

MESA COUNTY, COLORADO

RESOLUTION NO. MCM\_\_\_\_\_ 2019

A RESOLUTION APPROVING THE ADOPTION OF THAT CERTAIN FIRE CODE ADOPTED BY THE DE-BEQUE FIRE PROTECTION DISTRICT ON FEBRUARY 11, 2019 FOR THE USE WITHIN THE DE BEQUE FIRE PROTECTION DISTRICT AND AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE DE BEQUE FIRE PROTECTION DISTRICT AND THE COUNTY OF MESA TO SET FORTH THEIR MUTUAL OBLIGATION IN ORDER THAT THE NEWLY ADOPTED FIRE CODE MAY BE USED AND ENFORCED WITHIN THE DE BEQUE FIRE PROTECTION DISTRICT AND THOSE PROPERTIES LOCATED WITHIN THE BOUNDARIES OF MESA COUNTY.

WHEREAS, Title 32 of the Colorado Revised Statutes allows for the creation of special districts and sets for the legal requirements and powers regarding same.

WHEREAS, C.R.S. 32-1-1001, et seq., specifically allows for the creation of fire protection districts.

WHEREAS, pursuant to Title 32 of the Colorado Revised Statutes, there exists the

De Beque Fire Protection District which is located entirely within unincorporated Mesa County.

WHEREAS, the De Beque Fire Protection District, by and through its Board of Directors, did, in duly authorized fashion, adopt and approve the use of a certain version of the 2018 International Fire Code, by way of resolution, on or about February 11<sup>th</sup>, 2019.

WHEREAS, The Director of the Mesa County Building Department is authorized to review fire codes adopted by Title 32 fire protection districts and recommend to the Board of County Commissioners that they should ratify and approve same upon his recommendation.

WHEREAS, the Director of the Mesa County Building Department has reviewed the aforementioned Fire Code adopted by the De Beque Fire Protection District and found it to be in substantial compliance with the Mesa County Building Code and the Mesa County Land Development Code which have been adopted and are in force in the County of Mesa.

WHEREAS, C.R.S. 32-1-1002(1)(d) provides, in pertinent part, that “[N]o such code [adopted and sought to be enforced by a fire protection district] shall apply within any municipality or the unincorporated portion of any county *unless the governing body of the municipality or county, as the case may be, adopts a resolution stating that such code or specific provisions thereof shall be applicable within the fire protection district’s boundaries ...*”

WHEREAS, the Director of the Mesa County Building Department recommends the adoption of a resolution, per C.R.S 32-1-1002(1)(d), by the Board of County Commissioners of Mesa County ratifying and approving the use and enforcement, within the De Beque Fire Protection District, of the Fire Code adopted by the Board of Directors of the De Beque Fire Protection District on February 11<sup>th</sup>, 2019.

WHEREAS, additional coordination will be needed between the County of Mesa and the De Beque Fire Protection District in order that the De Beque Fire Protection District may use and enforce their adopted code.

NOW THEREFORE, THE MESA COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO HEREBY FINDS AND RESOLVES THE FOLLOWING:

1. That Fire Code, including all of its amendments and appendices, if any, which was adopted by the Board of Directors of the De Beque Fire Protection District on February 11, 2019 is hereby approved for use and enforcement within the De Beque Fire Protection District. A copy of this Code and all of its amendments and appendices is, and shall remain, on file and open to the public, during normal business hours, at the office of the Mesa County Clerk and Recorder.
2. The attached Memorandum of Understanding ("MOU") is approved and the Chair of the Board of County Commissioners is authorized to sign and enter into same on behalf of Mesa County. The terms of this MOU will then bind, not only the De Beque Fire Protection District, but also the County of Mesa, to perform respective obligations, and to cooperate, all as set for the therein.

DULY MOVED SECONDED, AND PASSED THIS 20 day of May, 2019

ATTEST



Rose Pugliese  
Chair, Board of County Commissioners,  
Mesa County, Colorado



Tina Peters,  
Mesa County Clerk and Recorder

