COVENANT ENFORCEMENT SERVICES OF THE DISTRICT DO NOT EXCEED THE ENFORCEMENT POWERS GRANTED BY THE DECLARATION, RULES AND REGULATIONS, OR ANY SIMILAR DOCUMENT CONTAINING THE COVENANTS TO BE ENFORCED; OR

(II) THE DECLARATION, RULES AND REGULATIONS, OR ANY SIMILAR DOCUMENT CONTAINING THE COVENANTS TO BE ENFORCED FOR THE AREA WITHIN THE METROPOLITAN DISTRICT NAME THE METROPOLITAN DISTRICT AS THE ENFORCEMENT OR DESIGN REVIEW ENTITY.

(b) THE BOARD OF A METROPOLITAN DISTRICT SHALL HAVE THE POWER TO FURNISH COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES PURSUANT TO THIS SUBSECTION (8) ONLY IF THE REVENUES USED TO FURNISH SUCH SERVICES ARE DERIVED FROM THE AREA IN WHICH THE SERVICE IS FURNISHED.

(c) NOTHING IN THIS SUBSECTION (8) SHALL BE CONSTRUED TO AUTHORIZE A METROPOLITAN DISTRICT TO ENFORCE ANY COVENANT THAT HAS BEEN DETERMINED TO BE UNENFORCEABLE AS A MATTER OF LAW.

SECTION 2. 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: May 21, 2004