

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

A handwritten signature, likely of Charles Eaton, the Chair of the Board of County Commissioners.

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*

B: 074 P: 436



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.

B: 074 P: 437



VALENCIA COUNTY BOARD OF COMMISSIONERS

BUSINESS / PUBLIC MEETING

JANUARY 23, 2013

PRESENT	ABSENT
Charles Eaton, Chairman	
Alicia Aguilar, Vice-Chair	
	Lawrence Romero, Member
Donald E. Holliday, Member	
Mary J. Andersen, Member	
Bruce Swingle, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Peggy Carabajal, County Clerk	
Press and Public	

1) The meeting was called to order by Chairman Eaton at 5:00 P.M.

2) Fire Chief Steven Gonzales led the Pledge of Allegiance.

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

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

January 2, 2013 Business Meeting

Commissioner Andersen stated that a correction needed to be made in the section of minutes regarding the Planning and Zoning Board appointments. Commissioner Andersen's and Commissioner Romero's appointees need to be reversed. The minutes should read Commissioner Andersen will retain Gregory Gaudette and Commissioner Romero will retain Joan Artiaga.

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

DISCUSSION (NON-ACTION) ITEM(S)

5) Reports from Commissions, Boards, and Committees.

Commissioner Andersen said there was an article published in the News-Bulletin last week while she was out of town; therefore she was not able to respond to the reporter. The article quoted the Planning Officer from the City of Belen as saying that she had personally given him permission to take whatever action they were reporting. Commissioner Andersen wants it recorded that she did not do such a thing. She "finds it incredible that Mr. Tomita would make such a statement, i am sure he is just as aware as I am that I have no such authority."

Commissioner Aguilar stated she had also read the article and thanked Commissioner Andersen for the clarification, knowing her as she does, Commissioner Aguilar did not think that the information regarding Commissioner Andersen was accurate.

Commissioner Aguilar stated that they had received letters from the Village of Los Lunas requesting to come before the County Commission at the meeting on February 20th, the village would like to present information on what they are doing in Los Lunas. Commissioner Aguilar asked that the Commissioners would allow this and look at it as a positive thing as there are two entities vying for a hospital and it is a good thing to listen to both and if the City of Belen would like to come forth and present information at the same meeting she said it would be great. The public has a lot of questions and they would appreciate the facts being presented to them.

Commissioner Aguilar stated that she had received numerous calls regarding the Solid Waste Contract, there were some questions that she was unable to answer; she would like time in today's meeting where some of these questions could be answered accurately so as to put a stop to some of the rumors and incorrect information. Commissioner Holliday asked if the Commission was prepared to answer the questions, do they have all the facts in front of them. County Attorney Nance stated he did not know the content of all of the questions that are going to be asked. Some of the questions directly regarding the

B: 074 P: 438



protest, which is in Executive Session, possibly might not be answered until the protest is resolved. Other questions they may be able to discuss depending on the content and as to where they were at in the procurement process.

County Manager Bruce Swingle said he had a recent meeting with the Village of Los Lunas. Some of the Commissioners had expressed questions regarding the hospital, Los Lunas's role in the hospital and the GRT associated with the hospital administration. The Village of Los Lunas, made it very clear that they had sent a communication to the Miller Group to get a personal response from him. The first question asked was *Is it possible for Miller to move the proposed hospital from Los Lunas to any other site in Valencia County?* The answer was no, based on their research there is no other site which would accommodate a successful hospital.

The second question being *If the hospital remained in Los Lunas could they open an office in another jurisdiction outside of Los Lunas would they take the GRT with them?* The answer being, the hospital is designed with the administrative headquarters at the hospital, so where the hospital is built is where the GRT will rest.

Commissioner Holliday has a case in his district where there is a gentleman who had a fire on his property, this gentleman is ill and broke. He has been cited over and over again in regards to needing to have his yard cleaned up. The gentleman is unable to do this task himself. Commissioner Holliday spoke to Code Enforcement Officer Sonny Vega who assured him that the gentleman is indeed very ill and not able to personally clean the yard. Commissioner Holliday gets phone calls a few times a week from people wondering when this property will be cleaned up. He asked if the county has anything in place for hardship cases like this gentleman's. County Manager Swingle stated that we cannot as a governmental entity provide the service, but we do have outside resources that will be able to step in and provide the needed services. Mr. Swingle asked that he be provided with the gentleman's information and he will make arrangements for the matter to be taken care of. Chairman Eaton also stated that since there had been a fire on the property Chief Gonzales from the Fire Department might also be able to provide a helpful avenue with the Red Cross.

BOARD OF COUNTY COMMISSIONERS CONVENES AS PUBLIC HEARING BOARD

Commissioner Holliday motioned to convene as Public Hearing Board. Commissioner Andersen seconded the motion. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS

County Clerk Peggy Carabajal administered the oath to those individuals wishing to give testimony at tonight's meeting.

PUBLIC HEARING ITEM(S)

6) Consideration of location transfer of the Liquor License 0510/Application No. A-838648 from 2765 St. Hwy 47, Los Lunas NM 87031 to proposed location of 3409 St. Hwy 47 Suite A, Los Lunas, NM 87031. (See Exhibit A)

Mark Rhodes accompanied by his business partner Mark Garcia spoke in regards to them wanting this transfer, not for opening a bar but for the purpose of opening a package liquor store.

Valencia County residents making public comments at today's meeting were Voil Lattin, Marjorie Wong, Glen Rael, Pastor Jim Montoya, and Daniel Aragon speaking on behalf of Patricia Garduno and Catherine Garduno.

These residents expressed their objection to the transfer of the liquor license. Some of the issues they brought up were that there are several churches in close proximity to the proposed location, too much traffic for such a small space, questionable characters loitering around and disturbing property, fear of theft or burglary by individuals trying to get money to buy the alcohol, having children from a nearby school exposed to the alcohol.

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

Commissioner Andersen motioned to re-convene as Board of County Commissioners. Seconded by Commissioner Aguilar. Motion carried unanimously.

BOARD OF COUNTY COMMISSIONERS CONVENES AS INDIGENT CLAIMS BOARD

Commissioner Andersen motioned to convene as Indigent Claims Board. Seconded by Commissioner Aguilar. Motion carried unanimously.

B: 074 P: 439



Minutes of January 23, 2013 Business/Public Meeting

7) Consideration of the Indigent Report 40 claims and 3 Indigent Appeals -Barbara Baker

County Manager Bruce Swingle represented Barbara Baker who was out sick. Mr. Swingle presented the Indigent Claims from December 6, 2012- January 3, 2013 and requested approval of \$39,901.36

Commissioner Holliday motioned for approval of the claims. Seconded by Commissioner Andersen. Motion carried unanimously. (See Exhibit B)

Mr. Swingle presented an Indigent Appeal for Thomas Byrns in the amount of \$3,229.26 to be paid to Presbyterian Hospital.

(See Exhibit C)

Mr. Swingle presented an Indigent Appeal for Ivan Garcia in the amount of \$382.00 to be paid to Albuquerque Health Partners.

(See Exhibit D)

Mr Swingle presented an indigent Appeal for Jeanette Laurel in the amount of \$1156.00 to be paid to Lovelace Medical Center. (See Exhibit E)

Commissioner Holliday motioned for approval of the three Indigent Appeals. Seconded by Commissioner Aguilar. Motion carried unanimously.

BOARD RE-CONVENES AS BOARD OF COUNTY COMMISSIONERS

Commissioner Holliday motioned to re-convene as the Board of County Commissioners. Seconded by Commissioner Andersen. Motion carried unanimously.

ACTION ITEM(S)

8) Consideration to accept Application No. A-838648 for location transfer of Liquor License 0510 from 2765 St. Hwy 47 Los Lunas, NM 87031 to proposed location of 3409 St. Hwy 47, Suite A, Los Lunas, NM 87031- Peggy Carabajal

Commissioner Holliday motioned to deny the application. Motion seconded by Commissioner Aguilar. Discussion by commissioners included Commissioner Aguilar commenting that she motioned for denial based on the reasoning that a local Pastor had testified tonight that his and other churches were in such close proximity to the proposed location. Also no proof such as a plot plan or a legal description properly identifying the property was provided to the commissioners. Nor was anything provided showing a proper split of the property. Commissioner Aguilar is definitely concerned about the health, safety and welfare of the community. Motion carried unanimously. (See Exhibit F)

9) Consideration to accept Resolution No. 2013-08, Public Notice describing Procedures to Inspect Public Records

Commissioner Andersen motion for approval of the resolution. Seconded by Commissioner Aguilar. Motion carried unanimously.

County Clerk Peggy Carabajal announced Resolution 2013-08. (See Exhibit G)

10) Consideration for a request to Publish Ordinance No. 2013-01, adopting the 2006 Edition of the International Fire Code - Steven Gonzales

Commissioner Andersen motioned for approval. Commissioner Aguilar seconded the motion. Motion carried unanimously.

County Clerk Peggy Carabajal announced Ordinance 2013-01. (See Exhibit H)

FINANCIAL MATTERS:

11) Approval of Financial/Payroll Warrants- Nick Telles

Accounts payable warrants in the amount of \$374,630.68. Payroll in the amount of \$413,782.29

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

(See Exhibit I,J,K,L,M)

PUBLIC COMMENT:

Valencia County residents making public comments at today's meeting were Sharon Honeycutt, Jay Kortsch, Floyd Mullins, Ernie Byers, Judy Catuccio, Lee Davis, Karen Trujillo-Sutall, Dorothy Trujillo, Victor Sanchez

These residents expressed their opposition to the Solid Waste contract. Some of the concerns voiced by the residents included, a giant corporation like Waste Management will not care about the citizens, current WM customers are not satisfied with the company's customer service, having this contract will not solve the issue of illegal

B: 074 P: 440



dumping of particular items, concerned about liens being placed on their property, not being able to afford the service, feeling like control is being taken away from the citizens by not having their own free will to choose whomever they want to pick up their trash, the contract may also put local trash haulers out of business.

Frank Santiago with Waste Management stated that change is always a difficult thing and with change there will always be some dissatisfaction, but WM wants to satisfy their customers and by looking at the overall majority of WM customers they are highly satisfied with the company's service.

Chairman Eaton asked the County Manager to give a brief summary on as to how the RFP process originated to where we are today.

Charles Montoya from a trash hauling business stated that they did not place a bid because they looked at the RFP and they could not see it working in regards to how much delinquency they foresee from residents unwilling or not able to pay.

Randy Sanchez from a trash hauling business stated that he submitted a bid for the contract but he was not able to provide a bond that was required for the process, his bid was thrown out.

Commissioner Aguilar said she had received a phone call from Paul Alexander. Mr. Alexander was a member of the Solid Waste Committee, one of his comments was that the contract should have been a utility bid. He felt that the RFP was good, but was just the wrong item.

Commissioner Andersen stated that with her years of experience in purchasing she feels that Mr. Vinyard did everything correctly and fully believes that everything done was in accordance with the Procurement Code and the laws of New Mexico.

Chairman Eaton asked Purchasing Director Michael Vinyard if there was a scoring format that was established for the evaluation committee. Mr. Vinyard stated that yes there was one; it was built into the RFP. The format was stated right up front as to how the format was to work. It was specified clearly what areas were to be evaluated.

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.

Commissioner Aguilar moved to go into Executive Session. Commissioner Andersen seconded the motion. Motion carried unanimously.

Commissioner Aguilar motioned to go back into Regular Session. Seconded by Commissioner Holliday. Motion carried unanimously.

County Attorney Adren Nance stated matters that were discussed in Executive Session were limited to the items listed on the agenda, which were consideration of Solid Waste Protest and Barela vs. BOCC.

Commissioner Aguilar motioned to approve the summary as stated by counsel. Seconded by Commissioner Andersen .

ACTION ITEMS:

12) Delegation Of Settlement Authority to County Manager for Barela vs. BOCC

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

13) Instruct Purchasing Agent On Issuance of Protest Determination

According to County Attorney Pato the board will have the Purchasing Agent issue the determination as provided by the procurement code. No action by the board is required. Even though no voting action was required by the board, Commissioner Aguilar and Chairman Eaton stated that if action from them had been required they would have abstained from the vote because they have questions regarding this issue and weren't part of the RFP process that was taken before they came aboard.

B: 074 P: 441



Minutes of January 23, 2013 Business/Public Meeting

11) Adjournment

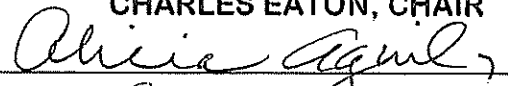
Commissioner Andersen moved for adjournment. Seconded by Commissioner Aguilar. Motion carried unanimously. TIME: 9:04 P.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the January 23, 2013 Business/Public Hearing 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, CHAIR



ALICIA AGUILAR, VICE-CHAIR



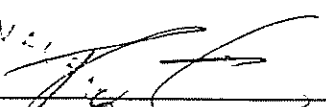
LAWRENCE R. ROMERO, MEMBER



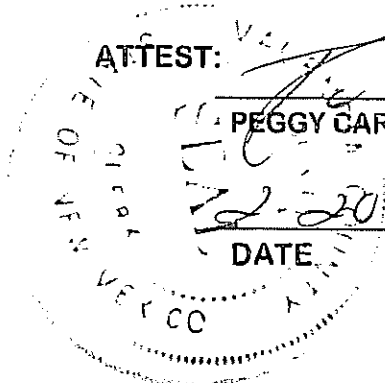
DONALD E. HOLLIDAY, MEMBER



MARY J. ANDERSEN, MEMBER

ATTEST: 

PEGGY CARABAJAL, COUNTY CLERK


DATE: 2-20-2013

B: 074 P: 442



B: 074 P: 443



New Mexico Regulation and Licensing Department • Alcohol &
2550 Cerrillos Road • Santa Fe, New Mexico 87505 • (505) 476-4875 • Fax (505) 476-4876

Rev. 02/12

LIQUOR LICENSE APPLICATION

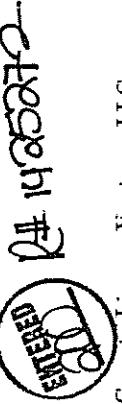
Application fee - \$200.00 Fees are non-refundable.

0510

State Liquor License # 8386098

Application Number 8386098

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

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

I, (print name) Mark Garcia

, as (title) Mayor

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 Mark Garcia

Date 11/19/2012

SUBSCRIBED AND SWORN TO before me this 19th day of November, 2012 by Mark Garcia

Notary Public

My Commission Expires 3/17/2014

Notary Public Use Only

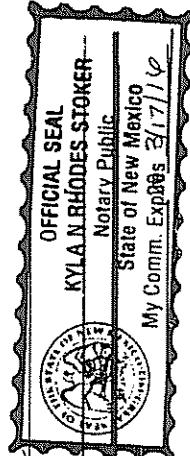
Local Governing Body of: _____

Check one: Approved ☒ Disapproved _____

City/County Official

(City or County). Hearing held on _____

(Signature & Title)



Approved _____ Disapproved _____

Director Approval

Date 1-23-2013



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

55-60-6B-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.)

ca. 3.1 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.

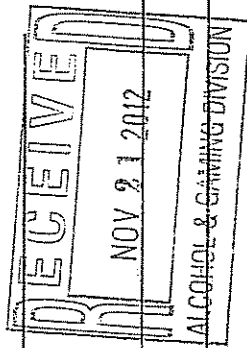
*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

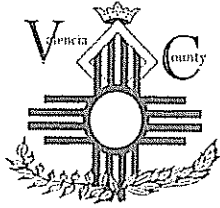
8. Type of Operation:

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.

B: 074 P: 444





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

B: 074 P: 445



Exhibit B

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,



Barbara A. Baker

B: 074 P: 446



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
TOTALS			447,609.68	417,801.34	29,808.34

B: 074 P: 447



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
TOTALS			150,033.98	140,049.54	9,984.44

B: 074 P: 448

Alicia Aguilar, Co-Chair

Lawrence R. Romero

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

Lawrence R. Romero

B: 074 P: 449



VALENCIA COUNTY INDIGENT FUND CLAIMS LOG

JANUARY 16, 2013

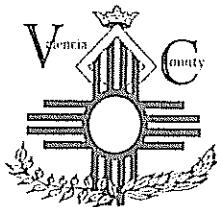
ID NO.	Birth Date	Sex	Provider Name	Date(s) of Service	Diagnosis	Billed	Paid	Reason for Denial
11075	10/15/56	F	UNM Health Sciences Center	09/05-09/06/12	Dislocated Elbow	6,598.70	0.00	Income
11076	11/17/86	M	UNM Health Sciences Center	08/25-08/31/12	Seizures	28,031.95	0.00	No Response
11077	08/07/92	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	*

B: 074 P: 450



* 11097	11/08/64	F	UNM Health Sciences Center	10/28-11/01/12	*	19,386.80	0.00 *
11098	11/27/81	M	Lovelace Medical Center	12/04-12/06/12	Abdominal Cyst	36,823.00	3,000.00
11099	01/30/92	M	Presbyterian Medical Group	11/27/12	JAIL - Hand Injury	107.00	25.93
11100	01/22/77	M	Radiology Associates	10/18/12	JAIL - Hand Injury	26.00	16.29
11101	01/23/82	M	Radiology Associates	10/17/12	JAIL - Hand Injury	26.00	16.29
11102	01/23/82	M	Presbyterian Medical Group	11/30/12	JAIL - Arm Injury	107.00	25.93
11103	09/19/67	M	Radiology Associates	07/05/12	JAIL - Swallowed Object	28.00	0.00 90 Day Limit
11104	12/22/88	M	Radiology Associates	06/05/12	JAIL - X-Ray	30.00	0.00 90 Day Limit
* 11104			UNM Health Sciences Center	06/12/12	JAIL - Leg Injury	65.00	50.05
			UNM Medical Group	11/06/12	*	139.00	58.53
TOTAL						597,905.66	39,901.36

B: 074 P: 451



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

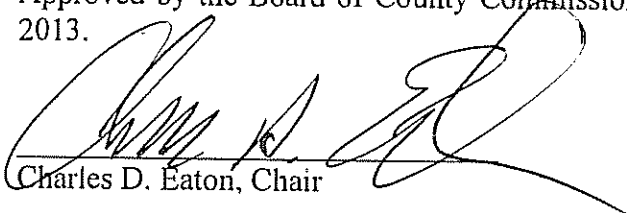
To: Valencia County Board of County Commissioners

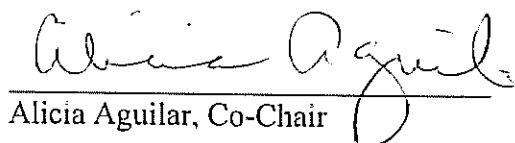
From: Barbara A. Baker *CAB*

Subj: Thomas Byrns - Indigent Appeal

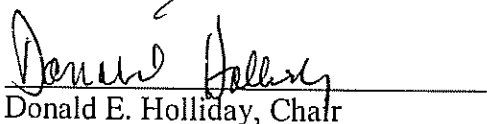
Thomas Byrns has requested an Indigent Appeal for the Indigent Denial of November 26, 2012 for his Presbyterian Hospital bill. Mr. Byrns was denied as he does have insurance, but the insurance has a high deductible. I would like to recommend approval of the balance of the Presbyterian Hospital bill in 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

B: 074 P: 452



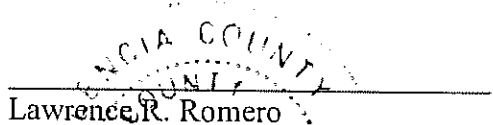
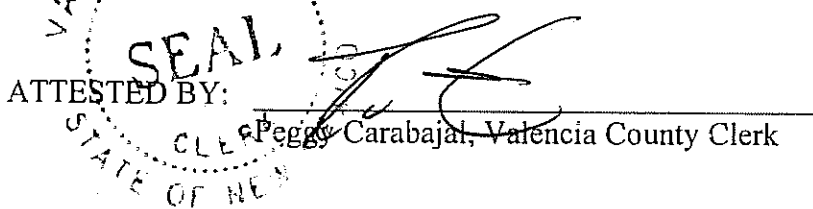
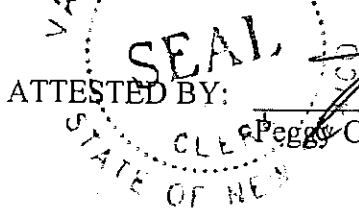
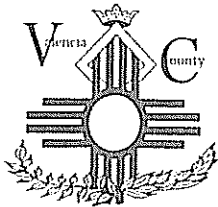

Lawrence R. Romero

Exhibit C

ATTESTED BY: 
Peggy Carabajal, Valencia County Clerk

The seal of Valencia County, New Mexico, is stamped over the attestation signature.



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: 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

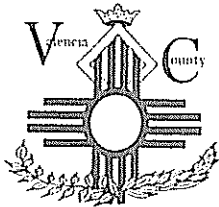
Exhibit D

ATTESTED BY:


Peggy C. Chavez, Valencia County Clerk

B: 074 P: 453





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

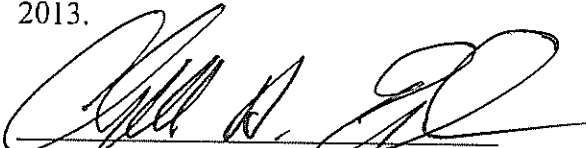
To: Valencia County Board of County Commissioners

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

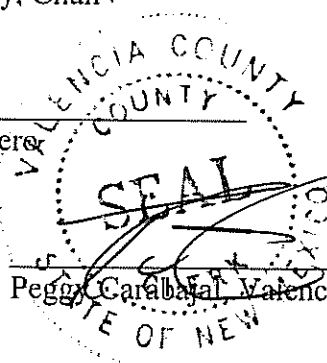

Mary J. Andersen


Donald E. Holliday, Chair

Lawrence R. Romero

Exhibit E

ATTESTED BY:


Peggy Caraballo, Valencia County Clerk

B: 074 P: 454



January 23, 2013

TO WHOM IT MAY CONCERN:

SUBJECT: TRANSFERENCE OF LIQUOR LICENSE TO SITE NEAR OR ON
LAS VEGAS AND HWY 47 LOS LUNAS, NM

FROM: OPEN DOOR CHURCH OF GOD
3419 HWY 47 (P.O. 2695)
LOS LUNAS, NM 87031

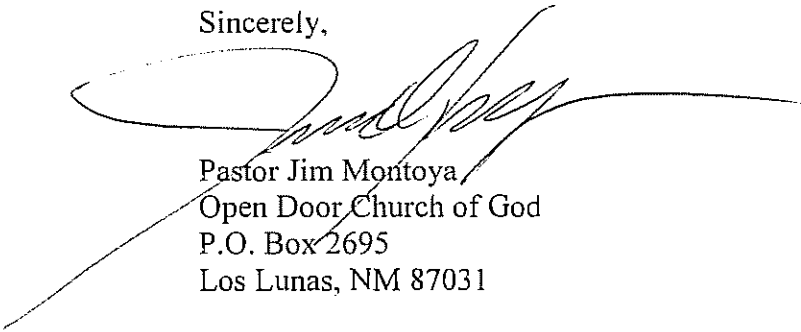
Let it be known to the said deciding officials of the above transfer of liquor license to said location of approximately Las Vegas and Hwy 47 Los Lunas, NM, that we oppose this and any action.

We have not been duly notify of the meeting to carryout this transfer.

We are opposed to any sale of liquor within the said area which have five churches and one elementary school within one half mile of the said location.

And as a resident of Los Lunas at 29 Bloom n Shine and of Valencia County. I oppose this action.

Sincerely,

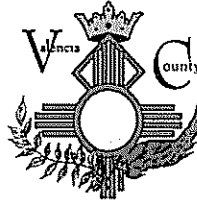


Pastor Jim Montoya
Open Door Church of God
P.O. Box 2695
Los Lunas, NM 87031

Exhibit F

B: 074 P: 455





**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2013- 08**

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.

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

B : 074 P : 456



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

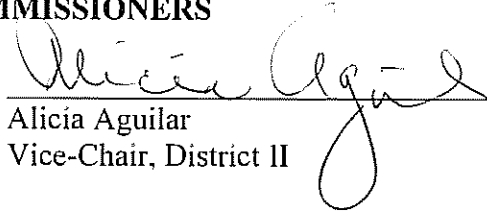
The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

23rd
APPROVED, ADOPTED, AND PASSED on this 16th day of January, 2013.

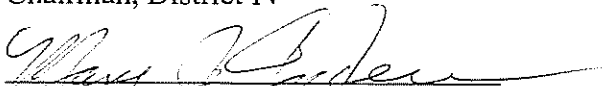
BOARD OF COUNTY COMMISSIONERS



Charles D. Eaton
Chairman, District IV

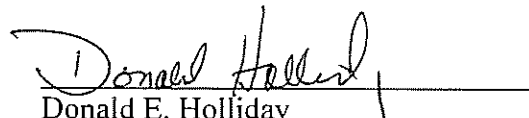



Alicia Aguilar
Vice-Chair, District II

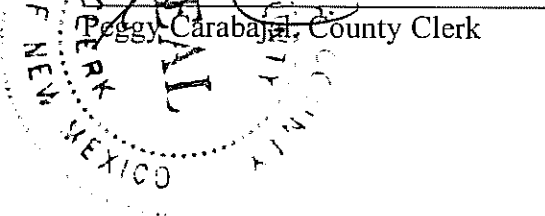


Mary J. Andersen
Commissioner, District I

Lawrence R. Romero
Commissioner, District III

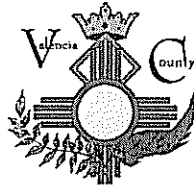

Donald E. Holliday
Commissioner, District V

Attest: 
Peggy Carabaja, County Clerk



B: 074 P: 457





VALENCIA COUNTY
BOARD OF COMMISSIONERS
ORDINANCE NO. 2013- 01

1 AN ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL
2 FIRE CODE, REGULATING AND GOVERNING THE SAFE-GUARDING OF
3 LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING
4 FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS
5 SUBSTANCES, MATERIALS, AND DEVICES, AND FROM CONDITIONS
6 HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF
7 BUILDINGS AND PREMISES IN THE COUNTY OF VALENCIA; PROVIDING
8 FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES
9 THEREFOR; REPEALING ORDINANCE NO'S 89-04 AND 90-1 OF THE
10 COUNTY OF VALENCIA.

11
12 **Section 1. Short Title: International Fire Code**

13
14 **Section 2. Purpose.**

15
16 The purpose is to adopt the 2006 edition of the International Fire Code regulating and
17 governing the safe-guarding of life and property from fire and explosion hazards arising
18 from the storage, handling and use of hazardous substances materials and devices, and
19 from conditions hazardous to life or property in the occupancy of buildings in the County
20 of Valencia; providing for the issuance of permits and collection of fees therefore.

21 **Section 2.1. Scope.**

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

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

B: 074 P: 458



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" were used in the Fire Code shall mean the Valencia County Fire Marshal, or his/her dully 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.

B: 074 P: 459



8) "Building code" is the building code and standards adopted by Valencia County Ordinance as amended.

9) "Electrical Code" is the electrical code and standards adopted by Valencia County Ordinance as amended.

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

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

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

Section 4. Adoption of the International Fire Code

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

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

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

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

B: 074 P: 460



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.

23
B: 074 P: 461



1 **International Fire Code, Chapter 1 Section 102.4 entitled “Administration;**

2 **Applicability; Application of building code” is hereby amended to read as follows:**

3 *102.4 Application of building code.* The design and construction of new structures shall
4 comply with the International Building Code. Repairs, alterations, additions, changes in
5 use or changes in structures required by this code which are within the scope of the
6 International building Code, shall be made in accordance therewith.

7 **International Fire Code, Chapter 1 Section 102.5 entitled Administration;**

8 **Applicability; Historic Buildings” is hereby amended to read as follows:**

9
10 *102.5 Historic Building.* The provisions of this relating to the construction, alteration,
11 repair, enlargement, restoration, relocation or moving of buildings or structures shall not
12 be mandatory for existing buildings or structures identified and classified by the state or
13 local jurisdiction as historic buildings when such buildings or structures do not constitute
14 a district hazard to life or property. Fire protection in designated historic building and
15 structures shall be provided in accordance with an approved fire protection plan
16 developed in accordance with the provisions of NFPA 909.
17
18
19
20
21
22
23
24

25 **International Fire Code, Chapter 1 Section 102.6 entitled Administration;**

26 **Applicability; Referenced codes and standards” is hereby amended to read as follows:**

27
28 *102.6 Referenced Codes and Standards.* The codes and standards referenced in this code
29 Shall be the most currently published edition of those that are listed in Chapter 45 and
30 Such codes and standards shall be considered part of the requirements of this code to the
31 Prescribed extent of each such reference. Where differences occur between the provisions
32
33
34
35



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,

B: 074 P: 466



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

B: 074 P: 467



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*

B: 074 P: 469



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

B: 074 P: 470



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:*

B: 074 P: 472



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 of 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

B: 074 P: 473



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

amended to read as follows:

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

International Fire Code, Chapter 5 Section 508.5.1 entitled "Fire Service Features; Fire Protection Water Supplies; Fire hydrant systems; Where required" is hereby amend exceptions to read as follows:

508.5.1 Where required.

Exceptions:

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

B: 074 P: 476



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.*
10

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:*
14

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.*
23

B: 074 P: 477



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

4
5 *510.1 Identification.* Fire Protection equipment, and accessory rooms as deemed
6 necessary by the fire code official, shall be identified in an approved manner. Rooms
7 containing controls for air- conditioning systems, sprinkler risers, and vales, or other fire
8 detection, suppression or control elements shall be identified for the use of the fire
9 department. Approved signs required to identify fire protection equipment and equipment
10 location shall be constructed of durable materials, permanently installed, and readily
11 visible.

12
13 *International Fire Code, Chapter 6 Section 607 entitled “Building Services and*
14 *systems; Elevator recall and Maintenance” is hereby amended by adding a new*
15 *subsection 607.4 thereto entitled “ communications” to read as follows:*

16
17 *607.4 Communications.* All elevators shall be equipped with two-way communication
18 equipment and the equipment shall be operable at all times.

19
20 *International Fire Code, Chapter 9 Section 901 entitled “Fire Protection systems;*
21 *General; Construction Document’s” is hereby amended by adding a new paragraph*
22 *at the end thereof to read as follows:*

23
B: 074 P: 478



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**

paragraphs thereto, to read as follows:

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

Exceptions:

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

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

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

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

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

B: 074 P: 481



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;

B: 074 P: 484



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

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

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

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

International Fire Code, Chapter 9 Section 903.2.10 entitled “ Fire Protection Systems; Automatic Sprinkler Systems; Where required” windowless stories in all occupaneies” is hereby deleting the exception thereto.

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

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

Group B occupancies where any of the following exist:

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

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

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

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

B: 074 P: 487



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

B: 074 P: 489



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 devises 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.

22
23
 B: 074 P: 490
 

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

3
4 *903.6 Existing Buildings.* The provisions of this section are intended to provide a reasonable
5 degree of safety in existing structures not complying with the minimum requirements of the
6 International Building Code by requiring installation of an automatic fire-extinguishing system.

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

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

15 *Exception:* R-3 Occupancies.
16

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

20
21
22 **International Fire Code, Chapter 9 Section 907.1.1 entitled “ Fire Protection Systems;**
23 **Alarm and Detection Systems; Construction Documents”;** is hereby amended by adding a

new item number 12 thereto, to read as follows:

907.1.1 Construction Documents.

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

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

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

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

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

Exception: Group R-3 occupancies

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

B: 074 P: 493



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,**



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

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

“EXIT DOORS DO NOT OBSTRUCT”

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

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

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

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

B: 074 P: 495



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.

23
B: 074 P: 498



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

B: 074 P: 499



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,

B: 074 P: 500



9. Method of firing and type of circuit,

10. Direction, distance in feet, and identification of the nearest dwelling, house, public building, school, church, commercial or institutional building,

11. Weather conditions,

12. Type and height of stemming,

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

14. Type of delays and delay period in milliseconds,

15. Seismograph records when used:

a. Name of operator

b. Distance and direction of geophone and mic from blast

c. Seismograph calibration certification

d. seismograph reading

16. Plan view drawing of blast pattern showing layout and number of holes, burden, and spacing distance, delay pattern, and a profile of typical loaded hole.

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

EXPLOSIVE or **BLASTING CAP** shall be removed from the site at the end of the day and properly disposed of in accordance with the Fire Code and nationally recognized standards.

3304.18 Transfer of material between vehicles; breakdown or collision. Explosive materials shall not be transferred from one vehicle to another within Valencia County without informing the Fire Code Official first. In the event of a breakdown or collision of vehicles transporting explosives materials, the Fire Chief shall be immediately notified.

3304.19 Parking and garaging. Vehicles transporting explosive material shall not be parked before reaching its destination on any street, adjacent to or in the proximity of any bridge,

B: 074 P: 501



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.**

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,

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

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

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

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

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

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

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

B: 074 P: 505



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

B: 074 P: 506



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 State 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.



1 **8.2 Permits and Service Fees.**

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

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

14 **Section 9. Penalties.**

15 a) Any person who violates any provision of the International Fire Code or the
16 amendments to the code , or fails to comply therewith, violates or fails to comply with any order
17 made there under, builds a structure in violation of any detailed statement of specifications or
18 plans submitted and approved, or builds a structure in violation of any certificate or permit issued
19 there under, and from which no appeal has been taken, or who fails to comply with such an order
20 affirmed or modified by the "Board of Appeals" or by a court of competent jurisdiction, within
21 the time fixed herein, shall severally for each such violation and noncompliance, respectively, be
22 guilty of a misdemeanor, punishable by fine of not more than \$300.00 or by imprisonment for
23 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 **B: 074 P: 509**
23 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

International Fire Code Board of Appeals

(Valencia County)

Authority: Valencia County Fire Code

Ordinance No. _____

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

Membership



Provisions:

The Board of Appeals shall consist of five (5) members appointed by the Board of County Commissioners. Terms shall be for three (3) years. Vacancies shall be filled by appointment for the unexpired term only.

Qualification:

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

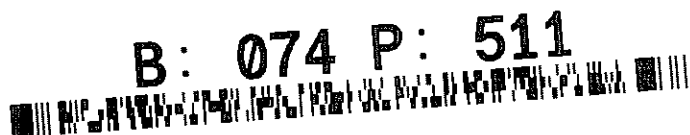
1. Architectural – (application and design)
2. Engineering—(application and design)
3. Residential Development/Construction
4. Advocacy for Community and Neighborhood Groups
5. Regulatory Compliance – (Inspection/Administration)

Meeting:

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

DONE this ____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS



Georgia Otero-Kirkham, Chair

Mary Anderson, Vice-Chair

Ron Gentry, Commissioner

Donald Holliday, Commissioner

Lawrence Romero, Commissioner

County Legal

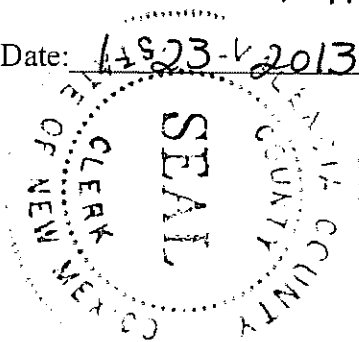
Date:

ATTEST:

Sally Perea, Clerk

Pepper CARABAJAL

Date: 11-23-2013



B: 074 P: 512



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
PAYROLL AUTHORIZATION**


The attached computer printout lists all checks issued by the Managers Office on January 14, 2013 covering payroll process on the above date.
Direct Deposit Check# 28592 through Direct Deposit Check # 28787 inclusive.
Deduction Check # 0116676 through Deduction Check # 0116724 inclusive.
Payroll Check # 94003 through Payroll Check # 94077 inclusive.
Listing total \$ 413,782.29

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations

In recognition of the above, the Manager's Office request this action be officially recorded in the minutes of the regular County Commission meeting before which body this matter came.

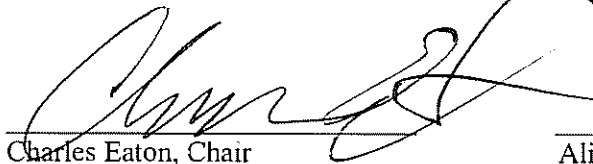
Recommended:



Nick Telles, Finance Director

Done this 14 day of January, ²⁰¹³~~2012~~


VALENCIA COUNTY BOARD OF COMMISSIONERS



Charles Eaton, Chair



Alicia Aguilar, Vice Chair



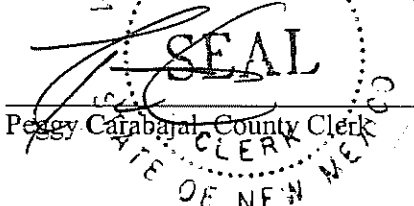
Donald Holliday, Commissioner



Mary Andersen, Commissioner

Lawrence Romero, Commissioner

ATTEST

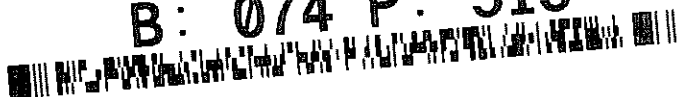


SEAL
CLERK
OF NEW MEX

Peggy Carabajal, County Clerk

Exhibit I

B: 074 P: 513



VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Peggy Carabajal
The attached computer printout lists all the checks issued by the Manager's Office on December 19, 2012 covering vendor bills processed on the above date.
Check # 116435 to 116543 inclusive, for the total of \$868,163.75.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Nick Telles

Nick Telles-Finance Director

Done this 23rd day of January, ~~2012~~ 2013

VALENCIA COUNTY BOARD OF COMMISSIONERS

Donald E. Holliday

Donald E. Holliday, Commissioner

Charles Eaton

Charles Eaton, Commissioner

Lawrence R. Romero

Lawrence R. Romero, Commissioner

Mary J. Andersen

Mary J. Andersen, Commissioner

Alicia Aguilar

Alicia Aguilar, Commissioner

ATTEST:

Peggy Carabajal

Peggy Carabajal County Clerk

Peggy Carabajal County Clerk

Exhibit J

B: 074 P: 514



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

Peggy Carabaja

The attached computer printout lists all the checks issued by the Manager's Office on December 31, 2012 covering vendor bills processed on the above date.

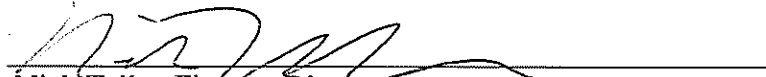
Check # 116582 to check # 116667 inclusive, for the total of \$139,743.90.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

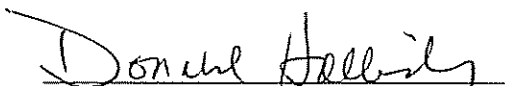
In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

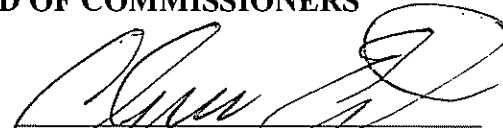
Recommended:


Nick Telles-Finance Director

Done this 23 day of January, ~~2012~~ ²⁰¹³

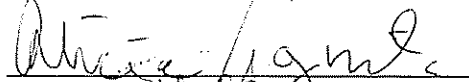
VALENCIA COUNTY BOARD OF COMMISSIONERS


Donald E. Holliday, Commissioner


Charles Eaton, Commissioner

Lawrence R. Romero, Commissioner


Mary J. Andersen, Commissioner


Alicia Aguilar, Commissioner

ATTEST:

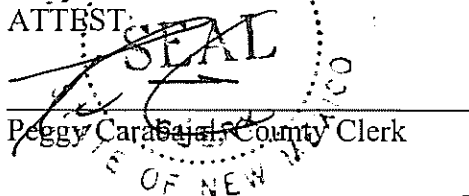

Peggy Carabaja, County Clerk

Exhibit K

B: 074 P: 515



VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION

Peggy Carabajal

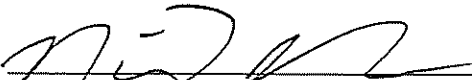
The attached computer printout lists all the checks issued by the Manager's Office on December 20, 2012 covering vendor bills processed on the above date.
Check # 116544 inclusive, for the total of \$4,604.90.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

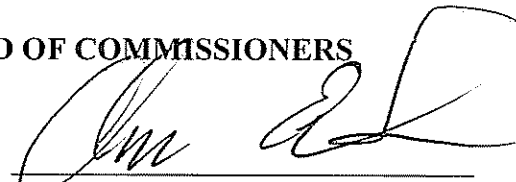
Recommended:



Nick Telles-Finance Director

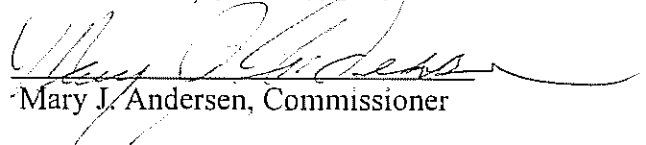
Done this 23 day of January, ~~2012~~ 2013

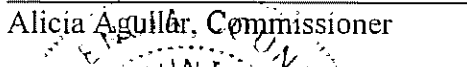
VALENCIA COUNTY BOARD OF COMMISSIONERS


Donald E. Holliday, Commissioner

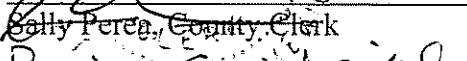

Charles Eaton, Commissioner


Lawrence R. Romero, Commissioner


Mary J. Andersen, Commissioner


Alicia Aguilar, Commissioner

ATTEST


Sally Perea, County Clerk

Peggy Carabajal
County Clerk

Exhibit L

B: 074 P: 516



Peggy Carabajal

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

The attached computer printout lists all the checks issued by the Manager's Office on January 14, 2013 covering vendor bills processed on the above date.

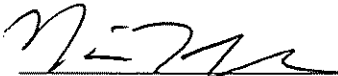
Check # 116725 to check # 116834 inclusive, for the total of \$374,630.68.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

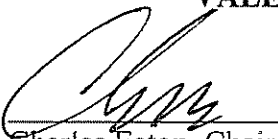


Nick Telles-Finance Director

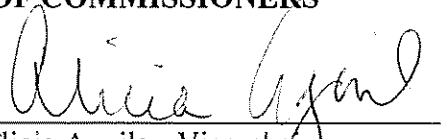
Done this 6th day of February, 2013.

23rd *JANUARY*

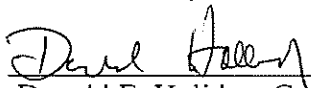
VALENCIA COUNTY BOARD OF COMMISSIONERS



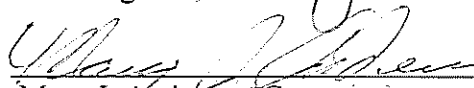
Charles Eaton, Chair



Alicia Aguilar, Vice-chair



Donald E. Holiday, Commissioner



Mary J. Andersen, Commissioner

Lawrence R. Romero, Commissioner

ATTEST:



Peggy Carabajal, County Clerk

Exhibit M

B: 074 P: 517

