



**January 23, 2013**

**Agenda**

**5:00 P.M. Business Meeting / Public  
Hearing**

**Valencia County Commission Chambers  
444 Luna Avenue  
Los Lunas, NM 87031**

Board of County Commissioners

*Charles Eaton, Chair District IV  
Alicia Aguilar, Vice-Chair District II  
Mary Andersen District I  
Lawrence R. Romero District III  
Donald Holliday District IV*

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda
- 4) Approval of Minutes:

December 5, 2012...Business Meeting  
January 2, 2012.....Business Meeting

Two handwritten signatures in dark ink, likely of the County Commissioners mentioned in the list to the right.

---

**DISCUSSION (Non-Action) ITEM(S)**

- 5) Reports from Commissions, Boards and Committees.

**PUBLIC HEARING ITEM(S)**

- 6) Consideration of location transfer of Liquor License 0510/Application No. A-838648 from 2765 State Highway 47, Los Lunas NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas NM 87031.

**BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD**

- 7) Consideration of the Indigent Report 40 claims and 3 Indigent Claims. *Barbara Baker / Dan Zolnier*

**BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS**

**ACTION ITEM(S)**

- 8) Consideration to accept Application No. A-838648 for location transfer of Liquor License 0510 from 2765 State Highway 47, Los Lunas, NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas NM 87031. *Peggy Carabajal*
- 9) Consideration to accept Resolution No. 2013-\_\_\_\_\_, Public Notice describing Procedures to Inspect Public Records.
- 10) Consideration for a request to Publish Ordinance No. 2013-\_\_\_\_\_, adopting the 2006 Edition of the International Fire Code. *Steve Gonzales*

**FINANCIAL MATTERS:**

- 11) Approval of Financial/Payroll warrants. *Nick Telles*

**PUBLIC COMMENT:**

Please sign up on the sheet located just outside the Commission chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

### **EXECUTIVE SESSION:**

Pursuant to Section 10-15 1 (H) (2) (7) & (8), the following matters may be discussed in closed session: a. personnel: b. pending or threatened litigation: **Solid Waste Protest; Barela vs. BOCC** c. real property: d. other specific limited topics that are allowed or authorized under the stated statute.

- ◆ Motion and roll call vote to go into Executive Session for the stated reasons
- ◆ Board meets in closed session
- ◆ Motion and vote to go back into regular session
- ◆ Summary of items discussed in closed session
- ◆ Motion and roll call vote that matters discussed in closed session were limited to those specified in motion for closure, and that no final action was taken, pursuant to the authority in §10-15-1 NMSA 1978.

### **ACTION ITEMS:**

12) Delegation of Settlement Authority to County Manager for Barela v. BOCC

13) Instruct Purchasing Agent on Issuance of Protest Determination.

### **NEXT COMMISSION MEETING:**

- ◆ **February 6, 2013 – Business Meeting @ 5:00 P.M.**  
**Valencia County Commission Board Room 444 Luna Ave. LL, NM**

### **ADJOURN:**

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.*

---

This Page  
Intentionally  
Left Blank

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

**ORGANIZATION / BUSINESS MEETING**

**JANUARY 2, 2013**

<b>PRESENT</b>	
Donald Holliday, Chairman	
Mary Andersen, Vice-Chair	
Lawrence R. Romero, Member	
Charles Eaton, Member	
Alicia Aguilar, Member	
Adren Nance, County Attorney	
Dave Pato, County Attorney	
Peggy Carabajal, County Clerk	
Press and Public	

1) The Meeting was called to Order by Chairman Holliday at 9:30 A.M.

2) Chairman Holliday led the Pledge of Allegiance.

**Introductions of Commissioners**

Chairman Holliday introduced the Incoming commissioners.

Commissioner Charles Eaton, Commissioner for District IV

Commissioner Alicia Aguilar, Commissioner for District II

**3) Approval of Agenda**

Commissioner Andersen moved for approval of the agenda. Seconded by Commissioner Aguilar. Motion carried unanimously.

4) Approval of Minutes: December 19, 2012 Business Meeting  
Tabled until next Business Meeting

**PRESENTATION(S):**

None

**DISCUSSION (Non-Action) ITEM(S)**

None

**ACTION ITEM(S)**

**A) Resolution 2013-01 Appointment of Chairperson & Vice-Chairperson**

Commissioner Romero motioned to nominate Commissioner Charles Eaton as Chairman.

Seconded by Commissioner Aguilar. Motion carried unanimously.

Commissioner Charles Eaton motioned to nominate Commissioner Alicia Aguilar as Vice-Chair. Seconded by Commissioner Romero. Motion carried unanimously. County Clerk Peggy Carabajal announced Resolution 2013-01 (See Exhibit A)

**B) Resolution 2013-02 Adoption of 2013 Open Meetings Act**

Commissioner Andersen stated that paragraph 2 of the resolution stated that the regular business meetings be held at 9:30 am, she would like discussion from the Commission whether that is a good time for everyone and should continue on with the same time. Commissioner Holliday motioned to move the Business meeting time to 5:00 pm, like the Public Hearing meetings, to be more accessible for the public to be able to attend the meetings. Commissioner Andersen stated that the only negative part about moving the meetings to 5:00 pm would require some employees to work overtime, but agreed that the later meeting time would be better for the public. Commissioner Andersen seconded the motion. Motion carried unanimously.

Vice-Chair Aguilar motioned to have the agenda available to the public at an earlier time, preferably four business days prior to the meeting.

Chairman Eaton agrees in the effort to promote transparency within the government.

to the public could be changed. Commissioner Romero seconded the motion. Motion carried unanimously.

Vice-Chair Aguilar stated that the Attorney General's Office provides an Open Meetings Compliance Guide and she wants all the commissioners to be provided with a copy. Vice-Chair Aguilar motioned to have a copy of the guide attached to Resolution 2013-02. Chairman Eaton seconded the motion. Motion carried 4-1. Commissioner Romero voted no.

County Clerk Peggy Carabajal announced Resolution 2013-02 (See Exhibit B)

**C) Resolution 2013-03 Adoption of Parliamentary Procedures and Robert's Rules of Order**

Commissioner Holliday moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-03 (See Exhibit C)

**D) 2013-04 Inspection of Public Records Act**

Commissioner Holliday moved for approval. Seconded by Commissioner Andersen. Motion carried 4-1. Vice-Chair Aguilar voted no.

Vice-Chair Aguilar commented that there is a Compliance Guide for the Inspection of Public Records Act, she would really have liked that guide followed.

County Clerk Peggy Carabajal announced Resolution 2013-04 (See Exhibit D)

**E) 2013-05 Establish Holidays & Work**

Vice-Chair Aguilar moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-05 (See Exhibit E)

**F) 2013-06 Signature Authority on Checks**

Commissioner Holliday moved for approval. Seconded by Vice-Chair Aguilar. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-06 (See Exhibit F)

**G) 2013-07 Appointments of Boards, Commissions & Committees**

Vice-Chair Aguilar motioned that they approve the Planning and Zoning Board but table the rest of the committees to allow the County Manager to review updated information and bring it back to the Commissioners. Vice-Chair Aguilar removed her motion. Commissioner Holliday motioned to approve the Board of County Commissioners and the Planning and Zoning Board and table the rest of the committees until the commissioners have time to review it and understand it better. Vice-Chair Aguilar seconded the motion. Motion carried unanimously.

**Planning and Zoning Board:**

Vice-Chair Aguilar appointed Mike Milam

Chairman Eaton not ready to make his recommendation yet

Commissioner Holliday appointed Gene Garcia

Commissioner Andersen will retain Joan Artiaga

Commissioner Romero will retain Gregory Gaudette

Vice-Chair Aguilar motioned for approval for the recommendations for the Planning and Zoning Board. Commissioner Andersen seconded the motion. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-07 (See Exhibit G)

**H) 2013-08 Public Participation at Valencia County Commission Meetings**

Vice-Chair Aguilar said she sees no need for this particular resolution; she has faith and confidence in Chairman Eaton that he can handle the meetings, and that the public will comply with his discretion in allowing public comments. If the commissioners see that a need does arise for this resolution they can always prepare one at a later time. Attorney Adren Nance stated it was up to the current commission to implement these rules, but that the previous commission had not implemented the rules either so the public has had unlimited public comment.

Vice-Chair Aguilar motioned to have this item tabled indefinitely. Commissioner Andersen seconded the motion. Motion carried unanimously.

**FINANCIAL MATTER(S):**

Approval of Financial/Payroll warrants- Nick Telles

Commissioner Andersen motioned for approval of payroll and warrants. Commissioner Holliday seconded the motion. Motion carried unanimously. Chairman Eaton would like to see where all departments are budget wise; Mr. Telles stated that the County Manager already has him scheduled to present an assessment as to where all the departments are budget wise. (See Exhibit H)

**PUBLIC COMMENTS:**

Those members of the audience making comments were Valencia County residents:

Clark Metcalf  
Mark Gwinn  
Gerald Tunnell  
Jon Clemons  
Paul Kinzelman  
Sue Moran

**NEXT COMMISSION MEETING:**

The next Public Hearing Meeting of the Valencia County Board of County Commission will be held on January 23, 2013 at 5:00 p.m. In the County Commission Room at the Valencia County Courthouse.

**Adjournment:**

Commissioner Holliday moved for adjournment. Seconded by Commissioner Romero. Motion carried unanimously. TIME 10:50 am

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the January 2, 2013 Organization / Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**CHARLES EATON, CHAIRMAN**

\_\_\_\_\_  
**ALICIA AGUILAR, VICE-CHAIR**

\_\_\_\_\_  
**MARY ANDERSEN, MEMBER**

\_\_\_\_\_  
**LAWRENCE R ROMERO, MEMBER**

\_\_\_\_\_  
**DONALD E HOLLIDAY, MEMBER**

**ATTEST:**

\_\_\_\_\_  
**PEGGY CARABAJAL, COUNTY CLERK**

\_\_\_\_\_  
**DATE**

# VALENCIA COUNTY BOARD OF COMMISSIONERS

## BUSINESS MEETING

DECEMBER 19, 2012

<b>PRESENT</b>	
Donald E. Holliday, Chair	
Georgia Otero-Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen Member	
Bruce Swingle, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Holliday at 9:30 A.M.

2) Chairman Holliday led the Pledge of Allegiance.

Chairman Holliday asked for a moment of silence in memory of the children and teachers of the Sandy Hook School shooting.

3) Approval of Agenda

Commissioner Otero-Kirkham moved for approval of the amended agenda. Seconded by Commissioner Gentry. Motion carried unanimously.

4) Approval of Minutes: December 5, 2012-Regular Business Meeting

Commissioner Andersen moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously.

### PRESENTATION(S)

5) Animal Control-Erik Tanner

Animal Control Director Erik Tanner gave a department report on how the shelter has done in comparison to last year. Their impounds are remaining steady, adoption has increased and the animal transfers out of state have gone up to 122%, which has resulted in their euthanasia rate dropping about 30% over last year, brings them down to 49%. This is the lowest it's ever been since records have been kept. Owner surrenders are still up due to economic reasons. About half of the animals that are turned over are willfully done by their owners, mostly because people cannot afford to feed them. They have started a food bank in which dog food is given out to the public. It was published in the paper that they were accepting dog food donations and since then have received 6000 pounds of food. They are still working on spay and neuter clinic and they have also made advances on people reporting cases of animal cruelty.

Commissioner Andersen thanked Mr. Tanner for all his hard work as it's really good to hear positive reports from the Animal Shelter Department.

6) Valencia County Juvenile Justice Update-Cynthia Ferrari

Ms. Ferrari stated the Valencia County Juvenile Justice Program is making good progress. Their annual retreat was held in September and at that time they reviewed and updated their bylaws, goals and objectives and their strategic plan in preparation for the RFP which is being released today and will be able to apply for additional funding. The Valencia County Juvenile Justice Board is also making strides in finding alternatives to detention and they are also working with juvenile drug court and juvenile probation. The county's youth are now getting programing instead of just being sent to detention and the county is also saving a tremendous amount of money.

7) County Manager Update – Bruce Swingle

County Manager Bruce Swingle presented a report on the county's accomplishments completed over the last year. This report included the County Manager's Office, Animal Control, Community Development, Detention, Emergency Management, Finance, Fire Service, Human Resources, Information Technology, Procurement and Public Works.

8) Commission Presentation-Commission Chair Donald Holliday

Gentry. He thanked them for their years of dedicated service to Valencia County and for the changes they made in order to make Valencia County a better place for all to live.

Commissioner Otero-Kirkham stated she will miss everyone and she and Commissioner Gentry have accomplished many things for the county and was glad to be part of it and she looks forward to the county moving forward and knowing that she had something to do with it. Commissioner Otero-Kirkham thanked county staff and the commissioners.

Commissioner Gentry also thanked county staff, the commission, his constituents of District IV and reflected over his years in office which included the accomplishments made during his term as a County Commissioner as to where it was before and where it is today.

Valencia County Clerk Sally Perea who will be retiring this December also stated that she enjoyed serving the county and the residents of Valencia County for the last thirty years, ten of which were served as Probate Judge. Her accomplishments while serving as County Clerk were implementing the electronic recording, digitizing the old records and the records can now be accessed through the county website. She gave credit to staff who knew their job and did it well and thanked the commission for their support.

County Attorney Dave Pato thanked Commissioner Otero-Kirkham and Commissioner Gentry for their service to the community and it's been a pleasure and an honor working with them both. He knows how tirelessly they have worked and how much effort and time they have put in. It's a thankless task and their accomplishment are truly remarkable. Mr. Pato presented both commissioners' with plaques as a token of their appreciation.

#### **DISCUSSION (Non-Action) ITEM(s)**

None

#### **BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD**

Commissioner Otero-Kirkham moved to convene as the Indigent Claims Board. Seconded by Commissioner Andersen. Motion carried unanimously.

#### **9) Consideration of the Indigent Report-1 Appeal- Barbara Baker/Dan Zolnier**

Ms. Baker presented the Indigent Claims from November 9, 2012 to December 6, 2012 and requested approval of \$54,837.77.

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously. (See Exhibit A)

Ms. Baker presented an Indigent Appeal by County Manager Bruce Swingle for inmate James Woolbert in the amount of \$65.00 and requested approval of \$50.05 is paid to UNM Health Sciences Center.

Commissioner Andersen moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit B)

#### **BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS**

Commissioner Otero-Kirkham moved to re-convene as the Board of County Commissioners. Seconded by Chairman Holliday. Motion carried unanimously.

#### **ACTION ITEM(S)**

#### **10) Consideration of Approval to Raise Small Purchase Limits for Efficiency and In Support of Procurement Card ("P Card") Program-Michael Vinyard.**

Mr. Vinyard is requesting that the commission approve a change in the small purchase limits to be consistent with the current New Mexico Procurement Code and with the current state rules and regulations the State of New Mexico follows. He's asking that the discretionary limit be raised from \$499.00 to \$10,000.00. What this will do is affect the efficiency of how they make those purchases. It will allow departments to put everything on one purchase order. Nothing will change, the purchase requisitions will still continue to come through the purchasing department, they will continue to sign off on them, and Mr. Vinyard will continue to review them and to challenge them. The "P Card" is a purchasing method which will make it possible to track every purchase that was made.

Commissioner Otero-Kirkham moved for approval. Seconded by Chairman Holliday. Commissioner Gentry said they're probably on the right track but since he's not going to be here he would like for them to hold off on this and wait for the next commission and let them decide what they want to do about their procurement issues. Motion failed 3-2.

Commissioner Gentry voted no. Commissioner Andersen voted no. Commissioner Romero voted no.

**11) Consideration for Approval of First Amendment to the Valencia County Juvenile Justice Board Continuum Coordinator Services Contract-Cynthia Ferrari.**

Commissioner Gentry moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit C)

**12) Consideration for Approval of New Day Contract for Valencia County Juvenile Justice Board Reception Assessment Center Services-Cynthia Ferrari.**

Commissioner Otero-Kirkham moved for approval. Seconded by Chairman Holliday. Motion carried unanimously. (See Exhibit D)

**13) Consideration for Approval of Amendment #5 to CYFD Contract 11-690-13020-5 – Cynthia Ferrari.**

Commissioner Gentry moved for approval. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit E)

**14) Consideration of Approval for a Contract Extension with Triadic Enterprises for Additional software Support – Lawrence Esquibel.**

IT Director Lawrence Esquibel amended his request and recommended rather than a six month time period, they look at extending the contract with Triadic for one year. They have budgeted \$60,000.00 for that in the current fiscal year. The amount for the full year of support from Triadic will be \$70,738. 68.

Commissioner Gentry moved for approval of extending the contract for one year. Seconded by Commissioner Otero-Kirkham. Motion carried unanimously. (See Exhibit F)

**FINANCIAL MATTERS:**

**15) Approval of Financial Payroll/ Warrants-Nick Telles.**

Commissioner Otero-Kirkham moved for approval of Payroll/ Warrants. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibits G-J)

**16) Approval of Budget Adjustment Request Resolution 2012-36 – Nick Telles**

Commissioner Otero-Kirkham moved for approval. Seconded by Commissioner Gentry. Motion carried unanimously.

County Clerk Sally Perea announced Resolution 2012-36. (See Exhibit K)

**PUBLIC COMMENT:**

Those members of the audience making comments at today's Business Meeting were Valencia County residents Charles Montoya, Charles Eaton, Mary Wood, Mike Wood, Clarke Metcalf, Sue Moran and Ernie Byers.

**EXECUTIVE SESSION:**

**17) Pursuant to Section 10-15-1 (H) (2) (6) & (7) (1999), the following matters may be discussed in closed session: Barela v. BOCC, Negotiation of Solid Waste Contract RFP #VCR-FY113-005.**

Commissioner Otero-Kirkham moved to go into Executive Session. Seconded by Commissioner Gentry. Roll call. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Andersen voted yes. Chairman Holliday voted yes. Motion carried 5-0.

Chairman Holliday moved to go back into Executive Session. Seconded by Commissioner Romero. Motion carried unanimously.

County Attorney Adren Nance stated items discussed in Executive Session were limited to Barela vs. Board of County Commissioners and the negotiation of the Solid Waste Contract RFP and no final action was taken.

Commissioner Gentry moved for approval of the summary as stated by Attorney Nance. Seconded by Commissioner Andersen. Roll call. Commissioner Romero voted yes. Commissioner Otero-Kirkham voted yes. Commissioner Gentry voted yes. Commissioner Andersen voted yes. Chairman Holliday voted yes. Motion carried 5-0.

**ACTION ITEMS:**

**18) Award of Contract for Solid Waste Services, RFP #VCR-FY113-005-Board of County Commissioners.** Commissioner Gentry moved for approval to award the contract to the highest scoring offer. Seconded by Commissioner Andersen. Motion carried 4-1. Commissioner Otero-Kirkham voted no.

and Cleanup to be Charged in Connection with Solid Waste Contract- Board of County Commissioners. (Resolution 2012-37)

Commissioner Gentry moved to accept the administrative fee of \$2.50. This is for administration, projects of cleaning up and garbage disposal throughout the county to be charged in connection with the solid waste contract. Seconded by Commissioner Andersen. Motion carried 4-1. Commissioner Otero-Kirkham voted no.

County Clerk Sally Perea announced Resolution 2012-37. (See Exhibit L)

Commissioner Otero-Kirkham stated in the many years she has been on the commission she has always wanted things to stay local and this is not going to be local so in her own conscious she had to vote no.

Mr. Vinyard stated the Procurement file is now public and the contract has been award to Waste Management. Waste Management proposed a fee for collection of a simply trash container of \$13.88 and a \$2.50 Administrative Fee will be added on top of that for a total monthly fee of \$16.38 for a single trash container picked up weekly in the unincorporated areas. The Administrative Fee assigned to this will be used for contract administration, enforcement and cleanup of the legal disposal within Valencia County.

**NEXT COMMISSION MEETING:**

The next Regular Business Meeting of the Valencia County Board of County Commission will be held on January 2, 2013 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse, 444 Luna Ave., Los Lunas, NM 87031.

**11) Adjournment**

Commissioner Otero-Kirkham moved for adjournment. Seconded by Chairman Holliday. Motion carried unanimously. **TIME: 11:22 A.M.**

**NOTE:** All proposals, documents, items, etc., pertaining to items on the agenda of the December 19, 2012 Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

**VALENCIA COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**DONALD E. HOLLIDAY, CHAIR**

\_\_\_\_\_  
**GEORGIA OTERO-KIRKHAM, VICE-CHAIR**

\_\_\_\_\_  
**LAWRENCE R. ROMERO, MEMBER**

\_\_\_\_\_  
**RON GENTRY, MEMBER**

\_\_\_\_\_  
**MARY J. ANDERSEN, MEMBER**

**ATTEST:**

\_\_\_\_\_  
**SALLY PEREA, COUNTY CLERK**

\_\_\_\_\_  
**DATE**

---

This Page  
Intentionally  
Left Blank



**VALENCIA COUNTY**  
**Board of County Commissioners**

**Agenda Request Form**

**Department Head:** Dan Zolnier  
**Individual Making Request:** Barbara Baker  
**Presentation at Meeting on:** January 16, 2013  
**Date Submitted:** January 3, 2013  
**Title of Request:** Indigent Report/3 Appeals

---

**Action Requested of Commission:**

Consideration of the Indigent Report for January 16, 2013  
Consideration of 3 Appeals for January 16, 2013

**Information Background and Rationale**

One Report with 40 claims (See attached)  
Three Indigent Appeals (See attached)

**What is the Financial Impact of this Request?**

\$39,901.36 recommended for approval of the Indigent Report  
\$3,463.88 recommended for approval of the three Indigent Appeals

**Legal:**

The report and appeals are in order and are germane for the Board of County Commissioners.  
AN

**Finance:**

There are sufficient funds in the Indigent Fund for the indigent report and the appeals. The current balance in the Indigent Fund is \$2,746,550.67.

**County Manager:**



# Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

Phone : (505) 866-2020 · Fax: (505) 866-3366

January 16, 2013

Dear Commissioners,

I would like to present the Indigent Claims from December 6, 2012 to January 3, 2013. The number of claims submitted is \$597,484.66. I ask the Commission to approve \$39,901.36 and to deny \$558,004.30. There were 40 claims submitted, the breakdown is as follows;

- 18 - 45.00% - UNM Health Sciences Center
- 8 - 20.00% - Living Cross Ambulance
- 4 - 10.00% - Presbyterian Hospital
- 3 - 7.50% - Lovelace Medical Center
- 2 - 5.00% - Presbyterian Medical Group
- 4 - 10.00% - Radiology Associates
- 1 - 2.50% - UNM Medical Group

The payment for approved claims is as follows;

- \$ 23,062.39 - UNM Health Sciences Center
- 1,696.00 - Living Cross Ambulance
- 6,000.00 - Presbyterian Hospital
- 9,000.00 - Lovelace Medical Center
- 51.86 - Presbyterian Medical Group
- 32.58 - Radiology Associates
- 58.53 - UNM Medical Group

There are 10 applicant denials which are;

- 11075, 11088, 11090 and 11096- Income
- 11076, 11091, 11092 and 11093 - No Response
- 11102 and 11103 - 90 Day Limit

The unpaid balance of the medical bills for the approved claims is \$439,464.31 and the unpaid balance of the ambulance bills for the approved claims is \$3,223.58.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara A. Baker". The signature is written in black ink and is positioned above the printed name.

Barbara A. Baker

## VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

P.O. Box 1119 \* \* \* Los Lunas, New Mexico 87031

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
UNM Health Sciences Center	215457052	11075	6,598.70	6,598.70	0.00
UNM Health Sciences Center	215104753	11076	28,031.95	28,031.95	0.00
Presbyterian Hospital	001335403-2250	11077	3,936.00	936.00	3,000.00
UNM Health Sciences Center	217157557	11078	1,279.40	294.27	985.13
Lovelace Medical Center	P1230400022	11079	30,147.25	27,147.25	3,000.00
UNM Health Sciences Center	216829937	11080	2,632.75	605.54	2,027.21
Living Cross Ambulance	76452	11081	103.38	7.38	96.00
Living Cross Ambulance	76974	10182	1,149.29	749.29	400.00
UNM Health Sciences Center	218255230	11082	11,345.30	8,345.30	3,000.00
Living Cross Ambulance	76812	11083	1,281.10	881.10	400.00
UNM Health Sciences Center	218107233	11083	4,450.00	1,450.00	3,000.00
UNM Health Sciences Center	215422924	11084	28,336.35	25,336.35	3,000.00
UNM Health Sciences Center	216493288	11085	243,572.37	241,572.37	2,000.00
Living Cross Ambulance	76612	11086	1,154.14	754.14	400.00
UNM Health Sciences Center	217947225	11086	35,776.10	32,776.10	3,000.00
UNM Health Sciences Center	216545665	11087	7,470.30	4,470.30	3,000.00
UNM Health Sciences Center	218090801	11088	6,136.20	6,136.20	0.00
UNM Health Sciences Center	215964057	11089	34,209.10	31,709.10	2,500.00
<b>TOTALS</b>			447,609.68	417,801.34	29,808.34

## VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

P.O. Box 1119 \* \* \* Los Lunas, New Mexico 87031

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
UNM Health Sciences Center	217765098	11089	2,107.65	1,607.65	500.00
Presbyterian Hospital	001392844-2265	11090	6,196.32	6,196.32	0.00
Presbyterian Hospital	001392844-2269	11090	340.60	340.60	0.00
Living Cross Ambulance	75072	11091	1,135.56	1,135.56	0.00
Living Cross Ambulance	76821	11091	1,149.29	1,149.29	0.00
UNM Health Sciences Center	215814922	11092	465.00	465.00	0.00
UNM Health Sciences Center	217135417	11093	7,416.65	7,416.65	0.00
Living Cross Ambulance	76726	11094	1,231.67	831.67	400.00
Lovelace Medical Center	P1232300301	11094	4,076.00	1,076.00	3,000.00
Presbyterian Hospital	001140375-2316	11095	31,038.10	28,038.10	3,000.00
Living Cross Ambulance	75075	11096	1,355.24	1,355.24	0.00
UNM Health Sciences Center	216249656	11096	37,046.10	37,046.10	0.00
UNM Health Sciences Center	217222066	11096	19,386.80	19,386.80	0.00
Lovelace Medical Center	P1233900008	11097	36,823.00	33,823.00	3,000.00
Presbyterian Medical Group	BL10078549020	11098	107.00	81.07	25.93
Radiology Associates	15400138	11099	26.00	9.71	16.29
Radiology Associates	15400134	11100	26.00	9.71	16.29
Presbyterian Medical Group	852914	11101	107.00	81.07	25.93
<b>TOTALS</b>			150,033.98	140,049.54	9,984.44

## VALENCIA COUNTY COMMISSION MEETING

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

P.O. Box 1119 \* \* \* Los Lunas, New Mexico 87031

Provider	Provider Account	Indigent Number	Amount Billed	Amount Denied	Amount Paid
Radiology Associates	15257157	11102	28.00	28.00	0.00
Radiology Associates	15237045	11103	30.00	30.00	0.00
UNM Health Sciences Center	212841076	11104	65.00	14.95	50.05
UNM Medical Group	5010773	11104	139.00	80.47	58.53
<b>Subtotal</b>			262.00	153.42	108.58
<b>Total</b>			597,905.66	558,004.30	39,901.36

Valencia County Commissioners

Charles D. Eaton, Chair

Alicia Aguilar, Co-Chair

Mary J. Andersen

Donald E. Holliday

Lawrence R. Romero

# VALENCIA COUNTY INDIGENT FUND CLAIMS LOG

JANUARY 16, 2013

Birth			Date(s) of		Diagnosis	Billed	Paid	Reason for Denial
ID NO.	Date	Sex	Provider Name	Service				
11075	10/15/56	F	UNM Health Sciences Center	09/05-09/06/12	Dislocated Elbow	6,598.70	0.00	Income
11076	11/17/86	M	UNM Health Sciences Center	08/25-08/31/12	Seizures	28,031.95	0.00	No Response
11077	08/07/92	F	Presbyterian Hospital	09/06-09/07/12	Seizures	3,936.00	3,000.00	
11078	12/12/77	F	UNM Health Sciences Center	10/25/12	Abdominal Pain	1,279.40	985.13	
11079	11/03/92	F	Lovelace Medical Center	10/30/12	Gall Bladder Surgery	30,147.25	3,000.00	
11080	11/01/43	M	UNM Health Sciences Center	10/16-10/17/12	Seizures	2,632.75	2,027.21	
11081	07/26/76	F	Living Cross Ambulance	11/14/12	Assault	103.38	96.00	
11082	04/18/64	M	Living Cross Ambulance	11/28/12	Chest Pain	1,149.29	400.00	
*			UNM Health Sciences Center	11/28-11/29/12	*	11,345.30	3,000.00	
11083	04/01/45	F	Living Cross Ambulance	11/23/12	Fainted	1,281.10	400.00	
*			UNM Health Sciences Center	11/23/12	*	4,450.00	3,000.00	
11084	12/10/49	M	UNM Health Sciences Center	09/01-09/11/12	Pneumonia	28,336.35	3,000.00	
11085	09/13/52	F	UNM Health Sciences Center	10/08-12/06/12	Rupture in Abdomen	243,572.37	2,000.00	
11086	03/02/52	M	Living Cross Ambulance	11/16/12	Pneumonia	1,154.14	400.00	
*			UNM Health Sciences Center	11/17-11/21/12	*	35,776.10	3,000.00	
11087	05/12/63	M	UNM Health Sciences Center	11/19/12	Cataract Surgery	7,470.30	3,000.00	
11088	01/28/52	M	UNM Health Sciences Center	11/21-11/23/12	Liver Disease	6,136.20	0.00	Income
11089	01/10/63	F	UNM Health Sciences Center	09/20-09/25/12	Congestive Heart Failure	34,209.10	2,500.00	
*			UNM Health Sciences Center	11/13/12	*	2,107.65	500.00	
11090	11/26/65	F	Presbyterian Hospital	09/21/12	Vaginal Bleeding	6,196.32	0.00	Income
*			Presbyterian Hospital	09/24/12	*	340.60	0.00	*
11091	04/28/67	F	Living Cross Ambulance	09/28/12	Difficulty Breathing	1,135.56	0.00	No Response
*			Living Cross Ambulance	11/27/12	Convulsions	1,149.29	0.00	*
11092	08/29/59	F	UNM Health Sciences Center	09/17/12	Hand Injury	465.00	0.00	No Response
11093	03/18/60	F	UNM Health Sciences Center	10/26/12	Unknown	7,416.65	0.00	No Response
11094	01/24/92	F	Living Cross Ambulance	11/18/12	Assault	1,231.67	400.00	
*			Lovelace Medical Center	11/18/12	*	4,076.00	3,000.00	
11095	04/05/73	M	Presbyterian Hospital	11/11-11/14/12	Pneumonia	31,038.10	3,000.00	
11096	02/25/48	M	Living Cross Ambulance	09/28/12	Stroke	1,355.24	0.00	Income
*			UNM Health Sciences Center	09/28-10/05/12	*	37,046.10	0.00	*

[illegible]



# Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 • Los Lunas, New Mexico 87031

Phone : (505) 866-2020 • Fax: (505) 866-3366

Date: January 16, 2013

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BAB*

Subj: Thomas Byrns - Indigent Appeal

Thomas Byrns has requested an Indigent Appeal for the Indigent Denial of November 26, 2012 for his Presbyterian Hospital bill. Mr. Byrns was denied as he does have insurance, but the insurance has a high deductible. I would like to recommend approval of the balance of the Presbyterian Hospital bill in the amount of \$3,229.26 as Mr. Byrns qualifies with all of the other requirements. If approved the amount being paid to Presbyterian Hospital would be \$2,486.53.

Approved by the Board of County Commissioners at the regular meeting of January 16, 2013.

---

Charles D. Eaton, Chair

---

Alicia Aguilar, Co-Chair

---

Mary J. Andersen

---

Donald E. Holliday, Chair

---

Lawrence R. Romero

ATTESTED BY:

---

Peggy Carabajal, Valencia County Clerk



# Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 • Los Lunas, New Mexico 87031

Phone : (505) 866-2020 • Fax: (505) 866-3366

Date: January 16, 2013

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BA*

Subj: Ivan Garcia - Indigent Inmate Appeal

Bruce Swingle has requested an Indigent Appeal for the Indigent Denial of December 19, 2012 of Ivan Garcia for his ABQ Health Partners bill in the amount of \$382.00. Mr. Garcia was denied as the bill was received after the 90 day limit. I would like to recommend approval of the ABQ Health Partners bill in the amount of \$382.00. If approved the amount being paid to ABQ Health Partners would be \$87.23.

Approved by the Board of County Commissioners at the regular meeting of January 16, 2013.

---

Charles D. Eaton, Chair

---

Alicia Aguilar, Co-Chair

---

Mary J. Andersen

---

Donald E. Holliday, Chair

---

Lawrence R. Romero

ATTESTED BY:

---

Peggy Carabajal, Valencia County Clerk



# Valencia County Indigent & Insurance

BARBARA A. BAKER, ADMINISTRATOR

Post Office Box 1119 · Los Lunas, New Mexico 87031

Phone : (505) 866-2020 · Fax: (505) 866-3366

Date: January 16, 2013

To: Valencia County Board of County Commissioners

From: Barbara A. Baker *BAB*

Subj: Jeanette Laurel - Indigent Appeal

Jeanette Laurel has requested an Indigent Appeal for the Indigent Denial of December 19, 2012 for her Lovelace Medical Center bill. Ms. Laurel was denied as she does have Medicare, but there is a deductible. I would like to recommend approval of the balance of the Lovelace Medical Center bill in the amount of \$1,156.00 as Ms. Laurel qualifies with all of the other requirements. If approved the amount being paid to Lovelace Medical Center would be \$890.12.

Approved by the Board of County Commissioners at the regular meeting of January 16, 2013.

---

Charles D. Eaton, Chair

---

Alicia Aguilar, Co-Chair

---

Mary J. Andersen

---

Donald E. Holliday, Chair

---

Lawrence R. Romero

ATTESTED BY:

---

Peggy Carabajal, Valencia County Clerk

---

This Page  
Intentionally  
Left Blank



# **VALENCIA COUNTY**

## **Board of County Commissioners**

### **Agenda Request Form**

**Department Head:** County Clerk

**Individual Making Request:** Peggy Carabajal

**Presentation at Meeting on:** January 23, 2013

**Date Submitted:**

**Title of Request:** Consideration of location transfer of Liquor License No. 0510 from 2765 Hwy 47, Los Lunas to 3409 Hwy 47 Suite A, Los Lunas.

**Action Requested of Commission:**

Consideration of location transfer of Liquor License 0510/ Application No. A-838648 from 2765 State Highway 47, Los Lunas, NM 87031 to proposed location of 3409 State Highway 47, Suite A, Los Lunas, NM 87031.

**Information Background and Rationale:**

As per Section 60-6B-4 NMSA of the Liquor Control Act, within 45 days after receipt of a notice from the Alcohol and Gaming Division, the governing body shall hold a public hearing in the question of whether the department should approve the proposed request. Two weeks notice (copies in your packet) of the public hearing has been fulfilled and the applicant has been notified.

**Legal:**

The Board may disapprove the transfer of the license only if (1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; (2) the transfer would be in violation of a zoning or other ordinance of the County; or (3) the transfer would be detrimental to the public health, safety or morals of the residents at that particular location. D.P.

**Finance:**

No direct negative financial impact to Valencia County Government. CC



# LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 0510

Application Number 8386048

Local option (AGD use)

Record Owner of Existing License Valencia County License Venture, LLC.

Current D/B/A Name Valencia County Liquors

Current Premises Address 2765 State Highway 47, Los Lunas, NM 87031

Application is for: Change of Stock Change of Officers/Directors

Transfer Ownership of Existing License

Transfer Ownership and Location

Transfer Location

Other

Issue New License Type of License being applied for

Applicant is: Individual Corporation

Partnership (General or Limited)

Limited Liability Company

NAME OF APPLICANT (company or individual)

Valencia County License Venture, LLC.

ADDRESS (including city, state, zip)

1801 Lomas Blvd NW, Albuquerque, NM 87104

TELEPHONE NUMBER

505-247-0328

cc: New Mexico Liquor Licenses, LLC.

1801 Lomas Blvd NW, Albuquerque, NM 87104

505-980-5614

D/B/A name to be used: Valencia County Liquors

Phone number for licensed premises: not yet assigned

Physical location where license is to be used:

3409 State Highway 47 Suite A, Los Lunas, Valencia County, New Mexico 87031

Mailing address:

1801 Lomas Blvd. NW, Albuquerque, NM 87104

(Include street number / highway number / state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes No X If yes, give license number and type

I, (print name) Mark Garcia, as (title) Member, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant

Date

Notary Public Use Only

2012

by Mark Garcia

SUBSCRIBED AND SWORN TO before me this 19th day of November

My Commission Expires 8/17/2014

Notary Public

My Commission Expires 8/17/2014

Local Governing Body of:

(City or County). Hearing held on

Check one: Approved Disapproved City/County Official

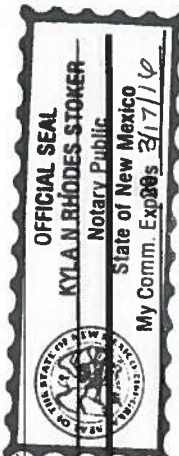
(Signature & Title)

For Alcohol and Gaming Division Use Only

Approved Disapproved

Director Approval

Date





## PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant ☒ Leased by Applicant (attach copy of deed or lease) \_\_\_\_\_ Other (provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) \_\_\_\_\_

B. Date and term of lease \_\_\_\_\_

3. Premises location is zoned (example C-1) C-1 Neighborhood Commercial District

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

Miles/feet ca. .2 miles Name of church Grace Fellowship Address/location of church 3384 Highway 47, Los Lunas, NM 87031

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

Miles/feet ca. .5 miles Name of school Daniel Fernandez Elementary Address/location of school 36 Sun Valley Road, Los Lunas, NM 87031

6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance.)

Miles ca. 31 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

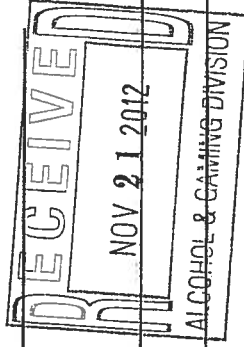
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery ☒ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) \_\_\_\_\_

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505.





Susana Martinez  
GOVERNOR

J. Dee Dennis, Jr.  
SUPERINTENDENT

Mary Kay Root  
DEPUTY  
SUPERINTENDENT

James C. McKay  
CHIEF GENERAL  
COUNSEL

Mary Kay Root  
ACTING DIRECTOR

New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us

December 18, 2012

Certified Mail No.: 7009 2250 0000 9393 2247

Valencia County  
Sally Perea, Clerk  
Box 969  
Los Lunas, NM 87031

Re: License /Appl. No.: Lic. No. 0510/Appl. No. A-838648  
Applicant Name: Valencia County License Venture, LLC  
Doing Business As: Valencia County Liquors  
Proposed Location: 3409 State Highway 47, Suite A  
Los Lunas, New Mexico 87031

**ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.**

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Preliminary Approval; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

**THE APPLICANT IS SEEKING A TRANSFER OF LOCATION ONLY FOR DISPENSER LIQUOR LICENSE NO. 0510 WITH PACKAGE SALES.**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Rose L. Garcia  
Hearing Officer  
Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4552  
Fax: 505-476-4595  
Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures: Original Page 1 of the Application (must be signed and returned).  
Copy of Page 2 of the Application.

---

This Page  
Intentionally  
Left Blank



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2013-\_\_\_\_\_**

**PUBLIC NOTICE DESCRIBING PROCEDURES FOR REQUEST INSPECTION**

By law, under the Inspection of Public Records Act, every person has the right to inspect public records of the Board of County Commissioners of the County of Valencia. The Act also makes compliance with requests to inspect public records an integral part of the routine duties of the officers and employees of the Board of County Commissioners of the County of Valencia.

Procedures for Requesting Inspection. Requests to inspect public records should be submitted to the records custodian, Bruce Swingle, located at 444 Luna Avenue, Los Lunas, NM 87031, (505) 866-2014, (505) 866-3355 (facsimile), [Bruce.Swingle@co.valencia.nm.us](mailto:Bruce.Swingle@co.valencia.nm.us).

A person desiring to inspect public records may submit a request to the records custodian orally or in writing. However, the procedures and penalties prescribed by the Act apply only to written requests. A written request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email or facsimile. The request must describe the records sought in sufficient detail to enable the records custodian to identify and locate the requested records.

The records custodian must permit inspection immediately or as soon as practicable, but no later than 15 calendar days after the records custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a written response explaining when the records will be available for inspection or when the public body will respond to the request. If any of the records sought are not available for public inspection, the person making the request is entitled to a written response from the records custodian explaining the reasons inspection has been denied. The written denial shall be delivered or mailed within 15 calendar days after the records custodian received the request for inspection.

Procedures for Requesting Copies and Fees. If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged, as detailed in the chart below.

Item	One Side Page	Two Side Page
Photo Copies	\$0.35	\$0.60
Reader/Printer Copies	\$0.50	\$0.50
Newspaper	\$1.00	\$1.50
Ordinances & Resolutions	\$0.50 (per page)	\$0.50

18" x 24" Plats	\$4.00	N/A
24" x 36" Plats	\$6.00	N/A
36" Plus Plats	\$1.00 for each additional foot	
Electronic Data	\$5.00 per CD plus \$0.01 per document	N/A
Documents Scanned to Electronic Format	\$0.25	N/A
Notary Public	\$3.00	NA

The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

**APPROVED, ADOPTED, AND PASSED** on this 16<sup>th</sup> day of January, 2013.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Charles D. Eaton  
Chairman, District IV

\_\_\_\_\_  
Alicia Aguilar  
Vice-Chair, District II

\_\_\_\_\_  
Mary J. Andersen  
Commissioner, District I

\_\_\_\_\_  
Lawrence R. Romero  
Commissioner, District III

\_\_\_\_\_  
Donald E. Holliday  
Commissioner, District V

Attest:

\_\_\_\_\_  
Peggy Carabajal, County Clerk

---

This Page  
Intentionally  
Left Blank



**VALENCIA COUNTY**  
**Board of County Commissioners**

**Agenda Request Form**

**Department Head:** Fire Chief Steven Gonzales

**Individual Making Request:** Fire Chief Steven Gonzales

**Presentation at Meeting on:** January 23, 2013

**Date Submitted:** January 07, 2012

**Title of Request:** Request To Publish an Ordinance Adopting the 2006 Edition of the International Fire Code

---

**Action Requested of Commission:**

The Board of County Commissioners requested, pursuant to NMSA 1978, Section 4-37-7 (1981) to publish for public notice an Ordinance Adopting the 2006 Edition of the International Fire Code to consider adopting the ordinance after a public hearing is held.

**Information Background and Rationale**

The County's last adopted fire code was approved in 1990 and is out of date and inconsistent with general practice. Adopting the 2006 Edition of the International Fire Code will provide the County Fire Department with legal framework to regulate, govern and safe-guard the life and property of the Citizens of the County from the unsafe storage, handing and use of hazardous substances, materials and devices and from conditions hazardous to the lives or property in the occupancy of building and premises in the County of Valencia. The Ordinance will also provide for the issuance of permits and the collections of fees therefore.

**What is the Financial Impact of this Request?**

**Legal:**

NMSA 1978, Section 4-37-7 (1981) requires that in order for an ordinance to be considered for passage a majority of the members of the Commission must vote to direct that the title and a general summary of the proposed ordinances be published one time in a newspaper of general circulation within the county at least two weeks prior to the meeting of the board at which the ordinance is proposed for final passage. If the Board of County Commissioners would like for this ordinance to be considered it must first be published according to Section 4-37-1.

Approving this request does not "pass" the ordinance but instead allows it to move forward in the legal process. The Commission may still approve, modify & approve or disapprove the ordinance at a subsequent meeting.

**Finance:**

**County Manager:**



**VALENCIA COUNTY**  
**BOARD OF COMMISSIONERS**  
**ORDINANCE NO. 2013-**

**AN ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFE-GUARDING 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 IN THE COUNTY OF VALENCIA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO'S 89-04 AND 90-1 OF THE COUNTY OF VALENCIA.**

**Section 1. Short Title: International Fire Code**

**Section 2. Purpose.**

The purpose is to adopt the 2006 edition of the International Fire Code regulating and governing the safe-guarding 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 in the County of Valencia; providing for the issuance of permits and collection of fees therefore.

**Section 2.1. Scope.**

This code establishes regulations affecting or relating to structures, processes, premises, and safeguards regarding:

1. Hazards of fire and explosions arising from the storages, handling or use of structures, materials or devices;

2. Conditions hazardous to life, property, or public welfare in the occupancy of structures;
3. Fire hazards in the structure on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

### **Section 3. Definitions.**

A. Valencia County adopts the definitions as defined in the 2006 edition of the International Fire Code hereinafter “Fire code,” with the following exceptions:

- 1) “County Fire Chief” is the single and sole administrative and command authority for the Valencia County Emergency Services.
- 2) “Chief Engineer,” “Chief” or “Chief of the Fire Department” where used in the Fire Code shall mean “County Fire Chief” as defined in Section 3(A) above or the Chief’s authorized representative.
- 3) “Fire Code Official” where used in the Fire Code shall mean the Valencia County Fire Marshal, or his/her duly authorized representative, who has the authority to interpret and enforce the Fire Code and this Ordinance.
- 4) “Executive Body” is the Valencia County Board of County Commissioners.
- 5) “Fire Department” is the Valencia County Emergency Services.
- 6) “Firework and “Special Firework” shall have the same meaning as defined in the New Mexico Fireworks Licensing and Safety Act, 60-2C-1 et. Seq. N.M.S.A. (1978).
- 7) “Fire Code” is the fire code and standards adopted by Valencia County Ordinance as amended.

1                   8)     “Building code” is the building code and standards adopted by Valencia  
2 County Ordinance as amended.

3                   9)     “Electrical Code” is the electrical code and standards adopted by Valencia  
4 County Ordinance as amended.

5                   10)    “Jurisdiction” is Valencia County, which has adopted the International  
6 Fire Code for use in its jurisdictional area.

7                   11)    “Jurisdictional Area” is the unincorporated portions of Valencia County or  
8 other areas as designated by joint powers agreement, memorandum of understanding, and mutual  
9 aid.

10            B.     All the definitions contained in NMSA 60-2C-2 of the New Mexico Fireworks  
11 Licensing and Safety Act, 60-2C-1, et seq. N.M.S.A. 1978 is adopted for the purposes of this  
12 ordinance and the International Fire Code.

13                   **Section 4. Adoption of the International Fire Code**

14            The 2006 edition of the International Fire Code, including appendices B, C and D  
15 published by the International Fire Code Institute, being particularly the 2006 Edition is hereby  
16 adopted, saves and except such portions as are deleted, modified or amended by this ordinance.

17            All Fire Codes, Standards and Supplements, as published by the National Fire Protection  
18 Association (NFPA)

19            All current Codes and Standards of the International Plumbing, Mechanical and Electrical  
20 Codes as published by the International Code Council (ICC).

21            For the purpose of prescribing minimum regulations governing conditions hazardous to  
22 life and property from fire, hazardous materials, or explosion within the County of Valencia,  
23 New Mexico, the following is adopted.

1 The following documents are hereby adopted as the Valencia County Fire Code, and  
2 from the date on which this ordinance takes effect shall be controlling within the boundaries of  
3 the County of Valencia, New Mexico:

4 **Section 5. Duties for Fire Prevention.**

5 This ordinance, The Fire Code shall be enforced by the Valencia County Emergency  
6 Services, which is established pursuant to Valencia County Ordinance.

7 **Section 6. Amendments to the Fire Code.**

8 The Fire Code is amended and changed in the following respects:

9 **International Fire Code, Chapter 1 Section 102.3 entitled “ Administration;**  
10 **Applicability; Change of use or occupancy” is hereby amended to read the**  
11 **following:**

12  
13 No changes shall be made in the use or occupancy of any structure that would place the  
14 structure in a different division of the same group or occupancy or in a different group of  
15 occupancies, unless such structure is made to comply with the requirements of this code,  
16 the International Building Code, and section 903.6 of the Fire Code, for existing  
17 buildings. Subject to approval of the fire code official, the use of occupancy of an  
18 existing structure shall be permitted to be changed and the structure is allowed to be  
19 occupied for the purposes in other groups without conforming to all the requirements of  
20 this code and the International Building code for those groups provided the specific  
21 requirements of the fire Code, Section 903.6, are applied and the new or proposed use is  
22 less hazardous, based on life and fire risk, than the existing use.

**International Fire Code, Chapter 1 Section 102.4 entitled “Administration;  
Applicability; Application of building code” is hereby amended to read as follows:**

*102.4 Application of building code.* The design and construction of new structures shall comply with the International Building Code. Repairs, alterations, additions, changes in use or changes in structures required by this code which are within the scope of the International building Code, shall be made in accordance therewith.

**International Fire Code, Chapter 1 Section 102.5 entitled Administration;  
Applicability; Historic Buildings” is hereby amended to read as follows:**

*102.5 Historic Building.* The provisions of this relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a district hazard to life or property. Fire protection in designated historic building and structures shall be provided in accordance with an approved fire protection plan developed in accordance with the provisions of NFPA 909.

**International Fire Code, Chapter 1 Section 102.6 entitled Administration;  
Applicability; Referenced codes and standards” is hereby amended to read as follows:**

*102.6 Referenced Codes and Standards.* The codes and standards referenced in this code Shall be the most currently published edition of those that are listed in Chapter 45 and Such codes and standards shall be considered part of the requirements of this code to the Prescribed extent of each such reference. Where differences occur between the provisions

1 Of this code and the referenced standards, the provisions of this code shall apply.  
2

3 **International Fire Code, Chapter 1 Section 102.9 entitled Administration;**  
4 **Applicability; Conflicting Provision” is hereby amended to read as follows:**  
5

6 *102.9 Conflicting provisions.* Where there is conflict between a general requirement and  
7 a specific requirement, the specific requirement shall be applicable. Where there is a conflict  
8 between this Code, and another Code, rule, or regulation of the County, the more stringent  
9 shall apply.

10 **International Fire Code, Chapter 1 Section 104.3 entitled Administration; General**  
11 **Authority and Responsibilities: Right to Entry” is hereby amended to add the following**  
12 **at the end of the section:**  
13

14 *104.3 Right of Entry.* In the event entry is denied to a building or premise which is  
15 commercial in nature and the International Fire Code requires such to have a permit, the  
16 Chief may order the permit revoked; provided, however, that the request to enter must  
17 have been during reasonable hours and, upon denial of entry, a warning of the possible  
18 revocation must have been given.  
19  
20  
21

22 **International Fire Code, chapter 1 section 104.5 is amended to add the following at**  
23 **the end of the section:**  
24

1.) The permit-tee has caused a release of hazardous materials into the environment.

1  
2 **International Fire Code, Chapter 1 Section 104.10 entitled Administration; General**  
3 **Authority and Responsibilities: Fire Investigations” is hereby amended to read as**  
4 **follows:**

5 *104.10 Fire Investigation.* The Chief is authorized to make investigations deemed  
6 necessary of any fire or explosion in Valencia County, and to require reports from his/her  
7 officers concerning all fires and explosions in the jurisdictional area. For the purpose of  
8 such investigation, the Chief is authorized to conduct hearings, subpoena witnesses, take  
9 testimony, and enter and examine any building, premises or vehicle where any fire or  
10 explosion or attempt to cause a fire or explosion has occurred or which at the time may  
11 be burning. The Chief has the power to cause to be produced before him/her such  
12 evidence as he/she may require in making such examination. In addition, the Chief may,  
13 in the exercise of his/her discretion, take temporary control and custody of building,  
14 premises. Vehicles, items, devices, and things placing such persons in charge thereof as  
15 he/she deems proper, until examination, investigation, prosecution, and /or lawful  
16 destruction is completed.

17  
18  
19 **International Fire Code, Chapter 1 Section 105.4 entitled “Administration; Permits;**  
20 **Construction Documents” is hereby amended by adding a new subsection 105.1.1**  
21 **entitled “Plan review fee” thereto, read as follows:**

22 *105.4.1.1 Plan review fee.* Plan review and inspections fees are required for fire  
23 protection systems as determined by the County. The fee entitles the submitter to an

1 initial plan review and one re-submittal to correct errors or omission. A fee equal to the  
2 submittal fee shall be charged for each re-submittal beginning with the second re-  
3 submittal if the same corrections must again be noted. This fee shall not be refunded once  
4 a plan check has begun. The required inspections shall be included in the fee.

5  
6 **International Fire Code, Chapter 1 Section 105.6.30 entitled "Administration; Permits;  
7 Open Burning" is hereby amended by deleting the exception.**

8  
9  
10 **International Fire Code, Chapter 1 Section 105.7 entitled "Administration; Permits;  
11 Required Construction Permits" is hereby amended to read as follows:**

12  
13 *105.7 Required Construction Permits.* The fire code official is authorized to issue  
14 construction permits for work as set forth in Sections 105.7.1 through 105.7.14.

15  
16 **International Fire Code, Chapter 1 Section 105.7 entitled "Administration; Permits;  
17 Required construction permits" is hereby amended by adding a new subsection  
18 105.7.14 thereto entitled "Fire apparatus and personnel access" to read as follows:**

19 *105.7.14 Fire apparatus and personnel access.* A construction permit is required for the  
20 following:

- 21 1. To install or modify any access control device across a fire apparatus road.
- 22 2. To modify or encroach on any fire apparatus access road.
- 23 3. To modify any personnel access point into buildings or facilities.

1  
2  
3 **International Fire Code, chapter 1 section 108.1 entitled “Administration; Board of**  
4 **Appeals; Board of appeals established” is hereby amended to the following:**  
5

6 *108.1 Board of appeals established.* In order to hear and decide appeal of order,  
7 decision or determinations made by the fire code official relative to the application and  
8 interpretation of this code, there shall and hereby is created a Board of Appeals, herein  
9 after “The Board” consisting of five (5) members who are qualified by experience and  
10 training to pass upon pertinent matters. The Board of County Commissioners with  
11 overlapping terms shall appoint the Board. The board shall adopt reasonable rules and  
12 regulations for conducting its business and investigations and shall render all decisions  
13 and findings in writing to the Chief, with a duplicate copy to the Appellant and County  
14 Clerk, and may recommend to the executive body such new legislation as in consistent  
15 therewith.

- 16 a) Any party aggrieved by an order or decision of any official of the Fire Department  
17 under the International Fire Code may appeal said order or decision to the Board,  
18 provided such party has first applied to the Chief in writing for reconsideration of  
19 the issue and the Chief has denied all or part of such party’s request. Appeals shall  
20 be allowed from an adverse decision of the Chief.
- 21 b) Written notice of such an appeal must be given to the Chief within ten (10)  
22 calendar days after the date of the order. Said notice shall contain an enumeration  
23 of the specific order or decision complained of, the date of issuance thereof,

1 person issuing such order or decision, and a brief statement of the reasons why  
2 such an order or decision is impractical, unwarranted, or creates an unnecessary  
3 hardship. Said ten (10) day period is jurisdictional and shall not be waived.

4 c) Hearing on appeals shall be held within fifteen (15) calendar days after notice of  
5 appeal is received, unless otherwise agreed by both parties. Stay of the appealed  
6 order or time limits may be granted by the Board pending decision from the  
7 Board, unless the violation constitutes an immediate hazardous to life or to  
8 property.

9 d) For the purposes of hearing appeals, the Board shall have the power to issue  
10 subpoenas, serve warrants, processes, make inspections, and require submission  
11 of plans and specifications or, submission of such other evidence as is deemed  
12 necessary.

13 e) Reasonable written notice of the time, place, and nature of the hearing shall be  
14 given to all parties. In conducting a hearing, the Board shall give all parties an  
15 opportunity for a full and fair hearing, including the right to counsel and the right  
16 to call and examine witnesses to testify. The hearing shall be conducted in an  
17 orderly manner, and the Chairperson shall exclude all irrelevant, immaterial and  
18 unduly repetitious evidence.

19 f) On hearing of an appeal, the Board shall have the power to reverse, affirm, or  
20 amend the orders' time limit or decision of the Chief, or to grant an alternative  
21 method from the provisions of the International Fire Code and this ordinance;  
22 provided that before reversing or amending such order or decision, or authorizing  
23 such variance, the Board shall first find that in each instance, strict enforcement of

1 the order's time limit or decision is impractical, unwarranted, or creates an  
2 unnecessary hardship. Such reversals, or amendments, or variances must be in  
3 conformance with the spirit and intent of the International Fire Code and must  
4 reasonable secure the public safety.

5 g) In every appeal, the Board shall issue its written decision within seven (7)  
6 calendar days after such hearing. Each decision shall include the Board's findings  
7 and conclusions, shall be signed by each member of the Board. The decision may  
8 reverse, affirm, amend, or grant variance as to each order or decision listed by the  
9 aggrieved party in their notice of appeal under Sub-Section (C) of 108.1. Every  
10 decision or opinion of the Board shall be made part of the official records of the  
11 Valencia County Fire Department. A copy of the board's decision or opinion shall  
12 be given to the aggrieved party and shall be filed in the office of the County  
13 Clerk.

14 h) The decision of the Board shall be final and exhausts all administrative remedies.

15 i) The Board shall maintain, for at least one (1) year, a list of appeals heard before it  
16 and the order or decisions rendered by the Board.

17  
18 **International Fire Code, Chapter 1 Section 109.3 entitled "Administration; Violations;**  
19 **Violation penalties" is hereby amended to the following:**

20 *Section 109.3 Violation penalties.* Persons who shall violate a provision of this  
21 code or shall fail to comply with any of the requirements thereof or who shall  
22 erect, install, alter, repair, or do work in violation of the approved construction  
23 documents or directives of the fire code official, or of a permit used under the

1 provision of this code, shall be guilty of a misdemeanor, punishable by a fine of  
2 up to \$300.00, or by imprisonment not exceeding 90 days, or both such fine and  
3 imprisonment. Each day that a violation continues after due notice has been  
4 served shall be deemed a separate offence.

5  
6 **International Fire Code, Chapter 1 Section 109.3 entitled “Administration; Violations;**  
7 **” is hereby amended by adding a new subsection 109.3.2 entitled “ Abatement of**  
8 **Environmental, Health, Fire or Life Safety Hazards by Fire Marshal” to read as**  
9 **follows.**

10 **109.3.2** *Abatement of Environmental, Health, Fire or Life Safety Hazards by fire*  
11 *Code Official.* If any person fails to comply with the order of the Fire Code  
12 Official, or if the Fire Code Official is unable to locate the owner, operator,  
13 occupant, or other person responsible within a reasonable amount of time, the Fire  
14 Code Official or any authorized representative may take such steps as are  
15 necessary to abate the hazard for the protection and safety of the public. Notice is  
16 not necessary before abatement, when the hazard is a clear and present danger to  
17 the public welfare. All costs and attorneys fees related to such abatement shall  
18 become a lien on the subject property.

19  
20 **International Fire Code, Chapter 1 Section 111.4 entitled “Administration; Stop work**  
21 **Order; Failure to comply” is hereby amended to read as follows:**

22 *111.4 Failure to Comply.* Any person who shall continue any work after having  
23 been served with a stop work order, except such work as that person is directed to

1 perform to remove a violation or unsafe condition, shall be guilty of a  
2 misdemeanor, punishable by a fine of up to \$300.00 or by imprisonment not  
3 exceeding 90 days or both such fine and imprisonment.  
4  
5

6 **International Fire Code, Chapter 2 entitled “Definitions;” is amended to add the**  
7 **following:**

8 All the definitions contained in Section 60-2C-2 of the New Mexico Fireworks Licensing  
9 and Safety Act, 60-2C-1 et seq., NMSA 1978 are adopted for the purposes of this  
10 article and the Fire Code.  
11

12 **International Fire Code, Chapter 2 Section 202 entitled “Definitions; General**  
13 **Definitions; Occupancy Classification; [B] Institutional group I; Group I-1” is hereby**  
14 **amended to read as follows:**

15 *Group I-1.* This occupancy shall include buildings, structures or parts thereof housing  
16 more than 10 persons, on 24- hour basis, who because of age, mental disability or other  
17 reason, live in a residential environment that provide supervisory care service. The  
18 occupants are capable of responding to an emergency situation without physical  
19 assistance from staff. This group shall include, but not limited to, the following:  
20 residential board and care facilities, assisted living centers, half-way houses, group  
21 homes, congregate care facilities, alcohol and drug abuse centers, social rehabilitation  
22 facilities, and convalescent facilities.  
23

1 A facility such as the above with 10 or fewer persons shall be classified as a Group R-4  
2 Condition 1.

3  
4 **International Fire Code, Chapter 2 Section 202 entitled “Definitions; General**  
5 **Definitions; Occupancy Classification; [B] Residential Group R; R-4” is hereby**  
6 **amended to read as follows:**

7 R-4 Residential occupancies shall include building arranged for occupancy as residential  
8 care/assisted living homes including not more than 10 occupants, excluding staff.

9 R-4 Condition 1. This occupancy shall include facilities licensed to provide supervisory  
10 care services, in which occupants are capable of self-preservation by responding to an  
11 emergency situation without physical assistance from staff. Condition 1 facilities housing  
12 more than 10 persons shall be classified as a Group I-1.

13 R-4 Condition 2 This occupancy condition shall include facilities licensed to provide  
14 personal or directed care services, in which occupants are incapable of self-preservation  
15 by responding to an emergency without physical assistance from staff. Condition 2  
16 facilities housing more than 5 persons shall be classified as Group I-2.

17  
18  
19 **International Fire Code, Chapter 2 Section 202 entitled “Definitions; General**  
20 **Definitions; Occupancy Classification;” is hereby amended by adding the following**  
21 **three definitions:**

22 *Directed Care Service.* Care, including personal care services, of residence that are  
23 incapable of recognizing danger, summoning assistance, expressing need, or making

1 basic care decisions.

2 *Personal care services.* Assistance with activities of daily living that can be performed by  
3 persons without professional skills or professional training and includes the coordination  
4 or provision of intermittent nursing services and the administration of medication and  
5 treatments.

6 *Residential Care/ Assisted Living Home.* A building or part thereof housing a maximum  
7 of 10 persons, excluding staff, on a 24-hour basis, who because of age, mental disability  
8 or other reasons, live in a supervised residential environment which provides supervisory,  
9 personal, or directed services. This classification shall include, but limited to the  
10 following: Residential board and care facilities, assisted living centers, half-way houses,  
11 group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug  
12 abuse centers, convalescent facilities.

13  
14 **International Fire Code, Chapter 3 Section 312 entitled “General Precautions Against**  
15 **Fire, Vehicle Impact Protection” is hereby amended by adding a new subsection 312.4**  
16 **thereto entitled “Utility Meters and piping “to read as follows:**

17 *312.4 Utility Meter and piping.* Utility meters and piping shall be protected from  
18 vehicular impact. Guard posts shall comply with Section 312.2. In addition utility meters  
19 and piping shall be protected from snow shedding or ice buildup from a roof area.

20  
21 **International Fire Code, Chapter 3 Section 315.2.3 entitled “General Precautions**  
22 **Against Fire, Miscellaneous Combustible Material Storage; Equipment Rooms” is**  
23 **hereby amended to read as follows:**

1        *315.2.3 Equipment Room.* Combustible material shall not be stored in boiler rooms,  
2        mechanical rooms, electrical rooms, and other rooms where a potential ignition source  
3        exists, as determined by the fire code official.

4  
5        **International Fire Code, Chapter 4 Section 401.3.1 entitled “ Emergency Planning and**  
6        **Preparedness; General; Making False Reports” is hereby amended to add the**  
7        **following at the end of the section:**

8        Any owner or user of a fire alarm system which experiences more than three nuisance  
9        alarms within any calendar year shall be required by the Fire Marshal to modify or improve  
10       said system in such a way to prevent accidental activation and may be subject to penalty by  
11       the Fire Marshal in accordance with the International Fire Code. Prior to modifying any  
12       required system, the owner shall submit an application accompanied by a set of drawings  
13       showing the design and nature of the proposed modifications. The system must be approved  
14       and permitted through the Valencia County Emergency Services Fire Prevention Bureau.

15  
16        **International Fire Code, Chapter 5 Section 503.2.7 entitled “Fire Service Features;**  
17        **Fire Apparatus Access Roads; Specifications; Grade” is hereby amended to read as**  
18        **follows:**

19        *503.2.7 Grade.* The grade of the fire apparatus access road shall be within the limits  
20       established by the fire code official based on the fire department’s apparatus. The gradient  
21       for fire apparatus access roads and driveways shall not exceed 12% or the maximum  
22       approved by this code.

23        *Exceptions:* The gradient for fire apparatus access roads and driveways may be increased if

1 all structures that the access road or driveway serves are protected by an automatic sprinkler  
2 system. The gradient of such fire apparatus access roads or driveways shall not exceed 15%.

3  
4 **International Fire Code, Chapter 5 Section 505.1 entitled “Fire Service Features;**  
5 **Premises Identification; Address numbers” is hereby amended to read as follows:**  
6

7 *505.1 Address Numbers.* New and existing buildings shall have approved address numbers,  
8 building numbers or approved building identification placed in a position that is plainly  
9 legible and visible from the street or road fronting the property. These numbers shall contrast  
10 with their background. Address numbers shall be Arabic numerals or alphabet letters.  
11 Numbers shall be a minimum of 6 inches high with minimum stroke width of 0.5 inch. All  
12 street address shall be within 25 feet (762mm) of the street in an approved location if the  
13 structure or residence is more than 150 feet (45,720 mm) from a fire apparatus access road.

14  
15  
16  
17 **International Fire Code, Chapter 5 Section 505 entitled “Fire Service Features;**  
18 **Premises Identification;” is hereby amended by adding a new subsection 505.3 thereto**  
19 **entitled “ Change of Address” to read as follows:**  
20

21 *505.3 Change of Address.* When required by the fire code official, existing address may be  
22 changed to enhance the fire department’s ability to locate the scene in response to an EMS or  
23 Fire call. Any recommendations for changes in street names or numbers shall first be

submitted to property owners for comment.

**International Fire Code, Chapter 5 Section 506.1 entitled “Fire Service Features; Key Boxes; Where Required” is hereby amended to read as follows:**

*506.1 Where required.* Where access to or within a structure or an area is restricted because of secured openings, or where immediate access is necessary for life-safety or fire-fighting purposes, or where there is an automatic fire sprinkler system or fire alarm system, the fire code official is authorized to require a key box to be installed in an approved accessible location. The key box shall be an approved type and shall contain keys to gain access as required by the fire code official.

**International Fire Code, Chapter 5 Section 508.1 entitled “Fire Service Features; Fire Protection Water Supplies; Required water supplies” is hereby amended by adding a new subsection 508.1.1 thereto entitled “Fire line Construction” to read as follows:**

*508.1 Fire Line Construction.* The fire line, from the control valve at the main to the flange within the building shall be constructed of ductile iron pipe (350) unless otherwise permitted by the fire code official.

**International Fire Code, Chapter 5 Section 508.5.1 entitled “Fire Service Features; Fire Protection Water Supplies; Fire hydrant systems; Where required” is hereby**

1 **amended to read as follows:**

2  
3 *508.5.1 Where required.* Where a portion of the facility or building hereafter  
4 constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant  
5 on a fire apparatus access road, as measured by an approved route around the exterior of  
6 the facility or building, onsite fire hydrants and mains capable of supplying the required  
7 fire flow, shall be provided where required by code official. Additional fire hydrants may  
8 be required when buildings are equipped with fire department connections.  
9

10 **International Fire Code, Chapter 5 Section 508.5.1 entitled “Fire Service Features;**  
11 **Fire Protection Water Supplies; Fire hydrant systems; Where required” is hereby**  
12 **amend exceptions to read as follows:**  
13

14 *508.5.1 Where required.*

15 *Exceptions:*

- 16
- 17 1. For Group R-3 and Group U occupancies, the distance requirement shall be 500  
18 feet (150 m).
  - 19 2. For buildings equipped throughout with an approved automatic sprinkler system  
20 installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance  
21 requirement shall be 500 feet (150 m).  
22  
23

1 **International Fire Code, Chapter 5, section 508.5.1 entitled “ Fire Service Features;**  
2 **Fire Protection Water Supplies; Fire Hydrant Systems”** is hereby amended by adding  
3 **a new subsection 508.1.1 thereto entitled “ Fire Protection in Recreational Vehicle,**  
4 **Mobile home and Manufactured Housing Parks, Sales Lots, and Storage Lots”** to read  
5 **as follows:**

6 *508.5.1.1 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing*  
7 *Parks, Sales Lots, and Storage Lots.* Recreational vehicle, mobile home and manufactured  
8 housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access  
9 roads in accordance with Sections 503 and 508 of the International Fire Code.

11 **International Fire Code, Chapter 5 Section 508.5.4 entitled “Fire Service Features;**  
12 **Fire Protection Water Supplies; Fire hydrant systems; Obstructions”** is hereby  
13 **amended to read as follows:**

15 *508.5.4 Obstructions.* Posts, fences, vehicles, growth, trash, storage, and other material  
16 or objects shall not be placed or kept near fire hydrants, fire department inlet connections,  
17 or fire protection system control valves in a manner that would prevent such equipment  
18 or fire hydrant from being immediately discernible. The fire department shall not be  
19 deterred from gaining immediate access to fire protection equipment and fire hydrants.  
20 Parking shall not be permitted within 15 feet of a fire hydrant, fire department inlet  
21 connection, or fire protection systems control valves, except as otherwise approved by the  
22 fire code official.

**International Fire Code, Chapter 5 Section 510.1 entitled “Fire Service Features; Fire Department Access to Equipment; Identification” is hereby amended to read as follows:**

*510.1 Identification.* Fire Protection equipment, and accessory rooms as deemed necessary by the fire code official, shall be identified in an approved manner. Rooms containing controls for air- conditioning systems, sprinkler risers, and vales, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed, and readily visible.

**International Fire Code, Chapter 6 Section 607 entitled “Building Services and systems; Elevator recall and Maintenance” is hereby amended by adding a new subsection 607.4 thereto entitled “communications” to read as follows:**

*607.4 Communications.* All elevators shall be equipped with two-way communication equipment and the equipment shall be operable at all times.

**International Fire Code, Chapter 9 Section 901 entitled “Fire Protection systems; General; Construction Document’s” is hereby amended by adding a new paragraph at the end thereof to read as follows:**

1        *901.2 Construction Documents.* Automatic sprinkler systems designed in accordance  
2        with NFPA 13 shall be reviewed and submitted bearing a review certification and  
3        signature of a minimum level III NICET Certified Engineering Technician (CET).  
4

5        **International Fire Code, Chapter 9 Section 901.4.2 entitled “Fire Protection systems;**  
6        **General; Non-required fire protection systems” is hereby amended to read as follows:**  
7

8        *901.4.2 Non-required fire protection systems.* Any fire protection system not required by  
9        this code or the International Building Code shall be installed throughout a building for  
10       complete protection. The installed system shall meet the requirements of the Fire Code  
11       and the International Building Code.  
12  
13

14       **International Fire Code, Chapter 9 Section 901.7 entitled “Fire Protection systems;**  
15       **General; Systems out of service” is hereby amended to read as follows:**  
16

17       *901.7 Systems out of service.* Where a required fire protection system is out of service,  
18       the Fire Department shall be notified immediately and when required by the Fire Code  
19       official, the building shall have an approved fire watch in place until the fire protection  
20       system is placed back in service. The fire Code Official may require the building to be  
21       evacuated until such repairs are made.  
22

23       **International Fire Code, Chapter 9 Section 902.1 entitled “Fire Protection Systems;**

1 **Definitions; is hereby amended by adding the following definitions thereto:**

2 *902.1 Definitions.*

3 *Detached buildings:* A separate stand alone structure that is separate from other  
4 buildings by an approved distance in accordance with the requirements of the building  
5 code.

6 *Existing Building:* A building, structure, or facility, which is already in existence and  
7 constructed prior to the adoption of this code.

8 *Speculative Warehouse:* A building designed for high piled combustible storage within a  
9 known commodity designation specified.

10  
11 **International Fire Code, Chapter 9, Section 902.1 entitled “ Fire Protection Systems;**  
12 **Definitions; Standpipe System, Classes of” is hereby amended to add the following**  
13 **definition thereto:**

14 *Class II System.* A system providing a 1.5-inch (38mm) hose stations to supply water for  
15 use primarily for the building occupants or by the fire department during initial response. 1.5-  
16 inch (38mm) hose and hose cabinets shall not be provided unless required by the code  
17 official.

18 *Class III System.* A system providing a 1.5-inch (38mm) hose stations to supply water  
19 for use primarily for the building occupants or by the fire department during initial response.  
20 1.5-inch (38mm) hose and hose cabinets shall not be provided unless required by the code  
21 official.

22 **International Fire Code, Chapter 9 Section 903.2 entitled “Fire Protection Systems;**  
23 **Automatic Sprinkler Systems; Where required” is hereby amended by adding new**

1 **paragraphs thereto, to read as follows:**

2  
3 *903.2 Where required.* In addition to the requirements of the fire and building codes, an  
4 approved automatic monitored sprinkler system shall be installed throughout all levels of all new  
5 Group B, E, F, M, R-3, U, and S occupancies 6,000 square feet or greater and in all buildings  
6 over 3 stories in height (including basements) regardless of the total square footage. In Group R-  
7 3 occupancies, the calculated area shall include all livable and unfinished space and the area of  
8 any attached garage. The garage space shall be included in the protected area.

9 Exceptions:

10 All Group R-1, R-2, and R-4 occupancies shall have an approved automatic sprinkler system  
11 installed regardless of the square footage.

12 All Group A occupancies shall have an approved automatic sprinkler system installed where  
13 there is an occupant load of 50 or greater.

14 Automatic sprinkler systems in R-3 and U occupancies shall not be required to be monitored.  
15 Such systems shall be in accordance with the International Fire Code, International Building  
16 Code, and installed in accordance with NFPA 13, 13D, or 13R as specified by the fire code  
17 official.

18 Notwithstanding the foregoing an automatic monitored fire sprinkler system may be installed  
19 in any building regardless of floor area.  
20

21 **International Fire Code, Chapter 9 Section 903.2.1 entitled “ Fire Protection Systems;**  
22 **Automatic Sprinkler Systems; Where required” Group A-1:” is hereby amended by**  
23 **amending item #2.**

1  
2     *903.2.1.1 Group A-1.*

3     2. The fire area has an occupant load of 50 or greater.

4     **International Fire Code, Chapter 9 Section 903.2.1.2 entitled “ Fire Protection Systems;**  
5 **Automatic Sprinkler Systems; Where required” Group A-2:” is hereby amended by**  
6 **amending item #2.**

7     *903.2.1.2 Group A-2.*

8     2. The fire area has an occupant load of 50 or more; or

9  
10    **International Fire Code, Chapter 9 Section 903.2.1.3 entitled “ Fire Protection Systems;**  
11 **Automatic Sprinkler Systems; Where required” Group A-3:” is hereby amended by**  
12 **amending item #2.**

13    *903.2.1.3 Group A-3.*

14    2. The fire area has an occupant load of 50 or more; or

15  
16    **International Fire Code, Chapter 9 Section 903.2.1.4 entitled “ Fire Protection Systems;**  
17 **Automatic Sprinkler Systems; Where required” Group A-4:” is hereby amended by**  
18 **amending item #2.**

19    *903.2.1.4 Group A-4.*

20    2. The fire area has an occupant load of 50 or more; or

21  
22    **International Fire Code, Chapter 9 Section 903.2.1.5 entitled “ Fire Protection Systems;**  
23 **Automatic Sprinkler Systems; Where required” Group A-5:” is hereby amended to read**

1 **as follows:**

2  
3 *903.2.1.5 Group A-5.* An automatic monitored sprinkler system shall be provided in  
4 concession stands, retail areas, press boxes, and other accessory use areas where the occupant  
5 load is 50 or greater.  
6

7 **International Fire Code, Chapter 9 Section 903.2.2 entitled “ Fire Protection Systems;**  
8 **Automatic Sprinkler Systems; Where required” Group E:” is hereby amended to read as**  
9 **follows:**

10 *903.2.2 Group E.* An automatic monitored sprinkler system shall be provided throughout all  
11 Group E fire areas 6,000 square feet and greater in area. An automatic monitored sprinkler  
12 system shall also be provided for every portion of educational buildings above or below the level  
13 of exit discharge.  
14  
15  
16

17 **International Fire Code, Chapter 9 Section 903.2.3 entitled “ Fire Protection Systems;**  
18 **Automatic Sprinkler Systems; Where required” Group F-1:” is hereby amended by**  
19 **adding a new item number 1-3, to read as follows:**  
20

21 *903.2.3 Group F-1.*

- 22 1. Where a Group F fire area is 6,000 square feet or greater;  
23 2. Where a Group F fire area is located more than 3 stories in height (including basements);

1 or

2 3. Where the combined area of all Group F fire area on all floors, including any mezzanines  
3 and basements, is 6,000 square feet or greater.

4  
5 **International Fire Code, Chapter 9 Section 903.2.6 entitled “ Fire Protection Systems;  
6 Automatic Sprinkler Systems; Where required” Group M:” is hereby amended by adding  
7 the following at the end of the paragraph:**

8 *903.2.6 Group M.*

9 1. Where a Group M fire area is 6,000 square feet or greater;

10 2. Where a Group M fire area is located more than three stories in height (including  
11 Basements)

12 3. Where the combined area of all Group M fire area on all floors, including mezzanines  
13 and basements, 6,000 square feet or greater.

14  
15 **International Fire Code, Chapter 9 Section 903.2.7 entitled “ Fire Protection Systems;  
16 Automatic Sprinkler Systems; Where required” Group R:” is hereby amended to read as  
17 follows:**

18 *903.2.7 Group R.* An automatic sprinkler system installed in accordance with Section 903.3  
19 shall be provided throughout all buildings with a Group R fire area. In group R-3 occupancies  
20 6,000 square feet or greater, an automatic sprinkler system shall be installed throughout in  
21 accordance with Section 903.2 and 903.3.

22 R-3 and U occupancies less than 6,000 square feet shall be required to have an automatic  
23 sprinkler system installed when any of the following apply;

1. The fire department access roads do not meet the requirements of the Fire code.
2. The building is located in a subdivision without adequate fire apparatus access roads, which provide multiple ingress and egress points from the subdivision.
3. The building site is located on a dead-end and exceeds 1,500 feet from the nearest thoroughfare's intersection.
4. The fire department access road is greater than a 12% grade.
5. A fire hydrant is more than 1000 feet from the building site or the required fire flow is not available.
6. The most remote point of a building is located more than 150 feet from the closest point of a fire apparatus access roadways as measured by an approved route around the exterior of the building.

*Exception.*

1. Detached one and two family dwellings under 3,000 square feet.
2. Manufactured (Mobile) and modular homes build on a permanent chassis designed and built as a dwelling unit and recreational vehicles that were not site built and are portable in nature.

**International Fire Code, Chapter 9 Section 903.2.8 entitled “ Fire Protection Systems; Automatic Sprinkler Systems; Where required” Group S-1.” is hereby amended to read as follows:**

*903.2.8 Group S-1.* An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy, including repair garages, that are greater than 6,000 sq. ft

1 (557 sq, m) within surrounding exterior walls and /or where three stories (including basements)  
2 or more in height, or where the combined square footage on all floors including mezzanines, and  
3 basements is greater than 6,000 sq. ft. within surrounding exterior walls.  
4  
5

6 **International Fire Code, Chapter 9 Section 903 entitled “ Fire Protection Systems;**  
7 **Automatic Sprinkler Systems; is hereby amended by adding a new subsection 903.2.9.1.2**  
8 **thereto entitled” Open parking garages” to read as follows:**

9 *903.2.9.1.2 Open parking garages.* An automatic sprinkler system shall be provided throughout  
10 all open parking garages as defined in the International Building Code where any portion is  
11 greater than 75 ft from an exterior opening. At least one exterior opening shall be directly  
12 accessible by fire apparatus.  
13

14 **International Fire Code, Chapter 9 Section 903.2.10 entitled “ Fire Protection Systems;**  
15 **Automatic Sprinkler Systems; Where required” windowless stories in all occupancies” is**  
16 **hereby deleting the exception thereto.**  
17  
18

19 **International Fire Code, Chapter 9 Section 903 entitled “ Fire Protection Systems;**  
20 **Automatic Sprinkler Systems; is hereby amended by adding a new subsection 903.2.14**  
21 **thereto entitled” Fire Protection Systems; Automatic Sprinkler Systems; Where Required;**  
22 **Group B,” to read as follows:**

23 *Section 903.2.14 Group B.* An automatic sprinkler system shall be provided throughout all

1 Group B occupancies where any of the following exist:

- 2 1. Where Group B fire area is 6,000 square feet and greater, or
- 3 2. Where Group B fire area is three stories in height including basement, or
- 4 3. Where the combined square footage on all floors including mezzanines, and basements is
- 5 6,000 square feet.

6

7

8 **International Fire Code, Chapter 9 Section 903.3.1.3 entitled “ Fire Protection Systems;**  
9 **Automatic Sprinkler Systems; Installation requirements; NFPA 13D sprinkler systems” is**  
10 **hereby amended to read as follows:**

11

12 *903.3.1.3 NFPA 13D sprinkler system.* Where allowed, automatic sprinkler systems in one and  
13 two family dwellings shall be installed throughout in accordance with NFPA 13D, 901.2.1 and  
14 this code. Automatic sprinkler systems designed in accordance with NFPA 13D shall be  
15 reviewed and submitted bearing a review certification and signature of a minimum level III  
16 NICET Certified Engineering Technician (CET). NFPA 13D systems shall include sprinklers in  
17 vehicle garages. Automatic sprinkler systems shall be provided throughout a fire area continuing  
18 Group R-3 occupancy where the fire area exceeds 6,000 square feet. Systems greater than 7,500  
19 square feet in size shall be calculated based on four sprinklers and a Fire Department Connection  
20 (FDC) shall be provided per the Fire Code Official.

21

22 **International Fire Code, Chapter 9 Section 903.3.5 entitled “ Fire Protection Systems;**  
23 **Automatic Sprinkler Systems; Installation Requirements; Water supplies” is hereby**

1 **amended by adding a new subsection 903.3.5.3 hereto entitled “ Water requirements” to**  
2 **read as follows:**

3  
4 *903.3.5.3 Water Requirements.* Automatic sprinkler system hydraulic calculations shall be  
5 based on water supply data curve that is 90 percent of the available water supply curve (10%  
6 Cushion), as determined by flow test information and at a maximum of 80 p.s.i.

7  
8 **International Fire Code, Chapter 9 Section 903.3.7 entitled “ Fire Protection Systems;**  
9 **Automatic Sprinkler Systems; Installation Requirements; Fire Department**  
10 **Connections” is hereby amended by adding a new paragraph at the end of the section to**  
11 **read as follows:**

12  
13 *903.3.7 Fire Department Connections.* The location of the fire department connection shall  
14 be located remotely at a distance no less than 1 ½ times the height of the tallest wall.

15 *Exception:* If public access ways prohibit required distance, the fire department connection  
16 must still be remotely located at a distance approved by the Fire Code Official.

17  
18  
19  
20  
21 **International Fire Code, Chapter 9 Section 903.3 entitled “ Fire Protection Systems;**  
22 **Automatic Sprinkler Systems; Installation Requirements”;** **is hereby amended by**  
23 **adding a new subsection 903.3.8 entitled “ Speculative warehouse special requirements”**

1 **thereto, to read as follows:**

2  
3 *903.3.8 Speculative Warehouse Special Requirements.* Speculative Warehouse shall comply  
4 with Chapter 23, and this code. Where the maximum allowable storage height can exceed 12  
5 feet but less than 22 feet the following shall apply:

- 6 1. Design for a class IV non-encapsulated commodity, double row rack storage, 8 foot aisles and  
7 286 degree sprinklers; and
- 8 2. Hydraulically designed to protect the maximum possible clear height or storage without in-  
9 rack sprinklers; and
- 10 3. Add 500 g.p.m. at the base of the riser for inside hose to hydraulic calculations, and provide  
11 the hose stub outs for future installation or use existing columns for hose installing locations.

12 Where the maximum allowable storage height can exceed 22 feet the following shall apply:

- 13 1. Hydraulically design systems to protect the maximum possible clear height of storage  
14 without in-rack sprinklers; and
- 15 2. Provide .64 g.p.m. per square foot over the hydraulically most remote 2,000 square feet;  
16 or use an approved alternative design such as ESFR sprinklers.

17  
18  
19 **International Fire Code, Chapter 9 Section 903.3 entitled “ Fire Protection Systems;**  
20 **Automatic Sprinkler Systems; Installation Requirements; is hereby amended by adding a**  
21 **new subsection 903.3.9 entitled “ Access to fire sprinkler riser room” thereto, to read as**  
22 **follows:**  
23

1        *903.3.9 Access to fire sprinkler riser room.* An exterior door leading directly into the room  
2 containing the fire sprinkler riser and shut off controls shall be provided.

3        *Exception:* Where an approved alternate method of controlling the sprinkler water supply  
4 from the outside of the structure is provided and is accessible to the fire department.

5  
6  
7        **International Fire Code, Chapter 9 Section 903.4 entitled “ Fire Protection Systems;**  
8 **Automatic Sprinkler Systems; Sprinkler system monitoring and alarms” is hereby**  
9 **amended by deleting exception number 2 thereto.**

10  
11  
12        **International Fire Code, Chapter 9 Section 903.4.2 entitled “ Fire Protection Systems;**  
13 **Automatic Sprinkler Systems; Sprinkler systems monitoring and alarms; Alarms” is**  
14 **hereby amended by adding a new subsection 903.4.2.1 entitled “ Occupant notification”**  
15 **thereto, to read as follows:**

16  
17  
18        *903.4.2.1 Occupant Notification.* Alarm devices to alert the occupants shall be provided in  
19 the interior of the building, in normally occupied locations, as approved by the Fire Code  
20 Official.

21        Occupant notification alarms shall be in compliance with NFPA 72 and the Fire Code.

**International Fire Code, Chapter 9 Section 903.6 entitled “ Fire Protection Systems;  
Automatic Sprinkler Systems; Existing Building; is hereby amended to read as follows:**

*903.6 Existing Buildings.* The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring installation of an automatic fire-extinguishing system.

An approved automatic monitoring fire extinguishing system shall be provided throughout all existing building when any of the following occur:

1. Any addition that increases the total floor area to 6,000 square feet or greater including mezzanines, and basements, or
2. Any change of use to a portion of the building to an Assembly Occupancy where the occupant load is 50 or greater, or
3. A change or use is made to any building with a total floor area of 6,000 feet or greater including mezzanines and basements.

*Exception:* R-3 Occupancies.

**International Fire Code, Chapter 9 section 904.11 entitled “Fire Protection Systems;  
Alternative Automatic Fire- Extinguishing Systems; Commercial Cooking Systems” is  
hereby amended by deleting the exception.**

**International Fire Code, Chapter 9 Section 907.1.1 entitled “ Fire Protection Systems;  
Alarm and Detection Systems; Construction Documents”; is hereby amended by adding a**

1 **new item number 12 thereto, to read as follows:**

2  
3 *907.1.1 Construction Documents.*

4 12. All plans shall be designed and stamped by minimum NICET Level III Fire Protection  
5 Engineering Technology, fire Alarm certified personnel.  
6  
7

8 **International Fire Code, Chapter 9 Section 907.2 entitled “ Fire Protection Systems;**  
9 **Fire Alarm and Detection Systems; Where required “ is hereby amended to read as**  
10 **follows:**

11 *907.2 Where required – new building and structures.* An approved manual, automatic, or  
12 manual and automatic fire alarm system shall be provided in new buildings and structures in  
13 accordance with Section 907.2.1 through 907.2.23. Where automatic sprinkler protection  
14 installed in accordance with Section 903.3.1.2 is provided and connected to the building alarm  
15 system, automatic heat detection required by this section shall not be required.

16 Where automatic sprinkler protection is provided, approved fire alarm system notification  
17 appliances shall be installed in all occupancies over 6,000 square feet of floor area and in all  
18 buildings over three stories in (including basements) regardless of total square footage.

19 All fire alarm installations shall be installed by a minimum NICET Level III Fire Protection  
20 Engineering Technology, Fire Alarm Systems certified persons or factory-trained and certified  
21 personnel.

22 *Exception:* Group R-3 occupancies

23 **International Fire Code, Chapter 9 Section 907.2.1 entitled “ Fire Protection Systems;**

**Fire Alarm and Detection Systems; Where required new building and structures; Group A**  
**is hereby amended by adding a new subsection 907.2.1.3 entitled “ Audibility in new and existing buildings”: thereto, to read as follows:**

*907.2.1.3 Audibility in new and existing buildings.* To ensure that audible public mode signals are clearly heard, a fire alarm system shall be arranged to stop or reduce ambient noise, when required by the code official.

**International Fire Code, Chapter 9 Section 907.20.5 entitled “ Fire Protection Systems; Fire Alarm and Detection Systems; Inspections, testing, and maintenance; Maintenance, inspection and testing” is hereby amended by adding a new subsection 907.20.5.1 entitled “ Qualified Personnel” thereto, to read as follows:**

*907.20.5.1 Qualified Personnel.* Maintenance, inspection, and testing shall be conducted by persons who are qualified and experienced. Maintenance, inspection and testing of alarm systems shall be conducted by minimum NICET Level III Fire Protection Engineering Technology, Fire Alarm Systems certified persons, or factory trained and certified personnel.

**International Fire Code, Chapter 9 Section 907.20 entitled “ Fire Protection Systems; Fire Alarm and Detection Systems; Inspections, testing, and maintenance; is hereby amended by adding a new subsection 907.20.6 entitled “ Required Monitoring ” thereto, to read as follows:**

*907.20.6 Required Monitoring.* When required by the Fire Code Official, fire alarm systems shall be monitored by an approved central, proprietary, or remote station. Owners/tenants of

1 building with required fire alarm systems must report upon request from the fire department,  
2 the name and location of the monitoring company for that system. The Fire Code Official  
3 shall be notified within 24 hours of any change or cancellation by the monitoring company of  
4 any changes thereto.

5  
6 **International Fire Code, Chapter 9 section 909.8.1 is amended to the following**

7 **Exhaust rate.** The height of the lowest horizontal surface of the accumulating smoke layer  
8 shall be maintained at least 6 ft above any walking surface, which forms a portion of a  
9 required egress system within the smoke zone. The required exhaust rate for the zone shall be  
10 the largest of the calculated plume mass flow rates for the possible plume configurations.  
11 Provisions shall be made for natural or mechanical supply of air exhausted. Makeup airflow  
12 rates, when measured at the potential fire location, shall not exceed 200 feet per minute  
13 (60960 mm per minute) toward the fire. The temperature of the makeup air shall be such that  
14 it does not expose temperature-sensitive fire protection systems beyond their limits.

15  
16  
17 **International Fire Code, Chapter 9 sections 909.9 shall be amended to the following.**

18 *909.9 Design Fire.* The design fire shall be based on a rational analysis performed by a  
19 registered design professional and approved by the code official. The design fire shall be  
20 based on the analysis in accordance with Section 909.4 and this section.

21  
22  
23 **International Fire Code, Chapter 10 Section 1008.1 entitled “ Means of Egress; Doors,**

1 **Gates and Turnstiles; Doors” is hereby amended by adding a new paragraph at the end of**  
2 **the section thereto, to read as follows:**

3  
4 *1008.1 Doors:* When required by the Fire Code Official, a sign shall be displayed  
5 permanently on the exterior of the exit door(s) in letters not less than 6 inches in height with  
6 a minimum stroke of .5 inches with a contrasting background to read as follows:

7 “EXIT DOORS DO NOT OBSTRUCT”

8  
9 **International Fire Code, Chapter 10 Section 1011.1 entitled Where required” is**  
10 **hereby amended by adding a new sentence at the end of the section thereto, to read as**  
11 **follows:**

12 *1011.1 Where required:* Floor proximity exit signs are required in R-1 occupancies having  
13 more than 2 stories in height.

14  
15 **International Fire Code, Chapter 14 Section 1410 entitled “ Fire Safety During**  
16 **Construction and Demolition; Access for Fire Fighting” is hereby amended by adding a**  
17 **new subsection 1410.3 entitled” Access road and signage” thereto, to read as follows:**

18  
19 *1410.3 Access road and signage.* During construction, approved signs shall be located to  
20 direct emergency responders into and through the construction site as required by the Fire  
21 Code Official.

1 **International Fire Code, Chapter 24 section 2404.12 entitled “Tents, Canopies, and**  
2 **other Membrane Structures: Temporary and Permanent Tents, Canopies, and other**  
3 **Membrane Structures; Portable fire extinguishers” is hereby amended to read as**  
4 **follows.**

5 *2404.12 Portable Fire Extinguishers.* A portable fire extinguisher shall be provided for  
6 every 400 square feet of tent, canopy, or membrane structure with a travel distance of 50  
7 feet.

8 *Exception:* Tents, canopies, or membrane structures not used for cooking or with  
9 no open flame may increase area to 800 square feet and a travel distance of 75 feet.

10  
11 **International Fire Code, Chapter 27 Section 2702.1 entitled “Hazardous Material-**  
12 **General Provisions; Definition; Secondary Containment” is hereby amended to read as**  
13 **follows:**

14  
15 *Secondary Containment.* That level of containment that is external to and separate from  
16 primary containment and is capable of safely and securely containing the material,  
17 without discharge, for a period of time reasonable necessary to ensure detection and  
18 remedy of the primary containment failure.

19  
20 **International Fire Code, Chapter 33 section 3301.1.3 delete exception # 2.**

21  
22 **International Fire Code, Chapter 33 Section 3301.2.4 entitled “Explosives and**  
23 **Fireworks; General; Permit Required; Financial Responsibility” is hereby amended to**

1 **read as follows:**

2 *3301.2.4 Financial Responsibility.* Before a permit is issued, as required by Section 3301.2  
3 the applicant shall file with the County of Valencia a surety bond in the principal sum of  
4 \$1,000,000.00 (one million dollars) or a public liability insurance policy for the same amount,  
5 for the purpose of payment of all damages to persons or property which arise from, or are caused  
6 by, the conduct of any act authorized by the permit upon which any judicial judgment results.  
7 The Fire Code Official is authorized to specify a greater or lesser amount when, in his or her  
8 opinion, conditions at the location of use indicate a greater or lesser amount is required.

9 *Exception:* Government Entities.  
10  
11

12 **International Fire Code, Chapter 33 Section 3301 entitled “ Explosives and Fireworks;**  
13 **General; is hereby amended by adding a new subsection 3301.9 through 3301.11 thereto,**  
14 **read as follows:**  
15

16 *3301.9 Plans.* Three (3) days prior to temporary storing of explosive material within the  
17 jurisdiction a scale drawing of the proposed storage site, noting closest inhabited dwellings,  
18 structure, utilities, and public right of ways shall be submitted to the Fire Code Official for  
19 review and an on-site inspection shall be conducted prior to approval. The magazine and site  
20 shall meet the requirements of the American Table of Distances.

21 *3301.10 Fees.* Fees shall be paid to the Valencia County Emergency Services at the time of  
22 the request for any permit.

23 *3301.11 Permit Requirements.* When applying for a permit to use or store explosive

1 materials with Valencia County, the contractor shall conform to the policy set by Valencia  
2 County Fire Marshal.

3  
4 **International Fire Code, Chapter 33 Section 3302.1 entitled “ Explosives and**  
5 **Fireworks; Definitions; Definitions” is hereby amended by adding the following definitions**  
6 **thereto:**

7 *Attend.* Is an unobstructed view of explosive material storage or within 100 feet of an  
8 explosive material transportation vehicle.

9 *Permanent.* Shall mean more than 90 days but less than 360 days.

10 *Temporary.* Shall mean no more than 90 days.

11  
12  
13 **International Fire Code, Chapter 33 Section 3304 entitled “ Explosives and Fireworks,**  
14 **Explosive Material Storage and Handling” is hereby amended by adding a new subsection**  
15 **3304.3.1.1 thereto entitled “Monitoring of Type I and II Magazines” to read as follows:**

16 *3304.2.1.1 Monitoring of Type I and II Magazines”*

17 An automatic alarm system shall be provided in all type I and II magazines. The alarm  
18 system shall be remotely monitored and shall be activated when there is unauthorized entry  
19 into the magazine, and when there is a rise in the temperature in the magazine that could  
20 cause the explosive material stored in the magazine to detonate or to deflagrate.

21 The alarm system shall be in accordance with the provision of section 907.20.6 NFPA 72,  
22 and other recognized national standards.

1  
2 **International Fire Code, Chapter 33 Section 3304.9 entitled “Explosives and Fireworks,**  
3 **Explosive Material Storage and Handling; inspection” is hereby amended to read as**  
4 **follows:**

5  
6 *3304.9 Inspections.* Magazines containing explosive material shall be opened and inspected  
7 at maximum three-day intervals. The inspection shall determine whether there has been an  
8 unauthorized or attempted entry into a magazine or an unauthorized removal or a magazine  
9 or its contents.

10  
11  
12 **International Fire Code, Chapter 33 Section 3304 entitled “Explosives and Fireworks,**  
13 **Explosive Material Storage and Handling” is hereby amended by adding a new**  
14 **subsections 3304.11 through 3304.21 thereto, to read as follows:**

15  
16 *3304.11 Loading of Holes.* Explosive material shall not be loaded into the ground until the  
17 Fire Code Official issues a valid use permit and the permit holder is on site.

18 *3304.12 Signage.* Provide and install signs reading “BLASTING ZONE AHEAD” and  
19 “TURN OFF 2\_WAY RADIOS” when explosive material use is proposed within 300 feet of  
20 public rights-of-way.

21 *3304.13 Attendance.* The permit holder shall be on site when the explosive material are  
22 loaded into the ground and shall remain on site until the blasting operation is complete.

23 *330.14 Written notification.* The contractor, at the discretion of the permit holder may

1 provide verbal notification to the owner/occupant and written notification in their absence, of  
2 each building or structure within a 300-foot radius of the blast site prior to the use of  
3 explosive materials or as otherwise required by the Fire Code Official.

4 *3304.15 Scaled distance.* When building are located within a 300-foot radius of a blast site  
5 the scaled distance factor of fifty shall be used in order to limit the peak particle velocity  
6 (PPV). A pre-blast survey, seismic or air blast monitoring may also be required at the  
7 discretion of the Fire Code Official. When seismic monitoring is conducted refer to NFPA  
8 495, "Frequency vs. Particle Velocity Graph." When air blast monitoring is conducted, the  
9 maximum reading allowed is 133 decibels (db) as referred to in NFPA 495, Air blast Limits  
10 Table.

11 *3304.16 Blasting log.* The permit holder shall maintain a blasting log. The log shall contain  
12 the following minimum data as applicable. Blasting logs shall be retained for at least five (5)  
13 years and when requested, a copy of the blasting log shall be submitted to the Fire Code  
14 Official.

- 15 1. Name of Company or contractor,
- 16 2. Fire Department Permit number,
- 17 3. Exact location of the blast site, date and time of detonation,
- 18 4. Type of material blasted,
- 19 5. Number of holes, burden and spacing,
- 20 6. Diameter and depth of hole,
- 21 7. Types and total amount of each explosive used,
- 22 8. Maximum amount of explosives and holes detonated within each 8-millisecond delay  
23 period,

1 9. Method of firing and type of circuit,

2 10. Direction, distance in feet, and identification of the nearest dwelling, house, public

3 building, school, church, commercial or institutional building,

4 11. Weather conditions,

5 12. Type and height of stemming,

6 13. Statement of whether fly-rock protection was used and type,

7 14. Type of delays and delay period in milliseconds,

8 15. Seismograph records when used:

9 a. Name of operator

10 b. Distance and direction of geophone and mic from blast

11 c. Seismograph calibration certification

12 d. seismograph reading

13 16. Plan view drawing of blast pattern showing layout and number of holes, burden, and

14 spacing distance, delay pattern, and a profile of typical loaded hole.

15 *3304.17 Marked items.* Any remaining explosive operation items or device marked

16 **EXPLOSIVE** or **BLASTING CAP** shall be removed from the site at the end of the day and

17 properly disposed of in accordance with the Fire Code and nationally recognized standards.

18 *3304.18 Transfer of material between vehicles; breakdown or collision.* Explosive materials

19 shall not be transferred from one vehicle to another within Valencia County without

20 informing the Fire Code Official first. In the event of a breakdown or collision of vehicles

21 transporting explosives materials, the Fire Chief shall be immediately notified.

22 *3304.19 Parking and garaging.* Vehicles transporting explosive material shall not be parked

23 before reaching its destination on any street, adjacent to or in the proximity of any bridge,

tunnel, dwelling, building or place where people work, congregate or assembly.

*3304.20 Temporary storage – up to 90 days.* As defined in Chapter 33, temporary storage (up to 90 days) may be allowed by the Fire Code Official and shall be placed in an approved magazine for storage of explosives and explosive material and shall comply with Section 3304.5.1 through 3304.5.3.3

*3304.21 Permanent storage – 90 to 360 days.* As defined in Chapter 33 (over 90 days but less than 360) may be allowed by the Fire Code Official and shall be placed in an approved magazine for the storage of explosives and explosive material and shall comply with Section 3304.5.1 through 3304.5.3.3

**International Fire Code, Chapter 33 Section 3305 entitled “ Explosives and Fireworks, Manufacture, Assembly and Testing or Explosives, Explosive Material, and Fireworks” is hereby deleted in its entirety, to be replaced with a new section 3305, to read as follows:**

**Section 3305 Manufacture, Assembly and Testing or Explosives, Explosive Materials, and Fireworks.**

*3305.1 General:* The manufacture, assembly and testing of explosives, ammunition, blasting agents, explosive materials, and fireworks shall not be conducted within Valencia County.

*Exceptions:*

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

1  
2  
3 **International Fire Code, Chapter 33 Section 3307.1 entitled “ Explosives and**  
4 **Fireworks, Blasting; General” is hereby amended by adding new subsection 3307.1.1**  
5 **through 3307.1.5 thereto, to read as follows:**  
6

7 *3307.1.1 Competency.* A competent person possessing a valid permit issued by the Valencia  
8 County Fire Department shall be in charge of magazines. The person shall be at least 21 years of  
9 age and responsible for compliance with all regulatory agencies.

10 *3307.1.2 Personnel Qualifications.* The person in charge of the use, possession,  
11 manufacturing, handling or transporting or explosives material within Valencia County shall be  
12 at least 21 years of age.

13 *3307.1.3 Intoxicants.* Explosive materials shall not be handled by persons under the  
14 influence of intoxicants or any drug as defined in New Mexico Statute, or its metabolics.

15 *3307.1.4 New Mexico Revised Statutes.* Vehicles used to transport explosive materials in  
16 quantities requiring placards in accordance with DOT shall be provided with liability insurance  
17 in compliance with Revised New Mexico Statutes.

18 *3307.1.5 Abandonment.* Explosive material or loaded holes shall not be left unattended at  
19 any time.  
20  
21

22 **International Fire Code, Chapter 3308.11 entitled Explosives and Fireworks; Fireworks**  
23 **Displays; Retail displays and sale, is hereby deleted and replaced with the following.**

1     **3308.11 Retail Sales and Storage of Fireworks; Regulated Activity.**

2  
3     **Retail Sales and Storage of Fireworks; Regulated Activity**

- 4     1) Fireworks may not be sold without a retail permit. A permit shall be issued for each  
5         location where the sale takes place.
- 6     2) It is unlawful to offer for sale any firework to children under the age of twelve or to any  
7         intoxicated person.
- 8     3) At places where fireworks are stored, sold, or displayed the words “**No Smoking**” shall  
9         be posted in letters at least four inches high. Smoking, open flames and ignition sources  
10        are prohibited within twenty-five (25) feet of any fireworks stock. The number and  
11        placement of “**No Smoking**” signs may be determined by the “ Fire Marshal” or  
12        designated agents of the “Fire Marshal”
- 13    4) Fireworks may not be stored, kept, sold or discharges within fifty (50) feet of any  
14        gasoline pump, or gasoline bulk station, or any building in which gasoline or volatile  
15        liquids are sold in quantities in excess of one gallon, except in stores where cleaners,  
16        paints, and oils are handled in sealed container.
- 17    5) All Fireworks permits and licensees shall keep, posted, and maintain upon each premises  
18        where fireworks are located a fire extinguisher bearing an Underwriters Laboratories Inc.  
19        label and with a rated capacity of at least 5lbs ABC per five hundreds (500) square feet of  
20        space used for fireworks sales and storage.
- 21    6) A sales attendant who is at least sixteen (16) years of age must be on duty to serve  
22        consumers at the time of purchase and delivery. All fireworks sold and shipped to  
23        consumers within Valencia County shall be sold and shipped only by an individual firm,

1 partnership, or corporation holding the proper Valencia County fireworks license or  
2 permit.

3 7) Fireworks shall not be discharged within one hundred and fifty (150) feet of any  
4 fireworks sales location.

5 8) Fireworks shall not be ignited within a motor vehicle and shall not be thrown from a  
6 motor vehicle. Fireworks shall not be thrown into or at a motor vehicle, or into, at or near  
7 any person, or group of persons.

8 9) All fireworks devices that are readily accessible to handling by consumers or purchasers  
9 in retail sales locations must have their exposed fuses protected in such a manner as to  
10 protect against accidental ignition of an item by spark, cigarette ash, or other ignition  
11 source. If the fuse is a threaded-wrapped safety fuse, which has been coated with a  
12 nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse  
13 is not a threaded-wrapped safety fuse, the entire fuse shall be covered.

14 10) Fireworks may be sold between June 20 and July 6 of each year and the three days  
15 preceding and including New Year's Day, Chinese New Year, and Cinco De Mayo of  
16 each year.

17 **Exception:** Fireworks may be sold all year in permanent retail stores  
18 whose primary business is tourism.

19 c) No person may, shall, hold for sale, import, distribute, or offer for sale, as manufacturer,  
20 distributor, wholesaler, or retail any fireworks in Valencia County unless such person has  
21 first obtained the appropriate fireworks license or permit. All fireworks license or permit  
22 applications shall be submitted to the Valencia County Emergency Services. All retailers  
23 shall be required to purchase a retail fireworks license or permit for each retail location.

d) An application for a fireworks license or permit under the International Fire Code and this ordinance shall pay to the Valencia County Emergency Services the following fees, which shall not be waived or refunded:

1. Manufacturer License	\$50.00
2. Distributor License	\$25.00
3. Wholesaler License	\$25.00
4. Specialty Retailer License	\$25.00
5. Display Distributor License	\$25.00
6. Retailer Permit	\$25.00

e) All fireworks licenses and permits shall be issued for one year beginning on May 1 of each year. All fireworks licenses and permits if approved shall be issued within thirty days from the date of receipt of application.

f) Fireworks licenses and permits issued under the International Fire Code and this ordinance shall not be restricted in number or limited to any person without cause.

g) Permissible fireworks for sale to the general public as that term is used in the International Fire Code and this ordinance shall mean fireworks legal for sale and use in New Mexico under the provisions of the Fireworks Safety and Licensing Act, Section 60-2C et. seq. N.M.S.A. (1978).

**Exception:** aerial devices and ground devices.

## **Prohibition**

a) All aerial devices and ground audible devices are prohibited and deemed non-permissible. Individuals, firms, partnership, corporations, or associations shall not possess for sale in Valencia County, sell, and offer to sell, use or possess any

1 fireworks other than permissible fireworks.

2 b) Nothing in the Fireworks Licensing and Safety Act, 60-2C-1 et. seq. N.M.S.A. (1978)  
3 shall prohibit licensed wholesalers, distributors, importers, or manufacturers from  
4 storing, selling, shipping, or otherwise transporting fireworks defined by the United  
5 States Department of Transportation to any person or entity outside the Sate of New  
6 Mexico.

7  
8  
9 **Section 7. Appeals.**

10 Whenever the code official disapproves an application or refuses to grant a permit  
11 applied for, or which it is claimed that the provisions of this ordinance of the International Fire  
12 Code do not apply or that the true intent and meaning of the International Fire Code and/or this  
13 ordinance have been misconstrued or wrongly interpreted, the applicant may appeal the decision  
14 of the code official to the “Board of Appeals” within 30 days from the date of the decision  
15 appealed.

16 **Section 8. Fees and Charges Programs.**

17 **8.1 Permit and Service Fees**

18 Fees may be established by resolution of the Valencia County Commission for the  
19 International Fire Code and the permits and services provided by the Valencia County  
20 Emergency Services pursuant to this ordinance. The permit and service fees paid to the Valencia  
21 County Emergency Services shall be deposited into the fire protection fund to be used by the  
22 Valencia County Emergency Services for the purpose of enforcing and carrying out the  
23 provisions and intent of the International Fire Code and this ordinance.

## **8.2 Permits and Service Fees.**

A fee shall be paid to Valencia County Emergency Services at the time of application for (1) a RENEWABLE PERMIT, (2) an INSTALLATION or REMOVAL or ALTERATION PERMIT, (3) PLAN REVIEW and (4) any ACTIVITY PERMIT, MISCELLANEOUS SERVICE, (5) any RECORD, PHOTOGRAPHS, or DOCUMENTS, and (6) a HAZARDOUS MATERIALS STORAGE PERMIT. Such fees shall not be refunded upon failure of applicant to receive the permit. Failure to apply for a permit or service will result in an order from the Fire Marshal to obtain such permit or service. Such an order shall be considered an application for the necessary permit or service. Failure to pay for plan review or inspection fees within the time period specified shall render such permit null and void.

**EXCEPTION:** Permit fees shall not apply to activities of non-profit corporations or Civic fraternal organizations that are designated by the Internal Revenue Service as tax-exempt. However, these groups shall be assessed plan review and inspections fees for retail sales permits.

## **Section 9. Penalties.**

a) Any person who violates any provision of the International Fire Code or the amendments to the code , or fails to comply therewith, violates or fails to comply with any order made there under, builds a structure in violation of any detailed statement of specifications or plans submitted and approved, or builds a structure in violation of any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order affirmed or modified by the "Board of Appeals" or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by fine of not more than \$300.00 or by imprisonment for not less than 30 days or more than 90 days or both such fine and imprisonment. The imposition

1 of one party for any violation shall not excuse the violation or permit it to continue; and all such  
2 persons are required to correct or remedy such violation or defects within a reasonable amount of  
3 time; and when not otherwise specified, each ten days that prohibited conditions are maintained  
4 shall constitute a separate offense.

5 b) The application of the above penalty shall not be held to prevent the enforced removal  
6 of prohibited conditions.

#### 7 **Section 10. Conflicting Codes and Ordinances.**

8 Where existing codes and ordinances, or parts thereof, are in conflict or inconsistent with  
9 the provisions of this ordinance and the International Fire Code, the most restrictive shall apply.  
10

#### 11 **Section 11. Severability.**

12 The Board of County Commissioners hereby declares that should any section or  
13 Provision of this ordinance be declared invalid or unconstitutional by any court of  
14 Competent jurisdiction, the declaration shall not affect the validity of this ordinance as a whole  
15 or any part thereof that is not specifically declared to be invalid or unconstitutional.

#### 16 **Section 12. Date of Effect.**

17 This ordinance and the International Fire Code shall take effect and be in force within  
18 thirty (30) days after its final adoption as provided by law.  
19  
20  
21  
22  
23

1  
2  
3  
4  
5  
6  
7  
8  
9 **International Fire Code Board of Appeals**

10 (Valencia County)

11 **Authority:** Valencia County Fire Code

12 Ordinance No. \_\_\_\_\_

13 **Authority:** The Board, upon hearing of an appeal, shall have the power to  
14 reverse, affirm, or amend a Fire Department's ordered time limit,  
15 or decision of the Chief, or to grant variances from the provisions  
16 of the Fire Code; provided that before reversing or amending such  
17 order or decision, or authorizing such variance the Board shall first  
18 find that strict enforcement of the ordered time limit or decision is  
19 impractical, unwarranted, or creates an unnecessary hardship in  
20 each instance. Such reversals, or amendments, or variances must  
21 be in conformance with the spirit and intent of this code and must  
22 reasonably secure the public safety.

23 **Membership**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

Members shall be qualified by experience and training to pass upon pertinent matters. The members shall have the following classifications:

1. Architectural – (application and design)
2. Engineering—(application and design)
3. Residential Development/Construction
4. Advocacy for Community and Neighborhood Groups
5. Regulatory Compliance – (Inspection/Administration)

The International Fire Code Board of Appeals meets when need arises.

## BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Georgia Otero-Kirkham, Chair

\_\_\_\_\_  
Mary Anderson, Vice-Chair

\_\_\_\_\_  
Ron Gentry, Commissioner

\_\_\_\_\_  
Donald Holliday, Commissioner

\_\_\_\_\_  
Lawrence Romero, Commissioner

\_\_\_\_\_  
County Legal

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sally Perea, Clerk

Date: \_\_\_\_\_

**END**

**OF**

**AGENDA**