

## **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 Procedure 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 though 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.

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

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Date of Adoption

## **DEPARTMENT OF PUBLIC SAFETY**

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#### **APPLICABILITY**

These rules and regulations apply to all newly constructed buildings and structures in the wildland-urban interface, as identified in these rules, 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 Section 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), C.R.S.

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

**“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 the Colorado Revised Statutes.

**“Department”** means the Colorado 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 Colorado 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 provided 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 meet or intermingle 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 & Control on May 11, 2025, and its referenced standards for the construction and maintenance of all property, buildings, and structures subject to the provisions of Section 24-33.5-1236, C.R.S. 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 & 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 Section 24-33.5-1236, C.R.S. the Code adopted in 3.1 of these rules and its referenced standards shall apply to the construction and maintenance of all property, buildings, and structures 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 of these rules 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 & Control at [dfpc.colorado.gov/WRCB](https://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:

- A. Vegetative fuel types
- B. Historical wildfire occurrence
- C. Topography and slope
- D. Local weather patterns
- E. 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.

## **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, such as counties or municipalities, may make petitions and appeals to the code. Citizens' requests 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 (2) 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 (2) 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 (3) members of the committee shall constitute a quorum.

5.2.11 When five (5) members are not present to hear a petition for modification, either the petitioner or petitioner's representative shall have the right to request a postponement of the hearing.

- 5.2.12 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.
- 5.2.13 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.
- 5.2.14 The decision of the committee shall be by resolution. Every decision shall be promptly filed in writing to the office of the Administrator of the Colorado Division of Fire Prevention and Control within thirty (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 thirty (30) days prior to the next regular committee meeting. If the appeal is submitted less than thirty (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 thirty (30) business days after the hearing.

- 5.3.5 If the petition is upheld or modified, the appellant 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 ten (10) business days of the petition decision of the committee, but no less than thirty (30) days prior to the next regularly scheduled board meeting. If the appeal is submitted less than thirty (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 thirty (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 January 30 of each year.

6.2.2 A Governing Body should provide recommendations to the Board on a regular basis by January 30 each year 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 Section 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 (3) 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 Section 24-33.5-1213, C.R.S.; except that, any civil penalty collected pursuant to Section 24-33.5-1213(4), C.R.S. 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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