

ORDINANCE NO. 2020-02

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II TO ADOPT THE INTERNATIONAL FIRE CODE, 2015 EDITION AS DESCRIBED HEREIN.

WHEREAS, state law grants a New Mexico municipality the power protect generally the property of its municipality and its inhabitants and the power preserve peace and order within the municipality; and

WHEREAS, state law also grants a New Mexico municipality the authority to adopt regulations for the prevention of fire; and

WHEREAS, in order to protect the City and its inhabitants, the City wishes to amend Chapter 20, Article II to adopt the International Fire Code, 2015 Edition, as described herein.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

Section 20-22 of the Code of Ordinances, City of Carlsbad, New Mexico regarding the Fire Prevention Code is hereby amended to state:

Sec. 20-26. Adoption.

- (a) The City of Carlsbad, New Mexico hereby adopts as its Fire Code the International Fire Code, 2015 Edition, including Appendix Chapters B, C, D, E, F, and I, as such may be amended from time to time. Such code shall be hereinafter referred to as the "Fire Code".
- (b) The following sections of the Fire Code shall be as follows:
 - (1) *Section 101.1 Title.* These regulations shall be known as the Fire Code of the City of Carlsbad, New Mexico, hereinafter referred to as "this code."
 - (2) *Section 109.3 Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as provided in section 1-6 of the Carlsbad City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
 - (3) *Section 111.4 Failure to comply.* 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 liable to a fine of not less than Twenty-five dollars (\$25) or more than Five Hundred dollars (\$500).
 - (4) *Section 5504.3.1.1.3 Location.* Stationary containers shall be located in accordance

with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all areas zoned R-R, R-1, and R-2. Such storage may be permitted by Conditional Use permit and Fire Department permit only in areas zoned C-1 and C-2. Such storage may be permitted by Fire Department permit in areas zoned I.

- (5) *Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.* Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all areas zoned R-R, R-1, and R-2. Such storage may be permitted by Special Use permit and Fire Department permit only in areas zoned C-1 and C-2. Such storage may be permitted by Fire Department permit in areas zoned I.
- (6) *Section 5706.2.4.4 Locations where above-ground tanks are prohibited.* The storage of Class I and II liquids in tanks is prohibited in all areas zoned R-R, R-1, and R-2. Such storage may be permitted by Special Use permit and Fire Department permit only in areas zoned C1 and C-2. Such storage may be permitted by Fire Department permit in areas zoned I.
- (7) *Section 6104.2 Maximum capacity within established limits.* The aggregate capacity of any one installation for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L) in any area zoned R-R, R-1, or R-2. It may exceed that capacity limit by Special Use permit and Fire Department permit only in an area zoned C-1 or C-2. It may exceed that capacity limit by Fire Department in an area zoned I.

- (c) A copy of that Fire Code and its appendices, adopted hereby, shall be available for inspection at the municipal clerk's office during the normal and regular business hours of the municipal clerk. A copy of the Fire Code shall be available upon request and payment of a reasonable charge.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 11th day of February, 2020.

/s/Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles
CITY CLERK