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## **REGULATIONS GOVERNING ISSUANCE OF CERTIFICATON REGARDING COMPLIANCE WITH DEFENSIBLE SPACE REQUIREMENTS OF THE SANTA FE COUNTY FIRE CODE**

### **I. PURPOSE AND AUTHORITY**

Pursuant to the authority vested in the Fire Marshal by Section 104.2 of the 2015 International Wildland Urban Interface Code (IWUIC), which is a part of Santa Fe County Ordinance 2018-8, the Fire Code, these regulations are adopted by the Fire Marshal to establish the process by which property owners within the Wildland Urban Interface Area can obtain a letter confirming the extent to which the property complies with the Fire Code requirements and recommendations pertaining to defensible space. The Fire Marshal anticipates that issuance of Certifications will encourage compliance with Fire Code requirements and allow property owners to obtain property insurance.

### **II. REGULATIONS RELEVANT TO A DETERMINATION OF COMPLIANCE WITH DEFENSIBLE SPACE REQUIREMENTS OF THE FIRE CODE**

1. As set forth in Section 101.6 of the IWUIC, property owners have a duty to maintain defensible space within the Wildland Urban Interface Area.
2. Section 202 of the IWUIC defines defensible space as an area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.
3. Section 404.10.2 of the IWUIC requires that property owners provide defensible space around water tank structures, water supply pumps and pump houses.
4. Section 405.2 of the IWUIC requires property owners to develop a Fire Protection Plan which includes defensible space and vegetation management.
5. Section 603 of the IWUIC sets forth provisions to modify the fuel load in areas adjacent to structures to create a defensible space.
6. Section 604 of the IWUIC sets forth the maintenance requirements for defensible space required by Section 603.

7. Section 606 prohibits LP-gas containers or tanks except within defensible space.
8. Section 607 sets forth storage of firewood and combustible materials.
9. Section A103.3 of Appendix A of the IWUIC prohibits obstruction to the entrance to defensible space with vehicles.
10. Section A103.3.1 of Appendix A of the IWUIC prohibits radio and television aerials, and guy wires within defensible space except in certain circumstances.
11. Section A107.3 of Appendix A of the IWUIC provides further guidance on water storage and pumping facilities and their required defensible space.
12. Appendix B to the IWUIC requires property owners to submit a Vegetation Management Plan as part of the plans required for a permit, and these plans are also required for issuance of a certification under these regulations.
13. Appendix C to the IWUIC was amended to modify the scores pertaining to defensible space on the Fire Hazard Severity Form.

### **III. HOW TO OBTAIN A CERTIFICATION REGARDING COMPLIANCE WITH DEFENSIBLE SPACE REQUIREMENTS OF THE FIRE CODE**

Property owners who desire to receive written confirmation of compliance with the defensible space requirements of the Fire Code shall follow the following process.

1. Submit a written request for a letter confirming compliance with the requirements of the Fire Code pertaining to defensible space, which written request must include:
  - a. The address of the property;
  - b. A copy of a documentation establishing to the satisfaction of the Fire Marshal that the requestor is the owner of the property;
  - c. A statement that the Fire Marshal or his designee is authorized to enter upon the property for the purpose of inspecting the property for compliance with the Fire Code;
  - d. An email address and telephone number for future communications pertaining to the letter request and resulting inspection.
  - e. A Vegetation Management Plan in compliance with Appendix B.
2. Written requests shall be emailed to [rpatty@santafecountynm.gov](mailto:rpatty@santafecountynm.gov). For more information, please call (505)995-6523.
3. Upon receipt of a signed letter request in compliance with Section 1, the Fire Marshal or the Fire Marshal's designee shall inspect the property to evaluate compliance with the defensible space requirements and recommendations of the Fire Code. Notice of the planned inspection shall be emailed to the property owner if an email address is provided with the letter request.
4. The Fire Marshal or the Fire Marshal's designee shall conduct the inspection and document their findings in a letter to the property owner.

5. Property owners may request an inspection and certification no more than once in a twelve-month period. Property owners who failed to obtain certification after the first inspection may request one re-inspection once in a twelve-month period.

#### **IV. ONGOING OBLIGATIONS OF PROPERTY OWNER ONCE CERTIFICATION IS OBTAINED**

1. Property owners are required to comply with their submitted Vegetation Management Plan. Failure to maintain a vegetation management plan shall constitute a basis for denying any application for a permit, or issuance of future certifications regarding compliance with defensible space requirements of the Fire Code.
2. Property owners must maintain documentation of compliance with the Vegetation Management Plan. Documentation can include photographs, videos, contracts with those who undertake fuel-reduction measures and other types of records.

#### **V. SIGNIFICANCE OF CERTIFICATION REGARDING COMPLIANCE WITH DEFENSIBLE SPACE REQUIREMENTS OF THE FIRE CODE**

The Fire Marshal's certification regarding compliance with the defensible space requirements of the Fire Code for a property reflects findings at a particular moment in time. The certification does not constitute a representation about ongoing compliance with the Fire Code. The letter does not serve as a guaranty that the property is safe from wild fires.