

## FIRE PROTECTION AND PREVENTION

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## ARTICLE I. IN GENERAL

### Section 16-1. Improper handling of fire.

It is unlawful for any person to commit, or cause to be committed, any of the following acts:

- (1) To set a fire, or to cause or procure a fire to be set, to any inflammable vegetation or forest material growing or being on public or private lands without the permission of the owner thereof.
- (2) To allow a fire to escape or spread from the control of the person having charge thereof without using reasonable and proper precautions to prevent such fire from escaping or spreading.
- (3) To burn any inflammable vegetation or forest material, whether upon his own land or that of another person, public or private, without using proper and reasonable precautions at all times to prevent the escape of such fire.
- (4) To leave any campfire burning and unattended upon the public or private lands of another person.
- (5) To cause a fire to be started in any inflammable vegetation or forest material growing or being upon public or private lands of another person, by means of any lighted cigar, cigarette, match or

other manner, and leave such fire unquenched.

Provided, that nothing in this section shall constitute improper handling of fire where the fire is a backfire set for the purpose of stopping the progress of a fire then actually burning.

*History: Ord. No. 68, adopted 8-10-76.*

**Sections 16-2 to 16-25. Reserved.**

**ARTICLE II. FIRE DEPARTMENT**

Cross reference: Officers and employees, § 2-81 et seq.

**Section 16-26. Organization of Volunteer Fire Department.**

Fire protection and emergency medical services in the Village shall be provided by the Corrales Volunteer Fire Department (the "Fire Department"), which shall be an administrative department of the Village. The Fire Department shall consist of a Chief, a commander and other officers who may be appointed by the chief subject to approval of the Mayor and the Governing Body, and such firefighters and emergency medical services ("EMS") personnel, including both career employees and volunteer firefighters, as are reasonably necessary to provide fire protection and emergency services to the community.

*History: Ord. No. 235, § 4-1-1, adopted 1-22-91; Ord. No. 290, § 4-1-1, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

**Section 16-27. Policy and purpose.**

(a) The purpose of this Article is to enhance the health, safety, general welfare and quality of life of the citizens of the Village by providing for effective fire prevention, fire suppression, emergency medical services, and such related and other services as may from time to time be assigned to the Fire Department by the Village administration and the Governing Body.

(b) The provisions of this Article are adopted pursuant to the Governing Body's statutory authority to provide for the health, safety and welfare of the general public, and are necessary:

- (1) To provide for the vigorous administration of effective fire prevention, fire suppression, emergency medical services and other emergency services administered by the Village;
- (2) To provide for efficient organization of the Fire Department through the combined efforts of volunteers and paid career employees to deliver quality emergency services to the citizens of the Village;
- (3) To provide for administration of the Fire Department through the Chief of the Fire Department ("Chief"), who shall be responsible for monitoring, overseeing, directing and coordinating all activities of the Fire Department;
- (4) To provide for staffing, funding and equipment of the Fire Department within available resources consistent with applicable standards of local, State and national authorities; and
- (5) To provide a framework for cooperation and mutual support between the Fire Department and other organizations, both governmental and non-governmental, in support of the Fire Department's mission to provide effective fire prevention, fire suppression, and emergency medical services in the Village.

*History: Ord. No. 235, adopted 1-22-91; Ord. No. 290, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

**Section 16-28. Fire Department rules and regulations.**

The Fire Department shall be operated and managed in accordance with departmental rules and regulations. The Chief shall be responsible for the preparation of all proposed departmental rules and regulations and any proposed modifications thereto. Proposed rules and regulations, and any proposed modifications to existing rules and regulations, shall be submitted by the Chief for review by the Village Administrator and the Mayor. The Mayor in his or her discretion may submit the proposed rules and regulations, or modifications thereto, to the Governing Body for consideration. Such rules and regulations, or modifications thereto, shall become effective upon their approval by resolution of the Governing Body. *History: Ord. No. 235, § 4-1-2, adopted 1-22-91; Ord. No. 290, § 4-1-2, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

**Section 16-29. Fire Chief; duties and authority.**

(a) The Chief of the Fire Department shall be appointed by the Mayor, subject to the approval of a majority of all members of the Governing Body. The Chief shall be a salaried employee of the Village, reporting directly to the Village Administrator. Subject to applicable provisions of the Village's personnel ordinances, the Chief may be discharged for cause by the Mayor upon the approval of a majority of all members of the Governing Body.

(b) The Chief shall have the following duties, and any other duties that may from time to time be assigned by the Mayor or the Village Administrator.

- (1) The Chief shall enforce or cause to be enforced all ordinances, laws and regulations of the Village and the State of New Mexico, as they pertain to fire prevention, fire suppression, rescue and safety.
- (2) The Chief shall direct the operations of the Fire Department in accordance with the approved Fire Department rules and regulations, and develop and implement such standards, policies, procedures, and protocols, not inconsistent with the rules and regulations and applicable ordinances of the Village, as in the Chief's opinion are necessary and appropriate for the efficient operation of the Fire Department.
- (3) The Chief shall be responsible for the maintenance and protection of the licenses and authorities held by the Village, as required by State and federal regulations, for the delivery of fire protection and emergency services, and ensure compliance with all reporting standards and other requirements to maintain and protect those licenses and authorities.
- (4) The Chief shall provide for the staffing of the Fire Department, recruitment and training of personnel as authorized by the Governing Body, budgeting for Fire Department operations and capital expenses, and all other administrative matters necessary for the efficient operation of the Fire Department. Training shall include instruction and practice in the operation and handling of equipment, firefighting and rescue skills and knowledge, and all other matters appropriate or required to provide for fire protection and suppression, safety of life and property, the rendering of emergency services, and the career enhancement of Village firefighters and emergency personnel, including both paid employees and volunteers.
- (5) The Chief shall be responsible for implementation and enforcement of fire and safety codes adopted by the Village, and of any Village ordinance designating the Fire Department or the Chief as the enforcement agency or official. The Chief shall serve in the capacity of Fire Marshal or of any similarly designated office of the Village under the terms of any fire or safety code or ordinance adopted by the Village.

- (6) The Chief in cooperation with the Chief of Police shall arrange and provide for communications systems and networks necessary to adequately alert, dispatch and communicate with facilities, equipment and personnel for the purpose of responding to fires, accidents, medical emergencies, explosions and natural disasters in and near the Village.
- (7) The Chief shall provide for the maintenance and retention of records relating to fires, rescues, inspections, apparatus, equipment, personnel and any other matters affecting the operations of the Fire Department. Records shall be open for public inspection and copying at reasonable times, in accordance with the New Mexico Inspection of Public Records Act, except for medical records and any other records that are by law privileged and subject to release only upon the request of the patient, in response to a subpoena from a court of competent jurisdiction, or upon other appropriate legal authority.
- (8) The Chief as directed by the Village Administrator shall submit an annual operating budget for each fiscal year, and shall be responsible for the operation of the Fire Department each year in accordance with the final budget approved by the Governing Body, to the maximum extent possible taking into account the need to protect the lives, safety, property and general welfare of the Village's residents upon the occurrence of emergencies and unforeseen events. The Chief, subject to review and approval of the Village Administrator, shall be responsible for ensuring the appropriate use of funds received by the Fire Department from the New Mexico Fire Protection Fund and other programs, and with the approval of the Village Administrator and the Governing Body shall submit applications and other required documentation to apply for funding to support the acquisition of apparatus and equipment and to otherwise enhance the capabilities of the Fire Department. The Chief shall be responsible for maintaining complete records as required under the terms of any grant applied for or received by the Fire Department on behalf of the Village.
- (9) At the time and in the format as directed by the Village Administrator, the Chief shall make a monthly report to the Governing Body. The Chief shall prepare and file with the State Fire Marshal's office the monthly fire report and any other reports as the State Fire Marshal, the State EMS bureau, or any other State agency shall from time to time require. In addition, the Chief shall at the direction of the Village Administrator prepare and submit an annual report on the Fire Department's activities for review by the Governing Body. Copies of all such reports will be filed in the office of the Village Clerk and shall be available for public inspection and copying.

(c) In furtherance of the Chief's duties as herein provided, the Chief shall have the following powers and authority to perform the following actions.

- (1) During the progress of any fire, accident, medical emergency, civil emergency or disaster, the Chief or, in the absence of the Chief, a qualified member of the Fire Department acting by the authority of the Chief, shall have absolute authority in all matters connected with the management or direction thereof, the control of the fire or emergency scene, and the disposition of property endangered by the fire or emergency; provided, however, that the Chief may delegate such authority to another qualified individual in accordance with an applicable incident command system or the provisions of any applicable mutual aid agreement to which the Village is a party. All orders issued by the Chief on such occasions shall be respected and promptly obeyed, and any person failing or refusing to obey any such order shall be guilty of a misdemeanor.
- (2) The Chief or a qualified individual designated by the Chief shall have authority to enter and inspect any building or premises in the Village at all reasonable times, and to serve written

notice upon the owner or occupant thereof to abate, within a specified time, any and all fire and safety hazards that may be found. If such building or premises is occupied the Chief or designated individual shall present his or her credentials to the occupant. Except during an emergency, if such building or premises is unoccupied a reasonable effort shall be made to locate the owner or other person having charge of the building or premises prior to entry or inspection.

- (3) The Chief in cooperation with the State Fire Marshal and other proper authorities shall have the duty and power to investigate, or cause to be investigated, the cause, origin and circumstances of all fires in the Village, with the purposes of suppressing and preventing the crime of arson and to enhance the safety of the public by the better understanding of the causes, origin and circumstances of fires which have occurred.
- (4) The Chief with the approval of the Mayor and the Governing Body may appoint a commander, an EMS director or manager, captains, lieutenants, engineers and other officers as appropriate and necessary for the operations of the Fire Department. The Chief shall establish a chain of command determining responsibility for fulfilling all duties of the Chief during any period when the Chief is absent.
- (5) The Chief, subject to applicable provisions of the Village's personnel ordinances and regulations, shall have authority to demote, suspend or dismiss any employee or member of the Fire Department for failure or refusal to perform departmental duties or to function under the rules and regulations of the Fire Department, or for other good cause. Any Fire Department employee or member so disciplined shall have the right to file a grievance or seek appeal of the disciplinary action in accordance with applicable provisions of the Village's Code of Ordinances.

*History: Ord. No. 110, adopted 4-13-82; Ord. No. 138, adopted 10-24-84; Ord. No. 235, § 4-1-3, adopted 1-22-91; Ord. No. 290, § 4-1-3, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-30. Emergency medical services.**

(a) The Chief with the approval of the Mayor and the Governing Body may appoint a qualified emergency medical technician with at least three (3) years of experience to serve as EMS Director. The EMS Director under the supervision of the Chief shall oversee the day-to-day EMS operations of the Fire Department and maintenance of medical protocols as directed by the Medical Director and as required by appropriate State or federal authority.

(b) The EMS Director at the direction of the Chief may direct or provide for the training of EMS personnel, the maintenance of EMS equipment and supplies, the maintenance of medical records held by the Fire Department, provide liaison with the Medical Director, seek appropriate sources of outside funding such as grants to support EMS services, and any other duties assigned by the Chief and not inconsistent with any applicable job description.

(c) In consultation with the EMS Director and with the approval of the Village Administrator, the Mayor and the Governing Body, the Chief shall appoint a qualified Medical Director to provide medical control for the EMS personnel, including but not necessarily limited to review and approval of pre-hospital care medical protocols, the training program for EMS personnel, license records, patient recordkeeping and dispatch training and protocols.

*History: Ord. No. 235, adopted 1-22-91; Ord. No. 290, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-31. Paid Fire Department personnel.**

- (a) The Chief shall provide for the recruitment, hiring, training, performance evaluation and promotion

of paid employees of the Fire Department. The appointment of paid employees shall be subject to approval of the Mayor and the Governing Body. Paid Fire Department employees shall be subject to all applicable provisions of, and shall have all rights of Village employees under, the personnel ordinances and regulations of the Village.

(b) All Fire Department personnel shall meet and maintain at least the minimum certifications and qualifications for their positions under applicable local, State, and federal ordinances, statutes, rules and regulations. Failure to maintain necessary certifications or qualifications will be cause for disciplinary action, including dismissal.

(c) All Fire Department personnel shall be subject to supervision by the Chief and, as appropriate, the commander, the EMS Director, captains, lieutenants, engineers and other officers as determined by the established chain of command, and shall be fully accountable to the Chief.

*History: Ord. No. 235, adopted 1-22-91; Ord. No. 290, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-32. Volunteer firefighters.**

(a) Volunteer firefighters shall be appointed by the Chief, subject to review and concurrence of the Village Administrator and the Mayor. Each prospective volunteer firefighter shall have completed an application for membership as provided in applicable Fire Department rules and regulations. Prior to commencing service as a volunteer firefighter, every person selected for such position shall have read and signed an acknowledgment committing himself or herself to adhere to the rules, regulations and operating procedures of the Fire Department.

(b) The Chief shall administer a volunteer retention program to provide for the recruitment, application, training, performance evaluation and promotion of volunteer firefighters on an equal basis, to the extent reasonably feasible, with paid Fire Department personnel.

(c) Volunteer firefighters shall meet and maintain at least the minimum certifications and qualifications for their positions under applicable local, State, and federal ordinances, statutes, rules and regulations. Failure to maintain necessary certifications or qualifications will be cause for suspension of membership in the Fire Department.

(d) All volunteer firefighters shall be subject to supervision by the Chief and, as appropriate, the commander, the EMS Director, captains, lieutenants, engineers and other officers as determined by the established chain of command, and shall be fully accountable to the Chief.

*History: Ord. No. 235, § 4-1-4, adopted 1-22-91; Ord. No. 290, § 4-1-4, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-33. Right of entry on private property.**

It shall be lawful for any firefighter or emergency medical technician of the Fire Department acting under the direction of the Chief or another officer in command to enter upon premises adjacent to or in the vicinity of any building or other property that is on fire or where an emergency situation has occurred for the purpose of extinguishing the fire or providing rescue or emergency medical services, and no person shall hinder, resist or obstruct any firefighter or emergency medical technician in the discharge of his or her duty as provided in this section. Any person violating this section shall be guilty of a misdemeanor.

*History: Ord. No. 235, § 4-1-5, adopted 1-22-91; Ord. No. 290, § 4-1-5, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-34. Equipment.**

(a) The Fire Department shall be equipped with such apparatus and other equipment as may be required to maintain its efficiency and provide adequate fire, rescue and emergency medical services. All equipment

of the Fire Department shall be housed in such places and facilities as are designated by the Governing Body, upon the recommendation of the Chief, the Village Administrator and the Mayor. No person shall use an apparatus or equipment of the Fire Department for any private purpose, nor shall any person wrongfully take away or conceal any article owned by the Village or used in any way by the Fire Department. No person shall enter any place where Fire Department apparatus is housed or handle any apparatus or equipment belonging to the Fire Department unless accompanied by, or having the specific permission of, an officer or authorized representative of the Fire Department.

(b) All apparatus and equipment under the control of the Fire Department, except personal belongings of an employee or volunteer firefighter, shall be the property of the Village and shall be inventoried and managed as assets of the Village.

*History: Ord. No. 235, § 4-1-7, adopted 1-22-91; Ord. No. 290, § 4-1-7, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

### **Section 16-35. Agreements with other entities; assistance in emergencies.**

(a) Upon the recommendation of the Chief, the Village Administrator and the Mayor, the Village may adopt or enter into joint resolutions, memoranda of understanding, joint powers agreements, mutual aid agreements, or similar arrangements with other governmental units pertaining to fire prevention, fire suppression, emergency medical services and other emergency services as well as dispatching of the same. Any such agreement or arrangement shall be effective only upon approval by the Government Body. All such agreements or arrangements entered into prior to the adoption of this provision and in effect on the date of adoption of this provision are hereby ratified and shall remain in force in accordance with the terms thereof.

(b) In consideration of services provided to the Village or the Fire Department by private, non-profit auxiliary organizations, the Chief upon the recommendation of the Village Administrator and the approval of the Mayor may authorize the use of fire station facilities by such organizations for meetings and social events; provided, however, that any such use of Fire Department facilities shall not in any way interfere with the Fire Department's ability to provide emergency and other services and the fair rental value of the facilities for the time period of such use shall not in any event exceed the fair market value of goods and services provided to the Village by the organization authorized to use the facilities. This provision shall not be construed to grant any right for any private organization to use any facilities of the Village, such use being entirely at the discretion of the Village and limited to uses permitted under the constitution and laws of the State.

(c) The boundaries of the Corrales fire district shall be coincident with the corporate limits of the Village of Corrales. Notwithstanding the location of such boundaries, the Chief or any officer of the Fire Department duly authorized to act in place of the Chief during his or her absence is authorized to render firefighting, rescue or emergency medical services outside the corporate limits of the Village in accordance with any agreement or arrangement entered into pursuant to Subsection (a) of this section, to the extent consistent with reasonable protection of the Village and its residents. Further, in the event of an emergency and upon the specific approval of the Mayor or the Village Administrator, the Chief or any officer of the Fire Department duly authorized to act in place of the Chief during his or her absence is authorized to render emergency firefighting, rescue or emergency medical services outside the corporate limits of the Village, notwithstanding that no specific agreement is in effect to provide for such services in the location where they are needed, to the extent such services can be provided consistent with reasonable protection of the Village and its residents.

*History: Ord. No. 235, §§ 4-1-8 and 4-1-9, adopted 1-22-91; Ord. No. 290, §§ 4-1-8 and 4-1-9, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11.*

**Section 16-36. Fire alarms and notification.**

Suitable alarm systems, communications facilities, or other arrangements or equipment shall be provided for use in turning in a report of a fire or other emergency situation requiring a response by the Fire Department. It is unlawful for any person to intentionally or willfully turn in, or cause to be turned in, a false fire report or alarm. Any person violating this section shall be guilty of a misdemeanor.

*History: Ord. No. 235, § 4-1-11, adopted 1-22-91; Ord. No. 290, § 4-1-11, adopted 2-27-96; Ord. No. 12-004, adopted 2-14-11. Cross references: False alarms, § 24-15; false reports of crime, § 24-16.*

**Section 16-37. Penalty for violation.**

Any person violating any provision of this article shall upon conviction thereof be subject to fine or imprisonment in accordance with Section 1-6.

*History: Ord. No. 12-004, adopted 2-14-11.*

**Sections 16-38 to 16-55. Reserved.****ARTICLE III. FIREWORKS**

Cross reference: Definitions generally, § 1-2; Use and sale of fireworks - Ord. No. 366, adopted 6-26-03, with emergency clause; State law references: Fireworks Licensing and Safety Act, NMSA 1978, § 60-2C-1 et seq.

**Division 1. Generally****Section 16-56. Defined.**

As used in this article, “fireworks” means any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrocketers, Roman candles, dago bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term “fireworks” shall not include any auto flares, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for the use of such caps, the sale and use of which shall be permitted at all times.

*History: Ord. No. 118, § 2, adopted 3-8-83.*

**Section 16-57. Stands.**

- (a) The fee for operating fireworks stands shall be as follows:
- (1) Each commercial stand of a size of 15 square feet or greater operated by anyone other than the owner (or his immediate family) of the land upon which the stand is located:.....\$100.00  
No such stand shall exceed 200 square feet.
  - (2) Each stand of a size of 40 square feet or greater but not exceeding 100 square feet operated by the owner of the land (or his immediate family) located on the land .....\$ 50.00
  - (3) Each stand of a size of less than 40 square feet operated by the owner of the land (or his immediate family) located on the land.....\$ 10.00

“Square feet” as used in this section means that area within the corners of the stand measuring its dimensions along the outside edge of the outermost physical appurtenances of that stand. Only those fireworks permitted under this article shall be permitted to be sold at such stands.

(b) This section is not intended to preclude established retail businesses from selling fireworks through preexisting locations.

(c) It shall be considered fraud and a violation of this section for people in the business of selling fireworks to contract with landowners to contravene Subsection (a)(1) of this section, providing the fee for non-owner operators.

*History: Ord. No. 111, § 1, adopted 5-26-82; Ord. No. 118, § 3, adopted 3-8-83.*

#### **Section 16-58. Penalty for violation of article.**

Any person violating the provisions of this article or failing or neglecting to comply with any orders issued pursuant to any section of this article shall be deemed guilty of a misdemeanor; and such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction for any such violation, such person shall be guilty of a misdemeanor, and punished in accordance with Section 1-6.

*History: Ord. No. 118, §8, adopted 3-8-83.*

#### **Section 16-59. Possession, transportation, discharge and sale restricted.**

(a) *Generally.* It shall be unlawful for any person to possess, own, transport, discharge, offer for sale, expose for sale, advertise for sale or sell within the Village limits, and within one mile of such limits, any type or form of explosive commonly known as fireworks, unless such item is approved by the provisions of this article. This section shall apply within one mile outside of the Village municipal boundary because the fireworks business is a danger to the general public, offensive and unwholesome.

(b) *Children under age 12.* It shall be unlawful to sell any fireworks to children under 12 years of age unless accompanied by an adult.

(c) *Time period for retail sales.* Fireworks may be sold at retail on the following dates each year, unless the Governing Body by proclamation or resolution has prohibited the sale of fireworks on any such dates due to the existence of drought conditions or for any other reason, as provided by law:

- (1) June 20 to July 6, inclusive;
- (2) New Year’s Day and the five (5) days immediately preceding;
- (3) Chinese New Year and the two (2) days immediately preceding;
- (4) May 5; and
- (5) September 16.

(d) *Temporary prohibitions or restrictions.* The Governing Body, by proclamation or resolution, may from time to time prohibit or restrict the sale, possession or use of fireworks due to the actual presence or anticipated and predicted presence of severe or extreme drought conditions. The Governing Body, by proclamation or resolution, may from time to time prohibit or restrict the sale, possession or use of fireworks upon a finding that such prohibition or restriction is necessary to protect the health, safety, property and general welfare of the Village. Any such temporary prohibitions or restrictions shall be fully enforceable as an order adopted under this article, and the violation of any such temporary prohibitions or restrictions shall be deemed a violation of this article, punishable in accordance with Section 16-58.

*History: Ord. No. 118, §§ 4(h), (i), adopted 3-8-83; Ord. No. 120, adopted 5-10-83; Ord. No. 131, adopted 6-28-84; Ord. No. 12-007, adopted 6-19-12.*

#### **Section 16-60. Manufacture prohibited.**

The manufacture of fireworks within the Village is prohibited.  
*History: Ord. No. 118, § 4(a), adopted 3-8-83.*

**Section 16-61. Location restrictions.**

(a) *Church, school, hospital.* No fireworks shall be used within 300 feet of any church, hospital, or school building.

(b) *Gasoline, liquid storage.* No fireworks shall be stored, kept, or discharged within 50 feet of any gasoline pump, gasoline filling station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon except in stores where cleaners, paints and oils are handled in sealed containers only.

*History: Ord. No. 118, § 4(j), (k), adopted 3-8-83.*

**Section 16-62. Disposal of unused fireworks.**

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

*History: Ord. No. 118, § 4(e), adopted 3-8-83.*

**Section 16-63. Inspections.**

The Fire Chief or his representative may, at all reasonable hours, enter and inspect the premises, building or any structure temporarily or permanently located at the site designated for the sale, packaging or handling of fireworks.

*History: Ord. No. 118, § 6, adopted 3-8-83.*

**Section 16-64. Seizure of fireworks.**

The Fire Chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of noncomplying fireworks offered or exposed for sale, stored or held in violation of this article.

*History: Ord. No. 118, § 7, adopted 3-8-83.*

**Section 16-65. Exceptions to use prohibitions.**

Nothing in this article shall be construed to prohibit the use of fireworks by transportation agencies, for signal purposes of illumination, for the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

*History: Ord. No. 118, § 4(f), adopted 3-8-83.*

**Sections 16-66 to 16-75. Reserved.**

**Division 2. Permits**

**Section 16-76. Requirements for sale, use, possession or storage; regulation by Fire Chief.**

Except as provided in this article, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail or use or explode any fireworks within the Village, except as specifically permitted by Section 16-79; provided, that the Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays by a jurisdiction, fair associations, amusement parks and other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire

Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person.

*History: Ord. No. 118, § 4(B), adopted 3-8-83.*

#### **Section 16-77. Application; nontransferability.**

Applications for permits under this article shall be made in writing to the Village Clerk at least ten days in advance of the date of the display. After such privilege shall be granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted under this article shall be transferable.

*History: Ord. No. 118, § 4(c), adopted 3-8-83.*

#### **Section 16-78. Bond or insurance requirement.**

The permittee under this article shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Chief for the payment of all damages which maybe caused either to persons or property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

*History: Ord. No. 118, § 4(d), adopted 3-8-83.*

#### **Section 16-79. Type of fireworks permitted.**

It is hereby provided that “safe and sane fireworks” shall be permitted within the Village. This shall mean and include all fireworks that are not self-propelling and the effects of which do not extend above ten feet in height from the ground; it shall include the following items:

- (1) Snakes, total pyrotechnic composition not to exceed 20 grams each in weight.
- (2) Smoke devices and spray balls, total pyrotechnic composition not to exceed 25 grams each in weight.
- (3) Wheels, total pyrotechnic composition not to exceed 60 grams in weight per driver unit, but any number of drivers may be on any one wheel. The inside bore of driver tubes shall not be over one-half inch.
- (4) Illuminating torches and colored fire in any form, total pyrotechnic composition of illuminating torches not to exceed 100 grams each in weight.
- (5) Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five grains.
- (6) Cone-shaped and cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter of cylindrical fountains shall not exceed three-fourths inch.
- (7) Railway fuses, fuses, truck flares, hardship distress signals, smoke candles, smoke signals and smokepots.
- (8) All other fireworks similar to but not specifically permitted in this section shall be tested for approval by the Fire Chief prior to sale.
- (9) Ground audible devices:

- a. *Firecrackers.* Small paper-wrapped or cardboard tube that may not contain more than 50 milligrams of pyrotechnic composition and may not exceed seven-eighths inch long by one-sixth inch diameter. Noise accompanied by a flash of light is produced upon ignition.
- b. *Chaser* Small paper-wrapped or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced. The explosive composition used to create the noise may not exceed 50 milligrams.

*History: Ord. No. 118, § 4(G), adopted 3-8-83.*

#### **Section 16-80. Permit fees and conditions.**

(a) No person, manufacturer, wholesaler, or retailer shall keep, store, transport, or sell within the Village any of the devices permitted by this article without first:

- (1) Applying to the Village for a permit to keep, store, transport, or sell such devices.
- (2) Demonstrating to the Fire Chief that the items to be handled under such permit comply with the terms of this Code.
- (3) Certifying that no person under the age of 16 years shall be permitted under the authority of the permit to be issued to keep, store, transport, or sell such permitted devices.

(b) Retailer's permit.

- (1) A permit issued to keep, store, transport, or sell permitted devices under this article shall be applicable and shall be enforced from date of issuance beginning June 5 of the current year to July 4, expiring at 9:00 p.m. on July 4 of the current year. The retailer may store such permitted devices up to July 14 of the current year. The permit fee is \$100.00.
- (2) Permits are not transferable in name or location. If the permit under this article is revoked, a new permit will not be issued to the same person for a period of 12 months.

(c) The structure where fireworks are sold shall be protected by at least one five-gallon bucket of water or an approved fire extinguisher with at least a no. 5 ABC classification.

(d) Smoking shall be prohibited within 25 feet of any fireworks stand or warehouse. "No Smoking" signs must be prominently displayed.

*History: Ord. No. 118, § 5, adopted 3-8-83; Ord. No. 120, §1, adopted 5-10-83.*

### **ARTICLE IV. FIRE CODE**

#### **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**. A single set 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 explosive, 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.

*History: Ord. No. 167, adopted 3-23-87; Ord. No. 318, adopted 11-24-98; Ord. No. 12-015, adopted 11-13-12.*

## **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.

*History: Ord. No. 167, adopted 3-23-87; Ord. No. 318, adopted 11-24-98; Ord. No. 12-015, adopted 11-13-12.*

### **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.

*History: Ord. No. 12-015, adopted 11-13-12.*

**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 the 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.

*History: Ord. No. 167, adopted 3-23-87; Ord. No. 318, adopted 11-24-98; Ord. No. 12-015, adopted 11-13-12.*

**Section 16-85 to 16-89. Repealed.**

*History: Ord. No. 167, adopted 3-23-87; Ord. No. 318, adopted 11-24-98; Ord. No. 12-015, adopted 11-13-12.*