

Santa Fe County

Ordinance No. 1998 - 11

1528131

**An Ordinance Amending Ordinance 1991-7,
Fire Prevention Code to Adopt the 1997 Uniform Fire Code
(UFC) and the Most Recently Published Edition Thereof**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, THAT THIS ORDINANCE WILL AMEND THE SANTA FE COUNTY FIRE CODE AS FOLLOWS:

Sections:

- Section 1. Intent and Scope
- Section 2. Adoption of Fire Codes
- Section 3. Establishment, Authority and Duties the Fire Prevention Division
- Section 4. Definitions
- Section 5. Establishment of Limits of Districts In Which Storage of Flammable Combustible Liquids in Outside Aboveground Tanks Is To Be Prohibited/Restricted.
- Section 6. Establishment of Limits of Districts In Which Bulk Storage of Liquefied Petroleum Gases Is To Be Prohibited/Restricted.
- Section 7. Establishment of Limits of Districts in Which Storage of Explosives And Blasting Agents Is To Be Prohibited.
- Section 8. Amendments Made In the Fire Prevention Code.
- Section 9. Conflicting Provisions.
- Section 10. Appeals.
- Section 11. New Materials, Processes or Occupancies Which May Require Permits.
- Section 12. Enforcement - Penalties
- Section 13. Repeal of Conflicting Ordinances
- Section 14. Validity
- Section 15. Renovations and Modifications
- Section 16. Effective Date

Section 1. Intent.

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It is the intent of this Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of the life safety and welfare of the people of Santa Fe County and their property. The Fire Prevention Code takes into consideration the unique environment, of the Santa Fe County economy, social structure and living patterns of its residents.

Therefore this Ordinance must afford flexibility at the discretion of the Fire Chief and or Fire Marshal to implement any and all appropriate measures to protect the residents of Santa Fe County.

Section 2. Adoption of Fire Codes.

There are adopted by the Incorporated County of Santa Fe, New Mexico, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes known as: (1) the 1997 Uniform Fire Code, including Appendix Chapters A-1-A, A-1-C, A-II-A, A-II-B, A-II-D, A-II-E, A-II-F, A-II-G, A-II-H, A-II-I, A-II-J, A-III-A, A-III-B, A-III-C, A-III-D, A-IV-A, A-IV-B (as revised), A-V-A, A-VI-A, A-VI-B, A-VI-C, A-VI-D, A-VI-E, A-VI-F, A-VI-G, A-VI-H, A-VI-I, and, the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1997 and all subsequent amendments or revisions thereof or most recently published editions thereof; (2) the Life Safety Code (NFPA 101) published by the National Fire Protection Association, being particularly the 1997 and all subsequent amendments or revisions thereof or most recently published edition thereof. The National Fire Protection Association (NFPA) standards as applicable to the Uniform Fire Code and the NFPA Fire Protection Handbook, being particularly the 1997 or most recently published editions thereof and the applicable standards of the most recently published Santa Fe County Land Use Code and Extraterritorial Zoning Ordinance and any amendments or revisions thereof which are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, the provisions thereof shall be controlling within the limits of the Incorporated County of Santa Fe.

One or more copies of such codes shall be filed in the office of the Clerk, County Attorney and the Land Use Administrator, and other such copies shall be kept at the Fire Department offices.

Section 3. Establishment, Authority and Duties of Fire Prevention Division.

The Fire Prevention Code shall be enforced by the Fire Marshal's Office of The County Fire Department, which is established and which shall be operated under the supervision and direction of the Chief of the Fire Department of the County. The Fire Marshal shall be appointed by the Fire Chief, to exercise the powers and his authority as set forth in the Fire Prevention Code.

It is the duty of the Fire Marshal to implement, interpret and enforce the provisions of all adopted Fire Codes and this Ordinance in order to protect the life, safety and welfare of the people and property of Santa Fe County.

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The Fire Marshal shall consider the unique environment, economy, social structure and living patterns of the residents of Santa Fe County in the application of this Ordinance and adopted Codes.

Section 4. Definitions.

- A. Whenever the words "adopted codes" are used herein, they mean the Codes adopted in Section 1, pursuant to this Ordinance.
- B. Whenever the words "Chief Of The Bureau or DOF Fire Prevention" are used in the adopted codes, they mean the Fire Marshal. Whenever the word "jurisdiction" is used in the adopted codes, it means the County. "Heavy industrial" means gas or service stations, wholesale, warehouse, distribution or general industry as established in the County Land Use Code.
- C. Ordinance means this Ordinance Amending and adopting the 1997 Uniform Fire Code and the most recently published edition thereof.
- D. All other adopted definitions shall be those found in the Uniform Fire Code.

Section 5. Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is to be prohibited/restricted.

The limits referred to in the Uniform Fire Code in which storage of flammable or combustible liquids is restricted, are hereby established as follows:

All areas except those within heavy industrial zone, M-2, as defined in Title 16 of the Code and those areas outside the County's zoning authority by reason of exclusive ownership and control by the United States of America or the State of New Mexico.-

Upon presentation of plans conforming with design criteria as established by the Uniform Fire Code, the Fire Marshal, as defined by the Uniform Fire Code, may approve the storage of flammable liquids in approved vaulted aboveground tanks in areas where such storage is not prohibited.

The portions of property, referred to in the Uniform Fire Code, as areas in which bulk plants or terminals for flammable or combustible liquids are received, shall be limited as follows:

In all areas within Santa Fe County, other than those zoned and designated "heavy industrial" districts by the Board of County Commissioners of Santa Fe County, the bulk plants or terminals referred to in the Uniform Fire Code are prohibited.

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Section 6. Establishment of limits in which bulk storage of liquefied petroleum gases is to be prohibited/restricted.

The limits referred to the Uniform Fire Code in which storage of liquefied petroleum is restricted, are hereby established as follows:

All areas except those zoned as heavy industrial zone as defined in the County Code and those areas outside the County's zoning authority by reason of exclusive ownership and control by the United States of America or the State of New Mexico.

Upon presentation of plans conforming with design criteria as established by the Uniform Fire Code, the Fire Marshal, as defined within the Uniform Fire Code, may approve the location of such storage in areas where such storage is not prohibited by the Uniform Fire Code, and this Fire Protection Code.

Section 7. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The limits referred to in the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the entire County except those areas outside the County's zoning authority by reason of exclusive ownership and control by the United States of America or State of New Mexico.

Section 8. Amendments made in the Fire Prevention Code.

The adopted Codes allow the ownership, possession and discharge of fireworks classified as groundwork's within the county, and allow these fireworks to be sold within the County, pursuant to the rules and regulations of the State Fire Marshal, State Corporation Commission and Santa Fe County Code.

The 1997 Uniform Fire Code is revised as follows:

1994 UNIFORM FIRE CODE REVISIONS/DELETIONS	
REVISED	79 Flammable and Combustible Liquids
REVISED	88 Aerosol Products
DELETED	A-I-B Life Safety Requirements for Existing High-Rise Buildings
REVISED	A-III-A Minimum Rural Modification Requirements
DELETED	A-III-B Modifications to Hydrant Placement
REVISED	A-IV-B Christmas Trees

Section 9. Conflicting provisions.

In the event there exists conflicting requirements within the provisions of the adopted Codes, such conflicts shall be resolved in favor of the stricter provisions.

Section 10. Appeals.

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Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the adopted Codes do not apply, or that the true intent and meaning of the Codes have been misconstrued or wrongly interpreted, the applicant may appeal, in writing, from the decision of the Fire Marshal, to the Santa Fe County Development Review Committee, Extraterritorial Zoning Authority and Extraterritorial Zoning Commission or the Board of County Commissioners whichever body governs the jurisdiction in which the affected property lies. The appeal must be submitted five (5) calendar days from the date of the decision. The applicant must state the grounds for the appeal, consisting of specific statements of fact, specifying the sections of the Codes and Ordinance upon which the appeal is based, and cause for appeal.

Section 11. New materials, processes or occupancies which may require permits.

The Fire Marshal, in consultation with the Chief of the Fire Department, shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the adopted Codes. Such determinations and specifications shall be posted in a conspicuous place in the office of the County Clerk, and copies thereof shall be made available to interested persons.

Section 12. Enforcement-Penalties.

A. Complaints.

Whenever a violation of this Ordinance or adopted Code occurs or is alleged to have occurred, any person may file a written complaint, such complaint, stating fully the causes and basis thereof, shall be submitted to the Office of the Fire Marshal. The Office of the Fire Marshal shall investigate promptly and take action thereon as follows:

B. Inspection.

The Fire Marshals Office shall, when required, inspect a site or building(s) where provisions of the Ordinance or adopted Codes are alleged to have been violated

C. Notice of Violation.

Where provisions of this Ordinance or adopted Codes are being violated, notification in writing shall be submitted to the owner or tenant of the property, indicating the nature of the violations and ordering the action necessary to correct it. Such notice shall require the taking of any other action authorized by this Ordinance and or adopted Codes to ensure compliance with or to prevent violations of its provisions. The provisions of this Section shall not preclude the citation of a violator without first issuing a Notice of Violation.

D. Violations of the Ordinance and or Adopted Codes.

In addition to any penalty or other remedy provided by law, any person, corporation, entity or organization, found to have committed a violation of any of the provisions of the Ordinance or adopted Codes, shall be punished by a fine of up to \$300.00 or imprisonment up to six (6) months, or both a fine and imprisonment. Each-day on which the Ordinance or adopted Codes are violated shall constitute a separate violation.

E. Injunctive Relief, Mandamus.

The Board, the District Attorney or the Attorney General may apply to the District Court for Injunctive Relief

Section 13. Repeal of Conflicting Ordinances.

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the 1997 edition of the Uniform Fire Code and all subsequent amendments or revisions thereof or most recently published editions thereof, and other adopted Codes, as adopted and amended herein are hereby repealed.

Section 14. Validity.

The Santa Fe County Commission hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the adopted Codes, as adopted and amended herein, be declared for any reason to be invalid, it is the intent of the County that it would have passed all other portions of this Ordinance and adopted Codes independent of the elimination heretofore of any such portion as may be declared invalid.

Section 15. Renovations and Modifications.

Any building or structure which undergoes renovation or modification in excess of 49% (i.e., 50% or more) in area as assessed by the County Land Use Administrator shall be required to meet the current Fire Code requirements found and adopted through this Ordinance and Ordinance 1998-_____, An Ordinance Amending Ordinance 1996 - 10 Article IV, Section I, Article VII, Section 6.7.

The Fire Marshal shall make his determination on a case by case review utilizing his discretionary powers the Uniform Building Code (UBC), and the Uniform Fire Code in conjunction with other relative sections of this Ordinance as applicable.

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Section 16. Effective Date.

This Ordinance Code shall become effective on the 30th day after recording of the Ordinance in the County Ordinance book. Any re-recordings or recompilation of the adopted Codes or this Ordinance shall not effect this "Effective Date."

Fire Prevention Permits, Fines and Damage Obligations

Section 1. Fire Prevention Code Permits.

Applications for the following permits are required:

- A. Permit for outdoor burning of vegetation
- B. Permit for bonfire
- C. Permit for fireworks display

NOTE: Fireworks permits must be reviewed and approved by the Fire Marshal.

- D. Permit for blasting

A permit constitutes permission to maintain, store, use or handle materials, or to conduct processes, which may produce conditions hazardous to life or property and to install equipment used in connection with such activities. Such permission is conditional and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by State or Federal law. Fireworks displays and permit-required blasting require a temporary business license from the County Land Use Administrator that must be approved by the Fire Marshal.

Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Marshal and/or the Land Use Administrator as appropriate. Permits shall be subject to inspection at all times by the Fire Department and the Land Use department or other authorized person(s) and shall also comply with applicable Santa Fe County Land Use and Environmental regulations.

Before a permit is issued to use explosive materials, the applicant shall file an acceptable surety bond with the Land Use department or a public liability insurance for an amount to be determined by the Land Use Administrator and/or the Fire Marshal for the purpose of the payment of damages to persons or property and/or reclamation which arise from or are caused by the conduct of an act authorized by the permit. The Land Use Administrator or the Fire Marshal is authorized to specify a greater or lesser amount when, in their opinion, conditions at the location of use indicate a greater or lesser amount is required.

Exception: Government entities shall be exempted from paying for a permit to blast, pursuant to the Uniform Fire Code.

Section 2. Obligation for damages and security therefore.

The applicant shall be obligated to pay for damages attributable to the permitted activity. A bond, liability insurance, and escrow deposit or other appropriate security may be required as a condition for issuance of particular permit if, in the opinion of the Fire Marshal, such security should be required for the requested activity.

Section 3. Fines for consecutive responses to false alarms.

In the event of a failure of a fire-protection system or an excessive number of accidental activations, the Fire Marshal is authorized to require the building owner or occupant to provide fire watch personnel until the system is repaired. (UFC 1001.5.3.1)

Upon receipt of the third false alarm, to the same location within 30 calendar days, a citation shall be issued. The person, corporation, entity or organization found to have committed this action shall be punished by a fine of up to \$300.00 or imprisonment up to 6 months or both in addition to any penalty or other remedy provided by law.

When a fourth such false alarm occurs, and/succeeding false alarms occur, a citation shall be automatically issued for each occurrence with the same penalties applying.

The same fine schedule shall be utilized in accordance with false bomb scares, bomb scares where a device is found, false fire alarms, and any other type of malicious false alarm in which a perpetrator(s) is positively identified.

Nothing in this Section or Ordinance shall preclude the Fire Marshal to seek any other penalties or remedies provided by the law.

Article 79 - Flammable and Combustible Liquids

To enforce the Code as written, plastic containers of Class I and Class II liquids must be removed from store shelves and out of general purpose warehouses with very few exceptions. Section 7902.1.8.1.3 of the Uniform Fire Code (1997 Edition and all subsequent amendments) requires that an exception be added to allow mercantiles, such as auto parts stores, convenience stores, etc., to continue to display Class I and Class II liquids in plastic containers for merchandising purposes on their shelves. This exception will not preclude the installation of automatic fire protection systems as defined or required in subsequent applicable or related sections.

This exception is designed to allow this latitude to business owners while not limiting recognized fire protection methodologies designed to minimize/mitigate the magnitude of a fire involving this type of hazard.

7902.1.8.1.3 Plastic Containers.

Exception: 1) Mercantile establishments shall be allowed to display Class I and Class II liquids in plastic containers up to one-liter in size, for merchandising purposes. This exception is not intended to become a substitute for large quantity storage as defined by Liquid Storage Warehouse and Aerosol Warehouse of the Code.

Article 88 - Aerosols

8802.1.9.2 Retail display. Not more than 500 pounds of Levels 2 and 3 aerosols shall be displayed in retail sales occupancy. The display of Levels 2 and 3 aerosols shall be permitted in basements, per 8802.1.5.

Appendix III-A, Minimum Rural Modification Requirements

Whereas the development lies outside the two mile Extra Territorial Zoning boundaries of the City of Santa Fe and/or is outside of the boundaries of an approved water system capable of supplying required flow as specified in Table III-A-1 of this Code, the Santa Fe County Fire Marshal shall make the best assessment and determination of required water supplies, storage, delivery systems, pressures and other fire protection measures for fire suppression based upon all applicable standards, codes, economic factors, development type and public safety concerns. Fire flow and/or other fire protection requirements shall be determined through a combination of standards relevant to rural fire fighting operations. Minimum water supply for any single structure shall be in accordance with NFPA 1231 and all applicable County Codes. Total fire flow shall be determined according to the Insurance Services Organization Standards and NFPA 1231 as applicable. Water supplies for fire fighting shall be available from either a conventional water system or storage facilities to be determined and approved by the Fire Marshal. Establishment of water supplies for fire suppression and achievement of

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required fire flow shall be the responsibility of the developer of the property to be confirmed and approved by the Fire Marshal. The system shall be engineered to meet or exceed all requirements of the Fire Marshal and that of all applicable codes as contained herein. Individual residential and/or commercial occupancies within or separate from approved developments may be required to provide increased levels of fire protection, automatic suppression, automatic notification systems or any combination thereof.

Appendix IV-B, Christmas Trees

Section 10 - Electric Lights.

Electrical decorations/lights shall be UL approved and designed for the intended use.

Section 11 - Egress

Christmas trees shall not be placed in a position that would block or obstruct an exit, means to an exit or a passageway leading to an exit.

APPROVED, ADOPTED AND PASSED this 11th day of August, 1998.



BOARD OF COUNTY COMMISSIONERS

Marcos P. Trujillo
Marcos P. Trujillo, Chairperson

COUNTY OF SANTA FE 10368898
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 14 day of Aug A.D.
19 98, at 3:28 o'clock P.M.
and was duly recorded in book 1528
page 131-140 of the records of
Santa Fe County.

ATTEST:

Rebecca Bustamante
Rebecca Bustamante, County Clerk

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Rebecca Bustamante

Approved as to form:

Denice Brown Kulseth
Denice Brown Kulseth, County Attorney

