

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0490.01 Ed DeCecco x4216

HOUSE BILL 16-1088

HOUSE SPONSORSHIP

Dore,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes the board of a fire protection district to impose an impact fee on the construction of new buildings, structures, facilities, or improvements, including oil and gas wells, on previously improved or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 21, 2016

on unimproved real property, if the impact fee is:

- ! Reasonably related to the overall cost of the fire protection district's services; and
- ! Imposed in accordance with a fee schedule that is legislatively adopted by the board and that applies to all construction of new buildings, structures, facilities, or improvements.

At least 60 days before imposing the impact fee, a district shall notify in writing overlapping municipalities and counties of their right to comment on the district imposing impact fees.

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

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

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

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

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

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

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

1 imposed except pursuant to a schedule that is:

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

9 (b) BEFORE ISSUING A DEVELOPMENT PERMIT:

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

17 (II) THE LOCAL GOVERNMENT AND FIRE AND EMERGENCY SERVICES
18 PROVIDER SHALL ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
19 DEFINING SUCH FEES OR OTHER SIMILAR DEVELOPMENT CHARGES AND THE
20 DETAILS OF COLLECTION AND REMITTANCE.

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

27 (3) Any schedule of impact fees or other similar development

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

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

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

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

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

23 **32-1-1002. Fire protection districts - additional powers and**
24 **duties.** (1) In addition to the powers specified in section 32-1-1001, the
25 board of any fire protection district has the following powers for and on
26 behalf of such district:

27 (d.5) TO RECEIVE AND SPEND AN IMPACT FEE OR OTHER SIMILAR

1 DEVELOPMENT CHARGE IMPOSED PURSUANT TO THE PROVISIONS
2 DESCRIBED IN SECTION 29-20-104.5, C.R.S.

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