

**NEW MEXICO PUBLIC REGULATION COMMISSION**  
**STATE FIRE MARSHAL DIVISION**

Name	Bureau	Office	Cell	FAX
<b>Shainin, Don</b>	<b>Fire Marshal</b>	<b>505-476-0165</b>	<b>505-470-1227</b>	<b>505-476-0100</b>
<b>Kondratick, John</b>	<b>Deputy Fire Marshal Fire Service Support</b>	<b>505-476-0173</b>	<b>505-470-1044</b>	<b>505-476-0100</b>
<b>Torres, Raymond</b>	<b>Deputy Fire Marshal Code Enforcement Bureau</b>		<b>505-231-2123</b>	<b>505-476-0100</b>
<b>Kondratick, John</b>	<b>Deputy Fire Marshal Fire Investigation Bureau</b>	<b>505-476-0173</b>	<b>505-470-1044</b>	<b>505-476-0100</b>
<b>Brunson, Brad</b>	<b>Deputy Fire Marshal Training Bureau</b>		<b>575-418-7704</b>	<b>575-835-7506</b>
Anaya, Joey	State Fire Academy - Plant Manager		505-699-7396	
Anaya, Sam	Fire Service Support Bureau		505-231-7162	<b>505-476-0100</b>
Baca, Joshua	State Fire Academy - Instructor		505-670-3193	
Benavidez, Jason	State Fire Academy - Instructor		575-518-8507	
Carabillo, John	Code Enforcement Bureau		505-946-7380	<b>505-476-0100</b>
Cogliano, Peter	State Fire Academy - Instructor		505-795-2349	
Creg, Bruce	State Fire Academy - Instructor		505-231-6844	
DeAguiro, Carrie	Fire Marshal's Office – WIPP Coordinator		505-469-8750	<b>505-476-0100</b>
Dile, Bruce	Code Enforcement Bureau		505-470-0986	<b>505-476-0100</b>
Ferguson, Randy	Code Enforcement Bureau		505-629-3129	<b>505-476-0100</b>
Thomas, Henry	Fire Investigation Bureau		505-699-9553	<b>505-476-0100</b>
Hill, Jeffery	Fire Investigation Bureau		505-470-0858	<b>505-476-0100</b>
Lucero, Edwin	Code Enforcement Bureau		505-690-4324	<b>505-476-0100</b>
Lukesh, Carl James	State Fire Academy		575-517-0540	
Judkins, Jason	Fire Investigation Bureau		505-629-2546	<b>505-476-0100</b>
McGovern, Georgia	Fire Marshal – Management Analyst	505-476-0174		<b>505-476-0100</b>
Montoya, Lawrence	Code Enforcement Bureau		505-231-0962	<b>505-476-0100</b>
Montoya, Sharlynn	State Fire Academy - Instructional Staff Secretary	575-835-7500		
Ochoa, Manuela	State Fire Academy	575-835-7501		
Ortiz, Lee	Code Enforcement Bureau		505-469-1702	<b>505-476-0100</b>
Padilla, Regina	Fire Marshal Office	1-800-244-	505-476-0160	<b>505-476-0100</b>
Prada, Eloy	Fire Service Support Bureau		505-819-8285	<b>505-476-0100</b>
Rodriguez, Derrick	Fire Service Support Bureau		505-467-9425	<b>505-476-0100</b>
Romero, Barbara	State Fire Academy	575-835-7502		
Starks, Wallace	State Fire Academy - Instructor		505-629-2634	
Varela, Randy	Fire Service Support Bureau		505-709-8150	<b>505-476-0100</b>
Vigil, Jimmy	Fire Investigation Bureau		505-470-1415	<b>505-476-0100</b>
Vigil, Miguel	State Fire Academy - Instructor		505-469-3980	
Villalobos, Liliana	Code Enforcement Bureau - Administration	505-476-0080		<b>505-476-0100</b>
Walters, David	Code Enforcement Bureau		505-231-8497	<b>505-476-0100</b>
Ward, Zane	Code Enforcement Bureau		505-231-4622	<b>505-476-0100</b>
	<b>SANTA FE OFFICE</b>	<b>800-244-6702</b>		<b>505-476-0100</b>

## **ARTICLE 52**

### **STATE FIRE MARSHAL**

#### Section

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59A-52-14. Appropriations.

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59A-52-20. Cease and desist orders; certain violations are misdemeanors.

59A-52-21. Administrative appeal of orders and modifications.

59A-52-22. Judicial review of order.

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**59A-52-1. State fire marshal created.**

The position of "state fire marshal" is created as the bureau chief of the fire marshal bureau of the insurance division.

**History:** Laws 1984, ch. 127, § 947; 1998, ch. 108, § 38.

**59A-52-2. State fire marshal to administer article.**

The state fire marshal shall administer the provisions of [Chapter 59A, Article 52](#) NMSA 1978.

**History:** Laws 1984, ch. 127, § 948; 1998, ch. 108, § 39.

**59A-52-3. Deputy state fire marshal and other employees; qualifications of deputy.**

The state fire marshal may, with the approval of the superintendent, appoint or remove a deputy state fire marshal and other employees to assist in the execution of the marshal's duties; provided, however, that the state fire marshal and any deputy state fire marshal appointed by the state fire marshal shall be experienced in fire prevention and fire fighting and have completed a course of training by actual attendance at a fire-training school.

**History:** Laws 1984, ch. 127, § 949; 1998, ch. 108, § 40.

**59A-52-4. Bonding of employees.**

The marshal shall require the bonding of those employees whose duties in his opinion require such bonds and in amount determined by him. The premiums of such bonds shall be paid out of the appropriation hereinafter made to the marshal.

**History:** Laws 1984, ch. 127, § 950.

**59A-52-5. Cooperation with other agencies for prevention and control of fires.**

The marshal is authorized to cooperate with all other groups, organizations and agencies in this state or in other states in the collection, dissemination and evaluation of information, statistics and suggestions for prevention or control of fires.

**History:** Laws 1984, ch. 127, § 951.

#### **59A-52-6. Fire protection training programs.**

The marshal shall establish and conduct training programs throughout the state for demonstrating and teaching firemen proper methods of preventing and extinguishing fires. The marshal shall have available, from funds included in the general appropriation act of each legislature, money for use by him in establishing and conducting such training programs.

**History:** Laws 1984, ch. 127, § 952.

#### **59A-52-7. Teaching fire prevention and control in public schools; rules for school building evacuation.**

The marshal shall prescribe reasonable rules and regulations and programs for the teaching to all school children in the state, whether in public or private schools, the proper methods of fire prevention and control. Such rules, regulations and programs shall be submitted to the department of education on or before August first of each year. Among other things, such rules, regulations and programs shall prescribe drills for evacuating school buildings.

**History:** Laws 1984, ch. 127, § 953.

#### **59A-52-8. Investigation of fire hazards; abatement.**

The marshal is authorized to make investigations or require his deputy to make investigations and reports of existing conditions in the state which are fire hazards, and to make reasonable orders for the alleviation of such situations as he may deem necessary. If the orders of the marshal are not carried out by persons to whom they are directed, he shall institute proper proceedings under municipal ordinances or state laws to require compliance with his orders, as he may deem necessary.

**History:** Laws 1984, ch. 127, § 954.

#### **59A-52-9. May enter upon premises.**

The marshal, his deputy, his authorized officer or designated agent shall have authority at all normal hours of operation to enter in and upon all buildings and premises subject to this article for the purpose of examination and inspection.

**History:** Laws 1984, ch. 127, § 955.

#### **59A-52-10. Investigation of fires and explosions; hearings; use of state police laboratory.**

The marshal, or his deputies or employees are authorized to make investigations deemed necessary of any fire or explosion, or attempt to cause any fire or explosion in the state, and to require reports from his deputies concerning all fires and explosions in their districts. For the purpose of such investigations, the marshal and his deputies or designated persons are authorized to conduct hearing, subpoena witnesses, take testimony and enter upon and examine any building



or premises where any fire or explosion or attempt to cause a fire or explosion shall have occurred, or which at the time may be burning. The marshal or his deputies or designated persons shall also have the power to cause to be produced before them such papers as they may require in making such examination. In addition the marshal or his deputies or designated persons may, in their discretion, take full control and custody of such buildings and premises, and place such person in charge thereof as they may deem proper, until their examination and investigation is completed. For evaluation of the evidence the marshal shall have access to the facilities and personnel of the state police laboratory, and the executive head of such laboratory shall cooperate fully with the marshal.

**History:** Laws 1984, ch. 127, § 956.

#### **59A-52-11. Witnesses; per diem and mileage.**

Witnesses or persons subpoenaed under this article shall be paid as to time and expense from the fire marshal's fund at per diem and mileage rates on the same bases and at the same rates as currently apply as to state employees in general.

**History:** Laws 1984, ch. 127, § 957.

#### **59A-52-12. Records of fires open to public.**

The marshal shall keep open to public inspection, at reasonable hours, all records of fires occurring within the state.

**History:** Laws 1984, ch. 127, § 958.

#### **59A-52-13. Transmittal of evidence indicating criminal acts.**

The marshal shall furnish to the proper law enforcement officers any evidence he may discover in his investigations which indicates criminal acts.

**History:** Laws 1984, ch. 127, § 959.

#### **59A-52-14. Appropriations.**

For the purposes of this article an appropriation shall be included in the general appropriation act of each legislature, the appropriation to be made from the fire protection fund, which funds are to be paid out by the secretary of finance and administration on vouchers signed by the marshal.

**History:** Laws 1984, ch. 127, § 960.

#### **59A-52-15. Fire prevention; public occupancies regulations.**

A. For prevention and control of fires the state fire board shall formulate, adopt and promulgate, and amend or revise regulations for fire prevention and safe conduct or use of public

occupancies. For the purposes of this provision "public occupancies" consist of places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four (4) or more family units, mercantile occupancies, office occupancies, industrial occupancies, storage occupancies and miscellaneous structures consisting of towers, underground structures and windowless buildings and all buildings owned or occupied by the state government or any political subdivision thereof or by municipal governments; and regulations concerning the sale, servicing or use of fire safety, prevention, detection or suppression equipment or materials. The regulations shall be adopted after notice and public hearing. The notice shall be entitled "notice of proposed rule making" and it shall contain the date of the hearing and shall state the subject of the hearing. A copy of the notice, along with a copy of the proposed regulations, shall be filed with the supreme court librarian at least twenty (20) days prior to the hearing. In addition, the board shall make available for inspection at its offices, a copy of the proposed regulations.

B. The rules and regulations shall follow nationwide standards except in the area of life safety codes which shall be compatible with the Uniform Building Code, as revised from time to time, issued by the international conference of building officials.

C. The rules and regulations shall allow reasonable provision under which facilities in service prior to the effective date of the rules and regulations and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of regulations which are found by the marshal to constitute a distinct hazard to life or property shall not be exempt from regulations nor permitted to continue in service.

**History:** Laws 1984, ch. 127, § 961.

**59A-52-16. Flammable liquids regulations; nationwide standards; savings clause; definition.**

A. The state fire board shall formulate, adopt and promulgate and amend or revise rules and regulations for the safe vehicular transportation, storage, handling and use of flammable and combustible liquids.

B. The rules and regulations shall be in keeping with the latest generally recognized safety standards for flammable and combustible liquids. Rules and regulations in substantial conformity with the published standards of the National Fire Protection Association for vehicular transportation, storage, handling and use of flammable and combustible liquids shall be deemed to be in substantial conformity with the generally accepted and recognized standards of safety concerning the same subject matter.

C. The rules and regulations shall include reasonable provisions under which facilities in service prior to the effective date of the rules and regulations and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of regulations which are found by the fire marshal to constitute a distinct hazard to life or property may not be excepted from regulations or permitted to continue in service. For guidance in enforcement, the rules and regulations may delineate those types of nonconformities that should be considered distinctly hazardous and those nonconformities which should be evaluated in the light of local conditions. If the need for compliance with any rule or regulation is conditioned on local factors, the rules and regulations shall provide that reasonable notice be given to the proprietor of the facility affected of intention to evaluate the need for compliance and of the time and place at

which he may appear and offer evidence thereon.

D. As used in this article the term "flammable liquid" shall mean any liquid having a flash point below one hundred (100) degrees fahrenheit, and "combustible liquid" shall mean any liquid having a flash point at or above one hundred (100) degrees fahrenheit and below two hundred (200) degrees fahrenheit.

**History:** Laws 1984, ch. 127, § 962.

#### **59A-52-17. Regulations; public hearing.**

No rule or regulation shall be adopted or revised under Section 962 [[59A-52-16](#) NMSA 1978] of this article or made effective until after public hearing thereon, of which at least twenty (20) days' written notice shall be given by certified mail to each motor carrier, producer, refiner, distributor or other person who or which shall have registered his or its name and mailing address with the marshal as a party interested in such proceedings, and at which any such interested party may appear and present testimony. Every such notice shall contain a copy of each rule and regulation proposed for adoption or revision pursuant to such hearing.

**History:** Laws 1984, ch. 127, § 963.

#### **59A-52-18. Rules and regulations; statewide effect; reserved power of municipalities.**

The rules and regulations promulgated pursuant to this article shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances, rules or regulations inconsistent with the statewide rules and regulations promulgated pursuant to this article. Nothing in this article shall in any way impair the power of any municipality to regulate the use of its land by zoning, building codes or restricted fire district regulations.

**History:** Laws 1984, ch. 127, § 964.

#### **59A-52-19. Police power of marshal; cooperation of state officers.**

A. The marshal, his deputy or his authorized officer or designated agent shall have full powers as peace officers to enforce the provisions of this article and all rules and regulations issued pursuant to this article.

B. The revenue officers and law enforcement officers of the state shall cooperate with the marshal, his deputy or authorized officer or designated agent whenever called upon by them for assistance in enforcing this article.

**History:** Laws 1984, ch. 127, § 965.

#### **59A-52-20. Cease and desist orders; certain violations are misdemeanors.**

A. When the marshal, his deputy or his authorized officer or designated agent finds any violation of the regulations issued in compliance with this article, he or they shall issue an order to the owner or his agent to cease and desist such violations.

B. When there is so found any violation of any statute or rules and regulations concerning flammable liquids a cease and desist order shall issue if the violation constitutes an immediate and distinct hazard to life or property, and any such violation shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). Each day such violation continues constitutes a separate offense.

**History:** Laws 1984, ch. 127, § 966.

#### **59A-52-21. Administrative appeal of orders and modifications.**

Any person aggrieved by any order of the state fire marshal, his deputy or authorized officer or his designated agent may appeal to the commission within ten days from the date of the service of such order. The commission shall hear such party within twenty days after receipt of an appeal request and shall give not less than ten days' written notice of the hearing. Within fifteen days after such hearing, the commission shall file its decision and, unless by its authority the order is revoked or modified, it shall be complied with within the time fixed in the decision, with such time to be not less than thirty days.

**History:** Laws 1984, ch. 127, § 967; 1998, ch. 108, § 41.

#### **59A-52-22. Judicial review of order.**

A person aggrieved by a decision of the state fire marshal may appeal to the district court pursuant to the provisions of [Section 39-3-1.1](#) NMSA 1978.

**History:** Laws 1984, ch. 127, § 968; 1998, ch. 55, § 69; 1999, ch. 265, § 72.

#### **59A-52-23. Enforcement of cease and desist orders.**

After expiration of time for an administrative appeal, and if no such appeal has been taken, the state fire marshal may commence an action in the district court for Santa Fe county to enforce the cease and desist order by injunction or other appropriate remedy as the district court may adjudge. The commission may likewise commence an action in the district court for Santa Fe county to enforce its decision rendered on appeal from the cease and desist order of the state fire marshal.

**History:** Laws 1984, ch. 127, § 969; 1998, ch. 108, § 42.

#### **59A-52-24. Penalty for violation of law or regulations.**

Violation of any of the provisions of this article or of any of the regulations lawfully enacted pursuant thereto shall constitute a misdemeanor for which the punishment shall be a fine of not more than five hundred dollars (\$500). Each day any such violation continues shall constitute a separate offense.

**History:** Laws 1984, ch. 127, § 970.

**59A-52-25. Penalty for violation of cease and desist order.**

Any person, firm or corporation that violates any final cease and desist order shall be subject to a penalty in the sum of five hundred dollars (\$500) for each day such violation continues. The attorney general is empowered to bring a civil suit for the enforcement of this section on the relation of the marshal. Any penalty collected under the provisions of this section shall be credited to the fire protection fund.

**History:** Laws 1984, ch. 127, § 971.

DATE :  
TO : Chief  
FROM : State Fire Marshal's Office  
SUBJECT: Chief Update Information

The information requested on the lower portion of this sheet is needed to update our mailing list for all departments and districts.

**Please complete this form and return it immediately to:**

State Fire Marshal's Office  
ATTN: ADM  
P. O. Box 1269  
Santa Fe, New Mexico 87504-1269

It is also requested that notification be provided when any changes occur (Chief, mailing address, telephone numbers etc.).

Your attention and cooperation are appreciated.

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**DEPARTMENT/DISTRICT** \_\_\_\_\_

**FIRE STATION MAILING ADDRESS** \_\_\_\_\_

\_\_\_\_\_ **ZIP** \_\_\_\_\_

**FIRE STATION TELEPHONE NUMBER (NON EMERGENCY)** \_\_\_\_\_

**FIRE STATION FAX NUMBER** \_\_\_\_\_

**CHIEF'S NAME** \_\_\_\_\_

**CHIEF'S BUSINESS TELEPHONE NUMBER** \_\_\_\_\_

**CHIEF'S RESIDENCE TELEPHONE NUMBER** \_\_\_\_\_

**E-MAIL ADDRESS** \_\_\_\_\_

**DISPATCH CENTER NON-EMERGENCY NUMBER:** \_\_\_\_\_

## **Requesting Fire Investigators from the State Fire Marshal's Office**

Fire Investigators assigned to the Investigation Division of the New Mexico State Fire Marshal's Office are empowered by state statute (NMSA 59A-52-10) to investigate all fires deemed necessary statewide. A request for a fire investigator may be made if a fire is considered suspicious or a local department needs assistance with a fire investigation.

### **Daily contact with the Fire Marshal's Office**

#### **During Normal Office Hours Monday – Friday 8:00 a.m. – 5:00 p.m.**

To call the State Fire Marshal's Office dial 1-800-244-6702 or 1-505-476-0066 and ask to be connected with the Investigation Bureau.

#### **To Request a Fire Investigator:**

##### **Anytime Day or Night**

There is an investigator on call 24 hours a day, 365 days a year including holidays and weekends, just call State Radio Communications at (505) 827-9377. Ask the dispatcher to contact the on-call Investigator. You will need to provide the basic information regarding the call and provide call back number to the dispatcher.

When the investigator contacts the caller, he will need the following information:

1. Whom he is to meet.
2. A location where to meet the person requesting assistance.
3. A phone number where he can reach the caller, in the event he needs to contact him/her before arriving at the scene.

The investigator will provide an estimated time of arrival. Be sure to have somebody at the location to maintain scene security and to guide the investigator to the scene. All investigators are equipped with two-way radios and have many fire and law enforcement frequencies programmed into them. As your frequency may not be in our radios, radio communications should be on the following frequencies.

State Fire (154.310)

State Police Car to Car (155.550)

#### **Investigators may be contacted at the following numbers if necessary.**

Name	E-Mail	Telephone#
Dan Wright	<a href="mailto:Dan.Wright@state.nm.us">Dan.Wright@state.nm.us</a>	Cell (505) 231-0962
Joe Chavez	<a href="mailto:Joe.Chavez@state.nm.us">Joe.Chavez@state.nm.us</a>	Cell (505) 470-0858
Mikel Ward	<a href="mailto:Mikel.Ward@state.nm.us">Mikel.Ward@state.nm.us</a>	Cell (505) 470-1415
Bill Farmer	<a href="mailto:William.Farmer@state.nm.us">William.Farmer@state.nm.us</a>	Cell (505) 795-5410
Sammy Anaya	<a href="mailto:Sammy.Anaya@state.nm.us">Sammy.Anaya@state.nm.us</a>	Cell (505) 231-7162

As the numbers and personnel are subject to change, contact through State Radio Communications is the preferred way to contact the on-call investigator any time.

## **ARTICLE 53**

### **Fire Protection Fund**

#### **Section**

<b>59A-53-1</b>	<b>Short title.</b>
<b>59A-53-2</b>	<b>Purpose.</b>
<b>59A-53-3</b>	<b>Determination and certification of needs.</b>
<b>59A-53-4</b>	<b>Criteria for determination of needs.</b>
<b>59A-53-5</b>	<b>Establishment of county fire districts.</b>
<b>59A-53-5.1</b>	<b>Maximum amounts to be certified.</b>
<b>59A-53-5.2</b>	<b>Appropriations and transfers from the fire protection fund.</b>
<b>59A-53-6</b>	<b>Appeal and review of determination.</b>
<b>59A-53-7</b>	<b>Distribution of fire protection fund.</b>
<b>59A-53-8</b>	<b>Expenditure of fire protection fund money.</b>
<b>59A-53-9</b>	<b>Limitations on expenditures.</b>
<b>59A-53-10</b>	<b>Purchase of land or buildings.</b>
<b>59A-53-11</b>	<b>Vouchers.</b>
<b>59A-53-12</b>	<b>Promulgation of rules and regulations.</b>
<b>59A-53-13</b>	<b>Liability for unauthorized expenditure.</b>
<b>59A-53-14</b>	<b>Closure of fire department.</b>
<b>59A-53-15</b>	<b>Repealed.</b>
<b>59A-53-16</b>	<b>New fire departments.</b>
<b>59A-53-17</b>	<b>Mutual assistance.</b>
<b>59A-53-18</b>	<b>Fire protection grant fund; created; uses.</b>
<b>59A-53-19</b>	<b>Fire protection grant council; duties.</b>

#### **59A-53-1. Short title. (1989)**

Statute text

Chapter 59A, Article 53 NMSA 1978 may be cited as the "Fire Protection Fund Law".

History

History: Laws 1984, ch. 127, § 972; 1989, ch. 312, § 1.

#### **59A-53-2. Purpose. (1989)**

Statute text

It is the purpose of the Fire Protection Fund Law [Chapter 59A, Article 53 NMSA 1978] to provide for distribution of funds from the fire protection fund referred to in Section 59A-6-5 NMSA 1978 to incorporated cities, towns and villages, and to county fire districts, in proportion to their respective needs, for use in operation, maintenance and betterment of local fire departments, to the end that the hazard of loss by fire and fire insurance rates may be reduced and the public safety thereby promoted.

History

History: Laws 1984, ch. 127, § 973; 1989, ch. 312, § 2.

Annotations

ANNOTATION



Legislature intended to specifically delineate areas within which the distributed moneys of the fire protection fund could be used. 1964 Op. Att'y Gen. No. 64-30.

**59A-53-3. Determination and certification of needs. (1995)**

Statute text

A. Annually, on or before the last day of May, the marshal shall consider and determine, in his reasonable discretion, the relative needs of incorporated cities, towns and villages and county fire districts for money in the fire protection fund, based upon the information available to him, and shall certify to the state treasurer the names of the incorporated cities, towns, villages and county fire districts that he determines need the assistance of a distribution from the money in the fire protection fund, and the amount required by each, in accordance with the provisions of Chapter 59A, Article 53 NMSA 1978. In making this determination and certification, the marshal will consider the intent and purpose of that article that no incorporated city, town or village or county fire district shall receive money distributed from the fire protection fund merely for the purpose of accumulation when the money is not required to accomplish the purposes of that article.

B. In making a determination and certification of needs, the marshal shall consider and provide for any debt obligations of existing or previously existing fire departments or fire districts.

C. For the purposes of Chapter 59A, Article 53 NMSA 1978, "marshal" means the state fire marshal, as further identified in Chapter 59A, Article 52 NMSA 1978.

History

History: Laws 1984, ch. 127, § 974; 1989, ch. 312, § 3; 1995, ch. 141, § 24.

Annotations

The 1995 amendment, effective April 5, 1995, added Subsection B, redesignated former Subsection B as Subsection C, and made a minor stylistic change in Subsection A.

**59A-53-4. Criteria for determination of needs. (2006)**

Statute text

In making the determination of needs pursuant to Section 59A-53-3 NMSA 1978, the marshal shall first determine that each incorporated municipality to be certified has maintained an official fire department created by and regulated in accordance with a duly enacted ordinance for a period of at least one year prior to the date of certification and possesses fire equipment and apparatus in serviceable condition to respond to a fire incident. The marshal shall also determine the number of fire stations and substations located in each municipality to be certified and shall certify to the state treasurer the amount to be distributed to each municipality for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
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number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

#### History

History: Laws 1984, ch. 127, § 975; 1989, ch. 312, § 4; 1996, ch. 40, § 1; 1998, ch. 76, § 1; 2006, ch. 103, § 1.

#### Annotations

The 1996 amendment, effective April 30, 1996, substituted "determination of needs pursuant to Section 59A-53-3 NMSA" for "foregoing determination of needs" in the first sentence and substituted new amounts for the main station and substation allocations in the table.

The 1998 amendment rewrote this section. Laws 1998, ch. 76 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on May 20, 1998, 90 days after adjournment of the legislature.

The 2006 amendment, effective May 17, 2006, adds "unless adjusted pursuant to 59A-53-5.1 NMSA 1978" and increases the amount to be distributed to each main station and substation.

#### **59A-53-5. Establishment of county fire districts. (2006)**

##### Statute text

A. The county commissioners of any county may establish one or more county fire districts within the county but outside the corporate limits of any municipality. The marshal shall determine the number of fire stations and substations located in each county fire district to be certified and shall certify to the state treasurer the amount to be distributed to each county fire district for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555

number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Additionally, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

- (1) the county fire district has maintained an official fire department for a period of at least one year, established and governed by appropriate resolution of the board of county commissioners of the county in which the county fire district is located, and possesses fire apparatus and equipment in serviceable condition to respond to a fire incident;
- (2) the geographic limits and boundaries of the county fire district have been clearly defined and established by the board of county commissioners of the county in which the county fire district is located, and a plat showing the geographic limits and boundaries has been accepted by the board of county commissioners and filed as part of the official record of proceedings of the board and a certified copy thereof filed with the marshal; and
- (3) there is available within the geographic limits and boundaries of the county fire district an adequate water supply to be used in connection with the firefighting facilities of the county fire district.

C. The county commissioners of any county may permit a county fire district located in the county to service an area adjacent and contiguous to the district but within another county; provided that the county commissioners of the other county shall consent by resolution duly adopted to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the county fire district and of the additional area to be serviced shall be filed with and approved by the marshal. The county commissioners of either the county in which the county fire district is located or of the county in which the area being serviced is located may terminate the service but only with the approval of the marshal.

#### History

History: 1978 Comp., § 59A-53-5, enacted by Laws 1989, ch. 312, § 5; 1996, ch. 40, § 2; 1998, ch. 76, § 2; 2006, ch. 103, § 2.

#### Annotations

Repeals and reenactments. — Laws 1989, ch. 312, repeals 59A-53-5 NMSA 1978, as enacted by Laws 1984, ch. 127, § 976, relating to determination of needs and allocations, and establishment of independent fire districts, and enacts the above section, effective July 1, 1990. For provisions of former section, see 1988 Replacement Pamphlet. The 1996 amendment, effective April 30, 1996, in Subsection A, inserted "fire district" following "county" in two locations and substituted new amounts for main station and substation fire districts in the table; and, in Subsection B, inserted "fire" preceding "district" in the second and third sentences.

The 1998 amendment rewrote Subsection A; redesignated former Paragraphs A(1) to A(3) as Paragraphs B(1) to B(3), and redesignated the remaining subsections accordingly;

and added the introductory language in Subsection B. Laws 1998, ch. 76 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on May 20, 1998, 90 days after adjournment of the legislature.

The 2006 amendment, effective May 17, 2006, provides the amounts to be distributed in each fiscal year for a class insurance rating unless adjusted pursuant to 59A-53-5.1 NMSA 1978 and increases the amount to be distributed for each main station and substation.

#### **59A-53-5.1. Maximum amounts to be certified. (2006)**

##### Statute text

A. For fiscal year 2007 and each fiscal year thereafter, the marshal shall certify a total amount equal to the higher of the amount that would be certified pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 or an amount to be determined by adding:

(1) the total increase in the fire protection fund receipts in the previous fiscal year minus the appropriations, from all sources, to the volunteer firefighters retirement fund in the current fiscal year; and

(2) the total distribution pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 for the previous fiscal year.

B. The marshal shall adjust the distributions for each class in proportion to the increase in the total distribution.

##### History

History: 1978 Comp., § 59A-53-5.1, enacted by Laws 1998, ch. 76, § 3; 2006, ch. 103, § 3.

##### Annotations

Compiler's notes. — The House Appropriations and Finance Committee amendments to House Bill 279 (Laws 1998, ch. 76) inserted a new Section 59A-53-5.1 NMSA 1978 into the bill, with the caption, "Section 3. A new Section 59A-53-5.1 NMSA 1978 is enacted to read:". The enrolled and engrossed version of ch. 76 omitted this caption, making it appear that this section was enacted as part of Section 2 of the Act, which amended Section 59A-53-5 NMSA 1978. Section 59A-53-5.1 NMSA 1978 has been compiled as a separate section rather than as part of the amendments to Section 59A-53-5.

The 2006 amendment, effective May 17, 2006, in Subsection A, changes the fiscal year from 2000 to 2007; deletes the provision that the amount shall not exceed the greater of the total distribution pursuant to 59A-53-4 and 59A-53-5 NMSA 1978 for the previous fiscal year and deletes "one-half of" at the beginning of the sentence.

#### **59A-53-5.2. Appropriations and transfers from the fire protection fund. (2007)**

##### Statute text

A. For each fiscal year, the amount to be distributed by the marshal pursuant to Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978 is appropriated from the fire protection fund to the commission for the purpose of making the distributions.

B. For the purposes of Subsections C and D of this section, the "remaining balance in the fire protection fund" shall be calculated on June 30 of each year and shall equal the balance of the fund on that date less the sum of:

(1) the total amount to be distributed during the succeeding fiscal year pursuant to Sections 59A-53-4, 59A-53-5 and 59A-53-5.1 NMSA 1978; and

(2) the total amount of other appropriations from the fire protection fund for the succeeding fiscal year.

C. On the following dates, the following percentages of the remaining balance in the fire protection fund shall be transferred from the fire protection fund to the fire protection grant fund [59A-53-18 NMSA 1978]:

(1) on June 30, 2007, six and seven-tenths percent;

(2) on June 30, 2008, thirteen and four-tenths percent;

(3) on June 30, 2009, twenty and one-tenth percent;

(4) on June 30, 2010, twenty-six and eight-tenths percent;

(5) on June 30, 2011, thirty-three and five-tenths percent;

(6) on June 30, 2012, forty and two-tenths percent;

(7) on June 30, 2013, forty-six and nine-tenths percent;

(8) on June 30, 2014, fifty-three and six-tenths percent;

(9) on June 30, 2015, sixty and three-tenths percent;

(10) on June 30, 2016, sixty-seven percent;

(11) on June 30, 2017, seventy-three and seven-tenths percent;

(12) on June 30, 2018, eighty and four-tenths percent;

(13) on June 30, 2019, eighty-seven and one-tenth percent;

(14) on June 30, 2020, ninety-three and eight-tenths percent; and

(15) on June 30, 2021 and on each subsequent June 30, one hundred percent.

D. On June 30 of each year, the remaining balance in the fire protection fund, less the amount to be transferred on that date pursuant to Subsection C of this section, shall be transferred to the general fund; provided that no transfer shall be made pursuant to this subsection after June 30, 2020.

#### History

History: Laws 2007, ch. 152, § 1.

#### Annotations

Effective dates. — Laws 2007, ch. 152, contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective June 15, 2007, 90 days after the adjournment of the legislature.

#### **59A-53-6. Appeal and review of determination. (1998)**

##### Statute text

The marshal shall promptly notify each incorporated city, town, village and county fire district affected of his determination of needs, and an incorporated city, town, village or county fire district may appeal from the determination of the marshal to the commission, within ten days after the determination of needs. The commission shall review the determination of the marshal in such informal and summary proceedings as it deems proper and shall certify to the state treasurer annually, on or before the last day of June, the results of all appeals from the determinations of the marshal. The certification by the commission, or by the marshal if no appeal is taken, shall be final and binding on all concerned and not subject to any further review.

## History

History: Laws 1984, ch. 127, § 977; 1989, ch. 312, § 6; 1998, ch. 108, § 43.

## Annotations

The 1998 amendment, effective January 1, 1999, substituted "an incorporated" for "any" in the first sentence, substituted "commission" for "state fire board" in two places, and, in the second sentence, substituted "commission" for "state insurance board" and "it deems" for "it may deem".

### **59A-53-7. Distribution of fire protection fund. (2007)**

#### Statute text

A. Annually on or before the last day of July, the state treasurer shall distribute from the money in the fire protection fund, to each incorporated municipality and to each county fire district, the amount the marshal or the commission, as the case may be, has certified to the state treasurer. Payment shall be made to the treasurer of any incorporated municipality and to the county treasurer of the county in which any county fire district is located for credit to the county fire district.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in the amount the marshal or the commission, as the case may be, has certified to the state treasurer pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county in which any county fire district is located and the New Mexico finance authority.

C. In addition to the distributions made pursuant to Subsections A and B of this section, upon certification by the marshal that the balance of the firefighters' survivors fund is less than fifty thousand dollars (\$50,000), the state treasurer shall distribute an amount from the fire protection fund to the firefighters' survivors fund so that the balance of the firefighters' survivors fund equals fifty thousand dollars (\$50,000).

## History

History: Laws 1984, ch. 127, § 978; 1989, ch. 312, § 7; 1994, ch. 54, § 3; 1996, ch. 28, § 5; 1998, ch. 108, § 44; 2007, ch. 149, § 6.

## Annotations

The 1994 amendment, effective May 18, 1994, designated the previously undesignated language as Subsection A, and substituted "of the county" for "or the county" in the second sentence thereof; and added Subsection B.

The 1996 amendment, effective March 4, 1996, inserted "an ordinance or a resolution passed by the municipality or county and" in Subsection B.

The 1998 amendment, effective January 1, 1999, in Subsection A, deleted "as" preceding "the marshal", substituted "commission" for "state fire board" and substituted "has" for "shall have"; and in Subsection B, substituted "commission" for "state fire board" near the beginning and substituted "has" for "shall have" near the end.

The 2007 amendment, effective June 15, 2007, adds Subsection C.

### **59A-53-8. Expenditure of fire protection fund money. (1994)**

#### Statute text

Any amount so distributed from the fire protection fund to any incorporated municipality or to any county fire district shall be expended only for the maintenance of its fire department, the purchase, construction, maintenance, repair and operation of its fire stations, including substations, fire apparatus and equipment, and the financing or refinancing thereof, the payment of insurance premiums on fire stations, substations, fire apparatus and equipment and insurance premiums for injuries or deaths of firefighters as otherwise provided by law. Provided, however, that no money shall be expended from the fund for any purpose relating to the water supply systems of any incorporated municipality or district nor for the improvement or construction of the systems nor for purchase, rental, installation or maintenance of fire hydrants nor for any other appurtenances relating to the distribution or use of the water supply system. Funds so distributed from the fire protection fund to any incorporated municipality or any county fire district may also be expended for the expense of any firefighters for attending any fire schools and conventions approved by the marshal.

#### History

History: Laws 1984, ch. 127, § 979; 1989, ch. 312, § 8; 1994, ch. 53, § 3.

#### Annotations

The 1994 amendment, effective May 18, 1994, in the first sentence, inserted "and the financing or refinancing thereof", and substituted "stations, substations" for "station, substation" and substituted "deaths" for "death".

Appropriations. — Laws 2005 (1st S.S.), ch. 2, § 3, effective October 13, 2005, appropriates \$2,000,000 from the general fund to the state fire marshal for expenditure in fiscal year 2006 for increased fuel and heating costs of volunteer and predominantly volunteer fire departments, provides that the distribution of funds is based on ten percent of each department's current-year distribution from the fire protection fund and provides that any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund..

#### ANNOTATION

Fire protection funds cannot be used for salaries for "firemen" as such. 1964 Op. Att'y Gen. No. 64-30.

Payment of employees. — Where a person is employed to maintain, repair or operate fire department or its equipment, his payment from moneys distributed from the fire protection fund is within the purview of this section. 1964 Op. Att'y Gen. No. 64-30.

Repair of leased property. — Under former 59-15-9 NMSA 1978 it was permissible to "repair" leased property, but to "reconstruct" it would do violence to the authority given by the statute. 1964 Op. Att'y Gen. No. 64-30.

Rental payments. — In view of the strict language used by the legislature, recipients of fire protection fund money cannot legally expend such money for rental payments on leased property. 1964 Op. Att'y Gen. No. 64-30.

Fire protection funds may not be expended for drilling water well to supplement the village water supply if the well is connected to such system only for the purpose of assuring sufficient water for fighting fires. 1961-62 Op. Att'y Gen. No. 62-95.

Funds available for drilling water wells. — Under the provisions of former 59-15-9 NMSA 1978 a village was not precluded from drilling water wells or in otherwise obtaining water essential for fire protection purposes where the funds utilized for such expenditures were obtained from other sources; limitation contained in former 59-15-9 NMSA 1978 had application only insofar as it restricted the use of fire protection funds for such purposes. 1961-62 Op. Att'y Gen. No. 62-95.

#### **59A-53-9. Limitations on expenditures. (1989)**

##### Statute text

No amount so distributed from the fire protection fund to any incorporated city, town or village, or to any county fire district, shall be expended in connection with the construction, purchase or equipment of any fire station or substation in addition to those existing upon the date of distribution by the state treasurer, during the year following such distribution, without the prior written approval of the marshal.

##### History

History: Laws 1984, ch. 127, § 980; 1989, ch. 312, § 9.

#### **59A-53-10. Purchase of land or buildings. (1989)**

##### Statute text

No amount so distributed from the fire protection fund to any incorporated city, town or village, or to any county fire district, shall be expended or obligated for the purchase of land or the construction of buildings for fire stations or substations unless all obligations previously incurred for those purposes and to be paid from money distributed from the fire protection fund by the city, town, village or district shall have been fully paid and satisfied; and no amount shall be expended or obligated for the construction of buildings for fire stations or substations unless the city, town, village or county fire district proposing to expend or obligate for that purpose money distributed from the fire protection fund holds fee simple title, not encumbered by any lien, to the land on which it proposes to construct any such building; provided, however, that this provision shall not prohibit construction or location of a fire station or substation on land donated in whole or in part to the city, town, village or county fire district for the purpose, and use of fire protection fund money for the construction or location, where the donor has reserved right of reversion of the land under stated conditions, if the use of money is approved by the marshal in advance and after full investigation and determination that the use would be appropriate and reasonable.

##### History

History: Laws 1984, ch. 127, § 981; 1989, ch. 312, § 10.

##### Annotations

##### ANNOTATION

Fee simple title. — Recipient of fire protection fund moneys must have fee simple title, unencumbered, before the moneys can be used to construct buildings. 1964 Op. Att'y Gen. No. 64-30.



County to hold title to land for fire stations. — It is the county, and not the independent fire district, which must hold clear title to the land on which fire stations are to be constructed. 1980 Op. Att'y Gen. No. 80-35.

**59A-53-11. Vouchers. (1989)**

Statute text

Amounts so distributed from the fire protection fund to any incorporated city, town or village or to any county fire district shall be expended under the direction of the chief of the fire department of the city, town, village or district, upon duly executed vouchers approved as required by law; and in no event is any amount to be expended for any purpose which does not relate directly to the permitted purposes specifically stated in Sections 59A-53-8 and 59A-53-9 NMSA 1978.

History

History: Laws 1984, ch. 127, § 982; 1989, ch. 312, § 11.

**59A-53-12. Promulgation of rules and regulations. (1989)**

Statute text

The marshal has authority to promulgate, modify, amend and revoke from time to time rules and regulations, including those for mutual aid among and between fire departments; provided, that no such rules and regulations shall allow any fire department to extend its service in any manner that would jeopardize the fire insurance rates within its city, town, village and county fire district, as he may determine, in his discretion, to be necessary, advisable or proper to accomplish the objectives of the Fire Protection Fund Law [this article]. Among other things, these rules and regulations shall include, but not be limited to, a list of fire-fighting equipment, apparatus and other items which may properly be purchased by any incorporated city, town or village or by any county fire district from funds distributed from the fire protection fund, and standards of quality, construction and performance to be met by major fire-fighting appliances, training requirements, fire fighting protective clothing and equipment standards, and by fire stations and substations, proposed to be purchased or constructed by any city, town, village or district from money distributed from the fire protection fund. All rules and regulations shall be filed and published as required by law. Regulations of this nature heretofore promulgated by the superintendent and now in effect shall continue in effect until hereafter revoked or modified. Nothing in this section shall be construed to grant regulatory authority over the Volunteer Firefighters Retirement Act [Chapter 10, Article 11A NMSA 1978] to the marshal.

History

History: Laws 1984, ch. 127, § 983; 1989, ch. 312, § 12.

**59A-53-13. Liability for unauthorized expenditure. (1989)**

Statute text

Any person who shall expend, or direct or permit the expenditure of, any money distributed from the fire protection fund, for purposes not expressly authorized by Chapter 59A, Article 53 NMSA 1978, or by rules and regulations duly promulgated by

the marshal pursuant to that article, shall be personally liable to the state of New Mexico for the full amount of the money wrongfully expended, together with interest thereon and costs. An action to recover the amount of any wrongful expenditure may be commenced by the attorney general or the district attorney in the county in which the wrongful expenditure was made, upon the filing with the officer of a verified statement describing the wrongful expenditure.

#### History

History: Laws 1984, ch. 127, § 984; 1989, ch. 312, § 13.

### **59A-53-14. Closure of fire department. (2006)**

#### Statute text

A. If any fire department operated by any incorporated city, town or village or by any county fire district should go out of existence or for any reason cease to operate and function for a period of ninety days, title to all fire-fighting equipment and apparatus paid for in whole with distributions from the fire protection fund and held by or for the benefit of the fire department shall vest in the marshal and all money distributed from the fire protection fund and held by or for the fire department shall revert to the fire protection fund. Any person having custody or control of any such fire-fighting equipment and apparatus shall forthwith deliver it as directed by the marshal, and any person having custody or control of the money shall forthwith remit it to the state treasurer, who shall again deposit the money in the state treasury to the credit of the fire protection fund. An action to recover the possession and control of such fire-fighting equipment and apparatus, or the money, may be commenced by the attorney general or the district attorney in the county in which the equipment and apparatus or money are situate upon the filing with the officer of a verified statement of the circumstances.

B. Notwithstanding the provisions of Subsection A of this section, money distributed from the fire protection fund needed to pay debt service on bonds or other obligations issued by or on behalf of a fire department or fire district may be used to pay such debt service, and the marshal and the state treasurer shall continue to make distributions from the fire protection fund for and on behalf of the fire department or fire district until the bonds or other obligations are paid in full.

#### History

History: Laws 1984, ch. 127, § 985; 1989, ch. 312, § 14; 1995, ch. 141, § 25; 2006, ch. 103, § 4.

#### Annotations

The 1995 amendment, effective April 5, 1995, designated the existing provisions as Subsection A and added Subsection B.

The 2006 amendment, effective May 17, 2006, provides in Subsection A that title to equipment and apparatus paid for in whole with distributions from the fire protection fund shall vest in the marshal if the district ceases to operate.

### **59A-53-15. Repealed. (2007)**

## History

History: Laws 1984, ch. 127, § 986; 1989, ch. 312, § 15; 2007, ch. 152, § 2.

## Annotations

Repeal. — Laws 2007, ch. 152, § 2 repeals 59A-53-15 NMSA 1978 being Laws 1984, ch. 127, § 986, as amended, relating to appropriation of fire protection funds from the state treasury, effective June 15, 2007. For provisions of former section, see 2006 NMSA 1978 on New Mexico One Source of Law DVD.

### **59A-53-16. New fire departments. (1989)**

#### Statute text

Whenever the marshal, after the last day of May in any year, determines that any incorporated city, town or village or county fire district, operating a new fire department, has met the requirements of Chapter 59A, Article 53 NMSA 1978 for the first time, he may certify to the state treasurer the name of the city, town, village or county fire district and the amount required, on the same basis as provided in that article, but not to exceed an amount commensurate with the period of time for which such pro rata distribution is made; and distribution of the amount certified shall be made as otherwise provided in that article.

## History

History: Laws 1984, ch. 127, § 987; 1989, ch. 312, § 16.

### **59A-53-17. Mutual assistance. (2006)**

#### Statute text

Notwithstanding the provisions of Sections 59A-53-5 and 59A-53-12 NMSA 1978, or any other provision of law to the contrary, fire districts may render assistance to other fire districts, and equipment of fire districts may be used outside the district, if the use is authorized by the county fire marshal, and the county fire marshal before he authorizes the use, provides for standby equipment or move-up equipment, so that the assisting district which goes to the aid of another district has equipment available from an adjacent district for use in the assisting district in the event of a fire in the assisting district.

## History

History: Laws 1984, ch. 127, § 988; 2006, ch. 103, § 6.

## Annotations

The 2006 amendment, effective May 17, 2006, changes "Sections 976 and 983 of this article" to "Sections 59A-53-5 and 59A-53-12 NMSA 1978", and changes "independent fire districts" to "fire districts".

### **59A-53-18. Fire protection grant fund; created; uses. (2006)**

#### Statute text

The "fire protection grant fund" is created in the state treasury. The fund shall consist of transfers, distributions, appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the fire protection grant council for the purposes of making distributions approved by the council for the critical needs of municipal and county fire districts.

Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the marshal.

#### History

History: Laws 2006, ch. 103, § 7.

#### Annotations

Effective dates. — Laws 2006, ch. 103 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.

59A-53-19. Fire protection grant council; duties. (2006)

#### Statute text

A. The "fire protection grant council" is created. Subject to the requirements of Subsection B of this section, the council shall consist of:

- (1) a representative of the New Mexico municipal league;
- (2) a representative of the New Mexico association of counties;
- (3) two members appointed by the public regulation commission who shall serve at the pleasure of the commission;
- (4) three members, one from each congressional district, appointed by the governor who shall serve at the pleasure of the governor; and
- (7) the marshal, who shall serve as a nonvoting advisory member. The council shall elect a chair and vice chair from its membership.

B. No appointee to the council shall be a member of the public regulation commission, the superintendent of insurance or any other employee of the commission or an active member of a municipal fire department or a county fire district.

C. The public members shall receive per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

D. The council shall develop criteria for assessing the critical needs of municipal and county fire districts for fire apparatus and equipment, communications equipment, equipment for wildfires, fire station construction or expansion or equipment for hazardous material response.

E. Applications for grant assistance from the fire protection grant fund shall be made by fire districts to the council in accordance with the requirements of the council. Using criteria developed by the council, the council shall evaluate applications and prioritize those applications most in need of grant assistance from the fund. To the extent that money in the fund is available, the council shall award grant assistance for those prioritized applications.

F. In awarding grant assistance, the council may require conditions and procedures necessary to ensure that the money is expended in the most prudent manner.

#### History

History: Laws 2006, ch. 103, § 8.

#### Annotations

Effective dates. — Laws 2006, ch. 103 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective May 17, 2006, 90 days after adjournment of the legislature.

Compiler's notes. — Subparagraphs (5) and (6) of Subsection A were vetoed by the governor.

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Agency Name	Public Regulation Commission, Insurance Division
Agency DFA Account Code No.	430-3000
Contact Person Name and Phone No.	John C. Standefer, 827-3721
“Rule” Name	Fire Protection Fund
“Rule” Number	10.25. NMAC 10
File Name	10.25.10 NMAC.doc
Format and WP package/version	Word 2000 for Windows 98

For copies of proposed rule:

WRITE: Chief Clerk, P.O. Box 1269, Santa Fe, N.M. 87504-1269. Include the docket number, rule number and rule name, a self-addressed envelope and a check for \$5.00 made payable to the Public Regulation Commission to cover the cost of copying and postage.

CALL: Chief Clerk at 827-4526 with the docket number, rule number and rule name. You will be billed \$5.00 to cover the cost of copying and postage.

E-MAIL: Elizabeth Bustos at Elizabeth.Bustos@state.nm.us with the docket number, rule number and rule name. The rule will be e-mailed to you at no charge.

**TITLE 10        PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 25    STATE FIRE MARSHAL**  
**PART 10        FIRE PROTECTION FUND**

**10.25.10.1        ISSUING AGENCY:** New Mexico Public Regulation Commission, Insurance Division, State Fire Marshal's Office.

[10.25.10.1 NMAC – N, 1-1-01]

**10.25.10.2        SCOPE:** This rule applies to all counties, and incorporated cities, towns, villages that receive Fire Protection Fund monies.

[10.25.10.2 NMAC – N, 1-1-01]

**10.25.10.3        STATUTORY AUTHORITY:** NMSA 1978 Section 59A-53-12.

[10.25.10.3 NMAC – N, 1-1-01]

**10.25.10.4        DURATION:** Permanent.

[10.25.10.4 NMAC – N, 1-1-01]

**10.25.10.5        EFFECTIVE DATE:** January 1, 2001, unless a later date is cited at the end of a section.

[10.25.10.5 NMAC – N, 1-1-01]

**10.25.10.6        OBJECTIVE:** The purpose of this rule is to clarify the requirements under which fire departments are funded and to specify the items and services that can be procured for use in the operations, maintenance and betterment of local fire departments with the intention of reducing losses by fire and reducing fire insurance rates.

[10.25.10.6 NMAC – N, 1-1-01]

**10.25.10.7        DEFINITIONS:** As used in this rule:

**A.** certified fire department means a fire department (see definition of fire department) that has been certified pursuant to paragraph 10.25.10.11 of this rule.

**B.** fire department means an organization belonging to any incorporated city, town, or village, or county entitled to fire protection funds, capable of providing fire suppression and related activities.

**C.** fire chief means the highest-ranking officer in charge of a fire department.

**D.** fire company means a group of members that is under the direct supervision of an officer or leader; trained and equipped to perform assigned tasks; arrives at the incident scene on the fire apparatus or assembles at the scene prior to assignment; usually operates with one piece of apparatus. Examples of companies are pumper/engine, truck/ladder, service, elevating platform, rescue, wildland, hazardous materials, and emergency medical/ambulance.

**E.** fire protection fund (FPF) refers to funds distributed pursuant to the Fire Protection Fund Act, NMSA 1978 59A-53-1.

**F.** Fire Marshal means the State Fire Marshal as established under the State Fire Marshal Act, NMSA 1978 59A-52-1.

**G.** firefighting qualification system (FQS) refers to the performance-based qualification system that incorporates regional training associations and the NMFTA into a systematic approach to training and evaluation. The intent of the system is to provide a realistic means of ensuring that all firefighters within New Mexico have the basic skills and knowledge required to perform as team members of a fire department during emergency operations.

**H.** fire service means all fire departments and fire department members that have the skills and equipment needed to perform the functions of a fire department based on NFPA standards or nationally accepted practices. These may include functions other than structural firefighting, such as wildland/interface firefighting, rescue operations, hazardous materials emergency response, confined space rescue, and emergency medical services.

**I.** fire suppression means the activities involved in controlling and extinguishing fires. Fire suppression shall include all activities performed at the scene of a fire incident or training exercise that expose fire department members to the dangers of heat, flame, smoke, and other products of combustion, explosion or structural

collapse.

**J.** initial attack apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 250 gpm capacity, a water tank, and a hose body. The primary function is to initiate a fire suppression attack on structural, vehicular, or vegetation fires, and to support associated fire department operations.

**K.** Insurance Services Office, Inc (ISO) is an independent statistical, rating, and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's public fire protection and analyzes the data using its Fire Suppression Rating Schedule (FSRS). ISO then assigns a public protection classification from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection.

**L.** local government means either the municipal or county governing body that governs a given fire department.

**M.** main station means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure. As a minimum, the structure should contain an area dedicated for administration, classrooms or a training area, and restrooms. The structure shall house at least one apparatus that meets the criteria for an initial attack or pumper apparatus. The structure shall serve as the command and control station for either all or a designated portion of the department's response area. Each fire department shall have at least one main station. If the fire department has more than one main station there shall be a minimum of three fire companies under the direct control of the senior-ranking officer assigned to each main station. The senior ranking officer shall be a rank above that of a company officer (examples - deputy/assistant chief, division chief, district chief or battalion chief). The companies shall be housed in the main station or in substations that are under the command of the senior-ranking officer. Separate buildings that house only fire service administration and that are not co-located with other stations may also be considered main stations.

**N.** may means an optional or discretionary requirement.

**O.** member means a person involved in performing the duties and responsibilities of a fire department, under the auspices of the organization. A fire department member may be a full-time or part-time paid employee, a paid or unpaid volunteer, may occupy any position or rank within the fire department, and may or may not engage in emergency operations.

**P.** NFPA Standard refers to the most recent edition of the National Fire Prevention Association standard for a given subject.

**Q.** New Mexico Firefighters Training Academy (NMFTA) is the primary institution within the State Fire Marshal's Office responsible for developing and/or conducting fire service related training.

**R.** operational/functional status means a certified fire department (see definition for certified fire department) that has sufficient membership to ensure the response of at least four members to structure fires. All four members shall have sufficient structural firefighting protective clothing and be, as a minimum, competent at the Firefighter I level as established under the Firefighting Qualification System.

**S.** pumper apparatus means a fire department apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 750 gpm capacity, a water tank, and a hose body. The primary function is to combat structural and associated fires.

**T.** shall means a mandatory requirement.

**U.** should means a recommendation or that which is advised.

**V.** SFMO means the State Fire Marshal's Office.

**W.** substation means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure. The structure should house at least one apparatus that meets the general criteria of an initial attack or pumper apparatus. The structure may or may not include separate interior rooms, such as offices, classrooms, and quarters.

**X.** wildland fire apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and is equipped with a pump having a capacity between 20 gpm and 250 gpm, a water tank, and equipment whose primary purpose is to combat vegetation fires, and to support associated fire department operations.

[10.25.10.7 NMAC – N, 1-1-01]



**10.25.10.8 APPLICATION REQUIREMENTS TO PARTICIPATE IN DISTRIBUTION:**

**A.** Every local government that desires to have a fire department(s) participate in the distribution of the Fire Protection Fund shall file a complete application on a form prescribed by the Fire Marshal. This form shall include information necessary to determine the funding needs of the fire department for the following state fiscal year.

**B.** The application for fire protection funds shall be received in the office of the Fire Marshal on or before the 30th day of April each year.

[10.25.10.8 NMAC – N, 1-1-01]

**10.25.10.9 ACCUMULATION OF FUNDS:**

**A.** FPF monies cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the Fire Marshal.

**B.** FPF monies may be rolled over to subsequent fiscal years for the purposes of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF monies shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.

**C.** If the item to be purchased requires rollover and accumulation of FPF monies for more than one-year, only one request and subsequent authorization to accumulate monies is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF monies shall be submitted to the Fire Marshal.

[10.25.10.9 NMAC – N, 1-1-01]

**10.25.10.10 PERIODIC REQUIREMENTS:**

**A.** Each fire department shall complete a monthly fire report. This report shall be filed with the State Fire Marshal's Office by the 10th day of each month following the month for which the report is prepared. (e.g., the report for January is due by February 10th)

**B.** Each fire department receiving FPF monies shall submit any other reports the Fire Marshal shall, from time to time, require and deem necessary.

**C.** Each fire department receiving FPF monies shall cooperate during any inspection deemed necessary by the Fire Marshal.

**D.** Each local government that receives FPF monies shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the Fire Marshal, make available all records regarding FPF transactions.

[10.25.10.10 NMAC – N, 1-1-01]

**10.25.10.11 CRITERIA FOR THE ESTABLISHMENT, CERTIFICATION AND FUNDING OF NEW DEPARTMENTS:**

**A.** Establishment of a new department. The following actions are to be taken in the order listed:

(1) Local government shall request from the Fire Marshal an onsite visit of the proposed response area to determine the feasibility of starting a new department.

(2) If the Fire Marshal determines that starting a new fire department is feasible, the citizens of the community, or communities, shall organize the new fire department. To achieve an Operational/Functional Status the department shall have sufficient membership to ensure the response of at least four members to fires in structures. To meet this minimum number, the department should have at least 12 adults willing and able to volunteer their services as firefighters.

(3) The local government shall identify water sources within the proposed response area. Ideally, all single point water sources should have a minimum of 30,000 gallons of water usable for suppression. The local government shall obtain written permission from property owners in which they agree to allow the fire department to use private water sources.

(4) The citizens shall petition the local government to establish the fire department by appropriate resolution. The resolution shall contain a legal description of the response area boundaries by section, township, and range.

(5) The local government shall submit to the Fire Marshal two copies of the resolution along with two clear and concise maps depicting the boundaries of the response area. The maps should be of a scale that clearly depicts the district and identifies the range and township. The preferred scale is one (1) inch equals two (2) miles. The district boundaries should be clearly outlined. All sources of water for firefighting within the boundaries shall be clearly indicated on the map. An additional copy of the resolution and map should be:

- (a) on file with the local government;
- (b) on file with the fire department (a copy of the map should be posted).

(6) Upon successful completion of paragraphs 1 through 5, the Fire Marshal shall place the new department on probation for one year. The fire department's one-year probation period shall start no earlier than the date of the local government resolution.

(7) The local government shall obtain essential firefighting equipment and personal protective equipment.

(8) As a minimum, the local government shall obtain an operational apparatus meeting the general criteria for an initial attack or pumper apparatus. A waiver may be granted by the Fire Marshal for an apparatus not meeting this requirement. The request for a waiver shall include a detailed plan that establishes how this requirement is to be eventually met.

(9) The apparatus shall be housed to provide adequate protection. The structure should be owned or leased to the local government. However, while on probation other arrangements approved by the local government are acceptable.

**B.** Certification of a new department. The Fire Marshal shall certify a new department when the following requirements have been met:

(1) The department shall have been on probation for a period of no less than one year.

(2) The department shall have an alarm notification system in place. This system shall be designed so that there is no delay in the receipt of alarms and the dispatch of firefighters. Systems that depend upon telephone call lists, group telephone alerting systems that ring fewer than eight telephones in the homes or businesses of firefighters, or where an individual shall travel in excess of two hundred feet to activate an alerting system are not acceptable. A waiver may be granted by the Fire Marshal for a specific period if there is a detailed plan that establishes how this requirement is to be met.

(3) As a minimum the following records shall be on file with the fire department:

(a) Response records that indicate the date, times (alarm to return to service), location and type of response and the number and names of responders.

(b) Training records that indicate the date, times (start to end), location and description of training, and the number and names of attendees.

(c) Minutes of department business meetings.

(d) Maintenance records of equipment and apparatus.

(e) Up-to-date roster of fire department members.

(4) No later than thirty days prior to the end of the one-year probation period, the fire department provide the Fire Marshal with the following:

(a) A description of the alarm system.

(b) A complete itemized inventory of firefighting equipment and apparatus.

(c) A roster of firefighters names, addresses and telephone numbers.

(d) A written request for a certification inspection.

(5) A fire department that fails to comply with any portion of the certification requirements shall remain on probation until such time that all requirements are met.

(6) Upon review and approval of all requirements, probational departments shall be certified by written notice.

**C.** Funding of new departments.

(1) Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO class 10. The distribution shall be based on the state's fiscal year.

(2) All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

[10.25.10.11 NMAC – N, 1-1-01]

**10.25.10.12 ISO CLASS 10 DEPARTMENTS:**

**A.** All Class 10 departments shall have three years from the date of certification as a fire department or from the effective date of this rule (whichever is longer) to achieve Class 9 or better.

**B.** Class 10 departments may submit a written request to the Fire Marshal for extension if Class 9 has not been obtained. The request shall identify why class 9 has not been achieved and include a comprehensive plan that details how these deficiencies shall be corrected.

**C.** Departments that fail to achieve a Class 9 or better within three years and that do not receive an extension shall be inspected to determine their operational/functional status. Departments determined to be non-operational by the Fire Marshal shall be subject to closure in accordance with NMSA 1978, Section 59A-53-14.

[10.25.10.12 NMAC – N, 1-1-01]

**10.25.10.13 ESTABLISHMENT OF MAIN STATION AND SUBSTATION FOR FUNDING PURPOSES:**

**A.** All stations shall have a name and/or numerical designation (example – Washington Street Station and/or XYZ Fire Department Station No. 2).

**B.** Existing main and substations shall meet the following requirements:

(1) Be a sufficient distance from other stations to reasonably effect response time and/or ISO classification for a given population, and/or be located in an area that historically has had periods where accessibility to the area from other stations has been limited due to manmade obstacles, geographical constraints, or acts of nature (example – river, railroad tracks, etc.).

(2) Be owned or leased to the local government. FPF monies cannot be used to pay for additions to or major reconstruction of a leased building. Departments shall have three years from the date of certification as a fire department or from the effective date of this document (whichever is longer) to have established a main station that is either leased to or owned by the local government. Departments may submit a written request to the Fire Marshal for extension of the three years. The request shall identify why the extension is needed and include a comprehensive plan that details how and when this requirement shall be met.

(3) Provide apparatus with adequate protection.

(4) House at least one operational apparatus that meets the general criteria for an initial attack or pumper apparatus. A waiver may be granted by the Fire Marshal for an apparatus not meeting this requirement.

**C.** Requirements/Procedure for establishment of new main and substations are as follows:

(1) The local government shall file a written request with the Fire Marshal for an inspection of the proposed new station site. As a minimum, the station, when completed, shall comply with the requirements for existing substations identified above.

(2) Inspection and approval of proposed location from the Fire Marshal.

(3) If FPF monies shall be used in whole or part to construct the station, the local government shall hold fee simple title to the land on which the substation is to be constructed. However, this provision shall not prohibit construction of a substation on donated land where the donor has reserved the right of reversion of the land under stated conditions.

(4) The local government shall request in writing an onsite inspection and certification by the Fire Marshal. Certifications of new main and substations shall take place before the last day of May for the stations to be included in the calculations for distribution of funds for the next fiscal year.

[10.25.10.13 NMAC – N, 1-1-01]

**10.25.10.14 PURCHASE OF EQUIPMENT AND SUPPLIES:**

**A.** Training and equipment needed to support the fire department's ability to suppress structure fires shall be the first priority when expending FPF monies. Departments that are not adequately trained or equipped to conduct structural firefighting shall only expend FPF monies on equipment and training directly related to structural firefighting. Exceptions to these rules shall be requested in writing to the Fire Marshal and shall receive authorization by the Fire Marshal prior to any expenditure.

**B.** Factors that shall be utilized to determine if a fire department has the ability to conduct structural

firefighting are as follows:

- (1) Shall have an ISO Classification of 9 or better, and;
- (2) Shall meet the criteria of operational/functional status as defined in the rule.

C. Fully operational departments may expend funds relevant to the operations and maintenance of the fire department based on NFPA standards or nationally accepted fire service practices without prior approval of the Fire Marshal if a reasonable need exists for each purchase. Limitations to this rule are as follows:

(1) The primary purpose of emergency medical services equipment and supplies is to render aid and assistance to injured responders. Purchase of basic medical equipment and supplies that are intended to be used for the treatment of infection control, CPR, bleeding control, and shock management is authorized. Purchase of advanced medical supplies and equipment shall be requested in writing to the Fire Marshal and shall receive authorization by the Fire Marshal prior to any expenditure.

(2) Schools, courses and conferences attended shall be related to the fire service and shall be of content relevant to the needs of the department.

(3) The use of FPF monies for social events is prohibited.

(4) Medical related schools, courses, and conferences shall be limited to requirements established under 1 above.

(5) Exceptions to these rules shall be requested in writing to the Fire Marshal and shall receive authorization by the Fire Marshal prior to any expenditure.

[10.25.10.14 NMAC – N, 1-1-01]

**10.25.10.15 PURCHASE OF AUTOMOTIVE APPARATUS:** All vehicles purchased with FPF monies shall meet the following requirements:

A. New vehicle specifications for bid shall be submitted to the Fire Marshal and shall be approved by the Fire Marshal prior to advertising for bids.

B. A detailed description of used vehicles shall be submitted to the Fire Marshal and shall be approved prior to expending or committing FPF monies.

C. All new apparatus shall meet the general requirements established under the appropriate NFPA standard and shall be designed to meet the operational requirements of the department. If assistance is needed in determining what would be appropriate to meet the potential fire flow requirements for the department's response area, a department may submit the following information to the Fire Marshal:

(1) A description of the water supply source(s) (example – hydrants, cisterns, river, overhead tank, etc.); and

(2) A description of how the water supply shall be delivered to the apparatus (example – short lay of 5-inch supply line from hydrants, long lay of 5-inch supply line from relay pumper, tanker shuttle, etc.); and

(3) A list containing the five highest commercial fire flow requirements within the response area (identify how this determination was made, example – taken from ISO batch report, used NFPA 1142, etc.). If unable to determine fire flow requirements, describe what each building is being used for (occupancy class), what each building is built of (construction classification), and square footage and height.

[10.25.10.15 NMAC – N, 1-1-01]

**10.25.10.16 COMPLIANCE WITH PROCUREMENT CODE REQUIRED:** All purchases shall be made by the designated purchasing officer in compliance with the provisions and requirements of the New Mexico Procurement Code.

[10.25.10.16 NMAC – N, 1-1-01]

**10.25.10.17 EQUIPMENT INVENTORY:** All fire departments shall maintain an equipment inventory list. All single items purchased with FPF monies costing two hundred and fifty dollars (\$250) or more shall be listed on the fire department's inventory list. A physical inventory of such items shall be conducted no less than annually. A copy of the inventory shall be maintained at the main station(s).

[10.25.10.17 NMAC – N, 1-1-01]

#### **HISTORY OF 10.25.10 NMAC:**

**Pre-NMAC history.**

FM 77-1, Rules and Regulations relating to the Fire Protection Fund Act and List of Approved Equipment, filed on 3-30-77.

**NMAC history.**

10 NMAC 25.10, Fire Protection Fund, filed on 6-9-97.

**State Fire Marshal's Office  
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**PROCEDURES FOR STARTING A NEW FIRE DEPARTMENT**  
(in accordance with the Fire Protection Fund Act)

**Establishment of a New Fire Department (actions are to be taken in order)**

1. Local citizens express interest to start a fire department to their respective local government. Local government shall request from the State Fire Marshal an on-site visit of the proposed response area to determine the feasibility of starting a new department.
2. The citizens of the community, or communities, organize a fire department. To achieve an Operational/Functional Status the department must have sufficient membership to assure the response of at least 4 members to structure fires. To meet this minimum requirement, the department should have at least 12 adults willing and able to volunteer their services as firefighters.
3. Identify water sources within the proposed response area. Ideally, all single point water sources should have a minimum of 30,000 gallons of water usable for suppression. Written permission from property owners shall be obtained in which they agree to allow the fire department to use private water sources.
4. The organized fire department must petition the local government to establish the fire department by appropriate resolution. The resolution shall contain a legal description of the response area boundaries by section, township and range.
5. The local government must submit to the State Fire Marshal two copies of the resolution along with two clear and concise maps depicting the boundaries of the response area. The maps should be of a scale that clearly depicts the district and identifies the range and township. The preferred scale is 1 inch = 2 miles. The district boundaries should be outlined by two narrow, parallel black lines. All sources of water for firefighting within the boundaries shall be clearly indicated on the map. An additional copy of the resolution and map should be:
  - a) on file with the local government;
  - b) on file with the fire department (a copy of the map should be posted).
6. Once items 1 – 5 are completed, the State Fire Marshal shall place the new department on probation for one year. The fire department's one-year probation period shall start no earlier than the date of the local government resolution.

7. During that one-year period, the fire department should obtain essential firefighting and personal protective equipment using the resources of the local community. This should include:

Firefighter's protective clothing; bunker coat, bunker pants, boots, helmet and gloves; a set for each firefighter.

- 4 - self contained breathing apparatus (SCBA's)
- 2 – 150 foot lengths of  $\frac{3}{4}$  or 1 inch booster hose or 1  $\frac{1}{2}$  or 1  $\frac{3}{4}$  inch pre-connected hoses with nozzles.
- 1 – approved dry chemical portable fire extinguisher with a minimum 80-B:C rating mounted in a bracket fastened to the apparatus
- 1 – Portable 2  $\frac{1}{2}$  gallon or larger water extinguisher
- 1 – 12 foot – 16 foot roof ladder with folding hooks
- 1 – 24 foot or longer extension ladder
- 1 – pick head axe
- 2 – electric hand lights, (4 volt wet, 6 volt dry or 6 volt rechargeable with moveable heads) not flashlights
- 1 – Pike pole
- 1 – bolt cutter
- 1 – claw tool (hooligan tool)
- 1 – crow bar

8. As a minimum, obtain a fire truck that meets the criteria for an initial attack or pumper apparatus. The truck should be operable and safe. The truck should have at least one rated 250 gallon-per-minute (GPM) pump at 150 PSI and a 300 gallon water tank. A waiver may be granted by the State Fire Marshal for an apparatus not meeting this requirement. The request for a waiver shall include a detailed plan that establishes how this requirement is to be eventually met.

9. The apparatus shall be housed to provide adequate protection. The structure should be owned or leased to the local government, however, while on probation other arrangements approved by the local government are acceptable.

### **Certification of a New Fire Department**

1. The department shall have been on probation for a period of no less than one year.
2. There shall be an alarm notification system in place. This system shall be designed so that there is no delay in the receipt of alarms and the dispatch of firefighters. Systems that depend upon telephone call lists, group telephone alerting systems that ring fewer than eight telephones in the homes or businesses of firefighters, or where an individual shall travel in excess of two hundred feet to activate an alerting system are not acceptable. A waiver may be granted by the State Fire Marshal for a specific period if there is a detailed plan

that establishes how this requirement is to be met.



3. As a minimum the following records shall be on file with the fire department:
  - a) Response records that indicate the date, times (alarm to return to service), location and type of response and the number and names of responders. (On National Fire Incident Reporting System (NFIRS) field form provided by SFMO)
  - b) Training records that indicate the date, times (start to end), location and description of training and the number and names of attendees.
  - c) Minutes of department business meetings.
  - d) Maintenance records of equipment and apparatus.
  - e) Up-to-date roster of fire department members.
4. No later than thirty days prior to the end of one-year probation period, provide the State Fire Marshal with the following:
  - a) A description of the alarm system.
  - b) A complete itemized inventory of firefighting equipment and apparatus.
  - c) A roster of firefighters names, addresses and telephone numbers.
  - d) A written request for a certification inspection.
5. A department failing to comply with any portion of the certification requirements shall remain on probation until such time that all requirements are met.
6. Upon review and approval of all requirements, probationary departments shall be certified by written notice.

### **Funding of a New Fire Department**

1. Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO class 10. The distribution shall be based on the state's fiscal year.
2. All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

**\*1078 N.M. A.G. Op. No. 80-35**

**Office of the Attorney General**

**State of New Mexico**

**Opinion 80-35**

**November 14, 1980**

An independent fire district cannot own property in its own right. The ownership and control of all funds and property credited to independent fire districts vests in the county.

Independent fire districts are established pursuant to the Fire Protection Act (Act), Sections 59-15-1 to 59-15-17 NMSA 1978. The intent of the Act is to distribute funds for the operation and maintenance of fire departments “to incorporated cities, towns, villages and counties. Section 59-15-2 NMSA 1978. An independent fire district exists for the purpose of organizing the distribution of these funds throughout the state and is nowhere referenced outside the provision of the Act.

The Act provides that “county commissioners of any county may establish one or more independent fire districts within the county outside the corporate limits of any municipality.” Section 59-15-6 (A) NMSA 1978. Counties may also, however, contract with municipalities to provide fire fighting services if it is determined that such an arrangement is more economical for the county. Section 4-36-5 NMSA 1978. Fire protection throughout the state is therefore provided either by municipalities or by counties which establish independent fire districts in these areas of the county not governed by a municipality.

That an independent fire district exists only within the framework of county government is clear from the various provisions of the Act and other applicable laws. First, the board of county commissioners of any county may determine, in its discretion, how many and within which geographic boundaries independent fire districts are to be established in the county. Section 59-15-6 (A) NMSA 1978. Second, the extension of services of an independent fire district into an adjacent county is essentially determined by the boards of county commissioners of the affected counties. Section 59-15-6 (B) NMSA 1978.

Third, distribution from the Fire Protection Fund to an independent fire district are made to the county treasurer “for credit to such independent fire district.” Section 59-15-6 (B) NMSA 1978. These distributions “shall be expended under the direction of the chief of the fire department.....upon duly executed vouchers approved as required by law.” Section 59-15-8 NMSA 1978. Generally, funds lawfully in the custody of the county treasurer belong to the county. Section 6-10-51 NMSA 1978, and may be paid out only upon the order of the board of county commissioners. See, Sections 4-38-16, 4-10-6 and 4-45-4, NMSA 1978.

County control over independent fire districts is also evident from the rules and regulations promulgated by the superintendent of insurance pursuant to Section 59-15-13 NMSA 1978, for example, Rule 1.2 implicitly defines the board of county commissioners as the governing body for an independent fire district. Rule 3.2 provides that any purchase made with money from the Fire Protection Fund for the independent fire district shall be made in the name of the county.

Thus, the Act and the regulations promulgated there under clearly provide that money distributed to an independent fire district from the Fire Protection Fund is to be expended by the county, under the direction of the fire chief, and whatever property is acquired with that money belongs to the county. Accordingly, Section 59-15-11 NMSA 1978 of the Act, which prohibits the expenditure or obligation of distributions from the Fire Protection Fund for the purpose of constructing fire station unless the independent fire district “holds fee simple title, not encumbered by any lien, to the land on which it proposes to construct any such building,” must also be read in the context of the relationship between the county and the independent fire district. As the county establishes and defines the boundaries of an independent fire district, it is the county, and not the independent fire district, which must hold clear title to the land on which fire stations are to be constructed. When the legislature confers a duty upon the county and a method for discharging it, that method is exclusive. El Dorado at Santa Fe, Inc. v Santa Fe County Board of County Commissioners, 89 N.M. 313, 551 P. 2d 1360 (1976).

Although the Act does not refer to money or property received on behalf of independent fire districts from sources other than the Fire Protection Fund, neither does it establish independent fire districts as corporate entities which may hold such other property in their own right. Compare, e.g., Drainage districts, Sections 73-6-1 to 73-6-44 NMSA 1978; Irrigation districts, Sections 73-9-1 to 73-9-62 NMSA 1978.

**\*1079** Independent fire districts were created solely for the purposes of allocating state funds for fire protection services. It was not intended by the Act that they be independent governmental entities or political subdivisions. That is they were not “formed or maintained for the more effectual or convenient exercise of political power within certain boundaries or localities, to whom the electors residing therein are, to some extent, granted power to locally self-govern themselves.” Gibbany v Ford, 29 N.M. 621, 626, 225 P. 577 (1924). Having been granted no power or authority independent of that of the county, the ownership and control of all funds and property credited to independent fire districts, from whatever source, vests in the county.

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## **PUBLIC PROJECT REVOLVING FUND**

The Public Project Revolving Fund (PPRF) was established to coordinate the planning and financing of State and local public projects, provide for long-term planning and assessment of State and local capital needs and to improve cooperation among the executive and legislative branches of State government and local governments by financing public projects.

The New Mexico Finance Authority (NMFA) administers the Public Project Revolving Loan Fund. The NMFA makes low-cost, low-interest rate loans from this fund to local government entities to finance infrastructure projects and capital equipment purchases.

The strength of the PPRF program results from an uninterrupted pledge of Governmental Gross Receipts Tax by the State of New Mexico. The NMFA receives each year 75% of the Governmental Gross Receipts Tax derived by the State to be used as capital for the PPRF. NMFA is able to leverage this capital base to borrow funds in the public bond markets at highly competitive rates consistent with NMFA's AA+ rating. In turn, NMFA passes the low rates it receives on to New Mexico communities. The NMFA charges a below market 1.5% fee for loans and absorbs costs of issuance over the 1.5%. This fee is capped at \$75,000 for loans of \$5 million or more. Additionally, NMFA provides a three month guarantee, without cost to the borrower, which caps the amount that interest rates can increase between loan approval and loan closing. The cap is 0.75% (75 basis points). NMFA can also provide more loan structuring flexibility than most borrowers can obtain in the private market or through vendor financing as well.

At year end 2009, the NMFA's all-in blended interest rate for a typical 5-year equipment loan was 1.375%. For a 25-year infrastructure loan, the all-in rate was 3.775%.

NMFA posts information about the PPRF, current pricing for PPRF loans and loan advisor contact information, as well as, information about NMFA's other loan programs on its web site ([www.nmfa.net](http://www.nmfa.net)).

NMFA is also able to assist some New Mexico communities with subsidized financing through the PPRF's Disadvantaged Funding program.

### **Disadvantaged Funding**

An additional benefit to borrowers from the PPRF is the opportunity to receive “disadvantaged funding”, which helps qualified entities stretch their local infrastructure dollars even further. Qualified entities are eligible to receive lower interest rate loans based on a comparison of the entities’ Median Household Income (MHI) to that of the state as a whole. Entities with MHI less than 90%, but greater than 75% of the statewide MHI qualify for a cash loan(s) of up to \$200,000 at an interest rate of three percent (3%). Entities with MHI at 75% of the statewide MHI qualify for cash loan(s) of up to \$200,000 at an interest rate of zero percent (0%). Individual cash loan amounts under this program are limited to \$75,000 for equipment financing and \$200,000 for infrastructure financing, per entity per fiscal year. Funds needed in excess of this cap are available at the NMFA’s regular rates.

### **Funding History:**

As of December, 2009, the NMFA has:

- ◆ Made more than 840 PPRF loans totaling more than \$1.6 billion
- ◆ 603 PPRF loans still outstanding totaling more than \$1.3 billion
- ◆ About 1 out of every 6 of its PPRF loans secured by Fire Protection Funds
- ◆ Provided \$ 44 million in disadvantaged funding

**Editor's note:** – This section contains various parts of NMSA 13-1-1-199 regarding purchases and the procurement process. You should consult your local purchasing agent for specific policies.

### **13-1-126. Sole source procurement.**

A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office makes a determination, after conducting a good-faith review of available sources and consulting the using agency, that there is only one source for the required service, construction or item of tangible personal property. The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the state agency or a local public body. A contract for the purchase of research consultant services by institutions of higher learning constitutes a sole source procurement.

**History:** Laws 1984, ch. 65, § 99; 1987, ch. 348, § 9.

### **13-1-127. Emergency procurements.**

A. The state purchasing agent, a central purchasing office or a designee of either may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances. A written determination of the basis for the emergency procurement and for the selection of the particular contractor shall be included in the procurement file. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

B. An emergency condition is a situation which creates a threat to public health, welfare or safety such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (1) the functioning of government;
- (2) the preservation or protection of property; or
- (3) the health or safety of any person.

**History:** Laws 1984, ch. 65, § 100; 1987, ch. 348, § 10.

### **13-1-128. Sole source and emergency procurements; content and submission or record.**

All central purchasing offices shall maintain, for a minimum of three years, records of sole source and emergency procurements. The record of each such procurement shall be public record and shall contain:

- A. the contractor's name and address;
- B. the amount and term of the contract;
- C. a listing of the services, construction or items of tangible personal property procured under the

contract; and  
D. the justification for the procurement method.

**History:** Laws 1984, ch. 65, § 101; 1987, ch. 348, § 11.

### **13-1-129. Procurement under existing contracts.**

A. Notwithstanding the requirements of [Sections 13-1-102](#) through [13-1-118](#) NMSA 1978, the state purchasing agent or a central purchasing office may contract for services, construction or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:

(1) at a price equal to or less than the contractor's current federal supply contract price (GSA), providing the contractor has indicated in writing a willingness to extend such contractor pricing, terms and conditions to the state agency or local public body and the purchase order adequately identifies the contract relied upon; or  
(2) with a business which has a current exclusive or nonexclusive price agreement with the state purchasing agent or a central purchasing office for the item, services or construction meeting the same standards and specifications as the items to be procured if the following conditions are met:

(a) the quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and

(b) the purchase order adequately identifies the price agreement relied upon.

B. The central purchasing office shall retain for public inspection and for the use of auditors a copy of each federal supply contractor state purchasing agent price agreement relied upon to make purchases without seeking competitive bids or proposals.

**History:** Laws 1984, ch. 65, § 102; 1991, ch. 254, § 1.

### **13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.**

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

(1) of a current resale value of five thousand dollars (\$5,000) or less; and  
(2) worn-out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

(1) designate a committee of at least three officials of the governing authority to approve and oversee the disposition; and

(2) give notification at least thirty days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the state auditor and the appropriate approval authority designated in [Section 13-6-2](#) NMSA 1978, duly sworn and subscribed under oath by each member of the authority approving the action.

C. A copy of the official finding and proposed disposition of the property sought to be disposed

of shall be made a permanent part of the official minutes of the governing authority and maintained as a public record subject to the Inspection of Public Records Act [[Chapter 14, Article 2](#) NMSA 1978].

D. The governing authority shall dispose of the tangible personal property by negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities or through the central purchasing office of the governing authority by means of competitive sealed bid or public auction or, if a state agency, through the federal property assistance bureau of the general services department.

E. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D of this section, the governing authority may sell or, if the property has no value, donate the property to any organization described in Section 501 (c) (3) of the Internal Revenue Code of 1986.

F. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D or E of this section, it may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

G. If the governing authority determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to Subsection F of this section.

H. No tangible personal property shall be donated to an employee or relative of an employee of a state agency, local public body, school district or state educational institution; provided that nothing in this subsection precludes an employee from participating and bidding for public property at a public auction.

I. This section shall not apply to any property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act [[18-10-1](#) to [18-10-5](#) NMSA 1978].

**History:** 1953 Comp., § 6-1-7.1, enacted by Laws 1961, ch. 100, § 1; 1979, ch. 195, § 2; 1984, ch. 47, § 1; 1987, ch. 15, § 1; 1989, ch. 211, § 6; 1995, ch. 181, § 1; 1998, ch. 16, § 1.

### **13-6-2. Sale of property by state agencies or local public bodies; authority to sell or dispose of property; approval of appropriate approval authority.**

A. Any state agency, local public body, school district or state educational institution is empowered to sell or otherwise dispose of real or personal property belonging to the state agency, local public body, school district or state educational institution. Except as provided in [Section 13-6-2.1](#) NMSA 1978 requiring state board of finance approval for certain transactions, sale or disposition of real or personal property having a current resale value of more than five thousand dollars (\$5,000) may be made by any state agency, local public body, school district or state educational institution if the sale or disposition has been approved by the state budget division of the department of finance and administration for state agencies, the local government division of the department of finance and administration for local public bodies, the state department of public education for school districts and the commission on higher education for state educational institutions.

B. Prior approval of the appropriate approval authority is not required if the property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code [[13-1-28](#) to



[13-1-117](#) and [13-1-118](#) to [13-1-199](#) NMSA 1978].

C. The appropriate approval authority may condition the approval of the sale or other disposition of any real or personal property upon the property being offered for sale to a state agency, local public body, school district or state educational institution.

D. The appropriate approval authority shall have the power to credit any payment received from the sale of any such real or personal property to the governmental body making the sale. The state agency, local public body, school district or state educational institution may convey all or any interest in the real or personal property without warranty.

E. This section shall not apply to any computer software or hardware of any state agency.

F. The provisions of this section shall not be applicable as to those institutions specifically enumerated in [Article 12, Section 11](#) of the constitution of New Mexico, the state land office or the state highway commission.

**History:** 1978 Comp., § 13-6-2, enacted by Laws 1979, ch. 195, § 3; 1980, ch. 89, § 17; 1984, ch. 47, § 2; 1987, ch. 15, § 2; 1989, ch. 211, § 7; 1989, ch. 380, § 3.

## **Payment of Mileage and Per Diem DFA/FCD Rule Number 95-1**

### ***Section 1. Scope - Purpose - Authority***

A. Authority. These regulations are promulgated pursuant to authority granted in NMSA 1978, Section 10-8-5(A) and Section 9-6-5(E).

B. Scope. In accordance with NMSA 1978, Section 10-8-1 to 10-8-8 (1995 Repl. Pamp.), Rule 95-1 governs the payment of per diem rates and mileage and the reimbursement of expenses for all salaried and nonsalaried public officers and employees of all state agencies and local public bodies, except:

1. state legislators; and
2. public officials and employees of state educational institutions specified in Article 12, Section 11 of the New Mexico Constitution and institutions defined in Chapter 21, Articles 13, 14, 16, and 17 NMSA 1978 [hereinafter "public postsecondary educational institutions"]. If an official or employee of a public postsecondary educational institution is also a salaried or nonsalaried public officer or employee of any other state agency or local public body, these regulations shall apply when the person seeks payment of per diem rates and mileage or reimbursement of expenses in the capacity of a salaried or nonsalaried public officer or employee of a governmental entity other than a public postsecondary educational institution.

C. History. DFA Rule 95-1 supersedes DFA Rule 92-1.

### ***Section 2. Definitions***

As used in this rule:

A. "agency head" means:

1. the cabinet secretary of departments and their administratively attached boards and commissions;
2. the director for other agencies and institutions and their administratively attached boards and commissions;
3. the superintendent of regulation and licensing for boards and commissions attached to the Regulation and Licensing Department;
4. the chairperson, president or executive secretary for remaining boards and commissions; and
5. the chief executive, chief administrative officer, or governing body for local public bodies.

B. "board or committee meeting" means the formal convening of public officers who comprise a board, advisory board, commission or committee even if no further business can take place because of the lack of a quorum.

C. "designated post of duty" means the address of a public officer's or employee's assignment as determined by the agency.

D. "employee" means any person who is in the employ of any New Mexico state agency or local public body within New Mexico whose salary is paid either completely or partially from public money but does not include jurors or jury commissioners.

E. "governmental entity" means a New Mexico state agency or local public body within New Mexico.

F. "home" means 1) for per diem purposes, the area within a 35-mile radius of the place of legal residence as defined in NMSA 1978, Section 1-1-7 (1995 Repl. Pamp.); 2) for mileage purposes, the place of legal residence as defined in NMSA 1978, Section 1-1-7 (1995 Repl. Pamp.).

G. "local public body" means every political subdivision of the state, whether created under general or special act including, but not limited, to counties, municipalities, drainage, conservancy, irrigation, school or other districts, that receives or expends public money from whatever source derived.

H. "nonsalaried public officer" means a public officer serving as a member of a board, advisory board, committee or commission who is not entitled to compensation, but is entitled to payment of per diem rates and mileage.

I. "out of state" means beyond the exterior boundaries of the State of New Mexico.

J. "public officer" means every elected or appointed officer of a governmental entity, including but not limited to:

1. officers of the judicial branch of state government, including judges;
2. officers of the legislative branch of state government, except legislators; and,
3. all board, advisory board, committee and commission members elected or appointed to a board, advisory board, committee or commission specifically authorized by law or validly existing as an advisory committee pursuant to NMSA 1978, Section 9-1-9.

K. "secretary" means the secretary of finance and administration.

L. "travel" means: for per diem purposes, being on official business away from home as defined in Paragraph F above and at least 35 miles from the designated post of duty of the public officer or employee. However, non-salaried public officers are eligible for per diem for attending meetings in accordance with Section 3(C); and

M. "travel voucher" means a payment voucher submitted for the purpose of claiming reimbursement for travel expenditures.

### ***Section 3. Per Diem Rates-Proration***

A. Applicability. Per diem rates shall be paid to public officers and employees only in accordance with the provisions of this section. Per diem rates shall be paid without regard to whether expenses are actually incurred. Where lodging and/or meals are provided or paid for by the agency, the governing body, or another entity, the public officer or employee is entitled to reimbursement only for actual expenses under Section 4.

B. Per Diem Rate Computation. Except as provided in Subsections C through I of this section, per diem rates for travel by public officers and employees shall be computed as follows:

1. Partial Day Per Diem Rate. Public officers or employees who occasionally and irregularly travel shall be reimbursed for travel which does not require overnight lodging, but extends beyond a normal work day as follows:.

- a. for less than 2 hours of travel beyond normal work day, none;
- b. for 2 hours, but less than 6 hours beyond the normal work day, \$8.00;
- c. for 6 six hours, but less than 12 hours beyond the normal work day, \$16.00;
- d. for 12 hours or more beyond the normal work day, \$22.50;

"Occasionally and irregularly" means not on a regular basis and infrequently as determined by the agency. For example, an employee is not entitled to per diem rates under this subparagraph if the employee either travels once a week or travels every fourth Thursday of the month.

However, the employee is entitled to per diem rates under this subparagraph if the employee either travels once a month with irregular destinations and at irregular times or travels four times in one month and then does not travel again in the next two months, so long as this is not a regular pattern.

"Normal work day" means 8 hours within a nine-hour period for all public officers and employees both salaried and nonsalaried, regardless of the officers' or employees' regular work schedule.

2. Overnight Travel. Regardless of the number of hours traveled, travel for public officers and employees where overnight lodging is required shall be reimbursed as follows:

- a. in state areas \$65.00
  - b. in state special areas \$75.00
  - c. out of state areas \$75.00
  - d. out of state special areas \$95.00
- or actual lodging and meal expenses under Section 4..

3. Return from Overnight Travel. On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed. Divide the number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

- a. for less than 2 hours, none.
- b. for 2 hours, but less than 6 hours, \$8.00.
- c. for 6 hours or more, but less than 12 hours, \$16.00.
- d. for 12 hours or more, \$22.50.

4. Special Area Designations. For all officers and employees, the in state special area shall be Santa Fe. The out of state special areas shall be the areas of New York City, Washington, D.C., Chicago, Los Angeles, San Francisco, Palm Springs, San Diego, Atlanta, Boston, Las Vegas, Atlantic City, Philadelphia and Dallas/Fort Worth designated as metropolitan by the most recent edition of the Rand-McNally road atlas, and areas outside of the continental United States including Alaska and Hawaii.

C. Board, Commission and Committee Members. Nonsalaried public officers may receive per diem as follows:

1. Official Board, Commission and Committee Meetings.

a. State Nonsalaried Public Officers. Nonsalaried public officers of the state may elect to receive either:

- (1) \$75.00 per meeting day for attending each board or committee meeting; or
- (2) per diem rates in accordance with Subsection B of this section.

b. Local Nonsalaried Public Officers. Nonsalaried public officers of local public bodies may elect to receive either:

- (1) \$75.00 per meeting day for attending each board or committee meeting day; or
- (2) per diem rates in accordance with Subsection B of this section, provided that the local governing body has not established a lesser rate.

c. Municipal Nonsalaried Public Officers. Nonsalaried public officers of municipalities may elect to receive either:

- (1) \$75.00 per meeting day for attending each board or committee meeting; or
- (2) per diem rates in accordance with Subsection B of this section, provided that the board or commission meeting is held outside of the municipal boundaries.

2. Other Official Meetings. Nonsalaried public officers may receive per diem rates for travel on official business that does not constitute a board, advisory board, committee or commission meeting only in accordance with Subsection B of this section.

3. Members Serving in Dual Capacities. Nonsalaried public officers who also serve as public officers or employees of state agencies or local public bodies may receive mileage or per diem rates from only one public entity for any travel or meeting attended. Furthermore, nonsalaried public officers who are also public officers or employees may not receive per diem rates for attending meetings held in the place of their home or at their designated posts of duty unless they are on leave from their positions as public officers or employees. Local public bodies may adopt regulations with respect to the receipt of per diem rates by employees or officers of local public bodies who also serve on boards or commissions subject to this rule.

D. Temporary Assignment. Public officers and employees may be reassigned temporarily to another duty station..

1. Routine Reassignment. Public officers and employees subject to periodic reassignment of duty stations or districts as a normal requirement of their employment will not be eligible for per diem rates after the time of arrival at the new duty station or district.

2. Nonroutine Reassignment. Public officers or employees not normally subject to periodic reassignments who are temporarily assigned to another office of a state agency away from home will receive per diem for the first 30 calendar days of their assignment only, unless approval of the secretary is given to extend per diem payments upon showing that the assignment is necessary and temporary. Except in such extraordinary circumstances, after 30 calendar days, the place where the employee or officer is assigned will be regarded as the designated post of duty.

E. State Highway and Transportation Department. The State Highway and Transportation Department may adopt special policies pertaining to payment of per diem rates for temporary assignments. Such policies shall be subject to the annual approval of the secretary.

F. Department of Public Safety. The Department of Public Safety may adopt special policies pertaining to payment of per diem rates, mileage and subsistence allowances authorized by law for commissioned officers. Such policies shall be subject to the annual approval of the secretary.

G. Travel for Educational Purposes. A public officer or employee shall not be reimbursed for more than 30 calendar days of per diem in any fiscal year for attending educational or training programs unless approval has been obtained from the secretary.

H. Per Diem in Conjunction with Other Leave. While traveling, if a public officer or employee takes sick, annual or authorized leave without pay for more than four hours of the normal work day, per diem shall not be allowed for that day unless authorized in writing by the agency head.

I. Illness or Emergency. Agency heads may grant permission, in writing, to pay per diem rates and travel reimbursement to an employee or public officer who becomes ill or is notified of a family emergency while traveling on official business and must either remain away from home or discontinue the official business to return home.

#### ***Section 4. Reimbursement of Actual Expenses in Lieu of Per Diem Rates.***

A. Applicability. Upon written request of a public officer or an employee, agency heads may grant written approval for a public officer or employee of that agency or local public body to be reimbursed actual expenses in lieu of the per diem rate where overnight travel is required.

B. Overnight Travel. For overnight travel for state officers and employees where overnight lodging is required, the public officer or employee will be reimbursed as follows:

1. Actual Reimbursement for Lodging. A public officer or an employee may elect to be reimbursed actual expenses for lodging not exceeding the single occupancy room charge (including tax) in lieu of the per diem rate set forth in this section. Whenever possible, public officers and employees should stay in hotels which offer government rates. Agencies, public officers or employees who incur lodging expenses in excess of \$200 per night must obtain the signature of the agency head or chairperson of the governing board on the travel voucher prior to requesting reimbursement and on the encumbering document at the time of encumbering the expenditure.

2. Actual Reimbursement for Meals. Actual expenses for meals are limited by NMSA 1978, Section 10-8-4(K)(2) (1995 Repl. Pamp.) to a maximum of \$22.50 for a 24-hour period.

3. Receipts Required. The public officer or employee must submit receipts for the actual meal and lodging expenses incurred. Under circumstances where the loss of receipts would create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.

C. Return from Overnight Travel. On the last day of travel when overnight lodging is no longer required, partial day reimbursement shall be made. To calculate the number of hours in the partial day, begin with the time the traveler initially departed on the travel. Divide the total number of hours traveled by 24. The hours remaining constitute the partial day which shall be reimbursed as follows:

1. for less than 2 hours, none.
2. for 2 hours, but less than 6 hours, \$8.00.
3. for 6 hours or more, but less than 12 hours, \$16.00.
- 4 for 12 hours or more, \$22.50.

5. No reimbursement for actual expenses will be granted in lieu of partial day per diem rates.

### ***Section 5. Travel Advances***

A. Authorizations. Upon written request accompanied by a travel voucher, agency heads and governing boards of local public bodies or their authorized designees may approve a public officer's or employee's request to be advanced up to 80 percent of per diem rates and mileage cost or for the actual cost of lodging and meals pursuant to Sections 3 and 4 and for other travel expenses that may be reimbursed under Section 7. Requests for travel advances shall not be submitted to the Financial Control Division of the Department of Finance and Administration more than two weeks prior to travel unless, by processing the request earlier, significant savings can be realized for travel by common carrier or for registration fees for seminars and conferences.

B. Travel Period. A travel advance may be authorized either for a single trip or on a monthly basis for public officers and employees who travel continually throughout the month. Payment shall be made only upon vouchers submitted with attached authorization for each travel period.

1. Single Trip Advances. Where a travel advance is made for a single trip, the officer or employee shall remit, within 5 working days of the return from the trip, a refund of any excess advance payment to the agency. The agency or local public body shall deposit the refund and reduce the disbursement recorded when the money was advanced.

2. Monthly Advances. Where monthly advances are made, employees shall remit to the agency, at the end of each month, any excess advance payments together with a thorough accounting of all travel advances and expenditures as required by the secretary. Where a travel advance is approved for the next month, the agency head may authorize the use of excess advance payments from the previous month as part of the advance for the next month in lieu of having the employee remit the excess funds.

C. Agency Records. Each agency is responsible for maintaining records of travel advances authorized by the agency head or the agency head's authorized designee.

1. Employee Ledgers. Each state agency shall keep individual employee ledgers for travel advances. The ledger shall include the following information to provide an adequate audit trail:



Employee \_\_\_\_\_ No. \_\_\_\_\_  
Division \_\_\_\_\_ Fiscal Year \_\_\_\_\_

Date of Travel Advance	Date of Destination	Per Diem Advance	Earned	Additional Per Diem or Refund Due

2. Year-end Closing. Each state agency shall review all travel advances prior to the end of the fiscal year and collect or pay all outstanding amounts if possible. Any receivables or payables outstanding at year-end must be recorded on the books and records of the agency.

D. Local Public Bodies. Local public bodies may grant prior written approval for travel advances as authorized by regulation of the governing body of the local public body.

### ***Section 6. Mileage - Private Conveyance***

A. Applicability. Mileage accrued in the use of a private conveyance shall be paid only in accordance with the provisions of this section.

B. Rate. Public officers and employees of state agencies shall be reimbursed for mileage accrued in the use of a private automobile or aircraft in the discharge of official duties as follows:

1. privately owned automobile, 25 cents per mile.
2. privately owned airplane, 40 cents per nautical mile.

C. Local Public Bodies. Public officers and employees of local public bodies may be reimbursed for mileage accrued in the use of a private conveyance in the discharge of official duties at the statutory rates unless such rates have been reduced by the governing bodies of the local public body pursuant to NMSA 1978, Section 10-8- 5(D).

D. Privately Owned Automobile. For conveyance in the discharge of official duties by privately owned automobile, mileage accrued shall be reimbursed at the rate set forth in this section as follows:

1. pursuant to the mileage chart of the official state map published by the State Highway and Transportation Department for distances in New Mexico and the most recent edition of the Rand-McNally road atlas for distances outside of New Mexico; or
2. pursuant to actual mileage if the beginning and ending odometer reading is certified as true and correct by the traveler; and

a. the destination is not included on the official state map or on the Rand McNally road atlas, or,

b. at the destination(s) of the public officer or employee, the public officer or employee was required to use the private conveyance in performance of official duties.

E. Privately Owned Airplane. Mileage accrued in the use of a privately owned airplane shall be reimbursed at the rate set forth in this section as follows:

1. pursuant to the New Mexico Aeronautical Chart published by the State Highway and Transportation Department, Aviation Division, for distances in New Mexico and other states' air maps for distances outside of New Mexico; or

2. pursuant to actual air mileage if certification is provided by the pilot, or a beginning and ending reading of actual mileage if the reading is certified as true and correct by the traveler, and the destination is not included on an air map.

F. Reimbursement Limit for Out of State Travel. Total mileage reimbursement for out of state travel by privately owned automobile or privately owned airplane shall not exceed the total coach class commercial airfare that would have been reimbursed those traveling had they traveled by common carrier. This subsection shall not apply to a public school when transporting students.

G. Additional Mileage Provision. Mileage accrued while on official business shall be reimbursed for travel on official business. An agency head or designee may authorize by memorandum reimbursement for mileage from a point of origin farther from the destination than the designated post of duty in appropriate circumstances. The memorandum must accompany the payment voucher. If official business is transacted while commuting from home to post of duty or from post of duty to home, mileage shall not be paid for the number of miles between post of duty and home. Odometer readings showing additional miles accrued for official business must be provided to the agency for payment.

### ***Section 7. Reimbursement for Other Expenses***

Public officers and employees may be reimbursed for certain actual expenses in addition to per diem rates.

1. Receipts Not Required. Public officers and employees may be reimbursed without receipts for the following expenses:

- a. taxi or other transportation fares at the destination of the traveler;
- b. gratuities as allowed by the agency head or designee; and
- c. parking fees

In an amount of \$6.00 per day not to exceed a total of \$30.00 per trip. If more than \$6.00 per day or \$30.00 per trip is claimed, the entire amount of the reimbursement claim must be accompanied by receipts.

2. Receipts Required. Public officers and employees may be reimbursed for the following expenses provided that receipts for all such expenses are attached to the reimbursement voucher:

- a. actual costs for travel by common carrier, provided such travel is accomplished in the most economical manner practical;
- b. rental cars or charter aircraft, provided less expensive public transportation is not available or appropriate;
- c. registration fees for educational programs or conferences, provided, if the fee includes lodging or meals, then no per diem. rates shall be paid and only actual expenses paid by the officer or employee and not included in the fee shall be reimbursed within the limits of Section 4; and
- d. professional fees or dues that are beneficial to the agency's operations or mission.

Under circumstances where the loss of receipts would deny reimbursement and create a hardship, an affidavit from the officer or employee attesting to the expenses may be substituted for actual receipts. The affidavit must accompany the travel voucher and include the signature of the agency head or governing board.

3. Local Public Bodies. Local public bodies may adopt regulations governing the reimbursement of actual expenses incurred in addition to per diem rates and mileage.

### ***Section 8. Travel Vouchers***

Travel vouchers and supporting schedules and documents shall conform to the policies and procedures manuals issued by the Financial Control Division of the Department of Finance and Administration.

### ***Section 9. Effective Dates***

All sections shall be effective upon publication in the *New Mexico Register*.

# Attorney General



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November 1, 1983

JOHN BIGELOW  
Deputy Attorney General

Mr. Thomas S. Udall  
Environmental Improvement Division  
P.O. Box 968  
Santa Fe, New Mexico 87504-0968

Re: Attorney General Reference Number 66551/000

Dear Mr. Udall:

You have asked this office for an opinion as to whether volunteer firefighters are "employees" within the meaning of the New Mexico Occupational Health and Safety Act (hereinafter "the Act"). For a number of reasons, we have concluded that for purposes of that Act, volunteer firefighters should be considered as employees. In reaching our conclusion, we have researched applicable statutes and case law, and have considered the nature of the volunteer firefighters system and the characteristics it has in common with other employment relationships.

Section 50-9-3 NMSA 1978 provides that:

"As used in the Occupational Health and Safety Act:

B. "Employee" means an individual, except a domestic employee, who is employed by an employer."

Perhaps the most obvious hallmark of an employment relationship is that an employee works for wages or a salary. This is clearly not the case with volunteer firefighters, who by definition are not paid an immediate wage. However, volunteers do receive other forms of compensation which indicate that they have an employment relationship. The recently enacted Volunteer Firefighters Retirement Act 10-11A-7, NMSA 1978, initiated a program through which qualified volunteer nonsalaried firefighters may be eligible for retirement benefits. This retirement program does not require contributions from the volunteer but is funded entirely from an annual transfer of \$500,000 over from the State Fire Protection Fund to the Volunteer Firefighters Retirement Fund. The State

Mr. Thomas S. Udall  
November 1, 1983  
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Fire Protection Fund is comprised of taxes and fees from certain segments of the insurance business.

Payment of a pension or retirement benefits is commonly held to be deferred compensation for services rendered in the past.

Sonnabend v. Spokane, 53 Wash.2d 362, 33 P.2d 918. Kneeland v. Administrator, Unemployment Compensation Act, 138 Conn. 630, 88 A.2d 376. As one court has said:

"A pension paid a governmental employee for long and efficient service is not an emolument... To the contrary it is a deferred portion of the compensation earned for services rendered." Great American Ins. Co. v. Johnson, 257 N.C. 367, 126 S.E. 2d 92.

It should be noted that if the retirement benefits are not considered to be compensation for services rendered to the State then the entire Volunteer Firefighters Retirement Act is probably violative of the anti-donation clause of Article IX, Section 14 of the New Mexico State Constitution which prohibits the State from making any donation to or in aid of any person. It appears then that the State is in fact paying Volunteer firefighters for their services by way of deferred compensation in the form of retirement benefits.

There are additional ways in which volunteers are compensated or treated as employees. For example, Section 3-18-11, NMSA 1978 permits municipalities who have organized volunteer fire departments to use State Fire Protection Fund monies to purchase an accident policy to cover injuries or death of a volunteer. As it would be impermissible to use state funds to purchase such insurance if volunteers were merely private citizens, it seems reasonable to imply that when acting as a firefighter in the service of the state or local government, the legislature has given them a special status. In return for aiding in fire protection, the State will provide funds to buy insurance for possible injury or death. Such coverage is indicative of an employment-like relationship.

Other benefits or compensation that might accrue to volunteers differ among fire departments. For example, it is our understanding that volunteers often receive meals, gasoline for their vehicles, and sometimes lodging. All of these items could be considered evidence of reimbursement of costs for services rendered which would point to an employer-employee relationship.

Another common characteristic of an employment relationship, as opposed to an independent contractor relationship, is that the employer has the right to control not only the result, but the details and means by which the employee's work is accomplished.

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Burton v. Crawford & Co., 553 P. 2d 716, 89 N.M. 436, cert. denied, 558 P. 2d 619, 90 N.M. 7, Candelaria v. Board of County Commissioners of Valancia County, 423 P. 2d 982, 77 N.M.458. In practice, volunteer firefighters are subject to the command of whatever local governing body has created the fire protection program which they serve. Municipalities are authorized to create fire departments, both paid and volunteer, by Section 3-18-11, NMSA (1978), while authorization for counties to create independent fire districts outside municipal limits is found at Section 59-15-6, NMSA (1978).

For the most part, volunteer firefighters serve either municipalities or independent fire districts. Their functions are entirely a creation of municipal or county ordinance, as authorized by state law, and they are completely within the control of the governing body. When called to a fire, volunteers must follow the instructions of the "Chief" or whomever is designated by the local body to be in command. Therefore for purposes of the "right to control test" volunteers appear to be employees.

We think it is also important in reaching this conclusion to look at the purpose of OSHA, which is "to assure every working man and woman safe and healthful working conditions..." As a practical matter, volunteer firefighters often work alongside paid firefighters in responding to a fire. It would appear to make little sense to subject such volunteers to a lower standard of protection in light of the general goals of OSHA.

It may be possible to hypothesize a circumstance when there is a "pure" volunteer, that is, one who does not qualify for pension benefits, is not under the control of a local jurisdiction, and does not receive insurance coverage nor any other form of compensation. However, such a volunteer, as we understand it, would be extremely rare and therefore it would make little sense to base our decision on this potential exception, rather than on the more common case. As such, we conclude that for purpose of OSHA, volunteer firefighters are "employees" for the following reasons:

- (1) Volunteers are eligible to receive compensation for their services from state funds in the form of retirement benefits, insurance coverage and other miscellaneous compensation.
- (2) Volunteers work under the immediate control of the local fire protection body; they are not independent contractors.

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- (3) OSHA should be interpreted in a practical way  
in order to accomplish its purpose of protecting  
worker health and safety.

We hope this has answered your questions. Please let us know if  
we can be of further assistance.

Sincerely,

SHEILA BROWN  
Assistant Attorney General

SB/ag

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 25 STATE FIRE MARSHAL**  
**PART 10 FIRE PROTECTION FUND**

**10.25.10.1 ISSUING AGENCY:** New Mexico Public Regulation Commission, State Fire Marshal's Division.

[10.25.10.1 NMAC - Rp, 10.25.10.1 NMAC, 7-15-13]

**10.25.10.2 SCOPE:** This rule applies to all counties, municipalities, and any governmental entity, under law, that receive fire protection fund money.

[10.25.10.2 NMAC – Rp, 10.25.10.2 NMAC, 7-15-13]

**10.25.10.3 STATUTORY AUTHORITY:** Section 59A-53-12 NMSA 1978.

[10.25.10.3 NMAC – Rp, 10.25.10.3 NMAC, 7-15-13]

**10.25.10.4 DURATION:** Permanent.

[10.25.10.4 NMAC – Rp, 10.25.10.4 NMAC, 7-15-13]

**10.25.10.5 EFFECTIVE DATE:** July 15, 2013, unless a later date is cited at the end of a section.

[10.25.10.5 NMAC – Rp, 10.25.10.5 NMAC, 7-15-13]

**10.25.10.6 OBJECTIVE:** The purpose of this rule is to clarify the requirements under which fire departments are funded and to specify the items and services that can be procured for use in the operations, maintenance and betterment of local fire departments with the intention of reducing losses by fire and reducing fire insurance rates, as well as to ensure that all firefighters within New Mexico have the basic skills and knowledge required to perform as team members of a fire department during emergency operations.

[10.25.10.6 NMAC – Rp, 10.25.10.6 NMAC & 10.25.11.6 NMAC, 7-15-13]

**10.25.10.7 DEFINITIONS:** As used in this rule:

**A. accreditation** means to give official authorization or approval; or to recognize or vouch for as conforming to a standard;

**B. certified fire department** means a fire department that has been certified pursuant to paragraph 10.25.10.11 of this rule;

**C. certification** means to attest authoritatively; specifically, the issuance of a document that states that one has demonstrated the knowledge and skills necessary to function in a particular field, by a testing procedure;

**D. certifying entity** means an organization that is accredited, or a government agency statutorily authorized to issue certificates;

**E. competent** means capable; fit to perform the assigned tasks;

**F. fire department** means an organization created by any municipality, county, or other governmental entity entitled to fire protection funds and capable of providing fire suppression and related activities;

**G. fire chief** means the highest-ranking officer in charge of a fire department;

**H. fire company** means a group of members that is under the direct supervision of an officer or leader; trained and equipped to perform assigned tasks; arrives at the incident scene on the fire apparatus, or assembles at the scene prior to assignment; usually operates with one piece of apparatus; examples of companies are pumper/engine, truck/ladder, service, elevating platform, rescue, wild land, hazardous materials, and emergency medical/ambulance;

**I. fire protection fund (FPF)** means funds distributed pursuant to the Fire Protection Fund Act, Section 59A-53-1 NMSA 1978;

**J. fire marshal** means the state fire marshal as established under the State Fire Marshal Act, Section 59A-52-1 NMSA 1978;

**K. fire service apparatus** means a motorized vehicle designated to respond to fire service functions performed by the fire department;

**L. fire service** means all fire departments and fire department members that have the skills and equipment needed to perform the functions of a fire department based on NFPA standards or nationally accepted practices; fire service functions performed by fire departments ensure public safety and health; fire services



functions may include, but are not limited to, structural firefighting, wild land firefighting, emergency medical services, rescue, and hazardous materials;

**M. fire suppression** means the activities involved in controlling and extinguishing fires; fire suppression shall include all activities performed at the scene of a fire incident or training exercise that expose fire department members to the dangers of heat, flame, smoke, and other products of combustion, explosion or structural collapse;

**N. initial attack apparatus** means a fire service apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 250 gpm capacity, a water tank, and a hose body; the primary function is to initiate a fire suppression attack on structural, vehicular, or vegetation fires, and to support associated fire department operations;

**O. insurance services office, inc (ISO)** means an independent statistical, rating, and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's public fire protection and analyzes the data using its fire suppression rating schedule (FSRS). ISO then assigns a public protection classification from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection;

**P. local government** means either the municipal or county governing body that governs a given fire department;

**Q. main station** means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; as a minimum, the structure should contain an area dedicated for administration, classrooms or a training area, and restrooms; the structure shall house at least one apparatus that meets the criteria for an initial attack or pumper apparatus; the structure shall serve as the command and control station for either all or a designated portion of the department's response area; each fire department shall have at least one main station; if the fire department has more than one main station, there shall be a minimum of three fire companies under the direct control of the senior-ranking officer assigned to each main station; the companies shall be housed in the main station or in substations that are under the command of the senior-ranking officer; separate buildings that house only fire service administration and that are not co-located with other stations may also be considered main stations;

**R. may** means an optional or discretionary requirement;

**S. member** means a person involved in performing the duties and responsibilities of a fire department under the auspices of the organization; a fire department member may be a full-time or part-time paid employee, a paid or unpaid volunteer; may occupy any position or rank within the fire department, and may or may not engage in emergency operations;

**T. NFPA standard** means the most recent edition of the national fire protection association standard for a given subject;

**U. New Mexico firefighters training academy (NMFTA)** means the primary institution within the state fire marshal's office responsible for developing or conducting fire service related training; the NMFTA is accredited by the international fire service accreditation congress (IFSAC); as it pertains to this system, the mission statement for IFSAC is to measure the level of professionalism of the fire service internationally through the accreditation of those entities who administer standardized written or manipulative examinations of the required knowledge and skills to meet nationally and internationally recognized professional qualification standards;

**V. operational/functional status** means a certified fire department that has sufficient membership to ensure the response of at least four members to structure fires; all four members shall have sufficient structural firefighting protective clothing and be, as a minimum, competent at the firefighter I level as established by the NMFTA bureau;

**W. position task book (PTB)** means a document that lists the minimum performance requirements (tasks) for a specific position within the fire service in format that allows a trainee to be evaluated against written standards;

**X. pumper apparatus** means a fire department apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 750 gpm capacity, a water tank, and a hose body; the primary function is to combat structural and associated fires;

**Y. shall** means a mandatory requirement;

**Z. should** means a recommendation or that which is advised;

**AA. SFMO** means the state fire marshal's office;

**BB. substation** means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; the structure should house at least one

apparatus that meets the general criteria of an initial attack or pumper apparatus; the structure may or may not include separate interior rooms, such as offices, classrooms, and quarters;

**CC. trainee** means a member of a fire department that is working towards being recognized as competent in a given fire department position; training may be through an academy, conducted by the department, on the job, or by any other means that ensures the trainee can complete the appropriate tasks;

**DD. wildland fire apparatus** means a fire service apparatus that meets the general requirements of the applicable NFPA standard and is equipped with a pump having a capacity between 20 gpm and 250 gpm, a water tank, and equipment whose primary purpose is to combat vegetation fires, and to support associated fire department operations.

[10.25.10.7 NMAC – Rp, 10.25.10.7 NMAC & 10.25.11.7 NMAC, 7-15-13]

#### **10.25.10.8 APPLICATION REQUIREMENTS TO PARTICIPATE IN DISTRIBUTION:**

**A.** Every local government that desires to have a fire department(s) participate in the distribution of the fire protection fund shall file a complete application on a form prescribed by the fire marshal. This form shall include information necessary to determine the funding needs of the fire department for the following state fiscal year.

**B.** The application for fire protection funds shall be received in the office of the fire marshal on or before the 30th day of April each year.

[10.25.10.8 NMAC – Rp, 10.25.10.8 NMAC, 7-15-13]

#### **10.25.10.9 ACCUMULATION OF FUNDS:**

**A.** FPF funds cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the fire marshal.

**B.** FPF funds may be rolled over to subsequent fiscal years for the purposes of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF funds shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.

**C.** If the item to be purchased requires rollover and accumulation of FPF funds for more than one-year, only one request and subsequent authorization to accumulate funds is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF funds shall be submitted to the fire marshal.

[10.25.10.9 NMAC – Rp, 10.25.10.9 NMAC, 7-15-13]

#### **10.25.10.10 PERIODIC REQUIREMENTS:**

**A.** Each fire department shall complete a monthly fire report utilizing the national fire incident reporting system. This report shall be filed with the state fire marshal's office by the 10th day of each month following the month for which the report is prepared, (e.g., the report for January is due by February 10th). Each fire department shall identify and file with the fire marshal's office, as a minimum, one representative responsible to comply with the reporting requirements.

**B.** Each fire department receiving FPF funds shall submit any other reports the fire marshal shall, from time to time, require and deem necessary.

**C.** Each fire department receiving FPF funds shall cooperate during any inspection deemed necessary by the fire marshal.

**D.** Each local government that receives FPF funds shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the fire marshal, make available all records regarding FPF transactions.

[10.25.10.10 NMAC – Rp, 10.25.10.10 NMAC, 7-15-13]

#### **10.25.10.11 CRITERIA FOR THE ESTABLISHMENT, CERTIFICATION AND FUNDING OF NEW DEPARTMENTS:**

**A.** Establishment of a new department. The following actions are to be taken in the order listed.

(1) Local government shall request from the fire marshal an onsite visit of the proposed response area to determine the feasibility of starting a new department.

(2) If the fire marshal determines that starting a new fire department is feasible, the citizens of the community, or communities, shall organize the new fire department. To achieve an operational/functional status, the department shall have sufficient membership to ensure the response of at least four trained members to fires in

structures. To meet this minimum number, the department should have at least 12 adults willing and able to volunteer their services as firefighters.

(3) The local government shall identify water sources within the proposed response area. Ideally, all single point water sources should have a minimum of 30,000 gallons of water usable for suppression. The local government shall obtain written permission from property owners in which they agree to allow the fire department to use private water sources.

(4) The citizens shall petition the local government to establish the fire department by appropriate resolution. The resolution shall contain a legal description of the response area boundaries by section, township, and range.

(5) The local government shall submit to the fire marshal two copies of the resolution along with two clear and concise maps depicting the boundaries of the response area. The maps should be of a scale that clearly depicts the district and identifies the range and township. The preferred scale is one inch equals two miles. The district boundaries should be clearly outlined. Boundaries shall include additional areas to be serviced within an adjacent municipality or county if such additional coverage has been designated by resolution or law. All sources of water for firefighting within the boundaries shall be clearly indicated on the map. An additional copy of the resolution and map should be:

- (a) on file with the local government;
- (b) on file with the fire department (a copy of the map should be posted).

(6) Upon successful completion of Paragraphs (1) through (5), the fire marshal shall place the new department on probation for one year. The fire department's one-year probation period shall start no earlier than the date of the local government resolution.

(7) The local government shall obtain essential firefighting equipment and personal protective equipment.

(8) As a minimum, the local government shall obtain an operational apparatus meeting the general criteria for an initial attack or pumper apparatus. A waiver may be granted by the fire marshal for an apparatus not meeting this requirement. The request for a waiver shall include a detailed plan that establishes how this requirement is to be eventually met.

(9) The apparatus shall be housed to provide adequate protection. The structure should be owned or leased to the local government. However, while on probation other arrangements approved by the local government are acceptable.

**B.** Certification of a new department. The fire marshal shall certify a new department when the following requirements have been met:

- (1) the department shall have been on probation for a period of no less than one year;
- (2) the department shall have an alarm notification system in place; this system shall be designed so that there is no delay in the receipt of alarms and the dispatch of firefighters; a waiver may be granted by the fire marshal for a specific period if there is a detailed plan that establishes how this requirement is to be met;
- (3) as a minimum, the following records shall be on file with the fire department:
  - (a) response records that indicate the date, times (alarm to return to service), location and type of response and the number and names of responders;
  - (b) training records that indicate the date, times (start to end), location and description of training, and the number and names of attendees;
  - (c) minutes of department business meetings;
  - (d) maintenance records of equipment and apparatus;
  - (e) up-to-date roster of fire department members;
- (4) no later than 30 days prior to the end of the one-year probation period, the fire department provide the fire marshal with the following:
  - (a) a description of the alarm system;
  - (b) a complete itemized inventory of firefighting equipment and apparatus;
  - (c) a roster of firefighters names, addresses and telephone numbers;
  - (d) a written request for a certification inspection;
- (5) a fire department that fails to comply with any portion of the certification requirements shall remain on probation until all requirements are met;
- (6) upon review and approval of all requirements, probational departments shall be certified by written notice.

**C.** Funding of new departments.

(1) Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO Class 10. The distribution shall be based on the state's fiscal year.

(2) All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

[10.25.10.11 NMAC – Rp, 10.25.10.11 NMAC, 7-15-13]

**10.25.10.12 ISO CLASS 10 DEPARTMENTS:**

A. All Class 10 departments shall have three years from the date of certification as a fire department or from the effective date of this rule (whichever is longer) to achieve Class 9 or better.

B. Class 10 departments may submit a written request to the fire marshal for extension if Class 9 has not been obtained. The request shall identify why Class 9 has not been achieved and include a comprehensive plan that details how these deficiencies shall be corrected.

C. Departments that fail to achieve a Class 9 or better within three years, and that do not receive an extension, shall be inspected to determine their operational/functional status. Departments determined to be non-operational by the fire marshal shall be subject to closure in accordance with Section 59A-53-14 NMSA 1978.

[10.25.10.12 NMAC – Rp, 10.25.10.12 NMAC, 7-15-13]

**10.25.10.13 ESTABLISHMENT OF MAIN STATION AND SUBSTATION FOR FUNDING PURPOSES:**

A. All stations shall have a name or numerical designation. (example: Washington Street Station or XYZ Fire Department Station No. 2).

B. Existing main and substations shall meet the following requirements:

(1) be a sufficient distance from other stations to reasonably effect response time or ISO classification for a given population, or be located in an area that historically has had periods where accessibility to the area from other stations has been limited due to man made obstacles, geographical constraints, or acts of nature (example: river, railroad tracks, etc.);

(2) be owned or leased to the local government. FPF money cannot be used to pay for additions to or major reconstruction of a leased building; departments shall have three years from the date of certification as a fire department or from the effective date of this document (whichever is longer) to have established a main station that is either leased to or owned by the local government; departments may submit a written request to the fire marshal for extension of the three years; the request shall identify why the extension is needed and include a comprehensive plan that details how and when this requirement shall be met;

(3) provide apparatus with adequate protection, within reasonable expectation from elements, preventing possible damage to any components of the apparatus;

(4) house at least one operational apparatus that meets the general criteria for an initial attack or pumper apparatus; a waiver may be granted by the fire marshal for an apparatus not meeting this requirement.

C. Requirements/procedure for establishment of new main and substations are as follows:

(1) the local government shall file a written request with the fire marshal for an inspection of the proposed new station site; as a minimum, the station, when completed, shall comply with the requirements for existing substations identified above;

(2) inspection and approval of proposed location from the fire marshal;

(3) if FPF funds shall be used in whole or part to construct the station, the local government shall hold fee simple title to the land on which the substation is to be constructed; however, this provision shall not prohibit construction of a substation on donated land where the donor has reserved the right of reversion of the land under stated conditions;

(4) the local government shall request in writing an onsite inspection and certification by the fire marshal; certifications of new main and substations shall take place before the last day of May for the stations to be included in the calculations for distribution of funds for the next fiscal year.

[10.25.10.13 NMAC – Rp, 10.25.10.13 NMAC, 7-15-13]

**10.25.10.14 RESPONSIBILITIES:**

**A. SFMO**

(1) NMFTA shall publish or adopt all performance evaluations required under this rule in the form of position task books (PTBs). The NMFTA shall use NFPA standards, other national standards, or nationally

accepted training curriculum as the basis for PTBs. The NMFTA shall develop and offer performance-based courses that fulfill the requirements of a PTB.

(2) Trainees who successfully complete the NMFTA training program that was established to fulfill a PTB requirement shall be certified as having passed the written and manipulative examination for that position by the NMFTA. Depending on the training program, certification by NMFTA may be accomplished by one or more of the following:

- (a) attending NMFTA campus course and successfully completing the written and manipulative examination(s);
- (b) attending an NMFTA filed (adjunct) course and successfully completing the written and manipulative examinations(s);
- (c) successful completion of the written and manipulative examination(s) for a given course (i.e., challenge the course).

(3) Certification by NMFTA is not mandatory. The intent of NMFTA certification is to provide assurance to local government that a fire department member has been evaluated and has demonstrated the knowledge and skills necessary to function in the position identified in a given PTB.

**B.** Local government, in conjunction with the fire department(s), under its jurisdiction.

(1) Local government shall ensure fire department members under its charge have the knowledge and skills necessary to perform in their assigned positions. This includes not only initial competency, but also that the competency is maintained.

(2) All fire departments shall have a training program and policy that ensures that personnel are trained, and that competency is maintained to effectively, efficiently, and safely execute all operations consistent with the department's local responsibilities.

(3) All fire departments shall make available training and education for all members commensurate with the duties and functions they are expected to perform. All fire departments shall provide their members with training and education appropriate for their duties and responsibilities before permitting them to engage in emergency operations.

(4) If there is a PTB that has been published by or recognized by the fire marshal, all fire departments should have all appropriate members evaluated against the document. Only those members that are determined to be qualified (evaluated under a specific PTB) by local government should hold the applicable title (i.e., firefighter).

(5) Regardless of whether or not the trainee has been certified by NMFTA, local government shall ensure that the trainee is competent and that the level of competency achieved under a given PTB is maintained. Use only the PTB by local government does not constitute state certification, and the local government assumes responsibility and liability for competence of their firefighters. A PTB does not meet prerequisite requirements for other state certification or training courses.

(6) A trainee should be determined to be competent, by local government, at all tasks required by local government within two years of entering trainee status (i.e., assigned a PTB).

(7) Upon request by the fire marshal, completed and signed PTBs shall be made available for inspection.

[10.25.10.14 NMAC – Rp, 10.25.11.8 & 10.25.10.14 NMAC, 7-15-13]

#### **10.25.10.15 PURCHASE OF EQUIPMENT AND SUPPLIES:**

**A.** Training and equipment needed to support the fire department's ability to suppress structure fires shall be the first priority when expending FPF funds. Departments that are not adequately trained or equipped to conduct structural firefighting shall only expend FPF monies on equipment and training directly related to structural firefighting. Exceptions to these rules shall be requested in writing to the fire marshal and shall receive authorization by the fire marshal prior to any expenditure.

**B.** Factors that shall be utilized to determine if a fire department has the ability to conduct structural firefighting are as follows:

- (1) shall have and be able to sustain an ISO classification of nine or better, and;
- (2) shall meet the criteria of operational/functional status as defined in the rule.

**C.** Fully operational departments may expend funds relevant to the operations and maintenance of the fire department based on NFPA standards or nationally accepted fire service practices without prior approval of the fire marshal if a reasonable need exists for each purchase.

**D.** No expenditure of funds from the fire protection fund shall be made by any fire department for any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression until such fire department has presented to the state fire marshal sufficient evidence that a need exists for such fire service

apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression. Approval may be denied if the requesting department is not in good standing with the periodic requirements as identified in this rule.

(1) Any fire department intending to purchase any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression shall submit a written request for approval to expend fire protection funds to the state fire marshal before any purchase is made.

(2) The written request shall be approved in writing by the state fire marshal before any fire protection funds may be expended or obligated in any way. Purchases shall always be made in the name of the appropriate municipality or county.

E. Equipment and appliances necessary to perform fire service functions and emergency medical services as provided by the fire department are allowed without prior approval of the state fire marshal if a reasonable need exists for each purchase. A guideline is available to all local governments and fire departments upon request, or may be viewed electronically on the public regulation commission's web page at <http://www.nmprc.state.nm.us/sfm.htm>.

F. Fire departments may purchase meals for members with state fire funds, provided the following guidelines are followed:

(1) any major incident (structure fires, wild land fires, etc.) lasting more than four hours of time on scene;

(2) any training which is physically exerting in nature lasting four hours or more (structural fire training, wild land, rescue, etc.); classroom trainings do not qualify for this provision;

(3) to provide rehab supplies on emergency apparatus, such as water, sport drinks, MRE's trail mixes, etc.

G. The use of FPF funds for social events is prohibited.

H. Schools, courses, and conferences attended shall be related to fire service and shall be of content relevant to the needs of the department.

[10.25.10.15 NMAC – Rp, 10.25.10.14 NMAC, 7-15-13]

**10.25.10.16 PURCHASE OF AUTOMOTIVE APPARATUS:** All vehicles purchased with FPF funds shall meet the following requirements:

A. new vehicle specifications for bid shall be submitted to the fire marshal and shall be approved by the fire marshal prior to advertising for bids;

B. a detailed description of used vehicles shall be submitted to the fire marshal and shall be approved prior to expending or committing FPF funds;

C. all new apparatus shall meet the general requirements established under the appropriate NFPA standard or nationally accepted practices if applicable, and shall be designed to meet the operational requirements of the department; if assistance is needed in determining what would be appropriate to meet the potential fire flow requirements for the department's response area, a department may submit the following information to the fire marshal:

(1) a description of the water supply source(s) (example: hydrants, cisterns, river, overhead tank, etc.);

(2) a description of how the water supply shall be delivered to the apparatus (example: short lay of five-inch supply line from hydrants, long lay of five-inch supply line from relay pumper, tanker shuttle, etc.); and

(3) a list containing the five highest commercial fire flow requirements within the response area (identify how this determination was made, example: taken from ISO batch report, used NFPA 1142, etc.); if unable to determine fire flow requirements, describe what each building is being used for (occupancy class), what each building is built of (construction classification), and square footage and height;

D. a requesting department shall provide documentation verifying the department's ability to achieve the required fire flow within its identified response district prior to any funds being expended on non-structural apparatus.

[10.25.10.16 NMAC – Rp, 10.25.10.15 NMAC, 7-15-13]

**10.25.10.17 COMPLIANCE WITH PROCUREMENT CODE REQUIRED:** All purchases shall be made by the designated purchasing officer in compliance with the provisions and requirements of the New Mexico procurement code.

[10.25.10.17 NMAC – Rp, 10.25.10.16 NMAC, 7-15-13]

**10.25.10.18 EQUIPMENT INVENTORY:** All fire departments shall maintain an equipment inventory list. All single items purchased with FPF monies costing two hundred and fifty dollars (\$250) or more shall be listed on the fire department's inventory list. A physical inventory of such items shall be conducted no less than annually. A copy of the inventory shall be maintained at the main station(s).  
[10.25.10.18 NMAC – Rp, 10.25.10.17 NMAC, 7-15-13]

**HISTORY OF 10.25.10 NMAC:**

**Pre-NMAC history:**

FM 77-1, Rules and Regulations Relating to the Fire Protection Fund Act and List of Approved Equipment, filed on 3-30-77.

**NMAC History:**

10 NMAC 25.10, Fire Protection Fund, filed 6-9-97 – Repealed 12-31-2000.

10.25.10 NMAC, Fire Protection Fund, filed on 12-13-2000 – Repealed 7-15-2013.

10.25.11 NMAC, Firefighting Qualification System, filed 12-13-2000 – Repealed 7-15-2013.

# NFIRS Incident Field Notes

<b>DATE</b> / /	<b>ALARM TIME</b> :	<b>ARRIVAL TIME</b> :	<b>CONTROL TIME</b> :	<b>LAST UNIT CLEARED</b> :	<b>INCIDENT #</b>	<b>EXPOSURE #</b>												
<b>LOCATION</b> <input type="checkbox"/> Exact Location <input type="checkbox"/> Intersection <input type="checkbox"/> Front of <input type="checkbox"/> Rear of <input type="checkbox"/> Adjacent to	<div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <input type="text"/> Number         </div> <div style="width: 40%;"> <input type="text"/> Street or Highway         </div> <div style="width: 20%;"> <input type="text"/> Apt/Room         </div> <div style="width: 20%;"> <input type="text"/> City         </div> <div style="width: 10%;"> <input type="text"/> State         </div> <div style="width: 10%;"> <input type="text"/> Zip Code         </div> </div> <input type="text"/> Cross Streets or Directions																	
<b>INCIDENT TYPE</b> (Situation Found)  <input type="text"/>	<b>AID GIVEN OR RECEIVED</b> <input type="checkbox"/> Mutual Aid Received <input type="checkbox"/> Automatic Aid Received <input type="checkbox"/> Mutual Aid Given <input type="checkbox"/> Automatic Aid Given <input type="checkbox"/> Other Aid Given <input type="checkbox"/> None	<b>ACTIONS TAKEN</b> <input type="text"/> Primary Action Taken <input type="text"/> Additional Action Taken (1) <input type="text"/> Additional Action Taken (2)		<b>RESOURCES</b> <table style="width: 100%;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">Apparatus</td> <td style="width: 33%; text-align: center;">Personnel</td> </tr> <tr> <td>Suppression</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>EMS</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Other</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>				Apparatus	Personnel	Suppression	<input type="text"/>	<input type="text"/>	EMS	<input type="text"/>	<input type="text"/>	Other	<input type="text"/>	<input type="text"/>
	Apparatus	Personnel																
Suppression	<input type="text"/>	<input type="text"/>																
EMS	<input type="text"/>	<input type="text"/>																
Other	<input type="text"/>	<input type="text"/>																
<b>ESTIMATED DOLLAR LOSS LOSSES</b> Property \$ <input type="text"/> Contents \$ <input type="text"/> <b>PRE-INCIDENT VALUE</b> Property \$ <input type="text"/> Contents \$ <input type="text"/>	<b>CASUALTIES</b> <table style="width: 100%;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">Death</td> <td style="width: 33%; text-align: center;">Injury</td> </tr> <tr> <td>Fire Service</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Civilian Fire</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Civilian EMS</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>			Death	Injury	Fire Service	<input type="text"/>	<input type="text"/>	Civilian Fire	<input type="text"/>	<input type="text"/>	Civilian EMS	<input type="text"/>	<input type="text"/>	<b>DETECTORS</b> (Required for Confined Fires Only) <input type="checkbox"/> Detector Alerted Occupants <input type="checkbox"/> Detector Did Not Alert Occupant <input type="checkbox"/> Unknown		<b>PROPERTY USE</b> <input type="text"/>  <input type="text"/>	
	Death	Injury																
Fire Service	<input type="text"/>	<input type="text"/>																
Civilian Fire	<input type="text"/>	<input type="text"/>																
Civilian EMS	<input type="text"/>	<input type="text"/>																
<b>HAZARDOUS MATERIALS RELEASE</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> NONE  <input type="checkbox"/> NATURAL GAS: slow leak, no evacuation or HazMat action  <input type="checkbox"/> PROPANE GAS: &lt;21 LB. (as in home BBQ grill)  <input type="checkbox"/> GASOLINE: vehicle fuel tank or portable container  <input type="checkbox"/> KEROSENE: fuel burning equipment or portable storage         </div> <div style="width: 45%;"> <input type="checkbox"/> DIESEL FUEL/FUEL OIL: vehicle tank or portable storage  <input type="checkbox"/> HOUSEHOLD SOLVENTS: home/office spill, cleanup only  <input type="checkbox"/> MOTOR OIL: from engine or portable container  <input type="checkbox"/> PAINT: from paints cans totaling &lt;55 gallons  <input type="checkbox"/> OTHER: Special HazMat actions required or spill &gt; 55 gallons         </div> </div>				<b>MIXED USE PROPERTY</b> <table style="width: 100%;"> <tr> <td style="width: 50%;"> <input type="checkbox"/> Not Mixed  <input type="checkbox"/> Assembly Use  <input type="checkbox"/> Educational Use  <input type="checkbox"/> Medical Use  <input type="checkbox"/> Residential Use  <input type="checkbox"/> Row of Stores  <input type="checkbox"/> Enclosed Mall  <input type="checkbox"/> Business &amp; Residential  <input type="checkbox"/> Office Use         </td> <td style="width: 50%;"> <input type="checkbox"/> Industrial Use  <input type="checkbox"/> Military Use  <input type="checkbox"/> Farm Use  <input type="checkbox"/> Other Mixed Use         </td> </tr> </table>			<input type="checkbox"/> Not Mixed <input type="checkbox"/> Assembly Use <input type="checkbox"/> Educational Use <input type="checkbox"/> Medical Use <input type="checkbox"/> Residential Use <input type="checkbox"/> Row of Stores <input type="checkbox"/> Enclosed Mall <input type="checkbox"/> Business & Residential <input type="checkbox"/> Office Use	<input type="checkbox"/> Industrial Use <input type="checkbox"/> Military Use <input type="checkbox"/> Farm Use <input type="checkbox"/> Other Mixed Use										
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OCCUPANT/PARTY INVOLVED NAME (LAST, FIRST, MIDDLE)		ADDRESS/CITY/ZIP CODE		TELEPHONE														
OWNER NAME (LAST, FIRST, MIDDLE)		ADDRESS/CITY/ZIP CODE		ROOM / APT #		TELEPHONE												
<b>NOTES:</b> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>																		

COMPLETE THIS SIDE FOR ALL INCIDENTS - COMPLETE BOTH SIDES FOR ALL FIRES

Created 11/2002



<b>Property Details</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <input type="checkbox"/> Not Residential <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <small>Estimated # of residential living units in the building of origin whether or not all units became involved</small> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <input type="checkbox"/> Buildings not involved <small>Number of buildings involved</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <input type="checkbox"/> None <small>Acres burned (outside fires)</small> <input type="checkbox"/> Less than 1 acre	<b>On-Site Materials</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> None       </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Bulk storage or warehousing  <input type="checkbox"/> Processing or manufacturing  <input type="checkbox"/> Packaged goods for sale  <input type="checkbox"/> Repairs or service       </div> <small>On-Site Material (1)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Bulk storage or warehousing  <input type="checkbox"/> Processing or manufacturing  <input type="checkbox"/> Packaged goods for sale  <input type="checkbox"/> Repairs or service       </div> <small>On-Site Material (2)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Bulk storage or warehousing  <input type="checkbox"/> Processing or manufacturing  <input type="checkbox"/> Packaged goods for sale  <input type="checkbox"/> Repairs or service       </div> <small>On-Site Material (3)</small>	<b>Ignition</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Area of Fire Origin</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Heat Source</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Item First Ignited</small> <input type="checkbox"/> Fire spread confined to object of origin <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Type of Material First Ignited</small>	<b>Cause of Ignition</b> <input type="checkbox"/> Intentional <input type="checkbox"/> Unintentional <input type="checkbox"/> Failure of Equipment or Heat Source <input type="checkbox"/> Act of Nature <input type="checkbox"/> Cause Under Investigation <input type="checkbox"/> Cause Undetermined after Investigation <b>Factors Contributing to Ignition</b> <input type="checkbox"/> None <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Factor #1</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Factor #2</small>
<b>Human Factors Contributing to Ignition</b> <input type="checkbox"/> None <input type="checkbox"/> Asleep <input type="checkbox"/> Possibly impaired by alcohol/drugs <input type="checkbox"/> Unattended person <input type="checkbox"/> Possibly mentally disabled <input type="checkbox"/> Physically disabled <input type="checkbox"/> Multiple persons involved <input type="checkbox"/> Age was a factor	<b>Equipment Involved in Ignition</b> <input type="checkbox"/> None <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Equipment Involved</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Brand</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Model</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Serial Number</small> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Year</small> </div> <div style="border: 1px solid black; padding: 2px; width: 40%;"> <small>Equipment Power Source</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <input type="checkbox"/> Portable       </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <input type="checkbox"/> Stationary       </div> </div>		
<b>Mobile Property Involved</b> <input type="checkbox"/> None <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 30%;"> <small>Mobile Property Type</small> </div> <div style="border: 1px solid black; padding: 2px; width: 30%;"> <small>Mobile Property Make</small> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Not involved in ignition, but burned       </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 30%;"> <small>Year</small> </div> <div style="border: 1px solid black; padding: 2px; width: 30%;"> <small>Mobile Property Model</small> </div> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Involved in ignition, but didn't burn       </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="checkbox"/> Involved in ignition and burned       </div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40%;"> <small>VIN Number</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <input type="text"/> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40%;"> <small>License Plate Number</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>State</small> </div> </div>			
<b>Fire Suppression Factors</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Fire Suppression Factor (1)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Fire Suppression Factor (2)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Fire Suppression Factor (3)</small>			
<b>Structure Type</b> <input type="checkbox"/> Enclosed building <input type="checkbox"/> Fixed portable/mobile structure <input type="checkbox"/> Open structure <input type="checkbox"/> Air supported structure <input type="checkbox"/> Tent <input type="checkbox"/> Open platform (e.g. piers) <input type="checkbox"/> Underground structure (work areas) <input type="checkbox"/> Connective structure (e.g. fences) <input type="checkbox"/> Other type of structure	<b>Building Status</b> <input type="checkbox"/> Under construction <input type="checkbox"/> Occupied & operating <input type="checkbox"/> Idle, not routinely used <input type="checkbox"/> Under major renovation <input type="checkbox"/> Vacant & secured <input type="checkbox"/> Vacant & unsecured <input type="checkbox"/> Being demolished <input type="checkbox"/> Undetermined <input type="checkbox"/> Other	<b>Building Height</b> <small>(Count ROOF as part of Highest Story)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Total # of stories at or above grade</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Total # of stories below grade</small> <b>Main Floor Size (Complete One)</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Total square feet</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Length in Feet</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>BY</small> </div> <div style="border: 1px solid black; padding: 2px; width: 20%;"> <small>Width in Feet</small> </div> </div>	<b>Fire Origin</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <input type="checkbox"/> Below Grade <small>Story of origin</small> <b>Fire Spread</b> <input type="checkbox"/> Confined to object of origin <input type="checkbox"/> Confined to room of origin <input type="checkbox"/> Confined to floor of origin <input type="checkbox"/> Confined to building of origin <input type="checkbox"/> Beyond building of origin
<b>Number of Stories Damaged by Flame</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Number of stories w/ minor damage (1 to 24% Flame Damage)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Number of stories w/ significant damage (25 to 49% Flame Damage)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Number of stories w/ heavy damage (50 to 74% Flame Damage)</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Number of stories w/ extreme damage (75 to 100% Flame Damage)</small>	<b>Material Contributing Most to Flame Spread</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Item contributing most to flame spread</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Type of material contributing most to flame spread</small>		<b>Insurance Company Information</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Insurance Company Name</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Policy Number</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Agent's Name</small> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <small>Phone Number</small>
<b>Presence of Detectors</b> <input type="checkbox"/> None Present <input type="checkbox"/> Present <b>Detector Type</b> <input type="checkbox"/> Smoke <input type="checkbox"/> Heat <input type="checkbox"/> Combination-smoke & heat <input type="checkbox"/> Sprinkler, water flow detection <input type="checkbox"/> More than 1 type present	<b>Detector Effectiveness</b> <input type="checkbox"/> Alerted occupants-they responded <input type="checkbox"/> Occupants failed to respond <input type="checkbox"/> There were no occupants <input type="checkbox"/> Failed to alert occupants <b>Detector Power Supply</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <b>Detector Operation</b> <input type="checkbox"/> Fire too small to activate <input type="checkbox"/> Operated <input type="checkbox"/> Failed to Operate <input type="checkbox"/> Undetermined <b>Detector Failure Reason</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div>	<b>Presence of Automatic Extinguishing System</b> <input type="checkbox"/> None Present <input type="checkbox"/> Present <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <b>Type of System</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <b># of Heads Operating</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div> <b>System Operation</b> <input type="checkbox"/> Operated & effective <input type="checkbox"/> Operated & not effective <input type="checkbox"/> Fire too small to activate <input type="checkbox"/> Failed to operate <input type="checkbox"/> Other <b>System Failure Reason</b> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <input type="text"/> </div>	

# New Mexico Public Regulation Commission-State Fire Marshal Division



## FIRE FATALITY REPORT FORM

•CONFIDENTIAL•

VICTIM INFORMATION				
LAST NAME		FIRST NAME		MIDDLE INITIAL
ADDRESS				
CITY		STATE		ZIP CODE
AGE		DATE OF BIRTH		GENDER
LOCATION				
INCIDENT DATE		TIME OF DAY		INCIDENT NUMBER
INCIDENT ADDRESS				
CITY		STATE		ZIP CODE
AUTHORITY HAVING JURISDICTION		FIRE DEPARTMENT ID NUMBER (NFIRS)		COUNTY
REPORTING AGENCY		REPORTING PERSON		PHONE
DOLLAR LOSS:				
INCIDENT INFORMATION				
<b>ORIGIN OF IGNITION</b> <input type="checkbox"/> INTENTIONAL <input type="checkbox"/> UNINTENTIONAL <input type="checkbox"/> FAILURE OF EQUIPMENT OR HEAT SOURCE <input type="checkbox"/> ACT OF NATURE <input type="checkbox"/> CAUSE UNDER INVESTIGATION <input type="checkbox"/> CAUSE UNDETERMINED AFTER INVESTIGATION		<b>SOURCE OF IGNITION</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> CANDLE  <input type="checkbox"/> CHILD WITH ACCESS TO IGNITION DEVICE  <input type="checkbox"/> COOKING  <input type="checkbox"/> DRUG MANUFACTURING / LAB  <input type="checkbox"/> ELECTRICAL DISTRIBUTION  <input type="checkbox"/> ELECTRICAL APPLIANCE  <input type="checkbox"/> OTHER:                             </div> <div> <input type="checkbox"/> FIREWORKS  <input type="checkbox"/> HOME HEATING  <input type="checkbox"/> SMOKING  <input type="checkbox"/> VEHICLE COLLISION  <input type="checkbox"/> UNDETERMINED HEAT SOURCE                             </div> </div>		
<b>HUMAN FACTORS</b> <input type="checkbox"/> ASLEEP <input type="checkbox"/> POSSIBLY IMPAIRED BY ALCOHOL OR DRUGS <input type="checkbox"/> UNATTENDED OR UNSUPERVISED PERSON <input type="checkbox"/> POSSIBLY MENTALLY DISABLED <input type="checkbox"/> PHYSICALLY DISABLED <input type="checkbox"/> MULTIPLE PERSONS INVOLVED <input type="checkbox"/> AGE WAS A FACTOR <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE		<b>FEATURES OF FIRE PROTECTION</b> SMOKE ALARM/DETECTORS: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> PRESENT                             <input type="checkbox"/> NOT PRESENT                             <input type="checkbox"/> UNKNOWN                         </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> OPERATIONAL                             <input type="checkbox"/> NOT OPERATIONAL                             <input type="checkbox"/> UNKNOWN                         </div> POWER SOURCE <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> BATTERY OPERATED                             <input type="checkbox"/> HARD WIRED                         </div> FIRE SPRINKLERS: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> PRESENT                             <input type="checkbox"/> NOT PRESENT                             <input type="checkbox"/> ACTIVATED                             <input type="checkbox"/> NOT ACTIVATED                         </div>		
<b>OCCUPANCY TYPE (International Building Code)</b> <b>DEATH OCCURRED -</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> IN VEHICLE  <input type="checkbox"/> SINGLE FAMILY DWELLING  <input type="checkbox"/> OTHER (Explain)                             </div> <div> <input type="checkbox"/> OUTSIDE  <input type="checkbox"/> MULTI FAMILY DWELLING                             </div> <div> <input type="checkbox"/> COMMERCIAL STRUCTURE  <input type="checkbox"/> AIRCRAFT                             </div> </div>		FOR ASSISTANCE COMPLETING THIS SECTION CALL NUMBER LISTED BELOW		
NARRATIVE/CIRCUMSTANCES:				
REMIT INFORMATION WITHIN 48-HR <u>WRITTEN</u> NOTIFICATION				
<b>RETURN:</b> <b>PHONE:</b>		NEW MEXICO STATE FIRE MARSHAL DIVISION • PO Box 1269 • SANTA FE, NM 87504 • (505) 476-0066 • FAX: (505) 476-0100 •		

Revised 10/2013

# **NEW MEXICO FIREFIGHTERS TRAINING ACADEMY**

The New Mexico Firefighters Training Academy was created through legislative action in April 1985. Groundbreaking ceremonies were held on November 12, 1986. The facility began limited use in January 1989, and was officially dedicated in August of 1989, in conjunction with the 34<sup>th</sup> Annual Fire Marshal's Training School.

Located at the base of Socorro Mountain, the campus overlooks the City of Socorro and New Mexico Institute of Mining and Technology. The Academy's central New Mexico location and moderate four-season climate make it possible for firefighters to receive year-round field training.

The New Mexico Firefighters Training Academy offers the most modern and state-of-the-art equipment, props and curriculum available. Field-experienced faculty and adjunct instructors utilizing a standardized and structured format present the programs. They follow the teaching principles and practices best suited for adult education, and demonstrate a variety of methods and techniques in the training programs.

The Academy is dedicated to meeting the needs of a complex and dynamic fire service by providing programs of the highest quality. The Fire Academy's objectives are to:

1. Provide training programs designed to develop the basic and advanced skills necessary for students to be more effective members of the fire service and society;
2. Provide the best instruction and training possible in all areas of the fire service; and
3. Serve the public at large by providing education services, training and counseling.

## **REGISTRATION INFORMATION**

Persons interested in enrolling in an Academy course should be associated with a fire department – either paid or volunteer – and must be at least 18 years old. Prospective students must complete and submit a General Admission Application form for each class they wish to attend. If the course lists a prerequisite, documentation showing completion of the prerequisite(s) must be attached to the application. Applications that are not completely filled out, are missing signatures, or do not have the required documentation attached will be returned.

Student selection is made according to the selection criteria, as outlined in the following Selection Criteria Policy. Students admitted to a course will receive a selection notice, schedule, and specific information pertaining to the course. Those not selected will receive a rejection notice stating the reason for rejection.

There are minimum and maximum student enrollment limits in each course that are enforced in order to best utilize the facility and instructors, and provide maximum student involvement. Courses that have not met the minimum enrollment four weeks prior to the start of the class are subject to cancellation.

Any student who has been accepted into a course and cannot attend must notify the Academy prior to the start of the class. Students who have been accepted to a course and do not show up are subject to denial of application to future courses. We currently do not charge a course fee for most of the courses offered here at the Academy. However, certain courses require the purchase of student manuals essential to the course. Such fees will not be refunded if a student does not show up and fails to notify the Academy. Students who drop out of a course will not receive certification for the course and will not be refunded any fees.

The Academy has no means of providing food or lodging on campus at this time; consequently, students must make their own arrangements for both.

## STUDENT SELECTION CRITERIA POLICY

The process for student selection to a course begins four (4) weeks prior to the start of the course. Students are selected according to the following criteria:

1. Applications are grouped in the following order of priority by sponsoring agencies:
  - A. New Mexico fire departments listed by the State Fire Marshal as receiving State Fire Funds.
  - B. New Mexico fire departments listed by the State Fire Marshal as being on probation to receive State Fire Funds.
  - C. Other New Mexico State Agencies.
  - D. New Mexico Indian fire departments (non-federal).
  - E. Federal agencies and agencies from other states.
  - F. Private industry.
  - G. Foreign agencies.
  - H. Unaffiliated individuals.
2. Applications within each group are reviewed individually in the following order:
  - A. Applications from individuals who previously were turned down for the same course.
  - B. Remaining applications in the order received at the Academy.
3. Applications are accepted based on meeting any prerequisites and specific selection criteria.
4. If student slots are still available after initial review, they will be filled on a first-come, first-served basis during the four weeks prior to the start of the course.

Some courses are designed for specific target audiences, and students are selected by invitation only.

## STUDENT ATTENDANCE POLICY

A General Admission Application form must be submitted to the Fire Academy at least 30 days prior to the start of the course. (Separate application forms must be submitted for each course.) Application forms must be filled out completely and signed by the applicant and the Department Chief or Training Officer. If there is a prerequisite for the course, copies of prerequisite documentation and payment for the course, if applicable, must be attached to the application. Application forms should be reviewed carefully before they are submitted. Any omission may result in a denial of the application.

It is the student's responsibility to contact the New Mexico Firefighters Training Academy to confirm receipt and eligibility of applications. NOTE: Only the most recent results for any pre- or co-requisite course will be considered for acceptance to a certification test.

If a student is accepted to a course but is unable to attend, the student must notify the Academy **NO LATER THAN FIVE (5) WORKING DAYS PRIOR TO THE START OF THE CLASS.** *Failure to notify the Academy may result in rejection of future applications.*

Unless indicated otherwise, classes held at the Academy begin at 8 a.m. and end at 5 p.m. Students are expected to be in the classroom and ready for class at the designated time. Tardiness disrupts the instructor and the class, and will not be tolerated.

While attending classes at the New Mexico Firefighters Training Academy, it is the student's responsibility to use good judgment in selecting the proper attire in order to project a professional image. The student should consider climate variations and various classroom activities when selecting their wardrobe. Students should dress in apparel that will reflect their professionalism and pride in the service they represent.

Recommended classroom attire for males includes dress denims (jeans), or slacks and shirt with collars, or department work clothes.

Recommended classroom attire for females includes dress, skirt and blouse, dress denims (jeans), slacks and blouse, or department work clothes.

*Shorts, tank tops and/or cropped tops are not acceptable as classroom attire for either males or females, and students will be asked to leave the class if dressed in an unacceptable manner.*

Students with beards will not be allowed to participate in practical skills requiring the use of self-contained breathing apparatus (SCBA) as per manufacturer's recommendations, OSHA 29 CFR 1910.134, and NFPA 1500. These courses cannot be completed without the field activities, and the student who does not participate in the field activities will be given a grade of "Incomplete" and will not receive a certificate for the course.

The Academy will provide assigned SCBA for student use. Students, under instructor supervision, will perform sanitizing of the SCBA. Students who would rather use their own face pieces may do so, provided the face pieces meet NIOSH and OSHA Standards. Students may use their own complete SCBA, provided it meets standards, is properly identified, and adequate spare cylinders are included.

When participating in practical exercises, full protective clothing meeting NFPA Standards must be worn unless the student is instructed otherwise. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the student's protective clothing. This includes full-length pants and long-sleeve shirt made from 100% natural fibers or Nomex equivalent. Coveralls may be worn in place of the full-length pants and long-sleeve shirt.

*TEST SCORES WILL NOT BE RELEASED OVER THE PHONE.* Test scores will be mailed to the students within 10 working days of test date. The release of test scores to someone other than the student or the Fire Chief or Training Officer will require written permission from the student.

## **New Mexico Firefighters Training Academy's Adjunct Instructor Program**

While there are more than 400 fire departments within the state, the New Mexico Firefighters Training Academy (NMFTA) only employs seven (7) full-time Fire Instructors. In order to meet the Fire Service training needs throughout the state and to supplement the instructional staff, we have created the NMFTA Adjunct Instructor Program. This group is made up of experienced firefighters who have both the requisite knowledge and a strong desire to teach their fellow firefighters. Currently, as of 2011, the NMFTA Adjunct program has some 200 members, representing approximately 30 departments. The NMFTA's long range goal is to have Adjunct Instructors in every department in the state.

Instructors in the Adjunct Program are considered as NMFTA staff when assisting with courses on campus or delivering courses off campus, which have been submitted for NMFTA certification. Instructors in the Adjunct Program represent the NMFTA during such course deliveries and are expected to conduct themselves in a professional manner. Instructors must adhere to any and all applicable NMFTA policies and always perform in a legal manner.

### **Core Requirements: The following requirements must be satisfied by all applicants:**

1. Applicant must be at least 21 years of age at time of application.
2. Applicant must have a high-school diploma or equivalent.
3. Applicant must be affiliated with a fire department, industrial or institutional fire brigade, a fire-training program, related public safety agency, or institution of higher education in a fire or emergency-related field. Individuals retired from above organizations do qualify.
4. Applicant must have three (3) years of documented service with any of the organizations listed above.
5. Must meet the requirements of NFPA 1001 ch.5 (Firefighter I)
6. Applicant must be certified as *IFSAC Fire Service Instructor I*. As of January 1, 2010, all current adjuncts must have *IFSAC Fire Service Instructor I* to continue teaching with the Fire Academy.
7. Once accepted to the NMFTA Adjunct Program, an instructor shall participate, as either Lead Instructor or as an Assistant Instructor, in an Academy-approved class, at least twice every two years.

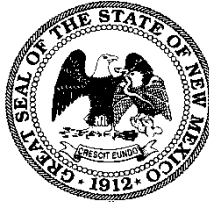
## New Mexico Fire Academy Courses

Course	Pre-requisite
Fire Inspector I	NFPA 472 Section 4.2 Analyzing the Incident
Fire Officer I	Instructor I/Firefighter II
Fire Officer II	Fire Officer I
Fire Investigator	None
Fire Protection Systems	None/Inspector I recommended
Fire Service Instructor I	None/Firefighter I recommended
Fire Service Instructor II	Instructor I
Fireworks Training for the Fire Service	None
Open Training Day	Call NMFTA for More Info
Aircraft Rescue & Firefighting	
Recertification (ARFF)	Call NMFTA for More Info
Basic Incident Command System (IS-100/IS-200)	None
Firefighter I	Haz-Mat Awareness-Ops/BEMCF
Firefighter II	Firefighter I
Hose & Hydrant Testing	None
Structural Firefighting	Firefighter I
Basic Firefighter Emergency Medical Care	None
Flammable & Combustible Liquid Emergencies	Firefighter I
Hazardous Materials: Awareness & Operations	None
Hazardous Materials: Chemistry	None
Hazardous Materials: Technician	Haz-Mat Chem./Haz-Mat A-O/LPG/Flammable Liquids
Liquefied Petroleum Gas Emergencies (LPG)	Firefighter I
National Fire Academy (NFA)	Call NMFTA for More Info
Pump Operations & Hydraulics	None
Ropes Rescue: Awareness & Operations	None
Ropes Rescue: Technician	Rope Rescue A-O
Vehicle Extrication	None
Wildland Firefighter I	None
Defensive Driving	None
Certification Testing	Call NMFTA for More Info
Basic Emergency Medical Care for Firefighters	None

# NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

DISTRICT 1 JASON MARKS  
DISTRICT 2 PATRICK H. LYONS, CHAIRMAN  
DISTRICT 3 JEROME D. BLOCK, VICE CHAIRMAN  
DISTRICT 4 THERESA BECENTI-AGUILAR  
DISTRICT 5 BEN L. HALL



New Mexico Firefighters Training Academy  
Bureau of the Fire Marshal Division  
John C. Standefer, State Fire Marshal  
Reyes Romero, Deputy State Fire Marshal  
600 Aspen Road, Socorro, NM 87801  
1-800-734-6553 (In-State, Toll-Free)  
(575) 835-7500 – Fax: (575) 835-7506

## CHIEF OF STAFF

Johnny L. Montoya

## FIRE ACADEMY DIRECTORY

NAME	OFFICE NUMBER	E-MAIL ADDRESS	CELL NUMBER
Reyes Romero, Deputy State Fire Marshal	575-835-7503	Reyes.Romero2@state.nm.us	505-670-3193
Brad Brunson, Instructional Staff Manager	575-835-7519	Brad.Brunson@state.nm.us	575-418-7704
Joey Anaya, Plant Manager	575-835-7520	Joey.Anaya@state.nm.us	505-699-7396
Barbara Romero, Purchasing Agent	575-835-7502	Barbara.Romero2@state.nm.us	
Sharlynn Montoya, Instructional Staff Secretary	575-835-7501	Sharlynn.Montoya@state.nm.us	
Gerald Garner, Administrative Services Coordinator	575-835-7505	Gerald.Garner@state.nm.us	
Rick Pierson, Plant Systems Operator	575-835-7513	Rick.Pierson@state.nm.us	
Carlos L. Chavez, Instructor/Coordinator	575-835-7509	CarlosL.Chavez@state.nm.us	505-795-2351
David Romero, Instructor/Coordinator	575-835-7517	David.Romero@state.nm.us	505-629-2641
Eldon Offutt, Instructional Staff Manager	575-835-7522	Eldon.Offutt@state.nm.us	505-629-2634
Javier Torres, Instructor/Coordinator	575-835-7510	Javiar.Torres@state.nm.us	575-517-6424
Joel Domschot, Instructor/Coordinator	575-835-7504	Joel.Domschot@state.nm.us	505-231-6844
Marion Whatley, Jr., Instructor/Coordinator	575-835-7508	MarionR.Whatley@state.nm.us	505-795-2349
Fax	575-835-7506		





# GENERAL ADMISSION APPLICATION

## NEW MEXICO FIREFIGHTERS TRAINING ACADEMY

Phone: (575) 835-7500 – In-State Toll-Free: 1-800-734-6553

Please Print or Type and mail or fax to:

600 Aspen Road, Socorro, New Mexico 87801 • Fax: (575) 835-7506

### SECTION I – COURSE INFORMATION

Course Title: \_\_\_\_\_

Course Dates: \_\_\_\_\_ Location: \_\_\_\_\_

Affiliation: ☐ NM Fire Department ☐ NM State Agency ☐ Other: \_\_\_\_\_

*If above course requires completion of a prerequisite course or other requirements, copies of certificates or documents confirming eligibility must be included with application. Failure to do so will be cause for rejection.*

### SECTION II – APPLICANT INFORMATION

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ ☐ Male ☐ Female

Mailing Address: \_\_\_\_\_

*P.O. Box or Street No.*

*City*

*State*

*Zip Code*

Home or Contact Phone: ( ) \_\_\_\_\_ Work Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Current Rank/Position/Title: \_\_\_\_\_

Have you been rejected for this course before because it was full? ☐ No ☐ Yes *If Yes, When?* \_\_\_\_\_

- For courses requiring physical activities, it is understood that the applicant may experience rigorous exercises that require physical fitness, strength and stamina. The applicant should be in compliance with *NFPA Standard 1582 Standard on Comprehensive Occupational Medical Program for Fire Departments*.

**Do you have any medical condition or disability that would require special consideration during your attendance at the Fire Academy?** ☐ No ☐ Yes *If yes, please give a full explanation on a separate page and attach to this application.*

### SECTION III – FIRE DEPARTMENT/AGENCY INFORMATION

*In order to receive Fire Department classification per the Selection Criteria Policy and a waiver of course fee, the applicant's Department Chief, Supervisor, or Supervising Officer must complete this section. Applicants who do not fill out this section will be classified "Unaffiliated" and subject to a course fee.*

Department/Agency Name: \_\_\_\_\_

Department Mailing Address: \_\_\_\_\_

Department Phone Number: ( ) \_\_\_\_\_ Department Fax: ( ) \_\_\_\_\_

Chief or Training Officer: \_\_\_\_\_ Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

## SECTION IV – LIABILITY AND WAIVER INFORMATION

*This section must be read and signed by the applicant, and if applicable, by the Department Chief, Supervisor or Supervising Officer. (If Section III has been completed, this section must have both signatures. If application is not signed, it will be rejected.)*

- The applicant is a member/employee of the department or organization listed (unless unaffiliated) and meets its minimum age and educational requirements. (The Fire Academy requires the applicant to be at least 18 years of age when the application is signed.)
- Information concerning enrollment and test scores will only be released to the student, the Fire Chief or Training Officer or his/her designee, and only at the discretion of the Fire Academy.
- The information provided is correct, and applicant agrees to abide by all Fire Academy rules, policies and regulations.
- For courses requiring the use of fire protective clothing, it is understood that the applicant must furnish his or her own clothing, that it is in good condition, and that it is in compliance with the applicable NFPA Standard at the time of purchase.
- It is understood that the Academy is not authorized to provide medical or health insurance for students. The individual and/or the organization must maintain appropriate insurance for the applicant.
- Any claims against the New Mexico Firefighters Training Academy or its employees or representatives for any injury as a result of participation in training and instruction are hereby waived.

### FEE SCHEDULE

Course fees **will not apply** to those students who are members of New Mexico Municipal or County Fire Departments listed by the State Fire Marshal's Office as receiving state funding or on probation, or to those students who are employees of a New Mexico State Agency. General Admission Applications must include the applicant's signature, as well as the signature of the department chief, supervisor or supervising officer. Otherwise, the applicant will be considered unaffiliated and be charged the appropriate fee.

Course fees listed below **will apply** to foreign, federal, out-of-state and private-sector firefighters and to unaffiliated individuals. Affiliation must be indicated on the General Admission Application form. **Payment is due on the first day of the course and must be in the form of a cashier's check, money order or purchase order, made payable to the New Mexico Firefighters Training Academy. Cash, personal checks and credit cards will NOT be accepted. All course fees are non-refundable.**

#### Standard Course Fees:

One-day course .....	\$50.00	Four-day course .....	\$200.00
Two-day course .....	\$100.00	Five-day course .....	\$250.00
Three-day course .....	\$150.00	Ten-day course .....	\$500.00

#### Other Fees:

Certification Testing for Non-State Firefighters .....	\$50.00
Certification Re-Testing for Non-State Firefighters .....	\$50.00
Certification granted by Reciprocity .....	\$25.00 (per certificate)

**PLEASE NOTE: Replacement certificates are not issued by the New Mexico Firefighters Training Academy.**

***I have read and understand the Liability and Waiver Information and I have read and understand the Fee Schedule.***

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Department Chief or Supervisor

\_\_\_\_\_  
Date

\*\*\*\*\*For Academy Use Only\*\*\*\*\*

Course Fee: ☐ No ☐ Yes Amount: \$ \_\_\_\_\_

Payment Received: ☐ No ☐ Yes

☐ Cashier's Check # \_\_\_\_\_ ☐ Purchase Order # \_\_\_\_\_ ☐ Money Order # \_\_\_\_\_

☐ Application Accepted ☐ Application Rejected – Reason: \_\_\_\_\_

\_\_\_\_\_  
Signature of Reviewer

\_\_\_\_\_  
Date

## **How to Get a Course Taught At your Department**

### **Step 1: *ESTABLISHING THE NEED***

Determine need for course. Do you have enough candidates to meet the minimum number of students? If there are insufficient numbers within your own department the Academy can help find additional students to fill the class. Contact the Academy for information on the minimum number of students the class you would like to host. In addition the Academy can offer National Fire Academy (NFA) courses in your area at no cost. Information on hosting NFA courses is sent out in January of every year.

Be sure to look online (<http://www.nmprc.state.nm.us/fla.htm>) for the updated calendar as courses are added throughout the year!

### **Step 2: ‘*WHO DO I TALK TO FIRST?*’**

Call the Academy at 575-835-7501, to be put in contact with the proper courses coordinator. Once you have determined who the appropriate coordinator for the class in question is, discuss your needs with them and find possible dates when training could be accomplished. Most courses can be done entirely on your schedule and at your department, but courses that require certification testing must be scheduled and done in compliance with Academy Certification Testing Policy. That means, along with required timelines, we must insure that Adjuncts or Academy Staff are available to perform tests.

Don't see the course you need or want? Don't panic, The New Mexico Firefighters Training Academy has the ability to tailor courses to fit your needs! Give us a call to discuss options for creating the course(s) that can best benefit your department and its needs.

### **Step 3: *ADMINISTRATION***

Once we have agreed to dates, you will have to begin the paperwork. You will need to complete the following forms: *course request form and student's general applications*. ***These forms must be received at the Academy at least 30 working days prior to the scheduled start date of a course.***





# NEW MEXICO FIREFIGHTERS TRAINING ACADEMY PROTECTIVE ENSEMBLE INSPECTION FORM



COURSE TITLE: \_\_\_\_\_ COURSE NUMBER: \_\_\_\_\_

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_ INSPECTED BY: \_\_\_\_\_

DATE OF PURCHASE (If known): \_\_\_\_\_

COAT	YES	NO
Is there a tag indicating coat meets NFPA Standard?		
If not, is there a tag indicating coat meets any Standard?		
Which Standard?		
Is vapor barrier intact?		
Is thermal barrier intact?		
Is outer shell intact?		
Is there any contamination of the outer shell or any liner?		
Is there any separation of the seams of the outer shell or any liners?		
Is coat acceptable for use?		

GLOVES	YES	NO
Is there a tag indicating gloves met NFPA Standard?		
If not, is there a tag indicating gloves meet any Standard?		
Which Standard?		
Are there any tears or seam separations to outer shell?		
Are the liners intact?		
Is there any contamination of the outer shell or any liners?		
Are gloves acceptable for use?		

BOOTS	YES	NO
Is there a tag indicating the boots meet NFPA Standard?		
If not, is there a tag indicating boots meet any Standard?		
Which Standard:		
Are there any tears or abrasions that would allow water or heat to penetrate?		
Are boots acceptable for use?		

PANTS	YES	NO
Is there a tag indicating pants meet NFPA Standard?		
If not, is there a tag indicating pants meet any Standard?		
Which Standard?		
Is the vapor barrier intact?		
Is the thermal barrier intact?		
Is the outer shell intact?		
Is there any contamination of the outer shell or any liner?		
Is there any separation of the seams of the outer shell or any liner?		
Are pants acceptable for use?		

HELMETS	YES	NO
Is there a tag indicating helmet meets NFPA Standard?		
If not, is there a tag indicating helmet meets any Standard?		
Which Standard?		
Is the visor attached and without cracks?		
Does the helmet have flaps for protection of ears and neck?		
Is the outer shell dented or cracked?		
Is helmet acceptable for use?		

HOOD	YES	NO
Is the hood made from NOMEX, PBI or any other retardant material?		
Is the hood intact?		
Is there any contamination of outer shell or any liner?		
Is the hood long enough to protect ears and neck?		
Is hood acceptable for use?		

WHICH EQUIPMENT FAILED INITIAL INSPECTON? \_\_\_\_\_

REASON FOR FAILURE? \_\_\_\_\_

WAS EQUIPMENT REPLACED? \_\_\_\_\_ WITH WHAT? \_\_\_\_\_

WAS VARIANCE FROM STANDARD GRANTED? \_\_\_\_\_ WHY? \_\_\_\_\_

PRINT NAME OF PERSON GRANTING VARIANCE: \_\_\_\_\_

SIGNATURE OF PERSON GRANTING VARIANCE: \_\_\_\_\_

[illegible]

## Student Responsibilities

- A General Admission Application form must be submitted to the Fire Academy at least 30 days prior to the start of the course. (Separate application forms must be submitted for each course.) Application forms must be filled out completely and signed by the applicant and the Department Chief or Training Officer. If there is a prerequisite for the course, copies of prerequisite documentation are required. Application forms should be reviewed carefully before they are submitted. Any omission may result in a denial of the application.
- It is the student's responsibility to contact the New Mexico Firefighters Training Academy to confirm receipt and eligibility of applications.
- NOTE: Only the most recent results for any pre- or co-requisite course will be considered for acceptance to a certification test.
- If a student is accepted to a course but is unable to attend, the student must notify the Academy **NO LATER THAN FIVE (5) WORKING DAYS PRIOR TO THE START OF THE CLASS.** *Failure to notify the Academy may result in rejection of future applications.* Unless indicated otherwise, classes held at the Academy begin at 8 a.m. and end at 5 p.m. Students are expected to be in the classroom and ready for class with their approved reading materials that is indicated in the acceptance letter that is mailed out to each student that is enrolled in that course.
- Tardiness that disrupts the class will not be tolerated, so please be on time.
- While attending classes at the New Mexico Firefighters Training Academy, it is the student's responsibility to use good judgment in selecting the proper attire\* in order to project a professional image. The student should consider climate variations and various classroom activities when selecting his or her attire. Recommended classroom attire for males includes dress denims (jeans), or slacks and shirt with collars, or department work clothes. Recommended classroom attire for females includes dress, skirt and blouse, dress denims (jeans), slacks and blouse, or department work clothes.  
  
*\* Shorts, tank tops and/or cropped tops are not acceptable as classroom attire for either males or females, and students will be asked to leave the class if dressed in an unacceptable manner.*
- Students with beards will not be allowed to participate in practical skills requiring the use of self contained breathing apparatus (SCBA) as per manufacturer's recommendations, OSHA 29 CFR 1910.134, and NFPA 1500.
- When participating in practical exercises, full protective clothing meeting NFPA Standards must be worn unless the student is instructed otherwise. PPE must comply with NFPA Standards and must pass inspection by Academy staff. Proper clothing must be worn under the student's protective clothing. This includes full-length pants and long-sleeve shirt made from 100% natural fibers or Nomex equivalent. All PPE must be clean and in good condition, students whose gear does not meet these requirements will not be allowed to participate.
- Appropriate PPE is required for some courses and is the responsibility of the student to provide his or her own specific PPE, and any additional equipment that is indicated in the course criteria and in the acceptance letter that is mailed to each student enrolled in that course.
- Coveralls may be worn in place of the full-length pants and long-sleeve shirt.
- *TEST SCORES WILL NOT BE RELEASED OVER THE PHONE.* Test scores will be mailed to the students within 10 working days of test date. The release of test scores to someone other than the student or the Fire Chief or Training Officer will require written permission from the student.

# Testing Policy

This policy applies to the following courses:

- **Firefighter I**
- **Firefighter II**
- **Hazardous Materials Awareness/Operations**
- **Wildland Firefighter I**

The candidate is allowed three (3) opportunities to pass each Certification exam upon completion of a course. The Certification Testing Coordinator may withhold consideration of the third test application until there is an opportunity to confer with the candidate, the candidate's fire chief or supervisor, and any instructors involved in the candidate's training. Failure to pass an exam on the third attempt will require the candidate to repeat the course in order to be eligible for further testing. Each enrollment in the class will allow three (3) attempts to pass the exams.

Retests are allowed for written and skills exams. However, the candidate must have taken both exams to be eligible to retest for either. Retests can be scheduled during the open test days, which are scheduled monthly. The candidate must submit an NMFTA standard application form 30 days prior to the exam. All test results are entered into the student database and become a permanent part of the candidate's transcript.

The candidate may not retest for an exam for at least thirty (30) days. The candidate has a maximum of one (1) year to successfully complete each exam from the date of the first attempt. Failure to pass the exams within this time allotment will require the candidate to repeat the course to be eligible for further testing.

This policy applies to the following courses:

- **Fire Officer I**
- **Fire Officer II**
- **Instructor I**
- **Instructor II**
- **Fire Investigator I**
- **Hazardous Materials: Technician**
- **Rope Rescue: Technician**
- **Fire Inspector I**



**The candidate is allowed one (1) additional opportunity to pass the WRITTEN Certification exam.** Failure to pass the exam on the retest attempt will require the candidate to repeat the course. Each enrollment in the class will allow one (1) retest in addition to the exams offered during the course.

Retests are allowed for written exams **ONLY**. However, the candidate must have taken both the written and skills exams to be eligible to retest. Retests can be scheduled during the open test days scheduled monthly. The candidate must submit an NMFTA standard application form 30 days prior to the exam. All test results are entered into the student database and become a permanent part of the candidate's transcript.

The candidate may not retest for the exam for at least thirty (30) days after course completion. The candidate has a maximum of one (1) year from the date of course completion to successfully complete each exam. Failure to pass the exam within this time allotment will require the candidate to repeat the course

## **30-Day Rule**

In order for a requested course to happen, it is necessary that all paperwork and applications, such as the Adjunct Course Request Form and ALL student Applications, be received by the Academy at least *30 days prior* to the start date of the course. In addition, the minimum enrollment for that course must be met at least 30 days before the class is to start.

## **Course Fees**

Course fees **will not apply** to those students who are members of New Mexico Municipal or County Fire Departments listed by the State Fire Marshal's Office as receiving state funding or on probation, or to those students who are employees of a New Mexico State Agency. Applications must include the applicant's signature, as well as the signature of the department chief, supervisor or supervising officer. Otherwise, the applicant will be considered unaffiliated and be charged the appropriate fee.

## ORDINANCES

**Editor's note:** Cities and Counties effect the will of the governing body through the use of an ordinance. This is provided to help the fire officer understand the use and implementation process of ordinances. Consult with your local elected officials for further assistance.

### ARTICLE 17

#### Ordinances

##### Section

**3-17-1 Ordinances; purposes.**

**3-17-2 Ordinances; style.**

**3-17-3 Notice by publication of certain proposed ordinances.**

**3-17-4 Ordinances; roll call vote; adoption.**

**3-17-5 Proof of ordinance; authentication; publication; effective date; codification.**

**3-17-6 Codes adopted and enforced by reference; availability.**

**3-17-6 Codes adopted and enforced by reference; availability. (Effective July 1, 2009.)**

**3-17-7 Water conservation and drought management plans.**

#### **3-17-1. Ordinances; purposes. (1993)**

The governing body of a municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of:

A. effecting or discharging the powers and duties conferred by law upon the municipality;

B. providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and

C. enforcing obedience to the ordinances by prosecution in the municipal court and metropolitan courts and upon conviction the imposition of:

(1) except for those violations of ordinances described in Paragraphs (2) and (3) of this subsection, a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety days or both;

(2) for a violation of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than three hundred sixty-four days or both; and

(3) for violations of an industrial user wastewater pretreatment ordinance as required by the United States environmental protection agency, a fine of not more than one thousand dollars (\$1,000) a day for each violation.

**History:** 1953 Comp., § 14-16-1, enacted by Laws 1965, ch. 300; 1967, ch. 146, § 5; 1987, ch. 92, § 1; 1989, ch. 234, § 1; 1990, ch. 100, § 1; 1990, ch. 113, § 1; 1993, ch. 66, § 1.

### **3-17-2. Ordinances; style. (1965)**

The enacting clause of a municipal ordinance shall be:

"Be it ordained by the governing body of the ..... (here insert name of municipality)."

**History:** 1953 Comp., § 14-16-2, enacted by Laws 1965, ch. 300.

### **3-17-3. Notice by publication of certain proposed ordinances. (1973)**

A. Notice by publication of the title and subject matter of any ordinance proposed for adoption by the governing body of any municipality must take place at least two weeks prior to consideration of final action upon the ordinance in open session of the governing body, except that this section shall not apply to ordinances dealing with an emergency declared by the chairman of the governing body or the mayor, as the case may be, to be an immediate danger to the public health, safety and welfare of the municipality, or to ordinances the subject matter of which is amending a city zoning map, provided the amendment to such zoning map has been considered by, and recommended to, the commission by a planning commission with jurisdiction in the matter. It is sufficient defense to any suit or prosecution to show that no notice by publication was made.

B. Notice of the proposed ordinance shall be published one time as a legal advertisement in a newspaper of general circulation in the municipality.

C. Copies of a proposed ordinance shall be available to interested persons during normal and regular business hours of the municipal clerk upon request and payment of a reasonable charge beginning with the date of publication and continuing to the date of consideration by the municipality's elected commission.

**History:** 1953 Comp., § 14-16-2.1, enacted by Laws 1973, ch. 85, § 1.

### **3-17-4. Ordinances; roll call vote; adoption. (1965)**

A. If a majority of all the members of the governing body vote in favor of adopting the ordinance or resolution, it is adopted. The municipal clerk shall record in the minutes book the vote of each member of the governing body on each ordinance or resolution.

B. Within three days after the adoption of an ordinance or resolution, the mayor shall validate the ordinance or resolution by endorsing "Approved" upon the ordinance or resolution and signing the ordinance or resolution.

**History:** 1953 Comp., § 14-16-3, enacted by Laws 1965, ch. 300.

Annotations

### **3-17-5. Proof of ordinance; authentication; publication; effective date; codification. (1965)**

A. An ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the presiding officer of the governing body and the municipal clerk and shall bear the seal of the municipality. The ordinance shall be published one time either in its entirety or by title and a general summary of the subject matter contained in the ordinance, whichever the governing body elects to do.

B. An ordinance shall not become effective until five days after it has been published, unless otherwise provided by law.

C. If the ordinances of the municipality are codified or codified and revised, it is not necessary to publish the entire codification or codification and revision. An ordinance, referring to the codification or codification and revision by title only and specifying one place in the municipality where the codification or codification and revision may be inspected during the normal and regular business hours of the municipal clerk, may be published instead of the codification or codification and revision.

D. Any court shall accept the following as prima facie evidence that an ordinance has been published:

- (1) the book in which the ordinances of the municipality are recorded;
- (2) any copy of an ordinance certified by the municipal clerk or his duly authorized deputy;
- (3) any ordinance published in book or pamphlet form under the authority of the municipality; or
- (4) any codification of ordinances prepared under the authority of the municipality. It is sufficient defense to any suit or prosecution to show that no publication was made.

**History:** 1953 Comp., § 14-16-4, enacted by Laws 1965, ch. 300.

### **3-17-6. Codes adopted and enforced by reference; availability. (1965)**

A. A municipality may adopt by ordinance the conditions, provisions, limitations and terms of an:

- (1) administrative code;
- (2) air pollution code;
- (3) building code;
- (4) elevator code;
- (5) electrical code;
- (6) fire prevention code;
- (7) health code;
- (8) housing code;
- (9) plumbing code;
- (10) traffic code; or
- (11) any other code not in conflict with the laws of New Mexico or valid regulations issued by any board or agency of New Mexico authorized to issue regulations. Any code so adopted shall provide for minimum requirements at least equal to the state requirements on the same subject.

B. An ordinance adopting any such code need only refer to the proper title and date of the code only, without setting forth the code's conditions, provisions, limitations and terms, and may include any exception or deletion to the code by setting forth the exception or deletion to the code. The ordinance shall further specify at least one place within the municipality where the code, so adopted, is available for inspection during the normal and regular business hours of the municipal clerk. A copy of the code shall be available upon request and payment of a reasonable charge.

C. Any amendment to such a code may be adopted in the same manner as other ordinances are adopted.

**History:** 1953 Comp., § 14-16-5, enacted by Laws 1965, ch. 300.

**3-17-6. Codes adopted and enforced by reference; availability. (Effective July 1, 2009.) (2007)**

A. A municipality may adopt by ordinance the conditions, provisions, limitations and terms of:

- (1) an administrative code;
- (2) an air pollution code;
- (3) a building code that includes provisions for plan review, permitting and inspections for general, electrical, mechanical and plumbing construction;
- (4) an elevator code;
- (5) a fire prevention code;
- (6) a health code;
- (7) [a] housing code;
- (8) a traffic code; or
- (9) any other code not in conflict with the laws of New Mexico or valid regulations issued by any board or agency of New Mexico authorized to issue regulations.

Any code so adopted shall provide for minimum requirements at least equal to the state requirements on the same subject.

B. An ordinance adopting any such code need only refer to the proper title and date of the code, without setting forth the code's conditions, provisions, limitations and terms, and may include any exception or deletion to the code by setting forth the exception or deletion to the code. The ordinance shall further specify at least one place within the municipality where the code, so adopted, is available for inspection during the normal and regular business hours of the municipal clerk. A copy of the code shall be available upon request and payment of a reasonable charge.

C. Any amendment to such a code may be adopted in the same manner as other ordinances are adopted.

**History:** 1953 Comp., § 14-16-5, enacted by Laws 1965, ch. 300; 2007, ch. 132, § 1.

**3-17-7. Water conservation and drought management plans. (2003)**

A municipality shall consider ordinances and codes to encourage water conservation and drought management planning pursuant to the provisions of Section 3 [72-14-3.2 NMSA 1978] of this act.

**History:** Laws 2003, ch. 138, § 1.

**ARTICLE 20E**  
**COUNTY LOCAL OPTION GROSS RECEIPTS TAXES**

**7-20E-15. County fire protection excise tax; authority to impose; ordinance requirements. (2004)**

A. The majority of the members of the governing body may enact an ordinance imposing an excise tax on any person engaging in business in the county area for the privilege of engaging in business. The rate of the tax shall be one-fourth percent or one-eighth percent of the gross receipts of the person engaging in business.

B. This tax is to be referred to as the "county fire protection excise tax".

C. The governing body of a county shall, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, dedicate the revenue for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by the county. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated and shall be used by the county for that purpose.

D. Any ordinance enacted under the provisions of Subsection A of this section shall include an effective date of either July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act [7-20E-1 NMSA 1978].

E. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county area voting in the election votes in favor of imposing the county fire protection excise tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. Such question may be submitted to the qualified electors and voted upon as a separate question at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections. If the question of imposing a county fire protection excise tax fails, the governing body shall not again propose a county fire protection excise tax for a period of one year after the election.

**History:** Laws 1979, ch. 398, § 3; 1983, ch. 222, § 2; 1993, ch. 302, § 1; 1978 Comp., § 7-20A-3, amended and recompiled as 1978 Comp., § 7-20E-15 by Laws 1993, ch. 354, § 15; 1994, ch. 101, § 9; 2004, ch. 110, § 4.

**7-20E-16. County fire protection excise tax; use of proceeds; budget limitation. (1993)**

A. The money provided through passage of the county fire protection excise tax shall be disbursed and allotted through the governing body to the county fire districts within the county; provided that no part of any distribution shall be used to pay any salary, compensation or remuneration to any employee of the state, the county or the independent fire district.

B. The governing body of any county adopting a county fire protection excise tax shall not reduce the level of funding of any independent fire district more than ten percent from the approved budget of such fire district for the prior year. The department of finance and administration shall not approve the budget of any county which violates the provisions of this subsection.

**History:** Laws 1979, ch. 398, § 8; 1983, ch. 222, § 3; 1978 Comp., § 7-20A-8, amended and recompiled as 1978 Comp., § 7-20E-16 by Laws 1993, ch. 354, § 16.

## **School Fire Drills**

### **22-13-14. Emergency drills; requirement. (2005)**

A. An emergency drill shall be conducted in each public and private school of the state at least once each week during the first four weeks of the school year and at least once each month thereafter until the end of the school year. Two drills during the year shall be shelter-in-place drills and one shall be an evacuation drill, as directed by the department. The remainder of the drills shall be fire drills. It shall be the responsibility of the person in charge of a school to carry out the provisions of this section.

B. In locations where a fire department is maintained, a member of the fire department shall be requested to be in attendance during the emergency drills for the purpose of giving instruction and constructive criticism.

C. The department shall determine penalties for any person failing to meet the provisions of this section.

**History:** 1953 Comp., § 77-11-9, enacted by Laws 1967, ch. 16, § 188; 1979, ch. 81, § 1; 2005, ch. 27, § 1.



# **FIRE PREVENTION AND EVACUATION CONTROL IN PUBLIC AND PRIVATE SCHOOLS**

## **FOREWARD**

The New Mexico State Fire Marshal's Office is an agency of the state of New Mexico under the State Corporation Commission (SCC) created by statute and finance by legislative appropriations. The primary functions of the Fire Marshal's Office include the collection and dissemination of information to New Mexico citizens designed to assist them in the prevention and control of fire; to prescribe programs, including fire exit drills, for the teaching of fire safety to all school children; and to determine conditions which are fire hazards. This office is always available for assistance in such matters.

The Fire Marshal's Office also maintains a film library for use in schools, which are cordially invited to use these films to assist in creating a better understanding of the necessity for fire drills and fire prevention among faculty and students.

## **FIRE DRILLS**

Required fire drills are the responsibility of the person/persons in charge of each school. In every public and private school in New Mexico, there shall be at least two fire exit drills held during the first two weeks of a school term and eight additional fire exit drills during the remainder, (allowances for severe climatic effects are specified) – National Fire Protection Association (LSC) 101-31-3.2.

It shall be the responsibility of the superintendent of schools,, ultimately and the principal of Each school specifically to see that the provisions of the requirements are carried out. The principal shall request the attendance; and make a concerted effort to gain the on-site participation of, a member of the fire department or Fire Marshal's Office at such fire exit drills for the purpose of instruction, and assessment and constructive criticism.

Failure to meet the provisions constitutes a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00). NMSA 59A-52-24 (1978)

The State Fire Marshal; in order to meet the mandates of NMSA 59A-52-7 (1978), and deeming it necessary to accomplish the objectives of fire prevention an dsafe evacuation in schools, hereby issues this Fire Prevention and Evacuation Control in Public and Private Schools.

Every school in the state shall keep a copy of this instrument on hand for referential guidances.

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**John C. Standefer**  
**STATE FIRE MARSHAL**

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**DATE**

## **SCOPE**

This instrument is adopted for use in every school in New Mexico.

## **INTRODUCTION**

It is the responsibility of the school administrator to see that teachers are acquainted with the fundamentals of fire prevention and that the standards of the NFPA (as identified in Appendix A) be applied. Administrators and teachers should be taught how to use fire extinguishers and other fire safety devices. They should know the fire safety rules, have a broad knowledge of fire safety laws, and know what to do in emergencies. They should know how to teach fire prevention and how to procure resource materials for this purpose. This kind of instruction should be made a part of teachers meetings as many times as necessary during every school term.

It is widely held perspective among fire prevention and safety authorities, that there is much room for improvement in the area of “school fire drills”. Although almost every school in America conducts “fire drills”; far to many of those “drills” have continued unchanged for too

## **ARTICLE 18 POWERS OF MUNICIPALITIES**

**Editor's note:** Listed here are two paragraphs from Article 18 relevant to the fire service. This is a small portion of the statute which should be referred to in its entirety.

### **3-18-11. Fire prevention and protection; insurance for volunteer firemen. (1989)**

- A. A municipality may by ordinance:
- (1) adopt regulations for the prevention of fire;
  - (2) regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires;
  - (3) prohibit the deposit of ashes in unsafe places;
  - (4) cause any building or enclosure which is in a flammable state to be placed in a safe condition;
  - (5) regulate and prevent the storage and transportation of any combustible or explosive material; and
  - (6) regulate and prevent the use of illuminating flames and the building of bonfires.
- B. A municipality may:
- (1) provide proper means for protection from fire;
  - (2) erect fire stations and provide facilities and implements for the extinguishment of fires; and
  - (3) provide for the use and management of fire stations, facilities and implements for extinguishing fires by a volunteer fire department, paid fire department or partially paid and volunteer fire department.
- C. A municipality having an organized volunteer fire department may purchase with money from the fire fund an accident policy from any insurance company authorized to do business in New Mexico. The accident policy shall provide for the payment to any volunteer fireman a suitable sum for injuries and a gross sum of not less than two thousand dollars (\$2,000) for death caused in the course of his duties as a volunteer fireman.

**History:** 1953 Comp., § 14-17-9, enacted by Laws 1965, ch. 300; 1989, ch. 346, § 12.

#### **3-18-11.1. Fingerprinting of fireman applicants required; authorization for municipality to communicate such information to the federal bureau of investigation. (1985)**

After July 1, 1985, anyone applying for the position of fireman in any municipality with a population of more than one hundred thousand shall provide the municipality with copies of his fingerprints. The municipality is authorized by this section to transmit copies of all fingerprints of applicant firemen to the federal bureau of investigation.

**History:** Laws 1985, ch. 121, § 1.

## **ARTICLE 17 FIRE**

### **ARTICLE 17**

#### **Fire**

##### **Section**

**30-17-1 Improper handling of fire.**

**30-17-2 Use of an engine without spark arrester.**

**30-17-3 Repealed.**

**30-17-4 Repealed.**

**30-17-5 Arson and negligent arson.**

**30-17-6 Aggravated arson.**

#### **30-17-1. Improper handling of fire. (1963)**

Improper handling of fire consists of:

- A. setting fire, or causing or procuring a fire to be set to any inflammable vegetation or forest material, growing or being on the lands of another person and without the permission of the owner thereof;
- B. allowing fire to escape or spread from the control of the person having charge thereof without using reasonable and proper precaution to prevent such fire from escaping or spreading;
- C. burning any inflammable vegetation or forest material, whether upon his own land or that of another person, without using proper and reasonable precaution at all times to prevent the escape of such fire;
- D. leaving any campfire burning and unattended upon the lands of another person; or
- E. causing a fire to be started in any inflammable vegetation or forest material, growing or being upon the lands of another person, by means of any lighted cigar, cigarette, match or other manner, and leaving such fire unquenched. Provided, nothing herein shall constitute improper handling of fire where the fire is a backfire set for the purpose of stopping the progress of a fire then actually burning. Whoever commits improper handling of fire is guilty of a petty misdemeanor.

**History:** 1953 Comp., § 40A-17-1, enacted by Laws 1963, ch. 303, § 17-1.

#### **30-17-2. Use of an engine without spark arrester. (1963)**

Use of an engine without spark arrester consists of using or operating any locomotive, logging engine, portable engine, traction engine or stationary engine using any combustible fuel when such engine is not provided with an adequate spark arrester kept in constant use and repair. Escape of fire or live sparks from any engine shall be prima facie evidence that such engine has not been adequately equipped with a spark arrester in compliance with this section. Whoever commits use of an engine without spark arrester is guilty of a petty misdemeanor.

**History:** 1953 Comp., § 40A-17-2, enacted by Laws 1963, ch. 303, § 17-2.

#### **30-17-5. Arson and negligent arson. (2006)**

- A. Arson consists of a person maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging:
  - (1) a building, occupied structure or property of another person;
  - (2) a bridge, utility line, fence or sign; or
  - (3) any property, whether the person's own property or the property of another person, to collect insurance for the loss.
- B. Whoever commits arson when the damage is two hundred fifty dollars (\$250) or less is guilty of a petty misdemeanor.
- C. Whoever commits arson when the damage is over two hundred fifty dollars (\$250) but not more than five hundred dollars (\$500) is guilty of a misdemeanor.

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- D. Whoever commits arson when the damage is over five hundred dollars (\$500) but not more than two thousand five hundred dollars (\$2,500) is guilty of a fourth degree felony.
- E. Whoever commits arson when the damage is over two thousand five hundred dollars (\$2,500) but not more than twenty thousand dollars (\$20,000) is guilty of a third degree felony.
- F. Whoever commits arson when the damage is over twenty thousand dollars (\$20,000) is guilty of a second degree felony.
- G. Negligent arson consists of a person recklessly starting a fire or causing an explosion, whether on the person's property or the property of another person, and thereby directly:
- (1) causing the death or bodily injury of another person; or
  - (2) damaging or destroying a building or occupied structure of another person.
- H. Whoever commits negligent arson is guilty of a fourth degree felony.
- I. As used in this section, "occupied structure" includes a boat, trailer, car, airplane, structure or place adapted for the transportation or storage of property, for overnight accommodations of persons or for carrying on business therein, whether or not a person is actually present.

**History:** 1953 Comp., § 40A-17-5, enacted by Laws 1970, ch. 39, § 1; 2006, ch. 29, § 16.

### **30-17-6. Aggravated arson. (1963)**

Aggravated arson consists of the willful or malicious damaging by any explosive substance or the willful or malicious setting fire to any bridge, aircraft, watercraft, vehicle, pipeline, utility line, communication line or structure, railway structure, private or public building, dwelling or other structure, causing a person great bodily harm. Whoever commits aggravated arson is guilty of a second degree felony.

**History:** 1953 Comp., § 40A-17-6, enacted by Laws 1963, ch. 303, § 17-6.

#### **4-36-5. Firefighting; county may purchase from municipalities. (1967)**

Counties may contract with municipalities for purchase of firefighting services for the county or certain areas in a county where such services are needed when, in the opinion of the county commissioners, such services may be more economically provided by such contracts than maintaining firefighting services by the county. The contract price shall be based upon the cost of the services, the depreciation of the equipment and the cost of insurance necessary or desirable to protect the municipality from loss or claim during the time it is engaged in extraterritorial firefighting under a contract with the county. Subject to the agreement between the municipality and the county, the contract may provide for annual, monthly or actual-use payments.

**History:** 1953 Comp., § 15-36-40, enacted by Laws 1967, ch. 115, § 1.

#### **4-37-1. Counties; powers; ordinances. (1975)**

All counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties. Included in this grant of powers to the counties are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants. The board of county commissioners may make and publish any ordinance to discharge these powers not inconsistent with statutory or constitutional limitations placed on counties.

**History:** 1953 Comp., § 15-36A-1, enacted by Laws 1975, ch. 312, § 1.

## **ARTICLE 8 ARSON REPORTING IMMUNITY**

### **ARTICLE 8**

#### **Arson Reporting Immunity**

##### **Section**

**41-8-1 Short title.**

**41-8-2 Definitions.**

**41-8-3 Disclosure and information.**

**41-8-4 Evidence.**

**41-8-5 Enforcement.**

**41-8-6 Jurisdiction not affected.**

##### **41-8-1. Short title. (1979)**

This act [41-8-1 to 41-8-6 NMSA 1978] may be cited as the "Arson Reporting Immunity Act".

**History:** Laws 1979, ch. 117, § 1.

##### **41-8-2. Definitions. (1987)**

As used in the Arson Reporting Immunity Act [41-8-1 to 41-8-6 NMSA 1978]:

A. "authorized agencies" means the:

- (1) state fire marshal or his designate when authorized or charged with the investigation of the fire or explosion at the place where the fire or explosion actually took place;
- (2) district attorney responsible for prosecution in the county where the fire occurred;
- (3) attorney general when involved in the investigation or responsible for the prosecution of an alleged arson or prosecution of an arson;
- (4) county and municipal fire departments authorized or charged with the investigation of fires at the place where the fire actually occurred;
- (5) governor's organized crime prevention commission;
- (6) county sheriffs' departments and municipal police departments authorized or charged with the investigation of fires at the place where the fire actually occurred; and
- (7) New Mexico state police;

B. "authorized agencies" for the purposes of Subsection A of Section 41-8-3 NMSA 1978 also means:

- (1) the federal bureau of investigation;
- (2) the United States attorney's office when authorized or charged with investigation or prosecution of the fire in question; and
- (3) the United States treasury department bureau of alcohol, tobacco and firearms;

C. "relevant" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable than it would be without the evidence;

D. "deemed important" means material deemed important if, within the sole discretion of the authorized agency, such material is requested by that authorized agency;

E. "action" as used in this statute, includes nonaction or the failure to take action;

F. "immune" means that neither a civil action nor a criminal prosecution may arise from any action taken pursuant to Section 41-8-3 or 41-8-4 NMSA 1978 where actual malice on the part of the insurance company or authorized agency against the insured is not present; and

G. "insurance company" includes the New Mexico FAIR plan [59A-29-2 to 59A-29-9 NMSA 1978].

**History:** Laws 1979, ch. 117, § 2; 1987, ch. 276, § 1.

##### **41-8-3. Disclosure and information. (1979)**

A. Any authorized agency may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency which the company may have in its possession, relating to the fire loss in question. Relevant information includes but is not limited to:

- (1) pertinent insurance policy information relevant to a fire loss under investigation and any application for such policy;
- (2) policy premium payment records which are available;
- (3) history of previous claims made by the insured; or
- (4) material relating to the investigation of the loss, including statements of any person, proof of loss and any other evidence relevant to the investigation.

B. When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, the company shall, in writing, notify an authorized agency and provide it with any or all material developed from the company's inquiry into the fire loss. When an insurance company provides any one of the authorized agencies with notice of a fire loss, it shall be sufficient notice for the purpose of the Arson Reporting Immunity Act [41-8-1 to 41-8-6 NMSA 1978]. Nothing in this subsection shall abrogate or impair the rights or powers created under Subsection A of this section.

C. The authorized agency provided with information pursuant to Subsection A or B of this section and in furtherance of its own purposes, may release or provide such information to any of the other authorized agencies.

D. Any insurance company providing information to an authorized agency or agencies pursuant to Subsection A or B of this section shall have the right to request relevant information and receive, within a reasonable time, the information requested.

E. Any insurance company or person acting on its behalf or authorized agency who releases information, whether oral or written, pursuant to Subsection A, B or C of this section shall be immune from any liability arising out of a civil action or penalty resulting from a criminal prosecution.

**History: Laws 1979, ch. 117, § 3.**

#### **41-8-4. Evidence. (1979)**

Any authorized agency or insurance company described in Section 2 or 3 [41-8-2 or 41-8-3 NMSA 1978] of the Arson Reporting Immunity Act who receives any information furnished pursuant to that act, shall hold the information in confidence except as provided for in Subsection C of Section 3 [41-8-3 NMSA 1978] of that act or until such time as its release is required pursuant to a criminal or civil proceeding.

**History: Laws 1979, ch. 117, § 4.**

#### **41-8-5. Enforcement. (1979)**

Any person who fails to hold in confidence information required to be held in confidence by Subsection A of Section 4 [41-8-4 NMSA 1978] of the Arson Reporting Immunity Act, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000).

**History: Laws 1979, ch. 117, § 5.**

#### **41-8-6. Jurisdiction not affected. (1979)**

The provisions of the Arson Reporting Immunity Act [41-8-1 to 41-8-6 NMSA 1978] shall not be construed to extend or affect the jurisdiction of any authorized agency specified in that act.

**History: Laws 1979, ch. 117, § 6.**



**Statutes related to false reports of fire, interference with fire control, breaking and entering, criminal damage to property and damage to insured property. These are taken from the Criminal Code which should be referenced in its entirety.**

**30-7-21. False report. (1981)**

- A. False report consists of knowingly conveying or causing to be conveyed to any police agency or fire department a false report concerning a fire or explosion or the placement of any explosives or explosive or incendiary device or any other destructive substance and includes, but is not limited to, setting off a fire alarm.
- B. Any person who commits false report which causes death or great bodily harm to another is guilty of a fourth degree felony, but if such death or great bodily harm is not caused, the person is guilty of a misdemeanor.

**History:** Laws 1981, ch. 246, § 5.

**30-7-22. Interference with bomb or fire control. (1981)**

- A. Interference with bomb or fire control consists of:
- (1) intentionally interfering with the proper functioning of a fire alarm system;
  - (2) intentionally interfering with the lawful efforts of a fireman or police officer to control or extinguish a fire or to secure the safety of any object reasonably believed to be a bomb, explosive or incendiary device; or
  - (3) intentionally interfering with the lawful efforts of a fireman or police officer to preserve for investigation or investigate the scene of a fire or explosion to determine its cause.
- B. Any person who commits interference with bomb or fire control is guilty of a misdemeanor.

**History:** Laws 1981, ch. 246, § 6.

**30-14-8. Breaking and entering. (1981)**

- A. Breaking and entering consists of the unauthorized entry of any vehicle, watercraft, aircraft, dwelling or other structure, movable or immovable, where entry is obtained by fraud or deception, or by the breaking or dismantling of any part of the vehicle, watercraft, aircraft, dwelling or other structure, or by the breaking or dismantling of any device used to secure the vehicle, watercraft, aircraft, dwelling or other structure.
- B. Whoever commits breaking and entering is guilty of a fourth degree felony.

**History:** Laws 1981, ch. 34, § 2.

**30-15-1. Criminal damage to property. (1963)**

Criminal damage to property consists of intentionally damaging any real or personal property of another without the consent of the owner of the property.

Whoever commits criminal damage to property is guilty of a petty misdemeanor, except that when the damage to the property amounts to more than one thousand dollars (\$1,000) he is guilty of a fourth degree felony.

**History:** 1953 Comp., § 40A-15-1, enacted by Laws 1963, ch. 303, § 15-1.

**30-15-3. Damaging insured property. (1963)**

Damaging insured property consists of intentionally damaging property which is insured with intent to defraud the insurance company into paying himself or another for such damage.

Whoever commits damaging insured property is guilty of a fourth degree felony.

**History:** 1953 Comp., § 40A-15-2, enacted by Laws 1963, ch. 303, § 15-2.

## **ARTICLE 2C**

### **Fireworks Licensing and Safety**

## **ARTICLE 2C**

### **Fireworks Licensing and Safety**

#### **Section**

- 60-2C-1**        **Short title.**
- 60-2C-2**        **Definitions.**
- 60-2C-2.1**      **Repealed.**
- 60-2C-3**        **License or permit required for sale of fireworks; administration; permits and licenses.**
- 60-2C-4**        **License and permit fees.**
- 60-2C-5**        **Possession, sale or use of unauthorized fireworks unlawful.**
- 60-2C-6**        **Exportation of fireworks from the state.**
- 60-2C-7**        **Permissible fireworks.**
- 60-2C-8**        **Retail sales or storage of fireworks; regulated activities.**
- 60-2C-8.1**      **Extreme or severe drought conditions; restricted sale and use.**
- 60-2C-9**        **Display fireworks.**
- 60-2C-9.1**      **Theatrical pyrotechnics articles; compliance with national fire protection association standards required.**
- 60-2C-10**      **Penalty; criminal.**
- 60-2C-11**      **Penalty; civil.**

#### **60-2C-1. Short title. (1997)**

Chapter 60, Article 2C NMSA 1978 may be cited as the "Fireworks Licensing and Safety Act".

#### **History**

History: Laws 1989, ch. 346, § 1; 1997, ch. 17, § 1.

#### **60-2C-2. Definitions. (2007)**

As used in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]:

- A. "aerial shell" means a cylindrical or spherical cartridge containing a lift charge, burst charge and effect composition. Upon firing from a reloadable tube, the lift charge is consumed and the cartridge is expelled into the air;
- B. "aerial shell kit-reloadable tube" means a package or kit containing a cardboard, high-density polyethylene or equivalent launching tube and not more than twelve small aerial shells. Each aerial shell is limited to a maximum of sixty grams of total chemical composition, including lift charges, and the maximum diameter of each shell shall not exceed one and three-fourths inches;
- C. "bosque" means a cottonwood corridor adjacent to a river;
- D. "chaser" means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;

- E. "chemical composition" includes all pyrotechnic and explosive composition contained in a fireworks device, but does not include inert materials such as clay used for plugs or organic matter such as rice hulls used for density control;
- F. "cone fountain" means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- G. "crackling device" means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty-milligram limit of firecrackers;
- H. "cylindrical fountain" means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a wood or plastic base for placing on the ground or a wood or cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;
- I. "display distributor" means a person, firm or corporation selling display fireworks;
- J. "display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks;
- K. "distributor" means a person, firm or corporation selling fireworks to wholesalers and retailers for resale;
- L. "explosive composition" means a chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device;
- M. "firecracker" means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;
- N. "fireworks" means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks", but does not include novelties or theatrical pyrotechnics articles;
- O. "flitter sparkler" means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function;
- P. "ground spinner" means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out an orifice usually on the side of the tube that when ignited produces a shower of sparks and color. "Ground spinner" is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited;

Q. "helicopter" or "aerial spinner" means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;

R. "illuminating torch" means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams;

S. "manufacturer" means a person, firm or corporation engaged in the manufacture of fireworks;

T. "mine" or "shell" means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than sixty grams of total chemical composition, including lift charges, per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse, must be a dense-packed collection of mine or shell tubes and the total chemical composition, including lift charges, shall not exceed two hundred grams;

U. "missile-type rocket" means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;

V. "multiple tube devices" means a device that contains more than one cardboard tube and the ignition of one external fuse that causes all of the tubes to function in sequence. The tubes are individually attached to a wood or plastic base or are dense-packed and are held together by glue, wire, string or other means that securely hold the tubes together during operation. A maximum total weight of five hundred grams of pyrotechnic composition shall be permitted; provided that the tubes are securely attached to a wood or plastic base and are separated from each other on the base by a distance of at least one-half inch. The connecting fuses on multiple tube devices shall be fused in sequence so that the tubes fire sequentially rather than all at once;

W. "novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, toy smoke devices, snakes, glowworms, sparklers or toy caps, and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers;

X. "permissible fireworks" or "consumer fireworks" means fireworks legal for sale to and use in New Mexico by the general public that comply with the latest construction, performance, composition and labeling requirements established by the United States consumer product safety commission and the United States department of transportation;

Y. "pyrotechnic composition" means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion;

Z. "retailer" means a person, firm or corporation purchasing fireworks for resale to consumers;

AA. "roman candle" means a heavy paper or cardboard tube containing no more than twenty grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect;

BB. "specialty retailer" means a person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;

CC. "stick-type rocket" means a cylindrical tube containing no more than twenty grams of chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of flight;

DD. "theatrical pyrotechnics articles" means a pyrotechnic device for professional use in the entertainment industry similar to permissible fireworks or consumer fireworks in chemical composition and construction but not intended and labeled for consumer use;

EE. "toy smoke device" means a small plastic or paper item containing no more than one hundred grams of pyrotechnic composition that produces white or colored smoke as the primary effect;

FF. "wheel" means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition;

GG. "wholesaler" means a person, firm or corporation purchasing fireworks for resale to retailers; and

HH. "wildlands" means lands owned by the governing body of a county or municipality that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grass.

**History:** Laws 1989, ch. 346, § 2; 1991, ch. 133, § 1; 1997, ch. 17, § 2; 1999, ch. 58, § 1; 2007, ch. 268, § 1.

#### **60-2C-2.1. Repealed. (2007)**

**History:** Laws 1997, ch. 17, § 8; repealed by Laws 2007, ch. 268, § 6.

#### **60-2C-3. License or permit required for sale of fireworks; administration; permits and licenses. (1997)**

A. No person may sell, hold for sale, import, distribute or offer for sale, as manufacturer, distributor, wholesaler or retailer, any fireworks in this state unless such person has first obtained the appropriate license or permit.

B. The state fire marshal shall enforce the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978]. All license applications shall be submitted to the office of the state fire marshal. All retailers shall be required to purchase a retail fireworks permit for each retail location. The retail permit may be purchased from any licensed manufacturer, distributor or wholesaler or from the state fire marshal's office. Retail permits may be purchased at any time by the licensed manufacturer, distributor or wholesaler in books of

twenty permits per book from the state fire marshal. Permits shall be numbered, and it shall be the responsibility of the licensed manufacturer, distributor or wholesaler to keep records of the purchases of these permits and to submit these records to the state fire marshal semi-annually on January 31 and July 31 of each year. Each semi-annual report is to cover the preceding six-month period. Retail permits that are unsold may be exchanged for new permits.

C. The state fire marshal shall appoint the deputies and employees required to carry out the provisions of the Fireworks Licensing and Safety Act. The state fire marshal may also appoint any commissioned law enforcement officer or duly appointed fire chief or his designee with approval from the local governing body required to carry out the provisions of that act.

D. The state fire board shall formulate, adopt, promulgate and amend or revise rules and regulations for the safe handling of fireworks.

**History:** Laws 1989, ch. 346, § 3; 1991, ch. 133, § 2; 1997, ch. 17, § 3.

#### **60-2C-4. License and permit fees. (2007)**

A. An applicant for a license or permit under the Fireworks Licensing and Safety Act shall pay to the state fire marshal's office the following fees, which shall not be refundable:

- (1) manufacturer license      \$1,500;
- (2) distributor license        2,000;
- (3) wholesaler license        1,000;
- (4) display distributor license      1,000;
- (5) specialty retailer license    750;
- (6) retailer permit      100; or
- (7) replacement permit      20.

B. All licenses and permits shall be issued for one year beginning on February 1 of each year. All licenses and permits shall be issued within thirty days from the date of receipt of application, except that no application shall be processed during any holiday selling period in which permissible fireworks may be sold.

C. Licenses issued pursuant to provisions of the Fireworks Licensing and Safety Act shall not be restricted in number or limited to any person without cause. Municipalities and counties may require licenses or permits and reasonable fees, not to exceed twenty-five dollars (\$25.00), for the sale of fireworks.

D. Permit and license fees paid to the state fire marshal's office shall be deposited in the fire protection fund to be used by the state fire marshal to enforce and carry out the provisions and purposes of the Fireworks Licensing and Safety Act.

**History:** Laws 1989, ch. 346, § 4; 1991, ch. 133, § 3; 1997, ch. 17, § 4; 1999, ch. 58, § 2; 2007, ch. 268, § 2.

**60-2C-5. Possession, sale or use of unauthorized fireworks unlawful. (1991)**

No individual, firm, partnership, corporation or association shall possess for retail sale in this state, sell or offer for sale at retail or possess or use any fireworks other than permissible fireworks.

**History:** Laws 1989, ch. 346, § 5; 1991, ch. 133, § 4.

**60-2C-6. Exportation of fireworks from the state. (1989)**

Nothing in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] shall prohibit licensed wholesalers, distributors, importers or manufacturers from storing, selling, shipping or otherwise transporting fireworks as defined by the United States department of transportation to any person or entity outside the state of New Mexico.

**History:** Laws 1989, ch. 346, § 6.

**60-2C-7. Permissible fireworks. (2007)**

A. Permissible fireworks are:

(1) ground and hand-held sparkling devices:

- (a) cone fountains;
- (b) crackling devices;
- (c) cylindrical fountains;
- (d) flitter sparklers;
- (e) ground spinners;
- (f) illuminating torches; and
- (g) wheels;

(2) aerial devices:

- (a) aerial shell kit-reloadable tubes;
- (b) aerial spinners;
- (c) helicopters;
- (d) mines;
- (e) missile-type rockets;
- (f) multiple tube devices;
- (g) roman candles;
- (h) shells; and

(i) stick-type rockets, except as provided in Subsection B of this section; and

(3) ground audible devices:

- (a) chasers; and
- (b) firecrackers.

B. The following types of fireworks are not permissible fireworks:

- (1) stick-type rockets having a tube less than five-eighths inch outside diameter and less than three and one-half inches in length; and

(2) fireworks intended for sale to the public that produce an audible effect, other than a whistle, by a charge of more than one hundred thirty milligrams of explosive composition per report.

C. A municipality or county shall not by ordinance regulate and prohibit the sale or use of any permissible firework except aerial devices and ground audible devices.

**History:** Laws 1989, ch. 346, § 7; 1991, ch. 133, § 5; 1997, ch. 17, § 5; 2007, ch. 268, § 3.

**60-2C-8. Retail sales or storage of fireworks; regulated activities. (2007)**

A. Fireworks may not be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.

B. All places where fireworks are stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the manufacture, transportation, storage and retail sales of fireworks and pyrotechnics articles.

C. It is unlawful to offer for sale or to sell fireworks to children under the age of sixteen years or to an intoxicated person.

D. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four inches in height. Smoking, open flames and any ignition source are prohibited within twenty-five feet of fireworks stock.

E. Fireworks shall not be stored, kept, sold or discharged within fifty feet of a gasoline pump or gasoline bulk station or a building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

F. All fireworks permittees and licensees shall keep and maintain upon the premises a fire extinguisher bearing an underwriters laboratories incorporated rated capacity of at least five-pound ABC per five hundred square feet of space used for fireworks sales or storage.

G. Sales clerks and ancillary personnel employed or volunteering at temporary retail locations where fireworks are sold shall be at least sixteen years of age. A sales clerk shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at state-permitted or state-licensed retail locations.

H. Fireworks shall not be discharged within one hundred fifty feet of a fireworks retail sales location.

I. Fireworks shall not be sold or used on state forest land, wildlands or a bosque.

J. A person shall not ignite fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall a person place or throw ignited fireworks into or at a motor vehicle or at or near a person or group of people.

K. Fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse that has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, the entire fuse shall be covered.



L. Permissible fireworks may be sold at retail between June 20 and July 6 of each year, six days preceding and including new year's day, three days preceding and including Chinese new year, the sixteenth of September and cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.

**History:** Laws 1989, ch. 346, § 8; 1991, ch. 133, § 6; 1997, ch. 17, § 6; 2007, ch. 268, § 4.

**60-2C-8.1. Extreme or severe drought conditions; restricted sale and use. (1999)**

A. The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

B. Pursuant to any hearing under Subsection A of this section, the governing body of a municipality shall issue a proclamation declaring extreme or severe drought conditions within the boundaries of the incorporated municipality if the governing body determines such conditions exist. The governing body's proclamation:

(1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and

(2) shall give the governing body the power to:

(a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;

(b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and

(c) ban or restrict the sale or use of display fireworks.

C. The municipal governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

D. A municipal governing body's proclamation shall be effective for thirty days and the governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

E. The governing body of a county may hold a hearing to determine if fireworks restrictions should be imposed within the unincorporated portions of the county affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the national weather service and any other relevant information supplied by the United States forest service.

F. Pursuant to any hearing under Subsection E of this section, the governing body of a county shall issue a proclamation declaring extreme or severe drought conditions within

the unincorporated portions of the county if the governing body determines such conditions exist. The governing body's proclamation:

- (1) shall ban the sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices within the affected drought area; and
- (2) shall give the governing body the power to:
  - (a) limit the use within its jurisdiction of any fireworks not listed in Paragraph (1) of this subsection to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public;
  - (b) ban the use of all fireworks within wildlands in its jurisdiction, after consultation with the state forester; and
  - (c) ban or restrict the sale or use of display fireworks.

G. The county governing body's proclamation declaring an extreme or severe drought condition shall be issued no less than twenty days prior to a holiday for which fireworks may be sold. The proclamation shall explain restrictions on the sale or use of fireworks and permitted sales or uses of fireworks.

H. Except as otherwise provided in this subsection, a proclamation shall be effective for thirty days, and the county governing body may issue succeeding proclamations if extreme or severe drought conditions warrant. A proclamation may be modified or rescinded within its thirty-day period by the governing body upon conducting an emergency hearing to determine if weather conditions have improved.

**History:** Laws 1997, ch. 17, § 9; 1999, ch. 58, § 3.

#### **60-2C-9. Display fireworks. (1997)**

Except as provided in Section 9 [60-26-8.1 NMSA 1978] of this act, nothing in the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] shall prohibit the display of display fireworks, except that any individual, association, partnership, corporation, organization, county or municipality shall secure a written permit from the governing body of the county or municipality where the display is to be fired and the display fireworks shall be purchased from a distributor or display distributor licensed by the state fire marshal and the bureau of alcohol, tobacco and firearms at the United States department of the treasury.

**History:** Laws 1989, ch. 346, § 9; 1991, ch. 133, § 7; 1997, ch. 17, § 7.

#### **60-2C-9.1. Theatrical pyrotechnics articles; compliance with national fire protection association standards required. (2007)**

All places where theatrical pyrotechnics articles are manufactured, stored, sold or displayed shall be in compliance with the code of safety standards published by the national fire protection association for the use of pyrotechnics before a proximate audience.

**History:** Laws 2007, ch. 268, § 5.

**60-2C-10. Penalty; criminal. (1989)**

A. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year, or both.

B. Nothing in the Fireworks Licensing and Safety Act shall apply to or prohibit any employees of the department of game and fish or the United States fish and wildlife service from possessing fireworks for control of game birds and animals or to prohibit any law enforcement officer from possessing fireworks in the performance of his duties or to prohibit any municipality or civic organization therein from sponsoring and conducting in connection with any public celebration, an officially supervised and controlled fireworks display.

**History:** Laws 1989, ch. 346, § 10.

**60-2C-11. Penalty; civil. (1989)**

A. If a person is found guilty of violating any of the provisions of the Fireworks Licensing and Safety Act [60-2C-1 NMSA 1978], that person's license or permit may be revoked or suspended by the state fire marshal, his deputies or designees.

B. No individual, firm, corporation or partnership shall possess any fireworks for sale within New Mexico, other than those authorized in the Fireworks Licensing and Safety Act. The state fire marshal, his deputies or designees may at reasonable hours enter and inspect the permittee's premises, building, mobile or motor vehicle or temporary or permanent structure to determine compliance with the Fireworks Licensing and Safety Act. If any retailer has in his possession any fireworks in violation of that act, his permit shall be revoked and all such fireworks seized, and the fireworks shall be kept to be used as evidence. If any person has in his possession any fireworks in violation of that act, a warrant may be issued for the seizure of fireworks and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the permissible fireworks shall be returned to the person in whose possession they were found; provided, however, that nothing in the Fireworks Licensing and Safety Act applies to the transportation of fireworks by regulated carriers.

**History:** Laws 1989, ch. 346, § 11.

Agency Name	Public Regulation Commission, Insurance Division
Agency DFA Account Code No.	430-3000
Contact Person Name and Phone No.	John C. Standefer, 827-3721
“Rule” Name	USE OF PUBLIC OCCUPANCIES
“Rule” Number	10.25. NMAC 9
File Name	10.25.9 NMAC.doc
Format and WP package/version	Word 2000 for Windows 2000

For copies of proposed rule:

WRITE: Chief Clerk, P.O. Box 1269, Santa Fe, N.M. 87504-1269. Include the docket number, rule number and rule name, a self-addressed envelope and a check for \$5.00 made payable to the Public Regulation Commission to cover the cost of copying and postage.

CALL: Chief Clerk at 827-4526 with the docket number, rule number and rule name. You will be billed \$5.00 to cover the cost of copying and postage.

E-MAIL: Elizabeth Bustos at Elizabeth.Bustos@state.nm.us with the docket number, rule number and rule name. The rule will be e-mailed to you at no charge.

**TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT**  
**CHAPTER 25 STATE FIRE MARSHAL**  
**PART 9 USE OF PUBLIC OCCUPANCIES**

**1 ISSUING AGENCY:** New Mexico State Corporation Commission, Office of the State Fire Marshal, Post Office Box 1269, Santa Fe, New Mexico 87504-1269 [5-16-97]

**2 SCOPE:** This rule applies to new construction and existing buildings. Other rules on this subject may be issued by the Construction Industries Division. [5-16-97]

**3 STATUTORY AUTHORITY:** NMSA 1978 Sections 59A-52-7 and 59A-52-15. [5-16-97].

**3A PRE-NMAC REEGLATORY FILING HISTORY:** The material in this rule was originally filed with the State Records Center as SCC-89-1, Order Adopting Revised Regulation for Fire Prevention, Public Occupancies, and Flammable and Combustible Liquids, on 1-13-89. [5-16-97]

**4 DURATION:** Permanent. [5-16-97]

**5 EFFECTIVE DATE:** May 16, 1997 unless a later date is cited at the end of a section or paragraph. [5-16-97]

**6 OBJECTIVE:** The purpose of this rule is to provide minimum requirements for the design, operation, and maintenance of buildings and structures for safety to life from fire and similar emergencies. [5-16-97]

**7 DEFINITIONS:** Reserved. [5-16-97]

**8 ADOPTION OF NATIONAL STANDARD:** The Fire Marshal adopts and incorporates by reference NFPA 101, Life Safety Code, 1997 Edition, developed and/or approved and published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, as and American National Standard. [5-16-97]

**9 EXCEPTIONS:OF FUNDS:**

9.1 NFPA 101, section 14-1.7 is amended to require an occupant load in new prisons of 60 square feet of gross floor area for each person. [5-16-97]

9.2 NFPA 101, section 15-1.7 is amended to require an occupant load in existing prisons of 60 square feet of gross floor area for each person. [5-16-97]

## **ARTICLE 7 FIRE DISTRICT BONDS**

### **ARTICLE 7**

#### **Fire District Bonds**

##### **Section**

**5-7-1 Short title.**

**5-7-2 Definitions.**

**5-7-3 Fire district bonds; authority to issue; pledge of revenues; limitation on time of issuance.**

**5-7-4 Use of proceeds of bond issue.**

**5-7-5 Fire district bonds; terms.**

**5-7-6 Ordinance authorizing fire district bonds; two-thirds majority required.**

**5-7-7 Fire district bonds not general county or municipal obligations; authentication.**

##### **5-7-1. Short title. (1983)**

This act [5-7-1 to 5-7-7 NMSA 1978] may be cited as the "Fire District Bond Act".

**History:** Laws 1983, ch. 162, § 1.

##### **5-7-2. Definitions. (1983)**

As used in the Fire District Bond Act [5-7-1 NMSA 1978]:

- A. "fire district bonds" means the bonds authorized in the Fire District Bond Act;
- B. "governing body" means the board of county commissioners of a county or the city council, city commission or board of trustees of a municipality;
- C. "pledged revenues" means the revenues, net income or net revenues authorized to be pledged to the payment of particular bonds as specifically provided in Section 3 [5-7-3 NMSA 1978] of the Fire District Bond Act; and
- D. "project revenues" means the net revenues of the fire district as well as revenues received by the fire district from the fire protection fund as provided in Sections 59-15-1 through 59-15-18 NMSA 1978 [repealed], which may be pledged to fire district bonds pursuant to Subsection B of Section 3 of the Fire District Bond Act.

**History:** Laws 1983, ch. 162, § 2.

##### **5-7-3. Fire district bonds; authority to issue; pledge of revenues; limitation on time of issuance. (1983)**

- A. In addition to any other law authorizing a county or municipality to issue revenue bonds, a county or municipality may issue fire district bonds pursuant to the Fire District Bond Act [5-7-1 NMSA 1978] for the purposes specified in this section.
- B. Fire district bonds may be issued for acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing, furnishing, equipping and rehabilitating any fire district project, including, where applicable, purchasing, otherwise acquiring or improving the ground

therefor, or for any combination of the foregoing purposes. The county or municipality may pledge irrevocably any or all of the project revenues provided for the operation of the fire district project for which the particular bonds are issued to the payment of the interest on and principal of such bonds. The net revenues of any fire district project shall not be pledged to the bonds issued for any fire district project which clearly is unrelated in its purpose; but nothing in this section shall prevent the pledge to any of such bonds of any such revenues received from any existing, future or disconnected facilities and equipment which are related to and which may constitute a part of the particular fire district project. Any general determination by the governing body of the county or municipality that any facilities or equipment are reasonably related to and shall constitute a part of a specified fire district project shall be conclusive if set forth in the proceedings authorizing such fire district bonds.

**History:** Laws 1983, ch. 162, § 3.

#### **5-7-4. Use of proceeds of bond issue. (1983)**

It is unlawful to divert, use or expend any money received from the issuance of fire district bonds for any purpose other than the purposes for which the bonds were issued.

**History:** Laws 1983, ch. 162, § 4.

#### **5-7-5. Fire district bonds; terms. (1983)**

County or municipal fire district bonds:

- A. shall bear interest at a coupon rate or coupon rates not exceeding the maximum coupon rate which is permitted by the Public Securities Act [6-14-1 NMSA 1978]; provided that interest shall be payable annually or semiannually and may or may not be evidenced by coupons; and provided further that the first interest payment date may be for interest accruing for any period not exceeding one year;
- B. may be subject to a prior redemption at the county's or municipality's option at such time or times and upon such terms and conditions, with or without the payment of such premium or premiums, as may be provided by ordinance;
- C. may mature at any time or times not exceeding twenty years after the date of issuance;
- D. may be serial in form and maturity or may consist of one bond payable at one time or in installments;
- E. shall be sold for cash at, above or below par and at a price which results in a net effective interest rate which does not exceed the maximum permitted by the Public Securities Act; and
- F. may be sold at public or private sale.

**History:** Laws 1983, ch. 162, § 5.

#### **5-7-6. Ordinance authorizing fire district bonds; two-thirds majority required. (1983)**

A. At a regular or special meeting called for the purpose of issuing fire district bonds as authorized in Section 3 [5-7-3 NMSA 1978] of the Fire District Bond Act, the governing body may adopt an ordinance that:

- (1) declares the necessity for issuing fire district bonds;

- (2) authorizes the issuance of fire district bonds by an affirmative vote of two-thirds of all the members of the governing body; and
- (3) designates the source of the pledged revenues.

**History:** Laws 1983, ch. 162, § 6.

**5-7-7. Fire district bonds not general county or municipal obligations; authentication.  
(1983)**

A. Fire district bonds or refunding bonds issued as authorized in the Fire District Bond Act [5-7-1 NMSA 1978] are:

- (1) not general obligations of the county or municipality; and
- (2) collectible only from the proper pledged revenues, and each bond shall state that it is payable solely from the proper pledged revenues and that the bondholders may not look to any other county or municipal fund for the payment of the interest and principal of the bonds.

B. The bonds and coupons shall be signed and sealed as provided by the ordinance issuing the same, and the Uniform Facsimile Signature of Public Officials Act [6-9-1 NMSA 1978] shall be applicable.

**History:** Laws 1983, ch. 162, § 7.



## **Resource List**

### **New Mexico State Firefighters Association Bookstore**

P.O. Box 1637

Belen, New Mexico 87002

Phone and fax: (505) 864-8377

\*Local provider of ISFTA Manuals and Delmar Publications

### **International Fire Service Training Association (IFSTA)**

IFSTA Headquarters

Fire Protection Publications

Oklahoma State University

930 North Willis

Stillwater, OK 74078-8045

405-744-5723

<http://www.ifsta.org/>

### **Delmar Publishing**

P.O. Box 15015

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### **Fire Engineering (Publishing and Magazine)**

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Saddle Brook, NJ 07663

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Fax: (201) 845-6275

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### **Cygnus Publishing, Inc. (Publishing and FireHouse Magazine)**

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Melville, NY 11747

516-845-2700

<http://www.firehouse.com>

### **National Fire Protection Association (NFPA)**

1 Batterymarch Park,

P.O. Box 9101,

Quincy, MA 02269-9101

(617) 770-3000

Fax: (617) 770-0700

<http://www.nfpa.org/>

\*NFPA Standards and publications

**National Volunteer Fire Council (NVFC)**

1050 17th Street, NW, Suite 490

Washington, DC 20036

202-887-5700

Fax: 202-887-5291 Fax

1-888-ASK-NVFC

<http://www.nvfc.org/index.html>

\*variety of resources on website

**Insurance Services Office, Inc. (ISO)**

111 North Canal Street Suite 950

Chicago, IL 60606-7270

1-800-444-4554

fax: 1-800-7116431

Visit our web site at: <http://www.isomitigation.com>

**United State Fire Administration (USFA)**

16825 S. Seton Ave.

Emmitsburg, MD 21727

(301) 447-1000

<http://www.usfa.fema.gov/>

\*variety of resources on website

**VFIS (Formerly known as Volunteer Firefighters Insurance Services)**

183 Leader Heights Road,

P.O. Box 2726, York, PA 17405

(800) 233-1957 or (717) 741-0911

Fax: (717) 741-9508

E-mail: [inquiries@vfis.com](mailto:inquiries@vfis.com)

<http://www.vfis.com/vfis/index.htm>

\*provide insurance to local fire departments, can provide training materials

**National Interagency Fire Center**

3833 S. Development Avenue

Boise, Idaho 83705-5354

208-387-5512

<http://www.nifc.gov/>

\*wildland fire resources

**International Association of Fire Chiefs (IAFC)**

4025 Fair Ridge Dr., Suite 300

Fairfax, VA 22033-2868

703-273-0911

Fax 703-273-9363

<http://www.iafc.org/>

**International Association of Arson Investigators (IAAI)**

12770 Boenker Road

St. Louis, MO 63044

314-739-IAAI (4224)

314-739-4219 fax

<http://www.fire-investigators.org/>

**New Mexico Chapter - International Association Arson Investigators**

P.O. Box 594

Albuquerque, New Mexico 87103

**New Mexico Fire Fighters Association**

P.O. Box 311

Jal, New Mexico 88252

<http://www.nmsffa.nm.org/>

**New Mexico Fire Marshal's Association**

199 Pearl Drive NE

Rio Rancho, New Mexico 87124-4413

ddionisi@flash.net

**New Mexico Municipal Fire Chiefs Association**

P.O. Box 846

Santa Fe, New Mexico 87504

Ph: (505) 982-5573 ex. 521

Fax: (505) 984-1392

<http://www.nmfirechiefs.com/>

**ARTICLE 7**  
**TRAFFIC LAWS; SIGNS, SIGNALS AND MARKINGS; ACCIDENTS; WEIGHT AND**  
**SIZE; TRAFFIC SAFETY**

**Editors note: Various components of the Traffic Code (Article 7) for Emergency Vehicles are listed here. The entire code should be referenced as needed.**

**66-1-4.1. Definitions. (2007)**

As used in the Motor Vehicle Code [66-1-1 NMSA 1978]:

\* \* \*

F. "authorized emergency vehicle" means any fire department vehicle, police vehicle, ambulance and any emergency vehicles of municipal departments or public utilities that are designated or authorized as emergency vehicles by the director of the New Mexico state police division of the department of public safety or local authorities;

\* \* \*

**History:** 1978 Comp., § 66-1-4.1, enacted by Laws 1990, ch. 120, § 2; 1999, ch. 297, § 4; 2005, ch. 324, § 1; 2007, ch. 319, § 2.

**66-3-835. Special restrictions on lamps. (1978)**

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which project a beam of light of an intensity greater than three hundred candlepower shall be directed so that no part of the high-intensity portion of the beam strikes the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. No person shall drive or move, upon any highway, any vehicle or equipment with a lamp or device thereon displaying a red light visible from directly in front of the center of the vehicle or equipment. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by the Motor Vehicle Code [66-1-1 NMSA 1978].

C. Flashing lights are prohibited except as provided in Subsection D of this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating a turn.

D. Tow cars standing on highways for the purpose of removing, and actually engaged in removing, disabled vehicles, and while engaged in towing any disabled vehicle, may display flashing lights. This shall not be construed as permitting the use of flashing lights by tow cars in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses shall display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the Motor Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible.

**History:** 1953 Comp., § 64-3-835, enacted by Laws 1978, ch. 35, § 141.

**66-3-843. Horns and warning devices. (1978)**

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell except as otherwise permitted in this section.

C. It is permissible, but not required, that any commercial vehicle be equipped with a theft-alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

D. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the division, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**History:** 1953 Comp., § 64-3-843, enacted by Laws 1978, ch. 35, § 149.

**66-7-6. Authorized emergency vehicles. (1989)**

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico state police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

B. The driver of an authorized emergency vehicle may:

(1) park or stand, irrespective of the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978];

(2) proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;

(3) exceed the maximum speed limits so long as he does not endanger life or property; and

(4) disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

**History:** 1953 Comp., § 64-7-6, enacted by Laws 1978, ch. 35, § 376; 1989, ch. 318, § 22.

#### **66-7-332. Operation of vehicles on approach of authorized emergency vehicles.**

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed except when otherwise directed by a police officer.

B. Upon approaching a stationary authorized emergency vehicle displaying flashing emergency lights, unless otherwise directed, the driver of a vehicle shall:

- (1) if reasonably safe to do so, drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or
- (2) if it is not reasonably safe to drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop.

C. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive and park with due regard for the safety of all persons using the highway.

**History:** 1953 Comp., § 64-7-332, enacted by Laws 1978, ch. 35, § 436; 2001, ch. 59, § 1; 2005, ch. 10, § 1.

#### **66-7-351. Stopping, standing or parking prohibited in specified places. (1978)**

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within fifteen feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within twenty feet of a crosswalk at an intersection;
- (7) within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end [ends] of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (9) within fifty feet of the nearest rail of a railroad crossing;

- (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when properly signposted;
  - (11) alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
  - (14) at any place where official signs prohibit stopping.
- B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

**History:** 1953 Comp., § 64-7-351, enacted by Laws 1978, ch. 35, § 455.

**66-7-352. Additional parking regulations. (1978)**

- A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.
- B. Local authorities may by ordinance permit parking of vehicles within [with] the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.
- C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or ordered entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- D. The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

**History:** 1953 Comp., § 64-7-352, enacted by Laws 1978, ch. 35, § 456.

## **Drinking in public establishments**

### **60-7A-22. Drinking in public establishments; selling or serving alcoholic beverages other than in licensed establishments; selling or delivering alcoholic beverages from a drive-up window. (1998)**

- A. It is a violation of the Liquor Control Act [60-3A-1 NMSA 1978] for any person to consume alcoholic beverages in any public establishment **unless the establishment is licensed to sell and serve alcoholic beverages.**
- B. It is a violation of the Liquor Control Act for any person not a licensee to sell, serve or permit the consumption of alcoholic beverages in his public establishment or private club.
- C. It is a violation of the Liquor Control Act for any licensee to sell or deliver alcoholic beverages from a drive-up window.

**History:** Laws 1981, ch. 39, § 108; 1991, ch. 257, § 4; 1998 (1st S.S.), ch. 16, § 3.

### **60-7A-24. Obstruction of the administration of the Liquor Control Act; criminal penalty; sentencing. (1993)**

- A. Any person who forcibly or by bribe, threat or other corrupt practice obstructs, impedes or attempts to obstruct the administration of the provisions of the Liquor Control Act [60-3A-1 NMSA 1978] is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.
- B. Any licensee who forcibly or by bribe, threat or other corrupt practice obstructs, impedes or attempts to obstruct the administration of the provisions of the Liquor Control Act is guilty of violating the Liquor Control Act and shall be punished by fine, suspension or revocation under the procedures of the Liquor Control Act.

**History:** Laws 1981, ch. 39, § 110; 1993, ch. 68, § 20.

### **60-7A-25. Criminal penalties. (1993)**

- A. A person who violates any provision of the Liquor Control Act [60-3A-1 NMSA 1978] or any rule or regulation promulgated by the department that is not declared by the Liquor Control Act to be a felony is guilty of a misdemeanor and, upon conviction thereof, the person shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.
- B. Any person convicted of a violation of the Liquor Control Act which is declared by the Liquor Control Act to be a fourth degree felony shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

**History:** Laws 1981, ch. 39, § 111; 1991, ch. 119, § 1; 1993, ch. 68, § 21.



## **Class “E” Driver’s License**

New Mexico (NMSA – 66-5-7-B) and Federal (383.3) regulations require the issuance of a Class “E” License. The Class “E” License is an exemption license which is a Non-Commercial License and authorizes a driver to operate a vehicle that is in excess of 26,001 pounds. This license will be issued to the applicant with a Vehicle Certification Form (available at New Mexico Motor Vehicle Division Field Offices) which is completed and signed by the Fire Chief.

This Vehicle Certification Form serves as the following:

- Shows applicant is employed as a firefighter or and emergency vehicle operator
- Is medically exempt
- Waivered from a Required road skills Test under regular Commercial Driver’s License (CDL) requirements

### **Requirements for Issuance of a Class “E” License**

#### **First Time - Renewals – Replacements**

- Have a current New Mexico Driver’s License
- Have a Vehicle Certification Form Completed and Signed by the Fire Chief

This Vehicle Certification Form, with the Applicant’s Driver’s License must be presented at the local Customer Service Center (MVD Field Office) for issuance of a Class “E” License.

It is the responsibility of the Fire Chief to:

- Insure that the applicant’s are both knowledgeable in the safe operations of their vehicles and are skills tested in the driving operations of their vehicles.
- Records of both must be maintained.
- Notify the CDL Administration Office, New Mexico Motor Vehicle Division of any changes in the status of their drivers.

Further questions about the Class “E” license can be directed to the MVD Commercial Drivers Administration, at 505-827-1036.

**ARTICLE 11A**  
**Volunteer Firefighters Retirement**

Section	
10-11A-1	Short Title
10-11A-2	Definitions
10-11A-3	Volunteer firefighter's retirement fund; creation; transfer of funds from the fire protection fund
10-11A-4	Administration of the Volunteer Firefighters Retirement Act, programs and fund by the board; annual actuarial evaluation
10-11A-5	Retirement benefits; eligibility
10-11A-6	Determination of Service Credit
10-11A-7	Retirement Annuity; survivor beneficiary
10-11A-8	Retroactivity; application of the 2003 law

**10-11A-1. Short title.**

Chapter 10, Article 11A NMSA 1978 may be cited as the "Volunteer Firefighters Retirement Act".

**10-11A-2. Definitions.**

As used in the Volunteer Firefighters Retirement Act [10-11A-1 NMSA 1978]:

- A. "association" means the public employees retirement association;
- B. "board" means the retirement board of the association;
- C. "fire department" means a fire department with volunteer members that is certified by the fire marshal division of the public regulation commission;
- D. "fund" means the volunteer firefighters retirement fund; and
- E. "member" means a volunteer nonsalaried firefighter who is listed as an active member on the rolls of a fire department and whose first year of service credit was accumulated during or after the year the member attained the age of sixteen. A volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter.

**10-11A-3. Volunteer firefighters retirement fund; creation; transfer of funds from the fire protection fund.**

- A. There is created the "volunteer firefighters retirement fund" in the state treasury. All annuities and benefits in lieu of annuities shall be paid from the fund as provided in the Volunteer Firefighters Retirement Act [Chapter 10, Article 11A NMSA 1978].
- B. Beginning in fiscal year 1998, the state treasurer shall transfer annually on or before the last day of July seven hundred fifty thousand dollars (\$750,000) plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1998 plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1999 plus an additional five hundred thousand dollars (\$500,000) for fiscal year 2000 from the fire protection fund to the credit of the volunteer firefighters retirement fund.

**10-11A-4. Administration of the Volunteer Firefighters Retirement Act, program and funds by the board; annual actuarial evaluation.**

- A. The provisions of the Volunteer Firefighters Retirement Act [10-11A-1 NMSA 1978] and the volunteer firefighters retirement program authorized under that act shall be administered by the board. The provisions of law relating to the administration and investment of retirement funds administered by the board shall apply to all funds transferred and paid into the fund. In its administration of the volunteer firefighters retirement program, the board is authorized to promulgate rules and regulations.
- B. The board shall provide for an annual actuarial evaluation of the fund and shall make recommendations to the legislature for any changes necessary to maintain the actuarial soundness of the fund.
- C. The association shall remove a member's information file from the association's active database and enter it into an inactive database if qualifying documentation for the member has not been provided to the association for five consecutive years. A member's information file that has been entered into an inactive database shall not be included in the board's annual actuarial evaluation of the fund. The association shall return a member's information file to the association's active database if the association receives new qualifying documentation for the member.

**10-11A-5. Retirement benefits; eligibility.**

- A. Any member who attains the age of fifty-five years and has twenty-five years or more of service credit shall be eligible to receive a retirement annuity of two hundred dollars (\$200), payable monthly from the fund during the remainder of the member's life.
- B. Any member who attains the age of fifty-five years and has at least ten but less than twenty-five years or more of service credit shall be eligible to receive a retirement annuity of one hundred dollars (\$100), payable monthly from the fund during the remainder of the member's life.
- C. Any member who ceases to be a volunteer nonsalaried firefighter after completing at least ten but less than twenty-five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of one hundred dollars (\$100), payable monthly from the fund during the remainder of the member's life.
- D. Any member who ceases to be a volunteer nonsalaried firefighter after completing twenty-five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of two hundred dollars (\$200), payable monthly from the fund during the remainder of the member's life.
- E. Any member who qualifies for and receives a retirement annuity pursuant to this section may continue as an active member on the rolls of a fire department. However, such member shall not accrue additional service credit for the purpose of increasing the amount of the member's retirement annuity.

#### **10-11A-6 Determination of Service Credit.**

A. A member may claim one year of service credit for each year in which a fire department certifies that the member:

- (1) attended fifty percent of all scheduled fire drills for which the fire department held the member responsible to attend;
- (2) attended fifty percent of all scheduled business meetings for which the fire department held the member responsible to attend; and
- (3) participated in at least fifty percent of all emergency response calls for which the fire department held the member responsible to attend.

B. The chief of each fire department shall submit to the association by March 31 of each year documentation of the qualifications of each member for the preceding calendar year; provided that the chief shall:

- (1) submit the documentation on forms provided by the association;
- (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

C. For service credit that has been earned, but not credited pursuant to Subsection B of this section, a member may post or adjust service credit earned for one or more calendar years beginning on or after January 1, 1979; provided that the member shall:

- (1) file with the association a completed "Corrected Qualification Record" or "Adjusted Qualification Record" as prescribed by the board;
- (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

D. The association may request the fire marshal division of the public regulation commission to verify member qualifications submitted to the association.

#### **10-11A-7. Retirement annuity; surviving beneficiary.**

A member may designate a spouse or dependent child as a beneficiary. In the event a retirement annuitant dies, the surviving beneficiary shall receive an annuity equal to two-thirds of the retirement annuity being paid to the retirement annuitant at the time of death; provided that the annuity paid to a beneficiary spouse shall cease upon the surviving spouse's marriage or death and the annuity paid to a beneficiary dependent child shall cease upon the child reaching eighteen years of age or upon the child's death, whichever comes first.

**10-11A-8. Retroactivity; application of 2003 law.**

A. The change in law made by Laws 2003, Chapter 370, Section 2 eliminating a maximum age for a volunteer nonsalaried firefighter to establish a first year of service credit under the Volunteer Firefighters Retirement Act shall apply to a volunteer nonsalaried firefighter who was listed as an active member on the rolls of a fire department before the effective date of Laws 2003, Chapter 370, Section 2.

B. A volunteer nonsalaried firefighter who retired before the effective date of Laws 2003, Chapter 370, Section 2 shall be entitled to receive retirement benefits under the Volunteer Firefighters Retirement Act [10-11A-1 NMSA 1978] if otherwise qualified under that act.



**ARTICLE 11B**  
**Firefighters' Survivors Supplement Benefits Act**

**10-11B-1. Short title.**

Sections 1 through 5 of this act may be cited as the "Firefighters' Survivors Supplemental Benefits Act".

**10-11B-2. Findings; purpose.**

The legislature finds that firefighters throughout the state risk their lives daily to protect the residents of New Mexico. The legislature further finds that when firefighters are killed in the line of duty, their immediate families can suffer grievously, both emotionally and economically. To recognize the substantial public safety benefits conferred by firefighters, and in consideration of the sacrifices undertaken by these individuals and their families for the residents of New Mexico, it is the purpose of the Firefighters' Survivors Supplemental Benefits Act [10-11B-1 NMSA 1978] to ensure that certain supplemental death benefits accrue to the spouses and surviving children, or parents if there are no surviving children or spouse, of firefighters killed in the line of duty.

**10-11B-3. Definitions.**

As used in the Firefighters' Survivors Supplemental Benefits Act [10-11B-1 NMSA 1978]:

- A. "firefighter" means any full- or part-time member or a volunteer member of a fire department that is part of or administered by the state or any political subdivision of the state and any red-carded firefighter trained in wildland firefighting skills and hired by the state of New Mexico; and
- B. "fund" means the firefighters' survivors fund.

**10-11B-4. Firefighters' survivors fund created.**

The "firefighters' survivors fund" is created in the state treasury and shall be administered by the state fire marshal. The fund shall consist of all gifts, donations and bequests of money to the fund as well as any appropriations and distributions made to the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the state fire marshal for the purpose of paying death benefits pursuant to the Firefighters' Survivors Supplemental Benefits Act [10-11B-1 NMSA 1978] and shall be paid out only upon warrants issued by the secretary of finance and administration pursuant to vouchers signed by the state fire marshal. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

**10-11B-5. Firefighters' survivors supplemental benefits; review committee; determination; payment.**

- A. There is created the "firefighters' survivors supplemental death benefits review committee". The committee shall consist of the attorney general, the president of the New Mexico fire chiefs association, the state president of the New Mexico professional firefighters association and the president of the New Mexico state fire fighters association or their designees.
- B. The firefighters' survivors supplemental death benefits review committee shall determine whether a firefighter has been killed in the line of duty and advise the state fire marshal of that determination. In addition to any other death benefits provided by law, the surviving spouse or children shall be paid fifty thousand dollars (\$50,000) as supplemental death benefits whenever a firefighter is killed in the line of duty. The benefits shall be paid from the fund.
- C. The benefits shall be paid entirely to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the firefighter.



## **ARTICLE 21F**

### **FIRE FIGHTER AND PEACE OFFICER SURVIVORS SCHOLARSHIPS**

Section

21-21F-1. Short title.

21-21F-2. Legislative intent.

21-21F-3. Definitions.

21-21F-4. Eligibility.

21-21F-5. Rules and regulations.

#### **21-21F-1. Short title.**

This act [21-21F-1 to 21-21F-5 NMSA 1978] may be cited as the "Fire Fighter and Peace Officer Survivors Scholarship Act".

**History:** Laws 1986, ch. 50, § 1.

#### **21-21F-2. Legislative intent.**

The legislature recognizes the importance of the duties performed by our fire fighters and peace officers and the debt we owe to the fire fighters and peace officers who have lost their lives in the line of duty. The intent of this act [21-21F-1 to 21-21F-5 NMSA 1978] is to make a small payment on that debt by providing their survivors with an opportunity for a college education.

**History:** Laws 1986, ch. 50, § 2.

#### **21-21F-3. Definitions.**

As used in the Fire Fighter and Peace Officer Survivors Scholarship Act [21-21F-1 NMSA 1978]:

- A. "board" ["commission"] means the board of educational finance [commission on higher education];
- B. "eligible institution" means any state institution of higher education in New Mexico;
- C. "fire fighter" means any member of a fire department that is part of or administered by the state or any political subdivision of the state;
- D. "peace officer" means any member of a police or sheriff's department that is part of or administered by the state or any political subdivision of the state and officers in the department of corrections; and
- E. "survivor" means the spouse of the fire fighter or peace officer killed in the line of duty and any adopted or natural children twenty-one years of age or under at the time of his death.

**History:** Laws 1986, ch. 50, § 3.

#### **21-21F-4. Eligibility.**

A survivor meeting entrance requirements shall be entitled to a scholarship to the eligible institution of his choice. The amount of the scholarship shall be equal to the amount of tuition charged by the institution attended. The scholarship shall continue for such time as the recipient remains a student in good standing at the institution, but in no event shall any survivor receive a scholarship for more than five years.

**History:** Laws 1986, ch. 50, § 4.

#### **21-21F-5. Rules and regulations.**

The commission may adopt rules and regulations necessary to implement the provisions of the Fire Fighter and Peace Officer Survivors Scholarship Act [21-21F-1 to 21-21F-5 NMSA 1978]. A financial aid officer may exercise professional judgment when special circumstances exist to adjust the cost of attendance or the expected family contribution or to modify other factors that make the program responsive to a student's special financial circumstances and for which documentation exists in the student's file within the parameters authorized for this program.

**History:** Laws 1986, ch. 50, § 5; 1991, ch. 262, § 6.

## **PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM**

### **History**

The Public Safety Officers' Benefit (PSOB) Act (42 U.S.C. 3796, et seq.) was enacted in 1976 to assist in the recruitment and retention of law enforcement officers and firefighters.

Specifically, Congress was concerned that the hazards inherent in law enforcement and fire suppression and the low level of State and local death benefits might discourage qualified individuals from seeking careers in these fields, thus hampering the ability of communities to provide for public safety.

The PSOB Act was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value of those who serve their communities in potentially dangerous circumstances.

The resultant PSOB Program, which is administered by the Bureau of Justice Assistance (BJA), presents a unique opportunity for the U.S. Department of Justice; Federal, State and local public safety agencies; and national public safety organizations to become involved in promoting the protection of public safety officers before tragedies occur. Each year, the PSOB program receives substantial information about line of duty deaths that is used to enhance public safety officer training. The PSOB Program also encourages public safety agencies to adopt model policies that can help guide an agency through the tragic event of a line of duty death.

### **PSOB Program Benefits**

The PSOB Program provides a onetime financial benefit to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Since October 15, 1988 the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index. For fiscal year 1997, the benefit is \$138,461.

The PSOB Program provides the same benefit to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing any gainful work. Approximately 15 disability claims have been submitted annually since the PSOB Act was amended in 1990 to include permanent and total disability. Medical retirement for a line of duty disability does not, in and of itself, establish eligibility for PSOB benefits.

Since 1977, on average, the PSOB Program has received 275 benefit claims each year for line of duty deaths of public safety officers. PSOB Program staff respond rapidly and with sensitivity to requests for assistance from claimants and public safety agencies. They also provide moral support and, when necessary, referrals to organizations such

as Concerns of Police Survivors (COPS), which can provide long-term support for surviving family members and co-workers of deceased public safety officers.

**PSOB Program Effective Dates** The effective dates for PSOB Program benefits are as follows:

### **Death Benefits**

- State and local law enforcement officers and firefighters are covered for line of duty deaths occurring on or after September 29, 1976.
- Federal law enforcement officers and firefighters are covered for line of duty deaths occurring on or after October 12, 1984.
- Members of Federal, State and local public rescue squads and ambulance crews are covered for line of duty deaths occurring on or after October 15, 1986.

### **Disability Benefits**

Federal, State and local law enforcement officers, firefighters, and members of public rescue squads and ambulance crews are covered for catastrophic injuries sustained on or after November 29, 1990.

### **Public Safety Officers Eligible for PSOB Benefits**

Under the PSOB Program, a public safety officer is a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a public rescue squad or ambulance crew. Law enforcement officers include, but are not limited to, police, corrections, probation, parole, and judicial officers. Volunteer firefighters and members of volunteer rescue squads and ambulance crews are covered under the program if they are officially recognized or designated members of legally organized volunteer fire departments, rescue squads, or ambulance crews.

A public agency is defined as the United States; any U.S. State; the District of Columbia; the commonwealth of Puerto Rico; any U.S. Territory or possession; any unit of local government, any combination of such States or units; and any department, agency or instrumentality of the foregoing. To be eligible for benefits, a public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. Line of duty is defined in the PSOB regulations (28 CFR 32) as any action that the public safety officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is authorized or obligated by law, rule, regulation, or condition of employment or service to perform. Other public safety officers---whose primary function is not law enforcement or fire suppression--must be engaged in their authorized law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

## **Survivors Eligible for Program Death Benefits**

Once BJA approves a claim for death benefits, the benefit will be paid to eligible survivors in a lump sum, as follows:

- If there are no surviving children of the deceased officer, to the surviving spouse.
- If there is a surviving child or children and a surviving spouse, one-half to the child or children in equal shares and one-half to the surviving spouse.
- If there is no surviving spouse, in equal shares to the child or children.
- If none of the above apply, in equal shares to the parent or parents.

Under the PSOB Act, child is defined as any natural child who was born before or after the death of the public safety officer, or who is an adopted child or stepchild of the deceased public safety officer. At the time of death, the child must be 18 years of age or younger, or 19 through 22 years of age and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school; or 19 years or older and incapable of self-support due to a physical or mental disability.

For PSOB Program benefits to be paid, a public safety officer must be survived by an eligible survivor; public safety officers cannot predesignate their beneficiaries.

## **PSOB Program Limitations and Exclusions**

### **No PSOB Program benefit can be paid:**

- If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or if the officer intended to bring about his or her own death or permanent and total disability.
- If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.
- If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.
- To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.
- To members of the military serving as law enforcement officers, firefighters, or rescue squad or ambulance crew members, or to any of their survivors.

PSOB benefits do not cover death or permanent and total disability resulting from stress; strain; occupational illness; or a chronic, progressive, or congenital disease (such as heart or pulmonary disease), unless there is a traumatic injury that is a substantial contributing factor in the death or permanent and total disability. Medical proof of the traumatic injury (such as a blood test for carbon monoxide poisoning) may be necessary for coverage in these cases.

## **Reduction of Benefits**

The PSOB Program benefit is reduced by certain payments made under the District of Columbia Code and may itself reduce benefits under Section 8191 of the Federal Employees' Compensation Act. However, State and local benefits must not be reduced by benefits received under the PSOB Act, and the PSOB benefit is not reduced by any benefit received at the State or local level.

## **Interim Payment**

If BJA determines an urgent claimant need before the final action of paying a death benefit, an interim benefit payment not exceeding \$3,000 may be made to the eligible survivor(s) if it is probably that the death is compensable.

## **Attachment and Tax Exemption**

PSOB death and disability benefits are not subject to execution or attachment by creditors. The Internal Revenue Service (IRS) has ruled that the benefit is not subject to Federal income tax (IRS Ruling No. 77-235, IRS 1977-28) or to Federal estate tax (IRS Ruling No. 79-397). Attorneys' Fees

The PSOB Act authorizes BJA to establish the maximum fee that may be charged for services rendered to the claimant by another party in connection with any PSOB claim filed with BJA. Contracts for stipulation fee and contingent fee arrangements are prohibited by PSOB regulations (28 CFR 32.22(b)). BJA assumes no responsibility for payment of claimant attorney fees (28 CFR 32.22(d)).

## **Filing A Claim**

Eligible survivors or disability claimants may file claims directly with BJA or through the public safety agency, organization, or unit in which the public safety officer served. In most cases, the public safety agency provides BJA with sufficient information to determine whether the circumstances of the death or permanent and total disability support a benefit payment. The public safety agency prepares a Report of Public Safety Officer's Death or Permanent and Total Disability Claim Form to accompany the claim for death benefits completed by the eligible survivor(s) or, in the case of disability claims, the injured officer. BJA will determine whether and to whom a benefit should be paid.

## **For Further Information**

For more information about the Public Safety Officers' Benefit Program or to share your observations and recommendations, please contact:

U.S. Department of Justice Response Center Tel: 1-800-421-6770

Public Safety Officers' Benefits Program Bureau of Justice Assistance  
633 Indiana Avenue, NW  
Washington, DC 20531  
Tel: 202-307-0635  
Fax: 202-514-5956  
Internet: <http://www.ojp.usdoj.gov/BJA/>

Bureau of Justice Assistance Clearinghouse  
P.O. Box 6000  
Rockville, MD 20849-6000  
Tel: 1-800-688-4252  
Fax: 301-251-5212  
Bulletin Board System: 301-738-8895  
Internet: [look@ncjrs.aspensys.com](mailto:look@ncjrs.aspensys.com)



# Bureau of Justice Assistance Fact Sheet

## Public Safety Officers' Educational Assistance Program

The Federal Law Enforcement Dependents Assistance (FLEDA) Act was enacted in October 1996 to enhance the appeal of service in civilian federal law enforcement agencies by providing financial assistance for higher education to spouses and children of federal law enforcement officers killed in the line of duty. Congress and the President amended the Act in 1998 to provide educational assistance to spouses and children of police, fire, and emergency public safety officers killed in the line of duty, thus creating the Public Safety Officers' Educational Assistance (PSOEA) Program. The PSOEA Program also makes assistance available to spouses and children of public safety officers permanently and totally disabled by catastrophic injuries sustained in the line of duty.

### Background

By amending the FLEDA Act, Congress and the President extended educational assistance to include not only the families of federal law enforcement officers but all public safety officers. In so doing, they made an important statement about how vital our public safety officers are to our nation's safety.

The PSOEA Program recognizes that benefits available to these families through the Public Safety Officers' Benefits (PSOB) Program, administered by the Bureau of Justice Assistance, U.S. Department of Justice, are often consumed by basic needs and are not sufficient to support costs of higher education. For many families, however, access to higher education is instrumental in their ability to move forward in the aftermath of a line-of-duty tragedy.

### PSOEA Program Benefits

The PSOEA Program provides an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent and total disabilities are the direct and proximate result of a traumatic injury sustained in the line of duty.

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The amount of assistance is determined by whether the student attended school as a full-time, three-quarter-time, or half-time student. Also, the amount of assistance is subject to change consistent with the current computation of educational assistance allowance set forth in Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code.

### PSOEA Program Effective Dates

Under the PSOEA Program, the families of federal, state, and local police, fire, and emergency public safety officers are covered for line-of-duty deaths that occurred on or after January 1, 1978. The effective date for families of permanently and totally disabled federal law enforcement officers is October 3, 1996. Families of state and local police, fire, and emergency public safety officers are covered for line-of-duty permanent and totally disabling injuries that occurred on or after October 1, 1997. Families of Federal Emergency Management Agency (FEMA) personnel and state, local, and tribal emergency management and civil defense agency employees are covered for such injuries sustained on or after October 30, 2000.



## Eligibility for PSOEA Benefits

The PSOEA Program stipulates that PSOEA benefits are to be provided directly to dependents who attend a program of education at an eligible educational institution and are the spouses or children of federal, police, fire, and emergency public safety officers whose deaths or permanent and total disabilities are covered by the PSOB Program (42 U.S.C. 3796 et seq.). Public safety officers' children are no longer eligible for assistance, however, after their 27th birthday, absent a finding by the Attorney General of extraordinary circumstances. Assistance under the PSOEA Program is available for 45 months of full-time education or training or for a proportional period of time for a part-time program.

## For Further Information

For more information about the PSOEA Program, to obtain a copy of the PSOEA regulations and application form, or to share your observations and recommendations, please contact:

## Public Safety Officers' Educational Assistance Program

Public Safety Officers' Benefits Program  
Bureau of Justice Assistance  
810 Seventh Street NW.  
Washington, DC 20531  
1-888-SIGNL13 (744-6513)  
Fax: 202-616-0314  
World Wide Web: [www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)

## Bureau of Justice Assistance Clearinghouse

P.O. Box 6000  
Rockville, MD 20849-6000  
1-800-688-4252  
World Wide Web: [www.ncjrs.org](http://www.ncjrs.org)

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask them to place you on the BJA mailing list.

## Department of Justice Response Center

1-800-421-6770 or 202-307-1480  
Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

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U.S. Department of Justice  
Office of Justice Programs  
*Bureau of Justice Assistance*

*Washington, DC 20531*

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**Bureau of Justice Assistance**  
Office of Justice Programs ■ U.S. Department of Justice

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## **Public Safety Officers' Educational Assistance Program**

The Federal Law Enforcement Dependents Assistance (FLEDA) Act was enacted in October 1996 to enhance the appeal of service in civilian federal law enforcement agencies by providing financial assistance for higher education to spouses and children of federal law enforcement officers killed in the line of duty. Congress and the President amended the Act in 1998 to provide educational assistance to spouses and children of police, fire, and emergency public safety officers killed in the line of duty, thus creating the Public Safety Officers' Educational Assistance (PSOEA) Program. The PSOEA Program also makes assistance available to spouses and children of public safety officers permanently and totally disabled by catastrophic injuries sustained in the line of duty.

### **Background**

By amending the FLEDA Act, Congress and the President extended educational assistance to include not only the families of federal law enforcement officers, but all public safety officers. In so doing, they made an important statement about how vital our public safety officers are to our nation's safety.

The PSOEA Program recognizes that benefits available to these families through the Public Safety Officers' Benefits (PSOB) Program, administered by the Bureau of Justice Assistance, U.S. Department of Justice, are often consumed by basic needs and are not sufficient to support costs of higher education. For many families, however, access to higher education is instrumental in their ability to move forward in the aftermath of a line-of-duty tragedy.

### **PSOEA Program Benefits**

The PSOEA Program provides an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent and total disabilities are the direct and proximate result of a traumatic injury sustained in the line of duty.

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The amount of assistance is determined by whether the student is attending school as a full-time, three-quarter-time, half-time, or less-than-half-time student. (As of October 1, 2005, the maximum award for a full-time student is \$827.00 per month of class attendance.) Also, the amount of assistance is subject to change consistent with the current computation of educational assistance allowance set forth in Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code. All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.

### **PSOEA Program Effective Dates**

Under the PSOEA Program, the families of federal, state, and local police, fire, and emergency public safety officers are covered for line-of-duty deaths that occurred on or after January 1, 1978. The effective date for families of permanently and totally disabled federal law enforcement officers is October 3, 1996. Families of state and local police, fire, and emergency public safety officers are covered for line-of-duty permanent and totally disabling injuries that occurred on or after November 13, 1998.

Families of Federal Emergency Management Agency (FEMA) personnel and state, local, and tribal emergency management and civil defense agency employees are covered for such injuries sustained on or after October 30, 2000.

### **Eligibility for PSOE A Benefits**

The PSOE A Program stipulates that PSOE A benefits are to be provided directly to dependents who attend a program of education at an eligible educational institution and are the spouses or children of federal, police, fire, and emergency public safety officers whose deaths or permanent and total disabilities are covered by the PSOB Program (42 U.S.C. 3796 et seq.). Public safety officers' children are no longer eligible for assistance, however, after their 27th birthday, absent a finding by the Attorney General of extraordinary circumstances. Assistance under the PSOE A Program is available for 45 months of full-time education or training or for a proportional period of time for a part-time program.

### **For Further Information**

For more information about the PSOE A Program, to obtain a copy of the PSOE A regulations and application form, or to share your observations and recommendations, please contact:

#### **Public Safety Officers' Educational Assistance Program**

Public Safety Officers' Benefits Program

Bureau of Justice Assistance

810 Seventh Street NW.

Washington, DC 20531

Toll-Free: 1-888-744-6513

Fax: 202-616-0314

Web: [www.ojp.usdoj.gov/BJA/grant/psob/psob\\_education.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_education.html)

*Revised October 2005*



# BJA Fact Sheet

FS 000317 • SEPTEMBER 2009

BUREAU OF JUSTICE ASSISTANCE • OFFICE OF JUSTICE PROGRAMS

JAMES H. BURCH, II, ACTING DIRECTOR

## Public Safety Officers' Benefits Program

By Hope D. Janke, PSOB Director

### Enacted in 1976, the Public Safety Officers' Benefits (PSOB) Program:

- Assists in the recruitment and retention of qualified public safety officers.
- Establishes the value communities place on contributions from those who are willing to serve their communities in dangerous circumstances.
- Offers peace of mind to men and women who are seeking careers in public safety.

A unique partnership effort of the U.S. Department of Justice; local, state, and federal public safety agencies; and national organizations, the PSOB Program provides death and education benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, as well as disability benefits to officers catastrophically injured in the line of duty.

The PSOB Office is responsible for reviewing nearly 700 death, disability, and education claims submitted annually. The PSOB Office also collaborates with national firefighter, law enforcement, and first responder groups to provide a wide range of PSOB training and technical assistance resources, through conferences, seminars, and printed materials such as the *PSOB Information Kit*, to offer vital information and support to survivors and agencies of America's fallen public safety officers.

## PSOB Benefits

### Death

PSOB provides a one-time benefit to eligible survivors of public safety officers whose deaths were the direct and proximate result of an injury sustained in the line of duty on or after September 29, 1976. For the current death benefit amount, visit the PSOB web site at [www.psob.gov](http://www.psob.gov).

### Disability

PSOB provides a one-time benefit to eligible public safety officers who were permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty on or after November 29, 1990. Injuries must permanently prevent officers from performing any gainful work in the future. For the current disability benefit amount, visit [www.psob.gov](http://www.psob.gov).

### Education

PSOB provides support for higher education to eligible spouses and children of public safety officers who died in the line of duty on or after January 1, 1978, or were catastrophically disabled in the line of duty on or after October 3, 1996. For the current maximum educational assistance amount per month, visit [www.psob.gov](http://www.psob.gov).

### MESSAGE FROM THE DIRECTOR

Across the country, dedicated public safety officers watch over our neighborhoods and work to make our communities safer. As Director, I respect these officers' devotion and their willingness to place themselves in danger to protect our nation's citizens. We owe officers—and their families—a tremendous debt of gratitude. And when tragedy strikes, our focus must be on helping the survivors and the public safety agencies.

To that end, the Bureau of Justice Assistance (BJA) and the Office of Justice Programs (OJP) are moving forward with enhancements to the Public Safety Officers' Benefits Office and Program to better serve our public safety officers, their families, and their agencies. In just the past several months, key steps have been taken to ensure that the PSOB Program has sufficient resources so that survivors will receive the highest quality service

*continued on p. 2*

### KEY POINTS

- The Public Safety Officers' Benefits (PSOB) Program serves the broader public safety community—law enforcement, firefighter, and other first responder survivors and disabled public safety officers.
- PSOB provides no-cost support to public safety agencies including training and technical assistance in responding to line-of-duty deaths.

*continued on p. 2*

## MESSAGE (cont.)

available and the PSOB Office staff can work efficiently and effectively to provide grieving families with the benefits they so greatly deserve and coworkers with caring and helpful assistance when filing claims on behalf of their fallen colleagues.

Without question, **“PSOB Cares,”** and BJA and OJP remain committed to providing survivors and law enforcement, firefighter, and other first responder agencies with the information and support needed throughout the claim process.

## KEY POINTS (cont.)

- PSOB is implemented by the U.S. Department of Justice’s Bureau of Justice Assistance, an agency dedicated to supporting state and local public safety agency needs and committed to serving these agencies and their families, while respecting and honoring their sacrifices.
- Tools and checklists are available to assist agencies and survivors with submitting claims and ensuring a timely claim review and decision.
- The Hometown Heroes Survivors Benefits Act expanded program coverage to include certain heart attack and stroke circumstances.

For more information, visit [www.psob.gov](http://www.psob.gov).

## CONTACT US

Public Safety Officers’ Benefits Office  
Bureau of Justice Assistance  
Office of Justice Programs  
810 Seventh Street NW.  
Fourth Floor  
Washington, DC 20531  
Phone: 202-307-0635  
Toll-free: 1-888-744-6513  
E-mail: [AskPSOB@usdoj.gov](mailto:AskPSOB@usdoj.gov)  
PSOB web site: [www.psob.gov](http://www.psob.gov)

## Hometown Heroes

On December 15, 2003, the Hometown Heroes Survivors Benefits Act expanded the circumstances under which public safety officer deaths resulting from heart attacks and strokes may be covered by the program.

- The Hometown Heroes Act establishes a statutory presumption that public safety officers who die from a heart attack or stroke following a nonroutine stressful or strenuous physical public safety activity or training, died in the line of duty for benefit purposes.
- The Hometown Heroes presumption may be overcome by “competent medical evidence to the contrary.”
- The Hometown Heroes Act excludes actions of a “clerical, administrative, or nonmanual nature” from consideration.
- The regulations governing the Hometown Heroes Survivors Benefits Act, as well as the entire PSOB Program, were finalized September 11, 2006.

## CHECKLIST FOR FILING A PSOB DEATH CLAIM

The following checklist is provided to streamline the PSOB filing process for you and the fallen officer’s survivors. Please do not hesitate to call the PSOB Office toll free at 1-888-744-6513 for assistance with any part of the PSOB claim.

### Step 1: Collect the following information regarding the officer’s line-of-duty death from your agency records.

- PSOB Report of Public Safety Officer’s Death form completed and signed by the head of the public safety agency or designee.
- Detailed Statement of Circumstances from the initiation of the incident to the pronouncement of the officer’s death.
- Investigation, Incident, and Accident Reports, if any.
- Death Certificate.
- Autopsy, Toxicology Report, or a statement signed by the head of the public safety agency or designee explaining that none were performed.
- *For claims involving heart attacks and strokes, please refer to the Hometown Heroes Checklist, available at [www.psob.gov](http://www.psob.gov).*

### Step 2: Collect the following information regarding the officer’s survivors/beneficiaries.

- PSOB Claim for Death Benefits form completed and signed by the survivor/claimant.
- Officer’s current Marriage Certificate, *if applicable*.
- Divorce Decrees for the officer’s and current spouse’s previous marriages, including references to physical custody of any children, *if applicable*.
- Death Certificates for the officer’s and current spouse’s previous marriages, if any of the marriages ended in death, *if applicable*.
- Birth Certificates for all the officer’s surviving children and step-children, regardless of age or dependency, identifying the children’s parents, *if applicable*. For further details on this requirement, please go to [www.psob.gov](http://www.psob.gov).

Please e-mail (preferred), fax, or mail the above information to the PSOB Office, keeping a complete copy for your records.

## Section 7 Suggested Forms

The State Fire Marshal's Office is frequently asked about what types of forms should be used to record important information. There are five important types for Insurance Services Office, Inc. (ISO) records. There are clearly other types as well that are important for good, effective fire department operations and management.

All records should be kept at the main or administrative fire station. Department members should not routinely have fire department records out of the station.

The five types of forms that we suggest for ISO (as a minimum):

1. Personnel Roster – Summary listing of personnel and their title.
2. Response records – a running summary of the types of calls and the personnel responding to those calls. It is important, particularly for volunteer fire departments that all personnel who responded to the call be documented.
3. Training records – A simple, summary training record should document all legitimate training. ISO is interested in structural fire protection training. Training should recognize the difference between company, officer, mutual aid/multiple company training, night time, haz mat and new recruit training to help obtain maximum points for ISO purposes.
4. Meetings – Meetings should be recorded separately from training records.
5. Vehicle maintenance. A log should be maintained for each vehicle.

Other forms that may be useful for operation of the fire department are:

Personnel applications, personnel forms - place of employment, employee physical / medical release forms, injury report, notification of injury or death of firefighter, equipment issued and training documentation. Volunteer firefighter retirement records, copies of driver's licenses, EMT licenses, etc may also be kept on file.

Equipment inventory lists. This can include stations, apparatus, etc.

Annual Pump and hose test forms (Also needed for ISO). Hydrant test / service records should be available to the fire department if the fire department does not conduct those tests themselves.

Service records for self contained breathing apparatus and PASS devices.

Miscellaneous records.

Unit / ID # \_\_\_\_\_

\_\_\_\_\_  
**Fire Department  
Personnel File**

Attach photo here

**Name** \_\_\_\_\_  
                    Last                      First                      Middle                      Date of Birth

\_\_\_\_\_  
**Complete street address and mailing address**

\_\_\_\_\_  
                    City or Town                      State                      Zip

\_\_\_\_\_  
                    Date joined                      Social Security Number                      Driver's License Number / State

\_\_\_\_\_  
                    Home Telephone                      Work Telephone                      Email address

\_\_\_\_\_  
                    Name of employer                      Employer address                      City                      State                      Zip

**Emergency  
Notification** \_\_\_\_\_

\_\_\_\_\_  
                    Name                      Relationship                      Telephone  
**Date**                      **Terminated:**                      \_\_\_\_\_ **Reason:**

**EQUIPMENT ISSUED**

ITEM	SERIAL NO. OR SIZE	DATE ISSUED	COMMENTS

**Training Completed**  
(Use additional pages as needed)

Course Title	Date	Course Title	Date

**Offices Held**

Title	From	To	Title	From	To	Title	From	To
-------	------	----	-------	------	----	-------	------	----




## A GUIDE FOR CONDUCTING FACILITY PRE-FIRE PLANS

1. Sketch Each Floor
2. Show Roof access of venting devices
3. Show approaches to the facility
4. Indicate the size of the facility (Length and Width)
5. Show location of attic access doors, hatches, or ladders
6. Show roof access ladders
7. Show the location of the master electrical shutoff(s), other electrical shutoffs should be shown.
8. Show the location of the master gas/LPG shutoff.
9. Show the Direction of north by an arrow.
10. Show specific types of doors for other than standard personnel doors.
11. Show Fences and gates. *NOTE: Symbols are used to standardize and simplify information on the sketches the symbols that will be used are on included in this packet.*
12. Show all major partitions and doors.
13. Show room numbers if they are marked on the facility, otherwise indicate the use of the room.
14. Show the location of stairs and stairwells.
15. Show the locations of elevators.
16. Show locations of firewalls, and fire doors.
17. Show fire or smoke partitions in concealed spaces such as attics.
18. Show locations of fire hydrants and other available water sources.
19. Show the location of fire alarm control panels
20. Show the location of annunciator panels.
21. Show the location of all carbon dioxide, FM200, or clean agent fire extinguishing systems.
22. Show the location of all sprinkler risers, if applicable.
23. If the facility is only partially sprinkled, indicate areas that are protected.
24. If the facility has more than one sprinkler riser, indicate the area protected by each riser.
25. If the facility does not have a sprinkler system or if the facility is protected completely by a sprinkler system place the proper symbol at the top of the sketch.
26. Show the location of all Post Indicator Valves and show which risers the valves control.
27. Show the location of all standpipes, hose cabinets and outlets.
28. Show the location of any installed fire pumps.
29. Indicate the location of hazards in the building, such as explosives, radiation, flammable liquids, toxics, ect. That constitute an uncommon hazard to the firefighter.
30. Indicate the location of where Material Safety Data Sheets (MSDS) are stored.

**A sample letter to provide to business owners to help with completing your pre-planning program**

ACME FIRE DEPARTMENT

P.O. Box 111

Anywhere, NM, 88888

Dear Business owner,

Enclosed you will find a graph sheet in which we are requesting you draw the outline of your business. This will help us in case of an emergency should one arise. Please show the location of the following items in your drawing,

1. Doors and windows
2. Power Shutoff
3. Gas/LPG Shutoff
4. Sprinkler Connection
5. Fire Alarm Panel
6. Non-Usable Doors or Windows
7. Any Special Hazards (Explosives, Chemicals, Etc.)

At the bottom of this drawing please list the following,

1. Type of Business you conduct
2. Emergency Contact phone numbers
3. Number of employees normally on site.
4. Business Name and Address.
5. Insurance Company

Please return your drawings to the following address or contact us at the following numbers listed below,

(Your FD's Name and Address)

(Name of Fire Chief)

Phone Number of FD

## Pre-Fire Plan Data Entry Form

Date: \_\_\_\_\_ Fire Department/District: \_\_\_\_\_

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Bldg/Suite #: \_\_\_\_\_

City: \_\_\_\_\_ Phone #: \_\_\_\_\_

Type of Business: \_\_\_\_\_ Dept. Map Page #: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Manager Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Other Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Nearest Cross-Street is: \_\_\_\_\_

Primary Hydrant Number: \_\_\_\_\_ Located at: \_\_\_\_\_

Other water source is: \_\_\_\_\_ Square footage: \_\_\_\_\_ Stories in Height: \_\_\_\_\_

Occupancy Class Code: \_\_\_\_\_ Location of Heating: \_\_\_\_\_

Construction Class Code: \_\_\_\_\_ Gas Shutoff: \_\_\_\_\_ Type of Heat: ☐ Natural Gas ☐ LPG

Electrical Shutoff Location: \_\_\_\_\_ Alarm Panel: \_\_\_\_\_

Basement: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Elevator: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Lock Box: ☐ YES ☐ NO Remarks: \_\_\_\_\_

F.D.C.: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Standpipes: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Sprinkler System: ☐ YES ☐ NO Remarks: \_\_\_\_\_

# of Sprinkler Risers: \_\_\_\_\_ Remarks: \_\_\_\_\_

Location of Sprinkler Controls: \_\_\_\_\_

Location of Water Shutoff Valves: \_\_\_\_\_

Exposure Information: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

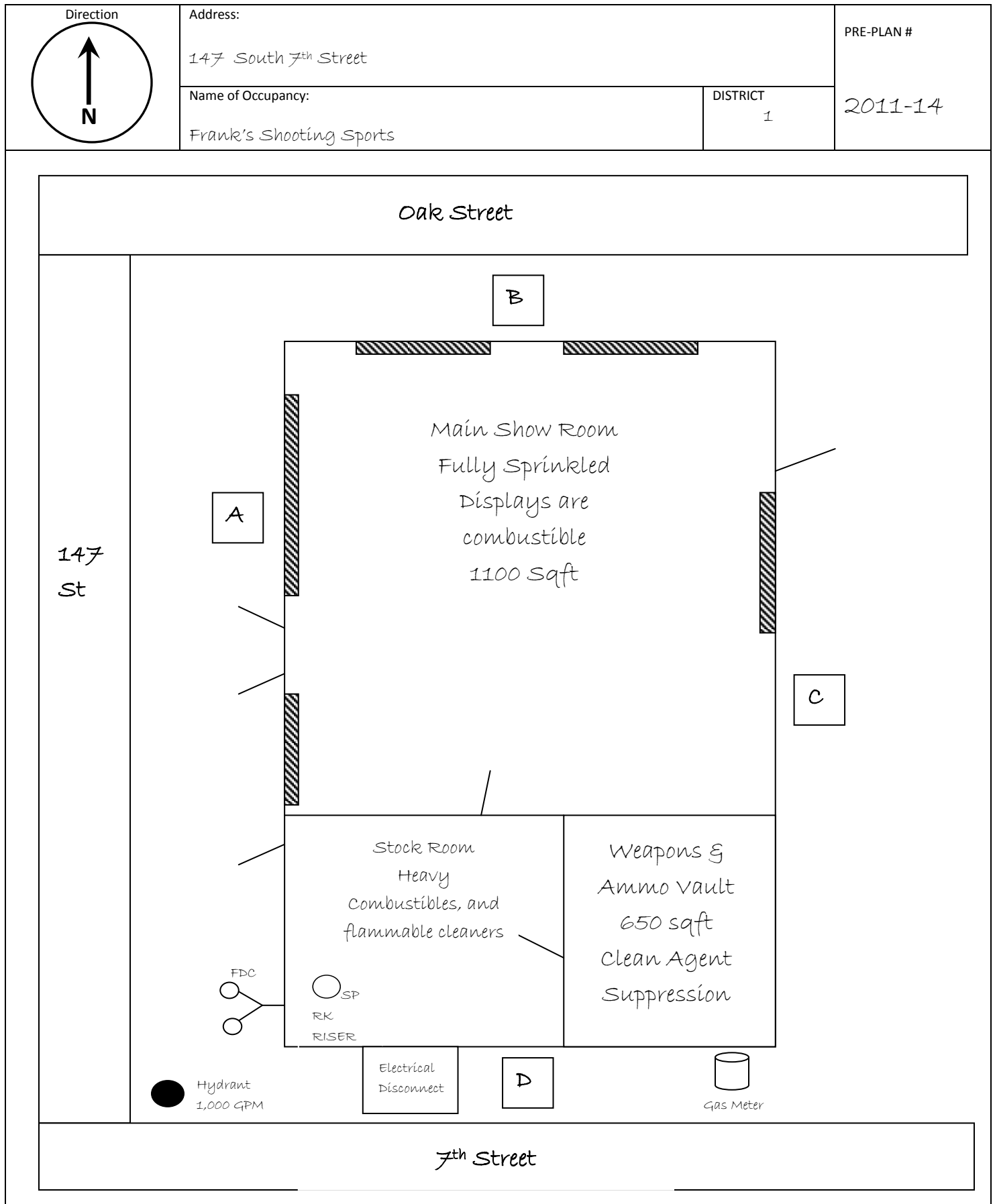
# PRE-INCIDENT PLAN FORM

<b>FIRE DEPARTMENT</b>					<b>PRE-PLAN #</b>		
Address:							
Business Name:						District	
<b>Emergency Contacts:</b>							
<b>Occupancy and Hazards:</b>							
<b>Construction:</b>							
<b>Fire Protection Systems:</b>							
<b>Water Supplies:</b>							
		Nearest Large Volume Water Supply:					
<b>Water Supply-Needed Fire Flow:</b>							
<b>INITIAL DISPATCH</b>							
<b>Involvement</b>	<b>GPM</b>	<b>ENGINES</b>	<b>LADDERS</b>	<b>CHIEFS</b>	<b>SPECIAL UNITS</b>	<b>EMS</b>	<b>OTHERS</b>
50 %							
100%							
<b>SPECIAL RESOURCES:</b>							
<b>EXPOSURES:</b>							
<b>STRATEGIES:</b>							
<b>COMMENTS:</b>							

### SAMPLE COMPLETED PRE-PLAN FORM

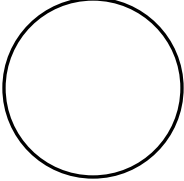
<b>FIRE DEPARTMENT</b>		Southwest Fire Department				<b>PRE-PLAN #</b>		2011-14	
Address:		147 South 7 <sup>th</sup> Street							
Business Name:		Frank's Shooting Sports				District SWFD			
<b>Emergency Contacts:</b>		Frank Martinez, Owner (505) 555-1234 Jim Romero, Manager (505) 555-5678 ABC Alarm Co. (505) 555-9112							
<b>Occupancy and Hazards:</b>		Gun Shop, with Bulk Ammunition storage, and shooting supplies. Ammunition is stored in Back room in concrete enclosure, solvents in fire proof lockers. Will have to force entry into store and ensure all emergency escape routes are clear before making an interior attack.							
<b>Construction:</b>		Steel Frame Building.							
<b>Fire Protection Systems:</b>		Full Sprinkler System, with Clean agent extinguishing system in Weapons/Ammo vault.							
<b>Water Supplies:</b>		Hydrant located at 7 <sup>th</sup> street and 147 <sup>th</sup> St. Hydrant provides 1,000 GPM @ 75 PSI. Dispatch will send 2 County Fire Districts with tankers for support. If tankers are not needed, personnel sent will be used on fire ground. Nearest Large Volume Water Supply: As Above or Hydrant at 147 <sup>th</sup> and Pine 200 Ft. South of above hydrant							
<b>Water Supply- Needed Fire Flow:</b>		<b>INITIAL DISPATCH</b>							
<b>Involvement</b>	<b>GPM</b>	<b>ENGINES</b>	<b>LADDERS</b>	<b>CHIEFS</b>	<b>SPECIAL UNITS</b>	<b>EMS</b>	<b>OTHERS</b>		
<b>50 %</b>	1500 GPM	E-1 & E-3		1	R-1 & Police Dept		County Tankers, As needed		
<b>100%</b>	2800 GPM	E-1, E-3 & E-7		1	R-1, 7 Police Dept		County Tankers, As needed		
<b>SPECIAL RESOURCES:</b>		Tankers from County Fire Districts can be sent to the City Yards, at 155 7 <sup>th</sup> street if a fill site for drafting is needed.							
<b>EXPOSURES:</b>		Side-B: Exposure to Sam's Cabinet Shop, wood frame construction Side-D Exposure to Pete's Pet Shop metal frame 10' clearance between buildings.							
<b>STRATEGIES:</b>		Disconnects for Gas and Electric on Side D of structure. Protect exposure on Sides B & D.							
<b>COMMENTS:</b>		Police Department must be requested to help in securing the scene as this is a fire arms store, which stores ammunition and weapons. They will be needed to take custody of the scene upon completion of any fire suppression.							

# PRE-INCIDENT PLAN DIAGRAM



NOT TO SCALE

**PRE-INCIDENT PLAN DIAGRAM**

<div>Direction</div> 	Address:	PRE-PLAN #
	Name of Occupancy:	

**NOT TO SCALE**

## Standard Map Symbols

### FIRE PROTECTION



Fire Department Connection



Automatic Sprinklers throughout contiguous sections of single risk



Automatic Sprinklers all floors of building



Automatic Sprinklers in part of building only (Note under symbol indicates protected portion of building)



Not Sprinklered



Automatic Chemical Sprinklers



Chemical Sprinklers in part of building only (Note under symbol indicates protected portion of building)



Vertical Pipe or Standpipe



Automatic Fire Alarm



Water Tank



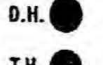
Fire Escape



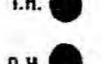
Fire Alarm Box



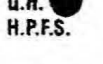
Single Hydrant



Double Hydrant



Triple Hydrant



Quadruple Hydrant of the High Pressure Fire Service

20" W.P. (H.P.F.S.) Water Pipes of the High Pressure Fire Service

+ 12" + Water Pipes of the High Pressure Fire Service as Shown on Key Map

6" W.P. } Public Water Service  
4" W.P. }

6" W.P. (PRIV.) Private Water Service



Fire Detection System - Label Type



Alarm Gong, with Hood



Sprinkler Riser (size indicated)

### VERTICAL OPENINGS



Skylight lighting top story only



Skylight lighting 3 stories



Skylight with Wired Glass in Metal Sash



Open Elevator



Frame Enclosed Elevator



Frame Enclosed Elevator with Traps



Frame Enclosed Elevator with Self-Closing Traps



Concrete Block Enclosed Elevator with Traps



Tile Enclosed Elevator with Self-Closing Traps



Brick Enclosed Elevator with Wired Glass Door



Open Hoist



Hoist with Traps



Open Hoist Basement to 1st



Stairs

### MISCELLANEOUS



Number of Stories

Height in Feet

Composition Roof Covering

Parapet 6" above Roof  
Frame Cornice  
Parapet 12" above RoofParapet 24" above Roof  
Occupied by Warehouse  
Metal, Slate, Tile or Asbestos  
Shingle Roof Covering  
Parapet 48" above Roof2 Stories & Basement  
1st Floor Occupied by Store  
2 Residential Units above 1st  
Auto in Basement  
Drive or Passageway  
Wood Shingle Roof

Iron Chimney

Iron Chimney  
(with Spark Arrestor)

Vertical Steam Boiler



Horizontal Steam Boiler



Width of Street between Block Lines, not Curb Lines



Ground Elevation



House Numbers nearest to buildings are official or actually up on buildings. Old House Numbers are farthest from buildings.



Brick Chimney



Gasoline Tank



Fire Pump

### COLOR CODE FOR CONSTRUCTION

Materials for Walls

Brown - Fire-Resistive protected steel

Red - Brick, hollow tile

Yellow - Frame — wood, stucco

Blue - Concrete, stone or hollow concrete block

Gray - Noncombustible unprotected steel

Figure 7.21 Standard map symbols that firefighters may choose to use.



Unit / ID # \_\_\_\_\_

\_\_\_\_\_ Fire Department  
**Exposure Record**

Incident No. \_\_\_\_\_ Incident Name: \_\_\_\_\_ Incident Time \_\_\_\_\_

Name \_\_\_\_\_  
Last First Middle Date of Birth Social Security Number

Complete street address and mailing address City Town State Zip

Home Telephone Work Telephone Email address

Officer on Scene: \_\_\_\_\_ Location of incident: \_\_\_\_\_

Brief Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Exposure type:</b> ____ Inhalation ____ Direct Contact ____ Ingestion	<b>Materials:</b> _____ _____ _____ _____
---	---

Decontamination Method \_\_\_\_\_ By whom? \_\_\_\_\_

Length of Exposure \_\_\_\_\_ Symptoms (if any) \_\_\_\_\_  
\_\_\_\_\_

Treatment at Scene? \_\_\_\_\_ By whom? \_\_\_\_\_

Type of treatment \_\_\_\_\_

Treatment at Medical Facility? \_\_\_\_\_ Where? \_\_\_\_\_

By whom? \_\_\_\_\_

Type of treatment \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List protective clothing and/or procedures used prior to exposure \_\_\_\_\_  
\_\_\_\_\_

Safety Officer's Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional pertinent information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Firefighter/EMS \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Safety Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Chief: \_\_\_\_\_ Date: \_\_\_\_\_

FIRE DEPARTMENT  
**TRAINING REPORT**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ TOTAL HOURS: \_\_\_\_\_

SUBJECT: \_\_\_\_\_ ☐ DAY ☐ NIGHT

SUB-GROUP: (check one) ☐ Multi-Company Training ☐ Officer Training (Leadership)  
☐ Driver/Operator ☐ New Driver Operator ☐ HAZ-MAT ☐ Recruit Training  
☐ Pre-Fire Planning ☐ Pump Testing ☐ Hose Testing  
☐ Other (Explain): \_\_\_\_\_

INSTRUCTOR(S): \_\_\_\_\_

TOTAL STUDENTS: \_\_\_\_\_

PRINTED NAME	SIGNATURE

INSTRUCTOR'S SIGNATURE: \_\_\_\_\_ PAGE # \_\_\_\_\_ OF \_\_\_\_\_

# SELF CONTAINED BREATHING APPARATUS INSPECTION FORM

SCBA SERIAL #: \_\_\_\_\_

DATE OF INSPECTION: \_\_\_\_\_

DATE OF HYDROSTATIC TEST: \_\_\_\_\_

LOCATION OF SCBA: \_\_\_\_\_

	INSPECTION PROCEDURES	PASS	FAIL
1	Cylinder: <input type="checkbox"/> 2216 PSI <input type="checkbox"/> 3000 PSI <input type="checkbox"/> 4500 PSI <input type="checkbox"/> Other:		
2	Is there any damage to the cylinder?		
3	Is there a current hydrostatic test date tag		
4	Cylinder is at full operating level		
	<b><u>HARNESS &amp; CARRIER</u></b>		
5	Inspect all straps for damage or missing parts		
6	Inspect Cylinder carrier for damage or missing parts		
7	Inspect hoses for damage		
8	Check straps and buckles for functionality		
	<b><u>SCBA FUNCTIONAL INSPECTION</u></b>		
9	Functionally check face piece (Mask must not show signs of excess heat damage)		
10	Functionally check regulator and face piece		
11	Functionally check emergency bypass valve		
12	Functionally check all pressure gauges		
13	Activate PASS device and test for proper operation		

**COMMENTS (List any damage or concerns for this SCBA):**

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\_\_\_\_\_  
Signature of Person Conducting Inspection

\_\_\_\_\_  
Date

**KEEP THIS DOCUMENT ON FILE WITH THE FIRE DEPARTMENT'S SCBA INSPECTION FILES**

**FIRE DEPARTMENT**  
**SELF CONTAINED BREATHING APPARATUS (SCBA)**  
**AIR CYLINDER INVENTORY AND SERVICE FORM**  
**ANNUAL INSPECTION REPORT**  
**DATE: \_\_\_\_\_**

[illegible]

## COMMENTS

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## DIRECTIONS

**CYLINDER SERIAL NUMBER:** Write the manufacturer's serial number.

**CHECKED BY:** The inspector shall sign this area.

**TYPE:** Record the type of cylinder; steel, aluminum, fiberglass (hoop wrapped), fiberglass (full wrapped), Kevlar/carbon composites.

**RATED PRESSURE:** Write down the rated cylinder pressure.

**VALVE CHECK:** check the cylinder valve for smooth operation.

**INITIAL HYDRO DATE:** Record the initial hydrostatic test date as provided by the manufacturer.

**LAST HYDRO DATE:** Record the last hydrostatic test date (this may be the same as the initial test date).

**HYDRO DUE DATE:** Record the anticipated due date for hydrostatic retesting of the air cylinder. If the cylinder has exceeded its test date, remove the bottle from service and notify the proper person.

Hydrostatic tests are conducted every 5 years for steel and aluminum cylinders and have an unlimited service life. Fiberglass and Kevlar composite cylinders must be tested every 3 years and have a 15 year service life. They must be destroyed at the end of the service life.

**Annual Fire Apparatus Pump Service Test**  
Meets NPFA standards and ISO requirements  
Taken from NFPA 1911

This test is to be used annually to test fire apparatus that has a fire pump with 250 gpm or larger capacity or if the pump and/or engine on the apparatus have been repaired or modified. It meets the NFPA 1901 Class A Pump rating test and ISO requirements for annual pump or service test. This test is not the same as a “New Apparatus Acceptance or UL (Underwriter’s Laboratory) Test” which is conducted by an independent agency for the manufacturer and is approximately 3 hours in length.

NPFA 1901 Class “A” Pump Rating Rating Capacity 100% capacity at 150 psi 70% capacity at 200 psi 50% capacity at 250 psi	Annual Pump Test – Service Test May be done by local fire department 1 hour 100% Capacity at 150 psi for 20 minutes 70% Capacity at 200 psi for 10 minutes 50% Capacity at 250 psi for 10 minutes
--	---

**Warning! Pump service testing can be a dangerous operation and all safety precautions should be taken.**

Equipment needed:

- Pump apparatus to be tested
- Firm, level surface near large (10,000 gallons or more) body of water with at least 4 feet of water depth, not more than 10 feet below the center of the pump intake which will allow the strainer to be submerged at least two feet below the surface of the water
- 20 feet of hard suction hose appropriate for the rated capacity of the pump
- 2 ½ inch discharge hoses of appropriate length for the pump (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Straight bore nozzles of appropriate discharge diameter (see table A “**HOSE AND NOZZLE LAYOUT**”)
- Monitor (may not be required, see table A “**HOSE AND NOZZLE LAYOUT**”)
- Pitot gauge
- **PUMP TEST DATA** form (one needed for each pump to be tested)
- Calculator

In testing the pump there are three variable factors, the change in one factor will cause change in at least one of the other factors. The three variables are pump speed, net pump pressure, and pump discharge rate. For example; any change to engine speed changes pump speed. Any change to hose layout or valve position changes pump pressure. Change in the nozzle tip changes discharge rate. Using these variables is the only way to reach the standard test condition desired.

While tests are being performed, attention should be given to engine temperature and oil pressure to ensure that they are in normal range. Any unusual vibrations or water leaks should be checked, noted and repaired after the test is complete. Any indication of engine or pump failure dictates that it is pointless to continue the test.

**Procedure:**

Park apparatus to be tested in a safe location; close enough to the water source to provide adequate water supply. If a hydrant is used, an area should be secured to allow for hoses, etc. Connect the discharge hose(s) and nozzle(s) as needed for the given pump capacity listed in table A (***Hose and Nozzle Layout***). Gate valves can be used to create friction loss for the different test flows. The apparatus discharge valves can also be used. When two or more lines are needed they may be connected to a monitor. 100 feet of hose is usually adequate.

<b>Table A – Hose and Nozzle Layout</b>		
Discharge GPM	Nozzle Size	Layout 2 1/2" attack line
250 – 350	1 1/8" or 1 1/4"	One 50 ft. line One 50 ft. line
400 – 500	1 3/8" or 1 1/2"	One 50 ft. line One 50 ft. line
600 – 750	1 1/2" or 1 3/4"	Two 100 ft. lines Two 100 ft. lines
1000	2"	2 or 3 100 ft. lines
1250	2 1/4"	Four 100 ft. lines
1250	1 3/4" & 1 1/2"	Two 100 ft. lines & One 50 ft. line
1500	2" & 1 3/8"	Three 100 ft. lines One 50 ft. line
1750	2 – 2"	Two 100 ft. lines each
2000	2 – 2"	Two 100 ft. lines each
Reference: NFPA 1911, Service Tests of Pumps on Fire Department Apparatus, 1911		

Connect draft / suction hose and strainer (or adequate hydrant supply hose) to the intake of the pump. Make sure that all valves are closed and the suction hose is tight enough to maintain a seal. Place the suction hose in the water. Strainer must be at least two feet below the water surface.

Start the pump and develop pressure. Once pressure is obtained (from draft) open the discharge valve(s) slowly to permit the flow of water. The main pump speed is gradually increased until the desired pressure at the pump is reached (150 psi). Check the flow at the nozzle with a pitot gauge or flow meter. If the flow is too great, partially close one (or more) gate valves. If the flow is too low, open the valve. Readjust engine speed to correct discharge pressure. Engine speed should not exceed 80% of its peak. When both the discharge pressure and the volume flowing are satisfactory, the test begins and runs for 20 minutes. Record the pump discharge pressure, nozzle pressure, engine tachometer when the test begins and at 5 minute intervals throughout the complete test. Automatic relief valves should be disengaged during the test.

After the first portion of the test is completed, the pump pressure should be raised to 200 psi and the test run for 10 minutes to complete the third portion of the test. The pump pressure should be raised to 250 psi. See examples on the next page.

**1000 gpm pump 6 inch suction 20 feet**

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	1000	2"	3 x 100 ft	72 psi
200 psi	700	1 3/4"	2 x 100 ft	60 psi
250 psi	500	1 1/2"	1 x 100 ft	58 psi

**750 gpm pump 5 inch suction 20 feet**

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	750	1 3/4"	2 x 100 ft	68
200 psi	525	1 1/2"	1 x 100 ft	62 psi
250 psi	375	1 1/4"	1 x 100 ft	66 psi

**500 gpm pump 4 1/2-inch suction 20 feet**

Pump Pressure	GPM	Nozzle Tip	Discharge Hose	Pitot Reading
150 psi	500	1 1/2"	1 x 50 ft	58
200 psi	300	1 1/4"	1 x 50 ft	58 psi
250 psi	250	1"	1 x 50 ft	72 psi

The following formula can be used to convert nozzle pressure to gallons per minute.

$$\text{GPM} = 29.83 \text{ c } d^2 \sqrt{np}$$

C= coefficient of discharge nozzle

D = diameter of nozzle in inches

P = pressure of flow (pitot reading)

Example: Diameter of nozzle 2"

Nozzle pressure 72 psi

Coefficient of nozzle 0.99

$$\text{GPM} = 29.83 \times 0.99 \times 2'' \text{ squared} \times \text{square root of } 72\text{psi}$$

$$\text{GPM} = 29.83 \times 0.99 \times 4 \times 8.485 = 1002 \text{ gpm}$$

$$\text{GPM} = 1002$$

If you do not want to use the formula above see Table B, which gives the nozzle pressure for smooth bore nozzles.

**Discharge Table for Smooth Nozzles**  
(nozzle pressure measured by pitot gauge)

Nozzle Pressure (psi)	GPM Nozzle diameter (inches)					Nozzle Pressure (psi)	GPM Nozzle diameter (inches)				
	1	1 1/8	1 1/4	1 3/8	1 1/2		1	1 1/8	1 1/4	1 3/8	1 1/2
5	66	84	103	125	149	60	229	290	357	434	517
6	72	92	113	137	163	62	233	295	363	441	525
7	78	99	122	148	176	64	237	299	369	448	533
8	84	106	131	158	188	66	240	304	375	455	542
9	89	112	139	168	200	68	244	308	381	462	542
10	93	118	146	177	211	70	247	313	386	469	558
12	102	130	160	194	231	72	251	318	391	475	566
14	110	140	173	210	249	74	254	322	397	482	574
16	118	150	185	224	267	76	258	326	402	488	582
18	125	159	196	237	283	78	261	330	407	494	589
20	132	167	206	250	298	80	264	335	413	500	596
22	139	175	216	263	313	82	268	339	418	507	604
24	145	183	226	275	327	84	271	343	423	513	611
26	151	191	235	286	340	86	274	347	428	519	618
28	157	198	244	297	353	88	277	351	433	525	626
30	162	205	253	307	365	90	280	355	438	531	633
32	167	212	261	317	377	92	283	359	443	537	640
34	172	218	269	327	389	94	286	363	447	543	647
36	177	224	277	336	400	96	289	367	452	549	654
38	182	231	285	345	411	98	292	370	456	554	660
40	187	237	292	354	422	100	295	374	461	560	667
42	192	243	299	363	432	105	303	383	473	574	683
44	196	248	306	372	442	110	310	392	484	588	699
46	200	254	313	380	452	115	317	401	495	600	715
48	205	259	320	388	462	120	324	410	505	613	730
50	209	265	326	396	472	125	331	418	516	626	745
52	213	270	333	404	481	130	337	427	526	638	760
54	217	275	339	412	490	135	343	435	536	650	775
56	221	280	345	419	499	140	350	443	546	662	789
58	225	285	351	426	508	145	356	450	556	674	803
60	229	290	357	434	517	150	362	458	565	686	817



**This is for annual service testing only. This test is not a UL or acceptance test!**

F.D. or Unit No. E-2 Make Pirsch Year Built 1995 Witnessed by Chief Chavez

Specifications: 250 gpm @ 150 (120) psi 100% 175 gpm @ 200 psi 70%  
125 gpm @ 250 psi 50 %

First Test – Capacity – Layout – 20 minutes 2<sup>nd</sup> test – 200 psi – Lay out – 10 minutes

2 1/2" Hose length 50' Tip #1 = 1 1/8 inch      2 1/2" Hose Length 50' Tip #1 = 1 1/8 inch  
2 1/2" Hose length      Tip #2 =      inch      2 1/2" Hose length      Tip #2 =      inch

Time	Pump Pressure psi		Pitot Reading psi	
	Inlet	Discharge	No. 1	No. 2
0900		170	45	
0905		171	45	
0910		172	46	
0915		172	46	
0920		172	46	
<b>Average</b>		172	46	

Time	Pump Pressure psi		Pitot Readings psi	
	Inlet	Discharge	No. 1	No. 2
0925		216	22	
0930		216	22	
0935		216	22	
<b>Average</b>		216	22	

**3<sup>rd</sup> test – 250 psi – layout – 10 mins.**

2 1/2" Hose Length 50' Tip #1 = 1 1/8 inch  
2 1/2" Hose length \_\_\_\_\_ Tip #2 = \_\_\_\_\_ inch

0945		255	11	
0950		255	11	
0955		255	11	
<b>Average</b>		255	11	

	Time Mins.	No. 1 Nozzle			No. 2 Nozzle			Total	Pump		Lift	Net
		Press Psi	Corr. Psi	Disch GPM	Press Psi	Corr. Psi	Disch GPM	Disch GPM	Press Psi	Corr. Psi	Psi	Press psi
1 <sup>st</sup> test	20	46	46	254				254	172	170		150

<b>2<sup>nd</sup> test</b>	10	22	22	175				175	216	215		200
<b>3<sup>rd</sup> test</b>	10	11	11	123				123	255	255		250

**This is for annual service testing only. This test is not a UL or acceptance test!**

F.D. or Unit No. \_\_\_\_\_ Make \_\_\_\_\_ Year Built \_\_\_\_\_ Witnessed by \_\_\_\_\_

Specifications: \_\_\_\_\_ gpm @ 150 (120) psi \_\_\_\_\_ % \_\_\_\_\_ gpm @ 200 psi %  
 \_\_\_\_\_ gpm @ 250 psi \_\_\_\_\_ %

First Test – Capacity – Layout – 20 minutes 2<sup>nd</sup> test – 200 psi – Lay out – 10 minutes

<b>Average</b>				

[illegible]

<b>3<sup>rd</sup></b> <b>test</b>												
--------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--

## **ANNUAL HOSE TEST PROCEDURE - USING THE PUMP ON FIRE APPARATUS**

From NFPA 1962, *Care, Use and Services Testing of Fire Hose Including Couplings and Nozzles*

**Danger! Testing fire hose under pressure is a dangerous task and safety precautions should be followed.**

THIS IS AN ANNUAL HOSE TEST. HOSE SHOULD BE TESTED WHEN PURCHASED NEW ACCORDING TO THE MANUFACTURERS RECOMMENDATIONS AND USING THIS PROCEDURE. A HISTORY OF EACH SECTION OF HOSE SHOULD BE MAINTAINED FROM DATE OF ACQUISITION.

### **Equipment needed:**

- Fire apparatus with adequate pump and outlets for testing hose.
- One or more hose test valves made from a gate valve for the size coupling of the hose to be tested. The valve(s) should have a ¼ inch hole drilled through the gate.
- Several 8 foot sections of rope or strap to secure the hose to the truck.
- One or more caps with bleeder or a nozzle with a non-twist shut off valve for each hose size to be tested.
- Large black permanent marker
- Record form to record information

### **1. Visually inspect hose and divide into three categories:**

A. Hose to be tested    B. Hose to be repaired    C. Condemned Hose  
Hose that has been repaired is tested differently and should be separated (see below). Condemned hose should be destroyed.

### **2. Hose should have an identification number of some type.**

Hose can be identified by a combination of numbers and letters to indicated diameter, etc. If the coupling is stamped, use the female end and do not damage the coupling. Stenciling on the hose jacket should be of a type that will not damage the jacket.

### **3. Determine Pressure for Hose to be Tested:**

- 1 1/2" and 2 1/2" single jacket hose should not be used for structural fire fighting and is not tested in this procedure.
- Hose made prior to July, 1987 should be tested to 250 psi for 5 minutes.
- Hose made after July 1987 will be stenciled on each length by the manufacturer "Service Test to \_\_\_\_\_ psi per NFPA 1962"
- Pumper supply (soft suction) 4" – 6" multiple jacket hose should be tested at 200 psi for 5 minutes.

Separate hose based on required test pressure. Connect hoses of the same pressure test in sections no longer than 300 feet in a straight line without kinks or twists.

#### **4. Set up the hose.**

Attach the test gate valve(s) to the apparatus at the appropriate discharge point. Attach the hose section(s) to the gate valve and attach the nozzle or cap to the end of the hose. Secure the hose closest to the test gate valve to the discharge with the strap or rope. Mark behind each coupling with the permanent marker completely around the hose as close as possible to the coupling to help determine slippage once the test is completed.

Open the test gate valve. Close the nozzle or bleeder cap on the end of the hose. Raise the pump pressure in the discharge to 45 psi. Raise the end of the hose above the level of the test gate valve and slowly open the nozzle or bleeder cap to allow all air to leave the line. Once all of the air is evacuated from the hose line, close the nozzle or bleeder valve, and then close the test gate valve at the pump discharge. Secure the nozzle end of the hose to prevent the hose from whipping should a rupture occur.

Check all couplings for leakage and tighten as necessary.

#### **5. Pressurize the hose.**

All personnel should be cleared from the area. Keep the test gate valve closed. The pressure should be brought up slowly on the sections of hose to be tested to the appropriate test pressure and held for 5 minutes. If there is a severe leak or hose rupture, stop the test, replace the defective hose and start over.

The hose should be inspected by walking down the left side of the hose (away from the pump towards the nozzle) approximately 15 feet away from hose while it is under test pressure. (The hose will roll to the right should a rupture occur). This will provide for additional safety. Never straddle the hose or move the hose once it is under test pressure.

Once the time is completed, slowly shut down the pump, close the pump discharge gates and open the nozzle or bleeder test cap. Allow the water to drain and inspect the hose couplings for any slippage. Any slippage (more than 1/2 inch) found should be identified and the hose taken out of service for repair.

#### **6. Record the test results.**

Record the test results on the attached form. The test should be conducted annually. Records should be maintained in a centralized location for all hose.

#### **7. Repaired hose**

Hose that has been repaired should be tested one length at a time.

## ANNUAL HOSE TEST

**FIRE DEPARTMENT**

**Test Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_ **Test Supervisor:** \_\_\_\_\_

[illegible]

## LEGEND

**Hose ID number:** This is the identification number provided by the fire department for each section of hose.

**Hose location:** Define location of the hose; crosslay 1, preconnect 1, hose bed, storage, etc.

**Hose size:** list the size of the hose by diameter

**Hose condition:** Use poor, fair, good, replace, etc.

**Purchase date:** write in the date of purchase

**Last test date:** write in the last known test date

**Made by:** who manufactured the hose

**Remarks:** remarks pertaining to the section of hose, e.g., stained, abrasion, coupling damaged, etc.





## APPARATUS INSPECTION REPORT

MONTH \_\_\_\_\_ YEAR \_\_\_\_\_ COMPANY NO. \_\_\_\_\_ UNIT NO. \_\_\_\_\_ TYPE \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_

	DATE																														
DAILY CHECK	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
TIRES FOR AIR, BREAKS OR CUTS																															
RADIATOR WATER AND COOLANT HOSES																															
HOSES FOR AMOUNTS AND CONDITION																															
ALL MISCELLANEOUS EQUIPMENT																															
ALL LIGHTS OPERATE																															
ALL FLUID LEVELS (HOOD AND CHASSIS)																															
FAN BELTS IN GOOD SHAPE AND TIGHT																															
CHECK ALL BATTERIES																															
STARTER WORKS PROPERLY																															
ENGINE RUNS SMOOTHLY																															
SWITCHES IN GOOD CONDITION																															
AIR BRAKES WORK PROPERLY																															
EMERGENCY BRAKES WORK PROPERLY																															
STEERING GEAR WORKS PROPERLY																															
FUEL LEVEL																															
ALL WARNING SYSTEMS																															
ALL COMMUNICATIONS (RADIOS, INTERCOM)																															
PUMP WORKS PROPERLY																															
ALL GAUGES WORK PROPERLY																															
DISCHARGE VALVES WORK PROPERLY																															



## FIRE DEPARTMENT HYDRANT RECORD

HYDRANT NO.: \_\_\_\_\_ LOCATION: \_\_\_\_\_ INSTALLED: \_\_\_\_/\_\_\_\_/\_\_\_\_ MAKE: \_\_\_\_\_  
 4 ½" CPMMECTOPM [YES] \_\_\_\_\_ [NO] \_\_\_\_\_ STREET MARKED [YES] \_\_\_\_\_ [NO] \_\_\_\_\_ HOW? \_\_\_\_\_  
 SIZE OF MAIN: \_\_\_\_\_ SIZE OF HYDRANT LEAD: \_\_\_\_\_ TYPE OF MAIN: [DEAD END] \_\_\_\_ [LOOP] \_\_\_\_ OTHER: \_\_\_\_\_

PRESSURE TESTS								
DATE	STATIC PRESSURE	FLOW PRESSURE	GPM		DATE	STATIC PRESSURE	FLOW PRESSURE	GPM

RECORD OF MAINTENANCE											
ITEM	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
FLOWED											
LUBRICATED											
GASKETS REPLACED											
VALVE REPLACED											
DRAIN VAVLE REPAIED											
LEAD VALVE REPAIRED											
PAINTED											
OTHER											

**GENERAL COMMENTS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**7-20E-22. County emergency communications and emergency medical services tax; authority to impose; ordinance requirements; use of revenue; election.**

A. The majority of the members of the governing body of an eligible county may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth of one percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business. The tax may be imposed in one or more increments of one-sixteenth of one percent not to exceed an aggregate rate of one-fourth of one percent. The tax shall be imposed for a period of not more than ten years from the effective date of the ordinance imposing the tax. Having once enacted an ordinance under this section, the governing body may enact subsequent ordinances for succeeding periods of not more than ten years, provided each such ordinance meets the requirements of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978] with respect to the tax imposed by this section.

B. The tax imposed by this section may be referred to as the "county emergency communications and emergency medical services tax".

C. The governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A of this section, shall dedicate the revenue to one or both of the following purposes:

(1) operation of an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point; or

(2) operation of emergency medical services provided by the county.

D. An ordinance imposing any increment of the county emergency communications and emergency medical services tax shall not go into effect until after an election is held and a majority of the voters in the county voting in the election vote in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question may be submitted to the voters as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated pursuant to Subsection C of this section. If a majority of the voters voting on the question approve the imposition of the county emergency communications and emergency medical services tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act [Chapter 7, Article 20E NMSA 1978]. If the question of imposing the county emergency communications and emergency medical services tax fails, the governing body shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

E. For the purposes of this section, "eligible county" means a county that operates or, pursuant to a joint powers agreement, is served by an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point.

History: Laws 2002, ch. 14, § 1.

# Automatic Aid

Automatic aid is assistance dispatched automatically by contractual agreement between two communities or fire districts. That differs from mutual aid or assistance arranged case by case. ISO will recognize an automatic-aid plan under the following conditions:

- It must be prearranged for first-alarm response according to a definite plan. It is preferable to have a written agreement, but ISO may recognize demonstrated performance.
- The aid must offset a need in the community ISO is surveying. For example, if a community needs a ladder company and the fire department does not have one, but a neighboring community's ladder company responds by automatic-aid agreement, credit may be available.
- The aiding ladder company must cover at least 50% of the needed ladder company Standard Response District by hydrant count in the community being graded.

**Note:** Various insurance underwriting plans may consider other criteria for automatic aid; therefore, ISO evaluates all automatic-aid plans.

Credit for responding automatic-aid companies depends on the value of the automatic-aid arrangements, determined by the following criteria:

- Communication facilities — The alarm dispatch circuit between the department communication centers, or between a central communication center and the aiding fire station, should be the equivalent of the needed facilities in the community that ISO is surveying.
- Receipt of alarm — The aiding departments should receive all alarms from the community being surveyed and dispatch their companies, according to the dispatch protocol.
- Interdepartmental training — The communities should conduct the following interdepartmental training:
  - Quarterly half-day, multiple-company drills with automatic-aid companies
  - Semiannual half-day, multiple-company drills with automatic-aid companies
  - Annual half-day, multiple-company drills with automatic-aid companies
- Fire ground communications — The communities should have common mobile and portable radio-frequency capability.

## **Automatic Aid** **Can Neighbors Help?**

Question: What is the difference between mutual aid and automatic aid? Is it worth the trouble?

My Answer: Mutual aid is anything requested after a unit arrives on scene after it is needed during the fire or is not on the first alarm such as second or third alarm companies or outside aid. Automatic aid is apparatus from another department that always responds by written SOP on first-alarm structure fires. You never get full credit for automatic-aid apparatus; pump capacity, staffing or distribution. Automatic-aid companies cannot be more than five miles from the city limits of the community they are aiding. They only count if the community needs an engine, a ladder/service company, additional pump capacity, distribution or personnel.

The ISO grader will determine the number of needed apparatus. If the community is found deficient and a written automatic-aid agreement exists, the grader will include as many automatic-aid apparatus as deemed necessary for the community. When an engine or ladder /service company is needed by the community being graded, the community providing the apparatus goes through a mini-rating to determine the percentage of credit that will be -given for the apparatus. The unit in question is checked for pump size, hose carried, needed fire equipment and pump and hose tests (Firefighter's News, Oct./Nov. 1996). The review might look like this: The engine has a 750 gpm pump, carries 80 percent of the hose required and gets 5 12 points out of a possible 654 (78 percent) for tests and equipment. The math goes like this: multiply 80 percent (credit for the pump and hose) times 78 percent for equipment and testing. This equals 62.4 percent credit as an engine.

Next, the communications and training are reviewed for the automatic aid provider. A review of the communications facilities should reveal that they are equal to the city being rated; this is worth 20 percent credit in the category. The automatic aid department should receive alarms directly from the community requesting aid and use run cards for 10 percent credit in the category. A review of interdepartmental training records should reveal quarterly half-day drills for 35 percent credit in the category. Fire ground communications should share common mobile and portable frequencies for the full 10 percent credit. Ideally, the ISO looks for a joint communications dispatch facility for an additional 15 percent credit. If you add all the, percentages together, the maximum credit is 90 percent. The fire department in our example gets 75 percent credit out of 90 percent. Take the credit as an engine (62.4 percent) and multiply times the communications and training credit (75 percent). The result is 46.8 percent credit as an automatic-aid engine company. The best you can ever get is 90 percent automatic-aid engine credit if everything is perfect.

Automatic-aid ladder or service companies are figured by multiplying the percentage of equipment and testing points (Oct/Nov 1996 Firefighter's News) times communications and training percentage. The department owns a 75' pumper/aerial with every piece of equipment and all testing is current but needs a 100' ladder to reach the roof of all structures in the community; it totals 709 points out of a possible 784 for 90 percent. Now multiply 90 percent equipment-and testing-credit times 75 percent training and communications credit, which equals 67.5 percent credit as an automatic-aid truck company. If this was your only needed ladder company you would get 67.5 percent of the 5 points in the category, or 3.37 points. Pump capacity for allowable automatic-aid companies is figured by multiplying the percentage of credit as an automatic-aid engine company times gpm rating of the tested pump. In our example, the 750-gpm

engine only counts 46.8 percent of its pump capacity or 351 gpm. If the pump is not properly tested, expect to lose even more.

Average personnel responding on credited automatic-aid companies count at the same level of credit as an automatic-aid engine or ladder/service company. In our example, the automatic-aid engine averages a response of nine volunteers and the truck responds with six career members. The engine credit would be figured by multiplying 46.8 percent time's nine volunteers or 4.2 members. Using ISO's formula for staffing, the volunteers are divided by three. This equals 1.4 paid firefighters, or 23 percent of what is supposed to be maximum on a career engine, or 35 percent-staffed for maximum credit as a volunteer company. The ladder company is figured by multiplying 67.5 percent times six, which equals 4.04 members; it is 67.5 percent staffed.

Why not just run mutual-aid companies when needed versus automatic-aid running every single structure fire on first alarm? Mutual aid companies are not counted in the municipal rating schedule. If a mutual-aid company does not roll on first alarm it does not count--period. The ISO will review your structure-fire call reports and see what actually responds on first alarm to determine credit. Mutual aid will count for fire department supply (FDS) rural water supply apparatus with no time or response distance limit. In a career department, the mutual-aid apparatus cannot respond until the first unit arrives on scene plus three additional minutes. In a volunteer department six minutes has to pass after arrival of the first-in unit before the mutual-aid company can respond. In a career department, about eight minutes must pass and in a volunteer department about 11 minutes must go by if you figure in the maximum response distance for the first-in unit as five miles from the station. Mutual-aid apparatus cannot exceed 35 mph to the fire, so you are looking at a response of two minutes per mile traveled plus the delay of eight to 11 minutes before you can respond. If the mutual-aid rig is carrying needed LDH, drop tanks, is a fill-site pumper, a special drafting unit, or packing a lot of water, it might arrive too late to help.

Automatic aid is a good thing but in the above examples, which are similar to what you can expect in real life, a lot of points will be lost in engine company, pump capacity, personnel, ladder/service company, distribution and divergence points. Reliance on automatic aid can be costly. In rural water supply situations, it might be the only way to utilize remote water sources or generate needed fire flows, however, the ideal use of a neighbor's apparatus that always gets all of the points in the category can be done in the form of a letter guaranteeing your department a reserve engine or ladder/service company in case one of yours goes out of service. Of course it needs to be fully equipped and tested.

Written automatic aid agreements can be worth their weight in gold if the apparatus is equipped, tested, and staffed. Sit down with other surrounding jurisdictions and write agreements to scratch each other's backs.



## Building Valuation Estimator Based on the 2006 IBC

### Section 1 - Occupancy Classification & Construction Type

Use the drop down menus below to:

- a. Select an Occupancy Classification Based on Use
- b. Select Building Construction Type

Occupancy Classification Based on Use	A-2 Assembly, nightclubs
Building Construction Type	1A - Fire - Resistive Building (rated)
<b>Dollar Amount Per Square Foot</b>	
\$160.35	

### Section 2 - Values & Losses

Calculate the Property and Content Values and Losses by entering:

a. total square footage

**OR**

b. length, width, and number of stories.

#### Total Square Footage Only

**Enter** the total square footage. The estimated property value will be calculated.

Total Square Footage	0	Estimated Property Value	\$0
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**Enter** the percent of property damaged by fire, smoke, water, and overhaul. Estimated property loss will be calculated.

Percent Damaged	0.00%	Estimated Property Loss	\$0
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Content Loss is automatically calculated at 75% of the Value of the Property\*

Estimated Content Value	\$0
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**Enter** the percent of contents damaged by fire, smoke, water or overhaul. Estimated content loss will be calculated.

Percent of Contents Damaged	0.00%	Estimated Content Loss	\$0
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#### Length X Width X Number of Stories Only

**Enter** the length, width, and number of stories. The estimated property value will be calculated.

Length	Width	Stories	
0	0	0	Estimated Property Value
			\$0

**Enter** the Percent of Property Damaged by Fire

Percent Damaged	0.00%	Estimated Property Loss	\$0
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Content Loss is Calculated at 75% of the Value of the Property\*

Estimated Content Value	\$0
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**Enter** the Percent of Contents Damaged by Fire

Percent of Contents Damaged	0.00%	Estimated Content Loss	\$0
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Square Footage

Building Construction Type	Occupancy Classificatoin Based on Use	Dollar Amount
1A - Fire - Resistive Building (rated)	A-1 Assembly, theaters, with stage	207.9928
1A - Fire - Resistive Building (rated)	A-1 Assembly, theaters, without stage	188.368
1A - Fire - Resistive Building (rated)	A-2 Assembly, nightclubs	160.3522
1A - Fire - Resistive Building (rated)	A-2 Assembly, restaurants, bars, banquet halls	159.3522
1A - Fire - Resistive Building (rated)	A-3 Assembly, churches	191.7256
1A - Fire - Resistive Building (rated)	A-3 Assembly, general, community halls, libraries, museums	162.1064
1A - Fire - Resistive Building (rated)	A-4 Assembly, arenas	187.368
1A - Fire - Resistive Building (rated)	B Business	161.1032
1A - Fire - Resistive Building (rated)	E Educational	176.2516
1A - Fire - Resistive Building (rated)	F-1 Factory and industrial, moderate hazard	97.6758
1A - Fire - Resistive Building (rated)	F-2 Factory and industrial, low hazard	96.6758
1A - Fire - Resistive Building (rated)	H-1 High Hazard, explosives	91.4967
1A - Fire - Resistive Building (rated)	H234 High Hazard	91.4967
1A - Fire - Resistive Building (rated)	H-5 HPM	161.1032
1A - Fire - Resistive Building (rated)	I-1 Institutional, supervised environment	161.318
1A - Fire - Resistive Building (rated)	I-2 Institutional, hospitals	271.1287
1A - Fire - Resistive Building (rated)	I-2 Institutional, nursing homes	189.5527
1A - Fire - Resistive Building (rated)	I-3 Institutional, restrained	185.164
1A - Fire - Resistive Building (rated)	I-4 Institutional, day care facilities	161.318
1A - Fire - Resistive Building (rated)	M Mercantile	119.244
1A - Fire - Resistive Building (rated)	R-1 Residential, hotels	163.4344
1A - Fire - Resistive Building (rated)	R-2 Residential, multiple family	136.9698
1A - Fire - Resistive Building (rated)	R-3 Residential, one- and two-family	129.9786
1A - Fire - Resistive Building (rated)	R-4 Residential, care/assisted living facilities	161.318
1A - Fire - Resistive Building (rated)	S-1 Storage, moderate hazard	90.4967
1A - Fire - Resistive Building (rated)	S-2 Storage, low hazard	89.4967
1A - Fire - Resistive Building (rated)	U Utility, miscellaneous	69.1005
1B - Fire - Resistive Building (non-rated)	A-1 Assembly, theaters, with stage	201.2744
1B - Fire - Resistive Building (non-rated)	A-1 Assembly, theaters, without stage	181.6496

[illegible]

A-2 Assembly, nightclubs	155.8408
A-2 Assembly, restaurants, bars, banquet halls	154.8408
A-3 Assembly, churches	185.0072
A-3 Assembly, general, community halls, libraries, museums	155.388
A-4 Assembly, arenas	180.6496
B Business	155.3043
E Educational	170.3116
F-1 Factory and industrial, moderate hazard	93.1953
F-2 Factory and industrial, low hazard	92.1953
H-1 High Hazard, explosives	87.0162
H234 High Hazard	87.0162
H-5 HPM	155.3043
I-1 Institutional, supervised environment	155.7848
I-2 Institutional, hospitals	265.3298
I-2 Institutional, nursing homes	183.7538
I-3 Institutional, restrained	179.3651
I-4 Institutional, day care facilities	155.7848
M Mercantile	114.7326
R-1 Residential, hotels	157.9012
R-2 Residential, multiple family	131.4366
R-3 Residential, one- and two-family	126.3678
R-4 Residential, care/assisted living facilities	155.7848
S-1 Storage, moderate hazard	86.0162
S-2 Storage, low hazard	85.0162
U Utility, miscellaneous	65.331
A-1 Assembly, theaters, with stage	196.5944
A-1 Assembly, theaters, without stage	176.9696
A-2 Assembly, nightclubs	151.865
A-2 Assembly, restaurants, bars, banquet halls	149.865
A-3 Assembly, churches	180.3272

[illegible]

A-3 Assembly, general, community halls, libraries, museums	149.708
A-4 Assembly, arenas	174.9696
B Business	150.3294
E Educational	165.4732
F-1 Factory and industrial, moderate hazard	87.8796
F-2 Factory and industrial, low hazard	87.8796
H-1 High Hazard, explosives	82.7005
H234 High Hazard	82.7005
H-5 HPM	150.3294
I-1 Institutional, supervised environment	151.6084
I-2 Institutional, hospitals	260.3549
I-2 Institutional, nursing homes	178.7789
I-3 Institutional, restrained	174.3902
I-4 Institutional, day care facilities	151.6084
M Mercantile	109.7568
R-1 Residential, hotels	153.7248
R-2 Residential, multiple family	127.2602
R-3 Residential, one- and two-family	123.267
R-4 Residential, care/assisted living facilities	151.6084
S-1 Storage, moderate hazard	80.7005
S-2 Storage, low hazard	80.7005
U Utility, miscellaneous	61.4355
A-1 Assembly, theaters, with stage	188.3472
A-1 Assembly, theaters, without stage	168.7224
A-2 Assembly, nightclubs	146.097
A-2 Assembly, restaurants, bars, banquet halls	145.097
A-3 Assembly, churches	172.08
A-3 Assembly, general, community halls, libraries, museums	142.4608
A-4 Assembly, arenas	167.7224
B Business	143.243

2B - Noncombustible Building (non-rated)  
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E Educational	158.2588
F-1 Factory and industrial, moderate hazard	84.9553
F-2 Factory and industrial, low hazard	83.9553
H-1 High Hazard, explosives	78.7762
H234 High Hazard	78.7762
H-5 HPM	143.243
I-1 Institutional, supervised environment	145.4604
I-2 Institutional, hospitals	253.2685
I-2 Institutional, nursing homes	171.6925
I-3 Institutional, restrained	167.3038
I-4 Institutional, day care facilities	145.4604
M Mercantile	104.9888
R-1 Residential, hotels	147.5768
R-2 Residential, multiple family	121.1122
R-3 Residential, one- and two-family	120.0132
R-4 Residential, care/assisted living facilities	145.4604
S-1 Storage, moderate hazard	77.7762
S-2 Storage, low hazard	76.7762
U Utility, miscellaneous	58.3695
A-1 Assembly, theaters, with stage	177.3128
A-1 Assembly, theaters, without stage	157.7296
A-2 Assembly, nightclubs	137.4038
A-2 Assembly, restaurants, bars, banquet halls	135.4038
A-3 Assembly, churches	161.056
A-3 Assembly, general, community halls, libraries, museums	129.8232
A-4 Assembly, arenas	155.7296
B Business	130.3362
E Educational	148.3228
F-1 Factory and industrial, moderate hazard	76.0964
F-2 Factory and industrial, low hazard	76.0964

3A - Ordinary Construction (exterior protection) (rated)  
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 3B - Ordinary Construction (exterior protection) (non-rated)

H-1 High Hazard, explosives	71.1027
H234 High Hazard	71.1027
H-5 HPM	130.3362
I-1 Institutional, supervised environment	135.8144
I-2 Institutional, hospitals	239.6313
I-2 Institutional, nursing homes	159.1677
I-3 Institutional, restrained	155.6648
I-4 Institutional, day care facilities	135.8144
M Mercantile	95.9445
R-1 Residential, hotels	137.687
R-2 Residential, multiple family	111.3496
R-3 Residential, one- and two-family	115.6068
R-4 Residential, care/assisted living facilities	135.8144
S-1 Storage, moderate hazard	69.1027
S-2 Storage, low hazard	69.1027
U Utility, miscellaneous	52.71
A-1 Assembly, theaters, with stage	172.0816
A-1 Assembly, theaters, without stage	152.4984
A-2 Assembly, nightclubs	133.5619
A-2 Assembly, restaurants, bars, banquet halls	132.5619
A-3 Assembly, churches	155.8248
A-3 Assembly, general, community halls, libraries, museums	126.1952
A-4 Assembly, arenas	151.4984
B Business	125.3931
E Educational	140.7412
F-1 Factory and industrial, moderate hazard	72.7086
F-2 Factory and industrial, low hazard	71.7086
H-1 High Hazard, explosives	66.7149
H234 High Hazard	66.7149
H-5 HPM	125.3931

[illegible]

I-1 Institutional, supervised environment	132.0938
I-2 Institutional, hospitals	0
I-2 Institutional, nursing homes	0
I-3 Institutional, restrained	149.7217
I-4 Institutional, day care facilities	132.0938
M Mercantile	93.1026
R-1 Residential, hotels	133.9664
R-2 Residential, multiple family	107.629
R-3 Residential, one- and two-family	112.608
R-4 Residential, care/assisted living facilities	132.0938
S-1 Storage, moderate hazard	65.7149
S-2 Storage, low hazard	64.7149
U Utility, miscellaneous	49.14
A-1 Assembly, theaters, with stage	182.3256
A-1 Assembly, theaters, without stage	162.7008
A-2 Assembly, nightclubs	140.9882
A-2 Assembly, restaurants, bars, banquet halls	139.9882
A-3 Assembly, churches	166.0584
A-3 Assembly, general, community halls, libraries, museums	136.4392
A-4 Assembly, arenas	161.7008
B Business	137.6295
E Educational	153.0316
F-1 Factory and industrial, moderate hazard	81.5357
F-2 Factory and industrial, low hazard	80.5357
H-1 High Hazard, explosives	75.3566
H234 High Hazard	75.3566
H-5 HPM	137.6295
I-1 Institutional, supervised environment	146.8066
I-2 Institutional, hospitals	247.655
I-2 Institutional, nursing homes	166.079



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I-3 Institutional, restrained	161.6903
I-4 Institutional, day care facilities	146.8066
M Mercantile	99.88
R-1 Residential, hotels	148.6792
R-2 Residential, multiple family	122.3418
R-3 Residential, one- and two-family	118.0242
R-4 Residential, care/assisted living facilities	146.8066
S-1 Storage, moderate hazard	74.3566
S-2 Storage, low hazard	73.3566
U Utility, miscellaneous	55.083
A-1 Assembly, theaters, with stage	161.7752
A-1 Assembly, theaters, without stage	142.192
A-2 Assembly, nightclubs	124.5906
A-2 Assembly, restaurants, bars, banquet halls	122.5906
A-3 Assembly, churches	145.5184
A-3 Assembly, general, community halls, libraries, museums	114.8888
A-4 Assembly, arenas	140.192
B Business	114.2167
E Educational	130.5352
F-1 Factory and industrial, moderate hazard	62.6652
F-2 Factory and industrial, low hazard	62.6652
H-1 High Hazard, explosives	57.6715
H234 High Hazard	57.6715
H-5 HPM	114.2167
I-1 Institutional, supervised environment	122.9354
I-2 Institutional, hospitals	223.5118
I-2 Institutional, nursing homes	143.0482
I-3 Institutional, restrained	139.5453
I-4 Institutional, day care facilities	122.9354
M Mercantile	83.1313

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R-1 Residential, hotels	124.808
R-2 Residential, multiple family	98.4706
R-3 Residential, one- and two-family	108.3342
R-4 Residential, care/assisted living facilities	122.9354
S-1 Storage, moderate hazard	55.6715
S-2 Storage, low hazard	55.6715
U Utility, miscellaneous	41.6115
A-1 Assembly, theaters, with stage	155.816
A-1 Assembly, theaters, without stage	136.2328
A-2 Assembly, nightclubs	120.4088
A-2 Assembly, restaurants, bars, banquet halls	119.4088
A-3 Assembly, churches	139.5592
A-3 Assembly, general, community halls, libraries, museums	109.9296
A-4 Assembly, arenas	135.2328
B Business	109.4693
E Educational	125.6104
F-1 Factory and industrial, moderate hazard	59.2362
F-2 Factory and industrial, low hazard	58.2362
H-1 High Hazard, explosives	0
H234 High Hazard	53.2425
H-5 HPM	109.4693
I-1 Institutional, supervised environment	118.1124
I-2 Institutional, hospitals	0
I-2 Institutional, nursing homes	0
I-3 Institutional, restrained	132.7979
I-4 Institutional, day care facilities	118.1124
M Mercantile	79.9495
R-1 Residential, hotels	119.985
R-2 Residential, multiple family	93.6476
R-3 Residential, one- and two-family	101.949

5B - Wood-frame Building (non-rated)

5B - Wood-frame Building (non-rated)

5B - Wood-frame Building (non-rated)

5B - Wood-frame Building (non-rated)

R-4 Residential, care/assisted living facilities	118.1124
S-1 Storage, moderate hazard	52.2425
S-2 Storage, low hazard	51.2425
U Utility, miscellaneous	39.606

## **ISO Divergence Factors**

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. Your preliminary FSRS score is subject to modification by a divergence factor, which recognizes any disparity in the effectiveness of your fire department and water supply.

The divergence factor mathematically reduces your preliminary scores if the fire department and water-supply scores are out of line with each other.

## SUGGESTED PRACTICES TO INCREASE THE SAFETY OF EMERGENCY DRIVING OPERATIONS

In today's fire service many apparatus operators are, in fact, amateur truck drivers operating large, heavy vehicles under emergency conditions. Given such circumstances, it's obvious that these drivers will have a much greater accident potential or liability exposure than that experienced by regular commercial truck drivers.

Accidents will happen and, in today's atmosphere of knee-jerk litigation, every fire company or department would be well-advised to take steps now to increase the safety of their emergency driving operations and to improve their stance in any future liability action.

To this end, it is suggested that some of the practices found in the trucking industry be adopted. (Each suggestion will be preceded by a question that might be asked by a litigant's attorney in court.)

(Chief, what kind of a driving record does your driver have? Did you check on it before letting him drive your fire equipment?)

FIRST: An abstract of the driving record of every driver or driver-trainee should be obtained from your state motor vehicle agency annually.

(Tell the court Chief, do you know if your driver has any medical conditions that might impair his ability to safely operate a large emergency vehicle?)

SECOND: All drivers or prospective drivers must pass a medical examination as specified by the USDOT before being permitted to drive apparatus and every two years thereafter. The medical service performing this examination should be chosen by the company or department and should also have the capability of performing the screening specified in the third suggestion below. The department or company should be prepared to fund these examinations as some health insurance providers will not do so.

(Chief, after the accident, the police sent your driver to be screened for drugs or alcohol and he tested positive. Did you know he was a substance abuser? Was he tested before being allowed to drive?)

COMMENTARY: There is some debate as to what degree fire apparatus drivers are subject to CDL regulations. The different exemptions, etc. offered by some states only add to this debate. Bottom line, however, if a police officer orders your driver to be tested he'd better do it. If he doesn't, you may argue in court that he wasn't required by law to do so, but the only thing the jury will hear is that he refused to take the test. (If he had nothing to hide, why refuse?)

(Chief, how is your firefighter qualified to drive a fire engine? Isn't it true he had no prior experience driving anything except his auto?)

FOURTH: All drivers or trainees will successfully complete a certified EVOC class in addition to in-house driver training. Permanent records will be kept of ALL driver training lessons, refreshers and tests.

COMMENTARY: This practice will provide certification of formal driver training which becomes even more important if your in-house driver-trainer does not have a trainer's certificate. The fifth practice follows this same line of thought.

FIFTH: Although your state may not require it, all drivers are urged to obtain a Commercial Drivers License with an air brake endorsement. FIFTH (cont.): If you have articulated apparatus or tankers, those endorsements are also appropriate. Apparatus should be made available for the drivers' tests.

(Does your fire department have a safety program, Chief? How do you monitor the performance of your drivers?)

SIXTH: Establish a safe driving committee for your organization:

- To manage your safe driving program
- To monitor driver training and suggest improvements
- To seek ways to make current driving SOPs safer
- To review accidents to improve future driving practices
- To consider any complaints against drivers

(Firefighter Smith, witnesses have testified that you were driving your fire engine at a very high rate of speed just before the accident. How fast do you say you were going? Were you utilizing your emergency lights and siren at the time?)

have other practices they would like you to adopt. They may also have a library of audio-visuals that you can draw upon for safety training. Maintaining a good working relationship with this department now will stand you in good stead later should your "loss experience" turn bad. Make certain they are aware of the details of your driver-safety program as this may reduce your premiums.

Adopting measures such as these will definitely have a positive effect on the safety of your emergency driving operations.

- You will have tighter supervision of your drivers.

- Your drivers will be more safety-minded.

- You will know that your drivers are physically fit.

- You will know they are not hiding bad driving records.

- Members with abuse problems will not apply for driver training.

- Recording devices will make your drivers more speed-conscious.

- Recorded speed records will support your testimony in litigation.

- Your drivers' qualifications will be certified by training records.

- Safe drivers will be recognized for their efforts.

Additionally, you will have a bonus benefit in that you will clearly demonstrate that your organization is pro-active where safety is concerned.

**HYDRANT INSPECTIONS**

(Dry Barrel)

Y    N

- ☐ ☐ Check the hydrant's appearance. Remove obstructions around it. If paint is needed, either paint the hydrant or schedule it for painting. Check to see whether the hydrant needs to be raised or lowered because of a change in the ground-surface grade. If adjustments are needed, schedule the work.
- ☐ ☐ Remove one outlet nozzle cap and use a listening device to check for main valve leakage.
- ☐ ☐ Check for the presence of water or ice in the hydrant. Replace the nozzle cap, leaving it loose enough to allow air to escape.
- ☐ ☐ Open the hydrant only a few turns, allowing air to vent from the outlet nozzle cap. Tighten all nozzle caps.
- ☐ ☐ Open the hydrant fully, checking for ease of operation. With the hydrant fully open, check for leakage at flanges, around outlet nozzles, at packing or seals, and around the operating stem. Repair or schedule for repair as needed.
- ☐ ☐ Partially close the hydrant so the drains open and water flows through them under pressure for about 10 seconds, thus flushing the drain outlets.
- ☐ ☐ Close the hydrant completely, backing off the operating nut enough to take pressure off the thrust bearing or packing.
- ☐ ☐ Remove one outlet nozzle cap and attach a section of fire hose or other deflector if necessary to protect the street, traffic, and private property from water expelled at high velocity. Open and flush the hydrant to remove foreign material from the interior of the hydrant and from the underground pipe connecting the hydrant to the main.
- ☐ ☐ Close the hydrant and remove any deflector. Check the operation of the drain valve by placing the palm of one hand over the outlet nozzle. Drainage should be sufficiently rapid to create noticeable suction. For hydrants that do not drain, pump the water from the barrel.
- ☐ ☐ Using a listening device, check the main valve for leakage.
- ☐ ☐ Remove all outlet nozzle caps, clean the threads, check the condition of gaskets, and lubricate the threads. Check the ease of operation of each cap.
- ☐ ☐ Check the outlet nozzle cap chains or cables for free movement on each cap, opening the loop around the cap as necessary until free movement is achieved.
- ☐ ☐ Replace caps. Tighten them and then back off slightly so they will not be too tight.
- ☐ ☐ Locate and exercise the auxiliary valve, making sure it is left in the open position.
- ☐ ☐ On traffic model hydrants, check the breakaway device for damage.
- ☐ ☐ Lubricate the hydrant as needed in accordance with manufacturer's guidelines.
- ☐ ☐ If hydrant is inoperable, tag it with a clearly visible mark and notify the fire department. Schedule the hydrant for repairs.

**Records Indicate:**Date: Yes ☐ No ☐; Hydrants Flowed: Yes ☐ No ☐; Hydrants Pressure Tested: Yes ☐ No ☐ N/A ☐



# Fire Suppression Rating Schedule Equivalency List

Here's a list of equipment that ISO considers equivalent to items listed in the Fire Suppression Rating Schedule

## Pumper Equipment (Table 512.A)

Item	Needed	Equivalencies
Booster tank	300 gallons	300 gallons or larger
Booster hose	200 feet	1-1/2" or 1-3/4" preconnected hose
1-1/2" hose	400 feet	1-3/4" or 2" hose
2-1/2" or larger hose	1,200 feet	The first 400 feet can be 2", 2-1/2" or 3"; the remaining 800 feet must be 2-1/2" or larger hose.
Heavy-stream appliance (1,000 gpm)	1	Not needed when the Basic Fire Flow is less than 1,500 gpm. A mounted, elevated, or portable attack monitor is acceptable. May be prorated in 250-gpm increments.
Distributing nozzle (1-1/2" min.)	1	<ul style="list-style-type: none"> <li>1-1/2" or 2-1/2" piercing nozzle</li> <li>1-1/2" or 2-1/2" distributing nozzle, cellar nozzle</li> </ul>
Foam nozzle (1-1/2" minimum)	1	<ul style="list-style-type: none"> <li>1-1/2" or 2-1/2" eductor</li> <li>Built-in proportioning system</li> <li>CAFS</li> </ul>
Foam	25 gallons, of which 10 gallons is carried on the pumper	<ul style="list-style-type: none"> <li>Any foam listed in the "UL Fire Protection Equipment Directory" as foam liquid concentrate (GFGV)</li> <li>Class A foam</li> </ul> <p>Wetting agents, emulsifiers, and surfactants are <i>not</i> acceptable for credit as foam.</p>
2-1/2" playpipe with shutoff	2	<ul style="list-style-type: none"> <li>Portable attack monitor with solid-bore tip</li> </ul>
2-1/2" straight stream & spray with shutoff	2	<ul style="list-style-type: none"> <li>200-gpm nozzles</li> <li>1-3/4" combination vari-nozzle tip nozzles with a 2-1/2" adapter</li> <li>Portable attack monitor with fog tip</li> </ul>
1-1/2" straight stream & spray with shutoff	2	1-3/4" combination nozzle with 1-1/2" coupling
Breathing equipment (SCBA) (30-minute minimum)	4	4 @ 30-minute or longer duration
Spare SCBA cylinders (30-minute minimum)	4	4 @ 30-minute or longer duration Portable air cascade or air filling station is <i>not</i> deemed equivalent.
Salvage covers (12 ft. x 18 ft.)	2	12-ft. x 14-ft. canvas or rip-stop plastic
Handlight	2	Rechargeable 6v handlight

(4v wet, 6v dry)		
Hose clamp	1	2-1/2", 3", or LDH hose clamp
Hydrant hose gate (2-1/2")	1	4-way valve, LDH manifold, trimese
Burst hose jacket (2-1/2")	1	2-1/2", 3", or LDH hose clamp
Gated wye 2-1/2" x 1-1/2" x 1-1/2"	1	Water thief, 2-1/2" gated wye with 1-1/2" reducers
12- or 14-ft. roof ladder	1	16-ft. roof ladder
24-ft. extension ladder	1	28-, 30-, or 35-ft. extension ladder

#### Ladder/Service Equipment (Table 544.A and 544.B)

Item	Needed	Equivalencies
Elevated stream device	1	1,000 gpm or larger
Large spray nozzle (500- gpm minimum)	1	500 gpm or larger (may be carried on a pumper)
Breathing equipment (SCBA) (30-minute minimum)	6	6 @ 30-minute or longer duration
Spare SCBA cylinders (30-minute minimum)	6	6 @ 30-minute or longer duration Portable air cascade or air filling station is <i>not</i> equivalent.
Salvage covers (12 ft. x 18 ft.)	10	12-ft. x 14-ft. canvas or rip-stop plastic
Electric generator (2500 watts)	1	<ul style="list-style-type: none"> <li>• PTO driven inverter – prorated based upon its capacity</li> <li>• Mini-generator floodlight – prorated in 500w increments</li> <li>• Mini-generator ventilation fan – prorated in 1,000w increments</li> </ul>
Floodlight (500 watts)	3	<ul style="list-style-type: none"> <li>• Tripod floodlight</li> <li>• Mini-generator floodlight</li> </ul>
Smoke ejector	1	<ul style="list-style-type: none"> <li>• Positive pressure ventilation (PPV) fan</li> <li>• Mini-generator ventilation fan</li> <li>• Thermal imaging device</li> </ul>
Oxyacetylene cutting unit	1	<ul style="list-style-type: none"> <li>• Hydraulic or pneumatic cutting tool</li> <li>• Plasma cutting tool</li> <li>• Oxy-gasoline cutting torch</li> <li>• Circular saw with composite blade</li> <li>• Thermal imaging device</li> </ul>
Power saw	1	<ul style="list-style-type: none"> <li>• Chain saw with carbide-tip cutting blades</li> <li>• Thermal imaging device</li> </ul>
Handlight (4v wet, 6v dry)	4	Rechargeable 6v handlight

Pike pole (plaster hook)	2 @ 6 ft. 2 @ 8 ft. 2 @ 12 ft.	6 @ various lengths, similar type tool
Ladder 10-ft. collapsible (attic)	1	10-ft. folding
14-ft. extension	1	14-ft. combination
20-ft. roof	1	16-ft. roof (additional)
28-ft. extension	1	24-ft. extension
40-ft. extension	1	35-ft. extension (additional)

#### Miscellaneous Equivalencies

FSRS Item	Needed	Equivalency
Fire hydrant – dry barrel	1,000 gpm	1,500 gpm (ANSI/AWWA C-502-05)
Fire hydrant – wet barrel	1,000 gpm	1,500 gpm (ANSI/AWWA C-503-05)

#### For more information . . .

. . . on any topic related to the PPC™ program or the Fire Suppression Rating Schedule, click [Talk to ISO Mitigation](#), or call the ISO mitigation specialists at 1-800-444-4554.

# Highlights of the New NFPA 1901

Oct 14, 2008 12:42 PM

By Chris Cavette, Senior Editor

The requirements in the next edition of *NFPA 1901 Standard for Automotive Apparatus* take effect for apparatus ordered on or after January 1, 2009. Departments need to work these requirements into their specs now.

The NFPA 1901 standard applies to all vehicles used for structural firefighting, mobile water supply, rescue situations, hazardous material releases, and other incidents not involving wildland firefighting. Here a few of the more important changes:

**Vehicle Data Recorder.** One of the most expensive and potentially controversial new requirements is that all vehicles must be equipped with an electronic vehicle data recorder, **similar to the "black box" on aircraft.** This device keeps a second-by-second record of the vehicle speed, acceleration and deceleration, engine speed, throttle position, antilock braking system events, master warning light switch position, date and time and other conditions on a running 48-hour loop. It also keeps a minute-by-minute summary of this data on a running 100-hour loop. Software to download the information onto a computer is provided.

The vehicle data recorder can be used as a driver training tool, but its primary purpose is to provide accurate evidence of the operating conditions of the vehicle in case of an accident. Among other things, it will show whether the driver braked or not, whether the warning lights were on or not and how fast the vehicle was traveling at the time of the accident. All departments need to advise their drivers of this feature and explain what it records. Departments also need to establish formal operating procedures to take vehicles out of service immediately after an accident and have a qualified third-party download the information from the vehicle data recorder. **Don't let your shops do it, and don't alter or erase the information -- that's equivalent** to an admission of guilt.

**Seat Belt Indicators.** Another important requirement is that all seats must be equipped with a sensor that sounds an alarm when a seat is occupied and the seat belt is not fastened. More importantly, if the belt is buckled before the seat is occupied --for example, if the belt is left buckled all the time -- the alarm also goes off. To make sure the correct procedure is followed, all seat belt alarm incidents are recorded on the vehicle data recorder, thus providing a basis for disciplinary action and eliminating the potential for false claims that a seat belt was fastened if someone is killed or injured in an apparatus accident.

Other changes to seat belts include a requirement that two-point belts be a minimum of 60 in long, and three-point belts be a minimum of 110 in long. This will help eliminate complaints that current belts are too short to be comfortably fastened and worn with full turnout gear.

**Tire Pressure Indicators.** Each tire must have a visual indicator or monitoring system to show when the air pressure is low. The simplest solution is probably a valve stem cap with a red/green indicator built into the end. Low tire pressures significantly decrease tire life, decrease fuel economy, increase steering effort and increase the possibility of catastrophic tire failures.

**Traffic Safety Equipment.** All apparatus must now carry five 28-in high fluorescent orange traffic cones with double reflective markings, five illumination warning devices such as flares, and one traffic safety vest meeting current ANSI standards for each seating position. These

requirements apply to pumpers, initial attacks, water tenders, aerials, rescues, haz-mats and other apparatus, regardless of their size. Departments may want to increase the number of traffic cones and illumination warning devices based on local conditions.

**Rear Reflective Markings.** Fifty percent of the rear-facing vertical surface of all vehicles must now be covered with reflective red and yellow stripes in a chevron pattern sloping downward from the center of the vehicle at a 45-degree angle. The stripes must be 6 in wide, instead of the minimum combined width of 4 in specified on the sides and front. Although there is some latitude on the exact shade of yellow to be used, other colors may not be substituted.

**Maximum Speed.** Vehicles are now subject to a maximum speed limit that varies according to the gross vehicle weight rating (GVWR) and the water or foam tank capacity. Vehicles with GVWRs over 26,000 pounds must not exceed 68 mph or the rated speed of the tires, whichever is lower. Vehicles with GVWRs over 50,000 pounds, or those with water or foam tank capacities that are more than 1,250 gallons, individually or combined, must not exceed 60 mph or the rated speed of the tires, whichever is lower.

**Aerial Devices.** Aerials equipped with "envelope controls" may now be operated without fully extending the stabilizers. The controls electronically sense the stabilizer extension on each side and limit the rotation, extension and elevation of the aerial to keep the load within the envelope of safety and prevent tip-over accidents. Although this may seem like an advantage to departments that regularly have to short-jack stabilizers on congested streets, those departments should also recognize that the range of aerial movement may be severely restricted as a result. In some cases, an aerial with short-jacked stabilizers may not be able to reach the roof or upper windows of buildings with large setbacks from the street.

**Trailers.** Trailers and other towed equipment are now subject to requirements under NFPA 1901. Areas covered include suspensions, brakes, hitches, electrical systems, work lights, warning lights and reflective markings -- yes, warning lights on trailers.

**List of Deviations.** Some departments like to install or modify minor items on new vehicles themselves or have someone locally do it. Special reflective tape designs, hosebeds covers and tool mounts are typical examples. Under the new NFPA standard, vehicle manufacturers must provide a list of all items that do not comply with the standard or that need to be installed in order to comply. This list will appear on the final specifications, and customers will be required to sign an acknowledgement that these items must be corrected or installed before the vehicle is placed in emergency service.

Contrary to what some departments may think, this is not a legalized waiver system that allows them to install non-compliant components or omit other components by simply signing them off. Instead, it is a legally binding document that places full responsibility on the customers to make the vehicle compliant before operating it. In some cases, manufacturers may even refuse to install non-compliant items or omit other items if they feel the customers can not, or will not, do the work properly after delivery.

**Other Requirements.** The new standard also contains many other requirements affecting product demonstrations, mirrors, ground ladders, vehicle stability, brakes, generators and other systems and components. Departments need to get a copy and review their specs against the new requirements. Maintenance personnel need to be made aware of any new service procedures and equipment. Consult your apparatus manufacturer for clarifications.

**Projected Cost Increase.** The financial impact of the new standard will probably vary from one model to another and one manufacturer to another.

**INSURANCE SERVICES OFFICE, INC.**  
**111 North Canal Street, Suite 950**  
**Chicago, Illinois 60606**

**FIRE DEPARTMENT WATER SUPPLY**  
**(HAULED WATER)**

**FIELD VERIFICATION PROCEDURES**

**SAFETY CONSIDERATIONS:**

*Safety in all field verification operations is of paramount importance, particularly as pertains to the operation of heavy fire apparatus and water supply vehicles. Should any unsafe act or condition be observed during the verification tests, a warning will be issued. Should a second unsafe act or condition be observed, the field survey will be immediately discontinued, and another field survey will not be scheduled for at least six months.*

It is recommended that one member of the fire department, preferably an officer, be designated as safety officer, and that said person have as his or her sole responsibility the maintenance of safe conditions throughout the duration of the field verification tests .

**Personnel:**

Total personnel participating in the field verification tests, in addition to the chief officer and, if applicable, a safety officer, shall not exceed the average reported response of creditable firefighters to structure fires for the jurisdiction being graded, plus one driver for each automatic aid tanker credited. From said total shall be deducted for water supply personnel the following: a water supply officer, any designated fire site water supply aides, designated supply point personnel, and one driver for each tanker credited. Only those permitted personnel remaining after deduction of water supply personnel shall be considered as available firefighters for the field verification tests and for credit in the grading.

**Fire site pumper setup time verification test:**

Fire site pumper and crew stage 200 feet from the designated setup point. Upon signal, the pumper advances to the setup point and is set, the driver/operator establishes pump prime from the apparatus booster tank while one 2 ½" attack line (150 feet minimum) is advanced toward an imaginary fire, and water is discharged until a signal to stop is given. Attack firefighters should wear full protective clothing, but SCBAs are not required. Activity is completed when an effective fire stream is established.

Personnel for this activity shall be a driver/operator, two attack firefighters, and the chief officer.

**Folding tank setup time verification test:**

Apparatus carrying folding tank stages 200 feet from designated setup point. Upon signal, apparatus advances to setup point, the tank is unloaded, the crew sets it up, and hard suction is installed from the fire site pumper to the tank. Activity is completed when the hard suction is in place and the setup crew signals that the tank is ready to accept water.

In the event that multiple folding tanks are used, each tank setup is timed separately; however, hard suction is required only for the tank(s) from which the fire site pumper(s) will draft. The installation of any transfer device(s) will be included in the setup time for the tank from which the transfer device(s) will transfer water.

Personnel for this activity shall be the water supply officer, any designated fire site water supply aides, available firefighters not assigned to the fire site pumper setup time verification test, and the chief officer. Tanker drivers shall remain in their vehicles.

**Tanker dump time verification test:**

Tankers, with their tanks full, stage 200 feet from the designated dump site. Upon signal, each tanker advances to the dump site, maneuvers into position, dumps its entire effective load as quickly as possible, and then advances to a designated point 200 feet beyond the dump site. Should folding tanks be unable to accept the entire tanker load, the water may be dumped on the ground if it is safe to do so. Activity is completed when the tanker reaches the designated finish line.

In the event multiple tankers are used, each tanker is timed separately.

Personnel for this activity shall be tanker drivers, the water supply officer, any designated water supply aides, and the chief officer. Tanker drivers shall remain in their vehicles.

**Folding tank useable capacity verification test:**

From an adequate water level, each folding tank is drawn down by either pump suction or siphon suction, as applicable, to the point where suction fails.

**Supply point setup time verification test (wet hydrant):**

Supply point apparatus and crew stage 200 feet from the fill site hydrant. Upon signal, they advance to the hydrant, make necessary hose lay(s) and/or connection(s), set up any necessary fill site apparatus, equipment, or provisions, obtain pump prime (if applicable), and extend fill line(s). Activity is completed when crew is ready to fill tankers as evidenced by discharge from fill line(s).

Personnel for this activity shall be determined by the fire department, but such personnel shall not participate in any other field verification test activity except tanker fill time verification.

**Supply point setup time verification test (suction point):**

Supply point apparatus and crew stage 200 feet from the fill site. Upon signal, they advance to the fill site, make necessary hose lay(s) and/or connection(s), set up any necessary fill site apparatus, equipment, or provisions, obtain pump prime (if applicable), and extend fill line(s). Activity is completed when crew is ready to fill tankers as evidenced by discharge from fill line(s).

Personnel for this activity shall be determined by the fire department, but such personnel shall not participate in any other field verification test activity except tanker fill time verification.

**Tanker fill time verification test:**

Tankers, with their tanks effectively empty, stage 200 feet from the designated fill site. Upon signal, the tanker advances to the fill site, maneuvers into position, is completely filled by the fill site crew, and then advances to a designated point 200 feet beyond the fill site. Activity is completed when the tanker reaches the designated finish line.

In the event multiple tankers are used, each tanker is timed separately.

Personnel for this activity shall be the same as specified for supply point setup, plus the driver of each tanker. Tanker drivers shall remain in their vehicles.

**Note:** In all instances where it is indicated that apparatus shall stage 200 feet from a designated site, the fire department may, at its discretion, use a “running start”. When such a running start is used, the apparatus may start from a point more than 200 feet from the designated site and the test will be timed from when the apparatus crosses the 200 foot starting line.



# **CHECK LIST FOR ISO PRE-SURVEY**

THIS INFORMATION MUST BE COMPLETE AND ACCURATE.

## **MAP**

- Provide 2 Copies's Color-coded, of Fire District's Legal Boundaries
- Identify the large commercial buildings on maps.
- **Districts shall be to scale 1" for 2 miles.**
- Identify hydrants, underground mains and or water system, to include size of water tanks, water sources, and well pump Gallons Per Minute and/or fill time, if available.

## **RECORD KEEPING**

- Provide copies of training records and time of training (Military time).
- Provide an up to date personnel roster.
- Fill in all documents that have been provided in the ISO pre-survey packet.
- Fire reports, recruit training reports, driver training reports/new drivers training reports.
- Apparatus inventory reports.

## **MAINTENANCE REPORTS**

- Provide copies of annual pump tests.
- Provide copies of annual hose tests.
- Provide copies of semi-annual inspection reports of fire hydrant tests. The inspection should include operation and test at domestic pressure. Hydrants should be conspicuous, well located for use by a pumper, and in good condition.
- Provide copies of SCBA maintenance reports.
- Water Department should be notified at least four (4) weeks in advance of the survey, to ensure all paperwork is filed correctly.

## **PRE-PLANNING**

- Provide copies of fire pre-planning of your five largest commercial buildings (square footage, occupancy type, construction type) of each building) in your fire district. Pre-planning shall be conducted twice a year. Keep a copy in fire station and in all fire units.
- **Identify all utilities and fuel shut off's or any other hazard that may exists in the building.**

## **COMMUNICATIONS**

- Both the number to report a fire (911) and the fire department **business number should be listed under “Fire Departments Name” in the white pages** directory (or local government section of the white pages). Also in the front cover of the phone book.
- Follow information provided by ISO on communication information Fill in all documents that have been provided by ISO pre-survey packet.

## **AUTOMATIC AID**

- Provide a written agreement of **Automatic Aid** from all responding fire departments. Mutual aid is not recognized, it is only recognized only for tanker shuttle operations.
- Identify all resources available, and provide copies of run reports from responding departments.
- Have two copies of all information in a binder one for Fire department and one for ISO.

# REQUIRED EQUIPMENT FOR APPARATUS PER ISO

## Engine-Company Equipment

Here's a list of the items ISO considers when evaluating an engine company. The table gives the [Fire Suppression Rating Schedule \(FSRS\)](#) credit points available for each item. You may substitute equivalent equipment for some of the items listed in the FSRS. See the [FSRS Equivalency List](#) for details.

Engine-Company Equipment and Hose	Needed	Points Credit/Unit	Total Points
Booster tank	300 gallons	1/10 gallons	30
<b>Hose</b>			
Booster	200 feet	3/50 feet	12
Extra preconnected 1-1/2" hose may substitute for booster hose.			
1-1/2" carried	400 feet	3/50 feet	24
spare (may also be carried)	200 feet	2/50 feet	8
2-1/2" spare (may also be carried)	200 feet	3/50 feet	12
Heavy-stream appliance (1,000 gpm)	1	100	100
A heavy-stream device is not needed for a Basic Fire Flow of less than 1,500 gpm.			
Distributing nozzle	1	1	5
Foam nozzle (1-1/2" minimum)	1	4	4
<b>Foam</b>			
Carried	10 gallons	3/5 gallons	6
Spare (may also be carried)	15 gallons	2/5 gallons	6
<b>Nozzles</b>			
2-1/2" straight stream with shutoff	2	20	40
2-1/2" combination with shutoff	2	30	60
1-1/2" combination with shutoff	2	10	20
SCBA equipment (30-minute minimum)	4	16	64
Extra cylinders (carried)	4	4	16
Salvage covers (12 ft. x 18 ft.)	2	2	4
Handlight (4V wet or 6V dry)	2	2	4
Hose clamp	1	4	4
Hydrant gate (2-1/2")	1	4	4
Burst hose jacket (2-1/2")	1	4	4
Gated wye (2-1/2" x 1-1/2" x 1-1/2")	1	4	4
<b>Radio</b>			
Mounted	1	32	32
Portable	1	16	16
<b>Ladders</b>			
12-ft. or 14-ft. roof	1	10	10

24-ft. extension	1	15	15
<b>Annual tests</b>			
Pumper (see Table A, below)	1	100	100
Hose (see Table B, below)	1	50	50
		<b>Total:</b>	<b>654</b>

The fire apparatus should also have supply hose and firefighting hose. For maximum credit, the engine company should carry 1,200 feet of hose. This can be 1,200 feet of 2-1/2" or larger supply hose or a combination of 2", 2-1/2", or 3" hose (up to 400 feet) and 2-1/2" or larger hose (up to 800 feet).

**Table A: Pumper Service Tests**

Average Interval between 3 Most Recent Tests	Maximum Points Credit
1 year	100
2 years	75
3 years	50
4 years	25
5 years	0

NFPA Standard 1911, *Standard for Service Tests of Fire Pump Systems on Fire Apparatus*, describes pumper service tests. A pumper service test is similar to the certification test described in NFPA Standard 1901, except that the duration is reduced to 20 minutes at 150 psi, 10 minutes at 200 psi, and 10 minutes at 250 psi. The overload test is not a necessary part of the ISO review.

**Table B: Hose Service Tests**

Average Interval between 3 Most Recent Tests	Maximum Points Credit		
	250 psi	200 psi	150 psi
1 year	50	37	28
2 years	37	27	18
3 years	25	18	12
4 years	12	9	6
5 years	0	0	0

NFPA Standard 1962, *Care, Maintenance and Use of Fire Hose*, describes fire hose tests.

When the hose-test frequency, pressure, or both vary for 2-1/2" and larger hose and for 1-1/2" hose, ISO prorates the credit using 65% for the 2-1/2" and larger hose and 35% for the 1-1/2" hose. Large-diameter hose (LDH) in excess of 3" in diameter should be tested in accordance with NFPA 1962. The highest test pressure needed for 3" diameter and smaller hose is 250 psi.

**Note:** If the community conducts tests but keeps no records of the tests, ISO will reduce the applicable points credit by 20% for Tables A and B.

Either the fire department or an independent testing agency can perform the tests. In either case, the tests should conform with the appropriate NFPA standard.

# Ladder-Company Equipment Credits Fire Suppression Rating Schedule

Here's a list of the items ISO considers when evaluating a ladder company. The table gives the [Fire Suppression Rating Schedule \(FSRS\)](#) credit points available for each item. The equipment listed here is in addition to the needed [service-company equipment](#). You may substitute equivalent equipment for some of the items listed in the FSRS. See the [FSRS Equivalency List](#) for details.

Equipment	Points		
	Needed	Credit/Unit	Total Points
<b>Ladder</b>			
16-ft. roof	1	20	20
20-ft. roof	1	20	20
28-ft. extension	1	20	20
35-ft. extension	1	20	20
40-ft. extension	1	20	20
Elevated stream device*	1	100	100
Aerial ladder/elevating platform*	1	200	200
Annual tests (see Table C)	1	50	50
	<b>Total:</b>		<b>450</b>

\*Of sufficient height to reach the roof of any building or 100 feet, whichever is less. ISO prorates the credit if existing equipment has insufficient reach.

**Table C**  
**Aerial Ladder/Elevating Platform Tests**

Average Interval between 3 Most Recent Tests	Maximum Points Credit
1 year	50
2 years	37
3 years	25
4 years	12
5 years	0

NFPA Standard 1914, *Testing Fire Department Aerial Devices*, describes tests for aerial ladder and elevating platforms.

**Note:** If there are no records of tests, ISO will reduce the applicable points credit by 20% for Table C.

# Service-Company Equipment

Here's a list of the items ISO considers when evaluating a service company. The table gives the [Fire Suppression Rating Schedule \(FSRS\)](#) credit points available for each item. You may substitute equivalent equipment for some of the items listed in the FSRS. See the [FSRS Equivalency List](#) for details.

Equipment	Needed	Points Credit/Unit	Total Points
Large spray nozzle (500-gpm minimum)	1	16	16
SCBA equipment (30-minute minimum)	6	16	96
Extra cylinders (carried)	6	4	24
Salvage covers (12 ft. x 18 ft.)	10	2	20
Electric generator (2,500 watts)	1	25	25
Floodlight (500 watts)	3	4	12
Smoke ejector	1	20	20
Oxyacetylene cutting unit	1	20	20
Power saw	1	20	20
Handlight (4V wet or 6V dry)	4	2	8
Hose roller (equipment hoist)	1	4	4
<b>Pike pole (plaster hook)</b>			
6-foot	2	2	4
8-foot	2	2	4
12-foot	2	2	4
<b>Radio</b>			
Mounted	1	32	32
Portable	1	16	16
<b>Ladder</b>			
10-ft. collapsible	1	4	4
14-ft. extension	1	5	5
<b>Total:</b>			<b>334</b>

# **GUIDE FOR DETERMINATION OF NEEDED FIRE FLOW**



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## **FOREWORD**

ISO has prepared this guide as an aid in estimating the amount of water that should be available for municipal fire protection. ISO calls this the needed fire flow. This publication is only a guide and requires knowledge and experience in fire protection engineering for its effective application.



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## **PREFACE**

ISO is the premier source of information, products, and services related to property and liability risk. For a broad spectrum of types of insurance, ISO provides statistical, actuarial, underwriting, and claims information and analyses; consulting and technical services; policy language; information about specific locations; fraud-identification tools; and data processing. In the United States and around the world, ISO serves insurers, reinsurers, agents, brokers, self-insureds, risk managers, insurance regulators, fire departments, and other government agencies.

One of ISO's important services is to evaluate the fire suppression delivery systems of jurisdictions around the country. The result of those reviews is a classification number that ISO distributes to insurers. Insurance companies use the Public Protection Classification (PPC™) information to help establish fair premiums for fire insurance – generally offering lower premiums in communities with better fire protection.

ISO uses the Fire Suppression Rating Schedule (FSRS) to define the criteria used in the evaluation of a community's fire defenses. Within the FSRS, a section titled "Needed Fire Flow" outlines the methodology for determining the amount of water necessary for providing fire protection at selected locations throughout the community. ISO uses the needed fire flows to:

1. Determine the community's "basic fire flow." The basic fire flow is the fifth highest needed fire flow in the community. ISO uses the basic fire flow to determine the number of apparatus, the size of apparatus fire pumps, and special fire-fighting equipment needed in the community.
2. Determine the adequacy of the water supply and delivery system. ISO calculates the needed fire flow for selected properties and then determines the water flow capabilities at these sites. ISO then calculates a ratio considering the need (needed fire flow) and the availability (water flow capability). ISO uses that ratio in calculating the credit points identified in the FSRS.

ISO developed the needed fire flow through a review of actual large-loss fires. ISO recorded the average fire flow and other important factors, including construction type, occupancy type, area of the building, and exposures. Those factors are the foundation of the needed fire flow formula.

The following pages include a number of excerpts from another ISO document, the Specific Commercial Property Evaluation Schedule (SCOPEs). ISO uses the SCOPEs manual to weigh features of individual properties for the purpose of defining the building's vulnerability to future fire loss. Insurers also use the information in their underwriting and ratemaking decisions.

## CHAPTER 1

### Needed Fire Flow Formula

To estimate the amount of water required to fight a fire in an individual, nonsprinklered building, ISO uses the formula:

$$\text{NFF} = (C)(O)(1+(X+P))$$

where

NFF	=	the needed fire flow in gallons per minute (gpm)
C	=	a factor related to the type of construction
O	=	a factor related to the type of occupancy
X	=	a factor related to the exposure buildings
P	=	a factor related to the communication between buildings

To calculate the needed fire flow of a building, you will need to determine the predominant type (class) of construction, size (effective area) of the building, predominant type (class) of occupancy, exposure to the property, and the factor for communication to another building.

Here is the step-by-step process:

- Step 1. Determine the predominant construction type and the associated factor (F).
- Step 2. Determine the effective area (A).
- Step 3. Substituting the values for "F" and "A" into the formula  $C=18F(A)^{0.5}$  and calculate the construction factor (C).
- Step 4. Round the construction factor (C) to the nearest 250 gpm.
- Step 5. Determine the predominant occupancy type and the associated factor (O).
- Step 6. Determine if there is an exposure charge by identifying the construction type and length-height value of the exposure building as well as the distance (in feet) to the exposure building. Also make note of any openings and protection of those openings in the wall facing the subject building (the building the needed fire flow is being calculated on). The factor related to the exposure building is (X).
- Step 7. Determine if there is a communication charge by identifying the combustibility of the passageway, whether the passageway is open or closed, the length, and a description of any protection provided in the passageway openings. The factor related to the communications between buildings is (P).
- Step 8. Substitute the values for the factors in the formula  $\text{NFF} = (C)(O)(1+(X+P))$  to determine the needed fire flow.

Note: ISO does not determine a needed fire flow for buildings rated and coded by ISO as protected by an automatic sprinkler system meeting applicable National Fire Protection Association standards. See Chapter 6, "Determining Recognition of Automatic Sprinkler Systems," for more information.

## CHAPTER 2

### Type of Construction (C) and Effective Area (A)

To determine the portion of the needed fire flow attributed to the construction and area of the selected building, ISO uses the formula:

$$C = 18F(A)^{0.5}$$

where

- F = coefficient related to the class of construction
- F = 1.5 for Construction Class 1 (wood frame construction)  
= 1.0 for Construction Class 2 (joisted-masonry construction)  
= 0.8 for Construction Class 3 (noncombustible construction  
and Construction Class 4 (masonry noncombustible construction)  
= 0.6 for Construction Class 5 (modified fire-resistive construction)  
and Construction Class 6 (fire-resistive construction)
- A = effective area

Appendix A provides C for a range of construction classes (F) and effective areas (A).

#### 1. Construction Materials and Assemblies

ISO uses the following definitions to determine the construction class for a building:

- a. Combustible:** Wood or other materials that will ignite and burn when subjected to fire, including materials with a listed flame-spread rating greater than 25. Also included are assemblies or combinations of combustible materials with other materials, such as the following:
- (1) Metal walls or floors sheathed on either interior or exterior surfaces (with or without air space) with wood or other combustible materials (flame-spread rating over 25).
  - (2) Metal floors or roofs with combustible insulation or other combustible ceiling material attached to the underside of the floor or interior surface of the roof deck, or within 18" of the horizontal supports.
  - (3) Combustible wall materials with an exterior surface of brick, stone, or other masonry materials (commonly known as "masonry veneer").
  - (4) Noncombustible wall or roof construction on a skeleton wood frame (commonly known as "wood-iron clad").
  - (5) Combustible wall or roof construction on a noncombustible or slow-burning frame.

- (6) Composite assemblies of noncombustible materials with combustible materials, such as a combustible core between two noncombustible panels, or a noncombustible panel with a combustible insulation material (flame-spread rating over 25).
  - (7) Composite assemblies of noncombustible or slow-burning materials combined with foamed plastic materials (with any flame-spread rating), unless the foamed plastic materials qualify as slow-burning. (Refer to Item f, below.)
  - (8) Combustible assemblies which are listed as having not less than a one-hour rating.
- b. **Fire-resistive:** Noncombustible materials or assemblies which have a fire-resistance rating of not less than one hour.
  - c. **Masonry:** Adobe, brick, cement, concrete, gypsum blocks, hollow concrete blocks, stone, tile, and similar materials with a minimum thickness of 4".
  - d. **Noncombustible:** Materials, no part of which will ignite and burn when subjected to fire, such as aluminum, asbestos board, glass, gypsum board, plaster, slate, steel, and similar materials. Also included are:
    - (1) Fire-resistive and protected-metal assemblies with a fire-resistance rating of less than one hour
    - (2) Materials or composite materials with a listed surface-flame-spread rating of 0 and of such composition that surfaces that would be exposed by cutting through the material in any way would not have a listed flame-spread rating greater than 0
    - (3) Masonry walls less than 4" thick, which are not a part of combustible walls (masonry veneer)

**Note:** Combustible nailing (furring) strips fastened directly to noncombustible supports shall not affect the classification of noncombustible walls, floors, or roofs.
  - e. **Protected metal:** Metal which is protected by materials so that the resulting assembly has a fire-resistance rating of not less than one hour.
  - f. **Slow-burning:** Materials with a listed flame-spread rating greater than 0 but not greater than 25; except, foamed plastic materials shall be rated as slow-burning if such materials or coverings meet one of the conditions in (1) or (2) below.

An acceptable thermal barrier includes those which have been tested as part of a field-fabricated or factory-manufactured composite assembly which has passed one of the acceptable wall or ceiling panel tests, when applied over foamed plastic material of a thickness and listed flame-spread rating not greater than that used in the composite assembly tested. Where any material is of a type which falls or drips to the floor of the furnace during the flame-spread test, the flame-spread rating of the material, when not protected by a thermal barrier, shall be based on the flame-spread rating of the material on the floor of the furnace, where this flame-spread is higher than the flame-spread of the material on the furnace ceiling. In all other cases, the normal flame-spread rating of the material on the furnace ceiling shall be used.

- (1) An acceptable thermal barrier consisting of 1/2" or greater noncombustible material, such as plaster, cement, or gypsum board, when used over foamed plastic material having a listed flame-spread rating not greater than 25
- (2) An acceptable thermal barrier which is listed with not less than a 15-minute finish rating when used over foamed plastic material having a listed flame-spread rating not greater than 25

**Note 1:** Combustible nailing (furring) strips fastened directly to slow-burning supports shall not affect the classification of slow-burning walls, floors, or roofs.

**Note 2:** Lumber and lumber products shall be eligible for consideration as slow-burning only when all the ceilings and the walls are treated with a listed flame-retardant impregnation which meets all of the following requirements:

- (1) Impregnation-treated materials shall be properly identified as having a flame-spread rating of 25 or less.
- (2) Such identification shall indicate that there is no evidence of significant progressive combustion when subjected to at least 30 minutes test duration.
- (3) Such identification shall indicate that the material has a permanent treatment not subject to deterioration from the effects of weathering, exposure to moisture or humidity, etc. (This requirement only applies where the treated material is exposed to the weather or moisture.) However, combustible nailing (furring) strips, doors, trim, and the top surfaces of combustible floors shall not be required to be treated.

- g. **Unprotected metal:** Metal with no fire-resistive protection, or with a fire-resistance rating of less than one hour.

## 2. Classification of Basic Construction Types

ISO classifies construction types into six different categories:

- Construction Class 6 (fire-resistive construction)
- Construction Class 5 (modified fire-resistive construction)
- Construction Class 4 (masonry noncombustible construction)
- Construction Class 3 (noncombustible construction)
- Construction Class 2 (joisted-masonry construction)
- Construction Class 1 (wood frame construction)

Note: In applying the rules below, ISO disregards below-grade basement walls and the construction of the lowest floor (usually concrete).

- a. **Fire-resistive (Construction Class 6):** Buildings constructed of any combination of the following materials:

**Exterior walls or exterior structural frame:**

- ∞ Solid masonry, including reinforced concrete, not less than 4 inches in thickness
- ∞ Hollow masonry not less than 12 inches in thickness
- ∞ Hollow masonry less than 12 inches, but not less than 8 inches in thickness, with a listed fire-resistance rating of not less than two hours
- ∞ Assemblies with a fire-resistance rating of not less than two hours

**Note:** Panel or curtain sections of masonry may be of any thickness.

**Floors and roof:**

- ∞ Monolithic floors and roof of reinforced concrete with slabs not less than 4 inches in thickness
- ∞ Construction known as "joist systems" (or pan-type construction) with slabs supported by concrete joists spaced not more than 36 inches on centers with a slab thickness not less than 2 ¾ inches
- ∞ Floor and roof assemblies with a fire-resistance rating of not less than two hours

**Structural metal supports:**

- ∞ Horizontal and vertical load-bearing protected metal supports (including prestressed concrete units) with a fire-resistance rating of not less than two hours

**Note:** Wherever in the SCOPES reference is made to "prestressed," this term shall also include "posttensioned."

- b. **Modified fire-resistive (Construction Class 5):** Buildings with exterior walls, floors, and roof constructed of masonry materials described in a., above, deficient in thickness, but not less than 4 inches; or fire-resistive materials described in a., above, with a fire-resistance rating of less than two hours, but not less than one hour.
- c. **Masonry noncombustible (Construction Class 4):** Buildings with exterior walls of fire-resistive construction (not less than one hour), or of masonry, not less than 4 inches in thickness and with noncombustible or slow-burning floors and roof (including noncombustible or slow-burning roof decks on noncombustible or slow-burning supports, regardless of the type of insulation on the roof surface).
- d. **Noncombustible (Construction Class 3):** Buildings with exterior walls, floors, and roof of noncombustible or slow-burning materials supported by noncombustible or slow-burning supports (including noncombustible or slow-burning roof decks on noncombustible or slow-burning supports, regardless of the type of insulation on the roof surface).
- e. **Joisted-masonry (Construction Class 2):** Buildings with exterior walls of fire-resistive construction (not less than one hour), or of masonry, and with combustible floors and roof.

- f. **Frame (Construction Class 1):** Buildings with exterior walls, floors, and roof of combustible construction, or buildings with exterior walls of noncombustible or slow-burning construction, with combustible floors and roof.

Notes applicable to construction-type definitions above:

**Note 1:** Masonry or fire-resistive walls with panels composed of glass, noncombustible, slow-burning, combustible, or open sections shall retain their classification as masonry or fire-resistive, provided that such panels are in or supported by a structural frame of masonry or protected metal (two hours fire resistance if in walls classed as Construction Class 6, one hour in classes 2, 4, or 5). Similarly, masonry or fire-resistive floors with wood or other combustible surfacing in buildings otherwise subject to Construction Classes 5 or 6 shall retain their classification as Classes 5 or 6.

**Note 2:** Noncombustible or slow-burning roof deck with an exterior surface of combustible materials, such as combustible insulation, felt, asphalt, or tar, shall retain its classification as noncombustible or slow-burning.

### 3. Crosswalk to Other Construction Types

The International Code Council (ICC) and the National Fire Protection Association (NFPA) have their own classification of construction types. These classifications are used in the codes and standards that they promulgate and are unique to their organization's publications. Below is a table that generally compares ISO's construction types to those of these other organizations.

**Construction Types**

ISO SCOPES Definition	ISO Construction Class	International Code 2000 / 2003(ICC)	NFPA 220 1999	NFPA 5000 2003	Standard Code 1997 (SBCCI)	National 1999 (BOCA)	Uniform Code 1997 (ICBO)
Wood frame	1	V, B	V	V	VI	5B	V
Ordinary (joisted masonry)	2	III, A	III	III	V	3	IIIV
Non- combustible (all metal)	3	II, B	II	II	IV	2C	11-N
Non- combustible (masonry)	4	II, A	II	III	IV	2B	II- 1 hr.
Modified – fire resistive	5	II, A	II	II	II	1B	II fire resistive
Fire resistive	6	I, A	I	I	I	1A	I
Heavy timber	2	IV	IV	IV	III	4	IV



#### 4. Classification of Mixed Construction

In buildings constructed as defined in two or more classes above, ISO determines the appropriate construction class as follows:

**Note:** In applying these rules, ISO disregards basement walls and the lowest floor level.

a. **Fire-resistive:** Any building with 66 2/3 % or over of the total wall area and 66 2/3 % or over of the total floor and roof area constructed as defined in Construction Class 6.

b. **Modified fire-resistive:** Any building with 66 2/3 % or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in Construction Class 5; or

Any building with 66 2/3% or over of the total wall area, and 66 2/3% or over of the total floor and roof area constructed as defined in Construction Classes 5 and 6, but with neither type in itself equaling 66 2/3% or over of the total area.

c. **Masonry noncombustible:** Any building with 66 2/3% or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in Construction Class 4; or

Any building not qualifying under a. or b., above, with 66 2/3% or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in two or more of Construction Classes 4, 5, and 6, but with no single type in itself equaling 66 2/3% or over of the total area.

d. **Noncombustible:** Any building with 66 2/3% or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in Construction Class 3; or

Any building not qualifying under a. through c., above, with 66 2/3% or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in two or more of Construction Classes 3, 4, 5, and 6, but with no single type in itself equaling 66 2/3% or over of the total area.

e. **Joisted-masonry:** Any building not qualifying under a. through d., above, with 66 2/3% or over of the total wall area constructed as described in Construction Class 2; or

Any building not qualifying under a. through d., above, with 66 2/3% or over of the total wall area and 66 2/3% or over of the total floor and roof area constructed as defined in two or more of Construction Classes 2, 3, 4, 5, and 6, but with no single type in itself equaling 66 2/3% or over of the total area.

f. **Frame:** Any building not qualifying under a. through e., above, or any building with over 33 1/3 % of the total wall area of combustible construction, regardless of the type of construction of the balance of the building.

#### 5. Determining Effective Area ( $A_i$ )

In the portion of the needed fire flow formula attributed to the construction and area of the subject building,

$$C = 18F (A)^{0.5}$$

the factor “A” is the “effective area” of the subject building.

**a. Exempt areas:**

Disregard the following in the determination of the effective area:

- ∞ In nonsprinklered buildings, or buildings which do not qualify for sprinkler credit (see Chapter 6, “Determining Recognition of Automatic Sprinkler Systems”), disregard floor areas (including basement and subbasement) where the entire floor is protected by an acceptable system of automatic sprinklers or other acceptable automatic fire protection systems, provided that there are no Combustibility Class C-5 occupancies on the floor (see “Occupancy Factor,” i.e., “Rapid-burning or flash-burning”).
- ∞ Basement and subbasement areas which are vacant, or are used for building maintenance, or which are occupied by occupancies having C-1 or C-2 contents combustibility (see “Occupancy Factor”) regardless of the combustibility class applicable to the building. A basement is a story of a building which is 50% or more below grade, unless such story is accessible at grade level on one or more sides. A story which is less than 50% below grade shall also be considered a basement if such story is wholly enclosed by blank masonry foundation walls.
- ∞ In breweries, malt mills, and other similar occupancies, disregard perforated (slatted) operating decks which contain no storage.
- ∞ Roof structures, sheds, or similar attachments.
- ∞ Courts without roofs.
- ∞ Areas of mezzanines less than 25% of the square foot area of the floor immediately below.

**b. Modification for division walls:**

An acceptable division wall shall be constructed entirely of noncombustible materials with a fire-resistance rating of not less than one hour, or of masonry materials, and shall:

- (1) Extend from one exterior wall to another (or form an enclosed area within the building).
- (2) Extend from one masonry or fire-resistive floor to another masonry or fire-resistive floor, or from a masonry or fire-resistive floor to a roof of any construction.
- (3) Have all openings through the wall protected by an automatic or self-closing labeled Class B (not less than one-hour) fire door.

Where division walls meet the above requirements, the maximum area on any floor used to determine the effective area shall be the largest undivided area plus 50% of the second largest undivided area on that floor.

### **c. Effective-area calculation:**

After modification for division walls as provided above, the effective area shall be the total square foot area of the largest floor in the building, plus the following percentage of the total area of the other floors:

- (1) Buildings classified as Construction Classes 1 - 4: 50% of all other floors.
- (2) Buildings classified as Construction Classes 5 or 6:
  - (a) If all vertical openings in the building are protected (see 4d., "Protection requirements," below), 25% of the area of not exceeding the two other largest floors.
  - (b) If one or more vertical openings in the building are unprotected (see 4d., "Protection requirements," below), 50% of the area of not exceeding 8 other floors with unprotected openings.

**Note:** The effective area determined under item 4c.(2)(b), above, shall not be less than the effective area that would be determined under item 4c.(2)(a), above, if all openings were protected.

### **d. Protection requirements:**

The protection requirements for vertical openings are only applicable in buildings of Construction Class 5 or 6. The type of protection for vertical openings shall be based on the construction of the enclosure walls and the type of door or other device used for the protection of openings in the enclosure.

The following materials are acceptable for one-hour construction in enclosure walls: 4-inch brick, 4-inch reinforced concrete, 6-inch hollow block, 6-inch tile, or masonry or noncombustible materials listed with a fire-resistance rating of not less than one hour.

#### **Protected openings:**

Enclosures shall have walls of masonry or fire-resistive construction with a fire-resistance rating of not less than one hour.

Doors shall be automatic or self-closing and be labeled for Class B opening protection (not less than one-hour rating).

Elevator doors shall be of metal or metal-covered construction, so arranged that the doors must normally be closed for operation of the elevator.

#### **Unprotected openings:**

Unprotected floor openings. Also includes doors or enclosures not meeting the minimum requirements for protected openings, above.

## **5. Maximum and Minimum Value of C:**

The value of C shall not exceed

8,000 gpm for Construction Class 1 and 2

6,000 gpm for Construction Class 3, 4, 5, and 6

6,000 gpm for a 1-story building of any class of construction

The value of C shall not be less than 500 gpm.

ISO rounds the calculated value of C to the nearest 250 gpm.

## CHAPTER 3

### Occupancy Factor (O)

The factors below reflect the influence of the occupancy in the subject building on the needed fire flow:

Occupancy Combustibility Class	Occupancy Factor (O)
C-1 (Noncombustible)	0.75
C-2 (Limited-combustible)	0.85
C-3 (Combustible)	1.00
C-4 (Free-burning)	1.15
C-5 (Rapid-burning)	1.25

#### 1. Determining Occupancy Type

Occupancy combustibility classifications reflect the effect of the combustibility of contents on the building structure. ISO uses the following definitions to determine the combustibility classification of an occupancy:

- a. **Noncombustible (C-1)** - Merchandise or materials, including furniture, stock, or equipment, which in permissible quantities do not in themselves constitute an active fuel for the spread of fire.

No occupancy shall be eligible to this classification which contains a sufficient concentration of combustible material to cause structural damage OR which contains a sufficient continuity of combustible materials so that a fire could spread beyond the vicinity of origin.

The maximum amount of combustible materials in any 10,000-square-foot section of an occupancy otherwise containing noncombustible materials shall not exceed 1000 board feet of lumber, or over 2 barrels (110 gallons) of combustible liquids or greases or equivalent amounts of other combustible materials. Further, the maximum total area containing combustible material in an occupancy otherwise containing noncombustible materials shall not exceed 5% of the total square foot area of that occupancy.

**Note:** In determining the applicability of C-1, combustible interior walls or partitions (including combustible finish), mezzanines, racks, shelves, bins, and similar combustible construction shall be considered combustible material.

Examples of occupancies which may (subject to survey) be eligible for C-1 classification include those storing asbestos, clay, glass, marble, stone, or metal products and some metalworking occupancies.

- b. **Limited-combustible (C-2)** - Merchandise or materials, including furniture, stock, or equipment, of low combustibility, with limited concentrations of combustible materials.

Examples of occupancies classified as C-2 include banks, barber shops, beauty shops, clubs, habitational occupancies, hospitals, and offices.

Occupancies classified as C-2 in the occupancy classification list may be eligible for C-1 classification provided that such occupancy meets all of the requirements for C-1 classification.

**Note:** For manufacturing occupancies where over 20% of the total square foot area of the occupancy contains storage of combustible material or materials crated or wrapped in combustible containers, the combustibility class applicable to the occupancy shall not be less than C-3.

- c. Combustible (C-3)** - Merchandise or materials, including furniture, stock, or equipment, of moderate combustibility.

Examples of occupancies classified as C-3 include food markets, most wholesale and retail occupancies, etc.

Occupancies classified as C-3 in the occupancy classification list may be eligible for C-2 classification, provided that the total square foot area containing combustible material does not exceed 10% of the total square foot area of the occupancy.

**Note:** For the purpose of the above rule, combustible interior walls or partitions (including combustible finish), racks, shelves, bins, and similar combustible construction shall be considered combustible material.

- d. Free-burning (C-4)** - Merchandise or materials, including furniture, stock, or equipment, which burn freely, constituting an active fuel.

Examples of occupancies classified as C-4 include cotton bales, furniture stock, and wood products.

- e. Rapid-burning or flash-burning (C-5)** - Merchandise or materials, including furniture, stock, or equipment, which either

- (1) burn with a great intensity
- (2) spontaneously ignite and are difficult to extinguish
- (3) give off flammable or explosive vapors at ordinary temperatures
- (4) as a result of an industrial processing, produce large quantities of dust or other finely divided debris subject to flash fire or explosion

Examples of occupancies classified as C-5 include ammunition, excelsior, explosives, mattress manufacturing, matches, and upholsterers.

## **2. Determining Occupancy Combustibility Classification in Multiple Occupancy Buildings**

In sole-occupancy buildings or in multiple-occupancy buildings with occupancies subject to a single-occupancy classification, the occupancy classification applicable to the occupant(s) shall also apply to the building.

In multiple-occupancy buildings with occupancies having different occupancy classifications, the occupancy classification applicable to the building shall be determined according to the total floor area (including basements and subbasements) occupied by each occupancy, as follows:

**Note:** Basement and subbasement areas which are either vacant or used for building services or building maintenance shall be considered C-2 combustibility. Where such areas are used for other purposes, the combustibility class for those areas shall be determined according to the combustibility class of their occupancies.

∞ **C-1** combustibility shall apply ONLY where 95% or more of the total floor area of the building is occupied by C-1 occupants, and there are no C-5 occupancies.

∞ **C-2** combustibility shall apply to buildings which

- a. do not qualify as C-1 above, but where 90% or more of the total floor area of the building is occupied by C-1 and C-2 occupancies; OR
- b. are classified as CSP Construction Class 5 or 6, AND where 80% or more of the total floor area of the building is occupied by C-1 and C-2 occupancies, AND NOT MORE THAN 5% of the total floor area is occupied by C-5 occupancies.

∞ **C-4** combustibility shall apply to any building containing C-4 occupants, where the combined total area occupied by C-4 and C-5 (if any) occupants is 25% OR MORE OF THE TOTAL FLOOR AREA of the building, provided the C-5 occupancies occupy, in total, less than 15% of the total floor area.

∞ **C-5** combustibility shall apply to any building where 15% OR MORE OF THE TOTAL FLOOR AREA is occupied by C-5 occupancies.

∞ **C-3** combustibility shall apply to any building not provided for above.

## Occupancy Type Examples

**Noncombustible (C-1)** - Merchandise or materials, including furniture, stock, or equipment, which in permissible quantities do not in themselves constitute an active fuel for the spread of fire.

C-1 occupancy type examples:

Asbestos storage	Metal products storage
Clay storage	Stone storage
Marble storage	

**Limited-combustible (C-2)** - Merchandise or materials, including furniture, stock, or equipment, of low combustibility, with limited concentrations of combustible materials.

C-2 occupancy type examples:

Airport, bus, railroad terminal	Jail
Apartment	Library
Artist's studio	Medical laboratory
Auto repair shop	Motel
Auto showroom	Museum
Aviary	Nursing home
Barber shop	Office
Church	Pet grooming shop
Cold storage warehouse	Photographer's studio
Day care center	Radio station
Educational institution	Recreation center
Gasoline service station	Rooming house
Greenhouse	Undertaking establishment
Health club	

**Combustible (C-3)** - Merchandise or materials, including furniture, stock, or equipment, of moderate combustibility.

C-3 occupancy type examples:

Auto parts store	Municipal storage building
Auto repair training school	Nursery sales outlet store
Bakery	Pavilion or dance hall
Boat sales (where storage 15%)	Pet shop
Book store	Photographic supplies
Bowling establishment	Printer
Casino	Restaurant
Commercial laundry	Sandwich shop
Contractor equipment storage	Shoe repair
Department store (where storage 15%)	Sporting goods (where storage 15%)
Dry cleaner (no flammable fluids)	Supermarket
Gift shop (where storage 15%)	Theater
Hardware store (where storage 15%)	Vacant building
Leather processing	Wearing apparel factory (except furs)



**Free-burning (C-4)** - Merchandise or materials, including furniture, stock, or equipment, which burn freely, constituting an active fuel.

C-4 occupancy type examples:

Aircraft hangers	Packaging and crating
Cabinet making	Paper products manufacturing
Combustible metals (e.g., Magnesium)	Petroleum bulk-distribution center
Dry cleaner (using flammable fluids)	Stables
Feed store (with > 1/3 ton of hay )	Tire manufacturing
Fur apparel manufacturing	Tire recapping or retreading
Furniture manufacturing	Wax products (candles, etc.)
Kennels	Woodworking shop
Lumber	

**Rapid-burning or flash-burning (C-5)** - Merchandise or materials, including furniture, stock, or equipment, which either

- (1) burn with a great intensity
- (2) spontaneously ignite and are difficult to extinguish
- (3) give off flammable or explosive vapors at ordinary temperatures
- (4) as a result of an industrial processing, produce large quantities of dust or other finely divided debris subject to flash fire or explosion

C-5 occupancy type examples:

Ammunition	Matches
Feed mill (with > 7 tons of hay & straw )	Mattress factory
Fireworks	Nitrocellulose-based plastics
Flammable compressed gases	Painting with flammables or combustibles
Flammable liquids	Rag storage
Flour mill	Upholstering shop
Highly flammable solids	Waste paper storage

## CHAPTER 4

### Exposure and Communication Factor (X + P)

The factors developed in this item reflect the influence of adjoining and connected buildings on the needed fire flow. An exposure building has a wall 100 feet or less from a wall of the subject building. A communicating building has a passageway to the subject building. ISO develops a value for the exposure to another building for the side with the highest charge. Likewise, ISO develops a value for a communication to another building for the side with the highest charge. The formula is:

(X + P), with a maximum value of 0.60

#### 1. Exposures (Table 330.A)

The factor for X depends upon the construction and length-height value (length of wall in feet, times height in stories) of the exposure building and the distance between facing walls of the subject building and the exposure building. Table 330.A of the FSRs gives the factors. When there is no exposure on a side, X = 0.

- a. Construction of facing wall of exposure – ISO considers the wall construction of the exposure. The exposure factor used considers only the side of the subject building with the highest factor.
- b. Length-height value of the facing wall of the exposure – ISO determines the length-height value of the facing wall of the exposure by multiplying the length of the facing wall of the exposure in feet by the height of the exposure in stories. ISO considers buildings five stories or more in height as five stories. Each 15 feet or fraction thereof equals one story.
- c. Exposure distance – The distance in feet from the subject building to the exposure building, measured to the nearest foot, between the nearest points of the buildings. Where either the subject building or the exposure is at a diagonal to the other building, ISO increases the exposure distance by 10 feet.
- d. Construction of facing wall of subject building – The wall construction of the subject building.

#### 2. Exposure exceptions

The following conditions rule out exposure charges from adjacent buildings:

- ∞ Buildings rated sprinklered (See Chapter 6, "Determining Recognition of Automatic Sprinkler Systems.")
- ∞ Buildings rated as habitational, including their appurtenant outbuildings
- ∞ Buildings of Construction Class 5 or 6
- ∞ Buildings of Construction Class 3 or 4 with C-1 or C-2 contents combustibility class applicable to the building

**TABLE 330.A FACTOR FOR EXPOSURE (X)**

Construction of Facing Wall of Subject Building	Distance in Feet to the Exposure Building	Length-Height of Facing Wall of Exposure Building	Construction of Facing Wall of Exposure Building Classes			
			1,3	2, 4, 5, & 6		
				Unprotected Openings	Semiprotected Openings (wired glass or outside open sprinklers)	Blank Wall
Frame, Metal or Masonry with Openings	0 – 10	1-100	0.22	0.21	0.16	0
		101-200	0.23	0.22	0.17	0
		201-300	0.24	0.23	0.18	0
		301-400	0.25	0.24	0.19	0
		Over 400	0.25	0.25	0.20	0
	11 - 30	1-100	0.17	0.15	0.11	0
		101-200	0.18	0.16	0.12	0
		201-300	0.19	0.18	0.14	0
		301-400	0.20	0.19	0.15	0
		Over 400	0.20	0.19	0.15	0
	31 - 60	1-100	0.12	0.10	0.07	0
		101-200	0.13	0.11	0.08	0
		201-300	0.14	0.13	0.10	0
		301-400	0.15	0.14	0.11	0
		Over 400	0.15	0.15	0.12	0
	61 - 100	1-100	0.08	0.06	0.04	0
		101-200	0.08	0.07	0.05	0
		201-300	0.09	0.08	0.06	0
		301-400	0.10	0.09	0.07	0
		Over 400	0.10	0.10	0.08	0
Blank Masonry Wall	Facing wall of the exposure building is higher than the subject building.  Use the above table EXCEPT use only the length-height of the facing wall of the exposure building ABOVE the height of the facing wall of the subject building. Buildings five stories or over in height, consider as five stories.					
	When the height of the facing wall of the exposure building is the same or lower than the height of the facing wall of the subject building, X = 0.					

### **3. Communications (Table 330.B)**

The factor for P depends upon the protection for communicating party-wall openings and the length and construction of communications between fire divisions. Table 330.B of the FSRs gives the factors. When more than one communication type exists in any one side wall, apply only the largest factor P for that side. When there is no communication on a side,  $P = 0$ .

- a. Communications with combustible construction - An open passageway must be open on top or at least one side.
- b. Fire-resistive, noncombustible, or slow-burning communications – ISO considers the type of construction found within the passageway.
- c. Description of protection of passageway openings – The protection for the openings to the passageway by Class A or B, single or double fire door.

### **4. Communications Exceptions**

The following conditions rule out charges for communication with other separately rated buildings:

- ∞ Buildings rated sprinklered (See Chapter 6, "Determining Recognition of Automatic Sprinkler Systems.")
- ∞ Buildings rated as habitational, including their appurtenant outbuildings
- ∞ Buildings of Construction Class 5 or 6
- ∞ Buildings of Construction Class 3 or 4 with C-1 or C-2 contents combustibility class applicable to the building

**TABLE 330.B FACTOR FOR COMMUNICATIONS (P)**

Description of Protection of Passageway Openings	Fire-resistive, Noncombustible, or Slow-Burning Communications				Communications with Combustible Construction					
	Open	Enclosed			Open			Enclosed		
	Any Length	10 Ft. or Less	11 Ft. to 20 Ft.	21 Ft. to 50 Ft. +	10 Ft. or Less	11 Ft. to 20 Ft.	21 Ft. to 50 Ft. +	10 Ft. or Less	11 Ft. to 20 Ft.	21 Ft. to 50 Ft. +
Unprotected	0	++	0.30	0.20	0.30	0.20	0.10	++	++	0.30
Single Class A Fire Door at One End of Passageway	0	0.20	0.10	0	0.20	0.15	0	0.30	0.20	0.10
Single Class B Fire Door at One End of Passageway	0	0.30	0.20	0.10	0.25	0.20	0.10	0.35	0.25	0.15
Single Class A Fire Door at Each End or Double Class A Fire Doors at One End of Passageway	0	0	0	0	0	0	0	0	0	0
Single Class B Fire Door at Each End or Double Class B Fire Doors at One End of Passageway	0	0.10	0.05	0	0	0	0	0.15	0.10	0

+ For over 50 feet, P = 0.

++ For unprotected passageways of this length, consider the 2 buildings as a single fire division

**Note:** When a party wall has communicating openings protected by a single automatic or self-closing Class B fire door, it qualifies as a division wall for reduction of area. Where communications are protected by a recognized water curtain, the value of P is 0.

## CHAPTER 5

### Separate Classifications of Buildings

ISO classifies the following as separate buildings:

- a. Buildings separated by two independent walls, with no common or continuous combustible roof, that meet all of the requirements under either (1), (2), or (3) below.
  - (1) Where there is no communication between the two buildings
  - (2) Where the independent walls have communicating passageways constructed and protected as follows:
    - (a) A passageway open on the top or at least one side
    - (b) An enclosed passageway of glass, noncombustible, slow-burning, or fire-resistive construction more than 10 feet in length (or, if combustible, more than 20 feet in length)
    - (c) An enclosed passageway of glass, noncombustible, slow-burning or fire-resistive construction 10 feet or less in length (or, if combustible, 20 feet or less in length), provided that any such passageway is protected on at least one end by an automatic or self-closing labeled Class A fire door installed in a masonry wall section in accordance with standards
  - (3) Where the independent walls have no communications, or where the two buildings have passageways constructed and protected as provided above, ISO classifies each building separately, with appropriate charges for exposure and communication (if any) under Chapter 4, "Exposure and Communication Factor."
- b. Buildings separated by one continuous masonry party wall conforming to all of the following requirements:

Where one or both of the communicating buildings qualify for sprinkler credit under ISO's Specific Commercial Property Evaluation Schedule (see Chapter 6, "Determining Recognition for Automatic Sprinkler Systems"), the above rules (including the Class A door requirement) apply. However, where acceptable sprinklers are installed over the communication in a masonry wall in the sprinklered building, such sprinklers are acceptable in lieu of the Class A door.

**NOTE:** A passageway is a structure providing communication between two otherwise separate buildings. Passageways must not contain contents. Enclosed passageways must not be more than 15 feet in width (least dimension). Passageways open on the top or at least one side shall not be more than 25 feet in width (least dimension). Any communicating structure that contains contents, or is more than 15 feet in width if enclosed, or is more than 25 feet in width if open, is a structure subject to all of the requirements regarding separate classification under this item.

- (1) The party wall is constructed of brick or reinforced concrete not less than 6 inches in thickness; OR reinforced concrete building units (or filled blocks) with a fire-resistance rating of not less than two hours and not less than 6 inches in thickness; OR other masonry materials not less than 8 inches in thickness.
- (2) The party wall rises to the underside of AND is in direct contact with a fire-resistive, masonry, or noncombustible roof; OR pierces a slow-burning or combustible roof. In addition, no combustible material extends across any parapet that pierces a slow-burning or combustible roof.
- (3) The party wall extends to the interior surface of AND is in direct contact with a fire-resistive, masonry, or noncombustible wall OR pierces a slow-burning or combustible wall. In addition, combustible cornices, canopies, or other combustible material do not extend across the party wall.
- (4) All load-bearing structural metal members in the party wall are protected metal (not less than one hour).
- (5) At least a single automatic or self-closing labeled Class A fire door protects all access communications through the party wall. Where one or both of the communicating buildings qualify for sprinkler credit under ISO's Specific Commercial Property Evaluation Schedule (see Chapter 6, "Determining Recognition for Automatic Sprinkler Systems"), acceptable sprinklers installed over the communications are acceptable in lieu of the Class A door.

A single, labeled 1½ hour damper protects all communications caused by air conditioning and/or heating ducts piercing a party wall.

**Note 1:** Where unprotected metal, noncombustible, or combustible wall, floor, or roof supports are continuous through a masonry wall, such a wall is not be acceptable for separate classification.

**Note 2:** ISO ignores the usual openings provided for common utilities when their size is limited to that necessary to provide for normal clearances and vibration; such openings are the rule rather than the exception, and their effect is included in the overall analysis. ISO also ignores openings protected by one-hour listed firestop systems. ISO may also ignore abnormally large openings when mortar or other masonry material fills the excessive clearances.

ISO classifies all buildings not eligible for separate classification under a. or b. as a single building.

## CHAPTER 6

### Determining Recognition of Automatic Sprinkler Systems

ISO uses the Specific Commercial Property Evaluation Schedule (SCOPEs) to evaluate sprinkler protection of a property. The criteria within the SCOPEs manual permit determination of the percentage of credit for the sprinkler protection. For ISO to rate and code the property as a sprinklered property, it must score at least 10 points (out of the initial 100 points available) in ISO's sprinkler grading.

A grading of 100 points represents the value of a two-source (water supply) wet-pipe installation, standard in all respects, where no unusual conditions of construction or occupancy exist. In addition, the system must be installed and maintained as outlined in the National Fire Protection Association (NFPA) Standard 13, NFPA Standard 25, and other NFPA standards as appropriate.

ISO classifies a property as a sprinklered property if it meets the following minimum conditions:

- ◆ The sprinklered building has assured maintenance. Shut down, idle, or vacant structures have acceptable watchman or waterflow and control-valve supervision (remote or central station) or a caretaker. A caretaker is a responsible person who visits the premises not less than weekly.
  - ◆ The usable unsprinklered area does not exceed:
    - a) 25% of the total area in buildings with an Occupancy Combustibility Class of C-1
    - b) 20% of the total area in buildings with an Occupancy Combustibility Class of C-2 or C-3
    - c) 10,000 square feet or 15% of the total area in buildings with an Occupancy Combustibility Class of C-4
    - d) 5,000 square feet or 10% of the total square foot area in buildings with an Occupancy Combustibility Class of C-5
- See Chapter 3, "Occupancy Factor" for definitions of the occupancy combustibility classes.
- Note: the area limitations above do not include unused, unsprinklered areas such as underfloor areas, attic areas, etc. However, ISO classifies usable vacant areas as used areas. ISO considers areas with obstructed sprinklered protection as unsprinklered.
- ◆ Installation has evidence of flushing and hydrostatic tests of both the underground and overhead piping in accordance with NFPA Standard 13.
  - ◆ A full-flow main drain test has been witnessed within the last 48 months.
  - ◆ Dry-pipe installations have evidence of a satisfactory or partly satisfactory dry-pipe trip test conducted within the last 48 months.
  - ◆ Fire-pump installations have evidence and results of a fire-pump test conducted within the last 48 months.



## CHAPTER 7

### Other Considerations for Determining Needed Fire Flow (NFF)

- ∞ When the subject building or exposure buildings have a wood-shingle roof covering and ISO determines that the roof can contribute to spreading fires, ISO adds 500 gpm to the needed fire flow.
- ∞ The maximum needed fire flow is 12,000 gpm. The minimum is 500 gpm.
- ∞ ISO rounds the final calculation of needed fire flow to the nearest 250 gpm if less than 2,500 gpm and to the nearest 500 gpm if greater than 2,500 gpm.
- ∞ For 1- and 2-family dwellings not exceeding 2 stories in height, ISO uses the following needed fire flows:

<b>DISTANCE BETWEEN BUILDINGS</b>	<b>NEEDED FIRE FLOW</b>
More than 100'	500 gpm
31-100'	750 gpm
11-30'	1,000 gpm
10' or less	1,500 gpm

- ∞ For other types of habitational buildings, the maximum needed fire flow is 3,500 gpm.

## CHAPTER 8

### Examples

Example 1.

1-story	
Wood frame	
Contractor equipment storage	30 ft.
2,250 sq. ft.	
No exposures or communications	
75 ft.	

#### CONSTRUCTION TYPE

Construction Class 1 (wood frame construction)

Construction type coefficient (F) = 1.5

Effective area (A) = 2,250

$$C = 18F(A)^{0.5}$$

$$C = 18(1.5)(2,250)^{0.5}$$

$$C = 27(47.43)$$

$$C = 1,280.72$$

$$C = \mathbf{1,250} \text{ (rounded to the nearest 250 gpm)}$$

#### OCCUPANCY TYPE

Contractor equipment storage

Occupancy combustibility class C-3 (Combustible)

Occupancy factor (O) = 1.00

#### EXPOSURES AND COMMUNICATIONS

None

Exposure and communication factor (X + P) = 0.00

#### CALCULATION

$$NFF = (C)(O)(1+(X+P))$$

$$NFF = (1,250)(1.00)(1+(0.00))$$

$$NFF = (1,250)(1.00)(1.00)$$

$$\mathbf{NFF = 1,250 \text{ gpm}}$$

## Example 2

2-story	
Masonry walls, wood-joisted roof and floors	
Concrete on Grade	
Furniture manufacturing	
Ground floor = 14,000 sq. ft.	80 ft.
No exposures or communications	
175 ft.	

### CONSTRUCTION TYPE

Construction Class 2 (joisted-masonry construction)

Construction type coefficient (F) = 1.0

Effective area (A) = 21,000 (ground floor + ½ of second floor area)

$$C = 18F (A)^{0.5}$$

$$C = 18(1.0) (21,000)^{0.5}$$

$$C = 18 (144.91)$$

$$C = 2,608.45$$

$$C = \mathbf{2,500} \text{ (rounded to the nearest 250 gpm)}$$

### OCCUPANCY TYPE

Furniture manufacturing

Occupancy combustibility class C-4 (free-burning)

Occupancy factor (O) = 1.15

### EXPOSURES AND COMMUNICATIONS

None

Exposure and communication factor (X + P) = 0.00

### CALCULATION

$$NFF = (C)(O)(1+(X+P))$$

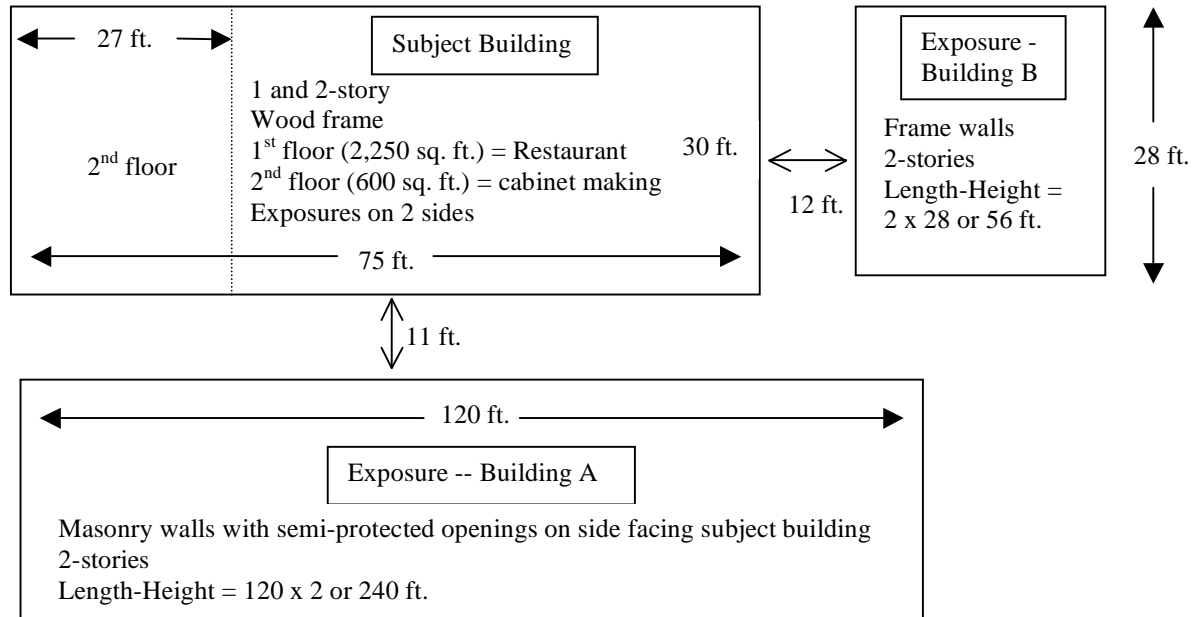
$$NFF = (2,500)(1.15)(1+(0.00))$$

$$NFF = (2,500)(1.15)(1.00)$$

$$NFF = 2,875$$

$$\mathbf{NFF = 3,000 \text{ gpm}}$$
 (because it is greater than 2,500 ISO rounds the NFF to the nearest 500 gpm)

### Example 3



### CONSTRUCTION TYPE

Construction Class 1 (wood-frame construction)

Construction type coefficient (F) = 1.5

Effective area (A) = 2,655 (ground floor + ½ of second floor area)

$$C = 18F(A)^{0.5}$$

$$C = 18(1.5)(2,655)^{0.5}$$

$$C = 27(51.53)$$

$$C = 1,391.31$$

$$C = \mathbf{1,500} \text{ (rounded to the nearest 250 gpm)}$$

### OCCUPANCY TYPE

Cabinet making (occupies over 25% of the total floor of the building)

Occupancy combustibility class C-4 (free-burning)

Occupancy factor (O) = 1.15

### EXPOSURES AND COMMUNICATIONS

Exposure charge for Building A = 0.14

Exposure charge for Building B = 0.17

The building with the highest charge is Building B.

Exposure factor (X) = 0.17

Communication (P) charge = none

Exposure and communication factor (X + P) = 0.17

### CALCULATION

$$NFF = (C)(O)(1+(X+P))$$

$$NFF = (1,500)(1.15)(1+(0.17))$$

$$NFF = (1,500)(1.15)(1.17)$$

$$NFF = 2,018$$

$$\mathbf{NFF = 2,000 \text{ gpm}}$$

## APPENDIX A

### Needed Fire Flow/Effective Area Table

TYPE OF CONSTRUCTION FACTOR AS DETERMINED BY RANGE IN EFFECTIVE AREA

Class	1		2		3,4		5,6	
Factor (F)	1.5		1.0		0.8		0.6	
	Effective Area (A)		Effective Area (A)		Effective Area (A)		Effective Area (A)	
(C)	At Least	Not Over	At Least	Not Over	At Least	Not Over	At Least	Not Over
500	0	535	0	1,205	0	1,883	0	3,348
750	536	1,050	1,206	2,363	1,884	3,692	3,349	6,564
1,000	1,051	1,736	2,364	3,906	3,693	6,103	6,565	10,850
1,250	1,737	2,593	3,907	5,835	6,104	9,117	10,851	16,209
1,500	2,594	3,622	5,836	8,150	9,118	12,734	16,210	22,639
1,750	3,623	4,822	8,151	10,852	12,735	16,954	22,640	30,140
2,000	4,823	6,194	10,853	13,937	16,955	21,776	30,141	38,714
2,250	6,195	7,737	13,938	17,409	21,777	27,202	38,715	48,359
2,500	7,738	9,452	17,410	21,267	27,203	33,230	48,360	59,076
2,750	9,453	11,338	21,268	25,511	33,231	39,861	59,077	70,864
3,000	11,339	13,395	25,512	30,140	39,862	47,095	70,865	83,724
3,250	13,396	15,624	30,141	35,156	47,096	54,931	83,725	97,656
3,500	15,625	18,025	35,157	40,557	54,932	63,374	97,657	112,659
3,750	18,026	20,597	40,558	46,344	63,375	72,413	112,660	128,734
4,000	20,598	23,341	46,345	52,517	72,414	82,058	128,735	145,881
4,250	23,342	26,256	52,518	59,076	82,059	92,306	145,882	164,100
4,500	26,257	29,342	59,077	66,020	92,307	103,156	164,101	183,390
4,750	29,343	32,600	66,021	73,350	103,157	114,610	183,391	203,751
5,000	32,601	36,029	73,351	81,066	114,611	126,666	203,752	225,185
5,250	36,030	39,630	81,067	89,168	126,667	139,325	225,186	247,690
5,500	39,631	43,402	89,169	97,656	139,326	152,587	247,691	271,267
5,750	43,403	47,346	97,657	106,529	152,588	166,452	271,268	295,915
6,000	47,347	51,461	106,530	115,788	166,453		295,916	
6,250	51,462	55,748	115,789	125,434				
6,500	55,749	60,206	125,435	135,464				
6,750	60,207	64,836	135,465	145,881				
7,000	64,837	69,637	145,882	156,684				
7,250	69,638	74,609	156,685	167,872				
7,500	74,610	79,753	167,873	179,446				
7,750	79,754	85,069	179,447	191,406				
8,000	85,070		191,407					



# **Minimum Facilities and Practices to Get a PPC Rating**

Before a community can receive an ISO Public Protection Classification (PPCTM), the community must have at least these minimum facilities and practices:

## **Organization**

The community must have a fire department, organized permanently under applicable state or local laws. The organization must include one person responsible for the operation of the department, usually with the title of "chief."

The fire department must serve an area with definite boundaries. If a community does not have a fire department operated solely by or for the governing body of that community, the fire department providing such service must do so under legal contract or resolution. When a fire department's service area involves more than one community, each of the communities served should have a contract.

## **Membership**

The department must have sufficient membership to assure the response of at least four members to fires in structures. The chief may be one of the responding members.

## **Training**

The fire department must conduct training for active members, at least two hours every two months.

## **Alarm notification**

Alarm facilities and arrangements must be such that there is no delay in the receipt of alarms and the dispatch of firefighters and apparatus.

## **Apparatus**

The department must have at least one piece of apparatus meeting the general

criteria of National Fire Protection Association (NFPA) Standard 1901, Automotive Fire Apparatus.

### **Housing**

The department must house apparatus to provide protection from the weather.

If the community does not meet these minimum criteria, ISO will assign the community a Class 10.

### **Other criteria**

ISO's Fire Suppression Rating Schedule (FSRS) — the manual ISO uses in reviewing the firefighting capabilities of individual communities — lists other minimum criteria for receiving particular PPC ratings:



## Firefighter Fitness and Medical Evaluations: A Difficult Journey

BY JOHN K. MURPHY

Heart attacks and strokes were responsible for the deaths of 54 firefighters (47 percent) in 2007; the average age of the firefighter was 44 years old.<sup>1</sup> The number of firefighter deaths attributed to cardiac problems is three times greater than that for the U.S. population. Unfortunately, the number-one cause of death in North America is cardiovascular disease, mostly caused by obesity,<sup>2</sup> and, according to some research, 70 percent of heart disease fatalities are preventable through lifestyle changes.<sup>3</sup>

About 30 percent of preventable firefighter cardiac deaths occur during firefighting activities; a firefighter's chance of dying while fighting a fire is 100 times higher than when performing everyday activities.<sup>4</sup> A 10-year study by the National Fire Protection Association (NFPA) found that about half of American firefighters who died of sudden cardiac arrest or suffered heart attacks had known heart conditions and about 75 percent had heart conditions that simple medical testing could have detected.

Firefighters don't generally start out with undiagnosed heart disease, as most departments provide some type of entry-level medical physical evaluation to determine if the firefighter candidate meets the minimum medical standards. These medical standards have been promulgated into the NFPA 1582, *Standard on Comprehensive Occupational Medical Program for Fire Departments*, 2007 Edition. Those who make it and are hired as firefighters face a lifetime of developing and maintaining good health habits and actively participating in a comprehensive fitness program to combat cardiovascular disease, stroke, injury, and possible death. The results of comprehensive entry-level and annual medical examinations have been surprising: The general consensus is that firefighters are generally healthy, and there are no silent medical problems on most of those evaluations. Other firefighters undertaking a medical evaluation have discovered some correctible hidden health problem and had them corrected. For still others, the medical problem is so severe that, even after correcting the medical problem, the firefighter was unable to return to work and had to retire or find other employment.<sup>5</sup> The increase of overall health risks is attributed in part to occupational risks. Firefighters must perform physically intense work under conditions inherent in the job. Those environmental and physical exertion



conditions that increase myocardial oxygen demand are high temperatures and carbon monoxide levels, which are job-related hazards. These conditions lead to cardiac risk factors that are highest among firefighters than other comparable worker groups, such as long shore workers and lumbermen.<sup>6</sup> The increase in cardiovascular risk factors, combined with physically stressful fire suppression work settings, account for heart attacks that cause almost half of firefighter on-the-job deaths.<sup>7</sup> Although firefighters recognize the disparity between their occupational demands and physical health and the general population, previous lifestyle interventions have been largely unsuccessful.<sup>8</sup>

Despite the fact that firefighters' jobs require vigorous physical activity under extreme conditions and present the stress of urgent life-threatening situations, studies indicate a high prevalence of sedentary lifestyles, obesity, hypertension, dyslipidemia, certain malignancies, and chronic musculoskeletal complaints. Firefighters generally have lower physical fitness than workers in other hazardous occupations, including police officers and construction workers.<sup>9</sup>

Of the 38 victims of sudden cardiac events in 2007, post-mortem medical documentation showed that 10 firefighters had severe arteriosclerotic heart disease; five were hypertensive; four were reported to have had prior heart problems such as prior heart attacks, bypass surgery, or angioplasty/stent placement; and three were diabetic. (Some of the victims had more than one condition.) Over the past 25 years, post-mortem information or other details on the victims' medical histories have been available for 720 of the 1,155 sudden cardiac death victims. Of those 720 victims, 663 (or 92.1 percent) had suffered prior heart attacks, had severe arteriosclerotic heart disease, had undergone bypass surgery or angioplasty/stent placement, or were diabetic or hypertensive.<sup>10</sup>

Also included in the mortality and morbidity statistics are strokes, diabetes, obesity, and other preventable diseases, albeit poorly documented in the reports. These percentiles are recorded only for active-duty firefighters. The retired firefighter mortality rate is much higher. Just look at the last page of every International Association of Fire Fighters (IAFF) publication, but nobody keeps those statistics. It would be safe to say that longevity after retirement is not profound and that after firefighters leave active service and retire, they die at a rate that exceeds the national average per job classification, and often prematurely.

What the studies also don't cover are those firefighters who die from a cardiac event after returning home and while off-duty, several days after a call, in the gym working out, working at home, on vacation, sleeping, or soon after retirement. You



can imagine that those tragic deaths followed the same pattern of those occurring in the line of duty—a known cardiac condition, an undiagnosed cardiac condition, or just plain denial—that precluded those firefighters from seeking a medical evaluation while on the job.

What are we doing to prevent this unnecessary loss of life? The lack of focus on wellness and fitness continues to plague fire departments. Many of these deaths can be prevented with a proactive wellness and fitness program. (10) Studies conducted by the American Heart Association and the Centers for Disease Control and Prevention (CDC) continue to show that modifying those identifiable behavioral characteristics can reduce a person's chance of dying prematurely from a heart attack. (2)

Although it is crucial that fire personnel be physically fit to perform essential job functions, being physically fit does not make one impervious to cardiovascular disease. Wellness is defined as having all aspects of health, including physical health, social health, mental health, and spiritual health. Incorporating all components of a health wellness and fitness program may decrease the risk of cardiovascular disease by 70 percent.<sup>11</sup>

In view of the statistics relative to heart disease as a preventable disease, fire departments realized the need to incorporate a wellness and fitness program into their departments. In 1987, the NFPA developed a standard for occupational and health and safety that specifically addressed a wellness program for fire departments (NFPA 2000). Several years later, the International Association of Fire Chiefs (IAFC) and the IAFF initiated the Fire Service Joint Labor Management Wellness Fitness Initiative. The initiative in 1997 supported a comprehensive physical fitness program that required mandatory participation. More recently, the National Institute for Occupational Safety and Health (NIOSH) advocated that fire departments adopt mandatory wellness programs with mandatory annual fitness requirements (CDC 2007). The United States Fire Administration (USFA) also recommends and promotes reducing firefighter fatalities by incorporating the recommendations from NIOSH, the IAFC, and the NFPA.

The NFPA maintains standards that address health issues related to firefighters. NFPA 1500, *Standard on Fire Department Occupational Safety and Health Program*, 2007 Edition, includes key elements that focus on the comprehensive wellness and fitness program. NFPA 1582 outlines key elements that focus on fire department medical physicals and also provides for a health and fitness



coordinator, a health and safety officer, an infection control officer, and a health and safety committee. NFPA 1583, *Standard on Fire Department Occupational Safety and Health Program*, 2008 Edition, focuses on fire department fitness programs. All of these standards are periodically updated to meet the increasing challenges of firefighter safety with common sense, science, and technology.

To combat these needless deaths, fire departments have created local fitness programs to address these issues; are formulating and promoting the Wellness Fitness Initiative Guidelines; are training peer fitness trainers; are purchasing fitness equipment for the fire stations; are encouraging fitness programs on duty; and are urging firefighters to eat a more healthful diet, to not smoke, to evaluate their risk factors, and to participate in a medical evaluation program.

Departments should encourage every firefighter over the age of 40 to get an annual comprehensive medical evaluation from a physician following the standards in NFPA 1582. In addition, firefighters should engage in programs that detect preventable and correctable conditions such as hypertension, diabetes, coronary artery disease, colon cancer, prostate disease, asthma, and other career- and life-ending conditions. Firefighters are urged to get into the gym and start a comprehensive cardiac and strength-building program that follows the guidelines in NFPA 1583. In addition, firefighters should wear their seat belts and pay attention to their health and well-being.

Statistics tell the story. It is critical that you get out of the dark ages of denial and create a comprehensive medical evaluation program in your department. Start collaborative discussions between labor and management to arrive at a solution; seek appropriate medical intervention to save your life. You must commit 24/7/365 to reap the benefits of these fitness programs. Do it today; tomorrow may be too late.

### **Endnotes**

1. United States Fire Administration (USFA), 2007.
2. Centers for Disease Control and Prevention (CDC), 2007. Downloaded from CDC Web site. Accessed 2008.
3. CDC, 2007; Greenburg, Dintiman & Oakes, *Physical Fitness and Wellness: Changing the Way You Look, Feel, and Perform*, 2004; Pearson, Hayford & Royer, *Comprehensive Wellness for Firefighters Fitness and Health Guide for Fire and Rescue Workers*, 1995.



4. Kales, SN, MD, MPH; ES Soteriades, MD, Sc.D; CA Christophi, PhD; DC Christiani, MD, MPH, "Emergency Duties and Deaths from Heart Disease among Firefighters in the United States." *New England Journal of Medicine*, 1995.
5. Parker, Dave PhD, director, Washington Sports Medicine Clinic, Kirkland, Washington, personal conversation, 2008.
6. Shearer, FW, "Occupational stress in the fire service, *Professional Safety*; 1989 (34):22-25; *Health Education Research*; 2002 (17):5, 586-596.
7. Green, JS and SF Crouse, "Mandatory exercise and heart disease risk in firefighters: A longitudinal study," *Occupational Environmental Health*; 1991 (63):51-55.
8. Aronson, KJ, GA Tomlinson, L Smith, "Mortality among firefighters in metropolitan Toronto," *American Journal Industrial Medicine*; 1994 (26):89-101; Guidotti, 1995; Reichelt and Conrad, 1995, *Health Education Research* (17) 5:586-596.
9. Barnard, RJ, "Heart disease in firefighters," *Fire Command*; 1979, (8):52-55.
10. Fahy, R, P LeBlack, J Molis, "Firefighter Fatalities in the United States," National Fire Prevention Association, June 2007.
11. Davis, 2007; Moore-Merrill, McDonald, Zhou, Fisher & Moore, 2006; Peltin & Alkonis, 2003. Firefit.net—the Mission of Implementing a Health, Wellness & Fitness Program. Downloaded 2008.

**JOHN K. MURPHY, JD, MS, PA-C, FACC**, retired as a deputy chief after 32 years of service and is a practicing attorney (since 2001) and CEO of the National Traffic Safety Institute and a Fellow, American College of Clinicians. Murphy's past fire experience has been as a paramedic firefighter for more than 20 years, a chief fire officer, a promoter and facilitator of health-care issues in the fire service, and a practicing physicians' assistant since 1977 in family and emergency care settings. He is an adjunct instructor at Central Washington University's paramedic program and a frequent speaker on legal and medical issues at fire service conferences. During his tenure in the fire service, he acquired his physicians' assistant training from the University of Utah School of Medicine, earned an undergraduate (BS) and a graduate (MS) degree from Central Washington University, completed the National Fire Academy's Executive Fire Officer

Program, and graduated from Seattle University School of Law with a Juris Doctor (JD).

[Recommend](#)

# PERSONAL PROTECTIVE EQUIPMENT INSPECTION FORM

FIRE DEPARTMENT: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE OF PURCHASE: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_

## **COAT**

Tag Indicating Coat meets NFPA Standard? ☐ Yes ☐ No

If not, Is there a tag indicating coat meets any standard? ☐ Yes ☐ No

Which Standard?: \_\_\_\_\_

Is the Vapor Barrier Intact? ☐ Yes ☐ No

Is the Thermal Barrier Intact? ☐ Yes ☐ No

Is the outer shell intact? ☐ Yes ☐ No

Is there any contamination of the outer shell or any liner? ☐ Yes ☐ No

Is there any separation of the seams of the outer shell,  
or any of the liners? ☐ Yes ☐ No

Is the coat acceptable for use? ☐ Yes ☐ No

## **GLOVES**

Tag Indicating Gloves meet NFPA Standard? ☐ Yes ☐ No

If not, Tag indicating meet any Standard? ☐ Yes ☐ No

Which Standard? \_\_\_\_\_

Any Tears on Seams or shell of gloves? ☐ Yes ☐ No

Are Liners Intact? ☐ Yes ☐ No

Any Contamination to Shell or liners? ☐ Yes ☐ No

Are Gloves Acceptable for use? ☐ Yes ☐ No

## **BOOTS**

Tag indicating boots meet NFPA Standard? ☐ Yes ☐ No

If no, Tag indicating boots meet any standard? ☐ Yes ☐ No

Which Standard? : \_\_\_\_\_

Are there any tears or abrasions that would allow water or  
heat To penetrate? ☐ Yes ☐ No

Are boots acceptable for use? ☐ Yes ☐ No

## **PANTS**

Tag indicating Pants meet NFPA Standard? ☐ Yes ☐ No

If no, is there a tag indicating pants  
meet any standard? ☐ Yes ☐ No

Which Standard?: \_\_\_\_\_

Is vapor Barrier Intact? ☐ Yes ☐ No

Is thermal Barrier Intact? ☐ Yes ☐ No

Is the outer shell intact? ☐ Yes ☐ No

Any Contamination to Shell or Liners? ☐ Yes ☐ No

Any Separations of seams of shell or liners? ☐ Yes ☐ No

Are Pants Acceptable for Use? ☐ Yes ☐ No

## **HELMET**

Tag indicating helmet meets NFPA Standard? ☐ Yes ☐ No

If not Tag indicating helmet meets any standard? ☐ Yes ☐ No

Which Standard? \_\_\_\_\_

Is Visor attached without cracks? ☐ Yes ☐ No

Does the helmet have flaps for ears and neck? ☐ Yes ☐ No

Is the outer shell dented or cracked? ☐ Yes ☐ No

Is helmet acceptable for use? ☐ Yes ☐ No

## **HOOD**

Is the hood made of NOMEXX, PBI or other Fire  
retardant material? ☐ Yes ☐ No

Is the hood intact? ☐ Yes ☐ No

Any Contamination of the outer shell or liner? ☐ Yes ☐ No

Is hood long enough to protect ears and neck? ☐ Yes ☐ No

Is hood acceptable for use? ☐ Yes ☐ No

Which equipment failed inspection? : \_\_\_\_\_

Reason for Failure: \_\_\_\_\_

Was equipment replaced? ☐ Yes ☐ No With What? : \_\_\_\_\_

Was a variance from the NFPA Standard Granted? ☐ Yes ☐ No Why? : \_\_\_\_\_

NAME OF PERSON GRANTING VARIANCE: \_\_\_\_\_

SIGNATURE OF PERSON GRANTING VARIANCE: \_\_\_\_\_

SIGNATURE OF PERSON INSPECTING PPE: \_\_\_\_\_

**THIS FORM SHALL BE MAINTAINED ON A MASTER FILE OF PPE INSPECTIONS FOR THE FIRE DEPARTMENT FOR REVIEW BY INSPECTORS.  
DO NOT FILE THIS FORM IN THE FIREFIGHTER'S PERSONNEL FILE OR OTHER FILE.**

## A GUIDE FOR CONDUCTING FACILITY PRE-FIRE PLANS

1. Sketch Each Floor
2. Show Roof access of venting devices
3. Show approaches to the facility
4. Indicate the size of the facility (Length and Width)
5. Show location of attic access doors, hatches, or ladders
6. Show roof access ladders
7. Show the location of the master electrical shutoff(s), other electrical shutoffs should be shown.
8. Show the location of the master gas/LPG shutoff.
9. Show the Direction of north by an arrow.
10. Show specific types of doors for other than standard personnel doors.
11. Show Fences and gates. *NOTE: Symbols are used to standardize and simplify information on the sketches the symbols that will be used are on included in this packet.*
12. Show all major partitions and doors.
13. Show room numbers if they are marked on the facility, otherwise indicate the use of the room.
14. Show the location of stairs and stairwells.
15. Show the locations of elevators.
16. Show locations of firewalls, and fire doors.
17. Show fire or smoke partitions in concealed spaces such as attics.
18. Show locations of fire hydrants and other available water sources.
19. Show the location of fire alarm control panels
20. Show the location of annunciator panels.
21. Show the location of all carbon dioxide, FM200, or clean agent fire extinguishing systems.
22. Show the location of all sprinkler risers, if applicable.
23. If the facility is only partially sprinkled, indicate areas that are protected.
24. If the facility has more than one sprinkler riser, indicate the area protected by each riser.
25. If the facility does not have a sprinkler system or if the facility is protected completely by a sprinkler system place the proper symbol at the top of the sketch.
26. Show the location of all Post Indicator Valves and show which risers the valves control.
27. Show the location of all standpipes, hose cabinets and outlets.
28. Show the location of any installed fire pumps.
29. Indicate the location of hazards in the building, such as explosives, radiation, flammable liquids, toxics, ect. That constitute an uncommon hazard to the firefighter.
30. Indicate the location of where Material Safety Data Sheets (MSDS) are stored.



**A sample letter to provide to business owners to help with completing your pre-planning program**

ACME FIRE DEPARTMENT

P.O. Box 111

Anywhere, NM, 88888

Dear Business owner,

Enclosed you will find a graph sheet in which we are requesting you draw the outline of your business. This will help us in case of an emergency should one arise. Please show the location of the following items in your drawing,

1. Doors and windows
2. Power Shutoff
3. Gas/LPG Shutoff
4. Sprinkler Connection
5. Fire Alarm Panel
6. Non-Usable Doors or Windows
7. Any Special Hazards (Explosives, Chemicals, Etc.)

At the bottom of this drawing please list the following,

1. Type of Business you conduct
2. Emergency Contact phone numbers
3. Number of employees normally on site.
4. Business Name and Address.
5. Insurance Company

Please return your drawings to the following address or contact us at the following numbers listed below,

(Your FD's Name and Address)

(Name of Fire Chief)

Phone Number of FD

## Pre-Fire Plan Data Entry Form

Date: \_\_\_\_\_ Fire Department/District: \_\_\_\_\_

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Bldg/Suite #: \_\_\_\_\_

City: \_\_\_\_\_ Phone #: \_\_\_\_\_

Type of Business: \_\_\_\_\_ Dept. Map Page #: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Manager Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Other Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Nearest Cross-Street is: \_\_\_\_\_

Primary Hydrant Number: \_\_\_\_\_ Located at: \_\_\_\_\_

Other water source is: \_\_\_\_\_ Square footage: \_\_\_\_\_ Stories in Height: \_\_\_\_\_

Occupancy Class Code: \_\_\_\_\_ Location of Heating: \_\_\_\_\_

Construction Class Code: \_\_\_\_\_ Gas Shutoff: \_\_\_\_\_ Type of Heat: ☐ Natural Gas ☐ LPG

Electrical Shutoff Location: \_\_\_\_\_ Alarm Panel: \_\_\_\_\_

Basement: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Elevator: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Lock Box: ☐ YES ☐ NO Remarks: \_\_\_\_\_

F.D.C.: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Standpipes: ☐ YES ☐ NO Remarks: \_\_\_\_\_

Sprinkler System: ☐ YES ☐ NO Remarks: \_\_\_\_\_

# of Sprinkler Risers: \_\_\_\_\_ Remarks: \_\_\_\_\_

Location of Sprinkler Controls: \_\_\_\_\_

Location of Water Shutoff Valves: \_\_\_\_\_

Exposure Information: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

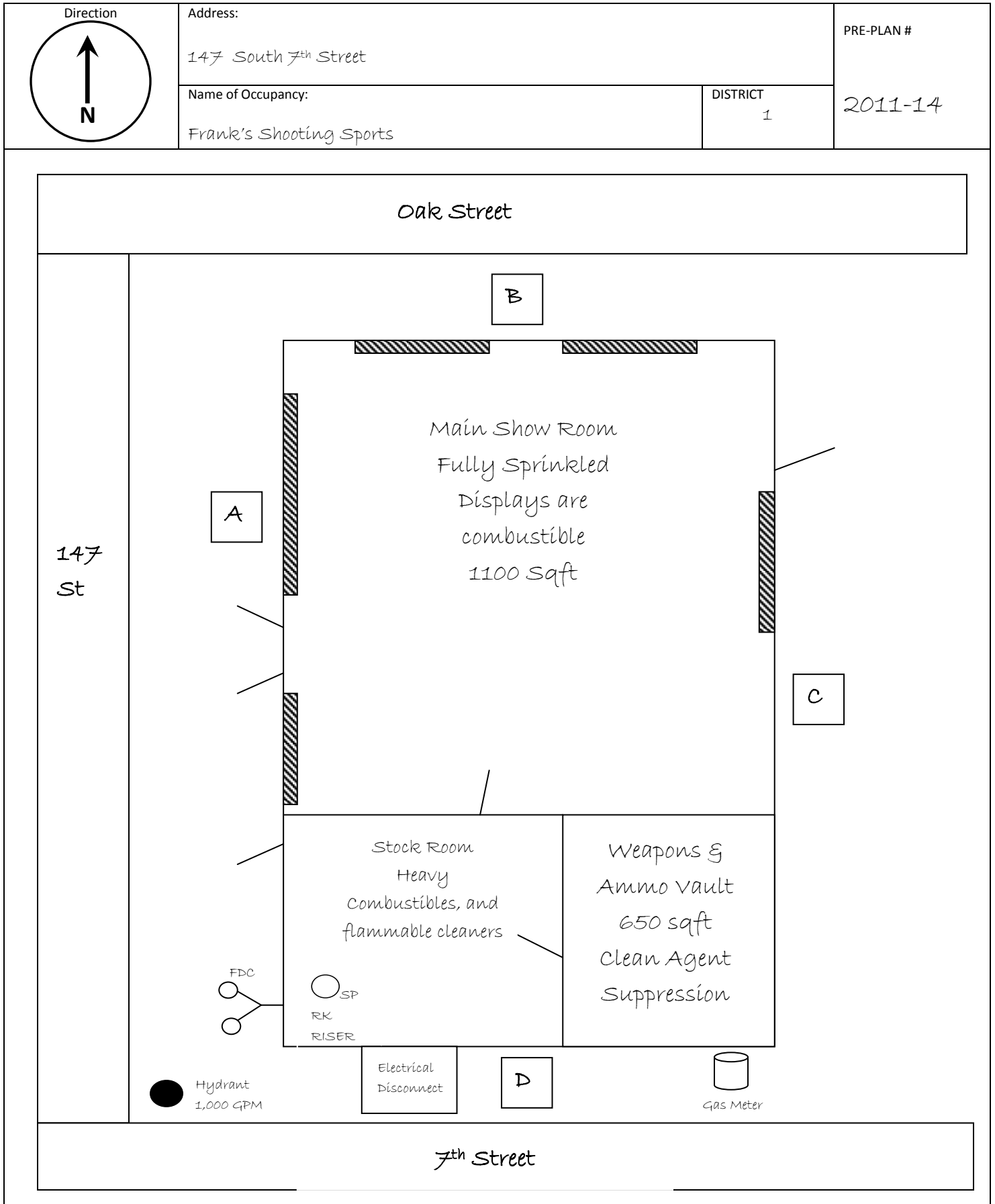
# PRE-INCIDENT PLAN FORM

<b>FIRE DEPARTMENT</b>					<b>PRE-PLAN #</b>		
Address:							
Business Name:						District	
<b>Emergency Contacts:</b>							
<b>Occupancy and Hazards:</b>							
<b>Construction:</b>							
<b>Fire Protection Systems:</b>							
<b>Water Supplies:</b>							
		Nearest Large Volume Water Supply:					
<b>Water Supply-Needed Fire Flow:</b>							
<b>INITIAL DISPATCH</b>							
<b>Involvement</b>	<b>GPM</b>	<b>ENGINES</b>	<b>LADDERS</b>	<b>CHIEFS</b>	<b>SPECIAL UNITS</b>	<b>EMS</b>	<b>OTHERS</b>
50 %							
100%							
<b>SPECIAL RESOURCES:</b>							
<b>EXPOSURES:</b>							
<b>STRATEGIES:</b>							
<b>COMMENTS:</b>							

### SAMPLE COMPLETED PRE-PLAN FORM

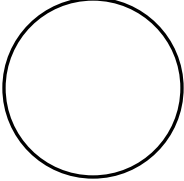
<b>FIRE DEPARTMENT</b>		Southwest Fire Department				<b>PRE-PLAN #</b>		2011-14	
Address:		147 South 7 <sup>th</sup> Street							
Business Name:		Frank's Shooting Sports				District SWFD			
<b>Emergency Contacts:</b>		Frank Martinez, Owner (505) 555-1234 Jim Romero, Manager (505) 555-5678 ABC Alarm Co. (505) 555-9112							
<b>Occupancy and Hazards:</b>		Gun Shop, with Bulk Ammunition storage, and shooting supplies. Ammunition is stored in Back room in concrete enclosure, solvents in fire proof lockers. Will have to force entry into store and ensure all emergency escape routes are clear before making an interior attack.							
<b>Construction:</b>		Steel Frame Building.							
<b>Fire Protection Systems:</b>		Full Sprinkler System, with Clean agent extinguishing system in Weapons/Ammo vault.							
<b>Water Supplies:</b>		Hydrant located at 7 <sup>th</sup> street and 147 <sup>th</sup> St. Hydrant provides 1,000 GPM @ 75 PSI. Dispatch will send 2 County Fire Districts with tankers for support. If tankers are not needed, personnel sent will be used on fire ground. Nearest Large Volume Water Supply: As Above or Hydrant at 147 <sup>th</sup> and Pine 200 Ft. South of above hydrant							
<b>Water Supply- Needed Fire Flow:</b>		<b>INITIAL DISPATCH</b>							
<b>Involvement</b>	<b>GPM</b>	<b>ENGINES</b>	<b>LADDERS</b>	<b>CHIEFS</b>	<b>SPECIAL UNITS</b>	<b>EMS</b>	<b>OTHERS</b>		
<b>50 %</b>	1500 GPM	E-1 & E-3		1	R-1 & Police Dept		County Tankers, As needed		
<b>100%</b>	2800 GPM	E-1, E-3 & E-7		1	R-1, 7 Police Dept		County Tankers, As needed		
<b>SPECIAL RESOURCES:</b>		Tankers from County Fire Districts can be sent to the City Yards, at 155 7 <sup>th</sup> street if a fill site for drafting is needed.							
<b>EXPOSURES:</b>		Side-B: Exposure to Sam's Cabinet Shop, wood frame construction Side-D Exposure to Pete's Pet Shop metal frame 10' clearance between buildings.							
<b>STRATEGIES:</b>		Disconnects for Gas and Electric on Side D of structure. Protect exposure on Sides B & D.							
<b>COMMENTS:</b>		Police Department must be requested to help in securing the scene as this is a fire arms store, which stores ammunition and weapons. They will be needed to take custody of the scene upon completion of any fire suppression.							

# PRE-INCIDENT PLAN DIAGRAM



NOT TO SCALE




















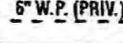
**PRE-INCIDENT PLAN DIAGRAM**




<div>Direction</div> 	Address:	PRE-PLAN #
	Name of Occupancy:	

**NOT TO SCALE**















## Standard Map Symbols

### FIRE PROTECTION




-  Fire Department Connection
-  Automatic Sprinklers throughout contiguous sections of single risk
-  Automatic Sprinklers all floors of building
-  Automatic Sprinklers in part of building only (Note under symbol indicates protected portion of building)
-  Not Sprinklered
-  Automatic Chemical Sprinklers
-  Chemical Sprinklers in part of building only (Note under symbol indicates protected portion of building)
-  Vertical Pipe or Standpipe
-  Automatic Fire Alarm
-  Water Tank
-  Fire Escape
-  Fire Alarm Box
-  Single Hydrant
-  Double Hydrant
-  Triple Hydrant
-  Quadruple Hydrant of the High Pressure Fire Service
-  20" W.P. (H.P.F.S.) Water Pipes of the High Pressure Fire Service
-  + 12" + Water Pipes of the High Pressure Fire Service as Shown on Key Map
-  6" W.P. 4" W.P. Public Water Service
-  6" W.P. (PRIV.) Private Water Service








-  Fire Detection System - Label Type
-  Alarm Gong, with Hood
-  Sprinkler Riser (size indicated)







### VERTICAL OPENINGS



-  Skylight lighting top story only
-  3 Skylight lighting 3 stories
-  WG Skylight with Wired Glass in Metal Sash
-  E Open Elevator
-  FE Frame Enclosed Elevator
-  ET Frame Enclosed Elevator with Traps
-  ESC Frame Enclosed Elevator with Self-Closing Traps
-  CBET Concrete Block Enclosed Elevator with Traps
-  TESC Tile Enclosed Elevator with Self-Closing Traps
-  BE Brick Enclosed Elevator with Wired Glass Door
-  H Open Hoist
-  HT Hoist with Traps
-  H Open Hoist Basement to 1st
-  STAIRS Stairs



### MISCELLANEOUS



-  Number of Stories
-  Height in Feet
-  Composition Roof Covering


-  Parapet 6" above Roof
-  Frame Cornice
-  Parapet 12" above Roof
-  Parapet 24" above Roof
-  W. HO. Occupied by Warehouse
-  Metal, Slate, Tile or Asbestos Shingle Roof Covering
-  Parapet 48" above Roof




-  2 Stories & Basement
-  1st Floor Occupied by Store
-  2 Residential Units above 1st
-  Auto in Basement
-  Drive or Passageway
-  Wood Shingle Roof

-  IR. CH. Iron Chimney
-  IR. CH. S.A. Iron Chimney (with Spark Arrestor)

-  UP. B. Vertical Steam Boiler
-  Horizontal Steam Boiler

-  Width of Street between Block Lines, not Curb Lines
-  CURB LINE Ground Elevation

-  50' 15' House Numbers nearest to buildings are official or actually up on buildings. Old House Numbers are farthest from buildings.

-  CURB LINE 56' 416' Brick Chimney
-  GT Gasoline Tank
-  Fire Pump

### COLOR CODE FOR CONSTRUCTION

- Materials for Walls
- Brown - Fire-Resistive protected steel
  - Red - Brick, hollow tile
  - Yellow - Frame — wood, stucco
  - Blue - Concrete, stone or hollow concrete block
  - Gray - Noncombustible unprotected steel

Figure 7.21 Standard map symbols that firefighters may choose to use.

## SAMPLE REQUEST FOR AN ISO SURVEY

*(Copy and Paste this documents to your local government's letter head and change all information in bold Print to the County and Fire Department/District Names)*

Thomas Geibel  
Community Mitigation Analyst  
Insurance Services Office, Inc.  
111 N. Canal St. Suite 950  
Chicago IL, 60608-7270

Reference: Request for ISO Public Protection Classification Survey

Dear Mr. Geibel,

The **ACME Fire** Department located in **Anywhere** County, New Mexico has been preparing for an ISO Survey, to increase our rating for our community. I am writing to request a full on-site survey of our fire department at your earliest convenience. We are hopeful that the department will meet all standards and requirements needed for an upgrade from our current rating.

Our ISO Rating is a key component in our fire department in meeting requirements set forth by the State Fire Marshal Division of the New Mexico Public Regulation Commission to receive State Fire Funds, will hopefully Increase our level of funding by virtue of improving our ISO Rating.

We look forward to working with representatives of your organization in the near future. Thank you in advance for your consideration in this matter.

Respectfully,

**John Doe**  
**Anywhere County Manager**

XC: **County Fire Marshal**  
**ACME Fire Chief**



# SELF CONTAINED BREATHING APPARATUS INSPECTION FORM

SCBA SERIAL #: \_\_\_\_\_

DATE OF INSPECTION: \_\_\_\_\_

DATE OF HYDROSTATIC TEST: \_\_\_\_\_

LOCATION OF SCBA: \_\_\_\_\_

	INSPECTION PROCEDURES	PASS	FAIL
1	Cylinder: <input type="checkbox"/> 2216 PSI <input type="checkbox"/> 3000 PSI <input type="checkbox"/> 4500 PSI <input type="checkbox"/> Other:		
2	Is there any damage to the cylinder?		
3	Is there a current hydrostatic test date tag		
4	Cylinder is at full operating level		
	<b><u>HARNESS &amp; CARRIER</u></b>		
5	Inspect all straps for damage or missing parts		
6	Inspect Cylinder carrier for damage or missing parts		
7	Inspect hoses for damage		
8	Check straps and buckles for functionality		
	<b><u>SCBA FUNCTIONAL INSPECTION</u></b>		
9	Functionally check face piece (Mask must not show signs of excess heat damage)		
10	Functionally check regulator and face piece		
11	Functionally check emergency bypass valve		
12	Functionally check all pressure gauges		
13	Activate PASS device and test for proper operation		

**COMMENTS (List any damage or concerns for this SCBA):**

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\_\_\_\_\_  
Signature of Person Conducting Inspection

\_\_\_\_\_  
Date

**KEEP THIS DOCUMENT ON FILE WITH THE FIRE DEPARTMENT'S SCBA INSPECTION FILES**

## ISO Split Classifications

When ISO develops a single Public Protection Classification (PPCTM) for a community, all of the community's properties receive that classification. In many communities, ISO develops a split classification (for example, 5/9). Generally, the first class, (Class 5 in the example) applies to properties within five road miles of a fire station and within 1,000 feet of a fire hydrant. The second class (Class 9 in the example) applies to properties within five road miles of a fire station but beyond 1,000 feet of a hydrant. ISO generally assigns Class 10 to properties beyond five road miles.

**PUBLIC PROTECTION SURVEY INFORMATION  
FOR AREAS WITHOUT WATER MAINS**

A. Additional criteria concerning water delivery by fire department apparatus include:

1. When a tanker relay system is used, the volume of the tanker capacities is reduced by 10% for spillage, under filling and incomplete unloading.

2. Travel time of apparatus is calculated from the formula:

$$T = 0.65 + 1.7D$$

T = Minutes

D = Miles.

Slower speeds will be used for underpowered apparatus, or apparatus laying hose lines.

3. The delivery rate of a tanker relay system will be affected by the rate of filling and of dumping of the tankers and the useable volume of the fire-site folding tanks or other fire-site storage.
4. Credit may be given for apparatus responding from outside the community depending upon communication facilities, handling of alarms, interdepartment training, fire grounds communications and time of arrival at fires.

B. Please provide us with a scale map showing:

1. Boundary of community or area served by Fire Department.
2. All roads that are usable by fire apparatus under all weather conditions (certified by County Engineer or other registered professional engineer).
3. All bridges that do not have a safe weight capacity sufficient for fire department apparatus.

Note: Weight information is available from the state department of transportation.

4. The location of fire stations.
5. The location and name of any fire station where automatic-aid apparatus is housed.

6. The location and identification of each water supply point (hydrants and/or suction supplies).
7. The total road mileage (state, county, city and town) within the area served by the fire department. Also, of the total mileage, the mileage that is not paved.

c. Please provide us with a description of each water supply point; and

1. The maximum rate for a hydrant supplied from a water main, or a dry hydrant, using the pumper and hose arrangement scheduled to be used at this hydrant (supported by test results).

NOTE: The maximum rate if tankers are supplied directly from a hydrant, using the hose arrangement scheduled to be used at this hydrant (supported by test results).

2. For an impounded supply, cistern, tank or other storage facility; the minimum storage available (at not over 15-foot lift) during a drought with an average 50-year frequency (certified by a registered professional engineer)\*. The maximum rate obtainable using the pumper(s) and hose arrangement scheduled to be used at this point (supported by test results).
3. For a supply from a flowing stream, the minimum rate of flow available (at not over 15-foot lift) during a drought with an average 50-year frequency (certified by a registered professional engineer)., The maximum rate obtainable using the pumper(s) and hose arrangement scheduled to be used at this point (supported by test results).

\*May also include a registered hydrologist, registered geologist, soil conservationist, or federal surface water specialist.

4. For each location, indicate the number of pumpers that can operate simultaneously.
5. For each water supply point, provide the distance to the water supply point from each fire station with responding apparatus.
6. A statement signed by the owner of any private suction water supply point, authorizing its use by the fire department.

D. Please give us a description of a recent fire or demonstration, more than 1000 feet from a hydrant, where 250 gpm or more was delivered for more than one hour, giving the following information.

1. Location of fire or test.
  2. Date.
  3. Number of tankers (if used) dumping simultaneously.
  4. Rate of flow delivered.
  5. Distance delivered.
  6. Time duration.
  7. Number of personnel participating with a description of each person's function such as fire fighter, pump operator, tanker operator, etc.
  8. The apparatus used with the following information for each:
    - a. Name.
    - b. Pump capacity
    - c. Tank capacity.
    - d. Functions.
  9. The folding tanks used, if any, with the following information for each.
    - a. Total capacity.
    - b. Usable capacity = Total capacity less volume that cannot be pumped out when drafting from the tank.
    - c. Set-up time.
    - d. Name of apparatus carrying each folding tank.
  10. A description of the overall operation.
- E. If different combinations of apparatus are used in various sections of the city, list the combinations with the data in Nos. 7 & 8 above and show the areas on the map.
- F. For each vehicle used to carry water, indicate the actual time to discharge the capacity of the tank, and the actual time necessary to fill the tank using the pumpers that normally will be used for filling. If different capacity pumpers will be used for filling, the time shall be obtained for filling with each capacity pumper.

NOTE: The actual time to be recorded shall be the time necessary for the vehicle to travel 200 feet to the site, maneuver into position, fill or dump and travel 200 feet from the site.

- G. When the water supply is delivered through a hose line, indicate the time for a pumper to travel 200 feet to a water supply point, connect suction and discharge hoses and commence pumping. If the water supply points are both hydrants and drafting sites, the time shall be obtained for both types of water supply points.
- H. When the water supply is delivered through a hose line, indicate the lengths and diameter of the hose line used for the time trial and the time from when the pumper begins to fill the hose line until a solid stream of water is delivered at the other end.
- I. Current equipment inventories for all apparatus in service and in reserve in your city. Copies of our form, APPARATUS AND EQUIPMENT, are enclosed for your convenience.
- J. When the use of a water supply point at times depends upon creating an opening in ice, the maximum known thickness of ice shall be given. A statement shall be provided explaining the equipment used, apparatus carrying the equipment and the estimated time necessary to provide a drafting site when the ice is at the maximum thickness.
- K. The rapid access of a pumper to a drafting source can be aided by the installation of a dry hydrant. This is a piping arrangement similar to a hydrant but designed for drafting. In cold climates, the proper installation of a dry hydrant will eliminate the necessity of creating an opening in the ice. See the National Fire Protection Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1231, as a guide.

The semi-annual inspection of dry hydrants should include drafting and back flushing.

\*National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts  
02269-9101

# Training Required by ISO

Here's a summary of the items ISO considers when reviewing a community's training for firefighters.

- **Facilities and aids**
  - Drill tower
  - Fire building (including smoke room)
  - Combustible-liquid pit  
(In areas where federal, state, or local officials prohibit the use of combustible-liquid pits, credit may be available for a video depicting extinguishment of flammable-liquid fires. )
  - Library and training manuals
  - Slide or overhead projectors
  - Movie projector or VCR
  - Pump cutaway
  - Hydrant cutaway
- **Use**
  - Half-day (3-hour) drills, 8 per year
  - Half-day (3-hour) multiple-company drills, 4 per year
  - Night drills (3-hour), 2 per year

**Note:** ISO may credit a single-company drill under the first and last of these items; ISO may credit multiple-company drills under all three.
- **Company training**

Company training at fire stations, 20 hours per member per month
- **Classes for officers**

2 days (6 hours each) per year for all officers
- **Driver and operator training**

4 half-day (3-hour) sessions per year
- **New-driver and operator training**

Classes for new drivers and operators, 40 hours
- **Training on radioactivity or hazardous materials**

1 half-day (3-hour) session per member per year
- **Recruit training**

240 hours per recruit
- **Prefire planning inspections**

The community should run a prefire planning inspection of each commercial, industrial, institutional, and other similar structure twice a year for maximum credit in the FSRS. Records of the inspections should include complete and up-to-date notes and sketches.
- **Records**

If the community's records are incomplete, ISO will reduce the total points credited for training by up to 20 points each for Items A through H.

## For more information . . .

. . . on any topic related to the PPC™ program or the Fire Suppression Rating Schedule, click [Talk to ISO Mitigation](#), or call the ISO mitigation specialists at 1-800-444-4554.

FIRE DEPARTMENT  
**TRAINING REPORT**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

SUBJECT: \_\_\_\_\_ ☐ DAY ☐ NIGHT

SUB-GROUP: (check one) ☐ Multi-Company Training ☐ Officer Training (Leadership)  
☐ Driver/Operator ☐ New Driver Operator ☐ HAZ-MAT ☐ Recruit Training  
☐ Pre-Fire Planning ☐ Pump Testing ☐ Hose Testing  
☐ Other (Explain): \_\_\_\_\_

INSTRUCTOR(S): \_\_\_\_\_

TOTAL STUDENTS: \_\_\_\_\_ TOTAL HOURS: \_\_\_\_\_

PRINTED NAME	SIGNATURE

INSTRUCTOR'S SIGNATURE: \_\_\_\_\_ PAGE # \_\_\_\_\_ OF \_\_\_\_\_



## TRAINING REPORT NARRATIVE

*(Provide a written narrative of training that was conducted during this session. Include subjects covered; tools used, inspections conducted, if this was a live drill/training, Classroom etc)*

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.