

FIRE CODE ORDINANCE

NUMBER 93-09-02A

AN ORDINANCE ESTABLISHING FIRE FIGHTING AND EMERGENCY RESPONSE AUTHORITY, FIRE EQUIPMENT PROCUREMENT STANDARDS, AND RULES REGARDING FIRE HAZARDS APPLICABLE TO THE GENERAL PUBLIC.

WHEREAS, the Board of Commissioners of Grant County is authorized to provide for the safety, health, and welfare of the inhabitants of Grant County, NOW

THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Grant County:

SECTION 1 - FIRE FIGHTING AND EMERGENCY MEDICAL RESPONSE AUTHORITY

A. General Authority. Fire and Emergency Medical Services personnel conducting operations in connection with the extinguishment or control of any fire, explosion, hazardous material emergency, emergency medical response or other emergency shall have full power and authority to direct and engage in all operations of fire extinguishment, emergency medical response, and hazardous materials control and to take all precautions to save life, protect property and to prevent injury or damage to property. Such authority shall include the authority to investigate the origin, cause and circumstances of any fire, explosion, or hazardous materials emergency, and to secure the scene for that purpose, however, this grant of authority does not authorize Fire and Emergency Medical Services personnel to interfere with or obstruct law enforcement officers or the State Fire Marshall or its agents in the performance of their duties.

B. Obstruction of Operations. No person shall obstruct the operations of Fire or Emergency Medical Services personnel in the performance of their duties nor shall any person disobey any lawful command of Fire or Emergency Medical Services personnel.

C. Fire Line Barriers. Fire or Emergency Medical Services personnel shall have the authority to establish fire or EMS line barriers to control access in the vicinity of a fire or other emergency. No person, except law enforcement officers in the performance of their duties, may cross such line barriers without the permission of the Fire or Emergency Medical Services personnel or a law enforcement officer. No person except Fire or Emergency Medical Services personnel or law enforcement officers, in the performance of their duties, shall remove, unlock, destroy or tamper with any gate, door, enclosure, sign or barricade that has been lawful installed by a Fire Department or Emergency Medical Service.

D. Fire Lanes. Any road or other passageway developed and maintained to allow the passage of Fire or Emergency Medical Services personnel or apparatus shall not be blocked, closed, obstructed or otherwise interfered with by any person so as to prevent or impede its use by Fire or Emergency Medical Services personnel.

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Filed for record on 9/27/93 at 1:41 P.M.
Kara Madrid-Corse
County Clerk

SECTION 2 - PROCUREMENT STANDARDS

To the extent reasonably practicable, no public funds shall be used to purchase fire fighting, hazardous materials control, rescue or related emergency equipment that does not comply with applicable National Fire Protection Association (NFPA), state and federal regulatory standards. Fire and EMS districts providing specifications to the County for the preparation of invitations to bid shall incorporate such standards into bid specifications submitted.

SECTION 3 - PROHIBITED ACTIVITIES

A. Maintaining a Fire Hazard. No person shall knowingly maintain a fire hazard. For purposes of this section, a fire hazard is defined as any unsafe accumulation of any combustible material, or any vacant building which does not have all combustible waste removed therefrom and which is not secured to prohibit unauthorized entry.

B. Discarding Burning Objects. No person shall discard, or cause to be discarded, any lit match, cigar, cigarette or any other burning object in a manner where it may start a fire.

C. Improper Handling of Fire. No person shall improperly handle a fire. For purposes of this section, improper handling of fire consists of:

1. Allowing fire to escape from the control of the person that set the fire or that is in control of the fire without using reasonable and proper precaution to prevent such fire from escaping or spreading;
2. burning any material without using proper and reasonable precaution at all times to prevent the escape of such fire; or
3. leaving any fire which may escape burning unattended.

D. Impermissible Fires. The Grant County Rural Fire Chiefs Association may designate periods of time and/or areas within Grant County in which no open fires shall be permitted. Upon making such designation, the Association shall cause to be published in a newspaper of general circulation a notice describing the period of time and/or areas in which open fires are not permitted. Any person who starts or maintains an impermissible open fire shall be issued a written notice that he/she is in violation of this ordinance and describing the periods of time and/or areas in which open fires are not permitted. Any subsequent fire that was described as being impermissible by the written notice shall be a violation subject to the penalty contained in Section 4 below.

STATE OF NEW MEXICO

County of Grant

I hereby certify that this instrument
was filed for record on the 9th
day of Sept. A.D., 1998
at 1:44 o'clock P.M. and duly
recorded in Book 204 of the records
of Ordinance
at page 657-9

Witness my hand and seal of office

COUNTY CLERK, GRANT CO., N.M.

(Signature)
(Signature)

SECTION 4 - PENALTIES AND ENFORCEMENT

1. Any person who violates any provision of this Ordinance is guilty of a misdemeanor and shall be fined not more than three hundred dollars (\$300.00) or imprisoned in the county jail for not more than ninety (90) days, or both. The Sheriff and his/her deputies are empowered to enforce the criminal provisions of this Ordinance.

SECTION 5 - SEVERABILITY

If any part of this Ordinance is held to be unconstitutional, invalid or otherwise in conflict with the laws of the State of New Mexico or the United States of America, the validity of the remaining portions shall not be affected if such portions can stand alone.

PASSED, APPROVED and ADOPTED this 2nd day of September, 1993.

GRANT COUNTY BOARD OF COMMISSIONERS
SILVER CITY, NEW MEXICO

David D. Diaz
DAVID D. DIAZ, CHAIRMAN

James W. Harrison
JAMES W. HARRISON, MEMBER

Gregorio Mesa
GREGORIO MESA, MEMBER

ATTEST:

Reña M. Copé
REÑA M. COPE, CLERK