

ORDINANCE 15-14

AN ORDINANCE OF THE CITY OF ROSWELL AMENDING SECTIONS 13-6, 13-11, 13-12 AND 13-14 OF THE ROSWELL CITY CODE TO INCORPORATE BY REFERENCE THE MOST CURRENT VERSION OF THE INTERNATIONAL FIRE CODE; BY AMENDING SECTION 13-11 TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE INTERNATIONAL FIRE CODE; BY ADDING A NEW ARTICLE IV ON CONSUMER FIREWORKS; AND PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the City of Roswell has adopted by reference and enforces the various codes and standards related to fire protection and prevention under sections 13-6 and 13-11 of the Roswell City Code, and so it is necessary to update said City Code section to incorporate the most current versions of the International Fire Code referred to under those sections and where appropriate under other sections of Chapter 13 of the Roswell City Code; and

WHEREAS, an amendment setting penalizing violations of the International Fire Code as violations of the Roswell City Code is necessary to assist the enforcement of the provisions of the International Fire Code by the City, as well as a correction for the amount of a permit fee; and

WHEREAS, the current regulations on consumer fireworks previously adopted by the City in Ordinance 10-09 as part of the 2009 International Fire Code as section 3310 are not a part of the International Fire Code and would be more appropriately categorized under a new separate article of Chapter 13 of the Roswell City Code pertaining to fire prevention and protection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. Section 13-6 of the Roswell City Code is hereby amended to read as follows:

Section 13-6. NFPA Codes Adopted by Reference

- (a) There is hereby adopted by reference the most recently published edition of the following codes or standards, as published by the National Fire Protection Association:
 - (1) NFPA 10- Standard for portable fire extinguishers
 - (2) NFPA 13 - Standard for the Installation of Sprinkler Systems
 - (3) NFPA 13R - Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
 - (4) NFPA 13D - Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes
 - (5) NFPA 20 - Installation of Stationary Pumps

- (6) NFPA 24 - Private Fire Service Mains
 - (7) NFPA 25 - Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
 - (8) NFPA 72 - National Fire Alarm Code
 - (9) NFPA 409 - Standard on Aircraft Hangars
 - (10) NFPA 1123 - Code for Fireworks Display
 - (11) NFPA 1124 - Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles
 - (12) NFPA 1126 - Standard for the Use of Pyrotechnics Before a Proximate Audience
- (b) The 2015 International Fire Code, as adopted in Section 13-11 below, makes reference to specific sections of certain NFPA codes and standards that may be earlier editions of those adopted by subsection (2) above. When there is found to be any conflicting requirement between such editions of NFPA standards or codes, the requirement of the section listed in the 2015 International Fire code shall apply.
- (c) A copy of such adopted NFPA standards or codes shall be kept in the office of the Fire Marshal, and shall be available for inspection during the normal and regular business hours of the Fire Marshal.

SECTION 2. Section 13-11 of the Roswell City Code is hereby amended to read as follows:

Section 13-11. International Fire Code Adopted by Reference

- (a) There is hereby adopted by reference the 2015 Edition of the International Fire Code, as published by the International Code Council, and as amended herein by Chapter 13 of the Roswell City Code.
- (b) A copy of the 2015 International Fire Code shall be kept in the office of the Fire Marshal and shall be available for inspection during the normal and regular business hours of the Fire Marshal.
- (c) No person shall violate any of the provisions of the 2015 International Fire Code as adopted by reference in subsection (a) above, or any of the National Fire Prevention Association (NFPA) codes or standards as adopted by reference in subsection (a) of section 13-6 of this code. A violation of the provisions of any of the foregoing codes and standards shall be subject to the penalties set forth in section 15-12 of the Roswell City Code.

SECTION 3. Section 13-12 of the Roswell City Code is hereby amended to read as follows:

Section 13-12 Limits

- (a) The geographic limits referred to in certain sections of the 2015 International Fire code are hereby established in accordance with the City of Roswell Zoning Ordinance:
 - (1) The limits referred to in Sections 5504.3.1.1 in which the storage of flammable cryogenic fluids in stationary containers outside buildings are: all Residential Districts and all Commercial Districts.
 - (2) The limits referred to in Section 5704.2.9.6.1 in which storage of Class I and Class II liquids in above-ground tanks is prohibited are: all Residential Districts.
 - (3) The limits referred to in Section 5704.2.9.6.1 in which storage of Class I and Class II liquids in above-ground tanks is prohibited are: all Residential Districts.
 - (4) The limits referred to in Section 6104.2 in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas are: all districts except C-2 Community Commercial District, I-1 Light Industrial District and I-2 Heavy Industrial Districts.

SECTION 4. Section 13-14 of the Roswell City Code is hereby amended to read as follows:

Section 13-13. Amendments to current edition of International Fire Code

- (a) The following are changes to certain provisions of the 2015 International Fire Code as adopted that are specific to the City of Roswell. The corresponding sections of the 2015 International Fire Code, hereinafter in this section referred to as the IFC, are hereby amended to read as follows:
 - (1) Section 101.1 of the IFC is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Roswell, New Mexico, herein after referred to as “this code.”
 - (2) Section 102.7 of the IFC is amended to read as follows:

102.7 Referenced Codes and Standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, except as noted below:

1. Any reference to the “ICC Electrical Code” shall be deemed to mean the New Mexico Electrical code.
2. Any reference to the “International Building code” shall be deemed to mean the New Mexico Commercial Code.
3. Any reference to the “International Existing Building Code” shall be deemed to mean the New Mexico Existing Building Code.
4. Any reference to the “International Mechanical Code” shall be deemed to mean the New Mexico Mechanical Code.
5. Any reference to the “International Fuel Gas Code” shall be deemed to mean the New Mexico Mechanical Code or the New Mexico LPG Standards, as appropriate.
6. Any reference to the “International Plumbing Code” shall be deemed to mean the New Mexico Plumbing Code.
7. Any reference to the “International Residential Code” shall be deemed to mean the New Mexico Residential Building Code.

- (3) Section 105.3.7 of the IFC is amended to read as follows:

105.3.7 Information on the Permit. The fire code official may require and issue any permits listed by this code, on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire code official. Issued permits shall bear the signature of the fire code official or other approved legal authorization.

- (4) Section 105.6.15 of the IFC is deleted in its entirety.

- (5) Section 108.1 of the IFC is amended to read as follows:

108.1. Appeal of department decisions. When the fire department disapproves an application or refuses to grant a permit applied for as required by this code or when it is claimed that the provisions of this code do not apply or that true intent and meaning of this code has been misconstrued or wrongly interpreted, the applicant may appeal the decision to the City Manager within thirty (30) days of the decision. The applicant may appeal the decision of the City Manager to the governing body within ten (10) days of the City Manager’s decision.

- (6) Section 202 of the IFC is amended to include the following definition:

APARTMENT HOUSE. Any building or portion thereof that contains three or more dwelling units. For the purposes of this code, privately owned condominiums are not apartment houses.

- (7) Section 307.2 of the IFC is amended to read as follows:

307.2 Permit Required. A permit shall be obtained from the fire department prior to conducting any open burning or any kindling of a recreational fire or a bonfire.

- (8) Section 506.1 of the IFC is amended to read as follows:

506.1 Where required. Properties, other than one- or two-family dwellings, that are protected by a fire alarm system or an automatic fire sprinkler system shall have a key box installed in an approved location. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

- (9) The definition of Standpipe Systems, Classes of, in Section 902.1 of the IFC, is amended to read as follows:

Standpipe Systems, Classes of. Standpipe classes are as follows:

Class I System. A system providing 2.5-inch (64mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams. Class II and Class III standpipe systems are not permitted in the City of Roswell.

- (10) Section 903.2 is amended by the deletion of the exception.

- (11) Section 903.2.11.5 of the IFC is deleted in its entirety.

- (12) Section 904.12 of the IFC is amended to read as follows:

904.12 Commercial cooking systems. Commercial cooking systems, including those that use domestic cooking appliances, that produce grease vapors and are required to have a Type I hood, shall be provided with an approved chemical fire extinguishing system. Pre-engineered automatic wet- or dry-chemical extinguishment systems shall be tested in accordance with the UL 300 standard and listed and labeled for the intended application. Dry-chemical systems shall be installed in accordance with NFPA 17 and wetchemical systems shall be installed in accordance with NFPA 17A.

- (13) Section 904.12.3 of the IFC shall be amended by adding the following at the end thereof to read as follows:

904.12.3 Extent of system coverage. The automatic chemical fire extinguishing systems for commercial cooking systems shall be installed to include cooking surfaces, deep fryers, griddles, char broilers, range tops, and grills. Protection shall also be provided for the enclosed plenum space within the hood above filters and exhaust ducts serving the hood.

- (14) Section 905.3.1 of the IFC is amended to read as follows, with the exceptions as published remaining unchanged:

905.3.1 Building Height. Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

- (15) Section 905.3.4 shall be amended to read as follows:

905.3.4 Stages. Stages greater than 1,000 square feet in area (93m²) shall be equipped with a Class I wet standpipe system with 2.5-inch (64mm) hose connections on each side of the stage. (The exception is deleted.)

- (16) Section 905.3.4.1 of the IFC is deleted in its entirety.

- (17) Section 905.4 shall be amended to include a new subsection 7, to read as follows:

7. In Group A-1 and A-2 occupancies with occupant loads of more than 1,000, hose connections shall be located on each side of any stage, on each side of the rear of the auditorium, on each side of the balcony, and on each tier of dressing rooms.

- (18) Sections 905.5 through 905.6.2 of the IFC, inclusive, are deleted in their respective entireties.

- (19) The exception to Section 907.2.11.5 is amended to read as follows:

907.2.11.5 Responsibility for installation and maintenance. Installation and maintenance of single- and multiple-station smoke alarms in Group R occupancies shall be the responsibility of the property owner. At least once per year, or each time a dwelling is leased or rented, the owner shall ensure that smoke alarms are correctly installed, working and have fresh batteries.

Exceptions:

1. When that responsibility is delegated by contract to a property manager, it shall be the property manager's responsibility.
2. The occupant of a rental or leased dwelling shall be responsible for monthly testing of smoke alarms.

(20) Section 912.3 of the IFC is amended to read as follows:

912.3 Thread Size. Fire Department connections shall have fittings with the thread size 3.090 inches by 8 threads per inch.

(21) Table 1004.1.2 of the IFC is amended to read as follows:

The floor area for assembly occupancies with fixed seats shall be determined based on Section 1004.4.

(22) Section 1010.1.4.8 of the IFC is amended to read as follows:

1010.1.4.8 Access-controlled egress doors. When approved by the fire code official, the entrance doors in a means of egress in buildings with an occupancy in Group A, B, E, I-2, M, R-1, or R-2 and entrance doors to tenant spaces in occupancies in Groups a, B, E, I-2, M, R-1 and R-2 are permitted to be equipped with an approved entrance and egress access control system which shall be installed in accordance with all of the following criteria: (Listed criteria 1 through 6 remain as published)

(23) Section 1010.1.9.7 is amended to read as follows:

1010.1.9.7 Delayed egress locks. When approved by the fire code official, approved, listed, delayed egress locks may be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit. (Listed items 1 through 6 remain as published.)

(24) Section 1010.3 is amended to read as follows:

1010.3 Turnstiles. When turnstiles or similar devices that restrict travel to one direction are allowed by the fire code official, they shall not be placed so as to obstruct any required means of egress. (*Exception remain as published.*)

(25) Section 3310 of the IFC, as previously added to the 2009 International Fire Code by Ordinance 10-09, is repealed in its entirety.

(26) Section 5706.2.5 is amended to read as follows:

5706.2.5 Type of Tank. Tanks shall be provided with top openings only. Gravity discharge tanks shall not be permitted.

SECTION 5. Section 13-14 of the Roswell City Code is hereby amended to read as follows:

Section 13-14 International Fire Code Appendices

(a) The following appendices to the 2015 International Fire Code are hereby adopted, by reference, with the listed amendments:

- (1) Appendix B - Fire-Flow Requirements for Buildings
- (2) Appendix C - Fire Hydrant Locations and Distribution
- (3) Appendix D - Fire Apparatus Access Roads

(b) Appendix D to the 2015 International Fire Code, as adopted by reference, is hereby amended and changed in the following respects:

(1) Section D104.1 is amended to read as follows:

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

(2) The exception to Section D104.2 is amended to read as follows:

Exception: When approved by the fire code official, projects having a gross building area of up to 124,000 square feet (11,520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic fire sprinkler systems.

(3) Section D105.1 is amended to read as follows:

D105.1 Where required. Where required by the fire code official, buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire department access roads capable of accommodating fire

department aerial apparatus. Overhead utility and power lines shall not be located within the aerial apparatus access roadway.

SECTION 6. Section 13-18 of the Roswell City Code is hereby amended to read as follows:

Section 13-18. Fire lanes

- (a) Fire lanes, or fire apparatus access roads, referred to in Section 503 of the International Fire Code, shall be established on private property devoted to public use where the parking of motor vehicles or other obstructions can interfere with the ingress and egress of the fire department vehicles for protection of persons and property. The fire code official shall establish the location, size and marking of the fire lanes with due regard for all attendant factors, including risk, location and access to structures. Fire lanes will be designated by red curb with white letters stating “no parking – fire lane”, or by a sign at least 12” by 18” with white reflective background and red letters stating “no parking –fire lane”, which must be approved by the fire code official.
- (b) Fire lanes established under this section shall be indicated on documents maintained by the fire department and shall be clearly indicated at the site of each fire lane. The fire department shall be responsible for enforcing compliance with the requirements for painting, signing, or otherwise marking fire lanes.
- (c) Parking of motor vehicles or otherwise obstructing fire lanes designated under authority of this section shall be prohibited at all times and such prohibitions may be enforced by issuance of citations by the police or fire departments and by removal of the obstructing vehicles or materials. In the event that vehicles or material are removed pursuant to this section, a citation shall also be issued to the operators of the vehicles or owners of the materials. Citations issued hereunder shall be answerable in the municipal court.

SECTION 7. Section 13-19 of the Roswell City Code is hereby amended by amending subsection (a) thereof only to read as follows:

Section 13-19. Permit fees

- (a) There shall be a fee of fifty dollars (\$50.00) paid to the city for any operational permit required by the fire code official in accordance with the International Fire Code, Sections 105.6.1 through 105.6.46.
Exceptions:
 - 1. There shall be no fee charged for open burning.
 - 2. The fee for a permit to sell consumer fireworks at retail shall be fifty dollars (\$50.00). This fee shall be paid to the city only once per calendar year per applicant for a given sales location.

SECTION 8. A new Article IV, entitled “Consumer Fireworks”, is hereby added to Chapter 13 of the Roswell City Code, entitled “Fire Prevention and Protection” to read as follows:

ARTICLE IV. CONSUMER FIREWORKS

13.20. General. The retail sale, possession and use of UN 1.4G fireworks, also known as consumer fireworks or common fireworks, shall comply with this section.

13-21. Permit application. Prior to issuance of a permit for retail sales of consumer fireworks, the sales location and the stock of fireworks shall be approved.

13-22. Fireworks to be sold. The applicant for a permit shall furnish to the fire code official a list of all articles of fireworks to be sold for approval before the fireworks are offered for retail sale. The list shall indicate the description of each article as prescribed in NMSA 1978 §60-2C-2.

13-23. Questionable fireworks. When it appears to the fire code official that an article of fireworks on an applicant’s list or in a permit holder’s inventory is not in accordance with NMSA 1978 § 60-2C-2 NMSA and Section 13-24 of this Code, the applicant or permit holder may request that the fire code official submit samples of the questionable article to an independent laboratory acceptable to the code official for a determination of the description or content of the article. Any expense occurred by such examination shall be the responsibility of the applicant or permit holder.

13.24. Permitted fireworks. Permissible fireworks are set out in NMSA 1978 §60-2C-7 with the exception of ground audible devices and the following aerial devices: aerial spinners, helicopters, missile-type rockets and stick-type rockets as defined in 60-2C-2 NMSA 1978. It shall be unlawful for anyone to use, possess, or sell at retail any fireworks except permissible fireworks.

Exceptions:

1. Display fireworks handled or used in compliance with this chapter and NFPA 1123.
2. Pyrotechnic materials handled or used in compliance with this chapter and NFPA 1126.
3. Fireworks manufactured, transported, or stored in compliance with this chapter and NFPA 1124.

13.25. Regulated activities. The use and sale of permissible fireworks shall be subject to the provisions of NMSA 197 §60-2C-8.

SECTION 9. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 10. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

SECTION 11. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED the 12th day of November, 2015.

CITY SEAL

Dennis Kintigh, Mayor

ATTEST:

Sharon Coll, City Clerk