



VILLAGE OF RUIDOSO FIRE ORDINANCE

ORDINANCE 2009-01

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 42, FIRE PREVENTION AND PROTECTION; AND AMENDING APPENDIX A FEE SCHEDULE NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 42, Fire Prevention and Protection; and Appendix A Fee Schedule are hereby amended by the addition of new text and modification of existing text as follows:

Sec. 42-36. Violations; penalty.

- (a) Any person who shall violate any of the provisions of the codes adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction within the time fixed in this article, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable in accordance with section 1-6. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the penalty set out in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.
- (c) The fire chief, deputy fire chief or fire marshal may issue a citation specifying the violation and the procedure for either paying the penalty or contesting the citation.

Sec. 42-37. Inspection of businesses and fire systems.

All commercial businesses or buildings undergoing a change of occupancy or use are subject to fire safety inspection and shall pay a fee as set forth in appendix A to this Code. A fire safety re-inspection, and payment of a fee as set forth in Appendix A to this Code, is required prior to renewal of a business registration or license every two years. A fee shall be charged as set forth in Appendix A to this Code for fire safety inspections of new businesses and for inspection of installation or modification of automatic sprinkler systems, fire alarm systems, automatic chemical fire extinguishing systems and kitchen hood fire suppression systems. These requirements do not apply to home occupations.

- (a) An application for business registration or license received by the Planning Department shall be forwarded to the VORFD for review. The Fire Marshall or other person designated by the Fire Chief shall review each application for a business registration or license and schedule a fire safety inspection with the Applicant as appropriate. The fire safety inspection should be coordinated with any required building inspection. The Fire Marshall may require submittal of building plans or other supporting documentation prior to scheduling an inspection. The business registration or license shall not be issued until the Fire Marshall has approved the application. As part of the approval process, the Fire Marshall may issue a formal Fire Safety Inspection Certificate documenting the items inspected, the conditions of approval and an expiration date for the certificate.
- (b) A building permit application received by the Planning Department proposing construction or remodeling of a commercial or multi-family structure shall be forwarded to the VORFD after site plan and building plan review. Two sets of plans shall be sent to the VORFD. The Fire Marshall or other person designated by the Fire Chief shall review the plans and provide comments to the Building Official. The two sets of plans shall be returned to the Building Official with a stamp or other indication of approval by the VORFD. A building permit shall not be issued until approval has been received from the VORFD.
- (c) An occupancy approval or permit shall not be issued by the Building Official until approval has been received from the VORFD. As part of the inspection process, the VORFD may issue a formal Fire Safety Inspection Certificate documenting the items inspected, the conditions of approval and an expiration date for the certificate.
- (d) The fire marshal shall also issue a maximum space occupancy notice, as applicable, that is to be posted by the building owner or tenant in a prominent location visible to the public.