

Chapter 13 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 13-1. Provisions.

The governing body of the City of Roswell does ordain as follows: The City of Roswell Fire Department, in the State of New Mexico is the authority having jurisdiction in regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Sec. 13-2. Fire Marshal.

The chief of the fire department shall appoint a fire marshal as the fire code official to implement, administer, and enforce the provisions of the regulations listed in chapter 13 of the Roswell City Code. Deputy fire marshals and other officials may be appointed to serve under the direction of the fire marshal and shall be considered part of the Fire Prevention Bureau.

(Code 1984 12-2; Ord. No. 1320, 4-1999; Ord. No. 1322, 4-1999; Ord. No. 05-07, 10-2005)

State law reference(s)—Authority to issue permit, NMSA 1978, § 60-2C-4.

Secs. 13-3 Limits.

(a) Application of the adopted codes shall be limited to within the City of Roswell's jurisdictional boundaries and any other areas where an MOU with the State Fire Marshal has been established. The specific geographic limits referred to in certain sections of the 2024 International Fire Code are hereby established in accordance with the City of Roswell Zoning Ordinance:

1. 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 outside of buildings is prohibited are: all residential districts.
2. The limits referred to in Section 5706.2.4.4 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 Sections 5806.2 in which the storage of flammable cryogenic fluids in stationary containers outside buildings are: all residential districts and all commercial districts.
4. The limits referred to in Section 6104.2 in which the storage of liquefied 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.

(Code 1984 § 13-26; Ord. No. 1322, 4-1999; Ord. No. 05-07, 10-2005; Ord. No. 10-09, 11-2010; Ord. No. 15-14, § 3, 11-12-2015)

State law reference(s)—Adoption by reference, NMSA 1978, § 3-17-6.

Secs 13-4—13-5. Reserved.

ARTICLE II. TECHNICAL STANDARDS

DIVISION 1. INTERNATIONAL FIRE CODE

Sec. 13-6. International Fire Code adopted by reference.

- (a) There is hereby adopted by reference the 2024 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 2024 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 2024 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 division 2 section 13-9 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.

(Ord. No. 15-14, § 2, 11-12-2015)

Ord. No. 15-14, § 2, adopted Nov. 12, 2015, changed the title of § 13-11 from "Adopted" to read as herein set out.

Sec. 13-7. Amendments to 2024 edition of International Fire Code.

- (a) The following are changes to certain provisions of the 2024 International Fire Code as adopted that are specific to the City of Roswell. The corresponding sections of the 2024 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.

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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 105.5.34 of the IFC is amended to read as follows:
- 105.5.34 Mobile food preparation vehicles.** An operational permit is required for mobile food preparation vehicles.
- (5) Section 112 of the IFC is amended to read as follows:
- 112.1. Means of appeals.** 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) Section 506.2 of the IFC is amended to read as follows:
- 506.2 Key box maintenance.** Updated equipment shall be provided for every facility, building or portion of a building whether existing, hereafter constructed or moved into required to have an approved key box by section 506.1. The operator of the building shall immediately notify the *fire code official* and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.
- (10) 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.

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

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

(13) 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.

(14) 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.

(15) Sections 905.5 through 905.7 of the IFC, inclusive, are deleted in their respective entireties.

(16) 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.

(17) Table 1004.5 of the IFC is amended to read as follows:

The floor area for assembly occupancies with fixed seats shall be determined based on Section 1004.6.

(18) Section 1010.10 of the IFC is amended to read as follows:

1010.2.10 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)

(19) Section 1010.2.12 is amended to read as follows:

1010.2.12. 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.)

(20) Section 1010.5 is amended to read as follows:

1010.5 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.)

(21) 1103.5.3 is amended to insert the date by which a sprinkler system must be installed

Within two years of written notice.

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

(23) 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.

(Ord. No. 10-09, 11-2010; Ord. No. 15-14, § 4, 11-12-2015)

Ord. No. 15-14, § 4, adopted Nov. 12, 2015, changed the title of § 13-13 from "Amendments" to read as herein set out.

Sec. 13-8. International Fire Code Appendices.

(a) The following appendices to the 2024 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.
- (4) Appendix N—Indoor Trade Shows and Exhibitions

(b) Appendix D to the 2024 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.

(Ord. No. 10-09, 11-2010; Ord. No. 15-14, § 5, 11-12-2015)

DIVISION 2. NATIONAL FIRE PROTECTION ASSOCIATION

Secs. 13-9 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 101—Life Safety Code
2. NFPA 10—Standard for portable fire extinguishers.

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3. NFPA 13—Standard for the Installation of Sprinkler Systems.
 4. NFPA 13R—Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.
 5. NFPA 13D—Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.
 6. NFPA 17A—Standard for Wet Chemical Extinguishing Systems
 7. NFPA 20—Installation of Stationary Pumps.
 8. NFPA 24—Private Fire Service Mains.
 9. NFPA 25—Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.
 10. NFPA 30—Flammable and Combustible Liquids Code
 11. NFPA 58—Liquefied Petroleum Gas Code
 12. NFPA 72—National Fire Alarm Code.
 13. NFPA 96—Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
 14. NFPA 110—Standard for Emergency and Standby Power Systems
 15. NFPA 111—Standard on Stored Electrical Energy Emergency and Standby Power Systems
 16. NFPA 241—Standard for Safeguarding Construction, Alteration, and Demolition Operations
 17. NFPA 407—Standard for Aircraft Fuel Servicing
 18. NFPA 409—Standard on Aircraft Hangars.
 19. NFPA 855—Standard for the Installation of Stationary Energy Storage Systems
 20. NFPA 1123—Code for Fireworks Display.
 21. NFPA 1124—Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles.
 22. NFPA 1126—Standard for the Use of Pyrotechnics Before a Proximate Audience.
- (b) The 2024 International Fire Code, as adopted in Section 13-6 above, 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 2024 International Fire code, or whichever is deemed more appropriate by the fire code official 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.
- (Ord. No. 1322, 4-1999, Ord. No. 05-07, 10-2005; Ord. No. 10-09, 11-2010; Ord. No. 15-14, § 1, 11-12-2015)

Ord. No. 15-14, § 1, adopted Nov. 12, 2015, changed the title of § 13-10 from "NFPA codes" to read as herein set out.

Secs. 13-10—13-16. Reserved.

ARTICLE III. ADDITIONAL REQUIREMENTS

Sec. 13-17 fire alarm system special requirements.

- (1) All buildings or structures required to have a fire alarm system must be equipped with an exterior horn strobe notification device on the front of the building or structure as required by the fire code official.
- (2) Any new building or structure requiring a fire alarm system shall have corridor/area smoke detection for the purpose of rapid response as required by the fire code official. Smoke detection may omit the need for exit coverage of manual alarms when permitted by the fire code official.
- (3) All required fire alarm systems must be addressable regardless of size of building.
- (4) Required Sprinkler systems shall be equipped with a full fire alarm system as required by the fire code official.
- (5) Sprinkler systems shall not be a substitute for automatic smoke detection.

Sec. 13-18. Interference with fire controls.

It shall be unlawful for any person to commit interfering with fire controls, consisting of:

- (1) Interfering with the proper functioning of a fire alarm system or a fire suppression system; or
- (2) Giving a false alarm, which is the willful and knowing initiation or transmission of a signal, message, or other notification of a fire, medical emergency, or other emergency when no such danger exists.

(Code 1984 § 12-12; Ord. No. 00-7, § 3, 9-2000; Ord. No. 05-07, 10-2005)

State law reference(s)—False fire alarms, NMSA 1978, § 30-7-21.

Sec. 13-19. 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 inches by 18 inches 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.

(Ord. No. 15-14, § 6, 11-12-2015)

ARTICLE IV. CONSUMER FIREWORKS

Sec. 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.

(Ord. No. 15-14, § 8, 11-12-2015)

Sec. 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.

(Ord. No. 15-14, § 8, 11-12-2015)

Sec. 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.

(Ord. No. 15-14, § 8, 11-12-2015)

Sec. 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 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.

(Ord. No. 15-14, § 8, 11-12-2015)

Sec. 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 NMSA 1978, § 60-2C-2. 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.

(Ord. No. 15-14, § 8, 11-12-2015)

Sec. 13-25. Regulated activities.

The use and sale of permissible fireworks shall be subject to the provisions of NMSA 1978, § 60-2C-8.

(Ord. No. 15-14, § 8, 11-12-2015)

ARTICLE V. CERTIFICATE OF FITNESS

Sec. 13-26. General.

Where required by the fire code official, no person shall conduct a regulated operation, install, inspect, maintain, service, tag or repair fire protection equipment or systems unless he or she has first obtained a certificate of fitness from the City of Roswell Fire Prevention Bureau in compliance with these rules. Any person holding a certificate of fitness shall have a copy of it available in all service vehicles and offices for review if requested during inspection by the fire code official. Certificates of fitness are not transferable to other parties, are not effective in any other jurisdiction, and shall not waive the requirements of the State of New Mexico issued certificate of fitness program required.

- a) The purpose of this action is to assure a minimum level of qualification prior to any installation, inspection, maintenance, and repair of fire protection equipment; promote fire prevention and awareness; and to not discourage business owners from implementing fire protection equipment due to poor experiences with equipment services or installations.
- b) Types of certificates. The fire marshal may issue certificates of fitness for installation, inspection, maintenance, repair, recharging or tagging, or involvement in the following disciplines:
 - 1. Automatic fire suppression systems and fire pumps
 - 2. Automatic chemical extinguishing systems
 - 3. Fire detection and alarms
 - 4. Fire extinguishers
 - 5. Fire and smoke dampers
 - 6. Underground fire lines
 - 7. Commercial kitchen hood cleaning and inspection
 - 8. Fire watch or site safety coordinator

Sec. 13-27. Application and fees.

- (a) Applications must be completed and submitted to the Fire Prevention Bureau as instructed by the fire marshal's developed procedures.
- (b) There shall be a fee of \$50.00 paid to the city for any certificate of fitness application required by the fire code official.
- (c) Renewals made necessary due to change of applicant or status will be done at one half the original amount.
- (d) Renewals due to revocation will be charged the same as the original fee but may incur additional requirements of training.

Sec. 13-28. Expiration and revocation of certificate.

- (a) Expiration. A certificate of fitness automatically expires at the conclusion of the time period for which it was issued.
- (b) Revocation. The fire marshal or his designee may revoke a certificate if:
 - (1) any of the required licenses or qualifications of the applicant expire, are canceled or are revoked;

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- (2) during an inspection, the fire marshal or AHJ finds a substantial violation of these rules or applicable codes for a discipline for which the certificate has been issued;
 - (3) the applicant made false statements or misrepresentations of material fact in the application or documentation submitted with the application; or
 - (4) the certificate was issued in error or in violation of an applicable statute or these rules
 - (5) the applicant or his designee failed to conduct themselves in a professional manor during an inspection.
 - (6) Three or more counts of failed inspections

ARTICLE VI. PERMIT/INSPECTION FEES

Sec. 13-27. Permit/Inspection fees.

- (a) There shall be a fee of \$100.00 paid to the city for any operational or construction permit required by the fire code official in accordance with the International Fire Code. Additional fees will be applied to certain construction permits as outlined in Table 13-19(a). Any work commenced prior to issuance of a required permit as described in Section 107.4 will be subject to double the original amount.

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 \$50.00. This fee shall be paid to the city only once per calendar year per applicant for a given sales location.
- (b) There shall be no fees required for annual inspections, permit inspections or new business inspections of any business within the first or second visit. Where it is found that any or all violations have not been corrected on the second visit, there shall be a fee of \$100.00 paid to the city for a third visit as a reinspection fee. Any inspections resulting from a complaint, or investigation may be subject to the reinspection fee as required by the fire code official. Additional fees will be applied to subsequent inspections and/or court citations issued.

Table 13-19(a)

Type of System	Permit Fee	IFC Section
Automatic fire sprinkler, 15 or fewer sprinklers	\$100.00	105.7.1
Automatic fire sprinkler, 16 to 50 sprinklers	175.00	105.7.1
Automatic fire sprinkler, more than 51 to 100 sprinklers	225.00	105.7.1
Automatic fire sprinkler, more than 100 sprinklers	300.00	105.7.1
Automatic chemical extinguishing system, per unit	100.00	105.7.1
Fire alarm, 10 or fewer devices*	100.00	105.7.5
Fire alarm, 11 to 30 devices*	150.00	105.7.5
Fire alarm, more than 30 devices*	200.00	105.7.5
Fire pump, per unit	100.00	105.7.6
Standpipe, per unit	100.00	105.7.13
Underground piping, per tie in of city main	100.00	105.7.1

* Fire alarm devices include alarm panel, transmitting device, initiating device, and notification device.

(Ord. No. 10-09, 11-2010; Ord. No. 15-14, § 7, 11-12-2015)