

Town of Rico Memorandum

Date: September 10, 2025

TO: Town of Rico Board of Trustees  
FROM: Chauncey McCarthy, Rico Town Manager  
SUBJECT: September Board of Trustees Meeting

**Water usage fee waiver request, Account 206, Mike Curran**

Account No. 206, belonging to Mike Curran, recorded 93,000 gallons of usage last month due to a broken valve in the basement, resulting in a charge of \$1,343.12. Mr. Curran is currently out of town, and the excessive usage was fortunately identified by a friend checking on the property. The friend, working with Town staff, shut off the water and coordinated with a local plumber to complete the necessary repairs in a timely fashion.

Mr. Curran's historic usage over the same period last year never exceeded 3,000 gallons.

Pursuant to the Rico Water Rules and Regulations, Section 8.15 (Waiver), the Board of Trustees may waive any fee, or portion thereof, after holding a public hearing if good cause is found. In making its determination, the Board may consider hardship, equity, or other relevant circumstances. Staff recommends the Board consider whether good cause exists to waive the extraordinary charges and reduce the account balance to the normal monthly fee of \$42.

**Consideration of Resolution 2025-04 a resolution of the Town of Rico, Board of Trustees supporting the submission of a grant application for funds from Colorado Parks and Wildlife non-motorized trail fund (Pg. 17-20)**

The Board of Trustees is asked to consider adoption of Resolution 2025-04, which would express the Town's support for the Rico Trails Alliance's (RTA) application to the Colorado Parks and Wildlife (CPW) Non-Motorized Trail Fund for construction of a pedestrian bridge across the Dolores River.

The proposed bridge would connect the north and south sections of the RGS River Trail, creating the only non-motorized route in the region with a gentle grade accessible to a wide range of users.

At the August meeting, the Board reviewed the draft resolution and raised concerns regarding language that committed the Town to providing matching funds without identifying a specific amount. This created uncertainty regarding the Town's potential financial obligation. The Board continued consideration of the resolution until the

September meeting and requested that staff provide both a redline version reflecting their proposed changes and a clean copy for consideration at this meeting. These versions have been included in the packet for the Board's review.

**Consideration of liquor license renewal, Rock Laubster LLC, DBA Mountain Top Liquor (Pg. 21-23)**

Included in the packet is a liquor license renewal application for Rock Laubster LLC, DBA Mountain Top Liquor. This application is complete and compliant and the business is in good standings.

**Consideration of liquor license renewal, Boulder City Mixology LLC, DBA The Enterprise Bar and Grill Pg. 24-26)**

Included in the packet is a liquor license renewal application for Boulder City Mixology LLC, DBA The Enterprise Bar and Grill. This application is complete and compliant and the business is in good standings.

**San Miguel Power Association micro-grid location proposal (Pg. 27-31)**

San Miguel Power Association (SMPA) will present proposals for siting a battery storage system as part of the Rico Micro-Grid for Community Resilience project. A memo provided by SMPA is included in the packet. No formal action is requested at this meeting, but SMPA is seeking direction from the Board on whether the Town would be willing to pursue a land agreement for placement of the battery system at 101 S. Picker Street, which is zoned Public Facility. On the image provided by SMPA, the red boxes indicate possible locations for the system. The box to the left would interfere with potential future park improvements including Phase II of the skatepark and a pump track, while the box to the far right would conflict with the proposed sewer treatment plant location. The box in the middle may work but the location would need to be tweaked to not interfere with an existing easement in that location.

SMPA's first option proposes using the former Rico School building, which is zoned Historic Commercial. Because commercial micro-grids are not a use-by-right in that district, SMPA would be required to apply for a Special Use Permit, which is a quasi-judicial process. Since it is quasi-judicial, no action can be taken by the Board at this time, and the permit must go through the proper due process as required by the Rico Land Use Code. In addition, all building permits in the Historic Commercial Zone require Board of Trustees approval. This agenda item is informational only and intended to provide SMPA feedback on whether to focus efforts on a potential land lease with the Town or to move forward with the School District option.

## **2025 Colorado Wildfire Resiliency Code (Pg. 32-83)**

The Colorado Wildfire Resiliency Code went into effect on July 1, 2025, and state law requires municipalities in the Wildland-Urban Interface (WUI) to adopt a code that meets or exceeds these standards no later than April 1, 2026. The code establishes building and development requirements for structure hardening, defensible space, and site mitigation to reduce wildfire risk.

Rico is currently categorized on the State's map as a Class 2 (high intensity) zone, which means all new construction and significant remodels must comply with Class 2 structure hardening and site requirements. The proposed code is the minimum standard required by the State, and many municipalities adopting the Code are choosing to enforce all Class 2 requirements regardless of whether parcels fall into Class 1 or Class 2 for consistency and administrative efficiency.

The Town has the option of hiring professional services to develop a localized wildfire hazard map, subject to State Board review, which could potentially reduce the mapped classification for certain areas. Until such mapping is approved, Rico must rely on the State's classification.

This item is presented for informational purposes only. The Board should begin reviewing the attached materials and be aware of the adoption deadline.

Next Steps: Staff and legal will prepare draft adoption documents for Board consideration ahead of the April 2026 deadline. A workshop may be scheduled to review the Code in detail and to discuss whether to pursue localized mapping with professional assistance. In addition, staff will review the Rico Land Use Code to ensure that existing approved building materials, fence requirements and design standards do not conflict with the new requirements. Public hearing and adoption procedures will need to occur no later than spring 2026 to ensure compliance.

Included in the packet for the Board's review is State regulation 8 CCR 1507-39 establishing the Colorado Wildfire Resiliency Code and the full text of the 2025 Colorado Wildfire Resiliency Code.

### **Public hybrid meeting issues**

The Town has experienced challenges with maintaining a public Zoom option during meetings. Allowing unrestricted public access to the Zoom platform creates cybersecurity risks. At a recent Church Committee meeting, the Zoom account was compromised by someone in attendance, resulting in inappropriate images being shared. This is not an isolated incident, similar disruptions have affected many organizations that provide open Zoom access for public meetings.

Staff recommends that public participation via Zoom be discontinued to protect the integrity of Town meetings. Zoom access would instead be limited to Board of Trustees members, staff, and professional services engaged by the Town. Members of the public would continue to have the option to attend in person at Town Hall. Staff is also investigating alternative approaches for providing remote access, such as a livestream only option without interactive public participation.

### **2026 Rico Center Grant**

The Board of Trustees is asked to discuss potential priorities for the Town's 2026 grant application to The Rico Center. Over the past several years, The Rico Center has funded key components of the Town Park project. The Rico Center considers requests for a wide range of purposes, including general operating support for existing and new programs and projects, capital costs and equipment, matching funds for other grant programs, start-up funds, and joint requests from multiple applicants. Additional types of support may be considered if they align with The Rico Center's mission, purpose, and grant guidelines.

### **Manse Improvements**

The Manse requires improvements to make it suitable as potential housing for a Town employee. The needed work includes painting both the exterior and interior, installing new carpet, replacing appliances, upgrading the heating system, and completing additional cosmetic improvements.

The work is assumed to cost between \$30,000 and \$50,000, and this expense can be incorporated into the 2025 budget amendment that staff is currently preparing for the Board's consideration in October. Staff recommends preparing a Request for Proposals (RFP) to solicit bids from local contractors for the work, with the goal of completing the improvements before the end of 2025.

## PLANNING COMMISSION MEETING MINUTES

Date: August 13, 2025

### **Call to order**

Todd Gillman called the meeting to order at 6:03PM.

### **Present:**

Skip Zeller  
Todd Gillman

### **Absent:**

Chairman Mike Contillo  
Kiplynn Smith  
Andrew Romanynshyn

**Staff Present.** Chauncey McCarthy, Jen Stark, Anna Wolf (Zoom)

### **Trustees Present:**

Mayor Patrick Fallon  
Mayor Pro Tem Cristal Hibbard  
Trustee Gerrish Willis  
Trustee Benn Vernadakis

### **Trustees Absent:**

Trustee Chris Condon  
Trustee Joe Dillsworth  
Trustee Scott Poston

There was not a Planning Commission quorum. No action was taken.

### **Discussion Items:**

#### Short-Term Rental ordinance review

Town Manager Chauncey McCarthy gives introduction.

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Anna Wolf  
Rico Town Clerk

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Michael Contillo  
Chairman

## **RICO TOWN BOARD MEETING MINUTES**

Date: August 20, 2025

Call to Order 7:00 PM

### **Trustees Present:**

Mayor Patrick Fallon  
Mayor Pro Tem Cristal Hibbard  
Trustee Gerrish Willis  
Trustee Joe Dillsworth  
Trustee Scott Poston  
Trustee Benn Vernadakis

### **Trustees Absent:**

Trustee Chris Condon

**Staff Present.** Chauncey McCarthy, Anna Wolf (Zoom),

### **Approval of the Agenda**

#### **Motion**

To approve the agenda.

**Moved by** Trustee Gerrish Willis, seconded by Mayor Pro Tem Cristal Hibbard

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

### **Approval of the Minutes**

#### **Motion**

To approve the minutes of July 9 and July 16, 2025

**Moved by**, Mayor Pro Tem Cristal Hibbard, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

### **Consent Agenda**

#### **Payment of the Bills**

Town Manager gives answers questions about checks.

**Motion**

To approve payment of the bills.

**Moved by** Trustee Benn Vernadakis, seconded by Trustee Scott Poston

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

**Public Comment:**

Skip Zeller: Gives update regarding the Town clean up on September 6.

Nicole Pieterse: Gives update on Forest service trail update.

Anna Wolf: Food Pantry is open Tuesday-Wednesday 2-4PM.

Chauncey McCarthy: Card for Chris UPS driver available to sign at the clerks office.

**Action Items:**

Consideration of a letter of support for Region 9 Economic Development District grant application to the Colorado Department of Local Affairs to fund automation of the Housing Needs Assessment

Town Manager Chauncey McCarthy gives summary.

Board has discussion.

**Motion**

Move approve a letter of support for Region 9 Economic Development District grant application to the Colorado Department of Local Affairs to fund automation of the Housing Needs Assessment.

**Moved by** Mayor Pro Tem Cristal Hibbard, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

Selection of Rico Community Church committee

Mayor Patrick Fallon gives summary.

Board has discussion.

The first meeting will be on September 8, 2025 at 6:00PM.

Public Comment: Jim Baron

**Motion**

Move appoint Patrick Bailey, Pamela Brown, Joanna Spindler, Jill Jordan, Sarah Lyons, Emily Nolan, Joy Littleton, and one seat for the Rico Historic society, and a seat for the Rico center.

**Moved by** Mayor Patrick Fallon, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

Consideration of liquor license special event permit, Rico Trails Alliance 503 C event on October 2, 2025 at Fireweed Café

Mayor Patrick Fallon gives summary.

Board has discussion.

This is simply a reschedule due to the fire.

**Motion**

Move approve liquor license special event permit, Rico Trails Alliance 503 C event on October 2, 2025 at Fireweed Café.

**Moved by** Trustee Benn Vernadakis, seconded by Trustee Gerrish Willis.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

Mayor Pro Tem Cristal Hibbard abstains from voting

Consideration of Resolution 2025-04 a resolution of the Town of Rico, Board of Trustees supporting the submission of a grant application for funds from Colorado Parks and Wildlife non-motorized trail fund

Mayor Patrick Fallon gives summary.

Jim Ostrem and Nicole Pieterse form RTA gave summary and answered questions.

Board has discussion.

Public Comment:

The Resolution to be reworded and revisited at the next regular Board of Trustee meeting in September.

**Motion**

Move to continue the discussion to the September 17, 2025 regular Board of Trustee meeting where a revised resolution will be presented.

**Moved by** Mayor Patrick Fallon, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

Mayor Pro Tem Cristal Hibbard abstains from voting

Public Comment: Skip Zeller, Jim Baron, Gretchen Treadwell, Allyn Svoboda

**Staff Report**

Clerk's report:

Pantry is opened Tuesday- Wednesday 2-4pm

Flowers around town are looking good. Resumed watering the park again.

IRS audit underway.



Reviving all ordinances to bring to the board in the following months.

The Town has a Facebook page now.

The Clerk's office will be closed August 25-28 for vacation.

The Town employee pay into both pension and social security. This will be brought to the Board in the coming months.

#### Manager's report

Closed out all Parks and rec grants. The power will be installed in September. The VCUP cap on the Depot Park area during September.

Town park party September 27, 2025 11am-6pm

Town Shop Project closed out at \$12,000 below guaranteed price. Total came in at \$1,988,000 including all change orders.

Town cleanup day on the 6<sup>th</sup> of September.

Dennis is retiring in the next year. He will stay on to train a new Public works employee.

#### **Discussion Items**

##### Rico Geothermal Collation update

Teal Stetson-Lee gives update

Board had discussion.

The Geothermal Collation to bring Committee summary to the Town Manager.

Public Comment: Skip Zeller

##### Montelores Coalition Update

Skip Zeller gave an update and presented the material in the packet.

##### Election update and timeline

Town manager Chauncey McCarthy gives update.

##### Colorado 150<sup>th</sup> America 250<sup>th</sup> July 4<sup>th</sup> weekend celebration

Town Manager gives update and summary.

The Town to have a bigger role in future years. Make it a weekend long event.

The Board approves up to \$10,000 for the July 4<sup>th</sup> celebration.

Public Comment: Gregg Anderson

##### Pavilion rental policy

This policy will trigger a special event permit as well.

To discuss at a future meeting.

#### **Motion**

Move to adjourn.

**Moved by** Trustee Gerrish Willis, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Voting Yes Mayor Patrick Fallon, Trustee Gerrish Willis, Mayor Pro Tem Cristal Hibbard, Trustee Benn Vernadakis, and Trustee Scott Poston, Trustee Joe Dillsworth

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Anna Wolf  
Rico Town Clerk

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Patrick Fallon  
Mayor

NEW Town of Rico - General Fund  
**Check Register**  
For the Period From Sep 1, 2025 to Sep 30, 2025

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
18508	9/2/25	Janet Wiley Architects, P.	10000	4,260.00
18509	9/2/25	Kuboske Construction LL	10000	215,560.00
18511	9/9/25	WM Corporate Services, I	10000	58.42
18512	9/9/25	Century Link	10000	56.03
18513	9/9/25	Utility Notification Center	10000	10.85
18514	9/9/25	Kaplan Kirsch LLC	10000	4,033.90
18515	9/9/25	San Miguel Power Associ	10000	173.00
18516	9/9/25	Rico Telephone Company	10000	200.00
18517	9/9/25	Jennifer Stark	10000	489.00
18518	9/9/25	CEBT	10000	5,153.40
18519	9/9/25	Karp Neu Hanlon, PC	10000	1,873.50
18520	9/9/25	LP Propane LLC	10000	400.00
18521	9/9/25	Jon Kelly	10000	375.00
18522	9/9/25	Town of Dolores	10000	70.00
Total				<u>232,713.10</u>

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1809	9/9/25	LePew Porta-Johns, Inc	11000	175.00
1810	9/9/25	Matthews Electric of Sout	11000	4,105.00
1811	9/9/25	San Miguel Power Associ	11000	30.00
1812	9/9/25	Southwest Signs and Grap	11000	1,205.95
Total				5,515.95

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
3016	9/9/25	Slavens, Inc	10000	35.99
3017	9/9/25	Partners in Parts, Inc	10000	50.46
3018	9/9/25	WM Corporate Services, I	10000	185.65
3019	9/9/25	San Miguel Power Associ	10000	127.00
3020	9/9/25	Smith's Materials, LLC	10000	497.61
3021	9/9/25	Rico Telephone Company	10000	50.00
Total				946.71

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4766	9/9/25	AT&T Mobility	10000	101.90
4767	9/9/25	Green Analytical Lab	10000	27.50
4768	9/9/25	San Miguel Power Associ	10000	556.00
4769	9/9/25	David Bulson	10000	1,898.75
4770	9/9/25	La Plata County PH Dept	10000	38.50
4771	9/9/25	PVS DX, INC	10000	10.00
4772	9/9/25	Ferguson Waterwork #111	10000	3,099.97
4773	9/9/25	Karp Neu Hanlon	10000	727.50
4774	9/9/25	LP Propane LLC	10000	200.00
4775	9/9/25	Rico Telephone Company	10000	50.00
Total				6,710.12

Subject: Opposition to the Town of Rico vacating S. Silver St. - (9/9/2025)

To the Rico Board of Trustees:

My name is Christopher Edgeworth and I am a homeowner on S. Silver St. (the Street), located in the Town of Rico (the Town). The Rico Town Manager has tasked an attorney with exploring legal options for future action related to S. Silver St., including vacating the Street. The purpose of this letter is to state my opposition to vacating the Street.

C.R.S. § 43-2-301 through C.R.S. § 43-2-304 cover State laws regarding vacation of public streets. C.R.S. § 43-2-303(2)(a) states that “[n]o platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road” (emphasis added).

S. Silver St. is the only public access for seventeen different property owners on the Street. Vacating the Street would leave each of these seventeen property owners without legal public access to their property. Further, there is no private-access easement connecting these properties.

For the Town to ensure legal access for the property owners of the Street, each property owner would have to cooperate and consent to granting a private-access easement for the other property owners. At least a majority of lot owners on the Street are opposed to vacating the Street. Thus, a private-access easement is not a viable option. As a result, vacating the Street is prohibited by C.R.S. § 43-2-303(2)(a).

In addition to Colorado law that governs vacation of streets, the Rico Land Use Code (RLUC) Sections 480, 482, and 484 “establish procedures and standards for Vacation of public rights-of-way by the Town of Rico” (see RLUC § 480). RLUC § 482 states that the Rico Planning Commission and the Rico Board of Trustees shall consider a designated set of standards when reviewing a request to vacate a public right-of-way in addition to the statutory requirements of C.R.S. sec. 43-2-301 et seq. One of these standards is that “the public right-of-way does not provide any public benefit, including but not limited to: pedestrian access, recreational access, off-street parking, and open space buffer lot between developable lots; or, the requested vacation is part of an application which would result in the Town acquiring property or rights-of-way which has a greater public benefit than the vacated public right-of-way” (see RLUC § 482.2 – emphasis added).

S. Silver St. is regularly used by the public to access trails on the east side of Rico. There is at least one trail that originates on the Street and travels through Town of Rico land into

Forest Service land. This trail is used regularly by pedestrians, dogs, and bicycles. Additionally, the Town owns a large portion of the land on S. Silver St. Cutting off public access to the Street would landlock this portion of Town land, rendering it inaccessible to the Town and the public from any Town street. Accordingly, the Street indeed provides a public benefit, including allowing pedestrian and recreation access to public land accessible from the Street. Vacating the Street would be inconsistent with the standards of vacation set forth in RLUC § 482.2.

For these reasons, I am opposed to vacating S. Silver St. Furthermore, I am unaware of even one property owner on S. Silver St. who supports vacating the Street, after speaking with a majority of lot owners regarding this matter.

Instead of investing time considering the more extreme options for the future of S. Silver St., such as vacating the Street or rebuilding the Street entirely, please consider a more reasonable approach that includes basic maintenance of the Street and allows property owners and the rest of the public safe access to land on the Street. Not only is this an easier approach, this approach is consistent with Colorado law.

C.R.S. § 43-2-124(4) provides that “[t]he city streets system, both arterial and local service streets, shall be constructed and maintained by the respective city, city and county, or incorporated town” (emphasis added). S. Silver St. is located within the Town limits and is a Town owned street as shown by tax assessment maps provided by Dolores County, in addition to the formal map of Rico in .pdf format provided by Dolores County.

Accordingly, a reasonable approach to moving forward with S. Silver St. is for the Town to provide reasonable maintenance consistent with Colorado law.

I respectfully urge the Rico Board of Trustees to carefully consider these points when presented with any options for S. Silver St.

Sincerely,

Christopher Edgeworth

203 S. Silver St.

Rico, CO 81332



**RESOLUTION 2025—04**

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**RESOLUTION OF THE TOWN OF RICO BOARD OF TRUSTEES SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR FUNDS FROM COLORADO PARKS AND WILDLIFE NON-MOTORIZED TRAIL FUND**

**WHEREAS**, the Town of Rico ("Town") supports partnering with the Rico Trails Alliance, a Colorado 501(c)(3) nonprofit, ~~to in its submission of~~ an application to Colorado Parks and Wildlife ("CPW") Non-motorized Trails Grant program to fund construction of a pedestrian bridge across the Dolores River; and

**WHEREAS**, the Town's support of the Rico Trails Alliance's CPW grant application is consistent with Article IV of The Rico Regional Master Plan, which addresses parks, open space and trails within the Town as well as the Rico Growth Boundary surrounding the Town including the location for the RGS River Trail's bridge; and

**WHEREAS**, once constructed, the bridge will connect the north and south sections of the RGS River Trail, extending south from Town approximately 4.7 miles along the former Rio Grande Southern Railroad grade, in order to create the only non-motorized trail within the region that has a gentle grade to accommodate trail users of all abilities; and

**WHEREAS**, the RGS River Trail is fully approved by the US Forest Service and lies partially within the San Juan National Forest and partially within parcels of private property that are subject to perpetual public trail easements owned by the Town for non-motorized public use (pedestrian, cycling, nordic skiing); and

**WHEREAS**, the bridge for the RGS River Trail has been approved/permitted by the Dolores County Commissioners, and is expressly authorized to be constructed within that certain perpetual Recreational Trail Easement area that crosses the Lazy Rooster Ranch (recorded in the Dolores County Clerk and Recorder's office on September 30, 2020 at Reception No. 169967).

**NOW, THEREFOR, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:**

**SECTION 1:** the Town Board of Trustees hereby expresses its support for the CPW Non-Motorized Trails Grant application, and if the grant is awarded, supports completion of the bridge project by the Rico Trails Alliance.

**SECTION 2:** the Town Board of Trustees recognizes its legal and financial obligations under the Recreational Trail Easement and November 17, 2020 Memorandum of Understanding and, in conjunction with the Rico Trails Alliance, intends to provide funding dedicated to parks, open space and trails for the bridge's long-term maintenance.

**SECTION 3:** the Town Board of Trustees intends to may, at its discretion, authorize the expenditure of funds ~~in amounts to be approved by the Board of Trustees~~ if needed to

supplement the financial support contributed by the Rico Trails Alliance, to meet the terms and obligations of the CPW's Non-motorized Trails ~~planning~~construction grant agreement, if awarded.

**SECTION 4,** ~~any~~all funding provided by the Town is subject to the award and execution of a CPW grant agreement for construction of the bridge and is subject to annual appropriation by the Town's Board of Trustees.

**ADOPTED** this ~~20<sup>th</sup>~~17<sup>th</sup> day of ~~August~~September, 2025, by the Board of Trustees for the Town of Rico, Colorado.

\_\_\_\_\_  
Patrick Fallon, Mayor  
Town of Rico, Colorado

Attest:

\_\_\_\_\_  
Anna Wolfe, Town Clerk  
Town of Rico, Colorado

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**RESOLUTION 2025-04****RESOLUTION OF THE TOWN OF RICO BOARD OF TRUSTEES SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR FUNDS FROM COLORADO PARKS AND WILDLIFE NON-MOTORIZED TRAIL FUND**

**WHEREAS**, the Town of Rico ("Town") supports partnering with the Rico Trails Alliance, a Colorado 501(c)(3) nonprofit, in its submission of an application to Colorado Parks and Wildlife ("CPW") Non-motorized Trails Grant program to fund construction of a pedestrian bridge across the Dolores River; and

**WHEREAS**, the Town's support of the Rico Trails Alliance's CPW grant application is consistent with Article IV of The Rico Regional Master Plan, which addresses parks, open space and trails within the Town as well as the Rico Growth Boundary surrounding the Town including the location for the RGS River Trail's bridge; and

**WHEREAS**, once constructed, the bridge will connect the north and south sections of the RGS River Trail, extending south from Town approximately 4.7 miles along the former Rio Grande Southern Railroad grade, in order to create the only non-motorized trail within the region that has a gentle grade to accommodate trail users of all abilities; and

**WHEREAS**, the RGS River Trail is fully approved by the US Forest Service and lies partially within the San Juan National Forest and partially within parcels of private property that are subject to perpetual public trail easements owned by the Town for non-motorized public use (pedestrian, cycling, nordic skiing); and

**WHEREAS**, the bridge for the RGS River Trail has been approved/permitted by the Dolores County Commissioners, and is expressly authorized to be constructed within that certain perpetual Recreational Trail Easement area that crosses the Lazy Rooster Ranch (recorded in the Dolores County Clerk and Recorder's office on September 30, 2020 at Reception No. 169967).

**NOW, THEREFOR, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:**

**SECTION 1:** the Town Board of Trustees hereby expresses its support for the CPW Non-Motorized Trails Grant application, and if the grant is awarded, supports completion of the bridge project by the Rico Trails Alliance.

**SECTION 2:** the Town Board of Trustees recognizes its legal and financial obligations under the Recreational Trail Easement and November 17, 2020 Memorandum of Understanding with the Rico Trails Alliance for the bridge's long-term maintenance.

**SECTION 3:** the Town Board of Trustees may, at its discretion, authorize the expenditure of funds if needed to supplement the financial support contributed by the Rico Trails

Alliance, to meet the terms and obligations of the CPW's Non-motorized Trails construction grant agreement, if awarded.

**SECTION 4**, any funding provided by the Town is subject to the award and execution of a CPW grant agreement for construction of the bridge and is subject to annual appropriation by the Town's Board of Trustees.

**ADOPTED** this 17<sup>th</sup> day of September, 2025, by the Board of Trustees for the Town of Rico, Colorado.

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Patrick Fallon, Mayor  
Town of Rico, Colorado

Attest:

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Anna Wolf, Town Clerk  
Town of Rico, Colorado

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DR 8400 (02/16/24)  
COLORADO DEPARTMENT OF REVENUE  
Liquor Enforcement Division  
PO BOX 17087  
Denver CO 80217-0087  
(303) 205-2300

Submit to Local Licensing Authority

**MOUNTAIN TOP LIQUOR**  
**P.O. BOX 326**  
**Rico CO 81332**

Fees Due	
Annual Renewal Application Fee	\$
Renewal Fee	477.50
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$477.50

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

☒ Paid by check

Uploaded to MoveIt on Date

☐ Paid Online

Licensee Name

ROCK LAUBSTER LLC

Doing Business As Name (DBA)

MOUNTAIN TOP LIQUOR

Liquor License Number

03-14080

License Type

Retail Liquor Store (city)

Sales Tax License Number

94548940

Expiration Date

11/30/2025

Due Date

10/16/2025

### Business Address

Street Address

235 SOUTH GLASGOW AVENUE

Phone Number

9709674000

City, State, ZIP Code

Rico CO 81332

### Mailing Address

Street Address

P.O. BOX 326

City, State, ZIP Code

Rico CO 81332

Email

RICOMOUNTAINTOP@GMAIL.COM

Operating Manager

STEPHEN LAUB &amp; LAUREN LAUB

Date of Birth

12/31/87 / 6/18/88

22

**Home Address**

Street Address		Phone Number
102 N GARFIELD ST		N/A
City	State	ZIP Code
Rico	CO	81332

1. Do you have legal possession of the premises at the street address?..... ☒ Yes ☐ No

Are the premises owned or rented? ☒ Owned

\*If rented, expiration date of lease

☐ Rented\*

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?..... ☐ Yes ☒ No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?..... ☐ Yes ☒ No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?..... ☐ Delivery ☐ Takeout ☐ Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?..... ☐ Yes ☒ No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?..... ☐ Yes ☒ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?..... ☐ Yes ☒ No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

23

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?.....

☐ Yes ☒ No

If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?.....

☐ Yes ☒ No

If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?.....

☐ Yes ☒ No

If yes, attach a detailed explanation.

### Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

LAUREN LAUB

Title

OWNER

Signature

Lauren J. Laub

Date (MM/DD/YY)

08/21/25

### Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

**Submit to Local Licensing Authority**

Fees Due	
Annual Renewal Application Fee	\$ 250
Renewal Fee	511
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$ 761</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

**Note that the Division will not accept cash.**

☐ Paid by check

Uploaded to Movelt on Date

☒ Paid online

Licensee Name

Boulder City Mixology, LLC

Doing Business As Name (DBA)

The Enterprise Bar and Grill

Liquor License Number

03-17818

License Type

Hotel & Restaurant (City)

Sales Tax License Number

95427203

Expiration Date

12/31/2025

Due Date

11/17/2025

### Business Address

Street Address

3 N Glasgow Avenue

Phone Number

206.295.9084

City

Rico

State ZIP Code

CO

81332

### Mailing Address

Street Address

15060 Road 28

City

Dolores

State ZIP Code

CO

81323

Email

stu@bcmixology.com



Operating Manager

Stuart Weitzman

Date of Birth

01/11/1969

**Home Address**

Street Address

15060 Road 28

Phone Number

206.295.9084

City

Dolores

State

CO

ZIP Code

81323

1. Do you have legal possession of the premises at the street address?..... ☒ Yes ☐ No

Are the premises owned or rented? ☐ Owned

\*If rented, expiration date of lease

☒ Rented\*

11/01/2027

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?..... ☐ Yes ☒ No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?..... ☒ Yes ☐ No

(**Note:** must hold a qualifying license type and be authorized for takeout and/or delivery license privileges)

If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?..... ☐ Delivery ☒ Takeout ☐ Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?..... ☐ Yes ☒ No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?.....

☐ Yes ☒ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?..... ☐ Yes ☒ No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

- 26
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?..... ☐ Yes ☒ No
- If yes, attach a detailed explanation.
- 
7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?..... ☐ Yes ☒ No
- If yes, attach a detailed explanation.
- 
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?..... ☐ Yes ☒ No
- If yes, attach a detailed explanation.

### Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Stuart Weitzman

Title

Member/Manager

Signature



Date (MM/DD/YY)

09/04/2025

### Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

**Therefore this application is approved.**

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

We are looking at two potential paths to secure a site for the Rico Microgrid for Community Resilience storage system. One path has SMPA forming a **partnership with the Telluride School District** to site the storage and microgrid control hardware on the abandoned Rico School Building property. The other path explores the possibility of **partnering with the Town of Rico** placing the microgrid storage and control hardware on Town owned land down the hill in proximity to the new shop and pavilion.

Some background:

- Based on increasing weather related and infrastructure vulnerabilities that affect the reliable delivery of electric power to the Town of Rico, SMPA applied for and was granted a **\$30k planning grant** to explore a solar/storage Microgrid for Community Resilience system from DOLA. You can explore the program that supported this project here: <https://dlg.colorado.gov/microgrids> The planning grant award is described in Row 10 here: [Awardees and project descriptions](#)
- SMPA concluded the DOLA planning grant project and found no viable location for a community solar system to support the storage aspect of the microgrid.
- That planning grant did however design and provide cost estimates for a battery storage system that informed our application for and receiving a **\$1.4 M grant** for the **storage only component** of the microgrid system. You can find the description of this Construction grant award here on Row 32 at this same link [Awardees and project descriptions](#)
- The construction grant requires we spend **½ of the \$1.4 M by June of 2026**
- We have since had difficulty in locating a suitable site for the battery storage and control hardware within cost effective proximity of our three-phase power line. We vetted several parcels including
  - Multiple locations on the ARCO mine remediation brown field
  - Multiple privately owned sites
  - The Fire Station lot
  - And now the school property and Town owned property.
- Although we have not yet secured a location for the battery the milestone schedule for the Construction grant had us proceed to publish an RFP for an Engineering Procurement and Construction (EPC) contractor, to stay on track with the need to expend funds prior to their expiration. The various details of the proposed battery location will be explored with those contractors who wish to bid the project. We hope to find a viable path to enable the most efficient exchange with these contractors, that can result in the most cost effective solution.

### **Path 1 SMPA and Telluride School District Partnership for Community Resilience**

We met with the Telluride School District staff including Ken Olson and have agreed that a partnership with the School District may provide multiple **Community Benefits** to both the Town of Rico and School District including:

- Possibility of siting the battery on School property to the north of the existing closed school building on the vacant parcel that currently contains a large propane tank (shown in red highlight). We would include a fence or wall (possibly using brick) to secure the hardware to limit public access for safety, in such a way as to blend with the aesthetics of the School Building.
- Possibly sighting some of the equipment inside the school in the old boiler and coal shoot rooms located on the north end of the school building. These two rooms have no future useful purpose and are effectively isolated from the rest of the useable school classrooms, kitchen, and bathrooms. They currently contain old boiler equipment which would be removed.
- Securing a lease agreement with the School District at little to no annual cost but include provisions for:
  - SMPA would re-energize the electric service at the school and possibly cover the electric bills for a future **Community Center** located there- providing value to the School and the Rico community at large
  - SMPA would work to secure future possible funding to transition all or a part of the school into a **Resilience Hub** – emergency shelter for use during future emergency situations such as the recent wildfire. The Resilience Hub could be used as a gathering place for residents and visitors to secure shelter and charge their computers, cell phones, and other devices during extended power outages – those beyond the capacity of the community microgrid battery provisions. SMPA also applied for a DOLA grant to enable the Town of Ridgway to create a **Resilience Hub**. See <https://www.smpa.com/ridgway-completes-microgrid-project-and-establishes-community-resilience-hub-extreme-weather>



- The School Community Center can incrementally be brought back into useful habitation for other community events, providing ongoing value to the Rico Community and school district
- The microgrid storage system would provide the school, all Town municipal building and all Rico residents with 4-6 hours of reliable back up power. All existing and future Rico net metered solar systems (including the solar system on the Town Shop) would use the excess solar energy normally exported to the grid to feed the battery and reduce load or charge the batteries during an extended power outage. In this sense the Rico residents would participate in the Community Microgrid and receive the usual retail credit for their excess solar generation- even when there is a power outage (not possible currently).
- The microgrid will be sized to meet the estimated electric load requirements of any **future Geothermal District Heating network** – which will not be functional without reliable electric power. Once implemented the microgrid storage would also provide heating resilience to the Town

SMPA is asking the Town Manager and the Board of Trustees to view this Partnership as in the best interest of all residents while providing multiple value streams. SMPA seeks Trustee approval and requests initiation of all required permits and processes as soon as practical.





**Path 2 SMPA would partner directly with the Town for the hosting of the Rico Microgrid for Community Resilience**

On this path SMPA would request to site the storage and microgrid control hardware directly on Town owned land. SMPA conducted drone surveillance mapping and have identified several possible placement sites on the property that currently hosts the new Town Shop, Pavillion, and Skate Park. See the map below. SMPA would bring in the three phase line as an underground service as is indicated in by the green arrows.

To proceed on this path SMPA is requesting the Board of Trustees approve exploring any required permits and a land lease option at little to no annual lease cost. This path would enable **all the general Rico Town Community benefits and value streams** (less those specific to the school building outlined in Path 1) as in the bullets above. The **Town would partner with SMPA** to secure the badly needed additional electrical power resiliency and help us leverage the unique grant opportunity afforded to the partnership.





The RFP released this week estimates the space needed as shown in this diagram. However, depending on the bids received the space and configuration could vary to accommodate the available site locations

Kind regards

**Soleil Services, LLC**

Soleilservices58@gmail.com

Ridgway, CO 81432



## Down to Earth



**DEPARTMENT OF PUBLIC SAFETY**

**Division of Fire Prevention and Control**

**8 CCR 1507-39**

**THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR HARDENING  
STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE  
SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE**

**STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE**


Pursuant to Section 24-33.5-1236, C.R.S., the Wildfire Resiliency Code Board ("Board") shall promulgate rules that accomplish the following, at a minimum:

- I. Define the Wildland-Urban Interface and identify the areas of Colorado that are included within it.
- II. Adopt minimum Codes and Standards ("Codes") that apply to permitting and inspections for new construction of structures and the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
- III. Adopt minimum Codes and Standards ("Codes") that apply to new external additions, alterations, or repair to existing structures or the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
- IV. Identify the range of hazards and the types of buildings, entities, and defensible space around structures within the wildland-urban interface to which the codes apply.
- V. Establish the process by which a Governing Body may petition the Board for a modification to the Codes and establish the criteria and process for the Board to deny or grant an appeal from a decision by the Board on a petition for modification.
- VI. Establish criteria and parameters consistent with sections 24-65.1-105 AND 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Codes for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.

This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

Pursuant to Section 24-33.5-1237(2)(b), C.R.S., enforcement of the Codes adopted through the promulgation of these rules shall be in accordance with the rules and regulations for code enforcement by the Governing Body; therefore, enforcement of the Codes is not addressed in these rules.

Section 24-33.5-1237(2)(a), C.R.S., permits a Governing Body with jurisdiction in an area within the wildland-urban interface that has the authority to adopt building or fire codes to adopt a code that exceeds the minimum standards set forth in the Codes adopted through the promulgation of these rules. Section 24-33.5-1237(2)(c), C.R.S., establishes the Board's authority to review a Governing Body's alternative adopted code. These rules establish the Board's process and criteria for conducting and denying or approving these alternative adoptions.

  
Karola Hanks, Chair  
Wildfire Resiliency Code Board  
Division of Fire Prevention and Control  
Colorado Department of Public Safety

 July 1, 2025 4:09 PM  
Date of Adoption



## DEPARTMENT OF PUBLIC SAFETY

### Wildfire Resiliency Code Board, Division of Fire Prevention and Control

#### THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR HARDENING STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE

#### 8 CCR 1507-39

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##### APPLICABILITY

These rules and regulations apply to all newly constructed buildings and structures, and to significant additions, repairs, and remodels in the wildland-urban interface, as identified in these rules and as described in the code, with the exception of any thirty-five-acre parcel with only one residential structure on it that does not abut a residential or commercial area pursuant to the provisions of C.R.S. 24-33.5-1236 and C.R.S. 24-33.5-1237.

##### ARTICLE 1 - AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 The Wildfire Resiliency Code Board, established by the provisions of section 24-33.5-1236(2), C.R.S., has the authorization, pursuant to section 24-33.5-1236(4), C.R.S., to promulgate rules in order to carry out the duties of the Wildfire Resiliency Code Board within the Division of Fire Prevention and Control.
- 1.2 Section 24-33.5-1236(4)(b)(II), C.R.S. establishes the authority and duty of the Wildfire Resiliency Code Board to:
  - 1.2.1 Adopt minimum codes and standards that apply to permitting and inspections for new construction of structures and the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
  - 1.2.2 Adopt minimum codes and standards that apply to new external additions, alterations, or repair to existing structures or the defensible space around such structures and are based on best practices to reduce the risk to life and property from the effects of wildfires.
  - 1.2.3 Identify the range of hazards and the types of buildings, entities, and defensible space around structures within the wildland-urban interface to which the codes apply.
  - 1.2.4 Establish the process by which a Governing Body may petition the Board for a modification to the Code and establish the criteria and process for the Board to deny or grant an appeal from a decision by the Board on a petition for modification.
  - 1.2.5 Establish criteria and parameters consistent with sections 24-65.1-105 AND 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Code for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.
- 1.3 Section 24-33.5-1237(2)(c), C.R.S., establishes the Board's authority to review a Governing Body's alternative adopted code, as allowed by section 24-33.5-1237(2)(a), C.R.S.

##### ARTICLE 2 - DEFINITIONS

- 2.1 The definitions provided in 24-33.5-1202, C.R.S., apply to these rules. The following additional definitions also apply:

**“Board”** means the Wildfire Resiliency Code Board created in section 24-33.5-1236(2).

**“Codes”** means the minimum codes and standards adopted by the Board pursuant to section 24-33.5-1236(4)(b)(II).

**“Construction”** means work that is not considered as maintenance or service and that requires a permit as prescribed in the adopted codes and standards of the Governing Body or the Division.

**“C.R.S.”** means Colorado Revised Statutes.

**“Department”** means the Department of Public Safety.

**“Director”** means the Director of the Division of Fire Prevention and Control.

**“Division”** means the Division of Fire Prevention and Control in the Department of Public Safety.

**“Executive Director”** means the Executive Director of the Colorado Department of Public Safety.

**“Governing Body”** means:

- I. The city council, town council, board of trustees, or other governing body of a city, town, or city and county;
- II. The board of directors of a fire protection district organized pursuant to part 1 of article 1 of title 32, C.R.S.;
- III. The governing body of an improvement district that provides fire protection services organized pursuant to part 5 of article 20 of title 30, C.R.S.; or
- IV. The board of county commissioners with respect to the area within a county that is outside the corporate limits of a city or town and outside the boundaries of a fire protection district.

**“ICC”** means the International Code Council.

**“Maintenance”** means to sustain in a condition of repair that will allow performance as originally designed or intended. Maintenance does not include replacement of elements of a system which alter the performance criteria of the system as approved by the Authority Having Jurisdiction.

**“Wildland-Urban Interface”** means that geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

## ARTICLE 3 - CODES

### 3.1 The Colorado Wildfire Resiliency Code

The Board hereby adopts and incorporates by reference the Colorado Wildfire Resiliency Code, published by the Division of Fire Prevention and Control on June 01, 2025, and its referenced standards for the construction and maintenance of all property, buildings, and structures subject to the provisions of C.R.S. 24-33.5-1236 and these rules.

The Colorado Wildfire Resiliency Code is an adaptation of Chapters 1, 2, 3, and 5 of the 2024 International Wildland Urban Interface Code by the International Code Council (ICC), © 2023 by International Code Council, Inc. and based on other identified best practices for structure hardening and reducing fire risk in the defensible space surrounding structures.

### 3.2 Public Copies

The Colorado Wildfire Resiliency Code can be accessed through the Division of Fire Prevention and Control within the Department of Public Safety at [dfpc.colorado.gov](https://dfpc.colorado.gov). For further information regarding how this material can be obtained or examined, contact the Administrator for the Wildfire Resiliency Code Board at 1697 Cole Blvd, Lakewood, CO 80401 and/or The State Depository Libraries.

The Division will maintain electronic copies of the complete texts of the adapted and attributed codes and standards, which are available for public inspection during regular business hours. Interested parties may inspect the referenced incorporated materials and/or the adapted and attributed codes and standards by contacting the Administrator for the Wildfire Resiliency Code Board at 690 Kipling St, Lakewood, CO, and/or The State Depository Libraries. Copies of the referenced incorporated materials and/or the adapted and attributed codes and standards are available directly from the organization originally issuing the codes and standards: the International Code Council, Inc., through the International Code Council Regional Office Bookstores, reached by calling 888-ICC-SAFE or on the web at [www.iccsafe.org](http://www.iccsafe.org).

### 3.3 Governing Body's Alternative Adoption

As allowed by section 24-33.5-1237(2)(a), C.R.S., a Governing Body may adopt an alternative code, so long as the alternative code meets or exceeds the minimum standards set forth in the code adopted in 3.1 of these rules. Pursuant to section 24-33.5-1237(2)(c), C.R.S., the Board shall review a Governing Body's alternative code adoption and make a ruling as to whether or not the alternative code meets these provisions.

## ARTICLE 4 - CODE APPLICATION, FIRE INTENSITY CLASSIFICATION, AND MAPPING

### 4.1 Code Application

The Board hereby declares that, in accordance with the provisions of C.R.S. 24-33.5-1236, the Code adopted in 3.1 and its referenced standards shall apply to the construction and maintenance of property, buildings, and structures subject to these rules that are within the wildland-urban interface as defined by these rules and that are subject to a Fire Intensity Classification of Low or greater.

### 4.2 Fire Intensity Classification

The Board hereby adopts the Wildfire Resiliency Code - Fire Intensity Classification layer for the Colorado Wildfire Resiliency State Code Map, developed by the Division of Fire Prevention and Control (DFPC) and the Colorado State Forest Service (CSFS) at the direction of the Wildfire Resiliency Code Board (WRCB), for the purposes of determining the Fire Intensity Classification for a given location.

4.2.1 The Fire Intensity Classification layer encompasses both the current and potential Wildland Urban Interface (WUI), as defined by these rules.

4.2.2 The Fire Intensity Classification's starting point is the 2022 Colorado Wildfire Risk Assessment (CO-WRA) Fire Intensity Scale (FIS) layer, which primarily relies on vegetative fuel data, but also topography and weather conditions to generate a state-wide indication of how intense a wildfire may be in a given location and therefore can be used to forecast the potential harm or damage if a wildfire occurs.

**Note:** The layer does not consider probability or risk of wildfire ignition or structure-to-structure conflagration.

4.2.3 The intensity values are classified into standard fire intensity levels based on flame length values for easy interpretation, and the levels in the original 2022 CO-WRA FIS layer include lowest, low, moderate, and high intensity. The original layer was generated at a 20-meter resolution, and was deemed too detailed for state-wide planning, code implementation, and enforcement efforts by the WRCB. The layer was further refined through smoothing, filtering, and aggregation techniques to provide simple but consistent transitions across classification types based on WRCB input.

4.2.4 The final form illustrates only three levels of the original fire intensity (low, moderate, and high) for the purpose of code application, and appears as a hexagon layer, a GIS method that is useful for grouping geospatial data into hexagonal grids.

**Note:** This aggregation method supports the reality that wildfire hazards are experienced at scales beyond that of an individual parcel or home and is influenced in part by adjacent conditions.

4.2.5 Fire Intensity Classifications shall be applied to the code adopted in 3.1 in the following manner:

- A. Moderate and High Fire Intensity Classifications correspond to Class 2 construction and site hardening requirements.
- B. Low Fire Intensity Classification corresponds to Class 1 construction and site hardening requirements within the Colorado Wildfire Resiliency Code.

4.2.6 Public Access

The Colorado Wildfire Resiliency State Code Map can be accessed through the Wildfire Resiliency Code Board within the Division of Fire Prevention and Control at [dfpc.colorado.gov/WRCB](http://dfpc.colorado.gov/WRCB). For further information regarding how this material can be obtained or examined, contact the Administrator for the Wildfire Resiliency Code Board at 1697 Cole Blvd, Lakewood, CO, and/or The State Depository Libraries. Questions related to the Colorado Wildfire Resiliency State Code Map can be sent to [cdps\\_dfpc\\_wrcb@state.co.us](mailto:cdps_dfpc_wrcb@state.co.us)

4.3 Locally Developed Mapping

A Governing Body may develop and adopt a local map designating WUI areas and identified Fire Intensity Classifications within its jurisdictional boundaries. Local mapping shall be consistent with the methodologies and criteria established by the Board.

4.3.1 Local maps shall incorporate factors including, but not limited to:

- 1. Vegetative fuel types
- 2. Historical wildfire occurrence
- 3. Topography and slope
- 4. Local weather patterns
- 5. Fire behavior modeling and risk assessment.

4.3.2 Review and Approval. Local maps shall be subject to review for compliance verification and/or approval by the Board to ensure consistency with state standards and methodologies. Approved maps shall be recorded and made available for public inspection.

4.3.3 A local map shall be reviewed and updated by the Governing Body at intervals not to exceed three (3) years, or sooner if substantial changes in conditions, data, or methodology occur. Updates shall be submitted for review and approval in accordance with Section 4.3.2.

4.3.4 Where local mapping is adopted, it shall either supplement or supersede the state-provided Fire Intensity Classification map, as verified or approved by the Board. In cases where no local map has been adopted, the most current state mapping shall apply.

4.4 Local Ground-Truthing

4.4.1 A Governing Body may develop and adopt a process for site-specific ground-truthing that identifies or modifies the Fire Intensity Classification as described in the 2025 Colorado Wildfire Resiliency Code.

- A. Ground-truthing shall incorporate the factors identified in 4.3.1.

- 4.4.2 These ground-truthing amendments do not require the state-developed map to be updated.

## **ARTICLE 5 – PETITIONS FOR MODIFICATION**

### **5.1 General**

The Colorado Wildfire Resiliency Code Board (the board) shall appoint a Petition Committee (the committee) that will serve as the group to hear a Governing Body's petition to modify requirements of the code. If a petition for modification is denied by the committee, the Governing Body may appeal the decision to the full board.

- 5.1.1 Only Governing Bodies may make petitions and appeals to the code. Requests from non-governing bodies for individual code modifications must be made to the local Governing Body with jurisdiction.
- 5.1.2 Any Governing Body that is maintaining jurisdiction for the local enforcement of the code, shall have the right to petition and appeal for modifications within its jurisdictional boundaries. If a Governing Body has requested the Colorado Division of Fire Prevention and Control to assume local enforcement for the code, it is disqualified from petitioning or appealing for modifications.
- 5.1.3 The committee shall have the authority to hear evidence pertaining to the application and intent of the code for the purpose of issuing reasonable interpretations of the provisions of the code and determining the suitability of alternative materials, design, and methods of construction and equipment.
- 5.1.4 Neither the committee nor the board shall have authority to waive requirements of the code or interpret the administration of the code.
- 5.1.5 Petitions and appeals shall stay the enforcement of the code until the petition and appeal is heard by the committee and a decision is communicated in writing to the petitioner.

### **5.2 Membership of the Committee.**

The petition committee shall consist of five voting members appointed by the board chairperson. Each member shall serve for two years or until a successor has been appointed. The board vice chairperson shall be an ex officio member of said committee, but shall not vote on any matter before the committee.

- 5.2.1 The committee shall consist of board members who are qualified by expertise and training to pass on matters pertaining to hazards of wildfire, construction, vegetation management and community planning.
- 5.2.2 The board chairperson is authorized to appoint two alternate members who shall be called by the committee chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for committee membership and shall be appointed for the same term or until a successor has been appointed.
- 5.2.3 Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.
- 5.2.4 The committee shall annually select one of its members to serve as chairperson.
- 5.2.5 The committee shall designate a qualified member to serve as secretary to the committee. The secretary shall file a detailed record of all proceedings, which shall set forth the reasons for the committee's decision, the vote of each member, the absence of a member and any failure of a member to vote.

- 5.2.6 A member with any personal, professional or financial interest in a matter before the committee shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.
- 5.2.7 Members shall not be compensated for their service other than for reimbursement of travel expenses, or as determined by law.
- 5.2.8 The committee shall establish policies and procedures necessary to carry out its duties consistent with the provisions of the code and applicable local, state and federal law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.
- 5.2.9 The committee shall meet at stated periodic intervals.
- 5.2.10 Three members of the committee shall constitute a quorum.
- 5.2.11 The State of Colorado shall provide legal counsel to the committee to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the State of Colorado's expense in all matters arising from service within the scope of their duties.
- 5.2.12 The committee shall only affirm the petition to modify the requirements of the code by a concurring vote of a majority of the members. In the instance of a tie, the petition is not affirmed.
- 5.2.13 The decision of the committee shall be by resolution. Every decision shall be promptly filled in writing to the office of the Administrator of the Colorado Division of Fire Prevention and Control within 30 days and shall be open to the public for inspection. A certified copy shall be furnished to the petitioner or the petitioner's representative and to the board chairperson.

### 5.3 Petition Process

An application for petition shall be based on a claim that the intent of the code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better material, design or form of construction is proposed.

- 5.3.1 An application to petition shall be filed on a form obtained from the committee within 30 days prior to the next regular committee meeting. If the appeal is submitted less than 30 days prior to the next committee meeting, the hearing will be delayed until the following committee meeting.
- 5.3.2 All petitions shall be heard at the next regularly scheduled meeting of the committee, unless for good cause shown otherwise. The administrator of the committee shall notify the petitioner of the time, date and place of the committee hearing.
- 5.3.3 Pursuant to the petition application, the petitioners shall provide the specific code section for which they are requesting a modification, the reason for the modification, and the alternative method of compliance being proposed. The petitioner shall provide supporting documents (manufacturers' specification sheets, research reports, results from a testing laboratory or other supporting documents) and a written narrative as to the reason for the petition.
- 5.3.4 The committee may modify, affirm or deny the petition for modification, stating the reasons for the decision. The decision shall be provided in writing to the petitioner no more than 30 business days after the hearing.
- 5.3.5 If the petition is upheld or modified, the petitioner shall be approved to implement the requested modifications to the code.

- 5.3.6 If the petition is denied, the stay of enforcement of the code is revoked, and the appealing Governing Body shall take immediate action in accordance with the decisions of the committee, unless the petitioner chooses to appeal the decision to the board.

#### 5.4 Appeals Process

An appeal application shall be filed with the board within 10 business days of the petition decision of the committee, but no less than 30 days prior to the next regularly scheduled board meeting. If the appeal is submitted less than 30 days prior to the next board meeting, the hearing will be delayed until the following meeting.

- 5.4.1 A member with any personal, professional or financial interest in a matter before the committee shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.
- 5.4.2 All appeals shall be heard at the next regularly scheduled meeting of the WRCB, unless for good cause shown otherwise. The administrator of the WRCB shall notify the petitioner of the time, date and place of the hearing.
- 5.4.3 Pursuant to the appeals application, the appellants shall provide the specific code section for which they are requesting a modification, the reason for the modification, and the alternative method of compliance being proposed. The appellants shall provide supporting documents (manufacturers' specification sheets, research reports, results from a testing laboratory or other supporting documents) and a written narrative as to the reason for the petition.
- 5.4.4 The board may modify, uphold or deny the petition decision, stating the reasons for the decision. The decision shall be provided in writing to the appellant no more than 30 days after the hearing.
- 5.4.5 If the appeal is upheld or modified, the appellant shall be approved to implement the requested modifications to the code.
- 5.4.6 If the appeal is denied, the stay of enforcement of the code is revoked, and the appealing Governing Body shall take immediate action in accordance with the decisions of the board.

#### 5.5 Further Legal Procedures

Any Governing Body that is aggrieved by the appeals process decision of the board may appeal to the courts of Colorado in accordance with the Colorado rules of civil procedure, pursuant to Title 24, Article 4, C.R.S.

### **ARTICLE 6 –RECORDS AND REPORTING**

#### 6.1 Governing Body Records Retention

- 6.1.1 The Governing Body shall keep a record of proposed and approved modifications as submitted to or received from the Board concerning:

- a. Mapping
- b. Site and area requirements
- c. Building requirements

- 6.1.2 Upon the adoption of the code, the details of modifications granted by a Governing Body shall be recorded and entered in the files of the Governing Body.

#### 6.2 Governing Body Reporting Requirements

- 6.2.1 A Governing Body shall provide a copy of the adopted ordinance or resolution with a statement attesting to meeting or exceeding the Colorado Wildfire Resiliency Code. Jurisdictions shall report to the Board by July 31 of each year beginning in 2026. Governing Bodies that have not made change to the adopted codes, ordinances, or resolutions shall submit a statement of attestation to that fact and resubmitting the adopted ordinance or resolution is not necessary.
- 6.2.2 A Governing Body is encouraged to provide recommendations to the Board so that appropriate and reasonable modifications to the Colorado Wildfire Resiliency Code may be determined.
- 6.2.3 The Governing Body shall be responsible for maintaining appropriate records for the enforcement and maintenance of those requirements as established by the Colorado Wildfire Resiliency Code to enable accurate reporting as required.

## **ARTICLE 7 – ENFORCEMENT**

- 7.1 In accordance with 24-33.5-1237(2)(b), C.R.S., enforcement of the adopted code in 3.1 and/or 3.3 of these rules, shall be in accordance with the rules and regulations for code enforcement by the Governing Body. The period to comply with an adopted code shall be in accordance with the rules and regulations of the Governing Body or within three months of the date the code is adopted by the Governing Body, whichever is sooner.
- 7.2 As allowed in Section 24-33.5-1237(2)(d), C.R.S., if a Governing Body does not have rules and regulations in place for the enforcement of a code adopted in 3.1 and/or 3.3 of these rules, the Governing Body may request support from the Division in conducting inspections and enforcing the code pursuant to the Division's procedures set forth in 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.
  - 7.2.1 A Governing Body requesting such support is subject to the provisions of 5.1.2 of these rules.

## **ARTICLE 8 – CRITERIA AND PARAMETERS FOR EXISTING UTILITY INFRASTRUCTURE**

- 8.1 The Board shall establish criteria and parameters consistent with sections 24-65.1-105 and 29-20-108, C.R.S., for expedited consideration or approval of an exemption from the Code for activities or investments related to repair, replacement, or hardening of existing utility infrastructure primarily within existing transmission routes that mitigate wildfire risk.

## **ARTICLE 9 – INQUIRIES**

- 9.1 Questions, clarification, or interpretation of these Rules should be addressed in writing to: Wildfire Resiliency Code Board Administrator, Colorado Division of Fire Prevention and Control, 1697 Cole Blvd, Lakewood, CO 80401. Telephone number: (303) 239-4600.
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**COLORADO**  
Wildfire  
Resiliency  
Code Board

**2025**

# Colorado Wildfire Resiliency Code

01 June 2025



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**CWRC Version 1.0**

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## Attributions

### ATTRIBUTIONS

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## Table of Contents

Chapter 1 - Scope and Administration.....	5
PART 1 GENERAL PROVISIONS.....	5
SECTION 101 SCOPE AND GENERAL REQUIREMENTS.....	5
SECTION 102—APPLICABILITY.....	7
PART 2—ADMINISTRATION AND ENFORCEMENT.....	9
SECTION 103—CODE COMPLIANCE AGENCY.....	9
SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL.....	9
SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS.....	13
SECTION 106—FEES.....	14
SECTION 107—STOP WORK ORDER.....	14
Chapter 2 - Definitions.....	15
SECTION 201 GENERAL.....	15
SECTION 202 DEFINITIONS.....	15
Chapter 3 - Wildfire Hazard Identification.....	19
SECTION 301 GENERAL.....	19
SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS.....	19
SECTION 303 MAPPING AND APPLICABILITY.....	19
SECTION 304 GROUND-TRUTHING.....	21
Chapter 4- Structure Hardening.....	23
SECTION 401 GENERAL.....	23
SECTION 402 BUILDING MATERIAL.....	23
SECTION 403 CLASS 1 STRUCTURE HARDENING.....	25
SECTION 404 CLASS 2 STRUCTURE HARDENING.....	26
Chapter 5- Site and Area Requirements.....	29
SECTION 501 GENERAL.....	29
SECTION 502 CLASS 1 REQUIREMENTS.....	29
SECTION 503 CLASS 2 REQUIREMENTS.....	30
Appendix A: PERMITS.....	33
Appendix B: CONSTRUCTION DOCUMENTS.....	36
Appendix C: INSPECTION AND ENFORCEMENT.....	38



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# Chapter 1 - Scope and Administration

## PART 1 GENERAL PROVISIONS

### SECTION 101 SCOPE AND GENERAL REQUIREMENTS

**101.1 Title.** These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by [NAME OF JURISDICTION], hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises that contain *occupiable* and/or *habitable space*, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the *wildland-urban interface* areas of Colorado, as designated in this code.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.2.2 Factory-Built Structures (nonresidential, residential, and tiny homes).** Structure hardening provisions of this code for factory-built structures as defined by sections 24-32-3302(9), (10), (11), and (35), C.R.S., are in accordance with Rules adopted by the Division of Housing in 8 CCR 1302-1, Rule 2 Codes and Standards.

**101.2.3 HUD Code Homes.** Homes built to the HUD Manufactured Home Construction and Safety Standards are exempt from structure hardening requirements on their first installation. Homes built to the HUD Manufactured Home Construction and Safety Standards which are moved into an applicable Wildfire Resiliency code area are subject to the provisions of this code as required by the authority having jurisdiction.

**101.3 Purpose.** The purpose of this code is to establish minimum regulations for the safeguarding of life and for property protection. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in *wildland-urban interface* areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to



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provide adequate fire protection facilities to control the spread of fire in *wildland-urban interface* areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface* areas.

**101.4 Retroactivity.** The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

**Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

**101.5 Additions or alterations.** Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that, when the work increases the footprint of the existing structure by 500 square feet or greater, the addition or alteration conforms to that required for a new building or structure.

**Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

**101.6 Roof coverings.** The *roof covering* on buildings or structures in existence prior to adoption of this code that are replaced or have 25 percent or more of the surface area of the roof replaced, or where work to reconstruct, alter, or repair the *roof covering* effectively replaces such material, shall require the entirety of the *roof covering* to be replaced with a *roof covering* required for new construction specified in Sections 403.2 through 403.2.2.

**Exception:** Existing *roof coverings* that are compliant with Section 403.2.

**101.7 Exterior walls.** The exterior walls of building or structures in existence prior to adoption of this code where 25 percent or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter or repair the exterior walls effectively replaces the exterior wall material, shall require the entirety of the exterior wall surface area, including attachments, to be replaced with materials required for new construction specified in Section 404.3 through 404.3.2



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and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.

**Exception:** Existing exterior walls that are compliant with Section 404.3.

**101.8 Maintenance.** Buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

## SECTION 102—APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code, or any other adopted code, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code are listed throughout this code. Such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced codes and standards, the provisions of this code shall govern.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

**102.5 Subjects not regulated by this code.** Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the authority having jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

**102.6 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof,



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which are not specifically provided for by this code, shall be determined by the *code official* consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

**102.7 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.8 Existing conditions.** The legal occupancy or use of any structure or condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

**102.9 Historic structures.** A variance is authorized to be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure, within the spirit of this code.

**Exception:** Within wildfire hazard areas, historic structures that do not meet one or more of the following designations:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
3. Designated as historic under a state or local historic preservation program.

**102.9.1 Historic preservation exemption.** The authority having jurisdiction may establish a historic preservation exemption or exemptions in their jurisdiction that consists of the spirit and intent of this code.

**102.10 Work exempt from permit under this code.** Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with this code shall not be required for the following:

1. Interior alterations of existing structures.
2. Additions that do not increase the footprint of a structure by more than 500 square feet.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.



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5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Painting, staining and similar maintenance or restorative work.
7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
8. *Accessory structures* and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing *occupiable* or *habitable space*.
9. Fences located more than 8 feet from a habitable structure.
10. Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103—CODE COMPLIANCE AGENCY

**103.1 Creation of agency.** The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

**103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

### SECTION 104—DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 Powers and duties of the code official.** The *code official* is hereby authorized to enforce the provisions of this code.

**104.2 Determination of compliance.** The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.



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**104.2.1 Technical assistance.** To determine compliance with this code, the *code official* is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

**104.2.1.1 Costs.** A technical opinion and report shall be provided without charge to the jurisdiction.

**104.2.1.2 Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**104.2.1.3 Content.** The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

**104.2.1.4 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, the *code official* shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the *code official* shall approve the testing procedures. Such tests shall be performed by a party acceptable to the *code official*.

**104.2.2 Alternative materials, design and methods.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*.

**104.2.2.1 Approval authority.** An alternative material, design or method shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

**104.2.2.2 Application and disposition.** Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the *code official* for approval. Where the alternative material, design or method of construction is not approved, the *code official* shall respond in writing, stating the reasons the alternative was not approved.

**104.2.2.3 Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.



**104.2.2.4 Equivalency criteria.** An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

**104.2.2.5 Tests.** Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

**104.2.2.5.1 Fire tests.** Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

**104.2.2.6 Reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

**104.2.2.6.1 Evaluation reports.** Evaluation reports shall be issued by an *approved* agency and use of the evaluation report shall require approval by the *code official* for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the *code official's* recognition of the *approved* agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the *code official*.

**104.2.2.6.2 Other reports.** Reports not complying with Section 104.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official*. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

**104.2.2.7 Peer review.** The *code official* is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or



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method of construction, prepared by a peer reviewer that is *approved* by the *code official*.

**104.2.3 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases, provided that the *code official* shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

**104.3 Applications and permits.** The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.4 Access to Property.** For the purpose of inspecting and enforcing the provisions of this code and the terms and conditions of any permit issued under this code, the *code official* is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining compliance with this code and to evaluate conditions relative to the permit application.

**104.4.1 Authorization.** The owner or occupant of the property having a permit under this code shall allow the *code official* access to the property to perform the required inspections. If access is denied, the *code official* shall apply to the Court with jurisdiction to seek authority to access the property.

**104.5 Identification.** The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Official records.** The *code official* shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

**104.7.1 Approvals.** A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

**104.7.2 Inspections.** The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.



**104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

**104.7.4 Tests.** The *code official* shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

**104.7.5 Fees.** The *code official* shall keep a record of fees collected and refunded in accordance with Section 106.

**104.8 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of any act or omission in the discharge of official duties.

**104.8.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**104.9 Approved materials and equipment.** Materials, equipment and devices approved by the *code official* shall be constructed and installed in accordance with such approval.

**104.9.1 Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

**104.10 Other agencies.** When requested to do so by the *code official*, other officials of this jurisdiction shall assist and cooperate with the *code official* in the discharge of the duties required by this code.

## SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS

**105.1 General.** The *code official* is authorized to issue a permit for temporary uses, equipment and systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The *code official* is authorized to grant extensions for demonstrated cause.

**105.2 Conformance.** Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.



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Department of Public Safety



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Division of Fire  
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Department of Public Safety



**105.3 Temporary service utilities.** The *code official* is authorized to give permission to temporarily supply service utilities.

**105.4 Termination of approval.** The *code official* is authorized to terminate such permit for temporary uses, equipment and systems and to order the same to be discontinued.

## SECTION 106—FEES

**106.1 General.** An AHJ has the authority to establish fees.

## SECTION 107—STOP WORK ORDER

**107.1 Authority.** Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**107.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**107.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**107.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.



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Department of Public Safety

## Chapter 2 - Definitions

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

### SECTION 202 DEFINITIONS

**ACCESSORY STRUCTURE.** A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

**AGRICULTURAL BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**APPROVED.** Acceptable to the *code official*.

**BUILDING.** Any structure intended for supporting or sheltering any occupancy.

**CLASS A TESTS.** Class A Tests are applicable to *roof coverings* that are expected to be effective against severe fire exposure, afford a high degree of fire protection to the *roof deck*, do not slip from position, and are not expected to present a flying brand hazard.

**CODE OFFICIAL.** The official designated by the jurisdiction to interpret and enforce this code, or the *code official's* authorized representative.

**DEFENSIBLE SPACE.** An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.



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**EMBELLISHMENTS.** Elements incorporated in design and construction for ornamental or decorative purpose that are not integral to the structure or structural support.

**FIRE INTENSITY CLASSIFICATION.** The level of fire intensity identified for areas where significant fuel hazards and associated dangerous fire behavior may exist, based upon vegetative fuels, topography, weather conditions, and flame length value.

**FIRE-RESISTANCE-RATED CONSTRUCTION.** The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the *wildland-urban interface* area.

**FIRE-RETARDANT-TREATED WOOD.** Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed *flame spread index* of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.

**FLAME SPREAD INDEX.** A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

**HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking.

**HEAVY TIMBER CONSTRUCTION.** As described in Section 602.4 of the 2024 *International Building Code*.

**HOME IGNITION ZONE.** Home Ignition Zone is the home and the area around the home (or structure). The HIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

**IGNITION-RESISTANT BUILDING MATERIAL.** A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.

**IGNITION-RESISTANT VEGETATION.** Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.

**LOG WALL CONSTRUCTION.** A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is not less than 6 inches. Log wall construction shall follow requirements of ICC 400.

**MULTILAYERED GLAZED PANELS.** Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

**NONCOMBUSTIBLE.** As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire.
2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.
3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.

**OCCUPIABLE SPACE.** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.

**ROOF ASSEMBLY.** A system designed to provide weather protection and resistance to design loads. The system consists of a *roof covering* and *roof deck* or a single component serving as both the *roof covering* and the *roof deck*. A *roof assembly* can include an underlayment, thermal barrier, ignition barrier, insulation or a vapor retarder.

**ROOF COVERING.** The covering applied to the *roof deck* for weather resistance, fire classification or appearance.

**ROOF DECK.** The flat or sloped surface not including its supporting members or vertical supports.



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Department of Public Safety

**SLOPE.** The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage.

**STRUCTURE.** That which is built or constructed.

**STRUCTURE IGNITION ZONE.** Structure Ignition Zone is the structure and the area around the structure (or home). The SIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

**TREE CROWN.** The primary and secondary branches growing out from the main stem, together with twigs and foliage.

**WILDLAND-URBAN INTERFACE.** That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

## Chapter 3 - Wildfire Hazard Identification

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter provide methodology to establish and record wildfire hazard based on the findings of fact to be regulated by this code.

**301.2 Objective.** The objective of this chapter is to provide simple baseline criteria for determining *wildland-urban interface* areas based on the wildfire hazard.

### SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

**302.1 Declaration.** The AHJ shall declare the *wildland-urban interface* areas within the jurisdiction as defined by this code. The *wildland-urban interface* areas shall be based on the findings of fact.

### SECTION 303 MAPPING AND APPLICABILITY

**303.1 Mapping of Wildfire Hazard Areas.** Wildfire Hazard shall be recorded on official maps. These maps identify areas subject to the provisions of this code and shall be available for public inspection through an accessible online platform and at designated local government offices.

**303.1.1 Map.** This map shall be based on a combination of factors including, but not limited to, vegetative fuels, topography, local weather patterns, and fire behavior modeling data.

**303.1.2 Locally Developed Mapping.** The AHJ may develop and adopt local maps designating wildfire hazard and *fire intensity classifications* within its jurisdictional boundaries in accordance with Sections 303.1 through 303.3.

**303.2 Fire Intensity Classification.** *Fire Intensity Classification* shall be identified on the map in accordance with Section 303.1. *Fire Intensity Classification* is determined by expected wildfire behavior, including flame length and suppression difficulty and is separated into three levels: low, moderate, and high. The identified *fire intensity classification* establishes code requirements for construction and mitigation.

**303.2.1 Low Fire Intensity Classification.** *Low Fire Intensity Classification* is identified in areas with light to medium surface fuels, such as grasses, shrubs, and scattered low-density vegetation. These fuels are often discontinuous, which limits flame propagation but can sustain burning under moderate weather conditions. Fires in this class may occur on gentle to moderate *slopes*, where topography begins to influence the rate of spread. Although flame lengths remain relatively small—typically less than two feet—limited spotting may occur, especially with wind. Trained firefighters with protective equipment and standard hand tools can usually suppress these fires through



direct attack, particularly on *slopes* under 30 percent. Mechanized equipment is typically unnecessary.

**Key Characteristics Include:**

1. **Fuels:** Light to medium surface fuels, including grasses, shrubs, and scattered vegetation (e.g., WNL, USL fuel types).
2. **Flame Length:** Less than 2 feet.
3. **Rate of Spread:** Low, increasing with *slopes* over 20 percent.
4. **Spotting:** Very short-range spotting is possible under windy conditions.
5. **Terrain Influence:** More active fire behavior on moderate *slopes* (20 to 30 percent).
6. **Suppression Difficulty:** Easily suppressed by trained firefighters using basic protective gear and hand tools. Direct attack is effective, and mechanized support is rarely needed.

**303.2.2 Moderate Fire Intensity Classification.** Moderate *Fire Intensity Classification* is identified in areas with moderate to heavy fuel loads, such as dense shrubs, small trees, and accumulated ground fuels. Fires in this class present continuous horizontal and vertical fuel arrangements, allowing flames to reach up to 8 feet in length. Fire behavior is notably influenced by moderate to steep *slopes*, often accelerating the spread. Short-range spotting becomes more common, complicating suppression efforts. Ground crews typically require mechanized support, such as engines and dozers, to establish control lines. Aircraft assistance may be necessary, particularly in inaccessible terrain. There is a significant increase in the potential for property damage and risk to life, especially in *wildland-urban interface* areas.

**Key Characteristics Include:**

1. **Fuels:** Moderate to heavy fuels, including dense shrublands, small trees, timber litter, and canopy fuels (e.g., USH, UIH fuel types).
2. **Flame Length:** Up to 8 feet.
3. **Rate of Spread:** Moderate to high, increasing significantly on *slopes* over 30 percent.
4. **Spotting:** Short-range spotting is common.
5. **Terrain Influence:** Steep *slopes* (30 percent or greater) increase fire spread and intensity.
6. **Suppression Difficulty:** Challenging for ground crews without support from engines, dozers, or aircraft. Dozers and plows are generally effective on moderate terrain.

**303.2.3 High Fire Intensity Classification.** High *Fire Intensity Classification* is identified in areas with heavy, continuous fuel loads, such as dense forest canopies, thick



understory growth, and heavy dead/downed material. Fires in this class frequently occur on steep *slopes*, often exceeding 40 percent, where topography dramatically increases the rate of spread and severity. Flame lengths can exceed 30 feet, and both short- and medium-range spotting are common, particularly in windy conditions. Direct suppression by ground crews is typically ineffective, requiring indirect attack strategies, such as backburns and aerial retardant drops. Fires in this class pose extreme risk to life, property, and firefighter safety, especially in rugged or remote areas.

**Key Characteristics Include:**

1. **Fuels:** Heavy fuels, including dense forests, urban core areas with heavy fuel loads, and canopy-dominated regions (e.g., WNH, USH, UCH fuel types).
2. **Flame Length:** Up to 30 feet or more.
3. **Rate of Spread:** Rapid, especially on *slopes* greater than 40 percent.
4. **Spotting:** Short-range spotting is common; medium-range spotting is possible under windy conditions.
5. **Terrain Influence:** *Slopes* over 40 percent amplify intensity and spread, creating dangerous conditions for suppression.
6. **Suppression Difficulty:** Direct attack by ground forces and dozers is generally ineffective. Indirect strategies (backburning, aerial support) are often necessary.

These fires present significant danger to life, property, and responder safety.

**303.3 Applicability of Code Provisions.** The requirements of this code shall apply to all parcels located within designated Wildfire Hazard Areas and corresponding *fire intensity classifications* as identified on the official maps. The level of structure hardening, *defensible space*, and other mitigation measures required shall correspond to the applicable *fire intensity classification*—Low, Moderate, or High—as established by the board.

Structures and parcels identified with low *fire intensity classification* shall be constructed and maintained in accordance with the provisions for Class 1 structure hardening and site and area requirements.

Structures and parcels identified with moderate to high *fire intensity classifications* shall be constructed and maintained in accordance with the provisions for Class 2 structure hardening and site and area requirements.

## SECTION 304 GROUND-TRUTHING

**304.1 Purpose.** This section establishes a process for owners or the owners authorized representative to request a ground-truthing review of their property's Wildfire Hazard or *fire intensity classification* as identified on state or locally adopted maps. The intent is to provide an opportunity to verify that mapping accurately reflects current, site-specific conditions.



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Department of Public Safety

**304.2 Determination of Fire Intensity Classification and Code Requirements.** As determined by the *code official*, the *fire intensity classification* and associated requirements shall be based on a review of the vegetative fuels on the parcel and within 300' of the parcel boundary, topography, local weather patterns, and fire behavior modeling data and in accordance with the following *fire intensity classifications*:

**304.2.1** Low *Fire Intensity Classification* in accordance with Section 303.2.1

**304.2.2** Moderate *Fire Intensity Classification* in accordance with Section 303.2.2

**304.2.3** High *Fire Intensity Classification* in accordance with Section 303.2.3

This determination shall be made based on existing conditions or conditions that have been established by a development plan approved by the local jurisdiction. Technical documentation shall be submitted in support of such request by a qualified wildfire professional and in accordance with Section 104.2.



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## Chapter 4- Structure Hardening

### SECTION 401 GENERAL

**401.1 Scope.** Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.

**Exceptions:**

1. Buildings of an accessory character classified as Group U occupancy (including *agricultural buildings*) of any size located at least 50 feet from a structure containing *occupiable* or *habitable space*.
2. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected.
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Additions that do not increase the footprint of a structure by more than 500 square feet.

### SECTION 402 BUILDING MATERIAL

**402.1 Building material.** Building materials shall comply with any one of the requirements in Section 402.2 through 402.4.

**402.2 Noncombustible material.** *Noncombustible* material shall comply with the definition of *noncombustible* materials in Section 202.

**402.3 Fire-retardant-treated wood.** *Fire-retardant-treated wood* shall be identified for exterior use and shall meet the requirements of Section 2303.2 of the 2024 *International Building Code*.

**402.4 Ignition-resistant building material.** Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes, or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch. The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723



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Department of Public Safety



for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 402.4.1 through 402.4.3.3. Materials or products which melt, drip or delaminate to the extent that the flame front is interrupted are not permitted.

**Exception:** Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch thickness or corrosion-resistant steel at a minimum 0.0149 inch thickness shall not be required to be tested with a ripped or cut longitudinal gap.

**402.4.1 Flame spread.** The material shall exhibit a *flame spread index* not exceeding 25.

**402.4.2 Flame front.** The material shall exhibit a flame front that does not progress more than 10 feet 6 inches beyond the centerline of the burner at any time during the test.

**402.4.3 Weathering.** *Ignition-resistant building materials* shall maintain their performance in accordance with this section under conditions of use. The materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in Sections 402.4.3.1 through 402.4.3.3, as applicable to the materials and conditions of use.

**402.4.3.1 Evaluation requirements for weathering.** Fire-retardant-treated wood, wood-plastic composite materials and plastic lumber materials shall be evaluated after weathering in accordance with Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D2898.

**402.4.3.2 Wood-plastic composite materials.** Wood-plastic composite materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation, then weathering in accordance with ASTM D7032 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

**402.4.3.3 Plastic lumber materials.** Plastic lumber materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation, then weathering in accordance with ASTM D6662 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.



## SECTION 403 CLASS 1 STRUCTURE HARDENING

**403.1 General.** Class 1 structure hardening shall be in accordance with Sections 403.2 through 403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a low fire hazard severity.

**403.2 Roofing.** Roofs shall have a *roof covering* or *roof assembly* classified as Class A when tested in accordance with ASTM E108 or UL 790.

**403.2.1 Flame and ember protection of roofs.** For roof assemblies where the roof covering profile creates a space between the roof covering and roof deck, the space shall resist the entry of flames and embers by one or more of the following methods:

1. Firestopping with noncombustible material of the space between the roof covering and the roof deck.
2. Installation of one layer of cap sheet complying with ASTM D3909 over the combustible roof deck.
3. Installation of a listed Class A classified roof assembly.

**403.2.2 Roof valley flashings.** Valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of cap sheet complying with ASTM D3909 running the full length of the valley.

**403.3 Gutters and downspouts.** Gutters and downspouts shall be constructed of *noncombustible* material.

**403.4 Ventilation Openings.** Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be in accordance with Section 403.4.1 or Section 403.4.2 as applicable.

**403.4.1 Performance Requirements.** Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

**403.4.2 Prescriptive Requirements.** Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be covered with *noncombustible* 404.3 corrosion-resistant mesh with openings not to exceed 1/8-inch.



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Department of Public Safety



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Department of Public Safety

## SECTION 404 CLASS 2 STRUCTURE HARDENING

**404.1 General.** Class 2 structure hardening shall be in accordance with Sections 404.2 through 404.10.1 as well as the provisions of Class 1 structure hardening in Sections 403.2-403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a moderate or high fire hazard severity. See also Sections 101.6-101.7.

**404.2 Protection of eaves.** Eaves and soffits shall be protected on the exposed underside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, 2-inch nominal dimension lumber, or 1 inch nominal *fire-retardant-treated wood* or 3/4 inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*. Fascias are required and shall be protected on the backside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, or 2-inch nominal dimension lumber.

**404.3 Exterior Walls.** Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Exterior wall assemblies with a minimum of 1-hour fire-resistance rating, rated for exposure on the exterior side.
2. *Approved noncombustible materials.*
3. *Heavy timber or log wall construction.*
4. *Noncombustible materials* complying with Section 402.2 on the exterior side.
5. *Fire-retardant treated wood* complying with Section 402.3 on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.
6. *Ignition-resistant materials* complying with Section 402.4 on the exterior side.

Such material shall extend from the top of the foundation to the underside of the eave or the underside of the roof sheathing.

### Exceptions:

1. Exterior wall *embellishments* and architectural trim (exclusive of trim on exterior windows and doors) not to exceed 5 percent of the square footage of the exterior wall.
2. Roof or wall top cornice projections and similar assemblies.
3. Solid wood rafter tails and solid wood blocking installed between rafters having minimum dimension 2 inch nominal.

**404.3.1 Exterior Wall Coverings.** Exterior wall coverings shall be limited to the following:

1. *Noncombustible materials.*
2. *Fire-retardant-treated wood.*
3. *Ignition-resistant building materials.*



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Department of Public Safety

**Exception:** Where options 1 or 2 in section 404.3 are used, vinyl siding may be used as an exterior covering.

**404.3.2 Flashing.** A minimum of 6 inches of metal flashing or *noncombustible* material applied vertically between the wall sheathing and the exterior cladding shall be installed at the ground, decking, and roof intersections.

Combustible sheathing products exposed by the gap created at the base of the exterior walls, posts, or columns must be protected with *noncombustible material* or *ignition-resistant building materials* while still permitting drainage and moisture control from behind exterior cladding.

**404.4 Underfloor enclosure.** Buildings or structures shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.

**404.5 Decking.** Unenclosed decks shall have the deck walking surface constructed of one of the following:

1. *Approved noncombustible* materials
2. Class A rated material

**Exception:** Composite decking material with a minimum of Class B rating

3. *Fire-retardant-treated wood* identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*
4. *Ignition-resistant building materials* in accordance with Section 402.4.

**404.6 Appendages and Projections.** Appendages and projections shall be constructed in accordance with Section 404.3.

**404.7 Exterior Glazing.** Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

**404.8 Exterior Doors.** Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 404.7.

**Exception:** Vehicle access doors.

**404.9 Vehicle Access Door Perimeter Gap.** Exterior vehicle access doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the head, sill, and jamb of doors from exceeding ⅛ inch as approved by the AHJ.

Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that: (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, when the maximum allowable difference in tensile strength values between exposed and



non-exposed samples does not exceed 10 percent; and (b) exhibit a V-2 or better flammability rating when tested to UL 94 (Standards for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances).

2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

**404.10 Detached Accessory Structures.** Detached *accessory structures* located less than 50 feet from a building containing *habitable* or *occupiable space* shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

**404.10.1 Underfloor areas.** Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending *slope* surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 404.3 or underfloor protection in accordance with Section 404.4 or with 1/8-inch metal corrosion-resistant screen with a hardened zone within 5 feet.

**Exception:** The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction*, *heavy timber construction*, *noncombustible* materials on the exterior side, or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.



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## Chapter 5- Site and Area Requirements

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall apply to parcels subject to this code.

**501.2 Reference.** As needed, the *code official* shall refer to the Home Ignition Zone (HIZ) Guide as developed by the Colorado State Forest Service.

Where conflicts occur between provisions of this code and the HIZ Guide, the provisions of this code shall govern. The provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

### SECTION 502 CLASS 1 REQUIREMENTS

#### 502.1 Structure Ignition Zone 1 (0-5 feet): Immediate Zone

**502.1.1 Objective.** This zone is designed to reduce or eliminate ember ignition and direct flame contact with the structure, decks, stairs, and attachments.

**502.1.2 Materials.** Use *noncombustible*, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.

**Exception:** Ignition-resistant plantings, per an approved list by the AHJ that is not less than that created by the Colorado State Forest Service, are allowed in the Immediate Zone.

**502.1.3 Plantings.** Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.

**502.1.4 Trees.** There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.

*Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.

#### 502.2 Site Signage

**502.2.1 Marking of roads.** *Approved* signs or other *approved* notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.

**502.2.2 Marking of fire protection equipment.** Fire protection equipment and fire hydrants shall be clearly identified in a manner *approved* by the *code official* to prevent obstruction.



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**502.2.3 Address markers.** Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located in a manner *approved* by the *code official*.

### 502.3 Retaining Walls

**502.3.1 Retaining Walls.** Retaining walls shall be constructed with either *noncombustible* or ignition-resistant materials when any of the following conditions exist:

1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
2. The retaining wall is integral to the support of a structure regulated by this code.
3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.

### 502.4 Fencing

**502.4.1 Fencing.** Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with *noncombustible* or ignition-resistant materials.

**Exception:** Vinyl fencing. Vinyl fencing may be allowed.

## SECTION 503 CLASS 2 REQUIREMENTS

**503.1 General.** Class 2 site and area requirements shall be in accordance with Sections 503.2 through 503.3.2 and include all requirements of Class 1 in Sections 502.1 through 502.4.

### 503.2 Structure Ignition Zone 2 (5-30 feet) Intermediate Zone

**503.2.1 Objective.** This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to structures.

**503.2.2 Dead Materials.** Within the *fuel modification* area, hazardous dead plant material must be removed from live vegetation.

**503.2.3 Fuels Accumulation.** Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.

**503.2.4 Trees.** *Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.

Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.



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**503.2.4.1 Tree Spacing.** *Tree crowns* within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.

**503.2.5 Shrubs.** Shrub groups within this zone shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.

### **503.3 Structure Ignition Zone 3 (30-100 feet) Expanded Zone**

**503.3.1 Objective.** This zone focuses on mitigation that keeps fire on the ground.

**503.3.2 Tree Spacing.** *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.



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## Appendix A: PERMITS

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**A101.1 General.** Where not otherwise provided in the requirements of the *International Building Code* or *International Fire Code*, permits are required in accordance with Sections A101.2 through A101.9.

**A101.2 Permits required.** Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, converted, changed, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the *code official*.

For buildings or structures erected for temporary uses, see Section 105.

**A101.3 Permit application.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Appendix B.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

**A101.3.1 Preliminary inspection.** Before a permit is issued, the *code official* is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

**A101.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that



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the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**A101.4 Permit approval.** Before a permit is issued, the *code official*, or an authorized representative, shall review and approve permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from agencies or departments concerned.

**A101.5 Permit issuance.** The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the *code official*. If the *code official* finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the *code official* is allowed to issue a permit to the applicant.

When the *code official* issues the permit, the *code official* shall endorse in writing or stamp the plans and specifications APPROVED. Such *approved* plans and specifications shall not be changed, modified or altered without authorization from the *code official*, and work regulated by this code shall be done in accordance with the *approved* plans.

**A101.5.1 Refusal to issue a permit.** Where the application or construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor.

**A101.6 Validity of permit.** The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**A101.7 Expiration.** Every permit issued by the *code official* under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit is allowed to apply for an extension of the time within which work is allowed to commence under that permit where the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* is authorized to extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.



**A101.8 Retention of permits.** Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the *code official* or other authorized representative.

**A101.9 Revocation of permits.** Permits issued under this code can be suspended or revoked where it is determined by the *code official* that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him or her under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. The permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The *code official* is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.



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## Appendix B: CONSTRUCTION DOCUMENTS

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**B101.1 General.** Plans, engineering calculations, diagrams and other data shall be submitted in the format as required by the jurisdiction. The construction documents shall be prepared and submitted where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require additional documentation.

**Exception:** Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

**B101.2 Information on plans and specifications.** Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

**B101.3 Site plan.** In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, landscape and vegetation details and locations of structures or building envelopes. The *code official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted. Identify the *fire intensity classification*.

**B101.3.1 Defensible Space Site Plans.** Defensible space site plans shall be prepared and submitted to the *code official* for review and approval as part of the site plans required for a permit. The *code official* is authorized to waive or modify the requirement for a defensible space site plan where the application for permit is for alteration or repair or where otherwise warranted.

**B101.5 Other data and substantiation.** Where required by the *code official*, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

**B101.6 Retention of plans.** One set of *approved* plans, specifications and computations shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work or as required by state or local laws.

**B101.7 Examination of documents.** The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.



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**B101.8 Amended construction documents.** Work shall be installed in accordance with the *approved* construction documents, and changes made during construction that are not in compliance with the *approved* documents shall be resubmitted for approval as an amended set of construction documents.

**B101.9 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**B101.10 Phased approval.** The *code official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

## Appendix C: INSPECTION AND ENFORCEMENT

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**C101.1 Inspection.** Inspections shall be in accordance with Sections C101.1.1 through C101.1.4.3.

**C101.1.1 General.** Construction or work for which a permit is required by this code shall be subject to inspection by the *code official* and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved* by the *code official*.

It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Where required by the *code official*, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

**C101.1.2 Authority to inspect.** The *code official* shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the *code official* for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

**C101.1.2.1 Approved inspection agencies.** The *code official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

**C101.1.2.2 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

**C101.1.2.3 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspections and shall



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either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.

**C101.1.3 Reinspections.** To determine compliance with this code, the *code official* can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for which inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the *code official*.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**C101.1.4 Testing.** Installations shall be tested as required in this code and in accordance with Sections C101.1.4.1 through C101.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the *code official*.

**C101.1.4.1 New, altered, extended or repaired installations.** New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

**C101.1.4.2 Apparatus, instruments, material and labor for tests.** Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

**C101.1.4.3 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

**C101.2 Enforcement.** Enforcement shall be in accordance with Sections C101.2.1 and C101.2.2.

**C101.2.1 Authorization to issue corrective orders and notices.** Where the *code official* finds any building or premises that are in violation of this code, the *code official* is authorized to issue corrective orders and notices.

**C101.2.2 Service of orders and notices.** Orders and notices authorized or required by this code shall be given or served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if such person is not found on the





premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

**C101.3 Compliance with orders and notices.** Compliance with orders and notices shall be in accordance with Sections C101.3.1 through C101.3.8.

**C101.3.1 General compliance.** Orders and notices issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, then such corrective orders or notices shall be complied with by the owner or the owner's authorized agent.

**C101.3.2 Compliance with tags.** building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section C101.3.1.

**C101.3.3 Removal and destruction of signs and tags.** A sign or tag posted or affixed by the *code official* shall not be mutilated, destroyed or removed without authorization by the *code official*.

**C101.3.4 Citations.** Persons operating or maintaining an occupancy or premises subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the *code official* shall be guilty of a misdemeanor.

**C101.3.5 Unsafe conditions.** Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

**C101.3.5.1 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**C101.3.5.2 Notice.** Where an unsafe condition is found, the *code official* shall serve on the owner, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or



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requires the unsafe structure to be demolished. Such notice shall require the person thus notified, or their designee, to declare to the *code official* within a stipulated time, acceptance or rejection of the terms of the order.

**C101.3.5.2.1 Method of service.** Such notice shall be deemed properly served where a copy thereof is served by one of the following methods:

1. Delivered to the owner or the owner's authorized agent personally.
2. Sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with a return receipt requested.
3. Delivered in any other manner as prescribed by local law.

Where the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent or on the person responsible for the structure shall constitute service of notice on the owner.

**C101.3.5.3 Placarding.** Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**C101.3.5.3.1 Placard removal.** The *code official* shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**C101.3.5.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building, structure or premises deemed unsafe by the *code official* shall abate, correct or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**C101.3.5.5 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the *code official* is authorized to abate or correct summarily such hazardous conditions that are in violation of this code.

**C101.3.5.6 Evacuation.** The *code official* shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe where such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the *code official*.



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**C101.3.6 Prosecution of violation.** If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**C101.3.7 Violation penalties.** An AHJ has the authority to establish fees.

**C101.3.8 Abatement of violation.** In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.



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