

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8.32 OF THE HOBBS MUNICIPAL CODE
AMENDING THE CITY'S FIRE CODE ORDINANCE

WHEREAS, The City of Hobbs has adopted the International Fire Code as the City of Hobbs Fire Code; and

WHEREAS, The City of Hobbs Fire Code is codified in the Hobbs Municipal Code Chapter 8.32; and

WHEREAS, The City of Hobbs Fire Code was last amended via Ordinance No. 1099 on January 17, 2017; and

WHEREAS, currently, the City of Hobbs Fire Code, by adoption, is the "International Fire Code, 2015 Edition"; and

WHEREAS, the International Fire Code, 2015 Edition, does not address many contemporary fire issues facing the Hobbs Fire Department in 2023; and

WHEREAS, the City of Hobbs Fire Department, including and especially the City of Hobbs Fire Marshal's Office, believes adoption of the International Fire Code, 2021 Edition, will allow the Department to more efficiently and proactively save lives and property by preventing certain fire hazards not contemplated by the 2015 Edition.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 8.32 of the Hobbs Municipal Code, is hereby amended as more specifically described as follows:

Chapter 8.32 FIRE CODE¹

8.32.010 International Fire Code—Adopted.

- A. There is adopted by the City Commission, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code and those certain standards known as the International Fire Code, 2015-2021 Edition, published by the International Fire Code Institute, along with except the following appendix chapters:
1. Appendix BE, Fire-flow requirements for buildingsHazard Categories;
 2. Appendix CG, Fire hydrant locations and distributionCryogenic Fluids – Weight and Volume Equivalents;
 3. Appendix DM, Fire apparatus access roads or as determined by authority having jurisdictionHigh-Rise Buildings – Retroactive Automatic Sprinkler Requirement.
- B. The International Fire Code mentioned in subsection A of this section, including the enumerated appendices, is adopted, saved and except such portions as are deleted, modified or amended by this chapter. One (1) copy is filed in both the office of the City Clerk and the City Fire Prevention Bureau, and the same is adopted and incorporated as fully as set out at length herein, and the provisions thereof shall be controlling within the City.
- C. All references to Electrical, Mechanical and Plumbing in the International Fire Code are deleted and the blended codes as adopted by the New Mexico Building Code are referenced in this Fire Code.

(Ord. No. 1099 , 1-17-2017)

8.32.020 Establishment and duties of fire prevention services.

- A. The Fire Code, as adopted in Section 8.32.010 and as amended in this chapter, shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is established and which shall be operated under the supervision of the Chief of the Fire Department.
- B. The Chief of the Fire Department may detail such members of the Fire Department and Code Enforcement officers as shall from time to time be necessary to administer this code.

¹Editor's note(s)—Ord. No. 1099, adopted Jan. 17, 2017, amended ch. 8.32 in its entirety to read as herein set out. Former ch. 8.32, §§ 8.32.010—8.32.090, pertained to similar subject matter and derived from Ord. 923 §§ 1, 2 (part), adopted 2004; Ord. No. 991, adopted June 16, 2008; and Ord. No. 1054, adopted April 16, 2012.

- C. The Fire Marshal is directed and empowered to enforce such rules and regulations necessary to carry out the duties of his or her office and more specifically to issue orders in conjunction with the Building Official in accordance with and as substantially embodied in the applicable provisions of the International Building Code, 2015 Edition, as adopted in Chapter 15.04 of this code, and all additions, amendments and changes as may occur therein.

(Ord. No. 1099 , 1-17-2017)

8.32.030 Definitions.

As used in this chapter:

"Building Official" means the designated authority charged with the administration and enforcement of the International Building Code.

"Fire Marshal" means the officer or the designated authority charged with the administration of the fire prevention bureau; "Fire Marshal" is interchangeable with "fire code official" in this chapter.

"Jurisdiction" means all property within the corporate limits of the City of Hobbs, New Mexico and that property within the extraterritorial zone.

(Ord. No. 1099 , 1-17-2017)

8.32.040 Establishment of limits—Areas in which storage of flammable or combustible liquids in outside aboveground tanks prohibited.

The limits referred to in Sections 5704.3.4 and 5704.3.4.3 of the International Fire Code, in which the storage of flammable or combustible liquids is restricted, is established as City limits, subject to any exceptions as may be established by those rules and regulations promulgated by the Chief of the Fire Department.

(Ord. No. 1099 , 1-17-2017)

8.32.050 Establishment of limits—Areas in which storage of liquefied petroleum gases prohibited.

The limits referred to in Section 6109.1 of the International Fire Code, in which storage and use of liquefied petroleum gas is restricted, are established as City limits. The aggregate capacity of any one (1) installation shall not exceed a two thousand (2,000) gallon water capacity in residential areas. Exceptions are where approved by the Fire Marshal in a multi-container location such as a dispensing station and bulk facilities.

(Ord. No. 1099 , 1-17-2017)

8.32.060 Reserved.

Editor's note(s)—Ord. No. 1054, adopted Apr. 16, 2012, deleted § 8.32.060 which pertained to establishment of limits— Area in which storage of flammable cryogenic fluids in stationary containers prohibited and derived from Ord. 923 §§ 1, 2 (part), 2004.

8.32.070 Amendments.

The International Fire Code is amended as set forth in this section. When an existing section number of the International Fire Code is referred to in the following section, the text in this section shall control. When a new section or subsection is referred to in the following section it shall be added to the International Fire Code, as adopted. The International Fire Code is amended and changed as follows:

Chapter 1 Administration.

Section 101.1 Title shall be amended to read as follows:

These regulations shall be known as the Fire Code of the City of Hobbs, hereinafter also referred to as "this code."

Section 104.6 Official records shall be amended to read as follows:

The fire code official shall keep official records as required by Sections 104.6 through 104.6.4. Such records shall be retained in accordance with the record retention requirements established by the City of Hobbs and State of New Mexico.

104.10.2 Section added with following language: Fire prevention personnel and police authority.

- A. Members of the fire prevention service shall have the powers of police officer in performing their duties under this code when:
 - 1. Such members of the fire prevention services have been certified by a law enforcement academy authorized by the State of New Mexico and;
 - 2. Such members have been commissioned as peace officers in the State of New Mexico;
- B. Members of the fire prevention service who meet the requirement stated in paragraphs (1) and (2) of subpart A of the section shall have the following powers:
 - 1. Powers of arrest for criminal matters;
 - 2. Authority to carry such weapons and utilizes such equipment necessary in the discharging of their duties pursuant to this code;

3. Authority to investigate arson and related crimes if so appointed and authorized;
- C. All other members of the fire preventions services who do not meet the requirements of subpart A of this section shall have the power to issue citations only for violations of the International Fire Code, and have the authority to investigate arson and related crimes.

Section 105.7 Required construction permits shall be amended to read as follows:

The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7 through 105.7.14. Such permits shall be processed through the City of Hobbs Fire Prevention Bureau and shall be in conformance with the requirements established by this code and the Building Inspection Division.

105.7.1.1 Section added with following language: Automatic fire-extinguishing systems. Hydraulic calculations shall be provided for modification to an existing automatic fire-extinguishing system requiring the installation of additional heads when either of the following occurs:

1. Number of heads being added exceeds 10.
2. Number of heads being added is greater than 10 percent of total heads for the system

The fire code official may require hydraulic calculations be submitted for and modification to an existing system with deemed necessary to adequately evaluate the impact on the system.

105.7.1.2 Section added with following language: Automatic fire-extinguishing systems. Hydraulic calculations shall be provided with a 10 psi safety margin on all commercial buildings requiring an automatic fire-extinguishing system.

The fire code official shall have the authority to reduce the safety margin where deemed adequate.

Section 108.1 Board of appeals established shall be amended to read as follows:

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, applicant may appeal from the decision to City Manager by writing to the Chief of the Fire Department requesting an appeal within 30 days of the aggrieved action.

Section 108.2 Limitations on authority shall be deleted in its entirety.

Section 108.3 Qualifications shall be deleted in its entirety.

Section 109.3 *Violation penalties* shall be deleted in its entirety; refer to section 8.32.080 of the Hobbs Municipal Code. Section 111.4 *Failure to comply* shall be amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be considered to be in violation of this code and shall be subject to the penalties as set forth in Section 109.3.

Chapter 4 Emergency Planning and Preparedness

Table 405.2-3 *Fire and evacuation drill frequency and participation* shall be amended as follows:

Group H occupancies shall be included with Group A occupancies in the table.

Chapter 9 Fire Protection Features

Section 902.1 *Definitions* shall have the definition of Standpipe System, Classes as amended to read as follows:

Standpipe classes are as follows:

Class I system. A system providing 2.5-inch (64 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams.

Class II system. A system providing 1.5-inch (38 mm) hose stations to supply water for use primarily by the building occupants or by the fire department during initial response. 1.5-inch hoses & hose cabinets shall not be provided, unless required by the Fire Code Official.

Class III system. A system providing 1.5-inch (38 mm) hose stations to supply water for use by building occupants and 2.5-inch (64 mm) hose connections to supply a larger volume of water for use by fire departments and those trained in handling heavy fire streams. 1.5-inch hoses and hose cabinets shall not be provided, unless required by the Fire Code Official.

Chapter 57 Flammable and Combustible Liquids

Section 5706.3 *Well drilling operations* shall be in accordance with Chapter 8.44 of the Hobbs Municipal Code.

(Ord. No. 1099 , 1-17-2017)

8.32.080 Violations—Penalties.

- A. Any person who violates any of the provisions of the Fire Code, as adopted and amended in this chapter [8.32], who fails to comply with the Fire Code, who violates or fails to comply with any order made under the Fire Code, who builds in violation of any order made under the Fire Code, who builds in violation of any

detailed statement of specifications or plans submitted and approved under the Fire Code or any certificate or permit issued under the Fire Code and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by this chapter or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the penalty in subsection A of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 1099 , 1-17-2017)

8.32.090 Permits and fee schedule.

A fee of twenty-five dollars (\$25.00) shall be paid to the City of Hobbs for any permit required by this chapter or as required by the City of Hobbs Fire Department pursuant to its administrative regulations, unless a special permit fee is applicable. The fees for a special permit shall be as required by subsection D of this section.

- A. Definitions. As used in this section:

"Automatic fire sprinkler system" means a system that has a water supply, piping, valves, and sprinklers, and is designed to automatically detect and control an unwelcome fire in a building.

"Chemical automatic fire extinguishing system" means a system that uses a gaseous, liquid, or powder form of extinguishing agent, other than water or a water-foam mixture, to control an unwelcome fire. Such systems include at least a supply of the chemical agent, means to distribute the agent, and a fire detection system.

"Device" means a component of a fire alarm system that initiates a signal or that provides notification of a signal. Device also includes a component that transmits a signal or a fire alarm control panel.

"Fire alarm control panel" means a component of a fire alarm system that receives initiating signals and sends notification signals.

"Fire alarm system" means a system of components and circuits arranged to receive notification of a fire by automatic or manual means and arranged to initiate an appropriate warning signal.

"Sprinkler" means a device that is a part of an automatic fire sprinkler system, and is intended to spray suppression water into a fire environment.

B. Special Permit Requirement.

1. A special permit from the City of Hobbs Fire Department is required for the installation or modification of any automatic fire sprinkler system, chemical automatic fire extinguishing system, and fire alarm systems as defined in subsection A of this section.
2. Exception: A special permit shall not be required for the installation or modification of a fire alarm system in a single-family dwelling or in a two-family dwelling.

C. Application. Application for special permits shall be made on forms provided by the City of Hobbs Fire Department and shall include such plans and attached information as required. No work on the system requiring the special permit shall be done until the permit is issued by the Fire Department.

D. Special Permit Fees. Fees shall be paid to the City of Hobbs for any special permit required. Fees shall be paid at the time of application for a special permit.

1. The fee for special permit for an automatic fire sprinkler system shall be as follows:
 - a. For installation of systems or modifications to existing systems involving twenty (20) or fewer sprinklers, the fee shall be thirty dollars (\$30.00).
 - b. For installation of systems or modifications to existing systems involving twenty-one (21) to fifty (50) sprinklers the fee shall be fifty dollars (\$50.00).
 - c. For installation of systems or modifications to existing systems involving fifty-one (51) to one hundred (100) sprinklers the fee shall be one hundred dollars (\$100.00).
 - d. For installation of systems or modifications to existing systems involving more than one hundred (100) sprinklers the fee shall be one hundred fifty dollars (\$150.00).
2. The fee for a special permit for a fire alarm system shall be as follows:
 - a. For installation of systems or modifications to existing systems involving no more than ten (10) devices, the fee shall be thirty dollars (\$30.00).

- b. For installation of systems or modifications to existing systems involving eleven (11) to thirty (30) devices, the fee shall be fifty dollars (\$50.00).
 - c. For installation of systems or modifications to existing systems involving more than thirty (30) devices, the fee shall be one hundred dollars (\$100.00).
 - 3. The fee for a special permit for a chemical automatic fire extinguishing system shall be as follows: for installation of systems or modifications to existing systems the fee shall be thirty dollars (\$30.00).
- E. Issuance. Applications for special permits shall be reviewed by the City of Hobbs Fire Department, and if in compliance with the applicable codes and regulations, the special permit shall be issued.
- F. Validity of Permit. The issuance of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violations of the provisions of the International Fire Code or any other ordinance of the City. The issuance of a permit shall not prevent the Fire Department from thereafter requiring the correction of errors in plans.
- G. Suspension or Revocation. The Fire Chief or the Fire Marshal may, in writing, suspend or revoke a special permit that has been issued in error, or issued on the basis of incorrect information supplied, or is otherwise in violation of any ordinance.
- H. Stop Orders. When any work is being done or a condition is being established contrary to the provisions of a special permit, the Fire Chief or the Fire Marshal may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until continuation is authorized in writing by the Fire Chief or the Fire Marshal.
- I. Expiration. Any special permit issued by the City of Hobbs Fire Department shall expire by limitation, and become null and void if the work authorized is not commenced within one hundred eighty (180) days from the issuance of the special permit, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days any time after the work is commenced. For review of a permit after expiration, the applicant must submit a new application and pay a new fee.
- J. Re-inspection Fee for Permits. A fee of twenty-five dollars (\$25.00) shall be paid to the City of Hobbs for any re-inspection on permitted work.
- K. Posting of Permits. Any required special permit shall be conspicuously posted on the premises, and shall not be removed, except by the City of Hobbs Fire Department.

(Ord. No. 1099 , 1-17-2017)

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2023.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk