

FILE

ORDINANCE NO. 1026

AN ORDINANCE ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE OF 1976, ALSO KNOWN AS THE CODE FOR SAFETY TO LIFE FROM FIRE IN BUILDINGS AND STRUCTURES-NFPA 101, TOGETHER WITH ALL AMENDMENTS AND REVISIONS THERETO, PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH, PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND INSPECTION POWERS AND DUTIES OF THE FIRE MARSHAL, AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, it is necessary for the public health, safety, welfare and, well being of the citizens of the City of Roswell that certain hazards associated with fires be regulated and regulations for the prevention of fires be provided, and

WHEREAS, the municipal governing body has lawful authority to promulgate regulations for the prevention of fire and to promote the public welfare, pursuant to Article 14-17-9 NMSA (1953) and to adopt by ordinance a fire prevention code pursuant to Article 14-16-5 NMSA (1953).

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO:

SECTION 1. Effective Date. This ordinance shall be effective on and after September 1, 1978.

SECTION 2. Application. This ordinance shall have no retroactive application prior to the effective date hereinabove stated.

SECTION 3. Penalty. Unless herein otherwise expressly provided, any person, firm or corporation violating the provisions of the Life Safety Code herein adopted shall, upon conviction, be punished as provided in the general penalty clause set forth in Section 6, Chapter 1 of the Roswell City Code.

SECTION 4. Adoption of Life Safety Code. The National Fire Protection Association Life Safety Code of 1976, also known as The Code for Safety to Life from Fire in Buildings and Structures, NFPA-101, is hereby adopted, together with any amendments or revisions to said code, unless such shall be specifically rejected by ordinance by the governing body. The Life Safety Code shall:

- A. Be an ordinance of the City of Roswell.
- B. Be enforced by the Fire Marshal or his duly authorized deputies and in the enforcement of said Code the Fire Marshal or his agents or deputies may make reasonable entry in and upon any lands subject to the Code, for the purpose of assuring compliance with the Code.
- C. Be interpreted by the Fire Marshal and he may decide upon the Code's applicability to specific circumstances and may request and rely upon official interpretations from the State Fire Marshal's Office

and the National Fire Protection Associations. Any permit requirements provided for therein shall be controlled and issued by the Fire Marshal.

- D. Be complied with prior to the occupancy of any structure in this City and no new structures shall be constructed except in compliance with the Code. Likewise, existing structures shall be brought into compliance with the Code, prior to any change in use or occupancy at the sole expense of their owners, and the Fire Marshal may arrange with such owners a reasonable schedule for effecting compliance.
- E. Be available for inspection by the public at the office of the Fire Marshal and copies shall be available for purchase from such office or the City Manager's office.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not act to revive any ordinance or parts of ordinances heretofore repealed, nor to grant any acceptance of non-conforming structures or conditions.

SECTION 6. Severability. If any section, paragraph, clause, or provision of this ordinance or the Life Safety Code hereby adopted shall be held for any reason to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any other part of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED on this 8th day of August, 1978.

CITY SEAL

L C Stiles
L. C. STILES, Mayor.

ATTEST:

Sarah L Carter
Sarah L. Carter, City Clerk