

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 25 STATE FIRE MARSHAL
PART 1 GENERAL PROVISIONS

10.25.1.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[10.25.1.1 NMAC - N, 11/15/2007]

10.25.1.2 SCOPE: This rule applies to any person whose activities are regulated by the provisions of Sections 59A-52-1 through 59A-52-25 NMSA 1978 or the Fireworks Licensing and Safety Act, Section 60-2C-1 through 60-2C-11 NMSA 1978.
[10.25.1.2 NMAC - N, 11/15/2007]

10.25.1.3 STATUTORY AUTHORITY: Sections 8-8-6, 8-8-15, 59A-52-2, 59A-52-15, 59A-52-16, and 60-2C-3 NMSA 1978.
[10.25.1.3 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.4 DURATION: Permanent.
[10.25.1.4 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.5 EFFECTIVE DATE: November 15, 2007, unless a later date is cited at the end of a section.
[10.25.1.5 NMAC - N, 11/15/2007]

10.25.1.6 OBJECTIVE: The purpose of this rule is to set forth general provisions governing fire prevention, control of fires, and safe egress from and use of public occupancies.
[10.25.1.6 NMAC - N, 11/15/2007]

10.25.1.7 DEFINITIONS: In addition to the definitions in Chapter 59A, Article 52 NMSA 1978; Sections 60-2C-2 and 60-2C-2.1 NMSA 1978; 10.25.1 NMAC; 10.25.5 NMAC; and the code adopted in 10.25.5 NMAC; as used in these rules:

A. AHJ means an authority having jurisdiction; this may refer to the fire marshal or to other authorities with concurrent jurisdiction such as a municipality or county that has enacted an ordinance concerning fire protection;

B. certificate of fitness means the fire marshal's approval of a fire protection installation, maintenance and inspection company obtained pursuant to 10.25.2 NMAC;

C. CID means the construction industries division of the regulation and licensing department;

D. commission means the New Mexico public regulation commission;

E. fire marshal means the state fire marshal as established under the State Fire Marshal Act, Section 59A-52-1 et seq. NMSA 1978, or his designee; and

F. these rules means the rules adopted by the commission in Title 10, Chapter 25 NMAC.
[10.25.1.7 NMAC - N, 11/15/2007]

10.25.1.8 REQUIREMENTS FOR FILED DOCUMENTS: In addition to the requirements stated here, particular rules may include other filing requirements. All documents required by these rules to be filed with the fire marshal, including applications referenced in 10.25.6 NMAC, shall be filed as follows.

A. Address for filing documents.

(1) Documents filed by mail shall be addressed to the New Mexico fire marshal division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) Documents filed in person or by delivery service shall be delivered to the New Mexico fire marshal division located on the fourth floor of 1120 Paseo de Peralta, in Santa Fe, New Mexico.

B. Required format. All reports, articles, applications and other documents filed with the fire marshal shall be typewritten, clearly legible, on good quality white paper 8 1/2 x 11 inches in size, have a 1 inch margin on each side and at least a one-inch margin at the top and bottom of each page, and be signed or executed in black or blue-black ink.

C. Facsimile filing prohibited. The fire marshal will not accept documents for filing or applications submitted by facsimile.

D. Date of filing. The fire marshal shall consider any document filed pursuant to this rule as filed on the date it was received and stamped by the fire marshal's division, unless the document is returned pursuant to 12.3.1.11 NMAC, except that if the fire marshal receives a document after regular business hours, the fire marshal shall stamp and consider it received on the next regular business day.
[10.25.1.8 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.9 APPLICATIONS, FORMS AND GUIDELINES:

A. Mandatory applications. For ease and consistency of data entry, the fire marshal has prepared mandatory permit and license applications for compliance with 10.25.2 and 10.25.6 NMAC.

B. Optional permit application and guidelines. The fire marshal provides an optional permit application for display fireworks, described in Subsection E of 10.25.6.8 NMAC, and other guidelines to aid in fire prevention and safety, and to assist in carrying out certain requirements of these rules.

C. How to obtain. Interested persons may obtain copies of mandatory and optional applications, forms, and guidelines:

- (1) by calling the fire marshal division at 505-476-0080 or 1-800-244-6702;
- (2) at the fire marshal division located on the fourth floor of 1120 Paseo de Peralta in Santa Fe;
- (3) by writing to the fire marshal division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269; or
- (4) from the fire marshal website: <http://www.nmprc.state.nm.us/>.

[10.25.1.9 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.10 INCOMPLETE FILINGS:

A. A filing will be considered incomplete if:

- (1) it is unsigned;
 - (2) it omits any information required by law or fire marshal rule or order;
 - (3) it is not accompanied by the appropriate filing fee, paid as required by 12.3.1.14 NMAC;
- or
- (4) the fire marshal determines the filing is otherwise insufficient.

B. Return of incomplete filings. Any application returned by the fire marshal shall be deemed denied. The fire marshal shall return an incomplete filing with a statement indicating the nature of the insufficiency to:

- (1) the address on any cover letter included with the form or document;
- (2) if no cover letter was included, then to the return address on the envelope in which the document or form was received;
- (3) if no cover letter or envelope with return address were included, then to the address on any check delivered with the form or document for filing; or
- (4) if none of the above were included, then to any other address in the applicant's file.

[10.25.1.10 NMAC - N, 11/15/2007]

10.25.1.11 INSPECTION OF DOCUMENTS: Any person who wishes to inspect public records or other documents relating to fires shall make a request to the fire marshal. The request shall meet the requirements of the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978, and shall follow the procedure required by that law.

[10.25.1.11 NMAC - N, 11/15/2007; A, 9/1/2008]

10.25.1.12 REQUESTS FOR COPIES:

A. Filing of request. A person shall make a request in writing for copies of a document or report and shall list all documents or information requested. A request may be mailed or delivered as provided in 12.3.1.9 NMAC, or sent by facsimile to (505) 827-3778. If a person cancels a request within 24 hours, the fire marshal shall not assess any fees.

B. Estimate of fees. When the fire marshal receives a request for copies, the fire marshal's office shall issue an informal estimate of fees. The fire marshal shall charge the fees enumerated in Subsection C of 1.2.2.8 NMAC, Public Regulation Commission Rules of Procedure.

C. Completion of request.

(1) If the person approves the estimate, the fire marshal shall prepare the copies within the time periods provided in the Inspection of Public Records Act, Section 14-2-1 *et seq.* NMSA 1978.

(2) When the requested documents are ready, the fire marshal shall provide a written statement of fees due and shall release the copies electronically upon payment of all fees due.
[10.25.1.12 NMAC - N, 11/15/2007; A, 9/1/2008; A/E, 6/28/2019; A, 11/26/2019]

10.25.1.13 PAYMENT OF FEES: A person shall pay fees charged by the commission or the fire marshal by cashier's or company check or money order from funds on deposit with a United States financial institution, made payable to the New Mexico public regulation commission. The fire marshal will not accept personal checks or cash.
[10.25.1.13 NMAC - N, 11/15/2007]

10.25.1.14 RULES OF PROCEDURE: In all matters before the commission involving the fire marshal, the commission shall follow the commission's rules of procedure. A specific provision in these rules shall control over a conflicting general provision in the commission's rules of procedure.
[10.25.1.14 NMAC - N, 11/15/2007]

10.25.1.15 APPEALS: A person aggrieved by any order of the fire marshal may appeal the decision:

A. to the commission in accordance with Section 59A-52-21 NMSA 1978, by filing an appeal with the New Mexico Public Regulation Commission Docketing Office by mail to P.O. Box 1269, Santa Fe, New Mexico 87504-1269 or by delivery to the P.E.R.A. Building, Room 413, 1120 Paseo de Peralta, Santa Fe, New Mexico 87501; or

B. to district court in accordance with Section 59A-52-22 NMSA 1978.
[10.25.1.15 NMAC - N, 11/15/2007; A/E, 6/28/2019; A, 11/26/2019]

HISTORY OF 10.25.1 NMAC: [RESERVED]