

CHAPTER 238

GOVERNMENT - COUNTY

HOUSE BILL 93-1080

BY REPRESENTATIVES Agler, Adkins, and Owen;
also SENATORS Schroeder and Johnson.

AN ACT

CONCERNING AMENDMENTS TO STATUTORY PROVISIONS RELATING TO COUNTIES PROVIDED IN ARTICLES 10, 11, AND 15 OF TITLE 30, AND ARTICLE 25 OF TITLE 31, COLORADO REVISED STATUTES, AS AMENDED.

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

SECTION 1. 30-10-513.5 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 30-10-513.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-10-513.5. Authority of sheriff relating to fires within unincorporated areas of county - liability for expenses. (1) (a) The sheriff of any county may request assistance from a fire protection district or municipality in controlling and extinguishing a fire occurring on private property if, in the judgment of such sheriff, the fire constitutes a danger to the health and safety of the public or a risk of serious damage to property. EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, any fire protection district or municipality assisting in controlling and extinguishing such fire is entitled to reimbursement from the property owner on whose property the fire occurred or from the party responsible for the occurrence of such fire for the reasonable and documented costs resulting from such assistance. The fire protection district or municipality may recover the costs incurred in a civil action against the property owner or the responsible party or may, by resolution of its board or governing body adopted at a public hearing after notice to the affected parties, certify to the county treasurer the amount of any costs incurred which remains uncollected after diligent effort for a period greater than one hundred eighty days. Such certification is subject to the appeal process and all other remedies, if any, provided in the "State Administrative Procedure Act", article 4 of title 24, C.R.S. If the fire

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

protection district or municipality prevails, the amount certified shall be collected by the treasurer in the same manner as taxes are authorized to be collected pursuant to section 39-10-107, C.R.S. To defray the costs of collection, the treasurer shall be authorized to charge an amount equal to ten percent of the amount collected.

(b) For purposes of this subsection (1), "fire occurring on private property" means:

(I) A fire occurring on property ~~within a county having a population of two hundred thousand or more and~~ not located within a fire protection district or municipality providing fire protection services.

(II) ~~A commercial or industrial fire occurring on property within a county regardless of its population and not located within a fire protection district or municipality providing fire protection services.~~

(3) ANY PROPERTY OWNER WHO DESIRES TO CONDUCT A CONTROLLED BURN OF A STRUCTURE OR BUILDING LOCATED ON SUCH PROPERTY SHALL NOTIFY THE COUNTY SHERIFF OF THE DATE WHEN SUCH CONTROLLED BURN WILL BE CONDUCTED. ANY PROPERTY OWNER PROVIDING SUCH NOTIFICATION SHALL NOT BE LIABLE FOR ANY COSTS UNDER THIS SECTION RESULTING FROM THE RESPONSE BY A FIRE PROTECTION DISTRICT OR MUNICIPALITY TO SUCH CONTROLLED BURN DUE TO ANY PERSON INFORMING OR WARNING SUCH DISTRICT OR MUNICIPALITY OF THE FIRE ARISING FROM SUCH BURN.

SECTION 2. 30-15-402, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-15-402. Violations - penalty. (1) Any person who violates any county ordinance adopted pursuant to this part 4 commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual.

(2) IN ADDITION TO THE PENALTIES PRESCRIBED IN SUBSECTION (1) OF THIS SECTION, PERSONS CONVICTED OF A VIOLATION OF ANY ORDINANCE ADOPTED PURSUANT TO THIS PART 4 ARE SUBJECT TO A SURCHARGE OF TEN DOLLARS. THESE SURCHARGES SHALL BE PAID TO THE CLERK OF THE COURT BY THE DEFENDANT. EACH CLERK SHALL TRANSMIT THE MONEYS TO THE COURT ADMINISTRATOR OF THE JUDICIAL DISTRICT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO THE VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT FUND ESTABLISHED IN THAT JUDICIAL DISTRICT PURSUANT TO SECTION 24-4.2-103, C.R.S.

SECTION 3. 30-15-408, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-15-408. Disposition of fines and forfeitures. All fines and forfeitures for the

violation of ordinances and, EXCEPT AS OTHERWISE PROVIDED FOR SURCHARGES LEVIED PURSUANT TO SECTION 30-15-402 (2), all moneys collected for licenses or otherwise shall be paid into the treasury of the county at such times and in such manner as may be prescribed by ordinance, or, if there is no ordinance referring to the case, it shall be paid to the treasurer at once.

SECTION 4. 30-11-107 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(o.5) TO BAN OPEN FIRES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY WHEN THE DANGER OF FOREST OR GRASS FIRES IS FOUND TO BE HIGH;

SECTION 5. 31-25-107, Colorado Revised Statutes, 1986 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

31-25-107. Approval of urban renewal plans by the local governing body.

(3.5) PRIOR TO THE APPROVAL OF AN URBAN RENEWAL PLAN, THE GOVERNING BODY SHALL SUBMIT SUCH PLAN TO THE BOARD OF COUNTY COMMISSIONERS, WHICH SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION CONCERNING THE IMPACT OF SUCH PLAN:

(a) THE ESTIMATED DURATION OF TIME TO COMPLETE THE URBAN RENEWAL PROJECT;

(b) THE ESTIMATED ANNUAL PROPERTY TAX INCREMENT TO BE GENERATED BY THE URBAN RENEWAL PROJECT AND THE PORTION OF SUCH PROPERTY TAX INCREMENT TO BE ALLOCATED DURING THIS TIME PERIOD TO FUND THE URBAN RENEWAL PROJECT;

(c) ANY OTHER ESTIMATED IMPACTS OF THE URBAN RENEWAL PROJECT ON COUNTY SERVICES OR REVENUES.

SECTION 6. Effective date. This act shall take effect July 1, 1993.

SECTION 7. 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 6, 1993