

**City of Rio Communities, New Mexico
Ordinance No: 2021 - 78**

**CHAPTER 11
ARTICLE 5**

**HEALTH AND SAFETY
FIRE AND EMERGENCY SERVICE**

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RIO GRANDE ESTATES VOLUNTEER FIRE DEPARTMENT

11-5-1 Organization of Volunteer Fire Department

Fire protection and emergency medical services in the City shall be provided by the Rio Grande Estates Volunteer Fire Department (the "Fire Department"), which shall be an administrative department of the City. The Fire Department shall consist of a Chief, a commander and other officers who may be appointed by the chief subject to approval of the Mayor and the Governing Body, and such firefighters and emergency medical services ("EMS") personnel, including both career employees and volunteer firefighters, as are reasonably necessary to provide fire protection and emergency services to the community.

11-5-2 Policy and Purpose

- (a) The purpose of this Article is to enhance the health, safety, general welfare, and quality of life of the citizens of the City by providing for effective fire prevention, fire suppression, emergency medical services, and such related and other services as may from time to time be assigned to the Fire Department by the City administration and the Governing Body.

- (b) The provisions of this Article are adopted pursuant to the Governing Body's statutory authority to provide for the health, safety, and welfare of the general public, and are necessary:
- (1) To provide for the vigorous administration of effective fire prevention, fire suppression, emergency medical services and other emergency services administered by the City;
 - (2) To provide for efficient organization of the Fire Department through the combined efforts of volunteers and paid career employees to deliver quality emergency services to the citizens of the City;
 - (3) To provide for administration of the Fire Department through the Chief of the Fire Department ("Chief"), who shall be responsible for monitoring, overseeing, directing, and coordinating all activities of the Fire Department;
 - (4) To provide for staffing, funding, and equipment of the Fire Department within available resources consistent with applicable standards of local, State, and national authorities; and
 - (5) To provide a framework for cooperation and mutual support between the Fire Department and other organizations, both governmental and non-governmental, in support of the Fire Department's mission to provide effective fire prevention, fire suppression, and emergency medical services in the City.

11-5-3 Fire department Rules and Regulations

The Fire Department shall be operated and managed in accordance with departmental rules and regulations. The Chief shall be responsible for the preparation of all proposed departmental rules and regulations and any proposed modifications thereto. Proposed rules and regulations, and any proposed modifications to existing rules and regulations, shall be submitted by the Chief for review by the City Manager and the Mayor. The Mayor in his or her discretion may submit the proposed rules and regulations, or modifications thereto, to the Governing Body for consideration. Such rules and regulations, or modifications thereto, shall become effective upon their approval by resolution of the Governing Body.

11-5-4 Fire chief; Duties and Authority

- (a) The Chief of the Fire Department shall be appointed by the Mayor, subject to the approval of a majority of all members of the Governing Body. The Chief shall be a salaried employee of the City, reporting directly to the City Manager. Subject to applicable provisions of the City's personnel ordinances, the Chief may be discharged for cause by the Mayor upon the approval of a majority of all members of the Governing Body.

- (b) The Chief shall have the following duties, and any other duties that may from time to time be assigned by the Mayor or the City Manager.
- (1) The Chief shall enforce or cause to be enforced all ordinances, laws and regulations of the City and the State of New Mexico, as they pertain to fire prevention, fire suppression, rescue and safety.
 - (2) The Chief shall direct the operations of the Fire Department in accordance with the approved Fire Department rules and regulations, and develop and implement such standards, policies, procedures, and protocols, not inconsistent with the rules and regulations and applicable ordinances of the City, as in the Chief's opinion are necessary and appropriate for the efficient operation of the Fire Department.
 - (3) The Chief shall be responsible for the maintenance and protection of the licenses and authorities held by the City, as required by State and federal regulations, for the delivery of fire protection and emergency services, and ensure compliance with all reporting standards and other requirements to maintain and protect those licenses and authorities.
 - (4) The Chief shall provide for the staffing of the Fire Department, recruitment and training of personnel as authorized by the Governing Body, budgeting for Fire Department operations and capital expenses, and all other administrative matters necessary for the efficient operation of the Fire Department. Training shall include instruction and practice in the operation and handling of equipment, firefighting and rescue skills and knowledge, and all other matters appropriate or required to provide for fire protection and suppression, safety of life and property, the rendering of emergency services, and the career enhancement of City firefighters and emergency personnel, including both paid employees and volunteers.
 - (5) The Chief shall be responsible for implementation and enforcement of fire and safety codes adopted by the City, and of any City ordinance designating the Fire Department or the Chief as the enforcement agency or official. The Chief shall serve in the capacity of Fire Marshal or of any similarly designated office of the City under the terms of any fire or safety code or ordinance adopted by the City.
 - (6) The Chief in cooperation with the Chief of Police or contracted law enforcement officer(s) shall arrange and provide for communications systems and networks necessary to adequately alert, dispatch and communicate with facilities, equipment, and personnel for the purpose of responding to fires, accidents, medical emergencies, explosions, and natural disasters in and near the City.
 - (7) The Chief shall provide for the maintenance and retention of records relating to fires, rescues, inspections, apparatus, equipment, personnel, and any other matters affecting the operations of the Fire Department. Records shall be open for public inspection and copying at reasonable times, in accordance with the New Mexico Inspection of Public Records Act, except for medical records and any other records that are by law privileged and subject to

release only upon the request of the patient, in response to a subpoena from a court of competent jurisdiction, or upon other appropriate legal authority.

- (8) The Chief as directed by the City Manager shall submit an annual operating budget for each fiscal year and shall be responsible for the operation of the Fire Department each year in accordance with the final budget approved by the Governing Body, to the maximum extent possible taking into account the need to protect the lives, safety, property, and general welfare of the City's residents upon the occurrence of emergencies and unforeseen events. The Chief, subject to review and approval of the City Manager, shall be responsible for ensuring the appropriate use of funds received by the Fire Department from the New Mexico Fire Protection Fund and other programs, and with the approval of the City Manager and the Governing Body shall submit applications and other required documentation to apply for funding to support the acquisition of apparatus and equipment and to otherwise enhance the capabilities of the Fire Department. The Chief shall be responsible for maintaining complete records as required under the terms of any grant applied for or received by the Fire Department on behalf of the City.
 - (9) At the time and in the format as directed by the City Manager, the Chief shall make a monthly report to the Governing Body. The Chief shall prepare and file with the State Fire Marshal's office the monthly fire report and any other reports as the State Fire Marshal, the State EMS bureau, or any other State agency shall from time to time require. In addition, the Chief shall at the direction of the City Manager prepare and submit an annual report on the Fire Department's activities for review by the Governing Body. Copies of all such reports will be filed in the office of the City Clerk and shall be available for public inspection and copying.
- (c) In furtherance of the Chief's duties as herein provided, the Chief shall have the following powers and authority to perform the following actions.
- (1) During the progress of any fire, accident, medical emergency, civil emergency or disaster, the Chief or, in the absence of the Chief, a qualified member of the Fire Department acting by the authority of the Chief, shall have absolute authority in all matters connected with the management or direction thereof, the control of the fire or emergency scene, and the disposition of property endangered by the fire or emergency; provided, however, that the Chief may delegate such authority to another qualified individual in accordance with an applicable incident command system or the provisions of any applicable mutual aid agreement to which the City is a party. All orders issued by the Chief on such occasions shall be respected and promptly obeyed, and any person failing or refusing to obey any such order shall be guilty of a misdemeanor.
 - (2) The Chief or a qualified individual designated by the Chief shall have authority to enter and inspect any building or premises in the City at all reasonable times, and to serve written notice upon the owner or occupant thereof to abate, within a specified time, any and all fire and safety hazards that may

be found. If such building or premises is occupied the Chief or designated individual shall present his or her credentials to the occupant. Except during an emergency, if such building or premises is unoccupied a reasonable effort shall be made to locate the owner or other person having charge of the building or premises prior to entry or inspection.

- (3) The Chief in cooperation with the State Fire Marshal and other proper authorities shall have the duty and power to investigate, or cause to be investigated, the cause, origin, and circumstances of all fires in the City, with the purposes of suppressing and preventing the crime of arson and to enhance the safety of the public by the better understanding of the causes, origin and circumstances of fires which have occurred.
- (4) The Chief with the approval of the Mayor and the Governing Body may appoint a commander, an EMS director or manager, captains, lieutenants, engineers, and other officers as appropriate and necessary for the operations of the Fire Department. The Chief shall establish a chain of command determining responsibility for fulfilling all duties of the Chief during any period when the Chief is absent.
- (5) The Chief, subject to applicable provisions of the City's personnel ordinances and regulations, shall have authority to demote, suspend or dismiss any employee or member of the Fire Department for failure or refusal to perform departmental duties or to function under the rules and regulations of the Fire Department, or for other good cause. Any paid Fire Department employee or member so disciplined shall have the right to file a grievance or seek appeal of the disciplinary action in accordance with applicable provisions of the City's Code of Ordinances.

11-5-5 Emergency Medical Services

- (a) The Chief with the approval of the Mayor and the Governing Body may appoint a qualified emergency medical technician with at least three (3) years of experience to serve as EMS Director. The EMS Director under the supervision of the Chief shall oversee the day-to-day EMS operations of the Fire Department and maintenance of medical protocols as directed by the Medical Director and as required by appropriate State or federal authority.
- (b) The EMS Director at the direction of the Chief may direct or provide for the training of EMS personnel, the maintenance of EMS equipment and supplies, the maintenance of medical records held by the Fire Department, provide liaison with the Medical Director, seek appropriate sources of outside funding such as grants to support EMS services, and any other duties assigned by the Chief and not inconsistent with any applicable job description.
- (c) In consultation with the EMS Director and with the approval of the City Manager, the Mayor and the Governing Body, the Chief shall appoint a qualified Medical Director to provide medical control for the EMS personnel, including but not necessarily limited to review and approval of pre-hospital care medical protocols,

the training program for EMS personnel, license records, patient recordkeeping and dispatch training and protocols.

11-5-6 Paid Fire Department Personnel

- (a) The Chief shall provide for the recruitment, hiring, training, performance evaluation and promotion of paid employees of the Fire Department. The appointment of paid employees shall be subject to approval of the Mayor and the Governing Body. Paid Fire Department employees shall be subject to all applicable provisions of, and shall have all rights of City employees under, the personnel ordinances and regulations of the City.
- (b) All Fire Department personnel shall meet and maintain at least the minimum certifications and qualifications for their positions under applicable local, State, and federal ordinances, statutes, rules, and regulations. Failure to maintain necessary certifications or qualifications will be cause for disciplinary action, including dismissal.
- (c) All Fire Department personnel shall be subject to supervision by the Chief and, as appropriate, the commander, the EMS Director, captains, lieutenants, engineers, and other officers as determined by the established chain of command and shall be fully accountable to the Chief.

11-5-7 Volunteer Firefighters

- (a) Volunteer firefighters shall be appointed by the Chief, subject to review and concurrence of the City Manager and the Mayor. Each prospective volunteer firefighter shall have completed an application for membership as provided in applicable Fire Department rules and regulations. Prior to commencing service as a volunteer firefighter, every person selected for such position shall have read and signed an acknowledgment committing himself or herself to adhere to the rules, regulations, and operating procedures of the Fire Department.
- (b) The Chief shall administer a volunteer retention program to provide for the recruitment, application, training, performance evaluation and promotion of volunteer firefighters on an equal basis, to the extent reasonably feasible, with paid Fire Department personnel.
- (c) Volunteer firefighters shall meet and maintain at least the minimum certifications and qualifications for their positions under applicable local, State, and federal ordinances, statutes, rules, and regulations. Failure to maintain necessary certifications or qualifications will be cause for suspension of membership in the Fire Department.
- (d) All volunteer firefighters shall be subject to supervision by the Chief and, as appropriate, the commander, the EMS Director, captains, lieutenants, engineers, and other officers as determined by the established chain of command and shall be fully accountable to the Chief.

11-5-8 Right of Entry on Private Property

It shall be lawful for any firefighter or emergency medical technician of the Fire Department acting under the direction of the Chief or another officer in command to enter upon premises adjacent to or in the vicinity of any building or other property that is on fire or where an emergency situation has occurred for the purpose of extinguishing the fire or providing rescue or emergency medical services, and no person shall hinder, resist or obstruct any firefighter or emergency medical technician in the discharge of his or her duty as provided in this section. Any person violating this section shall be guilty of a misdemeanor.

11-5-9 Equipment

- (a) The Fire Department shall be equipped with such apparatus and other equipment as may be required to maintain its efficiency and provide adequate fire, rescue, and emergency medical services. All equipment of the Fire Department shall be housed in such places and facilities as are designated by the Governing Body, upon the recommendation of the Chief, the City Manager, and the Mayor. No person shall use an apparatus or equipment of the Fire Department for any private purpose, nor shall any person wrongfully take away or conceal any article owned by the City or used in any way by the Fire Department. No person shall enter any place where Fire Department apparatus is housed or handle any apparatus or equipment belonging to the Fire Department unless accompanied by, or having the specific permission of, an officer or authorized representative of the Fire Department.
- (b) All apparatus and equipment under the control of the Fire Department, except personal belongings of an employee or volunteer firefighter, shall be the property of the City and shall be inventoried and managed as assets of the City.

11-5-10 Agreements with other Entities; Assistance in Emergencies

- (a) Upon the recommendation of the Chief, the City Manager and the Mayor, the City may adopt or enter into joint resolutions, memoranda of understanding, joint powers agreements, mutual aid agreements, or similar arrangements with other governmental units pertaining to fire prevention, fire suppression, emergency medical services and other emergency services as well as dispatching of the same. Any such agreement or arrangement shall be effective only upon approval by the Government Body. All such agreements or arrangements entered into prior to the adoption of this provision and in effect on the date of adoption of this provision are hereby ratified and shall remain in force in accordance with the terms thereof.
- (b) In consideration of services provided to the City or the Fire Department by private, non-profit auxiliary organizations, the Chief upon the recommendation of the City Manager and the approval of the Mayor may authorize the use of fire station facilities by such organizations for meetings and social events; provided, however,

that any such use of Fire Department facilities shall not in any way interfere with the Fire Department's ability to provide emergency and other services and the fair rental value of the facilities for the time period of such use shall not in any event exceed the fair market value of goods and services provided to the City by the organization authorized to use the facilities. This provision shall not be construed to grant any right for any private organization to use any facilities of the City, such use being entirely at the discretion of the City and limited to uses permitted under the constitution and laws of the State.

- (c) The boundaries of the City of Rio Communities fire district shall be coincident with the Rio Communities ESN Boundary as described within "Exhibit A" attached herein. Notwithstanding the location of such boundaries, the Chief or any officer of the Fire Department duly authorized to act in place of the Chief during his or her absence is authorized to render firefighting, rescue, or emergency medical services outside the corporate limits of the City in accordance with any agreement or arrangement entered into pursuant to Subsection (a) of this section, to the extent consistent with reasonable protection of the City and its residents. Further, in the event of an emergency and upon the specific approval of the Mayor or the City Manager, the Chief or any officer of the Fire Department duly authorized to act in place of the Chief during his or her absence is authorized to render emergency firefighting, rescue or emergency medical services outside the corporate limits of the City, notwithstanding that no specific agreement is in effect to provide for such services in the location where they are needed, to the extent such services can be provided consistent with reasonable protection of the City and its residents.

11-5-11 Fire Alarms and Notification

Suitable alarm systems, communications facilities, or other arrangements or equipment shall be provided for use in turning in a report of a fire or other emergency situation requiring a response by the Fire Department. It is unlawful for any person to intentionally or willfully turn in, or cause to be turned in, a false fire report or alarm. Any person violating this section shall be guilty of a misdemeanor.

11-5-12 Penalty for Violations of Chapter

Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or a petty misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punishable by a fine of not exceeding three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF MAY 2021 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Mark Gwinn,
Mayor

Margaret (Peggy) Gutjahr,
Councilor Mayor Pro tem

Bill Brown,
Councilor

Joshua Ramsell,
Councilor

Jimmie Winters,
Councilor

ATTEST:

Elizabeth F. Adair,
Municipal Clerk