

**TOWN OF PERALTA
FIRE DEPARTMENT ORDINANCE
NUMBER 2023-001**

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4-1-1 CREATION AND COMPOSITION

The Fire Department is the Town of Peralta Volunteer Fire Department, which shall consist of a Chief, Assistant Chief, and as many firefighters as may be deemed necessary from time to time by the Chief.

4-1-2 RULES AND REGULATIONS.

The Fire Department shall be operated and managed in accordance with such departmental rules and regulations as may be adopted by the Fire Department officers and approved by the Council, and not previously provided for in this Section 4-1. All departmental rules and regulations adopted by the Fire Department shall not be inconsistent with the rules and regulations relating to the Fire Protection Act issued by the State Fire Marshal. The Fire Department shall provide the governing body with Fire Department rules and regulations and any changes thereto for adoption and approval.

4-1-3 FIRE CHIEF

A. The Chief of the Fire Department shall be appointed by the Mayor. The name of the person selected shall be submitted to the Town Council for recommendation by the Mayor for Council for approval.

Removal of the Fire Chief from office shall be accomplished by:

(1) A recommendation by the Mayor to the Council for removal for misconduct, malfeasance, or criminal activity.

B. The Fire Chief shall:

(1) Be accountable to the Mayor for the personnel, morale, and general efficiency of the Department.

(2) Direct the operations of the Fire Department, subject to the rules and regulations thereof.

(3) Supervise the manner of handling fires personally whenever possible in order to minimize injury to persons and damage to property. During the progress of a fire, the authority of the Fire Chief in all matters connected with the management or direction thereof, or the disposition of property endangered by it, shall be absolute. All orders issued by him on such occasions shall be respected, and any firefighter or citizen refusing to obey the same is guilty of a misdemeanor.

(4) Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, pre-fire planning and fire prevention, establishment of fire zones, water supplies and all other matters generally considered essential to adequate fire protection and safety of life and property from loss by fire.

(5) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(6) Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Chief or Fire Prevention Officer may enter any and all buildings and premises within the municipality at any reasonable hour. Any person served with a notice to abate any fire hazard shall comply therewith and promptly notify the Chief of the remedial measures taken.

(7) The Fire Chief shall have the responsibility of ensuring that all the fire codes that have been adopted by the Town of Peralta are complied with for any building, structure or premises within the territorial limits of the municipality.

(8) The fire inspector shall perform or ensure that the State Fire Marshall performs all inspections required under this ordinance or the State Fire Code or rules and regulations pursuant thereto.

(9) The Fire Chief shall review all plans and specifications submitted to the municipality and prior to the issuance of a building permit shall determine that the proposed construction indicates compliance with the adopted fire code.

(10). The Fire Chief shall have the responsibility of ensuring that all the fire codes that have been adopted by the Town of Peralta are complied with for any building, structure or premises within the territorial limits of the municipality.

(11) The Fire Chief shall perform or ensure that the State Fire Marshall performs all inspections required under this ordinance or the State Fire Code or rules and regulations pursuant thereto.

(12)The Fire Chief shall review all plans and specifications submitted to the municipality and prior to the issuance of a building permit shall determine that the proposed construction indicates compliance with the adopted fire code.

(13) Keep complete records of all fires, inspections, apparatus and equipment, personnel, and other information concerning operations of the Department. The Fire Chief shall furnish the Council with such information as may be requested, and his records shall be open to public inspection at all reasonable times.

(14) Make a complete annual report, in writing, to the Council within one month after the close of the fiscal year, such report to include the information specified in Subsection **B(7)** above, and any additions to the rules and regulations requiring Council approval, together with comparative experience data for previous years with recommendations for improving the effectiveness of the Department.

(15) Demote, dismiss, or expel any officer or member of the Department for neglect or refusal to perform departmental duties, subject to the right of any members so demoted, dismissed, or expelled to appeal to the Council, or as provided by personnel rules and regulations.

(16) Enforce or cause to be enforced all ordinances, laws and regulations of the Town and state, insofar as they pertain to fire and safety.

(17) Appoint an Assistant Chief and other officers from the membership of the Department as deemed necessary by the Chief.

(18) Upon the consent and approval of the governing body, the Fire Chief may be appointed by the State Fire Marshall of the state of New Mexico to serve as an inspector, to work outside of the municipality.

4-1-4 FIREFIGHTERS, INSIGNIA FOR PERSONAL VEHICLES.

A roster of firefighters shall be maintained by the Fire Chief, chosen among applicants of able-bodied citizens. Property owners whose business activities are within the confines of the Town limits will be given preference for membership. The firefighters shall be subject to supervision by the Fire Chief and other Fire Department officers and shall be accountable thereto. Each member of the Department driving a privately owned vehicle to the scene of an incident or to the fire station shall have an issued insignia attached to the vehicle.

4-1-5 AUTHORIZED ENTRY ON PROPERTY.

It shall be lawful for any firefighters acting under the direction of the Chief or another officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire, for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any firefighter in the discharge of his duty as hereinbefore provided.

The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and provide adequate fire protection. All equipment of the Department shall be safely and conveniently housed in such a place or places as may be designated by the Council within the requirements of the State Fire Protection Fund Administration Code and maintain custody of said property via exigent circumstances for the purpose of origin and cause investigation of ever fire. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the Department. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having special permission of, an officer or authorized member of the Department.

4-1-6 AUTHORITY TO PERFORM INSPECTIONS

A. The fire inspector may, during reasonable hours, enter any building or go upon any premises in the discharge of their official duties for the purpose of testing any installation within the Town of Peralta. The inspector may cut or disconnect, or have cut or disconnected in cases of emergency, any installation or device. When necessary for safety to life or property.

B. The inspector may disconnect, or order the discontinuance of, any service to any installation or device, appliance or equipment found to be dangerous to life or property because it is defective or is incorrectly installed, until the installation, device, appliance, or equipment is made safe and approved by the inspector.

C. The inspector may order the correction of any defects or the correction of any incorrect installation that prompted the disconnection and discontinuance of service.

D. In all cases where disconnection is made, a notice shall be attached by the inspector to the installation, device, appliance, or equipment disconnected, which notice shall state that the same has been disconnected by or on order of the inspector, together with reason for the disconnection. It is unlawful

for any person to remove the notice or to use the installation, device, appliance, or equipment without authorization by the inspector.

E. The fire inspector shall have all powers and authorities conferred upon fire inspectors under the State Fire Code.

4-1-7 EQUIPMENT PURCHASES.

Recommendations for acquisition of necessary equipment and facilities shall be made by the Fire Chief; and shall be purchased in accordance with the State Fire Marshal's rules and regulations relating to the Fire Protection Fund Act and to the Procurement Code (NMSA 1978, § 12-1-28 et seq.). Acquisition of all equipment and facilities shall be made only with prior approval of the governing body of the Town of Peralta.

4-1-8 FIRE PROTECTION OUTSIDE OF PERALTA.

The Town is hereby authorized to enter into mutual aid agreements outside the Town limits. The members of the Fire Department are authorized to render fire-fighting service to communities, owners or occupants of premises outside the corporate limits of the Town; such service shall only be rendered subject to the terms of the agreement or contract entered into by the Town.

4-1-9 EMERGENCY VEHICLES.

The driver of an authorized emergency vehicle shall operate such vehicle pursuant to NMSA 1978, § 66-7-6.

4-1-10 FIRE ALARMS.

Suitable alarm systems, arrangements or equipment shall be provided for use in turning in an alarm, and for alerting Department members to report to duty stations. The Fire Chief shall provide necessary information to the public for procedures to turn in an alarm

4-1-11 – ADOPTION OF FIRE CODE.

For the purpose of prescribing minimum standards regulating conditions hazardous to life and property from fire and explosion within the boundaries of the Town of Peralta, New Mexico, the following code is adopted.

A. certain document, three copies of which are on file in the office of the Fire Chief of the Town of Peralta, being marked and designated as the International Fire Code, 2021 edition, including all Appendixes (see International Fire Code Section 101.2.1, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the Town of Peralta, 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.

B. the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Chief are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

4-1-12 - INSPECTIONS.

The Town of Peralta may require the same inspections that are required under the State Fire Code and rules and regulations issued thereunder.

4-1-13 – FEE SCHEDULE.

The Town of Peralta shall administratively adopt a fee schedule for inspections.

4-1-14 - INSPECTIONS.

The Town of Peralta may require the same inspections that are required under the State Fire Code and rules and regulations issued thereunder.

4-1-15 – OFFENSES AND PENALTIES.

Any person who violates the adopted fire code or fails to call for an inspection shall be subject to a fine of five hundred dollars (\$500.), or by imprisonment not exceeding ninety days, or to both such fine and imprisonment.

4-1-16 – INSPECTION OF HAZARDS.

The fire chief of the municipality is directed and authorized to make inspection of all facilities where any of the businesses mentioned in this chapter are carried on, to determine whether fire hazards are minimized, whether all proper precautions for emergency exit have been taken, and whether the businesses are generally being conducted with a maximum amount of safety to the public. The fire chief shall also ascertain whether the fire ordinances of the municipality and the statutes of New Mexico involving fire hazards are being complied with.

4-1-17 – FIREWORKS STANDS. - See Town of Peralta Fireworks Ordinance.

4-1-18 - OPEN BURNING. - See Town of Peralta Burn Ordinance.

APPROVED, PASSED AND ADOPTED THIS _____ DAY OF _____ 2023

Bryan R Olguin, Mayor

Michael Leon Otero, Mayor Pro Tem

Joe Romero, Councilor

Randy Smith, Councilor

Claudio Moya, Councilor

ATTEST:

Kori Taylor, Town Clerk