

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-368

AN ORDINANCE AMENDING CHAPTER 10, BUILDING AND BUILDING REGULATIONS, ARTICLE III, DIVISION 1, SECTION 10-71, AND CHAPTER 22, FIRE PREVENTION AND PROTECTION, ARTICLE II, DIVISION 1, SECTION 22-31, OF THE CODE OF THE INCORPORATED COUNTY OF LOS ALAMOS TO INCLUDE CHAPTERS 2, 5 AND 6 OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

WHEREAS, the Incorporated County of Los Alamos has general authority to enact and/or amend legislation designed to protect the safety, health, and welfare of its citizens and the general public; and

WHEREAS, due to both its natural and man-made attributes, the Incorporated County has always contended with a higher risk of wildfire outbreak than other municipalities around the State and the nation; and

WHEREAS, due to escalating wildfire activity nationwide, an ever-growing number of state and local municipalities around the country are adopting and implementing specific standards governing wildland-urban interfaces, defined as geographical areas where structures and other human development meets or intermingles with wildland or vegetative fuels; and

WHEREAS, taking into account the severity of the County's past and present hazard of wildland fire, and after evaluating all available data, standards, and best practices in their fields, the County Fire Marshal and Building Safety Manager are in agreement that it is in the best interests of the County, particularly the safety and welfare of its citizens, to declare the County in its entirety to be a wildland-urban interface area, and to adopt the International Wildland-Urban Interface Code ("IWUIC"), being particularly the 2021 edition, Chapters 5 and 6, as amended herein; and

WHEREAS, Chapters 5 and 6, respectively, provide wildland fire risk mitigation procedures that can be incorporated into Chapter 10 of the County Code of Ordinances, governing buildings and building constructions, and also Chapter 22 of the County Code, which regulates fire prevention and protection; and

WHEREAS, the Fire Marshal and Building Safety Manager further agree that the County as a whole meets the IWUIC criteria for a Class I fire hazard designation, or the most extreme level of risk of a wildfire event; and in adopting only the following sections of the IWUIC, amending as needed, the County adopts only those requirements for Class 1 designations or for wildland-urban interfaces in general; and

WHEREAS, the Building Safety Manager shall continue to be tasked with the implementation and enforcement of the IWUIC amendments to Chapter 10, and the Office of the Fire Marshall shall continue to be tasked with the implementation and enforcement of IWUIC amendments made to Chapter 22.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS that:

Section 1. Section 10-71 of Chapter 10, Article III, Division 1, of the Code of the Incorporated County of Los Alamos is hereby amended, as follows:

Sec. 10-71. Adoption by reference.

(a) There is adopted, so far as it is not in conflict with this Code or any law of the state or with any valid regulation issued by any board or agency of the state authorized to make such regulations, for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings or structures, and for the purpose of providing for the issuance of permits and the collection of fees, that certain code known as the New Mexico Building Code, as adopted, amended and revised by the New Mexico Construction Industries Commission, and such code is adopted by reference and incorporated as fully as if set out in this section.

(b) There is adopted by the county for the purpose of prescribing special building construction regulations a certain code that establishes minimum standards for the location, design, and construction of buildings and structures based on the fire hazard severity in the wildland-urban interface(s). This code is known as:

- (1) Chapter 5, Sections 503 and 504 of The International Wildland-Urban Interface Code, being particularly the 2021 edition, governing Class 1 ignition-resistance construction and materials, with the following exemptions: Sections 504.2.1, 504.4, 504.8 insofar as it relates to exterior windows, window walls and glazed doors, and windows within exterior doors, 504.9, and 504.10. 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) Chapter 2 of The International Wildland-Urban Interface Code, being particularly the 2021 edition, which provides definitions for the technical terms used in this code, as they are used in The International Wildland-Urban Interface Code, as they are used in Chapter 5 of The International Wildland-Urban Interface Code only.
- (3) 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.

Section 2. Section 22-31 of Chapter 22, Article II, Division 1, of the Code of the Incorporated County of Los Alamos 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 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, 2021 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 "2018 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 "2021 Uniform Plumbing Code and all appendices".
- d. *Passim*. Wherever any reference to "International Mechanical Code" appears, it shall be replaced with the phrase "2021 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 105.6.24 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) 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-21).
- 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: *3013.2 Approval required.* Tents and membrane structures having an area in excess of 400 square feet (37 m²) 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 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.
- (b) There are adopted by the county for the purpose of establishing minimum fire protection requirements to mitigate the hazards to life and property from fire in wildland-urban interfaces. This code is known as:
- (1) The International Wildland-Urban Interface Code, being particularly the 2021 edition, Chapter 6, governing fire protection requirements.
 - (2) County specific amendments.
 - a. Section 602.1, pertaining to automatic sprinkler systems, shall be amended as follows: *602.1 General.* An approved automatic sprinkler system shall be installed in occupancies in new buildings excluding residential one- and two-family dwellings and townhouses not more than three (3) stories above grade plane in height. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.
 - (3) Chapter 2 of The International Wildland-Urban Interface Code, being particularly the 2021 edition, which provides definitions for the technical terms used in The International Wildland-Urban Interface Code, as they are used in Chapter 6 of The International Wildland-Urban Interface Code only.
 - (4) 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.

Section 3. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 4. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 5. Repealer. All other 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 6th day of May 2025.

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

**Theresa Cull,
Council Chair**

ATTEST: (SEAL)

**Michael D. Redondo,
Los Alamos County Clerk**