



STATE OF NEW MEXICO  
COUNTY OF EDDY

EDDY COUNTY ORDINANCE O-21-109

AN ORDINANCE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE; REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION, HAZARDS ARISING FROM THE STORAGE HANDLING, USE OF HAZARDOUS SUBSTANCES, MATERIALS, DEVICES, AND CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES WITHIN EDDY COUNTY; PROVIDING FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF EDDY COUNTY, NEW MEXICO:

**1.0 Short Title**

This Ordinance shall be known as the "Eddy County Fire Code".

**2.0 Jurisdiction**

This Ordinance shall apply to all unincorporated areas of Eddy County. Areas include, but may not be limited to, areas outside the municipal boundaries of the City of Carlsbad, City of Artesia, Village of Loving, and Village of Hope.

**3.0 Authority**

The Fire Code is promulgated pursuant to the statutory authority set forth in NMSA 1978 §§ 3-18-6, 3-18-11, 4-37-1, 4-37-3, 4-38-1, 60-2C-1 et seq., and 10.25.5 and 10.25.6 NMAC. The Fire Code constitutes an exercise of Eddy County's general powers to provide for the health, safety, and prosperity of its inhabitants.

**4.0 Adoption of the 2015 International Fire Code**

That a certain document, one (1) copy of which is on file in the office of the Clerk of Eddy County, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapters C, D, E, F, and I, as published by the International Code Council, is hereby adopted as the Eddy County Fire Code, 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 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; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions,

STATE OF NEW MEXICO COUNTY OF EDDY  
RECORDED ON OCTOBER 20, 2021  
AT 9:18 AM IN BOOK 2 PAGE 882  
OF THE ORDINANCE RECORDS  
DARLENE ROSPRIM, COUNTY CLERK

*(Seal)*  
*Darlene Rosprim*

penalties, conditions and terms of said Fire Code on file in Eddy County are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions, and changes prescribed in Section 5 of this Ordinance.

## 5.0 Amendments to the 2015 International Fire Code

The following sections of the 2015 International Fire Code are hereby revised:

**Section 101.1** [NAME OF JURISDICTION]: Changed to read Eddy County, New Mexico.

**Section 103.1 General.** Replaced with: "The division of fire prevention is established within Eddy County under the direction of the Fire Marshal. The function of the division shall be the implementation, administration, and enforcement of the provisions of this Code."

**Section 103.2 Fire Marshal.** Replaced with: "The position of Fire Marshal exists within the Eddy County Fire & Rescue and every reference within this code to fire code official shall be a reference to the Fire Marshal. The Fire Marshal may delegate his duties as necessary to others within the fire & rescue department who shall assume those duties under the supervision of the Fire Marshal."

**Section 103.4 Liability.** Replaced with: "This code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall Eddy County, the Board of County Commissioners for Eddy County, its elected officials, appointed officials, agents, employees and volunteers, be held to assume any such liability by reason of the inspections and enforcement authorized by this code or any permits or certificates issued under this code."

**Section 104.3 Right of Entry.** Amended to add: "If reasonable efforts to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises is unsuccessful, the Fire Marshal has recourse to every remedy provided by law to secure entry."

**Section 104.9.1 Research Reports.** Amended to add the following after the final sentence: "Such reports will be provided by the property owner at no expense to Eddy County. Research Reports shall be retained by the Fire Marshal for the period required by the retention schedule in effect for Eddy County at the time the records are destroyed."

**Section 105.3.7 Information on the Permit.** Replaced with: "The Fire Marshal may issue any permits required by the Fire Code. The permit shall contain a general description of the operation or occupancy and its location, and any other information required by the Fire Marshal. Issued permits shall bear the signature of the Fire Marshal or other approved legal authorization."

**Section 105.6 Required Operational Permits.** Amended by deleting all required operational permits **EXCEPT:**

- Section 105.6.2 Amusement Buildings
- Section 105.6.5 Carnivals and Fairs
- Section 105.6.15 Explosives
- Section 105.6.27 Liquid or gas-fueled vehicles or equipment in assembly buildings.
- Section 105.6.29 Magnesium
- Section 105.6.38 Pyrotechnic Special Effects Materials
- Section 105.6.45 Temporary Membrane Structures and Tents

**Section 105.7 Construction Permits.** Amended by deleting all the required construction permits **EXCEPT:**

- 105.7.1 Automatic Fire Extinguishing Systems
- 105.7.6 Fire Alarm and Detection Systems and Related Equipment
- 105.7.7 Fire Pumps and Related Equipment
- 105.7.9 Gates and Barricades across Fire Apparatus Access Roads
- 105.7.14 Smoke Control or Smoke Exhaust Systems
- 105.7.17 Standpipe Systems

**Section 106 Inspections.** Amended by adding the following new section:

- Section 106.1.1 All inspections provided will subject the owner and/or operator to payment of inspection fees as set forth by the Board of County Commissioners.

**Section 108 Board of Appeals.** Deleted in its entirety.

**Section 109.4 Violation penalties.** [SPECIFY OFFENSE]: Changed to read Petty Misdemeanor.

**Section 109.4 Violation penalties.** [AMOUNT]: Changed to read \$300.00 (Three Hundred Dollars).

**Section 109.4 Violation penalties.** [NUMBER OF DAYS]: Is changed to read 90 days.

**Section 111.4 Failure to comply.** [AMOUNT]: First amount to read \$0.00 (Zero Dollars).

**Section 111.4 Failure to comply.** [AMOUNT]: Second amount to read \$300.00 (Three Hundred Dollars).

**Section 503.7 Fire Apparatus Access Roads.** Amended to add: "**503.7 Fire protection water supplies and fire apparatus access roads in recreational vehicles, mobile home and manufactured housing parks, sales lots, and storage lots.** Fire Protection Water Supplies and Fire Apparatus Access Roads in Recreational Vehicle, Mobile Home, and Manufactured Housing Parks, Sales Lots, and Storage Lots, shall be provided and maintained in accordance with Sections 503, 507, and Appendix Chapters B and D."

**Chapter 11 Construction Requirements for Existing Buildings.** Deleted in its entirety and replaced with the following: "Construction requirements for existing buildings shall be in accordance with 10.25.5.18 or such minimum standards as are enforced by the State Fire Marshal."

APPENDIX A: *Board of Appeals*; Deleted in its entirety.

APPENDIX B: *Fire-flow Requirements for Buildings*; Deleted in its entirety except Section B103.3.

APPENDIX G: *Cryogenic Fluids – Weight and Volume Equivalents*; Deleted in its entirety.

APPENDIX H: *Hazardous Materials Management Plan and Hazardous Materials Inventory Statement Instructions*; Deleted in its entirety.

APPENDIX I: *Fire protection Systems – Noncompliant Conditions*; Deleted in its entirety.

APPENDIX J: *Building Information Sign*; Deleted in its entirety.

APPENDIX K: *Construction Requirements for existing Ambulatory Care Facilities*; Deleted in its entirety.

APPENDIX L: *Requirement for Fire Fighter Air Replenishment Systems*; Deleted in its entirety.

APPENDIX M: *High-Rise Buildings – Retro Active Automatic Sprinkler Requirement*; Deleted in its entirety.

## 6.0 Fees

Fees set forth under the Fire Code shall be established through separate resolution and adopted by the Eddy County Board of Commissioners.

**7.0 Penalties**

Violations of the Fire Code shall be punishable in accordance with NMSA 1978, Section 4-37-3. A violation of the Fire Code is a petty misdemeanor punishable by a fine not to exceed three hundred dollars (\$300) and/or imprisonment for a period not to exceed ninety (90) days.

**8.0 Severability**

The provisions of this ordinance are severable and if any provision, sentence, clause, section, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein and if the person or circumstances to which this ordinance or any part hereof are inapplicable, had been specifically exempted therefrom.

**APPROVED AND ADOPTED** this 19 day of October, 2021, in an open meeting of the Eddy County Board of Commissioners in Carlsbad, Eddy County, New Mexico.

**EDDY COUNTY BOARD OF COUNTY COMMISSIONERS**

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Steven McCutcheon, Commission Chairman

ATTEST:

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Darlene Rosprim, County Clerk

(seal)