

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO. 2009-5

1 **AN ORDINANCE REPEALING BERNALILLO COUNTY BUILDING**
2 **ORDINANCE, ORDINANCE 2001-3 AND ADOPTING A NEW BERNALILLO**
3 **COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,**
4 **CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTIONS, APPEALS**
5 **AND PENALTIES.**

6
7 **BERNALILLO COUNTY ORDINANCE 2001-3 IS HEREBY REPEALED AND**
8 **REPLACED WITH THE FOLLOWING:**

9
10 **Bernalillo County Building Ordinance**

11
12 Chapter 10

13
14 **BUILDINGS AND BUILDING REGULATIONS***

15
16 **Article I. In General**

17
18 Sec.s 10-1—10-30. Reserved

19
20 **Article II Construction Codes**

- 21
22 Sec.10-31. Intent of article
23 Sec.10-32. Penalty for violation of article.
24 Sec.10-33. Adoption of the uniform administrative code of the county.
25 Sec.10-35. Availability of the county uniform construction code.
26 Sec.10-36. Amendments to the county uniform construction code.

27
28 **ARTICLE I. IN GENERAL**

29
30 **Sects. 10-1—10-30 Reserved**

31
32 **ARTICLE II. CONSTRUCTION CODES**

33
34 **Sec. 10-31. Intent of article.**

35
36 It is the intent of this article to prescribe minimum standards regulating building,
37 mechanical, plumbing and electrical work, and maintenance of buildings and structures
38 within the unincorporated boundaries of the county.

39
40 **Sec. 10-32. Penalty for violation of article.**

41

CONTINUATION PAGE 2, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 Any person violating any of the provisions of this article or failing or neglecting to
2 comply with orders issued pursuant to any section of this article shall, upon conviction,
3 be punished as provided in section 1-6.
4

5 **Sec. 10-33. Adoption of the uniform administrative code of the county.**
6

7 The uniform administrative ordinance found in section 10 is hereby adopted and shall
8 serve as the administrative, organizational and enforcement rules and regulations for the
9 adopted technical codes within the county.
10

11 **Sec. 10-34. Adoption of the national and state codes for the county.**
12

13 For the purpose of prescribing minimum standards regulating construction and
14 maintenance of buildings and structures, including all building service equipment and
15 installations within the unincorporated boundaries of the county, the following codes are
16 hereby adopted as amended by Exhibit A attached hereto.
17

- 18 1) The **2006 New Mexico Commercial Building Code**, as adopted by the Construction
19 Industries Division of the State of New Mexico with an effective date of January 1,
20 2008;
- 21 2) The **2006 New Mexico Residential Building Code**, as adopted by the Construction
22 Industries Division of the State of New Mexico with an effective date of January 1,
23 2008;
- 24 3) **The 2006 International Building Code**, as adopted by the Construction Industries
25 Division of the State of New Mexico including Appendix Chapters B, C, E, H, I, and
26 J with an effective date of January 1, 2008;
- 27 4) The **2006 International Residential Code**, as adopted by the Construction
28 Industries Division of the State of New Mexico, including Appendix Chapters G, H,
29 and K with an effective date of January 1, 2008;
- 30 5) The **2006 New Mexico Earthen Building Materials Code**, as adopted by the
31 Construction Industries Division of the State of New Mexico with an effective date of
32 January 1, 2008;
- 33 6) The **2006 New Mexico Existing Building Code**, as adopted by the Construction
34 Industries Division of the State of New Mexico with an effective date of January 1,
35 2008;
- 36 7) The **2006 New Mexico Non-Load Bearing Straw Construction Building**
37 **Standard**, as adopted by the Construction Industries Division of the State of New
38 Mexico with an effective date of January 1, 2008;
- 39 8) The **2006 ICC Property Maintenance Code**, as published by the International Code
40 Council (ICC);
- 41 9) The **2006 ICC Performance Code for Buildings and Facilities**, including Appendix
42 Chapters: A, B, C, D, and E, as published by the International Code Council (ICC);
- 43 10) The **2006 New Mexico Uniform Mechanical Code** as adopted by the Construction
44 Industries Division of The State of New Mexico with an effective date of January 1,
45 2008;
- 46 11) **2006 New Mexico Uniform Plumbing Code** , as adopted by the Construction
47 Industries Division of the State of New Mexico with an effective date of January 1,
48 2008;

CONTINUATION PAGE 3, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

- 1 12) The **2008 New Mexico Electrical Code** , as adopted by the Construction Industries
- 2 Division of the State of New Mexico with an effective date of January 1, 2008
- 3 13) The **2007 New Mexico Electrical Safety Code**, as adopted by the Construction
- 4 Industries Division of the State of New Mexico with an effective date o January 1,
- 5 2008;
- 6 14) The **2006 New Mexico Uniform Swimming Pool, Spa and Hot Tub Code**, as
- 7 adopted by the Construction Industries Division of the State of New Mexico with an
- 8 effective date of January 1, 2008
- 9 15) The **2006 New Mexico Solar Energy Code** as adopted by the Construction
- 10 Industries Division of the State of New Mexico with and effective date of January 1,
- 11 2008; and
- 12 16) Errata sheets to the adopted portions of the uniform codes, as promulgated by the
- 13 International Conference of Building Officials or the International Association of
- 14 Plumbing and Mechanical Officials.
- 15 17) The Bernalillo County amendments to the New Mexico Codes referred to in this
- 16 ordinance are set forth as Exhibit A and incorporated herein by reference, and as
- 17 such, are hereby adopted and together with the Codes in Section A-1 of this section
- 18 shall be known as the Uniform Construction Codes of Bernalillo County. From the
- 19 date on which this ordinance takes effect they shall be controlling within the
- 20 unincorporated boundaries of Bernalillo County, New Mexico.

21
22 **Sec. 10-35. Availability of the county uniform construction code.**

23
24 A copy of the county uniform construction code, as adopted by ordinance, is available
25 for inspection by the public during regular business hours. A copy of this code is
26 available, upon request, in the office of the county clerk for a fee set by the building
27 official.

28
29 **Sec. 10-36. Amendments to the county uniform construction code.**

30
31 **(a) Generally.** The county uniform construction code adopted in this article may be
32 amended or repealed in the same manner as ordinances are amended or repealed.

33 **(b) Uniform Administrative Code.** The administrative sections 109 through 109.6
34 of the New Mexico Building Code have been deleted and replaced with chapters 1, 2, and
35 3 on the following pages. Sections from various other parts of the technical codes have
36 been amended, added or deleted as noted on the pages following the administrative
37 chapter no. 3.

38 **(c) Amendments to state technical codes.** County amendments to the New Mexico
39 Building Code, as adopted by the Construction Industries Division of the State of New
40 Mexico with an effective date of January 1, 2008; the New Mexico Mechanical Code;
41 New Mexico Plumbing Code; New Mexico Swimming Pool, Spa and Hot Tub Code; and
42 the New Mexico Solar Energy Code, as adopted by the Construction Industries Division
43 of the State of New Mexico with an effective date of January 1, 2008, New Mexico
44 Electrical Code, as adopted by the Construction Industries Division of the State of New
45 Mexico with an effective date of January 1, 2008; and the Uniform Sign Code are noted
46 on the pages following the administrative chapter no. 3.

47 **(d) The Building Program – Jurisdiction.** The Building Program of the Zoning,
48 Building and Planning Department shall have jurisdiction to administer the Uniform

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1 Construction Codes of Bernalillo County for construction, alteration, moving, demolition,
2 repair, use and occupancy of buildings, structures and building service equipment.

3 **(e) Fire Marshal - Jurisdiction.** 1. The Bernalillo County Fire Marshal shall have
4 jurisdiction under the Fire Code of Bernalillo County to test and inspect fire suppression
5 systems, including fire hydrants, fire extinguishers and sprinkler systems installed in
6 construction, alteration, moving, repair, demolition, use and occupancy of buildings
7 structures and building service equipment. The Bernalillo County Fire Marshal shall
8 have jurisdiction under the International Fire Code (I.C.C.) or the Bernalillo County Fire
9 Code as applicable to construction, alteration, moving, demolition, repair, use and
10 occupancy of buildings, structures, and building service equipment. 2. Existing
11 buildings – The Bernalillo County Fire Marshal shall have jurisdiction to administer the
12 Bernalillo County Fire Code as applicable to all existing structures.

13
14 **EXHIBIT A**

15
16 COUNTY OF BERNALILLO AMENDMENTS TO THE 2006 NEW MEXICO
17 BUILDING CODE, AS ADOPTED BY THE CONSTRUCTION INDUSTRIES
18 DIVISION OF THE STATE OF NEW MEXICO WITH AN EFFECTIVE DATE OF
19 JANUARY 1, 2008; 2006 NEW MEXICO MECHANICAL CODE, 2006 NEW
20 MEXICO PLUMBING CODE AND 2006 NEW MEXICO SOLAR ENERGY CODE
21 AS ADOPTED BY THE CONSTRUCTION INDUSTRIES DIVISION OF THE
22 STATE OF NEW MEXICO WITH AN EFFECTIVE DATE OF JANUARY 1, 2008;
23 NEW MEXICO ELECTRICAL CODE AS ADOPTED BY THE CONSTRUCTION
24 INDUSTRIES DIVISION OF THE STATE OF NEW MEXICO WITH AN EFFECTIVE
25 DATE OF JANUARY 1, 2008, ARE AS FOLLOWS:

26
27 The Administrative Sections of the New Mexico Building Code have been deleted and
28 replaced with Chapters, 1, 2, and 3, on the following pages. Sections from various other
29 parts of the Technical Codes have been amended, added, or deleted. These changes are
30 noted on the pages following the Administrative Chapter No. 3.

31
32 **UNIFORM ADMINISTRATIVE CODE**

33
34 **CHAPTER 1**

35
36 **TITLE, SCOPE AND GENERAL**

37
38 **SECTION 101. TITLE**

39
40 These regulations shall be known as the "Uniform Administrative Code of the County
41 of Bernalillo" and may be cited as such and will be referred to herein as "this Code."

42
43 **SECTION 102. PURPOSE**

44
45 The purpose of this Code is to provide for the administration and enforcement of the
46 Bernalillo County Uniform Administrative Code adopted by this jurisdiction. This Code
47 will prescribe minimum standards to safeguard life, limb, health, property, public and
48 economic welfare by regulation and controlling building design, construction, quality of

CONTINUATION PAGE 5, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 materials, use and occupancy, location and maintenance of all buildings and structures
2 within the unincorporated area of the County and certain equipment specifically regulated
3 herein

4
5 **SECTION 103. SCOPE**

6
7 The provisions of the Code shall serve as the administrative, organizational and
8 enforcement rules and regulations for the Technical Codes which regulate the site
9 preparation and construction, alteration, moving, demolition, repair, use and occupancy
10 of buildings, structures and building service equipment within this jurisdiction.

11 **SECTION 104. APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT**
12

13
14 **104.1 General.** Buildings, structures and their building service equipment to which
15 additions, alterations or repairs are made shall comply with all the requirements of the
16 technical codes for new facilities, except as specifically provided in this section.

17
18 **104.2 Additions, Alterations or Repairs.** Additions, alterations or repairs may be
19 made to any building or its building service equipment without requiring the existing
20 building or its building service equipment to comply with all the requirements of the
21 technical codes, provided the addition, alterations or repairs conform to that required for
22 a new building or building service equipment. Additions or alterations shall not be made
23 to an existing building or building service equipment which will cause the existing
24 building or building service equipment to be in violation of any of the provisions of the
25 technical codes nor shall such additions or alterations cause the existing building or
26 building service equipment to become unsafe. An unsafe condition shall be deemed to
27 have been created if an addition or alteration will cause the existing building or building
28 service equipment to become unsafe. An unsafe condition shall be deemed to have been
29 created if an addition or alteration will cause the existing building or building service
30 equipment to become structurally unsafe or overloaded; will not provide adequate egress
31 in compliance with the provisions of the Building Code or will obstruct existing exits;
32 will create a fire hazard; will reduce required fire resistance; will cause building service
33 equipment to become overloaded or exceed their rated capacities; will create a health
34 hazard or will otherwise create conditions dangerous to human life. Any building so
35 altered, which involves a change in use or occupancy, shall not exceed the height,
36 number of stories and area permitted by the Building Code for new buildings. Any
37 building plus new additions shall not exceed the height, number of stories and area
38 specified by the Building Code for new buildings. Additions or alterations shall not be
39 made to an existing building or structure when such existing building or structure is not
40 in full compliance with the provisions of the Building Code except when such addition or
41 alteration will result in the existing building or structure being no more hazardous based
42 on life safety, fire safety and sanitation, than before such additions or alterations are
43 undertaken. Alterations or repairs to an existing building or structure which are
44 nonstructural and do not adversely affect any structural member or any part of the
45 building or structure having required fire resistance may be made of the same materials of
46 which the building or structure is constructed, and shall be subject to the approval of the
47 building official. The installation or replacement of glass shall be as required for new
48 installations. Minor additions, alterations and repairs to existing building service

CONTINUATION PAGE 6, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 equipment installations may be made in accordance with the technical code in effect at
2 the time the original installation was made, subject to approval of the Building Official,
3 and provided such additions, alterations, and repairs will not cause the existing building
4 service equipment to become unsafe, unsanitary or overloaded.

5
6 **104.3 Existing Installations.** Building service equipment lawfully in existence at the
7 time of the adoption of the Technical Codes may have their use, maintenance, or repair
8 continued if the use, maintenance, or repair is in accordance with the original design and
9 no hazard to life, health or property has been created by such building service equipment.

10
11 **104.4 Existing Occupancy.** Buildings in existence at the time of the adoption of the
12 Building Code may have their existing use or occupancy continued if such use of
13 occupancy was legal at the time of the adoption of the Building Code, provided such
14 continued use is not dangerous to life, health, and safety.

15 Any changes in the use or occupancy of any existing building or structure shall
16 comply with the provisions of the 2006 New Mexico Existing Building Code.

17
18 **104.5 Maintenance.** All buildings, structures and building service equipment,
19 existing and new, and all parts thereof shall be maintained in a safe and sanitary
20 condition. All devices or safeguards which are required by the technical codes shall be
21 maintained in conformance with the technical code under which installed. Yards that are
22 necessary for allowable area increases per the Building Code, shall be maintained open
23 and unobstructed. The owner or his designated agent shall be responsible for the
24 maintenance of buildings, structures and the building service equipment. To determine
25 compliance with this subsection, the building official may cause any structure to be re-
26 inspected.

27 Building materials, construction trash and other debris shall be kept within the
28 construction site and maintained in such a manner that it will not be blown to adjacent
29 properties.

30
31 **104.6 Moved Buildings and Temporary Buildings.** Building structures and their
32 building service equipment moved into or within this jurisdiction shall comply with the
33 provisions of the Technical Codes for new buildings or structures and their service
34 equipment.

35
36 **104.7 Temporary Structures.** Temporary structures such as reviewing stands and
37 other miscellaneous structures, sheds, canopies or fences used for the protection of the
38 public around and in conjunction with construction work, may be erected by special
39 permit from the building official for a limited period of time. Such buildings or
40 structures need not comply with the type of construction or fire-resistive time periods
41 required by the Building Code. Temporary buildings or structures shall be completely
42 removed upon the expiration of the time limit stated in the permit.

43
44 **104.8 Historic Buildings.** Repairs, alterations and additions necessary for the
45 preservation, restoration, rehabilitation or continued use of a building, structure, or its
46 building service equipment may be made without conformance to all the requirements of
47 the technical codes when authorized by the building official, provided:
48

CONTINUATION PAGE 7, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

- 1 1. The building or structure has been designated to be the official action of the
2 legally constituted authority of this jurisdiction as having special historical or
3 architectural significance.
- 4 2. Any unsafe conditions as described in this Code are corrected.
- 5 3. he restored building or structure and its building service equipment will be no
6 more hazardous based on life, safety, fire safety and sanitation than the existing
7 building.

8 **SECTION 105. DEFINITIONS**

9
10 **General.** For the purpose of this code, words and their derivatives shall be construed
11 as specified in this section. Where terms are not defined, they have their ordinarily
12 accepted meanings within the context with which they are used. Webster's Third New
13 International Dictionary of the English Language Unabridged, copyright 1986, shall be
14 considered as providing ordinarily accepted meanings. Words used in the singular
15 include the plural and the plural the singular. Words used in the masculine gender
16 include the feminine and the feminine the masculine.

17
18 **Addition** is an extension or increase in the floor area or height of a building or
19 structure.

20
21 **Alter or alteration** is any change or modification in construction or building service
22 equipment.

23
24 **Approved**, as to materials, types of construction, equipment and systems, refers to
25 approval by the building official as the result of investigation and tests conducted by him,
26 or by reason of accepted principles or tests by recognized authorities, technical or
27 scientific organizations.

28
29 **Approved Agency** is an established and recognized agency regularly engaged in
30 conducting tests or furnishing inspection services, when such agency has been approved
31 by the building official.

32
33 **Building** is any structure used or intended for supporting or sheltering any use or
34 occupancy.

35
36 **Building Code** is the International Building Code and International Residential Code
37 promulgated by the International Conference of Building Officials, as amended.

38
39 **Building, existing** is a building erected prior to the adoption of this Code, or one for
40 which a legal building permit has been issued.

41
42 **Building Official** is the officer or other designated authority charged with the
43 administration and enforcement of this Code, or his duly authorized representative.

44
45 **Building Service Equipment** refers to the plumbing, mechanical, electrical and
46 elevator equipment including piping, wiring, fixtures and other accessories which provide

CONTINUATION PAGE 8, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 sanitation, lighting, heating, ventilation, cooling refrigeration, fire-fighting and
2 transportation facilities essential for the habitable occupancy of the building or structure
3 for its designated use and occupancy.
4

5 **Electrical Code** is the National Electrical Code promulgated by the National Fire
6 Protection Association, as amended.
7

8 **Energy Code** is the Model Energy Code promulgated by the National Conference of
9 States on Building Codes and Standards, Inc., the Building Officials and Code
10 Administrators International, Inc., the International Conference of Building Officials, and
11 the Southern Building Code Congress International, Inc., as amended.
12

13 **Fire Code** is the International Fire Code (I.C.C.) promulgated by the International
14 Code Council and the Western Fire Chiefs Association, as amended.
15

16 **Jurisdiction**, as used in this Code, is any state or political subdivision which adopts
17 this Code for administrative regulations within its sphere of authority.
18

19 **Listed and Listing** are terms referring to equipment and materials included in a list
20 published by an approved testing laboratory, inspection agency or other organization
21 concerned with product evaluation that maintains periodic inspection of current
22 productions of listed equipment or materials. The published list shall state that the
23 material or equipment complies with approved nationally recognized codes, standards or
24 tests and has been tested or evaluated and found suitable for use in a specified manner.
25

26 **May** as used in this Code, is permissive for compliance.
27

28 **Mechanical Code** is the Uniform Mechanical Code promulgated by the International
29 Association of Plumbing and Mechanical Officials.
30

31 **Occupancy** is the purpose for which a building, or part thereof, is used or intended to
32 be used. The term "occupancy" as used in this Code shall include the building or part
33 thereof housing such use.
34

35 **Owner** is any person, agent, firm or corporation having a legal or equitable interest in
36 the property.
37

38 **Permit** is an official document or certificate issued by the Building Official
39 authorizing performance of a specified activity.
40

41 **Person** is a natural person, heirs, executors, administrators or assigns, and also
42 includes a firm, partnership or corporation, its or their successors or assigns, or the agent
43 of any of the aforesaid.
44

45 **Plumbing Code** is the Uniform Plumbing Code promulgated by the International
46 Association of Plumbing and Mechanical Officials, as amended.
47

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1 **Repair** is the reconstruction or renewal of any part of the existing building, structure
2 or building service equipment for the purpose of its maintenance.
3

4 **Security Code** is the Uniform Building Security Code promulgated by the
5 International Conference of Building Official, as amended.
6

7 **Senior Building, Electrical, Mechanical, Plumbing Inspector / Plans Examiner**
8 shall be the person providing expertise for the building official in the designated
9 Technical Code.
10

11 **Shall**, as used in this Code, is mandatory.
12

13 **Sign Code** is the Uniform Sign Code promulgated by the International Conference of
14 Building Officials, as amended.
15

16 **Solar Energy Code** is the Uniform Solar Energy Code promulgated by the
17 International Association of Plumbing and Mechanical Officials, as amended.
18

19 **Structural permit** is a permit issued for the erection of the structural framework of a
20 building. Said permit may be issued after the plan-check section has determined that
21 design parameters as required by Chapter 16 of the Uniform Building Code have been
22 clearly stated on the submittal by the structural engineer of record.
23

24 **Swimming Pool Code** is the Uniform Swimming Pool Code promulgated by the
25 International Association of Plumbing and Mechanical Officials, as amended.
26

27 **Technical Codes** refer to those Codes adopted by this jurisdiction containing the
28 provisions for design, construction, alteration, addition, repair, removal, demolition, use,
29 zoning, location, occupancy, and maintenance of all buildings and structures and building
30 service equipment as herein defined.
31

32 **ICC Standards** is the International Building Code Standards promulgated by the
33 International Conference of Building Officials, as amended.
34

35 **Valuation or value** as applied to a building and its building service equipment shall
36 be the estimated cost to replace the building and its building service equipment in kind,
37 based on current replacement costs.
38

39 **SECTION 106. CONFLICTING PROVISIONS**
40

41 When conflicting provisions of requirements occur between this Code and any other
42 codes or laws, the most restrictive shall govern.
43

44 Where conflicts occur between the Technical Codes, those provisions providing the
45 greater safety to life shall govern. In other conflicts, where sanitation, life safety, or fire
46 safety are not involved, the most restrictive provisions shall govern.
47

CONTINUATION PAGE 10, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 **Exception:** Where a conflict occurs between the Building Code and the Mechanical
2 or Plumbing Codes the Building Code shall govern. The 2006 International Mechanical
3 Code and 2006 International Plumbing Code, both published by the International Code
4 Council may be used as reference documents to help resolve such conflicts.

5
6 Where in any specific case different sections within any of the Technical Codes
7 specify different materials, methods of construction, or other requirements, the most
8 restrictive shall govern. When there is a conflict between a general requirement and a
9 specific requirement, the specific requirement shall be applicable.

10
11 When conflicts occur between any specific provision of this Code and any
12 administrative provisions in any Technical Code which is then applicable within this
13 jurisdiction, those provisions becoming the law last in time shall prevail.

14
15 **SECTION 107. MODIFICATIONS**

16
17 Whenever there are practical difficulties involved in carrying out the provisions of the
18 this Code, the building official may grant modifications for individual cases, provided he
19 shall first find that a special individual reason makes the strict letter of the this Code
20 impractical and the modification is in conformity with the intent and purpose of the this
21 Code and that such modification does not lessen health, life and fire safety requirements
22 or any degree of structural integrity. The Building Official shall require that sufficient
23 evidence or proof be submitted to substantiate any claims that may be made regarding its
24 use. The details of such actions granting modifications shall be recorded and entered in
25 the files of this code enforcement agency;

26
27 **107.1 Alternate Materials Design And Methods of Construction And Equipment.**

28
29 The provisions of the Codes are not intended to prevent the use of any material or
30 method of construction not specifically prescribed by the Code provided that any such
31 alternative has been approved. An alternative material, design or method of construction
32 shall be approved where the Building Official finds that the proposed design is
33 satisfactory and complies with the intent of the provisions of this Code, and that the
34 material, method of work offered is, for the purpose intended, at least the equivalent of
35 that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability
36 and safety;

37
38 **107.2 Research Reports.** Supporting data, where necessary to assist in the approval of
39 materials or assemblies not specifically provided for in this Code, shall consist of valid
40 research reports from sources;

41
42 **107.3. Tests**

43
44 Whenever there is insufficient evidence of compliance with any of the provisions of
45 the Technical Codes or evidence that materials or construction do not conform to the
46 requirements of the Technical Codes, the building official may require tests as evidence
47 of compliance to be made at no expense to this jurisdiction. Test methods shall be as
48 specified by the Technical Codes or by other recognized test standards. In the absence of

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1 recognized and accepted test methods for the proposed alternate, the building official
2 shall determine test procedures. All tests shall be made by an approved agency. Reports
3 of such tests shall be retained by the building official for the period required for the
4 retention of public records.

5
6 **CHAPTER 2**

7
8 **ORGANIZATION AND ENFORCEMENT**

9
10 **SECTION 201. AUTHORITY**

11
12 **(a) Creation of Enforcement Agency.** There is hereby established in this
13 jurisdiction a building division which shall be under the administrative and operational
14 control of the building official.

15
16 **(b) General.** Whenever the term or title "administrative authority", "responsible
17 official", "building official", "chief inspector", "code enforcement officer," or other
18 similar designation is used herein or in any of the technical codes, it shall be construed to
19 mean the building official designated by the appointing authority of this jurisdiction.

20
21 **SECTION 202. POWERS AND DUTIES OF THE BUILDING OFFICIAL.**

22
23 **202.1 General** The building official is hereby authorized and directed to enforce all
24 the provisions of this code and the referenced Technical Codes. The building official
25 shall have the power to render interpretations of this Code and the referenced Technical
26 Codes, and to adopt and enforce rules and regulations supplemental to this code as he
27 may deem necessary to clarify the application of the provisions of this code. Such
28 interpretations, rules and regulations shall be in conformity with the intent and purpose of
29 this code.

30
31 **202.2 Deputies** In accordance with prescribed procedures and with the approval of
32 the appointing authority, the Building Official may appoint a Senior Building
33 Inspector/Plan Checker, a Senior Electrical Inspector, a Senior Mechanical/Plumbing
34 Inspector and/or other related technical officers and inspectors and other employees as
35 shall be authorized from time to time to carry out the functions of the Building Division.

36
37 **202.3 Reports and Records.** The Building Official shall keep a permanent, accurate
38 account of all fees and other moneys collected and received under this Code, the names
39 of the persons upon whose account the same were paid, the date and amount thereof,
40 together with the location of the building or premises to which they relate.

41
42 **202.4 Right of Entry** Whenever necessary to make an inspection to enforce any of
43 the provisions of this Code, or whenever the Building Official or his authorized
44 representative has reasonable cause to believe that there exists in any building or upon
45 any premises, any condition which makes such building or premises unsafe as defined in
46 this Code, the Building Official or his authorized representative may enter such building
47 or premises at all reasonable times to inspect the same or to perform any duty imposed
48 upon the Building Official by this Code; provided that if such building or premises be

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1 occupied, he shall first present proper credentials and demand entry; and if such building
2 or premises be unoccupied, he shall first make a reasonable effort to locate the owner or
3 other persons having charge or control of the building or premises and demand entry. If
4 entry is refused, the Building Official shall proceed to obtain a search warrant by filing a
5 complaint made before the Metropolitan Court or District Court upon oath or affirmation.
6 The complaint shall:

- 7 (1) Set forth the particular building, premises or portion thereof sought to be
8 inspected.
- 9 (2) State that the owner or occupant of the building, premises or portion thereof, has
10 refused entry.
- 11 (3) State that inspection of the building, premises or portion thereof is necessary to
12 determine whether it complies with the requirements of this Code.
- 13 (4) Set forth the particular provisions of this Code sought to be enforced.
- 14 (5) Set forth any other reason necessitating the inspection, including knowledge or
15 belief that a particular condition exists in the building, premises or portion thereof
16 which constitutes a violation of this Code.
- 17 (6) State that the building official or his representative is authorized by the county to
18 make the inspection.

19
20 Each inspector shall be furnished with an identification card signed by the personnel
21 department director, indicating his authority and must present same to the Metropolitan
22 Court or District Court for the purpose of this section and to other persons, when
23 requested to do so during the performance of his duty.

24
25 “Authorized Representative” shall include the officers named in Section 202.1 and
26 202.2 of this Code.

27
28 No owner or occupant or any other person having charge, care, or control of any
29 building or premises shall fail or neglect, after proper demand is made as herein provided,
30 to promptly permit entry therein by the Building Official or his authorized representative
31 for the purpose of inspection and examination pursuant to this Code. Any person
32 violating this subsection shall be guilty of a misdemeanor.

33
34 **202.5 Stop Orders.** When work is being done contrary to the provisions of this
35 Code, the Technical Codes, or other pertinent laws or ordinances implemented through
36 the enforcement of this code, the Building Official may order such work discontinued by
37 written notice served on any persons engaged in the doing or causing such work to be
38 done. Any such persons shall forthwith stop all such work until authorized by the
39 Building Official to proceed with the work.

40
41 **202.6 Occupancy Violations.** When a building or structure or building service
42 equipment therein regulated by this Code and the Technical Codes is being used contrary
43 to the provisions of such codes, the Building Official may order such use discontinued by
44 written notice served on any person causing such use to be continued. Such person shall
45 discontinue the use within the time prescribed by the Building Official after receipt of

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1 such notice to make the structure, or portion thereof, comply with the requirements of
2 such codes.

3
4 **202.7 Authority to Disconnect Utilities.** The Building Official or the Building
5 Official's authorized representative shall have the authority to disconnect any utility
6 service or energy supplied to the building, structure or building service equipment therein
7 regulated by this Code or the Technical Codes in case of emergency where necessary to
8 eliminate an immediate hazard to life or property or as described in section 205 of this
9 code. If the proposed disconnection is necessary to eliminate an immediate hazard to life
10 or property, the Building Official may request that the serving utility effect, or assist
11 with, the disconnection to the extent the serving utility may do so under industry
12 standards and regulatory requirements applicable to it. The Building Official shall
13 whenever possible notify the serving utility, the owner and occupant of the building,
14 structure or building service equipment of the decision to disconnect prior to taking such
15 action, and shall notify such serving utility, owner and occupant of the building, structure
16 or building service equipment, in writing, of such disconnection immediately thereafter.

17
18 **202.8 Authority to Condemn Building Service Equipment.** When the Building
19 Official ascertains that any building service equipment regulated in the Technical Codes
20 has become hazardous to life, health, property, or becomes unsanitary, he shall order in
21 writing that such equipment either be removed or restored to a safe or sanitary condition
22 as appropriate. The written notice itself shall fix a time limit for compliance with such
23 order. No person shall use or maintain defective building service equipment after
24 receiving such notice.

25 When such equipment or installation is to be disconnected, a written notice of such
26 disconnection and causes therefore shall be given within 24 hours to the serving utility,
27 the owner and occupant of such building, structure or premises.

28 When any building service equipment is maintained in violation of a notice issued
29 pursuant to the provisions of this section, the Building Official shall institute any
30 appropriate action to prevent, restrain, correct or abate the violation.

31
32 **202.9 Connection After Order to Disconnect.** No person shall make connections
33 from any energy, fuel or power supply nor supply energy or fuel to any building service
34 equipment which has been disconnected or ordered to be disconnected by the Building
35 Official or the use of which has been ordered to be discontinued by the Building Official
36 until the Building Official authorizes the reconnection and use of such equipment.

37
38 **202.10 Liability.** The Building Official, or his authorized representative charged
39 with the enforcement of this Code and the Technical Codes, acting in good faith and
40 without malice in the discharge of his duties, shall not thereby render himself personally
41 liable for any damage that may accrue to persons or property as a result of any approval,
42 act or by reason of any act or omission in the discharge of his duties. Any suit brought
43 against the Building Official or employee because of such approval, act or omission
44 performed by him in the enforcement of any provision of such codes or other pertinent
45 laws or ordinances implemented through the enforcement of this Code or enforced by the
46 code enforcement agency shall be defended by this jurisdiction until final termination of
47 such proceedings, and any judgment resulting there from shall be assumed by this
48 jurisdiction.

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1 This code shall not be construed to relieve from or lessen the responsibility of any
2 person owning, operating or controlling any building, structure or building service
3 equipment therein for any damages to persons or property caused by defects, nor shall the
4 Code Enforcement Agency or its parent jurisdiction be held as assuming any such
5 liability by reason of the inspections authorized by this Code or any permits or
6 certificates issued under this Code.

7
8 **202.11 Cooperation of other officials and officers.** The Building Official may
9 request, and shall receive the assistance and cooperation of other officials of this
10 jurisdiction so far as is required in the discharge of his duties required by this Code or
11 other pertinent laws or ordinances.

12
13 **SECTION 203. UNSAFE BUILDINGS, STRUCTURES, OR BUILDING**
14 **SERVICE EQUIPMENT**

15
16 All buildings or structures regulated by this code and the technical codes which are
17 structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are
18 otherwise dangerous to human life are, for the purpose of this section unsafe buildings.

19
20 Building service equipment regulated by such codes, which constitutes a fire,
21 electrical, health hazard, unsanitary condition, or is otherwise dangerous to human life, is
22 for the purpose of this section, unsafe. Any use of buildings, structures or building
23 service equipment constituting a hazard to safety, health or public welfare by reason of
24 inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or
25 abandonment is, for the purpose of this section, an unsafe use.

26
27 Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or
28 structural members which are supported by, attached to, or a part of a building and which
29 are in deteriorated condition or otherwise unable to sustain the design loads which are
30 specified in the building code are hereby designated as unsafe building appendages.

31
32 All such unsafe buildings, structures or appendages and building service equipment
33 are hereby declared to be public nuisances and shall be abated by repair, rehabilitation,
34 demolition or removal in accordance with the procedures set forth in the Dangerous
35 Buildings Code or such alternate adopted by this jurisdiction. As an alternative, the
36 building official or other employee or official of this jurisdiction as designated by the
37 governing body may institute any other appropriate action to prevent, restrain, correct or
38 abate the violation.

39
40 **SECTION 204. BOARD OF APPEALS**

41
42 **204.1 General.** In order to hear and decide appeals of orders, decisions or
43 determinations made by the building official relative to the application and
44 interpretations of the Technical Codes, there shall be and is hereby created a Board of
45 Appeals consisting of nine (9) members who are qualified by experience and training to
46 pass upon matters pertaining to building construction and building service equipment
47 and who are not employees of the jurisdiction. The Building Official shall be an ex
48 officio member but shall have no vote upon any matter before the board. The board of

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1 appeals shall be appointed by the County Manager with the advice and recommendation
2 of the Bernalillo County Board of Commissioners and shall hold office at his/her
3 pleasure.

4 The Board shall adopt rules of procedure for conducting its business and shall render
5 all decisions and findings in writing to the appellant with a duplicate copy to the
6 Building Official.

7
8 **204.2 Applications.** All appeals shall be initiated by writing to the building official
9 and enclosing a one hundred dollar (\$100.00) fee payable to and retained by the
10 Bernalillo County Zoning, Building, and Planning Department. The applicant(s) shall pay
11 all expenses for any tests, calculations, samples, information, recording fees and copies,
12 etc.

13
14 **204.3 Qualifications.** Both regular and alternate members of the Board of Appeals
15 shall be qualified by education, training and experience to pass upon matters pertaining to
16 building design and construction, including appliances, equipment, facilities, systems,
17 and conditions.

18
19 Alternate members of the Board of Appeals shall serve in the absence of the principal
20 members and insofar as possible the alternate member shall be of the same classification
21 as the regular members they replace. The County Manager shall appoint all members and
22 alternate members for a three (3) year term.

23 Each member of the board shall have had at least seven (7) years experience in his
24 profession and be a resident of or have his principal place of business in the County of
25 Bernalillo.

26
27 The members and alternates shall have the following classifications:

- 28 1. A REGISTERED ARCHITECT in active practice.
 - 29 2. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
30 Mechanical Design.
 - 31 3. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
32 Structural or Civil Design.
 - 33 4. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
34 Electrical Design.
 - 35 5. A LICENSED GENERAL CONTRACTOR whose field of active practice is General
36 Building Contracting.
 - 37 6. A LICENSED GENERAL CONTRACTOR whose field is Building Contracting
38 specializing in single-family residences.
 - 39 7. A LICENSED MECHANICAL CONTRACTOR whose field is mechanical
40 contracting.
 - 41 8. A LICENSED ELECTRICAL CONTRACTOR whose field is electrical contracting.
 - 42 9. A LICENSED PLUMBING CONTRACTOR whose field is plumbing contracting.
- 43

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1
2 **SECTION 301. PERMITS**
3

4 **301.1 Permits required.** Except as specified in subsection 301.2, no building,
5 structure or building service equipment regulated by this Code and the Technical Codes
6 shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed,
7 converted, or demolished unless a separate appropriate permit for each building, structure
8 or building service equipment has first been obtained from the Building Official.
9

10 **301.2 Exempted work.** A permit shall not be required for the types of work in each
11 of the separate classes of permit as listed below. Exemption from the permit
12 requirements of this Code shall not be deemed to grant authorization for any work to be
13 done in violation of the provisions of the Technical Codes or any other laws or
14 ordinances of this jurisdiction.
15

16 **301.2.1 Building Permits.** A building permit will not be required for the
17 following:

- 18 A. One-story detached accessory buildings used as tool and storage sheds,
19 playhouses and similar uses, provided the projected roof area does not exceed
20 120 square feet.
- 21 B. Fences and freestanding masonry walls not over six feet (6') above grade on
22 the lowest side. Open style fences (i.e. chainlink) any height as determined by
23 the Building Official.
- 24 C. Oil derricks.
- 25 D. Movable cases, counters and partitions not over 5 feet 9 inches high.
- 26 E. Retaining walls which do not have a difference in finished grade on opposite
27 sides exceeding 48 inches, unless supporting a surcharge and impounding
28 flammable liquids.
- 29 F. Water tanks supported directly upon grade if the capacity does not exceed
30 5000 gallons and the ratio of height to diameter or width does not exceed two
31 to one.
- 32 G. Platforms, walks, and driveways not more than 30 inches above grade and not
33 over any basement or story below.
- 34 H. Painting, papering and similar finish work.
- 35 I. Temporary motion picture, television and theater stage sets and scenery.
- 36 J. Window awnings supported by an exterior wall of Group R, Division 3, and
37 Group U Occupancies when projecting not more than 54 inches.
- 38 K. Prefabricated swimming pools accessory to buildings regulated by the
39 International Residential Code in which the pool walls are entirely above the
40 adjacent grade and if the capacity does not exceed 5000 gallons.
- 41 L. Minor repairs less than \$1000.00 in value.

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1 M. Installation or work which is done after regular business hours or during a
2 holiday when immediate action is imperative to safeguard life, health, or
3 property, provided such person making the installation or performing the work
4 applies for a permit covering the installation or work not later than the next
5 business day.

6 N. Construction, alteration, or repair work for which a permit is not required by
7 law or ordinance. (See Section 103)

8 O. Television and radio antennas supported on roofs.

9 P. Cabinet Work.

10 Q. Tree-houses.

11 R. Tents.

12 S. Interior plastering or paneling of existing surfaces provided the material meets
13 all applicable requirements of flame spread required by this Code.

14 T. Exterior re-plastering that does not require the application of exterior lath.

15 U. Signs. The following signs shall not require a sign permit. These exemptions
16 shall not be construed as relieving the owner of a sign from the responsibility
17 of its erection and maintenance, and its compliance with the provisions of this
18 Code or any other law or ordinance regulating the same.

19 (1) The changing of the advertising copy of message on a painted or printed
20 sign only. Except for theater marquees and similar signs specifically
21 designed for the use of a replaceable copy, electric signs shall not be
22 included in this exemption.

23 (2) Painting, repainting or cleaning of an advertising structure or the changing
24 of the advertising copy of message thereon shall not be considered an
25 erection of alteration which requires a sign permit unless a structural
26 change is made.

27 (3) Signs less than 6 feet above grade.

28 (4) Non-electric signs with an area 2 square feet or less.

29

30 Unless otherwise exempted by this Code, separate plumbing, electrical and
31 mechanical permits will be required for the above exempted items.

32

33 **301.2.2 Plumbing Permits.** A plumbing permit will not be required for the
34 following:

35 A. The stopping of minor leaks in drains, soils, waste or vent pipe, provided,
36 however, that should any concealed trap, drainpipe, soil, waste or vent pipe
37 become defective and it becomes necessary to remove and replace the same with
38 new material, the same shall be considered as new work and a permit shall be
39 procured and inspection made as provided in this Code.

40 B. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor
41 for the removal and reinstallation of water closets, provided such repairs do not
42 involve or require the replacement or rearrangement of valves, pipes, or fixtures.

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1 C. Work which is done when immediate action is imperative to safeguard life,
2 health, or property, provided such person performing the work applies for a
3 permit covering the work not later than the next business day.

4 D. The installation of temporary lines for testing equipment or apparatus. No
5 deviation may be made from the installation described in the permit without the
6 approval of the Building Official.

7

8 **301.2.3 Electrical Permits.** An electrical permit will not be required for the
9 following:

10 A. Portable motors or other portable appliances energized by means of a cord or
11 cable having an attachment plug end to be connected to an approved receptacle
12 when that cord or cable is permitted by the Electrical Code.

13 B. Repair or replacement of fixed motors, transformers or fixed approved appliances
14 of the same type and rating in the same location.

15 C. Temporary decorative lighting.

16 D. Repair or replacement of current-carrying parts of any switch, contactor or control
17 device.

18 E. Reinstallation of attachment plug receptacles, but not the outlets therefore.

19 F. Repair or replacement of any over-current device of the required capacity in the
20 same location.

21 G. Repair or replacement of electrodes or transformers of the same size and capacity
22 for signs or gas tube systems.

23 H. Tapping joints.

24 I. Removal of electrical wiring.

25 J. Temporary wiring for experimental purposes in suitable experimental
26 laboratories.

27 K. A permit shall not be required for the installation, alteration or repair of electrical
28 wiring, apparatus or equipment or the generation, transmission, distribution or
29 metering of electrical energy or in the operation of signals or the transmission of
30 intelligence by a public or private utility in the exercise of its function as a serving
31 utility.

32 L. Work which is done when immediate action is imperative to safeguard life,
33 health, or property, provided such person performing the work applies for a
34 permit covering the work not later than the next business day.

35

36 **301.2.4 Mechanical Permits.** A mechanical permit will not be required for the
37 following:

38 A. Any portable heating appliance.

39 B. Any portable ventilating equipment.

40 C. Any portable cooling unit.

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- 1 D. Any portable evaporative cooler.
- 2 E. Any closed system of steam, hot or chilled water piping within any heating or
- 3 cooling equipment regulated by the Mechanical Code.
- 4 F. Replacement of any component part of assembly of an appliance which does not
- 5 alter its original approval and complies with other applicable requirements of the
- 6 Technical Codes.
- 7 G. Any refrigerating equipment which is part of the equipment for which a permit
- 8 has been issued pursuant to the requirements of the Technical Codes.
- 9 H. Any unit refrigerating system as defined in the Mechanical Code.
- 10 I. The installation of temporary lines for testing equipment or apparatus.
- 11 J. Work which is done when immediate action is imperative to safeguard life,
- 12 health, or property, provided such person performing the work applies for a
- 13 permit covering the work not later than the next business day.

14
15 **SECTION 302. APPLICATION FOR PERMIT**

16
17 **302.1 Application.** To obtain a permit, the applicant shall first file an application in
18 writing on a form furnished by the building section for that purpose. Every such
19 application shall provide construction documents that include:

20
21 A plot plan, foundation plan, floor plan, framing plan, cross section through bearing
22 wall, and elevations. Electrical, plumbing and heating work may be shown on the
23 floor plan.

24
25 Information and computation on building service equipment shall be indicated in the
26 plans including installation of consumer plumbing, drainage, gas piping, heating and
27 cooling, ventilation and refrigeration systems. Electrical plans shall show electrical
28 risers, conductor sizes, grounding, load calculations, disconnects, panel schedules and
29 wiring methods.

30
31 The construction documents shall:

- 32 1. Identify and describe the work to be covered by the permit for which the
- 33 application is made.
- 34 2. Describe the land on which the proposed work is to be done by legal description,
- 35 Uniform Property Code (UPC), and street address or similar description that will
- 36 readily identify and definitely locate the proposed building or work.
- 37 3. Indicate the use or occupancy for which the proposed work is intended.
- 38 Commercial plans shall be provided with the following design criteria list:
- 39 Occupancy group and division, type of construction, location of property seismic
- 40 zone, square footage/allowable area, fire sprinklers, height and number of stories,
- 41 occupant load and land use zone.
- 42 4. Be accompanied by plans, diagrams, engineering calculations, computations and
- 43 specifications and other data as required in subsection 302.2.

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- 1 5. State the valuation by submittal of the project contract amount or other means
2 acceptable to the building official of any new building or structure or any
3 addition, remodeling or alteration to an existing building.
- 4 6. Be signed by applicant, or his authorized agent, who may be required to submit
5 evidence to indicate such authority.
- 6 7. Give such other data and information, as may be required by the building official.

7
8 **302.2 Submittal Documents.** With each application for a building permit, and
9 when required by the Building Official for enforcement of any provisions of this
10 Code, two sets of plans and specifications shall be submitted:

11
12 **EXCEPTION:** The building official may waive the submission of plans, calculation,
13 etc., if he finds that the nature of the work applied for is such that reviewing of plans
14 is not necessary to obtain compliance with this Code. The Building Official shall
15 require all plans and specifications be prepared and sealed by a Registered Architect
16 and/or Registered Professional Engineer(s) licensed to practice in the State of New
17 Mexico for all uses as listed in Chapter 3 of the International Building Code with the
18 exception of:

- 19 1. Single-family dwellings not more than two (2) stories in height.
- 20 2. Multiple dwellings not more than two (2) stories in height containing not more
21 than four (4) dwelling units of wood-frame construction; provided, this paragraph
22 shall not be construed to allow a person who is not registered under the
23 Architectural Act (NMSA 1978 § 61-51-15-1 et seq.) to design multiple clusters
24 of up to four (4) dwelling units each to form apartment or condominium
25 complexes where the total exceeds four (4) dwelling units on any lawfully divided
26 lot;
- 27 3. Garages or other structures not more than two (2) stories in height which are
28 appurtenant to buildings described in Paragraph 1 and 2 of this subsection;
- 29 4. Non Residential buildings, or additions, having a total occupant load of ten (10)
30 or less and two (2) stories or less in height. Does not include E (Educational, Day
31 Care), H (Hazardous) or I (Institutional) occupancies, all of which must be
32 certified by an architect and/or engineer(s) licensed to practice in the State of New
33 Mexico.
- 34 5. Alterations to buildings, or structures which present no unusual conditions,
35 hazards or change in occupancy.

36 The building official may require the plans to be prepared and sealed by a
37 Registered New Mexico Architect and/or Registered New Mexico Professional
38 Engineer(s) for any specific construction that involves public safety or health and
39 wherein the public welfare or the safeguarding of life, health or property is
40 concerned, or a change of occupancy is involved. Occupant load shall be defined
41 and determined by the method set forth in Table 1004.1.1 of the International
42 Building Code.

43 When required by the building official the responsibility of a Licensed
44 Architect and Licensed Engineer(s) shall be demonstrated on each sheet of the

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1 drawings by the appearance of their seal and signature and shall include the
2 following:

- 3 1. Architect.
- 4 2. Structural Engineer.
- 5 3. Electrical Engineer.
- 6 4. Mechanical Engineer.
- 7 5. Civil Engineer.
- 8 6. Where an additional specific technical consideration is required, it shall also
9 be acknowledged by seal and signature. The Electrical design shall be
10 prepared and sealed by a Registered Professional Engineer, licensed to
11 practice in the State of New Mexico, when the service capacity exceeds the
12 following:
 - 13 1. 200A for a single phase.
 - 14 2. 50 KVA for three phase.

15
16 The Mechanical design shall be prepared and sealed by a Registered Professional
17 Engineer, licensed to practice in the State of New Mexico, when the total mechanical
18 equipment, materials, and labor, exceeds \$50,000.00 in valuation or if the building
19 exceeds two (2) stories in height. The Plumbing design shall be prepared and sealed by a
20 Registered Professional Engineer, licensed to practice in the State of New Mexico, when
21 the fixture unit count of the project exceeds the capacity of one (1) 4" (inch) building
22 drain as specified in Table 7-3, 7-5 of the Uniform Plumbing Code or if the building
23 exceeds two (2) stories in height.

24
25 **302.3 Information on Plans and Specifications.** Plans shall be drawn to scale
26 upon substantial paper and shall be of sufficient clarity to indicate the nature and extent
27 of the work proposed and show in detail that it will conform to the provisions of the
28 Technical Codes and all relevant laws, ordinances, rules and regulations. Information on
29 plans and specifications shall include but not be limited to the following: the house and
30 street address of the work, name and address of the owner and/or the contractor and the
31 person preparing the plans, seismic category, type of construction, area of each floor,
32 occupancy group and occupant load, soil bearing capacity, concrete strength, lumber and
33 steel stress values, wind, roof, and floor design loads. Plans shall also include a plot plan
34 showing property lines and the location of the proposed building and of every existing
35 building on the property.

36
37 The building official may require special calculations regarding three (3) story wood
38 framed building, retaining walls, or any other data or computations not specifically
39 mentioned herein in order to show correctness of the plans.

40
41 Plans for buildings more than two (2) stories in height of other buildings regulated by
42 the International Residential Code shall indicate how required structural and fire-resistive
43 integrity will be maintained where a penetration will be made for electrical, mechanical,
44 plumbing and communication conduits, pipes and similar systems.

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1
2 For one and two-family dwellings and townhouses regulated by the International
3 Residential Code, minimum plan submittal shall include but not be limited to the
4 following drawings: Plot plan, Foundation plan, Floor plan, Framing plan, Electrical plan,
5 cross section through bearing wall and elevations. Plumbing and heating fixtures may be
6 shown on the floor plan.

7
8 Information and computations on building services equipment shall be indicated on
9 the plans including installation of consumer plumbing, drainage, gas piping, heating and
10 cooling, ventilating and refrigeration systems. Electrical plans shall show electrical
11 risers, conductor sizes, grounding, load calculations, disconnects, panel schedules and
12 wiring methods.

13
14 Any specifications of general expression such as, "work shall be done in accordance
15 with the Bernalillo County Code", or "to the satisfaction of the County Building
16 Official", shall be deemed inadequate and incomplete.

17
18 **SECTION 303. PERMIT ISSUANCE**

19
20 **303.1 Issuance.** Only an individual, firm, partnership or corporation duly licensed
21 as a contractor by the Construction Industries Division of the State of New Mexico, will
22 be issued a permit unless such individual, firm, partnership or corporation is exempt
23 under NMSA 60-13-3 D.

24
25 **Exception 1:** A homeowner may be issued a permit to build a single family residence
26 and or garage for his own use.

27
28
29 **Exception 2:** An electrical or plumbing permit may be issued to a homeowner who
30 successfully completes a written plumbing and/or electrical exam with a score of 75% or
31 greater. The Electrical / Plumbing Sections shall administer the written exams to
32 qualified homeowners who complete the Homeowner's Responsibility Form.
33 Homeowners will be allowed two (2) hours to complete each exam. Homeowners who do
34 not pass an exam may take that one additional time after waiting 10 working days.

35
36 The application, plans and specifications, and other data, filed by an applicant for
37 permit shall be reviewed by the Building Official. Such plans may be reviewed by other
38 departments of this jurisdiction to verify compliance with any applicable laws under their
39 jurisdiction. If the Building Official finds that the work described in an application for a
40 permit and the plans, specifications and data filed therewith conform to the requirements
41 of this code and the technical codes and other pertinent laws and ordinances, and that the
42 fees specified by the Bernalillo County Commission in Administrative Resolution have
43 been paid, a permit therefore shall be issued to the applicant.

44
45 When the Building Official issues the permit where plans are required, he shall
46 endorse in writing or stamp the plans and specifications "APPROVED". Such approved
47 plans and specifications shall not be changed, modified or altered without authorization

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1 from the building official, and all work regulated by this Code shall be done in
2 accordance with the approved plans.

3
4 The Building Official may issue a permit for the construction of part of a building,
5 structure or building service equipment before the entire plans and specifications for the
6 whole building, structure or building service equipment have been submitted or
7 approved, provided adequate information and detailed statements have been filed
8 complying with all pertinent requirements of the Technical Codes. The holder of such
9 permit shall proceed at his own risk without assurance that the permit for the entire
10 building, structure or building service will be granted. A permit that was issued for the
11 foundation of a building will require a building permit before work progresses beyond the
12 foundation stage. Work permitted under a foundation permit shall be limited to footings,
13 foundation walls and any other construction up to and including a first floor slab.

14
15 A separate permit shall be required for a sign for each business entity, and/or a
16 separate permit shall be required for each group of signs on a single supporting structure.

- 17
18 1. Plumbing, mechanical and electrical permit procedures for multiple units. Where
19 multiple structures are built on the same property or lot under one ownership
20 and/or address; and where the gas and/or electric utilities are furnished through
21 one meter, separate permits will be required for each building on separate
22 foundations with the permits so numerically marked to identify the separate
23 buildings. The administration fee as described in Administrative Resolution shall
24 be charged on each permit and permit fees shall be charged as though they were
25 individual structures.

26
27 No consideration will be given to connecting laundries, storage rooms, boiler rooms,
28 garages, etc., by connecting roof structures or assemblies in order to avoid the separate
29 structure as stated above.

30
31 Where several meters are installed on one (1) building, separate permits will be
32 required for each meter with the permits so marked to identify each building address.
33 The Administration Fee as described in the Administrative Resolution approved by the
34 Bernalillo County Commission will be charged on each permit and permit fees shall be
35 charged as though each meter location was a separate building.

36
37 **Exception: Electrical Permits for Apartment Houses.** The Administration Fee will
38 be required for each gang of meters on each gang of meters on each building of apartment
39 houses.

40
41 When separate structures exist as stated above, but each such structure is served by its
42 individual and separate gas and/or electric meter, a separate permit will be required and
43 each permit will carry the administration fee.

44
45 **303.2 Retention of Plans.** One set of approved plans and specifications shall be
46 returned to the applicant and shall be kept on the site of the building or work at all times
47 during which the work authorized thereby is in progress. One set of approved plans,
48 specifications and computations shall be retained by the Building Official until final

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1 approval of the work, thereafter to be returned to the applicant or destroyed by the
2 Building Official.

3
4 **303.3 Validity of Permit.** The issuance of a permit or approval of plans,
5 specifications and computations shall not be construed to be a permit for, or an approval
6 of, any violation of any of the provisions of this Code or the Technical Codes, or of any
7 other ordinance of this jurisdiction. Permits presuming to give authority to violate or
8 cancel the provisions of this code or of other ordinances of the jurisdiction shall not be
9 valid.

10
11 The issuance of a permit based upon plans, specifications and other data shall not
12 prevent the Building Official from thereafter requiring the correction of errors in said
13 plans, specifications and other data, or from preventing building operations being carried
14 on there under when in violation of these codes or of any other ordinances of this
15 jurisdiction.

16
17 **303.4 Expiration.** Every permit issued by the Building Official under the
18 provisions of the Technical Codes shall expire by limitation and become null and void, if
19 the building or work authorized by such permit is not commenced within 180 days from
20 the date of such permit, or if the building or work authorized by such permit is suspended
21 or abandoned at any time after the permit is issued for a period of 180 days. Permit will
22 expire after a period of 180 days of last legitimate inspection of record. All buildings or
23 structures under construction and regulated by this Code and the Technical Codes which
24 are in a deteriorated condition for more than 90 days and on which no work has been
25 done during that period are considered abandoned. The premises will also be considered a
26 nuisance and if the nuisance is not abated by rehabilitation, repair, demolition or removal,
27 the Building Official may institute any appropriate administrative or judicial action to
28 prevent, restrain, correct or abate the violation. Before such work on above permits can
29 be recommenced, the permit must be re-newed, and the fee therefore shall be one-half
30 (1/2) the amount required for a new permit for such work, provided no changes have been
31 made or will be made in the original plans and specifications for such work; and provided
32 that such suspension or abandonment has not exceeded one (1) year. All plans and other
33 data submitted for permit may thereafter be returned to the applicant or destroyed by the
34 Building Official.

35 In order to renew action on a permit exceeding one (1) year after expiration, the
36 permittee shall pay a new full (current) permit fee.

37
38 **Exception:** Demolition Permits shall expire ninety days from the date of issuance unless
39 an extension is granted by the Building Official.

40
41 Any permit holder holding an unexpired permit may apply for an extension of the
42 time within which he may commence work under that permit when he is unable to
43 commence work within the time required by this section for good and satisfactory
44 reasons. The Building Official may extend the time for action by the permittee for a
45 period not exceeding 180 days upon written request by the permittee showing that
46 circumstances beyond the control of the permittee have prevented action from being
47 taken. Permits shall not be extended more than once.

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1 **303.5 Suspension or Revocation.** The Building Official may, in writing, suspend
2 or revoke a permit issued under the provisions of this Code and the Technical Codes
3 whenever the permit is issued in error or on the basis of incorrect information supplied, or
4 in violation of any ordinance or regulation or any of the provisions of these codes.

5
6 **SECTION 304. FEES**

7
8 **304.1 General.** Fees shall be assessed in accordance with the provisions of this
9 section.

10
11 **304.2 Permit Fees.** The fee for each permit shall be as set forth by Administrative
12 Resolution with the approval of the Bernalillo County Commission. Where a technical
13 code has been adopted by the jurisdiction for which no fee schedule is shown in this
14 Code, the fee required shall be in accordance with the schedule established by the
15 Bernalillo County Commission.

16
17 The determination of value or valuation under any of the provisions of these codes
18 shall be made by the building official. The Building Official may use the most current
19 data released from the Building Safety Journal (The Professional Journal of Construction
20 and Fire Safety). The value to be used in computing the building permit and building
21 plan review fees shall be the total value of all construction work for which the permit is
22 issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-
23 conditioning, elevators, fire-extinguishing systems and any other permanent equipment
24 no matter who may furnish the equipment, labor or materials. Final building permit
25 valuation shall be set by the Building Official.

26
27 **304.3 Plan Review Fees.** When a plan or other data is required to be submitted by
28 Section 302.2, a plan review fee shall be paid at the time of submitting plans and
29 specifications for review. Said plan review fee for buildings, signs or structures shall be
30 as shown in Table 3-A and 3-E Administrative Resolution.

31
32 The plan review fees for electrical, mechanical and plumbing shall be equal to 25
33 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

34
35 The plan review fees specified in this subsection are separate fees from the permit
36 fees specified in Section 304.2 and are in addition to the permit fees.

37
38 Where plans are incomplete or changed so as to require additional plan review, an
39 additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-F
40 of the Administrative Resolution.

41
42 The fee for rechecking lost or worn-out plans for which a permit has previously been
43 issued shall be charged at the rate shown in Table 3-A of the Administrative Resolution.

44 The fee for checking more than two (2) sets of plans schedules established (duplicate
45 sets) shall be charged at the rate shown in Table 3-A of the Administrative Resolution.

46
47 The fee for the checking and consultation time requested by the applicant for a
48 preliminary plan review shall be charged at the rate shown in Table 3-A of the

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1 Administrative Resolution. In all cases the applicant must provide the basic code data
2 described in Section 302.3 and not be dependent upon the building official for this
3 information.
4

5 **304.4 Expiration of Plan Review.** Applications for which no permit is issued
6 within 180 days following the date of application shall expire by limitation, and plans and
7 other data submitted for review may thereafter be returned to the applicant or destroyed
8 by the Building Official. The Building Official may extend the time for action by the
9 applicant for a period not exceeding 180 days upon request by the applicant showing that
10 circumstances beyond the control of the applicant have prevented action from being
11 taken. No application shall be extended more than once. In order to renew action on an
12 application after expiration, the applicant shall resubmit plans and pay a new plan review
13 fee.
14

15 **304.5 Investigation Fees. Work without a Permit.**

16
17 **304.5.1 Investigation.** Whenever any work for which a permit is required by
18 this Code has been commenced without first obtaining said permit, a special
19 investigation may be made before a permit is issued for such work.
20

21 **304.5.2 Fee.** An investigation fee, in addition to the permit fee, shall be
22 collected whether or not a permit is then or subsequently issued. The
23 investigation fee shall be equal to the amount of the permit fee required by this
24 Code. The minimum investigation fee shall be the same as the minimum fee set
25 forth in Tables 3-A through 3-F of the Administrative Resolution. The payment
26 of such investigation fee shall not exempt any person from compliance with all
27 other provisions of either this Code or the Technical Codes nor from any penalty
28 prescribed by law.
29

30 **304.6 Fee Refunds.** The building official may authorize the refunding of any
31 fee paid hereunder which was erroneously paid or collected.
32

33 The building official may authorize the refunding of not more than 80 percent of the
34 permit fee paid when no work has been done under a permit issued in accordance with
35 this code.
36

37 The building official may authorize the refunding of not more than 80 percent of the plan
38 review fee paid when an application for a permit for which a plan review fee has been
39 paid is withdrawn or cancelled before any plan review is done.
40

41 The building official shall not authorize the refunding of any fee paid except upon written
42 application filed by the original permit holder not later than 180 days after the date of fee
43 payment.
44

45 Exception: The building official may authorize the refunding of any fee paid subject the
46 review and approval of the County Manager or his designated representative.
47

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1. Certificate of Operation:

(a) If upon inspection, a boiler is found to comply with the adopted rules and regulations, the Building Official shall issue a Certificate of Operation to the owner or user of such boiler. The Certificate of Operation shall state the date of inspection and the maximum pressure at which the boiler may be operated. The owner or user of said boiler shall pay the fee as established by Administrative Resolution upon the issuance of the Certificate of Operation. Certificate of Operation shall be valid for not more that fourteen (14) months from the date of inspection in case of power boilers and twenty-six (26) months in the case of low pressure heating and all other boilers. Certificates shall be posted in the room containing the boiler inspected, or for a portable boiler, in a metal container to be fastened to the boiler or to be kept in a tool box accompanying the boiler.

(b) The Building Official may at any time revoke a certificate of operation when, in his opinion the boiler for which it was issued cannot be operated without menace to the public safety, or when the boiler is found not to comply with the lawful rules and regulations of the County. Such revocation of a certificate of operation shall continue in effect until such boiler shall have been made to conform to the rules and regulations of the County.

2. Inspection Fees: The owner or user of a boiler required by this ordinance to be inspected by the Building Official shall pay to the designated inspection agency upon completion of the inspection, fees in accordance with the fee schedules established by Administrative Resolution.

SECTION 305 INSPECTIONS

305.1 General. All Construction or work for which a permit is required shall be subject to inspection by the Building Official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have continuous inspection as specified in Section 306.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

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1 **305.2 Permit Notice Card.** Work requiring a building permit shall not be
2 commenced until the permit holder or his agent shall have posted a permit notice card
3 with the street address on it in a conspicuous place on the premises so that the permit card
4 is visible from the street. This card shall be maintained in such position by the permit
5 holder until final approval has been issued by the Building Official.
6

7 **305.3 Inspections Requests.** It shall be the duty of the permit holder doing the work
8 authorized by a permit to notify the Building Official that such work is ready for
9 inspection. Notification shall include at least the following: correct street address, suite
10 number and/or building number, type of inspection, permit holder's name, permit number
11 and/or sub-permit number. The Building Official may require that every request for
12 inspection be filed at least one (1) working day before such inspection is desired. Such
13 request may be in writing or other means at the approval of the building official. It shall
14 be the duty of the permit holder requesting any inspections required either by this code or
15 the technical codes to provide access to and means for inspection of such work. It shall
16 be the duty of the permit holder requesting any inspection to ensure that the permit notice
17 card is conspicuously posted and is visible from the street.
18

19 **Exception:** If a building permit is not required, it shall be the duty of the plumbing,
20 mechanical, or electrical permit holder to ensure that the address is conspicuously posted.
21

22 **305.4 Approval required.** Work shall not be done beyond the point indicated in
23 each successive inspection without first obtaining the approval of the Building Official.
24 Such approval shall be given only after an inspection shall have been made of each
25 successive step in the construction as indicated by each of the inspections required by the
26 following subsections detailing the required inspections. The building official, upon
27 notification, shall make the requested inspections and shall either indicate that portion of
28 the construction is satisfactory as completed or shall notify the permit holder or his agent
29 when the same fails to comply with this code. Any portions which do not comply shall
30 be corrected and such portion shall not be covered or concealed until authorized by the
31 Building Official.
32

33 There shall be a final inspection and approval of all buildings, building service
34 equipment, and structures when completed and ready for occupancy and use.
35

36 **305.5 Required Inspections.**
37

38 **305.5.1 Required Building Inspections.** Reinforcing steel or structural framework
39 for any part of any building or structure shall not be covered or concealed without
40 first obtaining the approval of the Building Official.
41

42 The Building Official, upon notification from the permit holder or his agent, shall
43 make the following inspections (when applicable to the construction method used)
44 and shall either approve that portion of the construction as completed or shall
45 notify the permit holder or his agent wherein the same fails to comply with this
46 Code.
47

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- 1 1. **Foundation Inspection:** to be made after excavations for footings are complete
2 and any required reinforcing steel is in place. For concrete foundations, any
3 required forms shall be in place prior to inspection. All materials for the
4 foundation shall be on the job, except where concrete is ready-mix in accordance
5 with nationally accepted standards, the concrete need not be on the job. Where
6 the foundation is to be constructed of approved treated wood, additional
7 inspections may be required by the Building Official.
8
- 9 2. **Foundation Insulation Inspection:** To be made after insulation has been
10 installed around the perimeter of slab on grade floors.
11
- 12 3. **Concrete Slab Inspection:** To be made after all in-slab or under-floor building
13 service equipment, conduit, piping accessories and other ancillary equipment
14 items are in place, but before any concrete is placed.
15
- 16 4. **Floor Frame inspection:** To be made when all floor joists, girders and hangers
17 are installed but before any decking is placed. All under-floor plumbing,
18 mechanical and electrical work must be approved prior to any concealment.
19
- 20 5. **Bond Beam Inspection:** To be made when bond beam is formed and steel is in
21 place and tied, prior to laying any successive courses or placing any concrete.
22
- 23 6. **Frame inspection:** To be made after the roof decking and under-layment, all
24 framing fire-blocking, bracing, framed openings for exterior doors and windows,
25 are in place and all pipes, electrical wiring, chimneys, duct work and vents are
26 complete, inspected and approved.
27
- 28 7. **Insulation Inspection:** To be made after insulation has been installed in frame
29 walls, ceilings, floors, etc.
30
- 31 8. **Sheetrock Inspection:** All commercial sheetrock applications shall be inspected
32 prior to taping and bedding. Residential applications only required 5/8" type X
33 sheetrock will be inspected prior to taping and bedding.
34
- 35 9. **Lath Inspection:** To be made after all lath, interior and/or exterior, is in place;
36 but before any plaster / stucco is applied.
37
- 38 10. **Final inspection:** To be made after building is completed and ready for
39 occupancy and before it is occupied. A final inspection shall be scheduled by the
40 permit holder.

41 **Partial inspections:** When necessary due to construction requirements, partial
42 inspections may be made. This requires specific details as to what portion of the
43 work is to be inspected.
44

45 Some projects shall require multiple inspections within a category as listed above.
46 It shall be the responsibility of the Permit Holder to notify the Building Official
47

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1 and request such additional inspections for these categories as the project
2 progresses.
3

4 **305.5.2 Required Electrical Inspections.** The following is a list of required
5 electrical inspections and customary terms. It should be noted that the number
6 and type of inspections are not limited to the following and that additional
7 inspections may be required subject to the complexity of the work.
8

- 9 1. **Rough-in:** When wires are run into a building and before they are covered by
10 finished walls, ceilings or floors, when the ground wires are made up to the boxes,
11 when home-runs are terminated in the panels, when conduit work is secured
12 (including boxes), the work is ready for a Rough-In inspection.
13
- 14 2. **Pre-final:** Pre-Final requires a complete service riser, meter can in place, point of
15 attachment completed, service ground attached to grounding electrode.
16
- 17 3. **Final:** When the job is completed a final inspection is required.
18
- 19 4. **Slab:** Check the conduit before pouring for proper installation, continuity
20 (grounding integrity) and any damage. Note whether conduit is metal or plastic.
21
- 22 5. **Temporary poles:** Check that disconnect and receptacles are weatherproof.
23 Look for proper clearance at the point of attachment. A driven ground or
24 wrapped butt shall be properly installed. Check conductor capacity, fuses, and
25 switches. Check for GFCI for 15 and 20 amp receptacles.
26
- 27 6. **Meter changes:** When there is a meter change, check out the service risers, point
28 of attachment, service bonding, and grounding.
29
- 30 7. **Ranges and/or dryers:** Check that there has been no double lugging, the service
31 is adequate for the load and grounds are properly installed. Check for improper
32 use of SE cable from a sub-panel.
33
- 34 8. **Swimming Pools:** Grounding, conduit and final inspections are required.

35 **305.5.3 Required Mechanical and Solar Energy Inspections.** It should be noted
36 that the number and type of inspections are not limited to the following and that
37 additional inspections may be required subject to the complexity of the work.
38

- 39 1. **Duct Groundwork:** This inspection includes all duct work described by the
40 permit that requires underground installation. The inspection shall be called after
41 the duct has its proper concrete cover if required, but before it is covered by any
42 other material.
- 43 2. **Rough Piping Inspection:** Rough piping inspection of all piping installations
44 shall be made after all piping covered by the permit has been installed, and before
45 any such piping has been covered or concealed, or any appliances have been
46 attached thereto; provided, that the building official may expressly waive rough
47 piping under any particular permit where there is involved only an extension to

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1 existing piping for the purpose of providing one (1) or more additional gas outlets
2 or plumbing fixtures for the same structure. This inspection may be made at time
3 of the plumbing or heating top out.

4 3. **Heating Top Out:** This inspection shall include all duct work and vents above
5 grade covered by the permit which will be covered or concealed. This inspection
6 shall be called before any of the ducts or vents above grade are covered or
7 concealed.

8 4. **Mercury Test:** Low gas supply pressure up to and including 3 lbs shall include
9 an air pressure test, at which time the gas piping shall stand a pressure of not less
10 than 10 pounds per square inch gauge pressure, or at the discretion of the building
11 official the piping and valves may be tested at a pressure of at least six inches (6")
12 of mercury measured with a manometer or slope gauge. Test pressures shall be
13 held for a length of time satisfactory to the building official, but in no case for less
14 than 15 minutes with no perceptible drop in pressure. Over 3 lbs gas supply
15 pressure shall require a 24 hour recorder at 30 lbs.

16 . For gas conversions and existing homes needing a Mercury test, all gas appliances
17 shall be brought up to current codes.

18 **Exception:** Appliances installed in bedrooms do not have to be moved, closet
19 shall be weather-stripped with outside combustion air and boilers do not have to
20 have backflows.

21 5. **High Pressure Test:** For welded piping carrying gas at pressures less than
22 fourteen (14) inches water column pressure, the test pressure shall not be less than
23 sixty (60) pounds per square inch and shall be continued for a length of time
24 satisfactory to the administrative authority, but in no case for less than thirty (30)
25 minutes for each 500 cubic feet of pipe volume.

26 **Exception:** Welded piping carrying gas at pressures less than fourteen (14)
27 inches water column pressure, may at the contractor's option, be tested with a test
28 pressure of not less than thirty (30) pounds per square inch using a recording
29 device for a period of not less than twenty-four (24) hours. For gas piping
30 carrying gas at pressures in excess of fourteen (14) inches water column pressure,
31 the test pressure shall not be less than thirty (30) pounds per square inch using a
32 recording device for a period of not less than twenty-four (24) hours.

33
34 **Exception:** With prior written approval from the Administrative Authority,
35 existing gas piping carrying gas at pressures in excess of fourteen (14) inches
36 water column pressure may be tested with sixty (60) pounds per square inch and
37 shall be continued for a length of time satisfactory to the Administrative
38 Authority, but in no case for less than thirty (30) minutes for each 500 cubic feet
39 of pipe volume. All of the above tests shall be made using air, CO2, or nitrogen
40 pressure only and shall be made in the presence of the administrative authority.
41 The 24-hour recording device shall be read by the administrative authority or his
42 representative at the end of the 24-hour period. All necessary apparatus for
43 conducting tests shall be furnished by the permit holder.
44

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1 6. **Gas Final:** Final inspection of all installations shall be made after all piping
2 covered by the permit has been installed and after all portions thereof which are to
3 be concealed by plastering or otherwise have been so concealed and after all non-
4 portable gas appliances are installed. A mercury test is required for a final gas
5 inspection, even if a temporary gas inspection was made previously.

6
7 7. **Appliances Final:** An appliance final shall be made after the installation of an
8 appliance, or appliances, has been completed to meet this Code and
9 manufacturer's installation instructions.

10
11 8. **Temporary Gas Service:** Temporary gas service shall be for a maximum of a 90
12 day period. Mercury test and inspection on specified appliances shall be called for
13 a temporary gas service. Before additional appliances are connected, or a tenant
14 may occupy a building, a final gas inspection shall be called and approved. No
15 temporary gas for heating shall be allowed after April 30 or before October 1.

16
17 9. **Boiler Inspection:** This inspection shall be made after the installation of the
18 boiler is completed to meet this Code and the manufacturer's installation
19 instructions.

20
21 **Partial Inspections:** When necessary due to construction requirements, partial
22 inspections may be made. This requires specific details as to what portion is to be
23 inspected.

24
25 **305.5.4 Required Plumbing and Swimming Pool Inspections.** The following is
26 a list of required plumbing and swimming pool inspections and the customary terms and
27 order in which they are usually called. It should be noted that the number and type of
28 inspections are not limited to the following and that more inspections may be required by
29 the complexity of some jobs.

30 1. **Sewer Tap and Stub-In:** Sewer tap and stub-in from a tee or a tapping saddle on
31 the county sewer main to private property line. Approval to tap the county sewer
32 is required from the liquid waste engineer of the County of Bernalillo.

33 2. **Water Service:** Water piping from the service meter to the connection outside of
34 the building. Metal pipe shall be covered to a minimum of twenty-eight inches
35 below finished grade, in debris-free soil. Plastic pipe shall be covered to a
36 twenty-eight inch depth below grade, on a smooth bed, in debris-free soil. All
37 piping shall be checked with a test of not less than operating pressure. Backfill
38 shall be free of any stones, metal, glass, etc., which could cause damage to piping.

39 3. **Building or House Sewer:** Building sewer or house sewer shall be in
40 accordance with Table 7-5 in the Uniform Plumbing Code, of approved
41 materials, at a minimum depth of twelve inches, on a smooth bed, tamped below
42 pipe as required, and properly graded, and inspected before any backfill cover.

43 4. **Ground Work:** All drain, waste and vent piping below the first floor level to a
44 re-vent height is to be filled with water to a minimum of ten feet head for a test
45 and inspection before covering. This inspection includes water distribution piping

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1 below a first floor slab. Water distribution is defined as all water piping inside
2 and under the building.

3 5. **Top-Out:** Where a sanitary ground work inspection under a concrete floor has
4 been made, the next inspection is usually the top-out and includes all piping above
5 the floor to the extensions through the roof and/or walls.

6 6. **Rough Piping Inspection:** Rough piping inspection of all piping installations
7 shall be made after all piping covered by the permit has been installed, and before
8 any such piping has been covered or concealed, or any appliances have been
9 attached thereto; provided that the Building Official may expressly waive rough
10 piping under any particular permit where there is involved only an extension to
11 existing piping for the purpose of providing one (1) or more additional gas outlets
12 or plumbing fixtures for the same structure. This inspection may be made at that
13 time of the plumbing or heating top-out.

14 8. **Shower Pan Inspection;** Shower pan liners of vinyl or other water proofing
15 method shall be inspected.

16 7. **Plumbing Final:** When all plumbing is complete and the fixtures are installed
17 and ready for service, a final inspection shall be called for by the plumbing
18 contractor.

19 8. **Swimming Pool Inspection:** An inspection is required on all work before it is
20 concealed. An inspection is required on the circulating lines, pool drain, water
21 distribution, house sewer connection, sand trap, mercury test on gas lines, and
22 boiler. A pool final is required upon completion.

23 **Partial inspection:** When necessary due to construction requirements, partial inspections
24 may be made. This requires specific details as to what portion is to be inspected.

25

26 **305.5.5 Required sign inspections.** All signs for which a permit is required shall
27 be subject to inspection by the Building Official.

28 1. Footing inspections may be required by the Building Official for all signs having
29 footings.

30 2. Final inspection shall be required for all signs. The permittee shall notify the
31 Building Official when the sign is completed.

32

33 All signs containing electrical wiring shall be subject to the provisions of the
34 governing electrical code, and the electrical sign and components used shall bear the label
35 of an approved testing agency.

36

37 The Building Official may order the removal of any sign that is not maintained in
38 accordance with provisions of Section 104.5.

39

40 All signs may be re-inspected at the discretion of the Building Official.

41

42 **305.5.6 Other inspections.** In addition to the called inspections specified above,
43 the Building Official may make or require other inspections of any construction work to
44 ascertain compliance with the provisions of this Code or other Technical Codes and other
45 laws which are enforced by the Building Division. For the purpose of determining

CONTINUATION PAGE 35, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 compliance with Section 104.5, the Building Official may cause any structure to be re-
2 inspected.

3
4 **305.5.7 Re-inspections.** A re-inspection fee may be assessed for each inspection
5 or re-inspection when such portion of work for which inspection is called is not complete
6 or when corrections called for are not made.

7
8 This subsection is not to be interpreted as requiring re-inspection fees the first time a
9 job is rejected for failure to comply with the requirements of the Technical Codes, but as
10 controlling the practice of calling for inspections before the job is ready for such
11 inspection or re-inspection.

12
13 Re-inspection fees may be assessed when the permit notice card and/or address is not
14 conspicuously posted on the work site; the approved plans are not readily available to the
15 inspector; for failure to provide access on the date for which inspection is requested; for
16 deviating from plans requiring the approval of the Building Official; or for a second
17 rejection for failure to comply with the requirements of this Code.

18
19 To obtain a re-inspection, the applicant shall file an application therefore in writing
20 upon a form furnished for that purpose, and pay the re-inspection fee in accordance with
21 Tables No. 3-A through 3-F of Administrative Resolution.

22
23 In instances where re-inspection fees have been assessed, no additional inspection of
24 the work will be performed until the required fees have been paid.

25 Re-inspection fees may be waived at the discretion of the Building Official

26
27 **SECTION 306. CONNECTION TO UTILITIES.**

28 **306.1 Energy Connections.** No person shall make connections from a source of
29 energy, fuel, or power to any building service equipment which is regulated by the
30 Technical Codes and for which a permit is required by this Code, until written approval is
31 given by the Building Official.

32
33 **306.2 Temporary Connections.** The Building Official may authorize the
34 temporary connection of the building service equipment to the source of energy, fuel or
35 power for the purpose of testing building service equipment, or for use under a temporary
36 Certificate of Occupancy.

37
38 **306.3 Reconnection of Utilities.** Written authorization *of* the Building Official
39 shall be required for any person, firm, or corporation to reconnect any gas or water
40 service if it has been ordered disconnected by the Building Official.

41
42 **306.4 Street Excavations.** All utilities (plumbing, gas, sewer, water, electricity,
43 telephone, and telegraph) making excavations shall comply with all provisions of the
44 Bernalillo County Code and other applicable Ordinances.

45
46 **306.5 Sewer Connections.** Before any person, firm or corporation makes any
47 sewer connection to, or between any other type buildings within the unincorporated areas
48 of Bernalillo County, the connection shall be subject to the provisions of the county's

CONTINUATION PAGE 36, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 policy in force at that time regarding policy regulating sewer connections. Any person,
2 firm or corporation making sewer connections shall comply with all applicable sections
3 of this code, secure the required permits and pay the required fees.
4

5 **SECTION 307. CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF**
6 **SHELL COMPLETION**
7

8 **307.1 Use or Occupancy.** Buildings or structures shall not be used or occupied,
9 nor shall a change in the existing occupancy classification of a building or structure or
10 portion thereof be made until the building official has issued a certificate of occupancy
11 therefore as provided herein.
12

13 **307.2 Change in Use.** Changes in the character or use of a building shall not be
14 made except as specified in the building code.
15

16 **307.3 Certificate of Occupancy Issued.** A request for a certificate of
17 occupancy shall be made by the owner or his agent after final inspection approvals have
18 been secured from all county departments or divisions involved in the enforcement of
19 pertinent codes, ordinances, or laws. The building official, after notification of all final
20 inspection approvals, shall issue a certificate of occupancy which shall contain the
21 following:
22

- 23 1. The building permit number.
 - 24 2. The address of the building.
 - 25 3. The name and address of the owner.
 - 26 4. A description of that portion of the building for which the Certificate is issued.
 - 27 5. A statement that the described portion of the building complies with the
28 requirements of this Code for group and division of occupancy and the use for
29 which the proposed occupancy is classified.
 - 30 6. The name of the Building Official.
- 31

32 **307.4 Temporary Certificate of Occupancy.** If the Building Official finds that
33 no substantial hazard will result from occupancy of any building or portion thereof before
34 the same is completed, he may issue a Temporary Certificate of Occupancy for the use of
35 a portion or portions of a building or structure prior to the completion of the entire
36 building or structure.
37

38 **307.5 Certificate of Shell Completion.** A request for a certificate of shell
39 completion may be made by the owner or his agent after inspection approvals have been
40 secured from all County departments or divisions involved in the enforcement of
41 pertinent codes, ordinances or laws. The Building Official, after notification of all
42 inspection approvals, shall issue a Certificate of Shell Completion which shall contain the
43 following:
44

- 45 1 The shell building permit number.

CONTINUATION PAGE 38, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 **CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES:**

2

3 **Section 1502.1 Definitions.** Section 1502.1 of the New Mexico
4 Commercial Building Code is deleted in its entirety. See this section of the International
5 Building Code.

6

7 **CHAPTER 16 STRUCTURAL DESIGN:**

8

9 **Section 1604.11 Walls and Fences.** Add to new section to read as follows:

10

11 Walls and fences shall be constructed to conform to the engineering design
12 requirements of this code relating to the construction materials used and the types of
13 loads the wall or fence will be subjected to. Walls designed as garden walls shall not be
14 used as retaining walls. The finished grade on opposite sides of a garden wall may vary
15 up to 48 inches without being considered a retaining wall. All retaining walls shall have
16 engineering computations submitted before a permit is issued.

17

18 Garden walls or fences do not require permits or engineering design if they do not
19 exceed 6 feet in height on either side.

20

21 Barbed wire and “concertina” wire may be used on a wall or fence if the strands
22 are a minimum of six feet (6’) or more above finished grade on either side of the wall or
23 fence.

24

25 **Section 1608 Snow Loads.** The snow load for Bernalillo County (other than
26 areas labeled “CS” as shown in Figure 1608.2 of IBC) is 20 pounds per square foot non-
27 reducible.

28

29 **Section 1609.3 Basic Wind Speed.** Delete the entire section and replace with the
30 following: The three (3) second gust wind speed to be used for design in the Bernalillo
31 County shall be 90 mph.

32

33 **Section 1609.3 Wind Speed Conversion.** When required, the three (3) second
34 gust wind speed shall be converted to fastest-mile wind velocity using table 1609.3.1.

35

36 **CHAPTER 23 WOOD:**

37

38 **Section 2308.9.1 Size, Height and Spacing.** Delete the entire section and replace
39 with the following: The size, height and spacing of studs shall be in accordance with
40 Table 2308.9.1 except that utility grade studs shall not be spaced more than 16 inches on
41 center, or exceed 8 feet in height for exterior walls or 10 feet in height for interior walls.
42 Utility studs and / or plates shall not be used in load-bearing walls.

43

44 **Section 2308.9.2.4 Plates or Sills.** Add the following sentence at the end of this
45 section: 2 inch x 6 inch foundation plates or sills may overhang the foundation or
46 foundation wall a maximum of one and one-half inch (1-1/2”).

47

48 **CHAPTER 24 GLASS AND GLAZING:**

CONTINUATION PAGE 39, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1
2 Delete Chapter 24 of the New Mexico Commercial Building Code in its entirety. See this
3 Chapter of the International Building Code.

4
5 **CHAPTER 29 PLUMBING SYSTEMS:**

6 Delete Chapter 29 of the New Mexico Commercial Building Code in its entirety. See this
7 Chapter of the International Building Code.

8
9 **CHAPTER 32 ENCROACHMENTS INTO THE PUBLIC RIGHT**
10 **OF-WAY:**

11
12 **Section 3202.2.4 GATES.** Add a new section to read as follows:
13 Gates in walls or fences on private or public property shall not project beyond the
14 property line.

15
16 **NEW MEXICO RESIDENTIAL BUILDING CODE**

17
18 **CHAPTER 1 ADMINISTRATION:**

19
20 Delete in its entirety and refer to Chapters 1, 2, and 3, of the Uniform Administrative
21 Code of the County of Bernalillo.

22
23 **CHAPTER 3 BUILDING PLANNING:**

24
25 **Section 310 Emergency escape and rescue openings.** Delete the following
26 sentence: Emergency escape and rescue openings are not required in basement areas that
27 are not sleeping rooms.

28
29 **CHAPTER 6 WALL CONSTRUCTION:**

30
31 **Section 602.3.4 Bottom (sole) plates.** Add the following sentence at the end of
32 this section: 2 inch x 6 inch foundation plates or sills may overhang the foundation or
33 foundation wall a maximum of one and one-half inch (1-1/2”).

34
35 **CHAPTER 7 WALL COVERING:**

36
37 Delete this chapter of the New Mexico Residential Code in its entirety. Adopt Chapter 7,
38 Wall Covering, of the International Residential Code as written but with the following
39 revision:

40
41 **Section 703.6.21 Weep Screeds.** When an approved acrylic based exterior finish
42 stucco system or acrylic based color coat is applied, weep screeds shall be installed in
43 accordance with the National Evaluation Services Report applicable to the specific
44 product installed.

45
46 **CHAPTER 10 CHIMNEYS AND FIREPLACES:**

47

CONTINUATION PAGE 40, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 **Section 1001.3** **Seismic Reinforcing.** Amend this paragraph to read:
2 Masonry or concrete chimneys shall be reinforced. Reinforcing shall conform to the
3 requirements set forth in Table R1001.1 and Section R609, Grouted Masonry.

4
5 **Section 1001.4** **Seismic Anchorage.** Amend this paragraph to read:
6 Masonry or concrete chimneys shall be anchored at each floor, ceiling, or roof line more
7 than 6 feet (1829mm) above grade, except where constructed completely within the
8 exterior walls. Anchorage shall conform to the requirements of Section R1001.4.1.

9
10 **Table R1001.1** **Summary of Requirements for Masonry Fireplaces and**
11 **Chimneys.** Delete footnote "b".

12
13 **NEW MEXICO EARTHEN BUILDING MATERIALS CODE**

14
15 ADOPTED AS WRITTEN.

16
17 **NEW MEXICO HISTORIC EARTHEN BUILDING CODE**

18
19 ADOPTED AS WRITTEN.

20
21 **NEW MEXICO NON-LOAD BEARING BALED STRAW**
22 **CONSTRUCTION BUILDING STANDARDS**

23
24 ADOPTED AS WRITTEN.

25
26 **NEW MEXICO EXISTING BUILDING CODE**

27
28 **Chapter 1 Administration.** Delete in its entirety and refer to Chapters 1, 2, and 3,
29 of the Uniform Administrative Code of the County of Bernalillo.

30
31 **STATE OF NEW MEXICO ELECTRICAL CODE**

32
33 **ARTICLE 90**

34
35 Delete in its entirety and substitute the following:

36
37 **ARTICLE 90**

38
39 **Article 90-1. Title.**

40
41 This Code shall be known as the "Bernalillo County Electrical Code", may be cited as
42 such, and will be referred to herein as "this code."

43
44 **Article 90-2. Purpose.** The purpose of this Code is to provide minimum standards to
45 safeguard life or limb, health, property and public welfare by regulating and controlling
46 the design, construction, installation, quality of materials, location, operation and

CONTINUATION PAGE 41, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 maintenance or alteration of electrical systems, including fixtures and appliances within
2 Bernalillo County.

3 **Article 90-3. Scope.**

4
5 The provisions of this Code shall apply to the erection, installation alteration, repair,
6 relocation, replacement, addition to, use, or maintenance of all electrical lighting, heating,
7 power systems, signal and communications systems, including all fixtures, conductors,
8 wiring, conduit, devices, appliances, and equipment within or on public or private
9 buildings and premises including yards, carnivals, parking lots, mobile homes, travel
10 trailers, and industrial substations; also the conductors that connect the installations to a
11 supply of electricity, and other outside conductors adjacent to the premises. The rules
12 and regulations published by the Public Service Commission of New Mexico, covering
13 electrical services, insofar as they do not conflict with this code, are hereby made a part
14 of this code and will be enforced as such.

15
16 **CHAPTER 1**

17
18 **General:**

19
20 Article 100-Definitions Add the following definitions:

21
22 Code Administration Program is the Building Division of the Zoning, Building and
23 Planning Department, Bernalillo County.

24
25 Finished building is a building where all tradesmen have completed their work and
26 the building has been approved by the building official and a certificate of occupancy
27 issued as required by the Uniform Administrative Code of Bernalillo County.

28
29 **Sec. 210-52 (b).** Branch circuits required.

30
31 (b)(1). Small Appliance Branch Circuits Dwelling Occupancies: ADD the following
32 paragraph:

33
34 The receptacle outlets required by this section shall be limited to four (4) single or
35 duplex receptacles per circuit.

36 Exception: Circuits that supply only dining areas may serve six (6) outlets.

37 Article 240. Over-current Protection.

38
39 **Section 240-24 Location in or on Premises.** ADD sub-paragraph (f): Over-current
40 devices shall not be located in bathrooms, closets, cupboards or similar locations.

41
42 **Article 250 Grounding.**

43
44 **Section 250-81(e).**

45
46 (e) Where a building or structure has plastic instead of metal pipe for its cold water
47 system and there is no possibility of a proper cold water ground, the grounding
48 connection shall be made to the re-bars in the footing of the building or structure. This

CONTINUATION PAGE 42, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 does not preclude the use of any other electrodes permitted in 250-81, as long as a proper
2 ground and a supplemental ground are provided.
3

4 **STATE OF NEW MEXICO UNIFORM MECHANICAL CODE**

5
6 **CHAPTER 1**

7
8 Delete in its entirety and substitute Chapters 1, 2, and 3 of the Uniform
9 Administrative Code of Bernalillo County.
10

11 **Scope:** This Code shall be known as the “Mechanical Code of Bernalillo County”
12 and may be cited as such, and will be referred to herein as “this Code.”
13

14 The provisions of this Code shall apply to the erection, installation, alteration, repair,
15 relocation, and replacement, addition to, use or maintenance of any gas piping, heating,
16 boiler, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous
17 heat producing appliances.
18

19 As of September 2007, Bernalillo County will inspect LP gas piping on residential and
20 commercial buildings.
21

22 **CHAPTER 5**

23
24 **Section 504.3-Clothers Dryers**

25
26 504.3.2.2 Length Limitation. Change the section to read as follows: Unless
27 otherwise permitted or required by the dryer manufacturer’s installation instructions and
28 approved by the Administrative Authority, domestic dryer moisture exhausts shall not
29 exceed a length of 23 feet with two (2) 90 degree ells and a full 4” vent cap opening, or
30 33 feet with one (1) 90 degree ell and a full 4” vent cap opening. Ten feet shall be
31 deducted for each additional 90 degree elbow in excess of the number allowed. Further,
32 it is the installer’s responsibility to comply with the individual installation instructions
33 and/or manufacturer’s recommendations for each appliance.
34

35 **Section 505.4 Duct Enclosure.** Add a sentence to the end of this section to read as
36 follows:
37

38 The required duct enclosure shall extend continuously to a minimum of 6” above the
39 roof surface.
40

41 **Section 508.1 (Hoods) Where Required.** Insert a new sentence and exception to
42 read as follows:
43

44 For the purposes of this section, a food-processing establishment shall include any
45 building or portion thereof used for the processing of food, including churches, day care
46 centers and similar occupancies, but shall not include a dwelling unit.

CONTINUATION PAGE 45, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

STATE OF NEW MEXICO UNIFORM PLUMBING CODE

Delete Chapter 1 and refer to Chapters 1, 2 and 3 of the Uniform Administrative Code of the County of Bernalillo.

This Code shall be known as the “Plumbing Code of the County of Bernalillo”, may be cited as such, and will be referred herein as “this Code.”

Purpose.

The provisions of this Code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of all plumbing systems and drainage systems.

Appendix A, B, C, D, E, G, and H, I, J, K and I of the Plumbing Code shall be considered as part of this Code. The Uniform Plumbing Code Interpretations Manual shall be considered as the official interpretation manual for this Code. The International Association of Plumbing and Mechanical Officials Installation Standards shall be considered only as a guide. For specific material approvals, see Section 301 of this Code.

The International Association of Plumbing and Mechanical Officials Directory of Research Recommendations shall be considered only as a guide.

CHAPTER 3

313.6.1 Pipe Protection. All water piping installed in any space adjacent to, above or below a heated area subject to freezing shall be protected from freezing by the use of a minimum R-19 paper back Batt Insulation covering the water piping. When blown in insulation is used a semi rigid material shall be draped over the pipe and extending down to the top of the ceiling with no insulation installed in the space below the pipe. A minimum of R-21 insulation shall be installed continuously above the water piping. Water piping shall not be installed in any outside walls, floors or ceiling of unheated areas.

CHAPTER 4

412.0 Minimum Number of Plumbing Fixtures.

412.1 Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number as shown in the 2006 New Mexico Building Code.

412.2 Access to Fixtures. Adopted as written in the Uniform Plumbing Code.

412.3 Separate Facilities, Including Exceptions. Adopted as written in the Uniform Plumbing Code.

CONTINUATION PAGE 46, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 **412.4 Fixture requirements for Special Occupancies.** Adopted as
2 written in the Uniform Plumbing Code.

3
4 **412.5 Facilities in Mercantile and Business Occupancies Serving**
5 **Customers.** Adopted as written in the Uniform Plumbing Code.

6
7 **412.6 Food Service Establishments.** Food service establishments with an
8 occupant load of one hundred (100) or more shall be provided with separate facilities for
9 employees and customers. Customer and employee facilities may be combined for
10 occupant loads less than one hundred (100)

11
12 In addition, add a sentence to the end of section 413.6 as follows: A lavatory for
13 hand-washing shall be installed in all food preparation areas and in all food service areas.
14 Restroom facilities for the use of customers shall not have their access through any food
15 preparation, food storage or food service areas.

16
17 **412.7 Toilet Facilities for Workers.** Adopted as written in the Uniform
18 Plumbing Code.

19
20 **413.0 Fixtures and Fixture Fittings for Persons with Disabilities**

21
22 Change this section to read as follows: The requirements are set forth in the Building
23 Code in Chapter 11 and the Appendix Chapter E.

24
25 **CHAPTER 6**

26
27 **WATER SUPPLY AND DISTRIBUTION**

28
29 **608.5** Add an exception at the end of this section as follows:

30
31 **Exception:** If, in the opinion of the Administrative Authority, no practical means exists
32 for running the relief line to an approved point of disposal in a manner that will not trap
33 the line, it may be trapped if protected from freezing. Prior approval must be granted by
34 the Administrative Authority.

35
36 **CHAPTER 7**

37
38 **SANITARY DRAINAGE**

39
40 **PART II BUILDING SEWERS**

41
42 **Section 715.1 Building Sewer Materials.** Change to read as follows:

43
44 The building sewer, beginning two (2) feet from any building or structure and not in a
45 public right of way shall be of such materials as may be approved by the Administrative
46 Authority under the approved procedures set forth in Chapter 3 of this Code. Building
47 sewers 4” and smaller are required to be a minimum of schedule 40 piping. Building
48 sewers 6” and larger are required to be a minimum of SDR 35 (ASTM 3034) piping.

CONTINUATION PAGE 47, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 Drainage fittings or approved manholes shall be used to connect building sewers to utility
2 lines on private property. All building sewers may be constructed of SDR 26 PVC
3 (ASTM 3034) piping.
4

5 Sewer Tap and Stub-In: A Sewer tap and Stub-In is from the sewer main connection
6 to the private property line. Approved materials for this use include hub and spigot, no-
7 hub cast iron and PVC schedule 40 meeting ASTM 2665 or SDR 26 meeting ASTM
8 3034. All fittings shall be drainage type fittings. The minimum size of such piping shall
9 be 4” nominal diameter. If the City of Albuquerque sewer is tapped, either an approved
10 saddle or a y-branch fitting must be used at the point of connection between the house
11 sewer and the City main. Approval to “tap” the sewer is required from the liquid waste
12 engineer of the applicable jurisdiction. The vertical section of service risers, if required,
13 when connecting to flexible mains (PVC SDR 35, etc.) shall be schedule 40 PVC meeting
14 ASTM D2665 or PVC SDR26 meeting ASTM 3034. The Horizontal Section of all
15 laterals shall be of schedule 40 PVC, SDR26 or schedule 40 cast iron. ABS piping may
16 not be used in the public right of way.
17

18 **Section 715.2** Joining methods and materials shall be as prescribed in this code.
19

20 **CHAPTER 11**

21
22 **STORM DRAINAGE**
23

24 **Section 1101.11.1** Add a sentence to the end of the paragraph to read as follows:
25 The rainfall rate for the County of Bernalillo shall be as described in the Bernalillo
26 County Storm Drainage Ordinance.
27

28 **CHAPTER 12**
29

30 **FUEL PIPING**
31

32 **Section 1211.0 Installation of Gas Piping:** Add to the end of this paragraph as
33 follows: When necessary to insert fittings in piping which has been installed in a
34 concealed location, the piping may be reconnected by the use of a ground joint union
35 with nut “center punched” to prevent loosening by vibration. Bushings shall not be used
36 in any locations.
37

38 Delete 1214.3.1, 1214.3.2 and 1214.3.3.1 and substitute the following;
39

40 **Mercury Test:** This inspection shall include an air pressure test at which time the gas
41 piping shall stand a pressure of not less than 10 pounds per square inch gauge pressure or
42 at the discretion of the Authority having Jurisdiction the piping and valves may be tested
43 at a pressure of at least six inches (6”) of mercury measured with a manometer or slope
44 gauge. Test pressures shall be held for a length of time satisfactory to the Authority
45 having Jurisdiction, but in no case for less than ten (ten) minutes with no perceptible drop
46 in pressure.
47

CONTINUATION PAGE 48, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 Pressure test: For piping carrying gas at working pressures of 2 psi or less, the test
2 pressure shall not be less than ten (10) psi using a 15 pound test gauge with one tenth
3 (1/10) increments for a minimum time of ten(10) minutes. 3 psi or greater shall be tested
4 with a test pressure of not less than thirty (30) pounds per square inch using a recording
5 device for a period of not less than twenty-four (24) hours. For minor repairs, installing
6 tees or fittings on existing piping carrying gas pressure of three (3)psi or greater, the test
7 may be sixty (60) psi using a pressure gauge of one hundred (100) psi or less with 1
8 pound increments for a minimum time of thirty (30) minutes. All necessary apparatus for
9 conducting tests shall be furnished by the permit holder.

10
11 Gas Final: Final inspection of all installations shall be made after all piping and shut off
12 valves covered by the permit has been installed and after all portions thereof which are to
13 be concealed by plastering or otherwise have been so concealed and after all non-portable
14 gas appliances are installed. A mercury test is required for a final gas inspection.

15
16 **STATE OF NEW MEXICO UNIFORM SWIMMING POOL, SPA and**
17 **HOT TUB CODE**

18
19 **PART 1**

20
21 **ADMINISTRATION**

22
23 Delete in its entirety and refer to Chapters 1, 2, and 3 of the Uniform Administrative
24 Code of Bernalillo County.

25
26 This Ordinance shall be known as the "Uniform Swimming Pool Code" of Bernalillo
27 County, and may be cited as such and will be referred to herein as "this Code."

28
29 The provisions of this Code shall apply to the erection, installation, alteration, repair,
30 relocation, replacement, maintenance or use of any swimming pool plumbing system
31 except as otherwise provided for in this Code.

32
33 **CHAPTER 3**

34
35 **Sec. 301. General.** Change to read as follows:

36
37 All design, construction, and workmanship shall be in conformity with accepted
38 engineering practices and shall be of such character as to secure the results sought to be
39 obtained by this Code.

40
41 (a) Every swimming pool, spa or hot tub shall be equipped complete with approved
42 mechanical equipment consisting of filter, pump, piping valves, component parts and
43 connection to the sanitary sewer (See Section 310).

44
45 **EXCEPTION:** Pools with a supply of fresh water equivalent to the volume of the
46 pool in the specified turnover time will be allowed.

47

CONTINUATION PAGE 49, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 (b) The circulating piping system shall be designed so that the water velocity will not
2 exceed ten feet (10') per second, except that the water velocity shall not exceed eight feet
3 (8') per second in all suction piping and all copper piping.

4
5 **EXCEPTION:** Jet inlet fittings shall not be deemed subject to this requirement.

6
7 **Sec. 310. Waste Water Disposal.** Change to read as follows:

8
9 Unless otherwise permitted by the Building Official in writing, the waste water from
10 a swimming pool shall be disposed of through the sanitary sewer. On all public pools,
11 the waste water shall discharge through an approved air gap into a sand trap which is
12 installed on a branch of the building drain. The waste water for a private pool shall
13 discharge through an approved air gap into a three inch (3") stand pipe which extends a
14 minimum of 18 inches and not more than 30 inches above a P trap or into an approved
15 sand trap. The stand pipe and P trap or approved sand-trap may be installed on a branch
16 of the building drain and need not be vented unless it is located in a building or under a
17 roof.

18
19 **NOTE:** Small spa pools under 750 gallons in a single family residence shall be
20 considered a plumbing fixture and may be connected directly to the sewer.

21
22 **NOTE:** Private swimming pools less than 8,000 gallons in capacity need not
23 discharge into a sand trap of a three inch (3") stand pipe and trap installed on a branch of
24 the building drain.

25
26 Water discharged from swimming pools less than 8,000 gallons must be contained on
27 property where the pool is located or discharged into the sanitary sewer through a
28 temporary sewer connection.

29
30 **Sec. 311. Separation Tank**

31
32 Delete all wording.

33
34 **CHAPTER 4**

35
36 **SWIMMING POOL HEATERS AND VENTS**

37
38 **Sec. 401. General.** Change to read as follows:

39
40 The regulations of this chapter shall govern the construction, location and installation
41 of all fuel burning swimming pool, spa or hot tub heaters or water heaters or boilers
42 specifically designed and listed for swimming pool service, together with all chimneys,
43 vents and their connectors. All design, construction and workmanship shall be in
44 conformity with accepted engineering practices and shall be of such character as to
45 secure the results sought to be obtained by this Code. No swimming pool heater shall be
46 hereinafter installed which does not comply in all aspects with the type of model of each
47 size, thereof, approved by the Administrative Authority. All swimming pools, spas or hot
48 tub heaters installed in connection with private swimming pools as defined in this Code

CONTINUATION PAGE 50, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 shall be certified by the American Gas Association under ANSI Z21.56-1974. All
2 swimming pools, spas or hot tub heaters installed in connection with public swimming
3 pools defined in the Code shall be certified by the American Gas Association under ANSI
4 Z21.56-1974 if their BTU Input is 200,000 BTU's or less at sea level. If the pool heater
5 exceeds 200,000 BTU's at sea level as stamped at the factory, it shall be considered a
6 boiler and it shall be governed by the provisions of Chapter 21 of the New Mexico
7 Uniform Mechanical Code with regard to boiler certification.

8
9 **Sec. 404. Gas fired Swimming Pool Heater Approval Requirements.** Change to
10 read as follows:

11
12 (c) For units up to and including 200,000 BTU/hr. input the relief valve shall be
13 A.G.A. rated and for inputs over 200,000 BTU/hr. the valve shall be A.S.M.E. rated.

14
15 **Sec. 407. Enclosures and Combustion Air**

16
17 Delete all wording and refer to Chapter 6 of the Uniform Mechanical Code.

18
19 **CHAPTER 5**

20
21 Delete all wording and refer to Chapter 5 of the Uniform Plumbing Code for
22 requirements.

23
24 **STATE OF NEW MEXICO SOLAR ENERGY CODE**

25
26 **Chapter 1 Administration.** Delete in its entirety and refer to Chapters 1, 2, and 3,
27 of the Uniform Administrative Code of the County of Bernalillo.

28
29 **UNIFORM SIGN CODE**

30
31 **CHAPTER 1**

32
33 Delete in its entirety and substitute the following:

34
35 **CHAPTER 1**

36
37 **TITLE, PURPOSE AND SCOPE**

38
39 **TITLE**

40
41 **Sec. 101.** This Code shall be known as the "Uniform Sign Code of Bernalillo County",
42 may be cited as such, and will be referred to herein as "this Code".

43
44 **PURPOSE AND SCOPE**

45
46 **Sec.102.** The purpose of this Code is to provide minimum standards to safeguard life,
47 health, property and public welfare by regulating and controlling the design, quality of

CONTINUATION PAGE 51, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 materials, construction, location, electrification, and maintenance of all signs and sign
2 structures not located within a building. No sign shall be erected in such a manner as to
3 confuse or obstruct the view or interpretation of any official traffic sign, signal or device
4 nor shall any sign be erected that purports to be or is an imitation of or resembles an
5 official traffic control device. The provisions of this section shall not be deemed to
6 prohibit the erection upon private property adjacent to public ways of signs giving useful
7 directional information and of a type that cannot be mistaken for official signs. The
8 regulations of this Code are not intended to permit any violation of the provisions of any
9 other lawful ordinance. (See the Bernalillo County Zoning Ordinances and the Traffic
10 Code.)

11
12 **REGISTRATION**

13
14 **Sec.103.** (a) All persons presently engaged in the Sign Business shall register with the
15 County within thirty (30) days after this Ordinance is adopted.

16
17 (b) All persons who hereafter engage in the Sign Business shall register with the
18 County prior to their starting in the Sign Business.

19
20 (c) The County Registration certificate number shall be displayed on all vehicles used
21 by the Registrant in his business and on all requests for permits.

22
23 **Insurance**

24
25 **Sec.104. Insurance Required.** Prior to the issuance of a Certificate of Registration,
26 all persons in the Sign Business shall obtain public liability insurance indemnifying the
27 County of Bernalillo in amount of not less than \$300,000 for injury to one (1) person;
28 \$500,000 to two (2) or more persons arising from any one occurrence and \$100,000 for
29 property damage. A certificate of such insurance shall be deposited with the County at
30 the time and shall be renewed annually.

31
32 **CHAPTER 2**

33
34 **Sec.204.** ADD the definition of COUNTY to read as follows: COUNTY means
35 County of Bernalillo, New Mexico.

36
37 **Sec.214.** ADD the definition of SIGN BUSINESS to read as follows:

38
39 **SIGN BUSINESS** means the business of fabricating, erecting, suspending, moving,
40 or structurally altering of signs; whether such constitutes the sole source of income or
41 otherwise; provided, however, that where such business is carried on as an incident to
42 and for the purpose of advertising a principal business, it shall not be included in the
43 definition of "Sign Business".

44
45 **CHAPTER 3**

46 Delete in its entirety. Refer to Chapter 3 in the Uniform Administrative Code of the
47 County of Bernalillo.

CONTINUATION PAGE 52, ORDINANCE NO. 2009-5 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

CHAPTER 4

Section 401. Design Add a new subsection to read as follows:

401.6 Engineered Design. The Building Official may require plans and/or calculations sealed by a structural engineer be provided indicating compliance with this Chapter.

Section 403.1 General. Change to read as follows:

Clearance over Public Property. No sign projection over public property shall be erected unless at its lowest point it is at least twelve feet (12') above public property.

Sec. 403.2 Add a second paragraph to read as follows:

The above clearance from power lines are minimum, the Public Service Company of New Mexico shall be contacted for the National Electrical Safety Code clearance when sign installations are proposed near either primary conductors, secondary conductors or sub-transmission lines.

CHAPTER 5

Sec. 503.2 (b) Delete.

CHAPTER 9

Sec. 903.2 (b) Delete.

CHAPTER 10

Sec. 1003.1 Projection. Change to read as follows:

Signs may project over public property or a legal setback line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in Section 403.

Sec. 1003.2 Delete.

CHAPTER 11

Sec. 1103.2 Delete.

DONE this ____ day of _____, 2009

CONTINUATION PAGE 53 , ORDINANCE NO. 2009-5
BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,
APPEALS AND PENALTIES.

DONE this 28 day of April, 2009

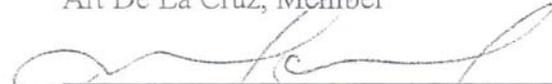
BOARD OF COUNTY COMMISSIONERS


Deanna Archuleta, Chair


Alan B. Armijo, Vice-Chair

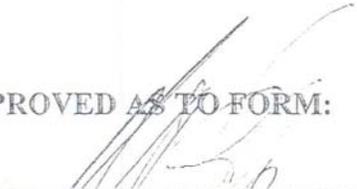
VOTED 'NO'

Art De La Cruz, Member


Michael C. Wiener, Member


Michael Brasher, Member

APPROVED AS TO FORM:


County Legal

Date: 4/7/09

ATTEST:


Maggie Toulouse Oliver
Date: 7/28/09

