

RESOLUTION NO. 31 -2025

A RESOLUTION REQUESTING THE COLORADO DIVISION OF FIRE PREVENTION AND CONTROL ASSUME LOCAL ENFORCEMENT OF THE COLORADO WILDFIRE RESILIENCY CODE IN MONTEZUMA COUNTY

WHEREAS, Colorado Senate Bill 23-166 “Establishment of a Wildfire Resiliency Code Board” established a wildfire resiliency code board that was required to promulgate rules concerning the adoption of codes and standards for the hardening of structures and reducing fire risk in the defensible space surrounding structures in the wildland-urban interface in Colorado.

WHEREAS, such Code was adopted in July 2025 in the Colorado Code of Regulations at Title 8, Article 1507-39.

WHEREAS, such Code provisions require “governing bodies” including “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,” to provide a copy of an adopted ordinance or resolution meeting or exceeding the Colorado Wildfire Resiliency Code. 6.2.1. “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. 6.2.1.

WHEREAS, the Code contemplates that “governing bodies” enforce such code and regulations. Article 7.

WHEREAS, the unincorporated area of Montezuma County is substantially or entirely covered by the Cortez, Dolores, Mancos, Lewis-Arriola and Pleasant View Fire Protection Districts.

WHEREAS, Montezuma County does not have a building code and has no staff dedicated to building code enforcement.

WHEREAS, no funds have been allocated to Montezuma County for the enforcement of the Wildfire Resiliency Code. As such, this is an “unfunded mandate” rendered optional by the lack of financial support pursuant to C.R.S. §29-1-304.5.

WHEREAS, a governing body may request support from the Division of Fire Prevention and Control in conducting inspections and enforcing the code pursuant to the procedures set forth in C.R.S. §24-33.5-1213, and any civil penalties collected shall be deposited in the code board cash fund.


WHEREAS, a governing body that requests support from the state is disqualified from petitioning and appealing for modifications of the Wildfire Resiliency Code. *See* Article 5.

WHEREAS, at a public meeting on June 30, 2025 the Board of County Commissioners of Montezuma County moved to not move forwards with the development of local criteria to implement the requirements of the Resiliency Code Code.

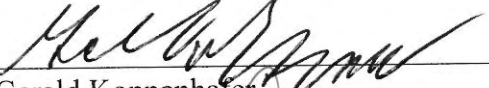
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that to the extent the Board is a “governing body” under the Colorado Wildfire Resiliency Code, the Colorado Division of Wildfire Prevention and Control is requested to assume local enforcement of the Wildfire Resiliency Code in the unincorporated area of Montezuma County.

Adopted this 16th of December, 2025.

BOARD OF COUNTY COMMISSIONERS,
MONTEZUMA COUNTY, COLORADO



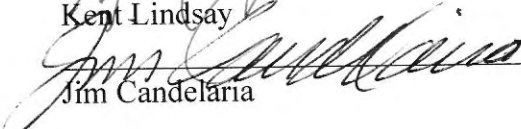
County Clerk and Recorder
Montezuma County, Colorado



Gerald Koppenhafer



Kent Lindsay



Jim Candelaria