

**THE VILLAGE OF TAOS SKI VALLEY
ORDINANCE NO. 2021-44**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY KNOWN AS
VILLAGE WILDLAND INTERFACE ORDINANCE,
ADOPTING THE ICC'S
INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2015 EDITION, AND
ESTABLISHING AMENDMENTS THERETO**

WHEREAS, the Village of Taos Ski Valley (the Village) is surrounded by alpine forests and wildlands that can be prone to wildfires, especially in times of drought; and

WHEREAS, the Village Council wishes to support the mitigation of wildfire hazards within the Village and surrounding wildland areas through appropriate mitigation techniques and management; and

WHEREAS, the International Code Council (ICC) has created a model Code known as the *International Wildland-Urban Interface Code*, which regulates and governs the mitigation of hazard to life and property from the intrusion of wildfire from adjacent wildlands, as well as the prevention of structure fires from unmitigated wildland fuels; and

WHEREAS, the Village believes that adoption of the *International Wildland-Urban Interface Code*, is in the best interest of Village citizens in order to protect the health, safety, and welfare of the public from devastating wildfires; and

WHEREAS, this Ordinance, in adopting the *International Wildland-Urban Interface Code*, provides a system of guidelines and regulations aimed at preventing wildfires from spreading and threatening the Village, and contains supporting provisions for the issuance of permits and collection of fees; and

WHEREAS, in adopting the *International Wildland-Urban Interface Code*, the Village repeals all previous ordinances specifically regulating wildfire hazards, including Ordinance No. 2007-44 of the Village of Taos Ski Valley and all other ordinances and parts of laws in conflict therewith.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:

Section 1. Adoption.

The Village of Taos Ski Valley hereby adopts the *International Wildland-Urban Interface Code*, 2015 Edition in its entirety, as established by the International Code Council (ICC), and repeals all previous Village Ordinances and laws in conflict therewith, including Village Ordinance No. 2007-44.

The adoption of the *VILLAGE WILDLAND INTERFACE ORDINANCE* includes only the following Appendices:

- Appendix A, General Requirements.
- Appendix B, Vegetation Management Plan.

The *International Wildland-Urban Interface Code*, 2015 Edition, is hereby made a part of this Ordinance as though fully set forth herein, but with the additions, insertions, deletions and changes, specifically prescribed in *Section 3* below.

Section 2. Enforcement by Village of Taos Ski Valley Building Code Official.

This Ordinance shall be implemented and enforced by the Village’s Building Code Official.

Section 3. Revised Provisions.

For Village purposes, the following sections of the *International Wildland-Urban Interface Code*, are hereby revised and adopted as set forth herein:

IWUIC Section 101.1 Title. These regulations shall be known as the *Village Wildland Interface Ordinance* of the Village of Taos Ski Valley, hereinafter referred to as “this Code”.

IWUIC Section 102.6. Grandfathering. The pre-existing legal occupancy or use of any structure or condition existing on the date of the formal passage of this Code shall be permitted to continue without change, except as is specifically covered in this Code’s legally adopted predecessor, Village Ordinance No. 2007-44, or as is deemed necessary by the Village Building Code Official for the general safety and welfare of the occupants or general public.

IWUIC Section 103.1 Establishment of Enforcement Agency. The Building Department and the Village’s Building Code Official shall bear responsibility for enforcement of this Code.

IWUIC Section 106.1 Appeal of Building Code Official’s Final Decision. If the Building Code Official’s interpretation or implementation of this Ordinance is subject to dispute, a formal appeal of the Building Code Official’s final decision may be brought before the Village Planning and Zoning Commission within thirty (30) days of such decision. Any appeal must be presented to the Village in writing and shall be placed immediately on the Commission’s next available public meeting agenda for a full public hearing to address the appeal.

IWUIC Section 109.4.7 Violation/Penalties. Persons who violate this Code or fail to comply with any of the requirements thereof, or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate used under the provisions of this Code, shall be served Notice of Violation by the Building Code Official. Notice shall be posted at location and by mailing to address of property owner of record.

IWUIC Section 109.4.8 Abatement of Violation. The Building Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

IWUIC Section 114.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to prosecution by the Village of Taos Ski Valley.

IWUIC Section 607 Storage of Firewood and Combustible Materials:

IWUIC 607.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs.

Exceptions. 1. Aforementioned storage shall be allowed during months with typical ground snow cover determined by code official currently to be November 1 to March 31.

When required by the code official (April 1 to October 31), storage of firewood and combustible material stored in the *defensible space* shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 MM).

2. When locating stored firewood as specified herein is not possible or constitutes hardship demonstrable to the Code Official a fire-retardant covering may be utilized. Such covering shall be labeled as meeting standards of NFPA 701. Covering shall be in serviceable condition and shall cover stored firewood reaching to the ground on all sides. Brush and litter shall not accumulate adjacent to such storage.

Appendix B as amended herein:

IWUIC Section B101 Vegetation Management Plan

IWUIC B101.1 Scope. Vegetation management plans shall be submitted to the Building Code Official and Planning Director for review and approval as part of the plans required for a permit, whether for development of or mitigation of undeveloped property.

IWUIC B101.2 Plan Content. Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from buildings, neighboring structures, lot lines and adjacent forests. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
3. A plan for maintaining the proposed fuel-reduction measures.

IWUIC B101.3 Fuel Modification. To be considered a *fuel modification* for purposes of this code, continuous maintenance of the clearance is required.

Section 4. Administrative Findings of Fact.

In enacting this Ordinance, the Village adopts requirements for certain findings of fact to be implemented by the Building Code Official pursuant to recommendations established by the ICC. These findings of fact are set forth in Exhibit A, attached hereto, and shall be implemented upon adoption of this Ordinance through the Village’s administrative process.

Section 5. Mapping of Wildland Urban Interface Areas.

Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the Village of Taos Ski Valley’s “Wildland-Urban Interface Area Map”, as previously adopted by the Village. The legal description of such areas is as described as follows: Village of Taos Ski Valley.

Section 6. Copies Available to General Public.

The public may access an official copy of the fully published *International Wildland-Urban Interface Code*, 2015 Edition, at the Village Clerk’s Office, Village of Taos Ski Valley. The Village shall keep three (3) copies on file for review by members of the public upon request.

Section 7. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Adoption and Implementation.

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established herein shall be in full force and effect from the date of this Ordinance’s final passage, adoption, and publication.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF NOVEMBER, 2020.

Vote: For____, Against _____

Christof Brownell, Mayor

ATTEST:

Ann Wooldridge, Village Clerk

EXHIBIT A / ADMINISTRATIVE FINDINGS OF FACT.

Introduction.

The Village of Taos Ski Valley Building Code Official, Mayor and Village Council, makes the following findings of fact that certain climatic, topographic and geological features exist in the Village of Taos Ski Valley, and that those features can, under certain circumstances, affect emergency services. Those features are enumerated in the Village of Taos Ski Valley Community “Wildfire Protection Plan” adopted June 14, 2016. Further, Village Wildland Interface Ordinance makes certain code amendments to the New Mexico Administrative Code, International Residential Code, International Building Code and International Fire Code that are aimed at reducing, to the extent possible, the impact of those features in order to mitigate the dangers of wildfire.

Finding 1:

That the Village of Taos Ski Valley is situated within the slopes of and at the base of Wheeler Peak and Columbine Hondo Wilderness Areas, and the Upper Rio Hondo Watershed.

State Road 150 is the single evacuation route for residents and visitors to Taos Ski Valley in the event of a catastrophic wildfire, and this highway is the single access route for assistance from neighboring fire-fighting agencies. This highway passes through a narrow canyon of difficult geographic features, one side a river and the other steep, rocky and forested slopes. Landslide, vehicle accident or fire-fighting activities could make evacuation from or access to the Village difficult or impossible. Any of these events coupled with a wildfire threatening Village homes or businesses would likely cause the firefighting capabilities of the Village to be overwhelmed.

Finding 2:

Seasonal climatic conditions in surrounding forest and Village private properties during late summer and fall create higher risk of fires in those forests and Village properties and homes. Forested areas within the Village could spread canopy fire to surrounding forest canopy, creating a potential for degradation of the Watershed and Wilderness Areas. Village canopy cover could be ignited by structure or property fire. Although some code requirements, such as fire-resistive roof classifications and siding materials have a direct bearing on building survival in wildland fire situations, others, such as residential automatic sprinklers, may also have a positive effect.

In dry climate on low humidity days, many materials are much more easily ignited. Fires are more likely to occur and any fire once started can expand rapidly. Residential automatic sprinklers can arrest a fire within or on a structure before the fire is able to spread to adjacent vegetation and structures.

Seasonal winds also have the potential for interfering with emergency vehicle access, delaying or making impossible emergency access. Spruce and Fir trees, which are common in the Village’s surrounding Conifer forests, as well as in the Village, are subject to uprooting in strong winds, due to the relatively small root bases compared to the tree itself.

Finding 3:

The Village is located in a mountainous region and derives its water supply from Phoenix Spring pumped to water storage and fed to the Village by gravity. These tanks are designed to supply water to satisfy Village needs. Seasonal fluctuations of the spring determine the rate of refill of the tanks. A catastrophic wildfire could consume water in the tanks beyond reserve and leave the Village without water pressure for firefighting.

Fires starting in sprinkled buildings are typically controlled by one or two sprinkler heads, flowing as little as 13 gallons per minute each.

Hose streams used by engine companies on well-established structure fires typically use about 250 gallons per minute each, and the estimated water usage for a typical residential fire is 1,250 to 1,500 gallons per minute, according to the Insurance Services Office.

Under circumstances such as a wildfire advancing into the community when multiple fires are starting within the community, the limited water demands of residential sprinklers could protect structures from loss preserving much of the water demands for conflagration firefighting.

Finding 4:

The Village of Taos Ski Valley's topography presents problems in the delivery of emergency services, including fire protection. Mountainous terrain with narrow winding roads lacking circulation, that prevents rapid access especially in times requiring evacuation. There is also non-fire-resistive vegetation on this difficult terrain. In addition to these access and evacuation problems delivery of water for firefighting is extremely difficult. The most remote of these areas are served by residential wells lacking capacity for firefighting.

Finding 5:

The Upper Rio Hondo watershed contributes to Village water supply and surface water irrigation for downstream neighborhoods of Valdez and other communities. It is a contributor to the Rio Grande Watershed. Structure or private property fires could spread to this valuable resource, especially from the Kachina Village neighborhood, which borders this identified watershed but also potentially other areas of the Village. Forest fire in this watershed could affect the quality of water at the Phoenix Infiltration Gallery, the sole source of Village water supply. Ash and debris could also affect quality of water in the Rio Hondo for downstream irrigation.

Summary

The aforementioned problems support the imposition of fire protection requirements greater than those set forth in the New Mexico Administrative Code, International Residential Code, International Building Code and International Fire Code.

Further, these findings support the Village's adoption and immediate implementation of the ICC *International Wildland-Urban Interface Code*, 2015 Edition. Further these findings support the inclusion of under-developed or undeveloped properties within the Village of Taos Ski Valley boundaries. High danger of fire spread from property to property or from forest to untreated properties is a recognized danger. A Vegetation Management

Plan required of all property owners during development and construction shall be required for all yet to be developed and currently developed properties within Village boundaries exhibiting unacceptable fire risk.