

## **INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-337**

### **AN ORDINANCE OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO, AMENDING CHAPTER 22, "FIRE PREVENTION AND PROTECTION," TO CORRECT REFERENCE IN SECTION 22-31(a)(1)**

**WHEREAS**, the Incorporated County of Los Alamos, New Mexico ("County") is a home rule county possessing the full power of local self-government pursuant to Article X, Sections 5 and 6 of the New Mexico Constitution, NMSA 1978, Chapters 3, 4 and 5, and County's Home Rule Charter; and

**WHEREAS**, the State Legislature, in NMSA 1978, § 3-18-11, has granted certain fire protection powers to County, including the authorization to adopt, by ordinance, regulations for the prevention of fires; and

**WHEREAS**, County, at the request of the Los Alamos Fire Department ("LAFD") has, by ordinance adopted regulations governing the prevention of fires in the County in Chapter 22 of the Los Alamos County Code of Ordinances ("County Code"); and

**WHEREAS**, County, at the request of LAFD, on May 25, 2022, by Ordinance number 02-313, adopted the 2021 edition of the International Fire Code, excepting certain sections thereto; and

**WHEREAS**, LAFD, in further review of the adopted Code and exemptions in Section 22-31, found that a reference to the International Fire Code (2021) needed correction; and

**WHEREAS**, the County Council of the Incorporated County of Los Alamos, New Mexico, deems it to be in the best interest of the citizens and visitors to the County to ensure that the adopted fire codes are correct.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF LOS ALAMOS, NEW MEXICO, THAT:**

**Section 1.** Section 22-31 of Chapter 22 of the County Code is hereby amended as follows:

#### **Sec. 22-31. Adoption of fire codes.**

(a) There are adopted by the county for the purpose of prescribing regulations governing conditions hazardous to life, the environment, and property from fire or explosion, those certain codes known as:

(1) The International Fire Code, being particularly the 2021 editions excepting ~~Section 108~~ Section 111 of Chapter 1 regarding the board of appeals together with such other amendments are set forth herein. The adoption of this code shall include appendix chapters B, C, D, E, F, G, H, I, J, K, L, M, and N (see International Fire Code Section 101.2.1, 20421 edition), as published by the International Code Council is hereby adopted and designated as the Fire Code of the county to serve as a general standard for purposes of regulating and governing the safeguarding

of life and property from fire, explosion or other hazardous conditions created through the operation or use of a space, structure or property.

(2) The provisions of such codes shall be controlling within the limits of the county, except as may be otherwise provided by law. A copy of the codes adopted by reference in this section shall be maintained in the office of the county clerk and shall be made available for review by the public upon request.

(b) The following sections, paragraphs, and sentences of the 2021 International Fire Code are amended as follows:

(1) Global meanings in adopted code.

a. *Passim*. Wherever any reference to "ICC Electrical Code" appears, it shall be replaced with the phrase "2017 National Electrical Code (NEC)".

b. *Passim*. Wherever any reference to "International Energy Conservation Code (IECC)" appears, it shall be replaced with the phrase "2009~~18~~ New Mexico Energy Conservation Code (NMECC), as may be amended from time to time by the State of New Mexico."

c. *Passim*. Wherever any reference to "ICC Plumbing Code" appears, it shall be replaced with the phrase "2015~~21~~ Uniform Plumbing Code and all appendices".

d. *Passim*. Wherever any reference to "International Mechanical Code" appears, it shall be replaced with the phrase "2015-21 Uniform Mechanical Code (UMC)".

(2) County IFC specific amendments.

a. SECTION 101.1 of the IFC is amended as follows: 101.1 Title. These regulations shall be known as the Fire Code of the County, hereinafter referred to as either "IFC" or "this code."

b. SECTION 102.4 of the IFC is amended as follows: 102.4 Application of other codes. The design and construction of new structures shall comply with this code, and other codes as applicable, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope International Building Code, shall be made in accordance therewith.

c. Section 102.7.3 of the IFC is added as follows: 102.7.3 Specifically referenced editions of National Fire Protection Association codes and standards. The National Fire Protection Association standards and specific editions not referenced within Chapter 80 of this code may be considered as part of this code when determined by the Fire Code Official as necessary to protect life and property. Any conflicts of these referenced codes or standards with the provisions of this code shall comply with 102.7.1.

d. Section 105.1 of the IFC is amended as follows: Section 105.1. General. Permits shall be in accordance with Section 105.1.1 through 105.6~~7~~.24 unless provided for by the State of New Mexico or sub-division thereof, and when required by the fire code official.

e. Section 105.5 of the IFC is amended as follows: Section 105.5. Required operational permits. The fire code official is authorized to issue operational permits to conduct an operation or a business as set forth in sections 105.5.2 through 105.5.52

unless provided for by the State of New Mexico or sub-division thereof. Operational permit fees shall be established by policy of the fire code official as adopted by the governing body.

f. Section 105.6 of the IFC is amended as follows: Section 105.6. Required construction permits. The fire code official is authorized to issue construction permits for the installation and modification for construction work set forth in sections 105.6.1 through 105.6.24 unless provided for by the State of New Mexico or sub-division thereof. Construction permit fees shall be established by policy of the fire code official as adopted by the governing body.

g. There is hereby added to the IFC a new section to read as follows: 105.5.53 Food booth. The operation of food cooking or heating equipment under a tent or canopy shall require an operational permit from the Fire Code Official. A separate permit is not required if the operation is included within a Special Event Permit or Temporary Use Permit issued by the Los Alamos County Community Development.

h. Section 107 of the IFC is amended as follows: 107 Fees. Fees shall comply with the Los Alamos County, New Mexico—Code of Ordinances Chapter 22 - FIRE PREVENTION AND PROTECTION ARTICLE IV. DIVISION 2.—PERMIT FEES AND DAMAGE OBLIGATIONS.

i. There is hereby added to the IFC a new section to read as follows: 108.2.3 Inspection fees applicability. The Fire Chief or Fire Marshal, or his or her designated representative shall inspect all buildings, premises, or portions thereof as often as may be necessary. Inspection fees shall be in accordance with Section 107 and assessed based on the schedule of fees as adopted by the county council.

j. Section 111 of the IFC is deleted in its entirety.

k. Section 310.1 of the IFC is hereby amended as follows: 310.1 General. Smoking requirements under this section of the 2021 IFC shall comply with Chapter 18 of the county codes.

l. Section 504 of the IFC is amended as follows: 504.1 Required Access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. Fire apparatus access roads shall extend to within 50 feet (15 240 mm) of a required exterior door or opening. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

m. Section 504.1 of the IFC shall be further amended to add the following "Exceptions" as follows:

504.1.1. The fire code official is authorized to increase the dimension of 50 feet (15, 240 mm) ~~where the following condition occurs:~~

a. ~~The~~ when the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

n. Sections 505.1 and Section 505.2 are hereby deleted in its entirety.

o. There is hereby added a section 505.1 as follows: Section 505.1 Address identification shall comply with the chapter 34 of the county codes.

p. Section 507.3 of the IFC is Amended as follows: 507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined as outlined in Appendix B of this code excepting any requirement or reference of the International Wildland Urban Interface Code (IWUI-4521).

q. Section 507.5 of the IFC is amended as follows: 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6, and Appendix C.

r. Section 3013.2 of the IFC is amended as follows: 34013.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m<sup>2</sup>) or any tent or membrane structure under which cooking or heating equipment is operated shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

s. Section 5608.2 of the IFC is amended as follows: 5608.2. Permit application. Permit application for a fireworks display, pyrotechnics special effects shall not be made less than 14 days prior to the scheduled date of display. Prior to issuing permits, site plans and plans for the fireworks display, pyrotechnics special effects, inspections of the display and effects site and demonstrations of the display or effects operation shall be approved. A plan establishing procedure to follow and actions to be taken in the event a shell fails to ignite in, or discharge from, a mortar or effect fails to function over the fallout area, or other malfunctions shall be provided to the fire code official. At the time of permit application, the Fire Marshal or his/her designee shall be consulted regarding requirements for standby fire apparatus. Additional fees for standby personnel may apply as approved by the Fire Chief and established by policy of the fire code official as adopted by the governing body.

t. Section 65609.1 of the IFC is amended as follows: 5609.1 General. The use, storage, transportation, sale possession, handling and display of 1.4G consumer fireworks shall comply with the Los Alamos County Code of Ordinances Chapter 22 Article III. - Fireworks.

u. Section 5609.2 of the IFC is ~~amended~~added as follows: 5609.2 The fire code official shall have the authority to promulgate rules, regulations, and policies associated with the use, storage, transportation, sale possession, handling and display of aerial devices and ground audible devices.

v. ~~Appendix A of the IFC is hereby deleted in its entirety.~~

**Section 2. Effective Date.** This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

**Section 3. Severability.** Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

**ADOPTED** this 28<sup>th</sup> day of February 2023.

**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

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**Denise Derkacs,  
Council Chair**

**ATTEST: (SEAL)**

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**Naomi D. Maestas,  
Los Alamos County Clerk**