



TAOS COUNTY ORDINANCE 2024-3

REPEALING ORDINANCE NO. 2019-2, AND AMENDING THE TAOS COUNTY FIRE CODE, INCORPORATING 2021 INTERNATIONAL FIRE CODE

An ordinance of the County of Taos repealing County Ordinance # 2019-2 and replacing it with the 2021 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the County of Taos; providing for the issuance of permits and collection of fees therefore; repealing all other ordinances or parts of laws in conflict therewith.

The County Commission of the County of Taos does ordain as follows:

Section 1. SHORT TITLE: This ordinance shall be known and may be cited by number or as the *Fire Code Ordinance*

Section 2. That a certain document, one (1) copy of which is on file in the office of the County Clerk's Office of County of Taos, being marked and designated as the *International Fire Code*, 2021 edition, including Appendix Chapter D, as published by the International Code Council, be and is hereby adopted as the Fire Code of the County of Taos, in the State of New Mexico regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the County Clerk's office of the County of Taos are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, prescribed in Section 3 of this ordinance.

Section 3. That the following sections are hereby revised:

Section 101.1 Insert "**Taos County**"

Section 111 Entirely replaced with "Appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code will be handled by the Taos County Court.

Section 112.4 Insert "**Petty Misdemeanor**", "**Five Hundred Dollars (\$500.00)**", and "**Ninety days (90 days)**"

Section 307 shall be removed in its entirety

Section 903.2.8 add at the end of the section “Exemption: in accordance with NMAC 10.25.5.1, Scope, Item B: ”*This rule does not apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade in height built to the New Mexico Residential Building Code except for those being used as commercial properties*” Therefore the aforementioned occupancies are exempt from this section.

Section 1103.5.3 Insert “**On or before December 31st 2030**”

Section 4. That the geographic limits referred to in certain sections of the 2021 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 The storage of Class I and Class II liquids greater than 500 gallons in above-ground tanks outside of buildings is prohibited in high density residential areas.

Section 5706.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited in high density residential areas.

Section 5806.2 The storage of flammable cryogenic fluids in stationary containers is prohibited in high density residential areas.

Section 6104.2 Storage of liquefied petroleum gas in storage containers larger than 2000 gallons is prohibited in high density residential areas unless special approval is granted by the fire code official.

Section 5. The collections of fees imposed for the conduction of fire inspections.

The fire code official will retain the option to implement a fee for the conduction of fire inspections utilizing a fee schedule.

Implementation of a fee schedule will require a resolution approved by the Taos County Board of Commissioners.

Section 6. That all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 7. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The County of Taos hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or

Ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

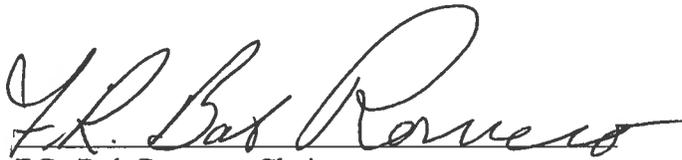
Section 9. That the County's Clerk's Office is hereby ordered and directed to cause this legislation to be published.

Section 10. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect (5) days from and after the date of its final passage and adoption.

PASSED, APPROVED AND ADOPTED, this 16th day of July, 2024.

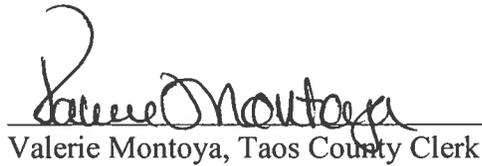
**BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO**

TAOS COUNTY
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BY TAMMYS



F.R. Bob Romero, Chair

Attest:


Valerie Montoya, Taos County Clerk

VOTE RECORD:				
FR Bob Romero	<u>yes</u>	no	abstain	absent
M. Romero Jr.	<u>yes</u>	no	abstain	absent
D. Vigil	<u>yes</u>	no	abstain	absent
A. Brush	<u>yes</u>	no	abstain	absent
R. Mascareñas	<u>yes</u>	no	abstain	absent

Approved as to legal form:


Patrick Trujillo, Contract County Attorney