



MEMORANDUM

DATE: October 10, 2018
TO: Board of County Commissioners
VIA: Katherine Miller, County Manager
Tony Flores, Deputy County Manager
David Sperling, Fire Chief
FROM: Jaome R. Blay, Fire Marshal
ITEM AND ISSUE: BCC Meeting, October 30th, 2018

Request Authorization To Publish Title And General Summary Of Ordinance No 2018-_____, An Ordinance Establishing A Fire Code For Santa Fe County By Adopting And Modifying The 2015 Edition Of The International Fire Code; Adopting And Modifying The 2015 Edition Of The International Wildland-Urban Interface Code; Regulating Fireworks And Excessive Fire Alarms; Requiring Fire Inspections; Providing For Fire Protection System Plan Reviews; Regulating Gates Obstructing Access To Properties; Providing For The Issuance Of Permits And Collection Of Fees; Repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 As Amended By 1998-11, And 2001-11; And Repealing Santa Fe County Resolution Nos. 2001-114 As Amended By 2003-47, And 2000-55. (Public Safety/Fire Marshal, Jaome Blay)

SUMMARY:

The Santa Fe County Fire Department has been researching a possible adoption of a new fire code for the past year. In collaboration with the Santa Fe County legal department and the Chief of the Santa Fe County fire department, the Fire Marshal has prepared a draft ordinance to replace the existing fire code.

BACKGROUND:

On February 13th, 2018, the Santa Fe County Fire Department presented an overview of the proposed adoption of the 2015 International Fire Code and the 2015 Wildland Urban Interface Code to the Board of County Commissioners. Following the brief overview, the County Commissioners requested a more detailed follow-up presentation, including feedback from other counties. On August 28th, 2018, the Santa Fe County Fire Department conducted a more detailed PowerPoint presentation, which included feedback from other New Mexico Counties. Following the presentation, the County Commissioners agreed to evaluate a request for publishing title and general summary of the proposed ordinance.

The main reasons Santa Fe County needs a new fire code are:

- We are the last New Mexico County still using the 1997 Uniform Fire Code.
- Consistent regulation that promotes compatibility and uniformity between the building, fire, SLDC, and wildland urban interface codes.
- Accurate designation of wildland urban interface areas.
- Fire districts' ISO rating improvement.

ACTION REQUESTED:

Approval to publish title and general summary of an ordinance establishing a fire code for Santa Fe County by adopting and modifying the 2015 edition of the International Fire Code; adopting and modifying the 2015 edition of the International Wildland-Urban Interface Code; regulating fireworks and excessive fire alarms; requiring fire inspections; providing for fire protection system plan reviews; regulating gates obstructing access to properties; providing for the issuance of permits and collection of fees; repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 as amended by 1998-11, and 2001-11; and repealing Santa Fe County Resolution Nos. 2001-114 as amended by 2003-47, and 2000-55.

EXHIBIT:

Draft of the fire code.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2018-__

AN ORDINANCE ESTABLISHING A FIRE CODE FOR SANTA FE COUNTY BY ADOPTING AND MODIFYING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING AND MODIFYING THE 2015 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE; REGULATING FIREWORKS AND EXCESSIVE FIRE ALARMS; REQUIRING FIRE INSPECTIONS; PROVIDING FOR FIRE PROTECTION SYSTEM PLAN REVIEWS; REGULATING GATES OBSTRUCTING ACCESS TO PROPERTIES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; REPEALING SANTA FE COUNTY ORDINANCE NOS. 1988-3, 1991-7 AS AMENDED BY 1998-11, AND 2001-11; AND REPEALING SANTA FE COUNTY RESOLUTION NOS. 2001-114 AS AMENDED BY 2003-47, AND 2000-55.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that:

Section 1. Short Title. This Ordinance shall be cited as “the Santa Fe County Fire Code” and shall be referred to as “the Fire Code.”

Section 2. Authority. The Fire Code is promulgated pursuant to the statutory authority set forth in NMSA 1978 §§ 3-18-6, 3-18-11, 4-37-1, 4-37-3, 4-38-1, 60-2C-1 et seq., and 10.25.5 and 10.25.6 NMAC. The Fire Code constitutes an exercise of Santa Fe County’s general powers to provide for the health, safety and prosperity of its inhabitants.

Section 3. Effective Date and Applicability. This Ordinance shall take effect thirty days after approval by the Santa Fe County Board of County Commissioners and recordation by the Santa Fe County Clerk, pursuant to NMSA 1978, § 4-37-9. It shall be effective within the unincorporated boundaries of Santa Fe County (the County), including privately owned land or land owned by the United States.

Section 4. Repeal of Ordinances and Resolutions. The following ordinances and resolutions are repealed:

- A. Ordinance 1988-3, An Ordinance Which Regulates the Manufacture, Transportation, Storage, Sale and Use of Fireworks Within the County of Santa Fe, New Mexico;
- B. Ordinance 1991-7, Santa Fe County Fire Code, as amended by Ordinance 1998-11, An Ordinance Amending Ordinance 1991-7, Fire Prevention Code to Adopt the 1997 Uniform Fire Code (UFC) and the Most Recently Published Edition Thereof;
- C. Ordinance 2001-11, An Ordinance Establishing an Urban Wildland Interface Code for Santa Fe County.

D. Resolution No. 2001-114, A Resolution Establishing Development Permit and Regular Permit Fees for Santa Fe County Fire Department, as amended by Resolution No. 2003-47, A Resolution to Amend Santa Fe County Resolution 2001-114, Development Permit and Regular Permit Fees for Santa Fe County Fire Department;

E. Resolution 2000-55, A Resolution Establishing Fire Hydrant Testing Requirements for Santa Fe County.

Section 5. Adoption of The International Fire Code, 2015 edition, including Appendix Chapters B and D. The *International Fire Code*, 2015 edition, as well as Appendix Chapters B and D (IFC), as published by the International Code Council, is hereby adopted as one component of the Fire Code of the Santa Fe County and is made a part hereof by reference subject to the additions and deletions set forth in Section 6 of this ordinance. One (1) copy of the IFC is on file in the office of the Santa Fe County Fire Prevention Division, 14 Fire Place, Santa Fe, NM 87508 and one copy is on file in the office of the County Clerk.

Section 6. Additions and Deletions to the IFC. The following modifications and deletions to the IFC are adopted as part of the Fire Code:

A. Chapter 1, Part 1, Section 101.1 is amended to read:

“101.1 Title. These regulations are part of the Fire Code, and shall hereafter be referred to as “the Fire Code” or “this Code”.”

B. Chapter 1, Part 2, Section 103.1 is amended to read:

“103.1 General. The fire prevention division of the Santa Fe County Fire Department is in existence and is under the direction of the Fire Marshal. The function of the division includes implementation, administration and enforcement of the provisions of the Fire Code.”

C. Chapter 1, Part 2, Section 103.2 is amended to read:

“Section 103.2 Fire Marshal. The position of Fire Marshal exists within the Santa Fe County Fire Department and every reference within this code to fire code official shall be a reference to the Fire Marshal. The Fire Marshal may delegate his duties as necessary to others within the fire department who shall assume those duties under the supervision of the Fire Marshal.”

D. Chapter 1, Part 2, Section 103.3 is deleted.

E. Chapter 1, Part 2, Section 103.4 is amended to read:

“103.4 Liability. This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall Santa Fe County, the Board of County Commissioners for Santa Fe County, its elected officials, appointed officials, agents, employees and volunteers, be held to assume any such liability by reason of the inspections and enforcement authorized by this code or any permits or certificates issued under this code.”

F. Chapter 1, Part 2, Section 103.4.1 is deleted.

G. Chapter 1, Part 2, Section 104.3 is amended to add:

"If reasonable efforts to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises is unsuccessful, the Fire Marshal has recourse to every remedy provided by law to secure entry."

H. Chapter 1, Part 2, Section 104.6 is amended to read:

"104.6 Official records. The Fire Marshal shall keep official records as required by Section 104.6.1 through 104.6.4. Such official records shall be retained in accordance with the Santa Fe County Retention Schedule set forth in Resolution 2013-60 or any subsequently adopted Santa Fe County retention schedule. To the extent official records are not scheduled by Resolution 2013-60 or a subsequently adopted retention schedule, and there is no statutory obligation to retain such records for a specific period of time, they shall be retained for a period of five years."

I. Chapter 1, Part 2, Section 104.6.1 is amended to read:

"104.6.1 Approvals. A record of approvals shall be maintained by the Fire Marshal in accordance with Section 104.6, and shall be available for public inspection."

J. Chapter 1, Part 2, Section 104.6.4 is amended to read:

"104.6.4 Administrative. Application for modification, alternative methods, or materials and the final decision of the Fire Marshal shall be in writing and shall be officially recorded in the records of Santa Fe County and retained in accordance with the Santa Fe County Retention Schedule."

K. Chapter 1, Part 2, Section 104.9.1 is amended to add the following after the final sentence:

"Such reports will be provided by the property owner at no expense to Santa Fe County. Research Reports shall be retained by the Fire Marshal for the period required by the retention schedule in effect for Santa Fe County at the time the records are destroyed."

L. Chapter 1, Part 2, Section 104.10 is amended to replace the final sentence with the following:

"Information that includes trade secrets or processes shall be managed in accordance with the Inspection of Public Records Act."

M. Chapter 1, Part 2, Section 105.3.7 is amended to read:

"105.3.7 Information on the Permit. The Fire Marshal may issue any permits required by the Fire Code. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the Fire Marshal. Issued permits shall bear the signature of the Fire Marshal or other approved legal authorization."

N. Chapter 1, Part 2, Section 105, is amended to delete Sections 105.6.31, 105.6.36 and 105.6.41.

O. Chapter 1, Part 2, Section 105.6.32 is amended to delete the exception for recreational fires.

P. Chapter 1, Part 2, Section 108 is deleted in its entirety and replaced with the following:

“Section 108

Appeal from Decision of Fire Marshal

108.1 Appeal of Fire Marshal Decision.

- A. Prior to appealing a decision of the Fire Marshal applying the Fire Code, including the IFC, and the IWUIC, a person aggrieved by a decision of the Fire Marshal (Grievant) must apply to the Fire Chief in writing requesting reconsideration of the decision. An appeal is only ripe if the Fire Chief enters a decision adverse to the Grievant in response to the request for reconsideration. However, if the Fire Chief does not enter a decision in response to the request for reconsideration within ten calendar days of receipt of the written request, the Grievant may proceed to appeal the Fire Marshal's decision as set forth below.
- B. Santa Fe County shall appoint a Fire Code Hearing Examiner (Hearing Examiner) capable of interpreting and applying the Fire Code, to hear appeals of decisions of the Fire Marshal regarding application and interpretation of the Fire Code. Any references within this Code to board of appeals shall be read as a reference to the Hearing Examiner.
- C. An application for appeal shall be based solely on the following grounds, singularly or in combination: that the intent of this code or the rules adopted hereunder have been incorrectly interpreted; the provisions of this code do not fully apply; or that an equivalent method of protection or safety was proposed and unnecessarily rejected.
- D. An application for appeal shall be filed by the person aggrieved by the decision of the Fire Marshal within fifteen (15) calendar days of the decision of the Fire Chief or within fifteen (15) days of the Fire Chief's failure to act on the request for reconsideration. The fifteen (15) day appeal period is jurisdictional and may not be waived. The appeal must be hand delivered to the Fire Chief or sent first class mail and post marked on or before the fifteenth day of the appeal period.
- E. The appeal must be accompanied by a money order payable to Santa Fe County in the amount of one hundred and fifty dollars (\$150.00) to cover some of the expenses incurred by Santa Fe County in the appeal process.
- F. The appeal shall be based on a claim that the Fire Code has been incorrectly interpreted or applied, the provisions of the Fire Code do not fully apply, or an equivalent method of protection or safety was proposed and unnecessarily rejected. The Hearing Examiner shall have no authority to waive requirements of the Code.
- G. The appeal shall contain a detailed description of the specific decision of the Fire Marshal (and if in writing a copy of that decision) and a clear statement of how it misinterprets or misapplies the Fire Code. The appeal

shall, cite the specific provision(s) of the Fire Code claimed to be misinterpreted or misapplied, state the date of the decision, and provide a brief statement of the reasons why the notice of violation is incorrect, or the reasons why the Fire Code provision(s) is misinterpreted or misapplied, and the contact information for the Appellant, including a mailing address. Any document submitted which fails to address these topics will be deemed incomplete and will constitute abandonment of the appeal.

H. The County Attorney's Office shall provide legal counsel to the Hearing Examiner as may be necessary for that individual to fulfill their duties and concerning matters before them.

I. Hearings shall be conducted in accordance with NMSA 1978, Sections 10-15-1 et seq., the Open Meetings Act.

J. In addition to any notice of the Hearing required by the Open Meetings Act, notice of the hearing shall be mailed by the Hearing Examiner to the Grievant and any other person who has requested in writing that the Hearing Examiner provide them with notice of the hearing, specifying the location, date and time of the hearing. Notice shall be mailed at least ten days prior to the hearing to the address of the Grievant contained in the appeal, to the Fire Marshal and to anyone who has requested notice.

K. Any hearing shall be conducted in an orderly manner and the Hearing Examiner shall exclude all irrelevant, immaterial and unduly repetitious evidence.

L. The Hearing Examiner shall afford the Grievant and the Fire Marshal an opportunity for a full and fair hearing, including the right to present evidence and call and examine witnesses to testify. The Hearing Examiner does not have the authority to issue subpoenas and the Grievant and Fire Marshal are responsible for securing the presence of witnesses to testify on their behalf.

M. The Hearing Examiner shall mail and/or email a written decision to the Grievant, the Fire Marshal and any person who requested notice of the hearing as set forth above, within fifteen (15) calendar days of the hearing, and the decision shall include findings and conclusions. The decision of the Hearing Examiner shall be final and constitutes exhaustion of all administrative remedies.

N. Every decision of the Hearing Examiner shall be made part of the official records of Santa Fe County's Fire Prevention Division.

O. The Hearing Examiner may uphold, modify or reverse the decision of the Fire Marshal, and where appropriate shall interpret the provisions and application of the Fire Code in dispute. In conducting the hearing, the Hearing Examiner shall not be limited by formal rules of evidence.

- P. The Hearing Examiner shall ensure that hearings are recorded.
- Q. Any party aggrieved by a decision of the Hearing Examiner may file an appeal with the First Judicial District Court of New Mexico within thirty (30) calendar days of the Hearing Examiner's decision. Appeals to the First Judicial District Court shall be from the record. Said record shall consist of a transcript or recording of all testimony taken during the hearing before the Hearing Examiner, all exhibits accepted into the record by the Hearing Examiner, and a copy of the Hearing Examiner's decision.
- Q. Chapter 1, Part 2, Section 109.3.3 is replaced with the following:
"If a notice of violation issued pursuant to the Fire Code is not complied with promptly, the Fire Marshal is vested with authority to prosecute violations of the Fire Code in Magistrate Court and to work with the County Attorney's Office to prosecute violations of the Fire Code and pursue injunctive and other relief when necessary in an appropriate court."
- R. Chapter 1, Part 2, Section 109.4 is deleted.
- S. Chapter 1, Part 2, Section 111.4 is amended to read:
"111.4 Failure to comply. It is a violation of the Fire Code for any person to continue any work after having been served with a stop work order, except such work as that person is directed by the Fire Marshal to perform to remove a violation or unsafe condition."
- T. Chapter 1, Part 2, Section 113.2 is deleted.
- U. Chapter 5, Section 507.5.1 is amended to read:
"507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 1,000 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Marshal.
Exceptions:
1. For Group R-3 and Group U occupancies, the distance requirement shall be 2,000 feet.
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 2,000 feet."
- V. Chapter 5, Section 503, Fire Apparatus Access Roads, is amended to add the following:
"503.7 Fire protection water supplies and fire apparatus access roads in recreational vehicles, mobile home and manufactured housing parks, sales lots, and storage lots. Fire Protection Water Supplies and Fire Apparatus Access Roads in Recreational Vehicle, Mobile Home, and Manufactured Housing Parks, Sales Lots, and Storage Lots, shall be provided and maintained in accordance with Sections 503, 507, and Appendix Chapters B and D."

W. Chapter 6, Section 603.9 is amended to read:

“603.9 Gas meters. Where required by the Fire Marshal, above-ground gas meters, regulators, and piping subject to damage shall be protected by a barrier complying with Section 312, or otherwise protected in an approved manner.”

X. Chapter 11 is deleted in its entirety and replaced with the following:

“Construction requirements for existing buildings shall be in accordance with 10.25.5.18 or such minimum standards as are enforced by the State Fire Marshal.”

Y. Chapter 57, Section 5704.2.9.6.1, including exceptions, is amended to read:

“5704.2.9.6.1 Limitation on size and location of above-ground tanks outside of buildings. Storage of Class I and II liquids in above-ground tanks outside of buildings is allowable only in those zones established by Santa Fe County Ordinance 2016-9, the Sustainable Land Development Code (SLDC), within which such a use is permitted or conditionally permitted, and then only in tanks of one thousand gallons (1,000) or less.”

Z. Chapter 57, Section 5706.2.4.4 is amended to read:

“5706.2.4.4 Limitation on size and location of above-ground tanks. Storage of Class I and II liquids in above-ground tanks is allowable only in those zones established by the SLDC, within which such a use is permitted or conditionally permitted and then only in tanks of one thousand gallons (1,000) or less.”

AA. Chapter 61, Section 6104.2 is amended to read:

“6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, the aggregate capacity of any one installation of liquefied petroleum gas storage shall not exceed a water capacity of 1,000 gallons and such storage may only be approved if such use is permitted or conditionally permitted in the applicable zone set forth in the SLDC.”

BB. Appendix B, B103.3 is replaced with the following:

“B103.3 Areas without water supply systems.

A. For minimum water supplies for fire-fighting purposes in areas in which adequate and reliable water supply systems do not exist, the Fire Marshal is authorized to utilize NFPA 1142 in conjunction with other portions of the Fire Code.

B. Water storage tanks that supply water for fire protection shall have a capacity of not less than 15,000 gallons and shall be located not more than 1,000 linear feet from any lot's buildable area for non-residential and 2,000 linear feet for one and two family dwellings. The Fire Marshal shall have the authority to increase the fire flow rate, fire flow duration, and water tank distance based on fire department access to the building and building site fire hazard severity.”

CC. Appendix B, B105.1 is replaced with the following:

“B105.1. One- and two-family dwellings, except Group R-3 and R-4 buildings, and townhouses.

One- and two-family dwellings. The required water supply for one- and two-family dwellings having a fire-flow calculation area that does not exceed 4,800 square feet

in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area, shall be 1,000 gallons per minute for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire-flow calculation area in excess of 4,800 square feet in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area shall be a minimum of 1,500 gallons per minute for a minimum duration of 30 minutes.

Must meet the following requirements:

Fire department access including road dimensions, road grade, turnarounds, and turnouts shall, at a minimum, comply with the Santa Fe County Sustainable Land Development Code and Fire Code.

Exception:

A reduction in required flow rate of 50 percent, if approved by the Fire Marshal, is allowed where the building is provided with an approved automatic sprinkler system.”

DD. Table B105.1(1) is replaced by the following:

“Required fire-flow for one- and two-family dwellings, except Group R-3 and R-4 buildings, and townhouses. One- and two-family dwellings. The required water supply for one- and two-family *dwellings* having a fire-flow calculation area that does not exceed 4,800 square feet in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area shall be 1,000 gallons per minute for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire-flow calculation area in excess of 4,800 square feet in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area shall be a minimum of 1,500 gallons per minute for a minimum duration of 30 minutes.

Must meet the following requirements:

Fire department access including road dimensions, road grade, turnarounds, and turnouts shall, at a minimum, comply with the Santa Fe County Sustainable Land Development Code and Fire Code.

Exception:

A reduction in required flow rate of 50 percent, as approved by the Fire Marshal, is allowed where the building is provided with an approved automatic sprinkler system.”

EE. Appendix D, Section 103.1 is replaced with the following:

“D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 20 feet.”

Section 7. The *International Wildland-Urban Interface Code*, 2015 edition, as well as Appendix Chapters A, B, and C (IWUIC), as published by the International Code Council, is hereby adopted as part of the Fire Code and is made a part hereof by reference subject to the additions and deletions set forth in Section 8 of this ordinance. One (1) copy of the IWUIC is on file in the office of the Santa Fe County Fire Prevention Division, 14 Fireplace, Santa Fe, NM, 87508 and one copy is on file in the office of the County Clerk.

Section 8. Additions and Deletions to the IWUIC.

The following modifications and deletions to the IWUIC are adopted as part of the Fire Code:

A. Chapter 1, Section 101.1 is amended to read:

"101.1 Title. The regulations set forth in the IWUIC shall be known as the Wildland-Urban Interface Code of Santa Fe County and are part of the Fire Code."

B. Chapter 1, Section 103.1 is amended to read:

"103.1 Enforcement agency. The Fire Marshal is hereby authorized to enforce the requirements of the IWUIC."

C. Chapter 1, Section 103.2 is deleted.

D. Chapter 1, Section 103.3 is deleted.

E. Chapter 1, Section 104.3 is deleted.

F. Chapter 1, Section 104.3.1 is deleted.

G. Chapter 1, Section 105.3 is amended to read:

"105.3 Alternative materials or methods. The Fire Marshal, in collaboration with the Fire Chief, is authorized to approve alternative materials or methods, provided that the Fire Marshal finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, prescribed by this code. The Fire Marshal shall require that sufficient evidence or proof be submitted to substantiate any claims made regarding the use of alternative materials or methods. The details of any action granting approval of an alternative shall be recorded and entered in the files of the code enforcement agency. Where the alternative material, design or method of construction is not approved, the Fire Marshal shall respond in writing, stating the reasons the alternative was not approved."

H. Chapter 1, Section 106 is deleted and appeals shall be processed in accordance with Section 6(P) above.

I. Chapter 1, Section 109.4.7 is amended to read:

"109.4.7 Violation penalties. Anyone who violates a provision of the IWUIC or fails to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Marshal, or of a permit or certificate used under provisions of the IWUIC, shall be punished by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment."

J. Chapter 1, Section 112.1 is amended to read:

"112.1 Fees. A permit shall not be issued under the IWUIC until the fees required by the Fire Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid."

K. Chapter 1, Section 112.2 is deleted.

L. Chapter 1, Section 112.5 is deleted.

M. Chapter 1, Section 113.2 is deleted.

N. Chapter 1, Section 114.2 is amended to read:

“114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner’s authorized agent or to the person doing the work. Immediately thereafter the owner shall ensure that the cited work ceases. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.”

O. Chapter 1, Section 114.4 is amended to read:

“114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of the Fire Code.”

P. Chapter 2, Section 202 is amended to delete the definition for building official.

Q. Chapter 3, Section 302 is amended to delete Sections 302.1 through 302.3 and replace them with the following:

“302 Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the wildland-urban interface area map attached hereto as Exhibit A and available in the GIS division of Santa Fe County by reference to the Vegetation Classification layer.”

R. Chapter 4, Section 402.2.2, is amended to delay implementation of Exception 1 until such time as Chapter 5 of the IWUIC is implemented.

S. Chapter 4, Section 403.2.1 is amended to read:

“403.2.1 Dimensions. Driveways shall provide a minimum unobstructed width of 14 feet and a minimum unobstructed height of 13 feet 6 inches.”

T. Chapter 4, Section 403.2.3 is deleted.

U. Chapter 4, Section 403.2.5 is amended to read:

“403.2.5 Turnouts. Driveway turnouts shall be an all-weather road surface not less than 20 feet wide and 40 feet long. Driveway turnouts shall be located as required by the Fire Marshal in order to facilitate ease of access by emergency vehicles.”

V. Chapter 4, Section 404.5 is amended to read:

“404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. One- and two-family dwellings. The required water supply for one- and two-family *dwellings* having a fire-flow calculation area that does not exceed 4,800 square feet in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area, shall be 1,000 gallons per minute for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire-flow calculation area in excess of 4,800 square feet in the extreme WUI area, 6,200 square feet in the high WUI area, and 7,700 square feet in the moderate WUI area, shall be a minimum of 1,500 gallons per minute for a minimum duration of 30 minutes. A reduction in

the required flow rate of 50 percent, as approved by the Fire Marshal, is allowed where the building is provided with an approved automatic sprinkler system.

Must meet the following requirements:

Fire department access including road dimensions, road grade, turnarounds, and turnouts shall comply, at a minimum, with the Santa Fe County Sustainable Land Development Code and Fire Code.

2. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one and two-family dwellings shall be as approved by the Fire Marshal but shall not be less than 1,500 gallons per minute (95 L/s) for a duration of 2 hours. A reduction in required flow rate of up to 75 percent, as approved by the Fire Marshal, is allowed where the building is provided with an approved automatic sprinkler system. The resulting water supply shall not be less than 1,500 gallons per minute (94.6 L/s)."

W. Chapter 4, Section 404.6 is deleted.

X. Chapter 5 shall not go into effect until such time as the Board of County Commissioners amends this ordinance to specify the position within the Santa Fe County Fire Department responsible for enforcement of the requirements of Chapter 5.

Y. Chapter 6, Section 602 is amended to read:

"602.1 General. An approved automatic sprinkler system or alternative fire protection water supply may be required based on fire department access to the building and building site fire hazard severity. The Fire Marshal is authorized to utilize NFPA 1142 or the International Fire Code regarding fire protection requirements. The installation of the automatic sprinkler and/or alternative fire protection water supply systems shall be in accordance with nationally recognized standards."

Z. Chapter 6, Section 606.1 is amended to read:

"606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the Fire Code."

AA. Appendix C is amended to replace the word "subdivision" with the word "development".

BB. Appendix C is further amended to replace Section B with the following text and accompanying exhibit:

"B. Vegetation

1. Defensible Space

a. Fully compliant with Santa Fe County Vegetation Management Plan attached hereto as Exhibit B. 1

b. Compliant with Zone 1 but not Zone 2 of Vegetation Management Plan 10

Section 9. Definitions.

This ordinance adopts the definitions contained in those portions of the IFC adopted by this ordinance and the definitions contained in those portions of the IWUIC adopted by this ordinance. This ordinance also adopts the definitions contained in NMSA 1978, Section 60-2C-2.

Section 10. Fireworks

A. For purposes of this Section of the Fire Code, in those instances where the terms are defined in the Fire Code and in both locations, the definitions found at NMSA 1978, Section 60-2C-2 and 7 shall apply rather than the definitions set forth in the Fire Code.

B. Permissible Fireworks

1. Only the holder of a permit for a fireworks display issued by the Fire Marshal may ignite or discharge any fireworks in Santa Fe County. It shall be unlawful for any person to possess for sale, sell or offer for sale at retail, or use, within the County of Santa Fe, New Mexico, any fireworks other than the permissible fireworks set forth in NMSA 1978, § 60-2C-7.

2. No fireworks shall be discharged within one hundred (100) feet of any fireworks retail sales location.

3. No person shall ignite or discharge any fireworks within or throw the same from a motor vehicle while within a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

C. Fireworks – Public Displays

1. Only the holder of a permit for a fireworks display issued by the Fire Marshal may ignite or discharge fireworks in a public display in Santa Fe County. The Fire Marshal may grant permits for supervised and controlled public displays of fireworks. Once applied for, such permits may be granted by the Fire Marshal subject to such restrictions and conditions as the Fire Marshal imposes to protect the public's interest in a safe fireworks display. Every such display shall be handled by a competent operator duly approved by the Fire Marshal and shall be of such composition, character and so located, discharged or fired, to not be hazardous to property or endanger life.

2. An application for a fireworks permit shall be made in writing at least thirty (30) days in advance of the date of the display. If the permit is granted, the use of fireworks for such display shall be lawful for that purpose only.

3. Before any permit for fireworks display is issued, the applicant shall furnish proof of financial responsibility by either providing a bond or letter of credit in the amount of not less than \$2,000,000 (two million dollars) per claim, \$5,000,000 (five million dollars) aggregate, to satisfy any claims for damages to property or personal injuries arising out of any act or omission on the part of the applicant or any agent or employee of the applicant.

Section 11. Excessive Fire Alarms

A. In the event of a failure of a fire protection system, or three or more unintended activations of the same fire protection system within 30 (thirty) calendar days, the Fire Marshal is authorized to require the building owner to provide a fire watch until the fire protection system is repaired.

B. It shall be a violation of the Fire Code for a property owner to have three unintended activations of the same fire protection system within 30 (thirty) calendar days.

C. When a fourth and succeeding unintended activation of the same fire protection system occurs within 30 (thirty) calendar days, the fourth and subsequent activations shall each constitute a separate violation of the fire code.

Section 12. Permits

A. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by the Fire Code, or to cause any such work to be performed, shall first make application to the Fire Marshal and obtain the required permit.

B. Required permits in Santa Fe County are as set forth in Section 105 of the IFC.

C. Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by the IFC Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

Section 13. Annual Fire Inspections

A. The owner of a property which houses one or more of the following types of occupancies, as defined by the IFC, shall obtain an annual fire inspection, both prior to commencement of operations and each year thereafter, to confirm compliance with the Fire Code:

1. Assembly Group A-1
2. Assembly Group A-2
3. Assembly Group A-3 > 3,000 sf
4. Educational Group E
5. Institutional Group I-1
6. Mercantile Group M > 6,000 sf
7. Residential Group R-1.

B. The property owner shall pay the annual fire inspection fee prior to inspection.

C. Thereafter, the inspection shall occur and then the Fire Marshal shall mail to the property owner an inspection report specifying each deficiency under the Fire

Code and how and when compliance with the Fire Code must be accomplished. A property owner who fails to correct violations identified in the inspection report within the time frame established in that report will be charged a re-inspection fee when the Fire Marshal inspects their property, unless the property owner has been actively working with the Fire Marshal to remedy the violations and the Fire Marshal has granted an extension of time to comply. Failure of the property owner to timely comply with the requirements of this Section and/or remediate in accordance with the inspection report or any written extension of time granted by the Fire Marshal shall constitute a violation of the Fire Code.

Section 14. Fire Protection Systems Plan Review Submittal

A. Construction Documents. Any applicant for a development permit constructing or modifying a building, must provide the Fire Marshal construction documents and calculations for all fire protection systems existing or to be installed.

B. Installation Acceptance Testing: Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, fire protection water supply tanks, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the Fire Marshal. The Fire Marshal shall be notified before any required acceptance testing and must be present for the testing. If a development permit is issued conditioned on compliance with this provision, failure to comply with the provision shall constitute a violation of the Fire Code.

C. Submittals: Construction documents for the fire protection system and supporting data shall be submitted to the Fire Marshal in two or more sets with each application for a development permit and in such form and detail as is required by the Fire Marshal and shall meet the minimum requirements of the New Mexico State Fire Marshal's Office of Fire Code Enforcement and Regulation.

Section 15. Gates Obstructing Access to Properties

All properties with security gates installed must equip the gates obstructing access with a means of emergency operation approved by the Fire Marshal. The gates and the emergency operation shall be operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

Section 16. Fees

Fire inspections shall be conducted by the Fire Prevention Division for the purposes of fire prevention and protection. An applicant for plan review, fire inspection, and/or a permit, must pay the following fees at the time the application is submitted and prior to work commencing on the application:

A. Fire Protection Systems Plan Review and Construction Permit issued in accordance with Section 105 of the IFC and Section 14

- | | |
|-----------------------------------|-----------|
| 1. Commercial automatic sprinkler | \$ 200.00 |
|-----------------------------------|-----------|

- | | |
|---|-----------|
| 2. Commercial fire alarm/detection | \$ 150.00 |
| 3. Commercial alternative automatic extinguishing | \$ 100.00 |
| 4. Commercial water tank/draft hydrant | \$ 100.00 |
| 5. Residential automatic sprinkler | \$ 75.00 |
| 6. Residential water tank/draft hydrant | \$ 75.00 |
| 7. Resubmissions | \$ 50.00 |
- B. Operational Permit Fire Inspection issued in accordance with Section 105 of the IFC \$ 50.00 per permit*
- *Open burn permits are free of charge
- C. Annual Fire Inspection Required By Section 13
- | | |
|---|-----------|
| 1. Inspection prior to commencement of operations | |
| a. No impact and low impact | \$ 25.00 |
| b. Businesses of 1,500 square feet or less | \$ 50.00 |
| c. Businesses of 1,501 to 3,000 square feet | \$ 75.00 |
| d. Businesses of 3,001 to 6,000 square feet | \$ 100.00 |
| e. Businesses of 6,001 to 9,000 square feet | \$ 125.00 |
| f. Businesses of more than 9,000 square feet | \$ 150.00 |
| g. Re-inspections | \$ 50.00 |
| 2. Annual Inspection each year after commencement of operations | |
| a. Businesses of 1,500 square feet or less | \$ 50.00 |
| b. Businesses of 1,501 to 3,000 square feet | \$ 75.00 |
| c. Businesses of 3,001 to 6,000 square feet | \$ 100.00 |
| d. Businesses of 6,001 to 9,000 square feet | \$ 125.00 |
| e. Businesses of more than 9,001 square feet | \$ 150.00 |
| f. Re-inspections | \$ 50.00 |
- D. Site Development, Subdivision Plan, Subdivision Exemptions, and other Plat Reviews Required by the Sustainable Land Development Code
- | | |
|----------------|--|
| 1. Commercial | \$ 50.00 |
| 2. Residential | \$ 25.00 per structure
or if no structure per lot |
- E. Conceptual Plan Review Required by the Sustainable Land Development Code
- | | |
|----------------|-----------|
| 1. Commercial | \$ 150.00 |
| 2. Residential | \$ 150.00 |
| 3. Amendment | \$ 75.00 |
- F. Special Events and Films As Required by the Sustainable Land Development Code \$ 50.00

Section 17. Enforcement.

The Fire Marshal shall have the authority to enforce this ordinance in a court of competent jurisdiction and in accordance with Section 109 of the IFC and Section 109 of the IWUIC. The procedures set forth in Section 109 of the IFC shall be utilized to process violations of provisions of the Fire Code not contained in the IFC or IWUIC.

Section 18. Penalties.

Violations of the Fire Code shall be punishable in accordance with NMSA 1978, Section 4-37-3. A violation of the Fire Code is a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300) and/or imprisonment for a period not to exceed ninety (90) days.

Section 19. Retroactive Application.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action commenced under any ordinance hereby repealed.

Section 20. Severability. If any court of competent jurisdiction decrees that any specific provision of the Fire Code is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment.

ADOPTED BY THE GOVERNING BODY OF THE COUNTY OF SANTA FE this _____ day of _____, 2018.

ATTEST:

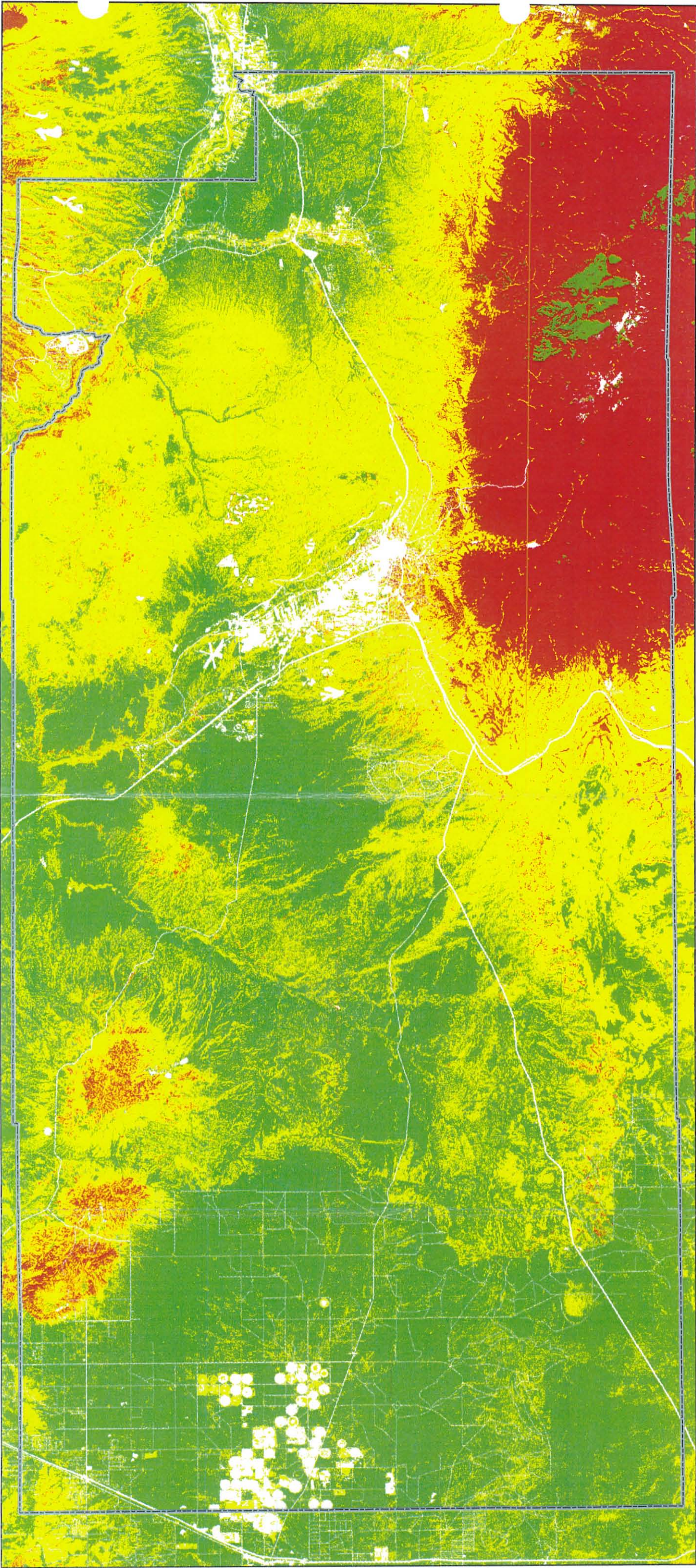
By: _____
Anna Hansen, Chair

Geraldine Salazar
Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:

R. Bruce Frederick
Santa Fe County Attorney



**Santa Fe County
Wildland Urban Interface
Areas**

- Extreme
- High
- Moderate
- Not Classified
- County Boundary

The source data consists of the vegetation classification from the U.S. Forest Service 2014 Landfire Mapping. The classifications have been aggregated and grouped into categories appropriate for the Santa Fe County region. Fire hazard severity levels were then determined based upon these categories.



1:285,363

1 inch represents 4.5 miles



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



October 30, 2018

EXHIBIT B

Santa Fe County Vegetation Management Plan

Zone 1

- Zone 1 extends 30 feet out from buildings, structures, decks, etc.
- Minimum of 5 feet of non-combustible material around house.
- Cut or mow annual grass
- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trim trees regularly to keep branches a minimum of 10 feet from other trees.
- Remove branches that hang over your roof and keep dead branches 10 feet away from your chimney.
- Relocate wood piles into Zone 2.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a separation between trees, shrubs and items that could catch fire, such as patio furniture, wood piles, swing sets, etc.
- Keep all trees Branches at least 10 feet from building

Zone 2

- Zone 2 extends 100 feet out from buildings, structures, decks, etc.
- Create horizontal spacing between shrubs and trees. (See diagram)
- Cut or mow annual grass down to a maximum height of 4 inches.
- Create vertical spacing between grass, shrubs and trees. (See diagram)
- Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of 3 inches.

Plant and Tree Spacing

The spacing between grass, shrubs, and trees is crucial to reduce the spread of wildfires. The spacing needed is determined by the type and size of brush and trees, as well as the slope of the land. For example, a property on a steep slope with larger vegetation requires greater spacing between trees and shrubs than a level property that has small, sparse vegetation.

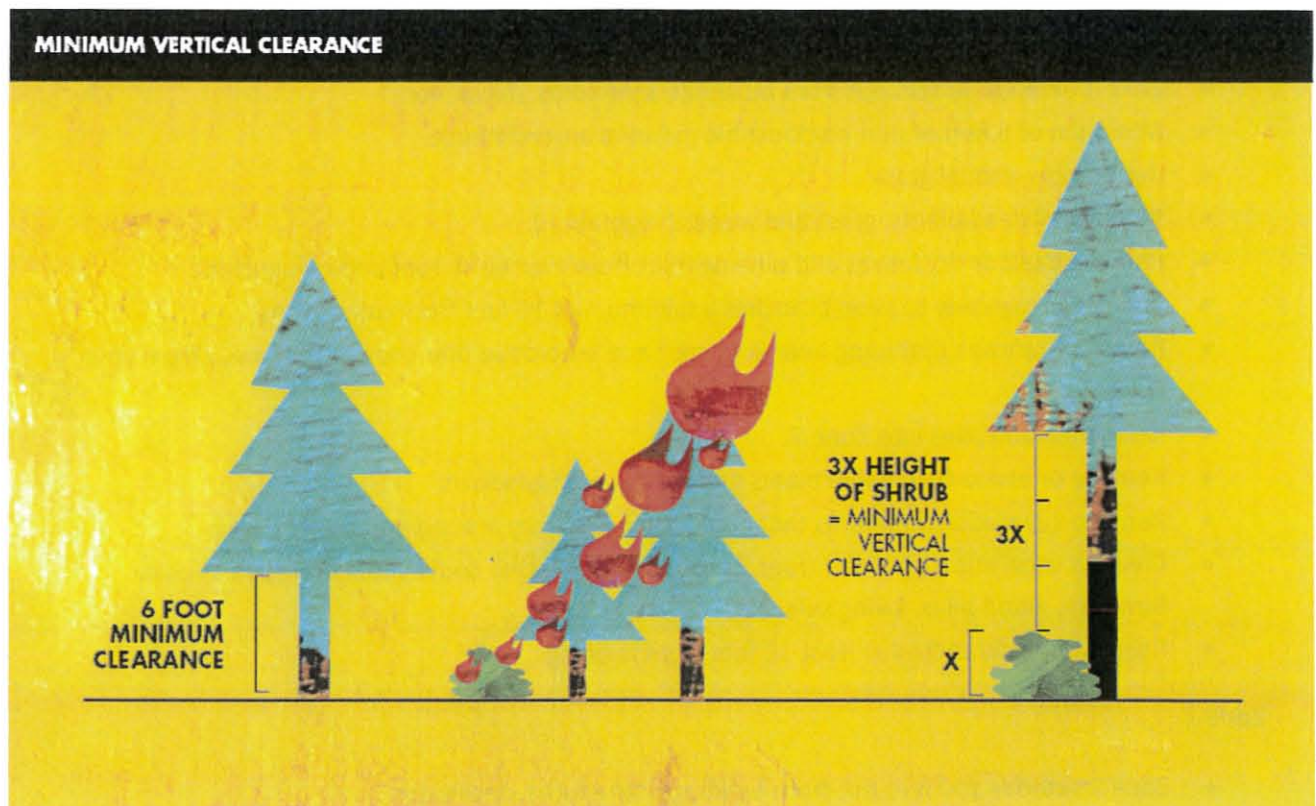
Vertical Spacing

Remove all tree branches at least 6 feet from the ground. (Pinion and juniper branches should be removed 3 feet from ground with no grass or shrubs nearby.)

Allow extra vertical space between shrubs and trees. Lack of vertical space can allow a fire to move from the ground to the brush to the tree tops like a ladder.

To determine the proper vertical spacing between shrubs and the lowest branches of trees, use the formula below.

EXHIBIT B



Example: A five foot shrub is growing near a tree. $3 \times 5 = 15$ feet of clearance needed between the top of the shrub and the lowest tree branch.

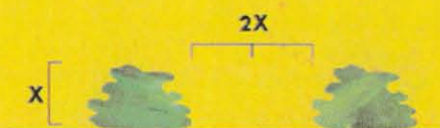
Horizontal Spacing

Horizontal spacing depends on the slope of the land and the height of the shrubs or trees. Check the chart below to determine spacing distance.

EXHIBIT B

MINIMUM HORIZONTAL CLEARANCE

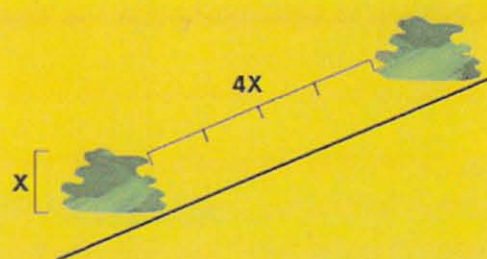
SHRUBS



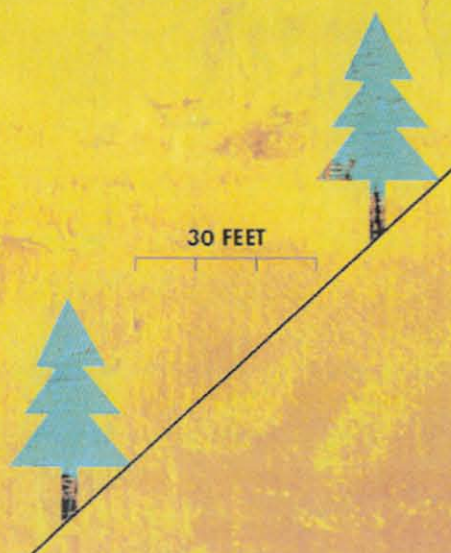
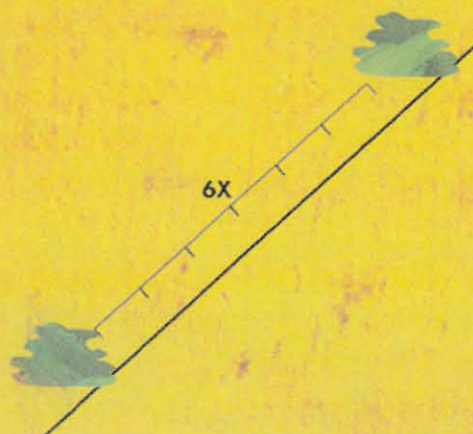
TREES



FLAT TO MILD SLOPE (LESS THAN 20%)



MILD TO MODERATE SLOPE (20%-40%)



MODERATE TO STEEP SLOPE (GREATER THAN 40%)

