



VILLAGE OF CORRALES

ORDINANCE NO. 12-015

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IV. UNIFORM FIRE CODE, OF THE CODE OF ORDINANCES OF THE VILLAGE OF CORRALES, BEING ORDINANCE NO. 167, ADOPTED MARCH 23, 1987, AS AMENDED BY ORDINANCE NO. 318, ADOPTED NOVEMBER 24, 1998; AMENDING THE TITLE; ADOPTING THE 2009 INTERNATIONAL FIRE CODE OF THE INTERNATIONAL CODE COUNCIL, WITH MODIFICATIONS AND AMENDMENTS; PROVIDING FOR ADMINISTRATION OF THE BUREAU OF FIRE PREVENTION; PROVIDING THAT THE FIRE CHIEF SHALL HAVE THE POWER TO IMPOSE FURTHER TEMPORARY RESTRICTIONS ON OPEN BURNING AND OTHER ACTIVITIES AS NECESSARY TO PROTECT THE PUBLIC WELFARE; AND ESTABLISHING A PENALTY FOR VIOLATIONS.

WHEREAS, in 1998 the Village of Corrales (“Village”) adopted as its fire code the then most recent edition of the Uniform Fire Code published by the International Fire Code Institute; and

WHEREAS, in 2008 the Village adopted as its building code various codes developed and prepared by the International Code Council, including specifically the 2006 International Residential Code and the 2006 International Building Code, and subsequent revisions, amendments and replacements thereof; and

WHEREAS, the International Fire Code (“IFC”) of the International Code Council has been developed, organized and published so as to be fully compatible with the International Residential Code, the International Building Code, and other codes that have been adopted by the Village and by the Construction Industries Division of the New Mexico Regulation and Licensing Department; and

WHEREAS, the New Mexico State Fire Marshal has adopted the 2003 edition of the International Fire Code, with certain modifications and amendments, as the statewide standard for the operation and maintenance of buildings and structures necessary to reasonably protect life and property from the hazards created by fire, explosion, and similar emergencies, as provided in Title 10, Chapter 25, Part 5 of the New Mexico Administrative Code; and

WHEREAS, the Village Council, the governing body of the Village (the “Governing Body”), finds that the 2009 edition of the International Fire Code, with certain modifications and amendments as provided herein, provides appropriate, reasonable and comprehensive standards for fire protection and the protection of life and property from the hazards that may be created by fire, explosion and similar emergencies; and

WHEREAS, the Governing Body further finds that the Village fire chief, subject to review and approval by the Mayor and the Governing Body as appropriate, should have explicit authority to adopt, promulgate, impose and enforce specific further fire safety regulations of a temporary nature based on climatic conditions, weather patterns, and local emergencies or exigent conditions, such authority to include but not be limited to the establishment of time periods and geographic areas in which such activities as open burning, welding, metal cutting, installation of torch-applied roof systems and similar hot work activities (as defined in the International Fire Code) will be restricted or prohibited; and

WHEREAS, the Governing Body finds that Ordinance No. 167, as amended by Ordinance No. 318, should be amended as provided herein to adopt the International Fire Code, with modifications and amendments, and to further enhance fire protection and fire safety in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that Chapter 16, Article IV. “Uniform Fire Code” of the Code of Ordinances of the Village, being Ordinance No. 167, adopted March 23, 1987, as amended by Ordinance No. 318, adopted November 24, 1998, shall be amended as follows:

Section 1. The title of Chapter 16, Article IV of the Code of Ordinances (the “Code”) shall be amended to read “FIRE CODE.”

Section 2. Section 16-81 of the Code shall be amended to read, in its entirety:

Section 16-81. Adoption of International Fire Code with Modifications, Deletions, Insertions and Amendments.

(a) *Adoption of International Fire Code.* The 2009 edition of the International Fire Code prepared and published by the International Code Council, hereinafter occasionally referred to as the “IFC”, along with the modifications, deletions, insertions, and amendments provided in this article, is hereby adopted as the fire code of the Village of Corrales.

(b) *Portions of International Fire Code excluded.* The following portions of the International Fire Code are excluded from adoption and shall not be a part of the Village fire code:

- (1) Section 108 of the International Fire Code, titled *Board of Appeals*, is excluded in its entirety and is not adopted.
- (2) Chapter 46 of the International Fire Code, titled *Construction Requirements for Existing Buildings*, is excluded in its entirety and is not adopted.

- (3) Appendices A through I of the International Fire Code, inclusive, are excluded and are not adopted.

(c) *General modifications and amendments.* The following sections of the International Fire Code (as indicated in italics) are adopted with the modifications and amendments indicated:

- (1) *Section 101.1.* The “Name of Jurisdiction” is the Village of Corrales.
- (2) *Section 102.1.* Section 102.1 is adopted except for Subsection 102.1.3, referring to Chapter 46 of the International Fire Code, which is deleted and not adopted.
- (3) *Section 103.1 et seq.* Wherever they appear in the International Fire Code, the words “department of fire prevention” shall be amended to read “bureau of fire prevention.” Likewise, the word “department” shall be amended to read “bureau” wherever the reference is to the department of fire prevention.
- (4) *Section 103.4.1.* Section 103.4.1 is amended to read, in its entirety: “If a suit alleging liability is instituted against any officer or employee of the Village as a consequence of any tort alleged to have been committed by the public employee while acting within the scope of his or her duties or as a consequence of any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the public employee while acting within the scope of his or her duty, the Village or its insurer will provide a defense for the officer or employee in accordance with the provisions of the New Mexico Tort Claims Act.”
- (5) *Section 109.3.* Section 109.3, with inserted material, shall read: “**Violation penalties.** *Persons* who shall violate a provision of this code or shall fail 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 code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.” Section 109.3.1 remains unmodified and effective.
- (6) *Section 111.4.* Section 111.4, with inserted material, shall read: “**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 liable to a fine of not less than \$50.00 or more than \$500.00.”

(d) *Permits and fees.* The following sections of the International Fire Code (as indicated in italics) are adopted with the modifications and amendments indicated:

- (1) *Section 105.1.1.* Section 105.1.1, with inserted material, shall read: “**Permits required.** Permits required by this code shall be obtained from the *fire code official*. The governing body by resolution may establish fees for the issuance of permits and may modify the amount of such fees from time to time. Permit fees, if any, shall be paid prior to issuance of the permit and shall be deposited in the general fund. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.”
- (2) *Section 105.3.1.* The title and the first two sentences of Section 105.3.1 are amended to read: “**Expiration.** An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit; provided, however, that an operational permit shall not be exercised during any period when the activities authorized by the permit have been prohibited by action of the Chief of the Fire Department, the Mayor or the Governing Body, unless otherwise specifically provided by the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within two years after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.” The following sentences of Section 105.3.1 remain unmodified and effective.
- (3) *Section 105.4.1.* The title and first sentence of Section 105.4.1 are amended to read: “**Submittals.** Three sets of *construction documents* and supporting data, in addition to any sets required pursuant to Chapter 18, shall be submitted with each application for a permit and in such form and detail as required by the *fire code official*.” The following sentences of Section 105.4.1 remain unmodified and effective.
- (4) *Section 105.6.11.* Section 105.6.11 is amended to read: “**Cutting and welding.** In accordance with Section 16-83 of the Village Code, an operational permit may be required to conduct cutting or welding operations within the jurisdiction. It is the responsibility of any person wishing to perform cutting or welding operations to determine whether a permit will be required.”
- (5) *Section 105.6.23.* Section 105.6.23 is amended to read: “**Hot work operations.** In accordance with Section 16-83 of the Village Code, an operational permit may be required for hot work including, but not limited to:
 1. Public exhibitions and demonstrations where hot work is conducted.
 2. Use of portable hot work equipment inside a structure.
Exception: Work that is conducted under a construction permit.
 3. Fixed-site hot work equipment such as welding booths.”

4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
It is the responsibility of any person wishing to conduct hot work operations to determine whether a permit will be required.”

(6) *Section 105.6.30.* Section 105.6.30 is amended to read: “**Open burning.** An operational permit is required for the kindling or maintaining of an open fire on any public street, alley, road, or other public ground. No permit is required for the kindling or maintaining of a safely managed, controlled and continuously monitored open fire on private land; provided, however, that no open fire of any sort shall be kindled or maintained at any time when actual or reasonably foreseeable weather conditions would make it unsafe to do so, or when a prohibition on open burning has been declared by the Chief of the Fire Department or other responsible officer of the Village. It is the responsibility of any person desiring to kindle or maintain an open fire to determine whether a prohibition on open burning is or will be in effect.”

(e) *Definitions.* The following definition shall be substituted for the definition of the same term in Chapter 2, *Section 202* of the International Fire Code:

EXISTING. With reference to any building, structure, facility or condition means any such building, structure, facility or condition that was already present, constructed or officially authorized prior to the adoption of this code.

(f) *Fire service features.* The following sections of the International Fire Code (as indicated in italics) are adopted with the modifications and amendments indicated:

(1) *Section 503.1.1.* Section 503.1.1 is amended to read: “**Buildings and facilities.** *Approved* fire apparatus access roads shall be provided for every facility or building hereafter constructed or moved into or within the jurisdiction. Fire service access roads may also be required, at the discretion of the *fire code official*, as part of a site development plan required under Section 18-45(b) of the Village Code. Except as otherwise authorized by the *fire code official*, the fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building.

Exception: The *fire code official* is authorized to increase the distance of 150 feet (45 720 mm) or otherwise modify the requirements of IFC Sections 503.1 and 503.2 where space limitations or other conditions render it impracticable to comply with such requirements and an *approved* alternative means of fire protection is provided.”

(2) *Section 503.2.1.* Section 503.2.1 is amended to read: “**Dimensions.** Except as otherwise authorized by the *fire code official*, fire apparatus access roads

shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). The *fire code official* shall have the authority to approve a lesser width or a lesser vertical clearance where warranted by space limitations or other site conditions.”

- (3) *Section 505.2.* Section 505.2 is amended to read: “**Street or road signs.** Streets and roads to the extent practicable shall be identified with *approved* signs. However, the absence or illegibility of a street or road sign shall not be deemed to impose liability on the Village for any purpose.”

(g) *Means of egress.* The following sections of the International Fire Code (as indicated in italics) are adopted with the modifications and amendments indicated:

- (1) *Section 1030.2.* Section 1030.2 is amended to read: “**Reliability.** Required exit accesses, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the areas served by such exits are occupied. Any devices or alarms installed to restrict the improper use of exit accesses, exits or exit discharges shall be so designed and installed that they cannot, even in the case of failure, impede or prevent emergency use of such exit accesses, exits or exit discharges. Security devices affecting means of egress shall be subject to approval of the *fire code official*.”
- (2) *Section 1030.3.* Section 1030.3 is amended to read: “**Obstructions.** A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice. No person shall be permitted by the manager of any premises to so position himself or herself in any exit door, exit passage, aisle way, court or space used as an exit approach, exit, or exit discharge in such manner as to obstruct, impede or confuse persons desiring to use such exit facilities.”
- (3) *Section 1030.4.* Section 1030.4 is amended to read: “**Exit signs and identification.** Exit signs shall be installed and maintained in accordance with Section 1011. Decorations, furnishings, equipment or adjacent signage that impairs the visibility of exit signs, creates confusion or prevents identification of the exit shall not be allowed. It shall be unlawful to cause or allow any required exit door or passage thereto to have the appearance, or cause occupants to presume, that the door or passage is locked, blocked or otherwise unusable. Mirrors shall not be permitted on the inside of required exit doors.”

(h) *Explosives and fireworks.* The following sections of the International Fire Code (as indicated in italics) are not adopted and substitute provisions are adopted as indicated:

- (1) *Sections 3305.1 through 3305.9, inclusive.* Sections 3305.1 through 3305.9, inclusive are excluded in their entirety and are not adopted. In their place the following substitute Section 3305.1 is adopted: “**Manufacture, assembly and testing of explosives, explosive materials and fireworks prohibited.** The manufacture, assembly and testing of explosives, explosive materials and fireworks is prohibited within the Village.”

(i) *Flammable and combustible liquids.* The following section (as indicated in italics) is adopted and shall be added to the International Fire Code at the location indicated:

- (1) *Section 3403.4.1,* shall be inserted following *Section 3403.4* and shall read: “**Removal of liquids.** Liquids that accumulate in the secondary containment or spill control area shall be removed promptly. Non-hazardous liquids may be collected and disposed of in a sanitary sewer, but shall not be discharged to the land surface or disposed of in any other manner that could permit untreated liquids to reach groundwater or surface waters. If the collected material is a hazardous waste as defined under Title 40, Part 261 of the Code of Federal Regulations, it shall be managed as a hazardous waste in accordance with all applicable federal and state regulations.”

(j) *Storage of flammable and combustible liquids.* The geographic limits referred to in the following sections of the International Fire Code (as indicated in italics) are established as follows:

- (1) *Section 3404.2.9.6.1* (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): No geographic limitation. Permit may be required in accordance with IFC Section 105.6.16.
- (2) *Section 3406.2.4.4* (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): No geographic limitation. Permit may be required in accordance with IFC Section 105.6.16.
- (3) *Section 3506.2* (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): No geographic limitation. Permit may be required in accordance with IFC Section 105.6.10.
- (4) *Section 3804.2* (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): No geographic limitation. Permit may be required in accordance with IFC Section 105.6.27.

Section 3. Section 16-82 of the Code shall be amended to read, in its entirety:

Section 16-82. Establishment and duties of the bureau of fire prevention.

(a) *Bureau of fire prevention.* The International Fire Code, 2009 edition, as adopted and amended herein shall be enforced by the bureau of fire prevention in the Fire Department of the Village, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(b) *Fire code official.* The person in charge of the bureau of fire prevention shall be the Chief of the Fire Department. The term “fire code official” as used in the International Fire Code, 2009 edition, shall mean the Chief of the Fire Department.

(c) *Technical inspectors.* The Chief of the Fire Department may from time to time recommend to the Village Administrator the employment of technical inspectors to be employed within the bureau of fire prevention, who, when authorization for employment of technical inspectors is made, shall be selected through an examination to determine their qualifications for the position.

Section 4. Section 16-83. “Definitions” of the Village Code, adopted by Ordinance No. 167 and as amended by Ordinance No. 318, is **repealed**.

Section 5. The following provisions are hereby adopted and shall be codified as Section 16-83 of the Village Code:

Section 16-83. Approvals, Permits and Restrictions.

(a) *Application and issuance of approvals and permits.* Whenever a permit or approval of the Chief of the Fire Department or the fire code official (as defined in the IFC) is required for any plans, designs, construction or activity of any sort, application for such permit or approval shall be made to the Chief of the Fire Department in writing. The application shall be accompanied by payment of the appropriate fee, if any. The Chief of the Fire Department shall review the application and may request additional information or documentation from the applicant if deemed necessary for adequate review. Upon completion of the Chief of the Fire Department’s review, the Chief shall issue a permit or written approval, or shall deny the same, as the merits of the application may be and in accordance with the provisions of this article and other applicable laws, ordinance, rules, and regulations. Approval of an application or permit may be subject to such conditions as are necessary or appropriate, in the opinion of the Chief of the Fire Department, to provide for the public health, safety and welfare or the comfort and convenience of the residents of the Village.

(b) *Temporary or limited prohibitions and restrictions.* From time to time and as determined by the Chief of the Fire Department to be necessary and appropriate for protection of public health, safety and welfare, including but not limited to fire prevention and protection of persons and property from fire, flood, extreme weather, or other conditions, the Chief of the Fire Department with the concurrence of the Village Administrator and the Mayor may issue an order or orders prohibiting or restricting certain activities in the Village for such time and within such geographic areas as the

Chief of the Fire Department shall provide in such order or orders. The Chief of the Fire Department may issue such order without concurrence of the Village Administrator or the Mayor in the event of an emergency requiring immediate action during their absence or unavailability; however, in such case, the Village Administrator and the Mayor shall be notified as soon as practicable and shall ratify or rescind the order as it may appear best to them. Prohibited or restricted activities may include, but shall not be limited to, open burning, entry into the Corrales Bosque Preserve, cutting and welding or hot work operations, discharge of fireworks or explosives, and entry into or remaining within areas affected by fire, flood or disaster.

(c) *Notice of temporary or limited prohibitions and restrictions.* Any order declaring a prohibition or restriction as provided in the foregoing subsection 16-83(b) shall be promptly posted on the Village's web site and upon such posting shall have the force of law, and knowing or willful violation of any such prohibition or restriction shall be punishable in accordance with IFC Section 109.3, as amended and modified in this article. In the event that the prohibition or restriction is reasonably anticipated to be in effect for a time period greater than three (3) days, notice of such prohibition or restriction shall be posted prominently at the Village offices and other appropriate locations where such posting is reasonably likely to come to the attention of the public. When such prohibition or restriction is rescinded or modified by the Chief of the Fire Department or other appropriate authority, notice of the rescission or modification shall be promptly posted on the Village's web site and in all locations where notice of the original prohibition or restriction was posted.

(d) *Delegation of authority.* The Chief of the Fire Department, with the approval of the Village Administrator, may by written notice delegate to another Fire Department officer the Chief's powers and duties under this Section 16-83 during any period of time when the Chief is unavailable.

Section 6. Section 16-84 of the Code shall be amended to read, in its entirety:

Section 16-84. Appeals.

(a) *Right of appeal.* Any person aggrieved by a decision of the Chief of the Fire Department in connection with an application, request for permit, or any other decision or action taken by the Chief of the Fire Department as authorized under this article IV, may appeal to the Mayor. Such appeal shall be made by filing a notice of appeal in the office of the Village Clerk no later than twenty (20) days following the date of the decision from which the appeal is taken. The notice of appeal must set forth specifically the grounds for the appeal and shall state wherein it is alleged that there was an error or an abuse of discretion, the decision was not supported by substantial evidence, or other reason for the appeal.

(b) *Decision of Mayor.* Promptly after the filing of a notice of appeal as provided in Section 16-84(a), the Mayor shall consider the appeal and shall render a decision in writing. The Mayor may affirm the decision of the Chief of the Fire Department, may

reverse it, or may render a decision partially affirming and partially reversing such decision. The Mayor or the Village Administrator at the request of the Mayor may hold a hearing or an informal meeting at which the appellant, other interested parties and the Chief of the Fire Department may present testimony and evidence supporting their positions, and may discuss possible resolution of their disagreement. However, the Mayor in his absolute discretion may render a decision without conducting any hearing or meeting with the parties. The Mayor's decision shall be delivered to the appellant and other interested parties by e-mail and by certified mail. The Mayor's decision shall be deemed to have been received by the appellant and other interested parties on the date that it is e-mailed or mailed to them.

(c) *Appeal to governing body.* Any person aggrieved by the Mayor's decision as provided in Section 16-84(b) may appeal to the governing body. Such appeal shall be made by filing a notice of appeal in the office of the Village Clerk no later than twenty (20) days following the date of notice of the Mayor's decision from which the appeal is taken. The notice of appeal must set forth specifically the grounds for the appeal and shall state wherein it is alleged that there was an error or an abuse of discretion by the Mayor, the decision was not supported by substantial evidence, or other reason for the appeal.

(d) *Public hearing and decision of the governing body.* The decision of an appeal to the governing body shall be made by the governing body following a public hearing. Notice of the public hearing shall be mailed at least fifteen (15) days prior to the hearing date to the appellant and other parties who participated in any proceedings before the Chief of the Fire Department, the Village Administrator or the Mayor and who provided their names and mailing addresses during those proceedings. Testimony before the governing body shall be under oath. The governing body by a majority vote of the members present and participating may affirm, modify or reverse the Mayor's decision from which the appeal is taken.

(e) *Stay of proceedings.* An appeal properly taken by an aggrieved party shall stay all proceedings in the action unless the Chief of the Fire Department, with the concurrence of the Village Administrator and the Mayor, determines and certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of the district court.

Section 7. Section 16-85. "New Materials, Processes or Occupancies which may require permits" of the Village Code, adopted by Ordinance No. 318, is **repealed**.

Section 8. Section 16-86 of the Village Code, adopted by Ordinance No. 167 and as amended by Ordinance No. 318, is **repealed**. However, such repeal shall not be construed to negate, limit, modify or affect in any way the equivalent provisions herein adopted as substituted language for IFC Section 109.3.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 13th day of November, 2012.

APPROVED:

 01-27-15

The Honorable Philip Gasteyer
Mayor

ATTEST:



Jennifer A. Hise
Village Clerk