

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2023-06

AN ORDINANCE REPEALING AND REPLACING SANTA FE COUNTY ORDINANCE NO. 2018-08 THEREBY UPDATING THE SANTA FE COUNTY FIRE CODE BY ADOPTING WITH MODIFICATIONS THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING WITH MODIFICATIONS THE 2021 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE; REGULATING FIREWORKS AND EXCESSIVE FIRE ALARMS; REQUIRING FIRE INSPECTIONS; PROVIDING FOR FIRE PROTECTION SYSTEM PLAN REVIEWS; AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

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

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

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

Section 3. Effective Date and Applicability. This Ordinance shall take effect thirty (30) days after it is recorded by the Santa Fe County Clerk, pursuant to NMSA 1978, § 4-37-9. It shall be effective within the unincorporated boundaries of Santa Fe County (“the County”), including privately owned land or land owned by the United States.

Section 4. Repeal of Ordinance. The following ordinance is repealed:

- A. Ordinance 2018-8, An Ordinance Establishing a Fire Code for Santa Fe County by Adopting and Modifying the 2015 Edition of the International Fire Code; Adopting and Modifying the 2015 Edition of the International Wildland-Urban Interface Code; Regulating Fireworks and Excessive Fire Alarms; Requiring Fire Inspections; Providing for Fire Protection System Plan Reviews; Regulating Gates Obstructing Access to Properties; Providing for the Issuance of Permits and Collection of Fees; Repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 as Amended by 1998-11, and 2001-11; and Repealing Santa Fe County Resolution Nos. 2001-114 as Amended by 2003-47, and 2000-55.

SFC CLERK RECORDED 09/07/2023

Section 5. Definitions. This Ordinance adopts the definitions contained in Section 202 of the *2021 International Fire Code* and Section 202 of the *2021 International Wildland-Urban Interface Code*, except as those definitions are otherwise amended by this Ordinance. This Ordinance also adopts the definitions contained in NMSA 1978, § 60-2C-2, as those definitions apply to Section 10 of this Ordinance.

Section 6. Adoption of the 2021 International Fire Code, including Appendices B, D, and I, with Certain Modifications, Additions and Deletions as a Part of the Santa Fe County Fire Code. The *2021 International Fire Code*, (“IFC”), as published by the International Code Council, as well as IFC Appendix B (Fireflow Requirements for Buildings), Appendix D (Fire Apparatus Access Roads), and Appendix I (Fire Protection Systems – Noncompliant Conditions) of the IFC, is hereby adopted as part of the Santa Fe County Fire Code and is made a part hereof by reference subject to the modifications, additions and deletions set forth in Section 7 of this Ordinance. Any modifications, additions, or deletions to sections of the IFC do not affect their respective subsections unless otherwise provided in Section 7.

Section 7. Modifications, Additions and Deletions to the IFC. The following modifications, additions and deletions to the IFC are hereby adopted as part of the Fire Code:

- A. Chapter 1, Section 101.1 is deleted in its entirety and replaced with the following:
“**101.1 Title.** The regulations set forth in the IFC and IWUIC, unless otherwise modified by the Fire Code, are part of the Fire Code, and shall hereafter be referred to as ‘the Fire Code’ or ‘this Code’.”

- B. Chapter 1, Section 102.3 is deleted in its entirety and replaced with the following:
“**102.3 Change of use or occupancy.** Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this Code and the New Mexico Building Code (“NMBC”). Subject to the approval of the building code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure allowed to be occupied for purposes in other groups without conforming to all of the requirements of this Code and the NMBC for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

- C. Chapter 1, Section 103.1 is deleted in its entirety and replaced with the following:
“**103.1 General.** The Fire Prevention Division of the Santa Fe County Fire Department (the “Division”) is under the direction of the Fire Marshal. The function of

the Division includes implementation, administration and enforcement of the Fire Code.”

- D. Chapter 1, Section 103.2 is deleted in its entirety and replaced with the following:
“**103.2 Fire Marshal.** The position of Fire Marshal exists within the Santa Fe County Fire Department and every reference within this Code to fire code official shall be a reference to the Fire Marshal. The Fire Marshal may delegate his or her duties as necessary to others within the Division who shall assume those duties under the supervision of the Fire Marshal.”

- E. Chapter 1, Section 103.3 is deleted.

- F. Chapter 1, Section 104.6 is deleted in its entirety and replaced with the following:
“**104.6 Official records.** The Fire Marshal shall keep official records as required by Section 104.6.1 through 104.6.4. Such official records shall be retained in accordance with the County’s current records retention schedule.

- G. Chapter 1, Section 104.6.1 is deleted in its entirety and replaced with the following:
“**104.6.1 Approvals.** A record of approvals shall be maintained by the Fire Marshal in accordance with Section 104.6, and shall be available for public inspection in accordance with the New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12.”

- H. Chapter 1, Section 104.6.4 is deleted in its entirety and replaced with the following:
“**104.6.4 Administrative.** Application for modification, alternative methods or materials and the final decision of the Fire Marshal shall be in writing and shall be officially maintained in the records of the Division and retained in accordance with the County’s current records retention schedule.”

- I. Chapter 1, Section 104.7 is deleted in its entirety and replaced with the following:
“**104.7 Liability.** The adoption of this Code, and any previous codes adopted by Santa Fe County, shall not be deemed to give rise to a duty of care on the part of any public entity, public employee, or agent, nor shall this Code or any previous codes be deemed to create any civil remedy against a public entity, public employee, or agent. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall Santa Fe County, the Board of County Commissioners for Santa Fe County, its elected officials, appointed officials, agents, employees and volunteers, be held to assume any such liability by reason of the inspections and enforcement authorized by this Code or any permits or certificates issued under this Code.”

SFC CLERK RECORDED 09/07/2023

- J. Chapter 1, Section 104.7.1 is deleted.
- K. Chapter 1, Section 104.10.1 is amended to add the following after the final sentence:
“Such reports shall be provided by the property owner or owner’s authorized agent who shall bear all costs associated for producing such reports. Such reports shall be retained by the Fire Marshal in accordance with the County’s current records retention schedule”
- L. Chapter 1, Section 104.11 is amended to replace the final sentence with the following:
“Information that includes trade secrets or processes shall be managed in accordance with the New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 to -12.”
- M. Chapter 1, Section 105.3.7 is deleted in its entirety and replaced with the following:
“**105.3.7 Information on the Permit.** The Fire Marshal may issue permits required by the Fire Code. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the Fire Marshal. Issued permits shall bear the signature of the Fire Marshal or other approved legal authorization.”
- N. Chapter 1, Section 105, is amended to delete Sections 105.5.1 through 105.5.4, Sections 105.5.6 through 105.5.14, Sections 105.5.17 through 105.5.31, Section 105.5.33, Sections 105.5.35 through 105.5.41, Sections 105.5.43 through 105.5.48, Sections 105.5.50 through 105.5.52, Sections 105.6.2 through 105.6.3, Sections 105.6.8 through 105.6.18, and Sections 105.6.20 through 105.6.22.
- O. Chapter 1, Section 105.5.34 is amended to delete the exception for recreational fires and to add after the last sentence the following:
“A recreational fire, unless it is a contained recreational fire, as defined by this Code, requires an operational permit under this section. Open burn permits are subject to the terms and conditions imposed by the Fire Marshal pursuant to Section 105.3 of this Code.”
- P. Chapter 1, Section 107.3 is deleted.
- Q. Chapter 1, Section 111 is deleted in its entirety and replaced with Section 16 of this Ordinance governing appeals of Fire Marshal decisions.

R. Chapter 1, Section 112.3.3 is deleted in its entirety and replaced with the following:

“112.3.3 Prosecution of violations. If a notice of violation issued pursuant to the Fire Code is not complied with promptly, the Fire Marshal or any employee of the Division authorized by the Santa Fe County Board of County Commissioners and at the direction of the Fire Marshal is vested with authority to prosecute violations of the Fire Code in Magistrate Court and to work with the County Attorney’s Office to prosecute violations of the Fire Code and pursue injunctive and other relief when necessary in a court of competent jurisdiction.”

S. Chapter 1, Section 112.4 is deleted in its entirety and replaced with Section 18 of this Ordinance governing penalties.

T. Chapter 1, Section 113.4 is deleted in its entirety and replaced with the following:

“113.4 Failure to comply. It is a violation of the Fire Code for any person to continue any work after having been served with a stop work order, except such work as that person is directed by the Fire Marshal to perform to remove a violation or unsafe condition.”

U. Chapter 2, Section 202 is amended to provide the following definitions:

A new definition is added:

“CONTAINED RECREATIONAL FIRE. A recreational fire that is (1) contained in an incinerator, outdoor fireplace, portable outdoor fireplace, outdoor fire pit, barbeque grill or barbeque pit and (2) equipped with a spark arrestor and screen. Contained recreational fires do not require an operational permit under Section 105.5.34.”

GROUP R, RESIDENTIAL is amended to add the following after the final sentence:

“Approved short-term rentals (“STRs”) as defined in Ordinance 2022-07, shall not be classified under Occupancy Group R. STRs are subject to requirements of the Fire Code that are of most significance to STRs and are required by the Fire Marshal including those provided in the Short Term Rental Fire Code Compliance Certification form.

RECORD DRAWINGS is deleted in its entirety and replaced with the following:

“RECORD DRAWINGS. Submittals and amended submittals that document the location of all appurtenances of fire protection systems to include any corrections incurred during final acceptance.”

RECREATIONAL FIRE is deleted in its entirety and replaced with the following:

“RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires include outdoor fires within an incinerator, outdoor fireplace, portable outdoor fireplace, outdoor fire pit, barbecue grill or barbecue pit that is not equipped with a spark arrestor and screen. Recreational fires that are not contained recreational fires require an operational permit under Section 105.5.34.”

- V. Chapter 3, Section 307.2 is deleted in its entirety and replaced with the following:
“**307.2 Permit required.** A permit shall be obtained from the Fire Marshal in accordance with Sections 105.5 and 105.5.34 prior to kindling a fire. Application for such approval shall only be presented by and permits issued to the owner of the land, or owner’s authorized agent, on which the fire is to be kindled.”
- W. Chapter 5, Section 503, Fire Apparatus Access Roads, is amended to add the following section:
“**503.7 Fire protection water supplies and fire apparatus access roads in recreational vehicles, mobile home and manufactured housing parks, sales lots, and storage lots.** Fire protection water supplies and fire apparatus access roads in recreational vehicle, mobile home, and manufactured housing parks, sales lots, and storage lots, shall be provided and maintained in accordance with Sections 503 and 507, and Appendices B and D.”
- X. Chapter 6, Section 605.9 is deleted in its entirety and replaced with the following:
“**605.9 Gas meters.** Where required by the Fire Marshal, above-ground gas meters, regulators, and piping subject to damage shall be protected by a barrier complying with Section 312, or otherwise protected in an approved manner.”
- Y. Chapter 11, Section 1103.7.1 is amended to add the following after the first sentence:
“In addition, a Lockdown Communication Plan (“LCP”) shall be instituted in existing Group E occupancies with an occupant load greater than 100 and shall include the following: *1. Initiation.* The LCP shall include instructions for reporting an emergency that requires a lockdown. The method of notification shall be separate and distinct from the fire alarm signal. *2. Accountability.* The LCP shall include accountability procedures for staff to report the presence or absence of occupants. *3. Recall.* The LCP shall include a prearranged signal for returning to normal activity. *4. Communication and coordination.* The LCP shall include an approved means of two-way communication between a central location and each secured area. The LCP shall be approved by the Fire Marshal.”

Z. Chapter 56, Section 5601.2.4 is deleted in its entirety and replaced with Section 10 (B)(3) of this Ordinance.

AA. Chapter 57, Section 5704.2.9.6.1, is amended to read:

“5704.2.9.6.1 Limitations on size, location and construction of above-ground tanks outside of buildings. Storage of Class I and II liquids in above-ground tanks outside of buildings, including but not limited to size, location, and construction shall comply with applicable law including requirements of the Sustainable Land Development Code and state and federal law. In particular installations, a capacity limit shall be determined by the Fire Marshal, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed storage, degree of fire protection to be provided and capabilities of the local fire department.

BB. Chapter 57, Section 5706.2.4.4 is deleted in its entirety and replaced with the following:

“5706.2.4.4 Limitation on size, location and construction of above-ground tanks. Storage of Class I and II liquids in above-ground tanks, including but not limited to size, location, and construction shall comply with applicable law including requirements of the Sustainable Land Development Code and state and federal law. In particular installations, a capacity limit shall be determined by the Fire Marshal, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed storage, degree of fire protection to be provided and capabilities of the local fire department.

CC. Chapter 58, Section 5806.2 is deleted in its entirety and replaced with the following:

“5806.2 Limitations on size, location and construction. Storage of flammable cryogenic fluids in stationary containers outside of buildings, including but not limited to size, location, and construction, shall comply with applicable laws including requirements of the Sustainable Land Development Code and state and federal law. In particular installations, a capacity limit shall be determined by the Fire Marshal, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.”

DD. Chapter 80, Referenced Standards is amended to add the following standard to the National Fire Protection Association (NFPA) standards:

“855-20: Standard for the Installation of Stationary Energy Storage Systems.”

Section 8. Adoption of the 2021 International Wildland-Urban Interface Code, with Certain Modifications, Additions and Deletions as a Part of the Santa Fe County Fire Code. The *2021 International Wildland-Urban Interface Code*, (“IWUIC”) as published

SFC CLERK RECORDED 09/07/2023

by the International Code Council, is hereby adopted as a part of the Santa Fe County Fire Code and is made a part hereof by reference subject to the additions and deletions set forth in Section 9 of this Ordinance. Any modifications, additions, or deletions to sections of the IWUIC do not affect their respective subsections unless otherwise provided in Section 9.

Section 9. Modifications, Additions and Deletions to the IWUIC. The following modifications, additions and deletions to the IWUIC are hereby adopted as part of the Fire Code:

- A. Chapter 1 of the IWUIC is deleted in its entirety and replaced with Chapter 1 of the IFC as amended by this Ordinance, which shall govern the application of the IWUIC as amended by this Ordinance.
- B. Chapter 3, Section 302.1, 302.2, and 302.3 are deleted in their entirety and replaced with the following:
“**302.1 Declaration.** Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the wildland-urban interface area map attached hereto as Exhibit A and available in the GIS Division of Santa Fe County by reference to the Vegetation Classification layer.”
- C. Chapter 4, Section 402.2.2, is amended to delete Exception 1.
- D. Chapter 4, Section 403.2.1 is deleted in its entirety and replaced with the following:
“**403.2.1 Dimensions.** Driveways shall provide a minimum unobstructed width of 14 feet and a minimum unobstructed height of 13 feet 6 inches.”
- E. Chapter 4, Section 403.2.3 is deleted.
- F. Chapter 4, Section 403.2.5 is deleted in its entirety and replaced with the following:
“**403.2.5 Turnouts.** Driveway turnouts shall be an all-weather road surface not less than twenty (20) feet wide and forty (40) feet long. Driveway turnouts shall be located as required by the Fire Marshal in order to facilitate ease of access by emergency vehicles.”
- G. Chapter 4, Section 404.6 is deleted.
- H. Chapter 5 is deleted.
- I. Chapter 6, Section 602.1 is deleted in its entirety and replaced with the following:

“602.1 General. An approved automatic sprinkler system or alternative fire protection water supply may be required to be installed in new buildings or structures based on the dimensions and grade of fire department emergency access roads. The Fire Marshal is authorized to utilize NFPA 1142 in addition to the Fire Code regarding fire protection requirements. The installation of the automatic sprinkler and/or alternative fire protection water supply systems shall be in accordance with nationally recognized standards.”

- J. Chapter 6, Section 603.2 is deleted in its entirety and replaced with the following:
- “603.2 Fuel modification.** New buildings or structures shall comply with the fuel modification distances contained in Table 603.2. The fuel modification distance shall be not less than thirty (30) feet (9144 mm) or to the lot line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the Fire Marshal because of a site-specific analysis based on local conditions and the fire protection plan.”

Section 10. Fireworks

- A. Fireworks are regulated under Chapter 56 of the IFC which is hereby adopted subject to any additions, deletions or modifications adopted by this Ordinance. The Fireworks Licensing and Safety Act, §§ 60-2C-1 to -11, NMSA 1978 (“FLSA”), provides further regulation of fireworks.
- B. Display Fireworks
1. *Permit required.* Only the holder of a permit for a fireworks display issued by the Fire Marshal may ignite or discharge display fireworks in Santa Fe County. The Fire Marshal may grant permits for supervised and controlled ignition of display fireworks. Once applied for, such permits may be granted by the Fire Marshal subject to such restrictions and conditions as the Fire Marshal imposes to protect the public’s interest in a safe fireworks display. Every such display shall be handled by a competent operator duly approved by the Fire Marshal and shall be of such composition, character and so located, discharged or fired, to not be hazardous to property or endanger life.
 2. *Application for permit.* An application for a fireworks permit shall be made in writing at least thirty (30) days in advance of the date of the display. If the permit is granted, the use of fireworks for such display shall be lawful for that purpose only.
 3. *Financial Responsibility.* Before any permit for display fireworks is issued, the applicant shall furnish proof of financial responsibility by either providing a bond or letter of credit in the amount of not less than \$2,000,000 (two million dollars) per claim, \$5,000,000 (five million dollars) aggregate, to satisfy any

claims for damages to property or personal injuries arising out of any act or omission on the part of the applicant or any agent or employee of the applicant.

4. *Definitions.* For purposes of this subsection, in those instances where the terms are defined in the FLSA, the definitions found in the FLSA shall apply rather than the definitions set forth in the Fire Code.

C. Nothing in this Ordinance shall be construed to limit the authority granted by the FLSA to the Santa Fe County Board of County Commissioners to impose fireworks restrictions.

Section 11. Excessive Fire Alarms

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

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

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

Section 12. Permits. Required permits under the Fire Code are set forth in Section 105 of the IFC as amended by Section 7 of this Ordinance.

Section 13. Annual Fire Inspections

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

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

10. Residential Group R-4

- B. The property owner shall pay the annual fire inspection fee prior to inspection.
- C. As soon as practicable thereafter, the inspection shall occur. The Fire Marshal shall mail to the property owner an inspection report specifying each deficiency under the Fire Code and how and when compliance with the Fire Code must be accomplished. A property owner who fails to correct violations identified in the inspection report within the time frame established in that report will be charged a re-inspection fee when the Fire Marshal inspects their property, unless the property owner has been actively working with the Fire Marshal to remedy the violations and the Fire Marshal has granted an extension of time to comply. Failure of the property owner to timely comply with the requirements of this Section and/or remediate in accordance with the inspection report or any written extension of time granted by the Fire Marshal shall constitute a violation of the Fire Code.

Section 14. Fire Protection Systems Plan Submittal Standards

- A. In addition to meeting the requirements of Chapter 1 and Chapter 9 of the IFC, as adopted and amended by this Ordinance, any application for a permit to install, rehabilitate or modify a fire protection system or life safety system (as those terms are defined in this Code) shall also comply with the requirements of this section.
- B. Submittals: Construction documents for the fire protection system and supporting data shall be submitted to the Fire Marshal in two or more sets with each application for a permit and in such form and detail as required by the County's current standards on Fire Protection Systems Plan Submittal. In addition, submittals shall meet the minimum requirements of the New Mexico State Fire Marshal's Office of Fire Code Enforcement and Regulation.

Section 15. Fees

- A. Fire inspections shall be conducted by the Fire Prevention Division for the purposes of fire prevention and protection. An applicant for plan review, fire inspection, and/or a permit, must pay the fees found in this section at the time the application is submitted and prior to work commencing on the application.
- B. Fire Protection Systems Plan Review and Construction Permit issued in accordance with Section 105 of the IFC, as amended by Section 7 and Section 14 of this Ordinance

1. Commercial automatic sprinkler	\$ 200.00
2. Commercial fire alarm/detection	\$ 150.00
3. Commercial alternative automatic extinguishing	\$ 100.00
4. Commercial water tank/draft hydrant	\$ 100.00

SFC CLERK RECORDED 09/07/2023

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| 5. Residential automatic sprinkler | \$ 75.00 |
| 6. Residential water tank/draft hydrant | \$ 75.00 |
| 7. Resubmissions | \$ 50.00 |

C. Operational Permits and Inspections required by Section 105 of the IFC, as amended by Section 7 of this Ordinance

\$ 50.00 per permit (Agricultural, Vegetation, Ceremonial and Recreational Open Burn permits are free of charge)

D. Annual Fire Inspection Required by Section 13

1. Inspection prior to commencement of operations
 - a. No impact and low impact \$ 25.00
 - b. Businesses of 1,500 square feet or less \$ 50.00
 - c. Businesses of 1,501 to 3,000 square feet \$ 75.00
 - d. Businesses of 3,001 to 6,000 square feet \$ 100.00
 - e. Businesses of 6,001 to 9,000 square feet \$ 125.00
 - f. Businesses of more than 9,000 square feet \$ 150.00
 - g. Re-inspections \$ 50.00

2. Annual Inspection each year after commencement of operations
 - a. Businesses of 1,500 square feet or less \$ 50.00
 - b. Businesses of 1,501 to 3,000 square feet \$ 75.00
 - c. Businesses of 3,001 to 6,000 square feet \$ 100.00
 - d. Businesses of 6,001 to 9,000 square feet \$ 125.00
 - e. Businesses of more than 9,001 square feet \$ 150.00
 - f. Re-inspections \$ 50.00

E. Site Development, Subdivision Plan, Subdivision Exemptions, and other Plat Reviews Required by the Sustainable Land Development Code

1. Commercial \$ 50.00
2. Residential \$ 25.00 per structure or if no structure per lot

F. Conceptual Plan Review Required by the Sustainable Land Development Code

1. Commercial \$ 150.00
2. Residential \$ 150.00
3. Amendment \$ 75.00

Section 16. Appeals.

A. Appeal of Fire Marshal Decision and Written Request to Fire Chief for Re-consideration. Any person with standing aggrieved by any decision of the Fire Marshal applying the Fire Code (“Grievant”) may appeal the decision, provided

that prior to appealing the decision, the Grievant first request, in writing, that the Fire Chief reconsider the decision of the Fire Marshal. An appeal is only ripe if the Fire Chief enters a decision adverse to the Grievant in response to the request for reconsideration. However, if the Fire Chief does not enter a decision in response to the request for reconsideration within ten (10) calendar days of receipt of the written request, the Grievant may proceed to appeal the Fire Marshal's decision as set forth below.

- B. Appeal Deadline.** An appeal shall be filed in writing by the Grievant within fifteen (15) calendar days of an adverse decision of the Fire Chief in response to a request for reconsideration or within fifteen (15) calendar days of the Fire Chief's failure to act on the request for reconsideration. The fifteen (15) calendar day appeal period is jurisdictional and may not be waived. The appeal must be hand delivered or sent first class mail post marked on or before the fifteenth (15) calendar day of the appeal period to the office of the Fire Chief.
- C. Grounds for Appeal.** The appeal shall be based on a claim that, singularly or in combination, the Fire Code has been incorrectly interpreted or applied, the provisions of the Fire Code do not fully apply, or an equivalent method of protection or safety was proposed and unnecessarily rejected. The Hearing Examiner shall have no authority to waive requirements of the Code.
- D. Content of Appeal.** To meet the requirements of Section 16 (C), the appeal shall contain a detailed description of the specific decision of the Fire Marshal being appealed and a clear, brief statement of how the decision misinterprets or misapplies the Fire Code. In addition, and if applicable, the appeal shall provide a clear statement describing any further grounds of appeal described in Section 16 (C). The appeal shall cite the specific provision(s) of the Fire Code claimed to be misinterpreted or misapplied, state the date of the decision that is being appealed, and include the contact information for the Grievant, including a mailing address. A Grievant may file any additional documentation that supports the appeal, but any submittal which fails to address the requirements of this Section will be deemed incomplete and will constitute abandonment of the appeal.
- E. Fee.** The appeal must be accompanied by a money order payable to Santa Fe County in the amount of one hundred and fifty dollars (\$150.00) to cover some of the expenses incurred by Santa Fe County in the appeal process.
- F. Appointment of Hearing Examiner.** The County shall appoint a Fire Code Hearing Examiner ("Hearing Examiner") capable of interpreting and applying the Fire Code, to hear appeals of decisions of the Fire Marshal regarding application and interpretation of the Fire Code.
- G. Legal Counsel.** The Santa Fe County Attorney's Office shall provide legal counsel to the Hearing Examiner as may be necessary for that individual to fulfill their duties and concerning matters before them.

- H. Public Hearing.** A hearing of the appeal before the Hearing Examiner shall be held as soon as practicable after the appeal is filed and a Hearing Examiner is appointed. Hearings shall be conducted in accordance with the New Mexico Open Meetings Act, NMSA 1978, §§ 10-15-1 to -4, (the "Open Meetings Act").
- I. Meeting Notice.** In addition to any notice of the hearing required by the Open Meetings Act, notice of the hearing shall be mailed by the Hearing Examiner to the Grievant and any other person who has requested in writing that the Hearing Examiner provide them with notice of the hearing, specifying the location, date and time of the hearing. Notice shall be mailed at least ten (10) days prior to the hearing to the address of the Grievant contained in the appeal, to the Fire Marshal and to anyone who has requested notice.
- J. Conduct of Hearing.** Any hearing shall be conducted in an orderly manner. In conducting the hearing, the Hearing Examiner shall not be limited by formal rules of evidence. However, the Hearing Examiner shall exclude all irrelevant, immaterial and unduly repetitious evidence. The Hearing Examiner shall afford the Grievant and the Fire Marshal an opportunity for a full and fair hearing, including the right to present evidence and call and examine witnesses to testify. The Hearing Examiner does not have the authority to issue subpoenas and the Grievant and Fire Marshal are responsible for securing the presence of witnesses to testify on their behalf at hearing.
- K. Final Written Decision.** The Hearing Examiner may uphold, modify or reverse the decision of the Fire Marshal, and where appropriate shall interpret the provisions and application of the Fire Code in dispute. The Hearing Examiner shall mail a written decision to the Grievant, the Fire Marshal and any person who requested notice of the hearing as set forth above, within fifteen (15) calendar days of the final hearing in the matter, and the decision shall include findings and conclusions. The issuance of a final written decision of the Hearing Examiner in the matter shall be final and constitutes exhaustion of all administrative remedies.
- L. Recording.** Every decision of the Hearing Examiner shall be made part of the official records of Santa Fe County's Fire Prevention Division and shall be open for public inspection pursuant to the Inspection of Public Records Act. The Hearing Examiner shall ensure that hearings are recorded.
- M. Appeal to District Court.** Any party aggrieved by a decision of the Hearing Examiner may file an appeal with the First Judicial District Court of New Mexico within thirty (30) calendar days of the Hearing Examiner's decision. Appeals to the First Judicial District Court shall be from the record. Said record shall consist of a transcript or recording of all testimony taken during the hearing before the Hearing Examiner, all exhibits accepted into the record by the Hearing Examiner, and a copy of the Hearing Examiner's decision."

Section 17. Enforcement. The Fire Marshal and any duly authorized employee shall have the authority to enforce this Ordinance in a court of competent jurisdiction and in accordance with NMSA 1978, § 4-37-3 and Chapter 1 of the Fire Code. Pursuant to NMSA 1978, § 4-37-3 (B), the Santa Fe County Board of County Commissioners shall authorize by resolution and as necessary those employees within the Division that may issue citations for prosecutions of violations of this Ordinance.

Section 18. Penalties. Violations of the Fire Code shall be punishable in accordance with NMSA 1978, § 4-37-3. A violation of the Fire Code is a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300) and/or imprisonment for a period not to exceed ninety (90) days.

Section 19. Copy of Ordinance. One (1) copy of this Ordinance, including those portions of the IFC and the IWUIC hereby adopted, which together hereby constitute the Santa Fe County Fire Code, is on file in the office of the Santa Fe County Fire Prevention Division, 35 Camino Justicia, Santa Fe, NM, 87508. An additional copy is on file in the office of the County Clerk.

Section 20. Retroactive Application. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action commenced under any ordinance hereby repealed.

Section 21. Severability. If any court of competent jurisdiction decrees that any specific provision of the Fire Code is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment.

ADOPTED BY THE GOVERNING BODY OF THE COUNTY OF SANTA FE this

29th day of August, 2023.

ATTEST:

By: Anna C. Hansen
Anna C. Hansen, Chair

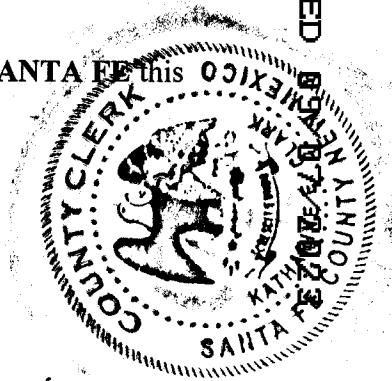
Katharine E. Clark

Katharine Clark
Santa Fe County Clerk

APPROVED AS TO FORM:

Jeff Young
Jeff Young
Santa Fe County Attorney

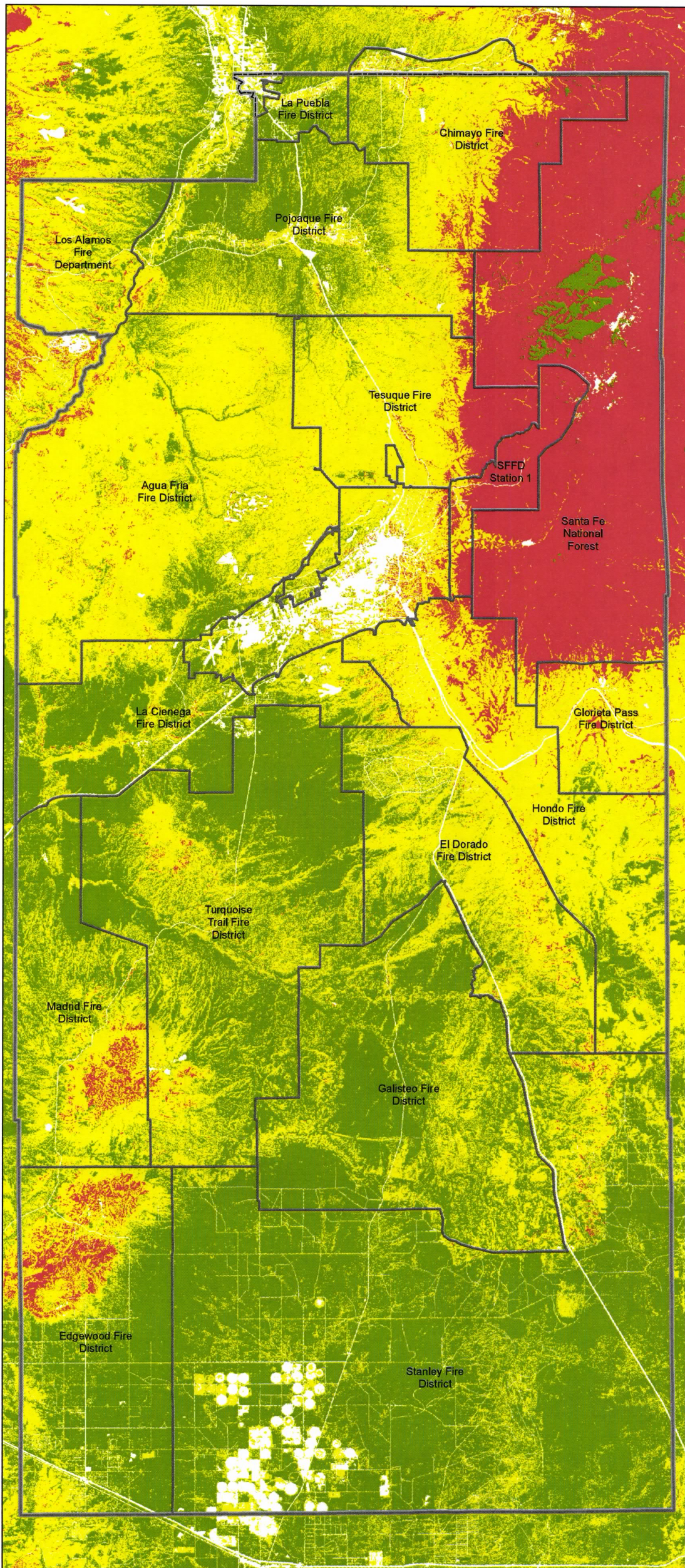
Date: 9/7/23



SFC CLERK RECORDED

SFC CLERK RECORDED 09/07/2023

EXHIBIT A



**Santa Fe County
Wildland Urban Interface
Areas**

SFC CLERK RECORDED 09/07/2023

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

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



1:285,363

1 inch represents 4.5 miles



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



June 6, 2023



AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of Bernalillo SS

Wayne Barnard, the undersigned, authorized Representative of the Albuquerque Journal, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

08/07/2023

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 7 day of August of 2023

PRICE \$172.03

Statement to come at the end of month.

ACCOUNT NUMBER 1009632

AUDREY RAYLEENE CRISPIN
Notary Public - State of New Mexico
Commission # 1140072
My Comm. Expires Apr 6, 2027

Audrey Rayleene Crispin

ager's Office in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276, via email at ssmith@santafecountynm.gov, or presented in person at the public hearing. Comments, questions, and objections submitted in advance of the public hearing must be received by 1:00 p.m. on Friday, August 25, 2023, to ensure that they are provided to the BCC before the public hearing.

Possible BCC Action on August 29, 2023. After the public hearing on August 29, 2023, the BCC may adopt the Proposed Ordinance, with or without changes, vote not to adopt the Proposed Ordinance, recess the public meeting in accordance with the Open Meetings Act, or postpone the public hearing or delay action on the Proposed Ordinance until a future meeting of the BCC. Further newspaper publication of a recessed meeting or postponed hearing or action is not legally required. Interested parties not in attendance at or watching the August 29, 2023, public hearing where recessing or postponement might be announced should thus inquire of the County as to whether the BCC took action to recess or postpone.

Copies of Proposed Ordinance. Copies of the proposed ordinance are available for inspection and copying in the Santa Fe County Clerk's Office, located at 100 Catron Street, Santa Fe NM 87501. The proposed ordinance is also available at the County's website, www.santafecountynm.gov.

Journal: August 7, 2023

CLERK RECORDED 09/07/2023

REC RECORDED 09/07/2023

NOTICE OF PUBLIC HEARING ON AND GENERAL SUMMARY OF SANTA FE COUNTY ORDINANCE NO. 2023- ENTITLED "An Ordinance Repealing and Replacing Santa Fe County Ordinance No. 2018-08 thereby Updating the Santa Fe County Fire Code by Adopting with Modifications the 2021 Edition of the International Fire Code; Adopting with Modifications the 2021 Edition of the International Wildland-Urban Interface Code; Regulating Fireworks and Excessive Fire Alarms; Requiring Fire Inspections; Providing for Fire Protection System Plan Reviews; and Providing for the Issuance of Permits and Collection of Fees."

Notice is hereby given that the Board of County Commissioners (BCC) of Santa Fe County (County) will hold a public hearing on the above-titled ordinance (Proposed Ordinance) in the BCC's Chambers located at 102 Grant Avenue Santa Fe, NM 87501, at or after 5:00 p.m. on August 29, 2023. Individuals who would like to request auxiliary aids or services should contact the County Manager's Office at (505) 986-6200 in advance to discuss specific needs.

If you choose not to attend in person, members of the public can listen and participate in the virtual public hearing via Webex, using meeting number (access code) 2486 022 3586 and password P5JcEVTq9U9. To participate by phone, call 1-408-418-9388. To participate via the internet, go to <https://sfco.webex.com/sfco/>.

General Summary of Proposed Ordinance. The Proposed Ordinance would repeal and replace County Ordinance 2018-08, thereby updating the County's Fire Code by adopting with modifications the 2021 edition of the International Fire Code and the 2021 edition of the International Wildland-Urban Interface Code. In addition, the Proposed Ordinance would add three types of occupancies that would require annual fire inspections: Institutional Group I-2, Residential Group R-2, and Residential Group R-4. The Proposed Ordinance would retain provisions for the regulation of fireworks and fire protection system plan reviews, and for the issuance of permits and collection of fees. This is only a general summary of the Proposed Ordinance. Interested persons must consult the Proposed Ordinance itself to understand all of its provisions.

Public Hearing and Submission of Written Comments. All interested parties will be heard at the public hearing. Written comments, questions, and objections regarding the Proposed Ordinance may also be submitted to the County Man-

COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 17
I Hereby Certify That This Instrument Was Filed for
Record On The 7TH Day Of September, 2023 at 09:46:58 AM
And Was Duly Recorded as Instrument # 2019230
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Katharine E. Clary
Deputy *Desty Romero* County Clerk, Santa Fe, NM

