

Effective 1/1/2017

Superseded 5/5/2021

65A-8-203 Cooperative fire protection agreements with counties, cities, towns, or special service districts.

(1) As used in this section:

(a) "Eligible entity" means:

(i) a county, a municipality, or a special service district, local district, or service area with:

(A) wildland fire suppression responsibility as described in Section 11-7-1; and

(B) wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or

(ii) upon approval by the director, a political subdivision established by a county, municipality, special service district, local district, or service area that is responsible for:

(A) providing wildland fire suppression services; and

(B) paying for the cost of wildland fire suppression services.

(b) "Fire service provider" means a public or private entity that fulfills the duties of Subsection 11-7-1(1).

(2)

(a) The governing body of any eligible entity may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance from the division, as described in this Title 65A, Chapter 8, Part 2, Fire Control.

(b) A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements of this chapter.

(3)

(a) An eligible entity may not receive financial cooperation or financial assistance under Subsection (2)(a) until a cooperative agreement is executed by the eligible entity and the division.

(b) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with, a cooperative agreement with the division, as described in this section.

(c) A county or municipality that is not covered by a cooperative agreement with the division, as described in this section, shall be responsible for wildland fire costs within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.

(4) In order to enter into a cooperative agreement with the division, the eligible entity shall:

(a) if the eligible entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;

(b) require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;

(c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the eligible entity's risk of catastrophic wildfire;

(d) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;

(e) return the financial statement described in Subsection (6), signed by the chief executive of the eligible entity, to the division on or before the date set by the division; and

(f) if the eligible entity is a county, have a designated fire warden as described in Section 65A-8-209.1.

- (5)
 - (a) The state forester may execute a cooperative agreement with the eligible entity.
 - (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the:
 - (i) cooperative agreements described in this section;
 - (ii) manner in which an eligible entity shall provide proof of compliance with Subsection (4);
 - (iii) manner by which the division may revoke a cooperative agreement if an eligible entity ceases to meet the requirements described in this section;
 - (iv) accounting system for determining suppression costs;
 - (v) manner in which the division shall determine the eligible entity's participation commitment; and
 - (vi) manner in which an eligible entity may appeal a division determination.
- (6)
 - (a) The division shall send a financial statement to each eligible entity participating in a cooperative agreement that details the eligible entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection (4)(c).
 - (b) Each eligible entity participating in a cooperative agreement shall:
 - (i) have the chief executive of the eligible entity sign the financial statement, or the legislative body of the eligible entity approve the financial statement by resolution, confirming the eligible entity's participation for the upcoming year; and
 - (ii) return the financial statement to the division, on or before a date set by the division.
 - (c) A financial statement shall be effective for one calendar year, beginning on the date set by the division, as described in Subsection (6)(b).
- (7)
 - (a) An eligible entity may revoke a cooperative agreement before the end of the cooperative agreement's term by:
 - (i) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or
 - (ii) failing to sign and return its annual financial statement, as described in Subsection (6)(b), unless the director grants an extension.
 - (b) An eligible entity may not revoke a cooperative agreement before the end of the term of a signed annual financial statement, as described in Subsection (6)(c).