

**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-313**

**AN ORDINANCE OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO, ADDING, AMENDING, AND DELETING CERTAIN SECTIONS OF CHAPTER 22, ARTICLES II, III, AND IV**

**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 has, by ordinance, adopted regulations governing the prevention of fires within the County in Chapter 22 of the Los Alamos County Code of Ordinances ("County Code"); and

**WHEREAS**, the 2015 edition of the National Fire Protection Association ("NFPA") Fire Code, and NFPA 101 Life Safety Code is currently adopted as the Fire Code of the County and can conflict with the State's Fire Code; and

**WHEREAS**, County's Building and Safety Division uses the International Building Codes, and by changing from the NFPA to the International Fire Code ("IFC"), the new Fire Code will more closely align with other County departments and division efforts in fire prevention; and

**WHEREAS**, the New Mexico State Fire Marshal has currently adopted the 2015 Edition of the IFC with local amendments; and

**WHEREAS**, the adoption of the 2021 Edition of the IFC, including local amendments, will provide the most current life safety applications with respect to construction of buildings and structures in the County; 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 update its fire code standards and adopt the 2021 Edition of the IFC, as amended, as the minimum standard for the continued construction, occupancy, use and maintenance of buildings and structures within the County's jurisdictional authority.

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

**SECTION 1. A new section, Section 22-1, Article I, of Chapter 22 of the County Code of Ordinances is added as follows:**

**Sec. 22-1. Title.**

This chapter shall be known and may be referred to as the county's "Fire Code."

**SECTION 2. Section 22-31 of Division 1, Article II, of Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

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

~~There are adopted by the incorporated 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 NFPA 1 Uniform Fire Code, and Annexes A, B, D and F published by the National Fire Protection Association, being particularly the 2015 editions excepting section 10 of chapter 1 regarding the board of appeals and all of chapter 17 regarding "Wildland Urban Interface" which are not adopted and integrated by reference;~~

~~(2)The Life Safety Code (NFPA-101) published by the National Fire Protection Association, being particularly the 2015 edition and the whole of such code; which codes are hereby referred to, adopted and made a part of this article, as if fully set out in this article. The provisions of such codes shall be controlling within the limits of the incorporated county, except those areas under the exclusive ownership and control by the United States of America. A copy of the codes adopted by reference in this section shall be maintained in the office of the authority having jurisdiction, the office of the county clerk and shall be made available for review by the public upon request.~~

(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 of Chapter 1 regarding the board of appeals together with such other amendments are set forth herein, and excepting all of Chapter 11. The adoption of this code shall include appendix chapters B, C, D, E, F, H, I and N (see *International Fire Code* Section 101.2.1, 20121 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.

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

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

**(3) Passim.** Wherever any reference to “*ICC Plumbing Code*” appears, it shall be replaced with the phrase “*2015 Uniform Plumbing Code and all appendices*”.

**(4) Passim.** Wherever any reference to “*International Mechanical Code*” appears, it shall be replaced with the phrase “*2015 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 105.7.24 unless provided for by the State of New Mexico or sub-division thereof, and when required by the fire code official.

e. Section 105.6 of the IFC is amended as follows: **Section 105.6. Required operational permits.** The *fire code official* is authorized to issue operational permits for the construction set forth in sections 105.6.1 through 105.6.53 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. There is hereby added to the IFC a new section to read as follows: **105.6.53 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

g. 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.

h. 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.

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

j. 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.

k. 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*.

l. 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 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.*

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

n. 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.

o. 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-15).

p. 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.

q. Section 3013.2 of the IFC is amended as follows: **3103.2 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*.

r. 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.

s. 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.

t. Section 5609.2 of the IFC is amended 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.

u. **Appendix A** of the IFC is hereby deleted in its entirety.

**SECTION 3. Section 22-32 of Division 1, Article II, Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-32. - Definitions.**

The following words, terms and phrases, when used in the code adopted in section 22-31 or within the rules, regulations or policies promulgated by the fire code official, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. Adopted codes means the codes adopted in section 22-31.

b. Authority having jurisdiction (AHJ) or code official means the fire chief or his or her designee.

c. Jurisdiction means ~~Los Alamos County~~ the area within the incorporated limits of the county or exterior portions of the county as may be allowed by law.

d. Governing Authority means the County Council of the County.

e. Fire Code Official means the Fire Marshal of the county Fire Department or his or her designee.

f. Building Official means the Building Official for the County.

g. *Food Booth* means a tent, canopy or membrane structures having an area of less than 400 square feet under which food cooking or heating equipment is operated.

h. *Mobile Food Vending Unit* means an operation that cooks or heats food within a transportation vehicle (Food Truck or Trailer) regardless of whether the vehicle is mobile, stationary, temporary or permanent.

i. *Standby personnel* means a qualified fire service personnel approved by the Fire Chief. When utilized, the number required shall be directed by the Fire Chief. Charges for utilization shall be as normally calculated by county.

j. *Self-Storage Facility* means a real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

k. *International Fire Code* or "IFC" shall mean the 2021 International Fire Code as adopted by reference herein.

**SECTION 4. Section 22-33 of Division 1, Article II, Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-33. ~~Establishment and duties~~ Duties and Powers ~~[of]~~ the authority having jurisdiction (AHJ); Fire Code Official, (fire marshal).**

(a) The adopted codes including all inspections and permits authorized thereunder, and the provisions of this chapter of the county code shall be enforced by the AHJ through its fire code official (fire marshal).

(b) Authority to enter premises. The AHJ and Fire Code Official, shall have the power to enter all property within the county for purposes of enforcing this code and shall be for the purposes of fire and life safety. Entry into ~~any building~~ a building or structure shall be at a reasonable time for inspections. The authority to enter shall not include inspection of interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefore in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire or like emergency.

(c) The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to potential fire hazards within the county. The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

(d) The AHJ may issue the permits provided for in the adopted codes but is ~~expressly~~ granted discretion to determine ~~whether or not to generally require~~ the necessity of said permits. Nothing herein is intended to create a duty to issue permits or to require that the AHJ exercise the authority conferred by the adopted codes.

**SECTION 5. Section 22-38 of Division 1, Article II, Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

Sec. 22-384. - Conflicting provisions of adopted codes.

Generally, the provisions of the County Code, the adopted codes and the referenced documents shall be read together and interpreted as complimentary provisions to the maximum extent possible. However, where the provisions of this chapter, the adopted codes and the referenced document cannot be interpreted as compatible and are clearly in conflict, conflicts shall be resolved in favor of the express provisions of this chapter.

**SECTION 6. Section 22-39 of Division 1, Article II, Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-395. - Appeals.**

Any person aggrieved of a decision by the AHJ regarding the interpretation or application of this chapter of the County Code, or aggrieved within the meaning of the adopted codes, may file an appeal pursuant to the provisions of the adopted codes. However, notwithstanding any provision of the adopted codes to the contrary, such appeals shall be made as follows: an appeal board consisting of the fire chief or his designee, the community development director, or his designee, and the public works department director, or his designee. Appeals shall be decided by a vote of a simple majority. Appeals shall be administered in a manner which accords the due process required for quasi-judicial proceedings under New Mexico law including the right to reasonable notice, an evidentiary hearing, the right to call witnesses, the right to have witnesses sworn and the right to confront and cross-examine all witnesses giving testimony. Decisions of the appeal board may be appealed to the county council. Decisions of the county council may be appealed to the state district court.

**SECTION 7. Section 22-41 of Division 1, Article II, Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-4136. - Violations; penalties.**

Whenever the Fire Code Official determines that there has been a violation of this chapter, or the adopted codes a written notice shall be issued to the alleged violator. Any notice served shall comply with the requirements of the adopted codes and shall also set forth both the specific provision of law which has been violated and ~~potential penalties~~. Enforcement shall be pursuant to the powers, authorities, penalties and provisions prescribed in the general provisions of the County Code.

**SECTION 8. A new section, Section 22-71 is added to Division II, Article II, Chapter 22 of the Los Alamos County Code of Ordinances to provide as follows:**

**Sec.22-71 Permit Fees.**

A permit shall not be issued until the permit fee has been paid, nor shall an amendment to a permit be released until the additional fee has been paid, if any, as required by the Schedule of Fees as adopted by the county council.

**SECTION 9. A new section, Section 22-72, is added to Division II, Article II, Chapter 22 of the Los Alamos County Code of Ordinances to provide as follows:**

**Sec.22-72. Inspection Fees.**

Inspection Fees. Inspection or re-inspection fees shall be assessed as required by the Schedule of Fees as adopted by the county council.

**SECTION 10. A new section, Section 22-73, is added to Division II, Article II, Chapter 22 of the Los Alamos County Code of Ordinances to provide as follows:**

**Sec.22-73. Refunds.**

Refunds. The county council is authorized to establish a refund policy.

**SECTION 11. Section 22-11, of Division III, Article III, of Chapter 22 of the Los Alamos County Code of Ordinance is hereby amended as follows:**

**Sec. 22-111. - Fireworks temporary Storage, Sale And Use Of Consumer Fireworks.**

The permitting use, storage, transportation, sale, possession and display, storage, handling and use of 1.4G consumer fireworks shall meet the requirements of the Fireworks Licensing and Safety Act, NMSA 1978 §60-2C-1 et seq. and such other requirements as are imposed in the adopted codes comply with IFC Chapter 56, NFPA 1124, and NMSA 1978, Chapter 60, Article 2C, the "Fireworks Licensing and Safety Act", except for the following fireworks, as listed and defined in NMSA 1978, § 60-2C-1 et seq. of that act shall be prohibited from, possession, storage, sale and use in the County of Los Alamos:

- (1) Aerial Devices:
  - (a) Aerial spinners;
  - (b) Helicopters;
  - (c) Mines;
  - (d) Missile type rockets;
  - (e) Roman candles;
  - (f) Shells;
  - (g) Stick-type rockets; and
  - (h) Roman candles.
- (2) Ground Audible Devices:
  - (a) Chasers; and
  - (b) Firecrackers.

**SECTION 12. Section 22-131, Article IV, of Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-131. - ~~Classifications~~ Wildland Urban Interface and Fuels Management.**

(a)The Los Alamos townsite, as shown on a map attached to Ordinance No. 85-291 as attachment A, is designated as an extreme urban-wildland interface area.



~~(b) All lands within the zoning authority of the county that are not within an extreme urban-wildland interface area are designated as a moderate urban-wildland interface area.~~

The fire code official shall have the authority to promulgate rules, regulations, policies, guidelines, fee schedules, forms and processes to supplement the county's fire codes to provide for mitigation of the fire and life safety hazards associated with the wildland urban interface areas.

**SECTION 13. Section 22-132, Article IV, of Chapter 22 of the Los Alamos County Code of Ordinances is hereby amended as follows:**

**Sec. 22-132. - Application of requirements.**

~~(a) Class I ignition-resistant construction requirements apply to all new and relocated structures, and to construction of building additions or modifications, within an extreme urban-wildland interface area.~~

~~(b) Class II ignition-resistant construction requirements apply to all new and relocated structures, and to construction of building additions or modifications, within a moderate urban-wildland interface area.~~

Any rules, regulations, policies, guidelines, fee schedules, forms and processes by the fire code official related to the enforcement of wildland urban interface requirements herein, shall have the force of law as adopted by the county council.

**SECTION 14. Section 22-133, Article IV, of Chapter 22 of the Los Alamos County Code of Ordinances is hereby deleted in its entirety.**

**SECTION 15. Effective Date.** This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

**SECTION 16. 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 17. 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 \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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**Randall T. Ryt,**  
**Council Chair**

**ATTEST: (SEAL)**

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