

**BERNALILLO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**ORDINANCE NO. \_\_\_\_\_**

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

**BERNALILLO COUNTY ORDINANCE 2001-3 IS HEREBY REPEALED  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

**Bernalillo County Building Ordinance**

Chapter 10

**BUILDINGS AND BUILDING REGULATIONS\***

**Article I. In General**

Sec.s 10-1—10-30. Reserved

**Article II Construction Codes**

Sec.10-31. Intent of article

Sec.10-32. Penalty for violation of article.

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

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

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

\***Cross references**-Filling in property, §30-76 et seq.; noise from construction of buildings, §30-122; floods, ch.38; impact fees, ch.46; planning, ch.62; building numbering, §66-36 et seq.; subdivisions, ch.74; zoning, app. A; design overlay zone, app. B.S

CONTINUATION PAGE 2, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
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APPEALS AND PENALTIES.

1 **CD10:1**

2 **ARTICLE I. IN GENERAL**

3  
4 **Sects. 10-1—10-30 Reserved**

5  
6 **ARTICLE II. CONSTRUCTION CODES\***

7  
8 **Sec. 10-31. Intent of article.**

9  
10 It is the intent of this article to prescribe minimum standards regulating building,  
11 mechanical, plumbing and electrical work, and maintenance of buildings and structures  
12 within the unincorporated boundaries of the county.

13  
14 **Sec. 10-32. Penalty for violation of article.**

15  
16 Any person violating any of the provisions of this article or failing or neglecting to  
17 comply with orders issued pursuant to any section of this article shall, upon conviction,  
18 be punished as provided in section 1-6.

19  
20 **Sec. 10-33. Adoption of the uniform administrative code of the county.**

21  
22 The uniform administrative ordinance found in section 10 is hereby adopted and shall  
23 serve as the administrative, organizational and enforcement rules and regulations for the  
24 adopted technical codes within the county.

25  
26 **Sec. 10-34. Adoption of the national and state codes for the county.**

27  
28 For the purpose of prescribing minimum standards regulating construction and  
29 maintenance of buildings and structures, including all building service equipment and  
30 installations within the unincorporated boundaries of the county, the following codes are  
31 hereby adopted as amended by Exhibit A attached hereto.

- 32  
33 1) The **2006 New Mexico Commercial 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 2) The **2006 New Mexico Residential Building Code**, as adopted by the Construction  
37 Industries Division of the State of New Mexico with an effective date of January 1,  
38 2008;  
39 3) **The 2006 International Building Code**, as adopted by the Construction Industries  
40 Division of the State of New Mexico including Appendix Chapters B, C, E, H, I, and  
41 J with an effective date of January 1, 2008;  
42 4) The **2006 International Residential Code**, as adopted by the Construction  
43 Industries Division of the State of New Mexico, including Appendix Chapters G, H,  
44 and K with an effective date of January 1, 2008;

**CONTINUATION PAGE 3, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
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APPEALS AND PENALTIES.**

- 1 5) The **2006 New Mexico Earthen Building Materials Code**, as adopted by the  
2 Construction Industries Division of the State of New Mexico with an effective date of  
3 January 1, 2008;
- 4 6) The **2006 New Mexico Existing Building Code**, as adopted by the Construction  
5 Industries Division of the State of New Mexico with an effective date of January 1,  
6 2008;
- 7 7) The **2006 New Mexico Non-Load Bearing Straw Construction Building  
8 Standard**, as adopted by the Construction Industries Division of the State of New  
9 Mexico with an effective date of January 1, 2008;
- 10 8) The **2006 ICC Property Maintenance Code**, as published by the International Code  
11 Council (ICC);
- 12 9) The **2006 ICC Performance Code for Buildings and Facilities**, including Appendix  
13 Chapters: A, B, C, D, and E, as published by the International Code Council (ICC);
- 14 10) The **2006 New Mexico Uniform Mechanical Code** as adopted by the Construction  
15 Industries Division of The State of New Mexico with an effective date of January 1,  
16 2008;
- 17 11) **2006 New Mexico Uniform Plumbing Code** , as adopted by the Construction  
18 Industries Division of the State of New Mexico with an effective date of January 1,  
19 2008;
- 20 12) The **2008 New Mexico Electrical Code** , as adopted by the Construction Industries  
21 Division of the State of New Mexico with an effective date of January 1, 2008
- 22 13) The **2007 New Mexico Electrical Safety Code**, as adopted by the Construction  
23 Industries Division of the State of New Mexico with an effective date o January 1,  
24 2008;
- 25 14) The **2006 New Mexico Uniform Swimming Pool, Spa and Hot Tub Code**, as  
26 adopted by the Construction Industries Division of the State of New Mexico with an  
27 effective date of January 1, 2008
- 28 15) The **2006 New Mexico Solar Energy Code** as adopted by the Construction  
29 Industries Division of the State of New Mexico with and effective date of January 1,  
30 2008; and
- 31 16) Errata sheets to the adopted portions of the uniform codes, as promulgated by the  
32 International Conference of Building Officials or the International Association of  
33 Plumbing and Mechanical Officials.
- 34 17) The Bernalillo County amendments to the New Mexico Codes referred to in this  
35 ordinance are set forth as Exhibit A and incorporated herein by reference, and as  
36 such, are hereby adopted and together with the Codes in Section A-1 of this section  
37 shall be known as the Uniform Construction Codes of Bernalillo County. From the  
38 date on which this ordinance takes effect they shall be controlling within the  
39 unincorporated boundaries of Bernalillo County, New Mexico.

40  
41 (Ord. No 96-8, § 3, 4-16-96 State law references—Statewide constructions codes,  
42 NMSA 1978, § 60-13-1 et seq.; adoption by reference. NMSA 1978, §§ 4-37-1, 3-17-6.

43  
44 **Sec. 10-35. Availability of the county uniform construction code.**  
45

**CONTINUATION PAGE 4, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
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APPEALS AND PENALTIES.**

1 A copy of the county uniform construction code, as adopted by ordinance, is available  
2 for inspection by the public during regular business hours. A copy of this code is  
3 available, upon request, in the office of the county clerk for a fee set by the building  
4 official.

5  
6 **Sec. 10-36. Amendments to the county uniform construction code.**

7  
8 **(a) Generally.** The county uniform construction code adopted in this article may be  
9 amended or repealed in the same manner as ordinances are amended or repealed.

10 **(b) Uniform Administrative Code.** The administrative sections 109 through 109.6  
11 of the New Mexico Building Code have been deleted and replaced with chapters 1, 2, and  
12 3 on the following pages. Sections from various other parts of the technical codes have  
13 been amended, added or deleted as noted on the pages following the administrative  
14 chapter no. 3.

15 **(c) Amendments to state technical codes.** County amendments to the New Mexico  
16 Building Code, as adopted by the Construction Industries Division of the State of New  
17 Mexico with an effective date of January 1, 2008; the New Mexico Mechanical Code;  
18 New Mexico Plumbing Code; New Mexico Swimming Pool, Spa and Hot Tub Code; and  
19 the New Mexico Solar Energy Code, as adopted by the Construction Industries Division  
20 of the State of New Mexico with an effective date of January 1, 2008, New Mexico  
21 Electrical Code, as adopted by the Construction Industries Division of the State of New  
22 Mexico with an effective date of July 1, 1999; and the Uniform Sign Code are noted on  
23 the pages following the administrative chapter no. 3.

24 **(d) The Building Program – Jurisdiction.** The Building Program of the Zoning,  
25 Building and Planning Department shall have jurisdiction to administer the Uniform  
26 Construction Codes of Bernalillo County for construction, alteration, moving, demolition,  
27 repair, use and occupancy of buildings, structures and building service equipment.

28 **(e) Fire Marshal - Jurisdiction.** 1. The Bernalillo County Fire Marshal shall have  
29 jurisdiction under the Fire Code of Bernalillo County to test and inspect fire suppression  
30 systems, including fire hydrants, fire extinguishers and sprinkler systems installed in  
31 construction, alteration, moving, repair, demolition, use and occupancy of buildings  
32 structures and building service equipment. The Bernalillo County Fire Marshal shall  
33 have jurisdiction under the Uniform Fire Code or the Bernalillo County Fire Code as  
34 applicable to construction, alteration, moving, demolition, repair, use and occupancy of  
35 buildings, structures, and building service equipment. 2. Existing buildings – The  
36 Bernalillo County Fire Marshal shall have jurisdiction to administer the Bernalillo  
37 County Fire Code as applicable to all existing structures.

38  
39 **EXHIBIT A**

40  
41 **COUNTY OF BERNALILLO AMENDMENTS**  
42 **TO THE 2006 NEW MEXICO BUILDING CODE,**  
43 **AS ADOPTED BY THE CONSTRUCTION INDUSTRIES DIVISION**  
44 **OF THE STATE OF NEW MEXICO**  
45 **WITH AN EFFECTIVE DATE OF**  
46 **January 1, 2008,**

**CONTINUATION PAGE 5, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,  
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1                                   2006 NEW MEXICO MECHANICAL CODE  
2                                   2006 NEW MEXICO PLUMBING CODE AND THE  
3                                   2006 NEW MEXICO SOLAR ENERGY CODE AS ADOPTED BY THE  
4                                   CONSTRUCTION INDUSTRIES DIVISION OF THE  
5                                   STATE OF NEW MEXICO WITH AN EFFECTIVE DATE OF  
6                                   January 1, 2008 NEW MEXICO ELECTRICAL CODE AS ADOPTED BY THE  
7                                   CONSTRUCTION INDUSTRIES DIVISION OF THE STATE OF NEW MEXICO  
8                                   WITH AN EFFECTIVE DATE OF January 1  
9                                   ARE AS FOLLOWS:

10  
11   The Administrative Sections of the New Mexico Building Code have been deleted and  
12   replaced with Chapters, 1, 2, and 3, on the following pages. Sections from various other  
13   parts of the Technical Codes have been amended, added, or deleted. These changes are  
14   noted on the pages following the Administrative Chapter No. 3.

15  
16  
17  
18                                   **UNIFORM ADMINISTRATIVE CODE**

19  
20                                   **CHAPTER 1**

21  
22                                   **TITLE, SCOPE AND GENERAL**

23  
24   **SECTION 101. TITLE**

25  
26                                   These regulations shall be known as the "Uniform Administrative Code of the County  
27   of Bernalillo" and may be cited as such and will be referred to herein as "this Code."

28  
29   **SECTION 102. PURPOSE**

30  
31                                   The purpose of this Code is to provide for the administration and enforcement of the  
32   Bernalillo County Uniform Administrative Code adopted by this jurisdiction. This Code  
33   will prescribe minimum standards to safeguard life, limb, health, property, public and  
34   economic welfare by regulation and controlling building design, construction, quality of  
35   materials, use and occupancy, location and maintenance of all buildings and structures  
36   within the unincorporated area of the County and certain equipment specifically regulated  
37   herein

38  
39   **SECTION 103. SCOPE**

40  
41                                   The provisions of the Code shall serve as the administrative, organizational and  
42   enforcement rules and regulations for the Technical Codes which regulate the site  
43   preparation and construction, alteration, moving, demolition, repair, use and occupancy  
44   of buildings, structures and building service equipment within this jurisdiction.

45   **SECTION 104. APPLICATION TO EXISTING BUILDINGS AND BUILDING**  
46   **SERVICE EQUIPMENT**

CONTINUATION PAGE 6, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
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1  
2       **104.1 General.** Buildings, structures and their building service equipment to which  
3 additions, alterations or repairs are made shall comply with all the requirements of the  
4 technical codes for new facilities, except as specifically provided in this section.  
5

6       **104.2 Additions, Alterations or Repairs.** Additions, alterations or repairs may be  
7 made to any building or its building service equipment without requiring the existing  
8 building or its building service equipment to comply with all the requirements of the  
9 technical codes, provided the addition, alterations or repairs conform to that required for  
10 a new building or building service equipment. Additions or alterations shall not be made  
11 to an existing building or building service equipment which will cause the existing  
12 building or building service equipment to be in violation of any of the provisions of the  
13 technical codes nor shall such additions or alterations cause the existing building or  
14 building service equipment to become unsafe. An unsafe condition shall be deemed to  
15 have been created if an addition or alteration will cause the existing building or building  
16 service equipment to become unsafe. An unsafe condition shall be deemed to have been  
17 created if an addition or alteration will cause the existing building or building service  
18 equipment to become structurally unsafe or overloaded; will not provide adequate egress  
19 in compliance with the provisions of the Building Code or will obstruct existing exits;  
20 will create a fire hazard; will reduce required fire resistance; will cause building service  
21 equipment to become overloaded or exceed their rated capacities; will create a health  
22 hazard or will otherwise create conditions dangerous to human life. Any building so  
23 altered, which involves a change in use or occupancy, shall not exceed the height,  
24 number of stories and area permitted by the Building Code for new buildings. Any  
25 building plus new additions shall not exceed the height, number of stories and area  
26 specified by the Building Code for new buildings. Additions or alterations shall not be  
27 made to an existing building or structure when such existing building or structure is not  
28 in full compliance with the provisions of the Building Code except when such addition or  
29 alteration will result in the existing building or structure being no more hazardous based  
30 on life safety, fire safety and sanitation, than before such additions or alterations are  
31 undertaken. Alterations or repairs to an existing building or structure which are  
32 nonstructural and do not adversely affect any structural member or any part of the  
33 building or structure having required fire resistance may be made of the same materials of  
34 which the building or structure is constructed, and shall be subject to the approval of the  
35 building official. The installation or replacement of glass shall be as required for new  
36 installations. Minor additions, alterations and repairs to existing building service  
37 equipment installations may be made in accordance with the technical code in effect at  
38 the time the original installation was made, subject to approval of the Building Official,  
39 and provided such additions, alterations, and repairs will not cause the existing building  
40 service equipment to become unsafe, unsanitary or overloaded.  
41

42       **104.3 Existing Installations.** Building service equipment lawfully in existence at the  
43 time of the adoption of the Technical Codes may have their use, maintenance, or repair  
44 continued if the use, maintenance, or repair is in accordance with the original design and  
45 no hazard to life, health or property has been created by such building service equipment.  
46

**CONTINUATION PAGE 7, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,  
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1       **104.4 Existing Occupancy.** Buildings in existence at the time of the adoption of the  
2 Building Code may have their existing use or occupancy continued if such use of  
3 occupancy was legal at the time of the adoption of the Building Code, provided such  
4 continued use is not dangerous to life, health, and safety.

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

7  
8       **104.5 Maintenance.** All buildings, structures and building service equipment,  
9 existing and new, and all parts thereof shall be maintained in a safe and sanitary  
10 condition. All devices or safeguards which are required by the technical codes shall be  
11 maintained in conformance with the technical code under which installed. Yards that are  
12 necessary for allowable area increases per the Building Code, shall be maintained open  
13 and unobstructed. The owner or his designated agent shall be responsible for the  
14 maintenance of buildings, structures and the building service equipment. To determine  
15 compliance with this subsection, the building official may cause any structure to be re-  
16 inspected.

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

20  
21       **104.6 Moved Buildings and Temporary Buildings.** Building structures and their  
22 building service equipment moved into or within this jurisdiction shall comply with the  
23 provisions of the Technical Codes for new buildings or structures and their service  
24 equipment.

25  
26       **104.7 Temporary Structures.** Temporary structures such as reviewing stands and  
27 other miscellaneous structures, sheds, canopies or fences used for the protection of the  
28 public around and in conjunction with construction work, may be erected by special  
29 permit from the building official for a limited period of time. Such buildings or  
30 structures need not comply with the type of construction or fire-resistive time periods  
31 required by the Building Code. Temporary buildings or structures shall be completely  
32 removed upon the expiration of the time limit stated in the permit.

33  
34       **104.8 Historic Buildings.** Repairs, alterations and additions necessary for the  
35 preservation, restoration, rehabilitation or continued use of a building, structure, or its  
36 building service equipment may be made without conformance to all the requirements of  
37 the technical codes when authorized by the building official, provided:

- 38  
39       1. The building or structure has been designated to be the official action of the  
40       legally constituted authority of this jurisdiction as having special historical or  
41       architectural significance.
- 42       2. Any unsafe conditions as described in this Code are corrected.
- 43       3. The restored building or structure and its building service equipment will be no  
44       more hazardous based on life, safety, fire safety and sanitation than the existing  
45       building.

CONTINUATION PAGE 8, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,  
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1 SECTION 105. DEFINITIONS  
2

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

10  
11 **Addition** is an extension or increase in the floor area or height of a building or  
12 structure.

13  
14 **Alter or alteration** is any change or modification in construction or building service  
15 equipment.

16  
17 **Approved,** as to materials, types of construction, equipment and systems, refers to  
18 approval by the building official as the result of investigation and tests conducted by him,  
19 or by reason of accepted principles or tests by recognized authorities, technical or  
20 scientific organizations.

21  
22 **Approved Agency** is an established and recognized agency regularly engaged in  
23 conducting tests or furnishing inspection services, when such agency has been approved  
24 by the building official.

25  
26 **Building** is any structure used or intended for supporting or sheltering any use or  
27 occupancy.

28  
29 **Building Code** is the International Building Code and International Residential Code  
30 promulgated by the International Conference of Building Officials, as amended.

31  
32 **Building, existing** is a building erected prior to the adoption of this Code, or one for  
33 which a legal building permit has been issued.

34  
35 **Building Official** is the officer or other designated authority charged with the  
36 administration and enforcement of this Code, or his duly authorized representative.

37  
38 **Building Service Equipment** refers to the plumbing, mechanical, electrical and  
39 elevator equipment including piping, wiring, fixtures and other accessories which provide  
40 sanitation, lighting, heating, ventilation, cooling refrigeration, fire-fighting and  
41 transportation facilities essential for the habitable occupancy of the building or structure  
42 for its designated use and occupancy.

43  
44 **Electrical Code** is the National Electrical Code promulgated by the National Fire  
45 Protection Association, as amended.  
46

**CONTINUATION PAGE 9, ORDINANCE NO. \_\_\_\_\_ BERNALILLO  
COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,  
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1       **Energy Code** is the Model Energy Code promulgated by the National Conference of  
2 States on Building Codes and Standards, Inc., the Building Officials and Code  
3 Administrators International, Inc., the International Conference of Building Officials, and  
4 the Southern Building Code Congress International, Inc., as amended.  
5

6       **Fire Code** is the Uniform Fire Code promulgated by the International Conference of  
7 Building Officials and the Western Fire Chiefs Association, as amended.  
8

9       **Jurisdiction**, as used in this Code, is any state or political subdivision which adopts  
10 this Code for administrative regulations within its sphere of authority.  
11

12       **Listed and Listing** are terms referring to equipment and materials included in a list  
13 published by an approved testing laboratory, inspection agency or other organization  
14 concerned with product evaluation that maintains periodic inspection of current  
15 productions of listed equipment or materials. The published list shall state that the  
16 material or equipment complies with approved nationally recognized codes, standards or  
17 tests and has been tested or evaluated and found suitable for use in a specified manner.  
18

19       **May** as used in this Code, is permissive for compliance.  
20

21       **Mechanical Code** is the Uniform Mechanical Code promulgated by the International  
22 Association of Plumbing and Mechanical Officials.  
23

24       **Occupancy** is the purpose for which a building, or part thereof, is used or intended to  
25 be used. The term "occupancy" as used in this Code shall include the building or part  
26 thereof housing such use.  
27

28       **Owner** is any person, agent, firm or corporation having a legal or equitable interest in  
29 the property.  
30

31       **Permit** is an official document or certificate issued by the Building Official  
32 authorizing performance of a specified activity.  
33

34       **Person** is a natural person, heirs, executors, administrators or assigns, and also  
35 includes a firm, partnership or corporation, its or their successors or assigns, or the agent  
36 of any of the aforesaid.  
37

38       **Plumbing Code** is the Uniform Plumbing Code promulgated by the International  
39 Association of Plumbing and Mechanical Officials, as amended.  
40

41       **Repair** is the reconstruction or renewal of any part of the existing building, structure  
42 or building service equipment for the purpose of its maintenance.  
43

44       **Security Code** is the Uniform Building Security Code promulgated by the  
45 International Conference of Building Official, as amended.  
46

**CONTINUATION PAGE 10, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
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1       **Senior Building, Electrical, Mechanical, Plumbing Inspector / Plans Examiner**  
2 shall be the person providing expertise for the building official in the designated  
3 Technical Code.

4  
5       **Shall**, as used in this Code, is mandatory.

6  
7       **Sign Code** is the Uniform Sign Code promulgated by the International Conference of  
8 Building Officials, as amended.

9  
10       **Solar Energy Code** is the Uniform Solar Energy Code promulgated by the  
11 International Association of Plumbing and Mechanical Officials, as amended.

12  
13       **Structural permit** is a permit issued for the erection of the structural framework of a  
14 building. Said permit may be issued after the plan-check section has determined that  
15 design parameters as required by Chapter 16 of the Uniform Building Code have been  
16 clearly stated on the submittal by the structural engineer of record.

17  
18       **Swimming Pool Code** is the Uniform Swimming Pool Code promulgated by the  
19 International Association of Plumbing and Mechanical Officials, as amended.

20  
21       **Technical Codes** refer to those Codes adopted by this jurisdiction containing the  
22 provisions for design, construction, alteration, addition, repair, removal, demolition, use,  
23 zoning, location, occupancy, and maintenance of all buildings and structures and building  
24 service equipment as herein defined.

25  
26       **ICC Standards** is the International Building Code Standards promulgated by the  
27 International Conference of Building Officials, as amended.

28  
29       **Valuation or value** as applied to a building and its building service equipment shall  
30 be the estimated cost to replace the building and its building service equipment in kind,  
31 based on current replacement costs.

32  
33       **SECTION 106.    CONFLICTING PROVISIONS**

34  
35       When conflicting provisions of requirements occur between this Code and any other  
36 codes or laws, the most restrictive shall govern.

37  
38       Where conflicts occur between the Technical Codes, those provisions providing the  
39 greater safety to life shall govern. In other conflicts, where sanitation, life safety, or fire  
40 safety are not involved, the most restrictive provisions shall govern.

41  
42       **Exception:** Where a conflict occurs between the Building Code and the Mechanical  
43 or Plumbing Codes the Building Code shall govern. The 2006 International Mechanical  
44 Code and 2006 International Plumbing Code, both published by the International Code  
45 Council may be used as reference documents to help resolve such conflicts.

46

**CONTINUATION PAGE 11, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
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1       Where in any specific case different sections within any of the Technical Codes  
2 specify different materials, methods of construction, or other requirements, the most  
3 restrictive shall govern. When there is a conflict between a general requirement and a  
4 specific requirement, the specific requirement shall be applicable.

5  
6       When conflicts occur between any specific provision of this Code and any  
7 administrative provisions in any Technical Code which is then applicable within this  
8 jurisdiction, those provisions becoming the law last in time shall prevail.

9  
10  
11 **SECTION 107.   MODIFICATIONS**

12  
13       Whenever there are practical difficulties involved in carrying out the provisions of the  
14 this Code, the building official may grant modifications for individual cases, provided he  
15 shall first find that a special individual reason makes the strict letter of the this Code  
16 impractical and the modification is in conformity with the intent and purpose of the this  
17 Code and that such modification does not lessen health, life and fire safety requirements  
18 or any degree of structural integrity. The Building Official shall require that sufficient  
19 evidence or proof be submitted to substantiate any claims that may be made regarding its  
20 use. The details of such actions granting modifications shall be recorded and entered in  
21 the files of this code enforcement agency;

22  
23  
24 **107.1 Alternate Materials Design And Methods of Construction And Equipment.**

25  
26       The provisions of the Codes are not intended to prevent the use of any material or  
27 method of construction not specifically prescribed by the Code provided that any such  
28 alternative has been approved. An alternative material, design or method of construction  
29 shall be approved where the Building Official finds that the proposed design is  
30 satisfactory and complies with the intent of the provisions of this Code, and that the  
31 material, method of work offered is, for the purpose intended, at least the equivalent of  
32 that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability  
33 and safety;

34  
35 **107.2 Research Reports.** Supporting data, where necessary to assist in the approval of  
36 materials or assemblies not specifically provided for in this Code, shall consist of valid  
37 research reports from sources;

38  
39 **107.3. Tests**

40  
41       Whenever there is insufficient evidence of compliance with any of the provisions of  
42 the Technical Codes or evidence that materials or construction do not conform to the  
43 requirements of the Technical Codes, the building official may require tests as evidence  
44 of compliance to be made at no expense to this jurisdiction. Test methods shall be as  
45 specified by the Technical Codes or by other recognized test standards. In the absence of  
46 recognized and accepted test methods for the proposed alternate, the building official

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

**CHAPTER 2**

**ORGANIZATION AND ENFORCEMENT**

**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  
22

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

23  
24  
25 **202.1 General** The building official is hereby authorized and directed to enforce all  
26 the provisions of this code and the referenced Technical Codes. The building official  
27 shall have the power to render interpretations of this Code and the referenced Technical  
28 Codes, and to adopt and enforce rules and regulations supplemental to this code as he  
29 may deem necessary to clarify the application of the provisions of this code. Such  
30 interpretations, rules and regulations shall be in conformity with the intent and purpose of  
31 this code.  
32

33 **202.2 Deputies** In accordance with prescribed procedures and with the approval of  
34 the appointing authority, the Building Official may appoint a Senior Building  
35 Inspector/Plan Checker, a Senior Electrical Inspector, a Senior Mechanical/Plumbing  
36 Inspector and/or other related technical officers and inspectors and other employees as  
37 shall be authorized from time to time to carry out the functions of the Building Division.  
38

39 **202.3 Reports and Records.** The Building Official shall keep a permanent, accurate  
40 account of all fees and other moneys collected and received under this Code, the names  
41 of the persons upon whose account the same were paid, the date and amount thereof,  
42 together with the location of the building or premises to which they relate.  
43

44 **202.4 Right of Entry** Whenever necessary to make an inspection to enforce any of  
45 the provisions of this Code, or whenever the Building Official or his authorized  
46 representative has reasonable cause to believe that there exists in any building or upon

**CONTINUATION PAGE 13, ORDINANCE NO. \_\_\_\_\_**  
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1 any premises, any condition which makes such building or premises unsafe as defined in  
2 this Code, the Building Official or his authorized representative may enter such building  
3 or premises at all reasonable times to inspect the same or to perform any duty imposed  
4 upon the Building Official by this Code; provided that if such building or premises be  
5 occupied, he shall first present proper credentials and demand entry; and if such building  
6 or premises be unoccupied, he shall first make a reasonable effort to locate the owner or  
7 other persons having charge or control of the building or premises and demand entry. If  
8 entry is refused, the Building Official shall proceed to obtain a search warrant by filing a  
9 complaint made before the Metropolitan Court or District Court upon oath or affirmation.

10 The complaint shall:

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

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

28  
29 “Authorized Representative” shall include the officers named in Section 202.1 and  
30 202.2 of this Code.

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

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

**CONTINUATION PAGE 14, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2       **202.6 Occupancy Violations.** When a building or structure or building service  
3 equipment therein regulated by this Code and the Technical Codes is being used contrary  
4 to the provisions of such codes, the Building Official may order such use discontinued by  
5 written notice served on any person causing such use to be continued. Such person shall  
6 discontinue the use within the time prescribed by the Building Official after receipt of  
7 such notice to make the structure, or portion thereof, comply with the requirements of  
8 such codes.

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

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

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

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

37  
38       **202.9 Connection After Order to Disconnect.** No person shall make connections  
39 from any energy, fuel or power supply nor supply energy or fuel to any building service  
40 equipment which has been disconnected or ordered to be disconnected by the Building  
41 Official or the use of which has been ordered to be discontinued by the Building Official  
42 until the Building Official authorizes the reconnection and use of such equipment.

43  
44       **202.10 Liability.** The Building Official, or his authorized representative charged  
45 with the enforcement of this Code and the Technical Codes, acting in good faith and  
46 without malice in the discharge of his duties, shall not thereby render himself personally

**CONTINUATION PAGE 15, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
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1 liable for any damage that may accrue to persons or property as a result of any approval,  
2 act or by reason of any act or omission in the discharge of his duties. Any suit brought  
3 against the Building Official or employee because of such approval, act or omission  
4 performed by him in the enforcement of any provision of such codes or other pertinent  
5 laws or ordinances implemented through the enforcement of this Code or enforced by the  
6 code enforcement agency shall be defended by this jurisdiction until final termination of  
7 such proceedings, and any judgment resulting there from shall be assumed by this  
8 jurisdiction.

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

15  
16 **202.11 Cooperation of other officials and officers.** The Building Official may  
17 request, and shall receive the assistance and cooperation of other officials of this  
18 jurisdiction so far as is required in the discharge of his duties required by this Code or  
19 other pertinent laws or ordinances.

20  
21  
22 **SECTION 203. UNSAFE BUILDINGS, STRUCTURES, OR BUILDING**  
23 **SERVICE EQUIPMENT**

24  
25 All buildings or structures regulated by this code and the technical codes which are  
26 structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are  
27 otherwise dangerous to human life are, for the purpose of this section unsafe buildings.

28  
29 Building service equipment regulated by such codes, which constitutes a fire,  
30 electrical, health hazard, unsanitary condition, or is otherwise dangerous to human life, is  
31 for the purpose of this section, unsafe. Any use of buildings, structures or building  
32 service equipment constituting a hazard to safety, health or public welfare by reason of  
33 inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or  
34 abandonment is, for the purpose of this section, an unsafe use.

35  
36 Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or  
37 structural members which are supported by, attached to, or a part of a building and which  
38 are in deteriorated condition or otherwise unable to sustain the design loads which are  
39 specified in the building code are hereby designated as unsafe building appendages.

40  
41 All such unsafe buildings, structures or appendages and building service equipment  
42 are hereby declared to be public nuisances and shall be abated by repair, rehabilitation,  
43 demolition or removal in accordance with the procedures set forth in the Dangerous  
44 Buildings Code or such alternate adopted by this jurisdiction. As an alternative, the  
45 building official or other employee or official of this jurisdiction as designated by the

**CONTINUATION PAGE 16, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 governing body may institute any other appropriate action to prevent, restrain, correct or  
2 abate the violation.

3  
4 **SECTION 204. BOARD OF APPEALS**

5  
6 **204.1 General.** In order to hear and decide appeals of orders, decisions or  
7 determinations made by the building official relative to the application and  
8 interpretations of the Technical Codes, there shall be and is hereby created a Board of  
9 Appeals consisting of nine (9) members who are qualified by experience and training to  
10 pass upon matters pertaining to building construction and building service equipment  
11 and who are not employees of the jurisdiction. The Building Official shall be an ex  
12 officio member but shall have no vote upon any matter before the board. The board of  
13 appeals shall be appointed by the County Manager with the advice and recommendation  
14 of the Bernalillo County Board of Commissioners and shall hold office at his/her  
15 pleasure.

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

19  
20 **204.2 Applications.** All appeals shall be initiated by writing to the building official  
21 and enclosing a one hundred dollar (\$100.00) fee payable to and retained by the  
22 Bernalillo County Zoning, Building, and Planning Department. The applicant(s) shall pay  
23 all expenses for any tests, calculations, samples, information, recording fees and copies,  
24 etc.

25  
26 **204.3 Qualifications.** Both regular and alternate members of the Board of Appeals  
27 shall be qualified by education, training and experience to pass upon matters pertaining to  
28 building design and construction, including appliances, equipment, facilities, systems,  
29 and conditions.

30  
31 Alternate members of the Board of Appeals shall serve in the absence of the principal  
32 members and insofar as possible the alternate member shall be of the same classification  
33 as the regular members they replace. The County Manager shall appoint all members and  
34 alternate members for a three (3) year term.

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

38  
39 The members and alternates shall have the following classifications:

- 40 1. A REGISTERED ARCHITECT in active practice.  
41 2. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is  
42 Mechanical Design.  
43 3. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is  
44 Structural or Civil Design.

**CONTINUATION PAGE 17, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

- 1 4. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is  
2 Electrical Design.
- 3 5. A LICENSED GENERAL CONTRACTOR whose field of active practice is General  
4 Building Contracting.
- 5 6. A LICENSED GENERAL CONTRACTOR whose field is Building Contracting  
6 specializing in single-family residences.
- 7 7. A LICENSED MECHANICAL CONTRACTOR whose field is mechanical  
8 contracting.
- 9 8. A LICENSED ELECTRICAL CONTRACTOR whose field is electrical contracting.
- 10 9. A LICENSED PLUMBING CONTRACTOR whose field is plumbing contracting.

11  
12 **204.4 Quorum & Decisions.** Any combination of five (5) members and alternate  
13 members shall constitute a quorum. A simple majority of the quorum present shall be  
14 decisive.

15  
16 If an application for an appeal is received by the Building Official, any action  
17 recommended by the Building Official shall be temporarily vacated; unless emergency  
18 action is called for, until a final decision on the appeal is rendered by the Board except as  
19 limited by subsection 204.5.

20  
21 No member or alternate member of the Board shall take part in any appeal or hearing  
22 in which he has a personal or financial interest. All meetings of the board shall be open  
23 to the public.

24  
25 **204.5 Limitations of Authority.** The Board of Appeals shall have no authority  
26 relative to interpretation of the administrative provisions of this Code or the Technical  
27 Codes nor shall the Board be empowered to waive requirements of either this Code or the  
28 Technical Codes.

29  
30  
31 **SECTION 205. VIOLATIONS AND PENALTIES**

32  
33 It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge,  
34 alter, repair, move, improve, convert or demolish, equip, use, occupy, or maintain any  
35 building or structure or building service equipment in the County, or cause the same to be  
36 done, contrary to or in violation of any of the provisions of this Code and the Technical  
37 Codes.

38  
39 The Building Official may, for any violation of this Code and the Technical Codes,  
40 take one or more of the following actions:

- 41 1. Revoke one or all permits issued to the owner or contractor for the project in  
42 violation until the violation is corrected.

**CONTINUATION PAGE 18, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

- 1        2. Refuse to issue additional permits to the owner or contractor until the violation is
- 2        corrected.
- 3        3. Charge double permit fee if work is started without a permit.
- 4        4. Charge a re-inspection fee.
- 5        5. Refuse to authorize installation of gas, electric or water service until the violation
- 6        is corrected.
- 7        6. Have gas, electric or water service removed until the violation is corrected.
- 8        7. Issue an Ordinance Violation Citation or take any legal action at his disposal.

9        A violation of this Code shall be considered a separate offense for each and every day  
10       or portion thereof the violation is committed, continued, or permitted.

11  
12  
13  
14  
15  
16

**CHAPTER 3**

**PERMITS AND INSPECTIONS**

**SECTION 301. PERMITS**

17  
18  
19  
20  
21  
22  
23  
24

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

25       **301.2 Exempted work.** A permit shall not be required for the types of work in each  
26       of the separate classes of permit as listed below. Exemption from the permit  
27       requirements of this Code shall not be deemed to grant authorization for any work to be  
28       done in violation of the provisions of the Technical Codes or any other laws or  
29       ordinances of this jurisdiction.

30  
31  
32

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

- 33        A. One-story detached accessory buildings used as tool and storage sheds,
- 34        playhouses and similar uses, provided the projected roof area does not exceed
- 35        120 square feet.
- 36        B. Fences and freestanding masonry walls not over six feet (6') above grade on
- 37        the lowest side. Open style fences (i.e. chainlink) any height as determined by
- 38        the Building Official.
- 39        C. Oil derricks.
- 40        D. Movable cases, counters and partitions not over 5 feet 9 inches high.

**CONTINUATION PAGE 19, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

- 1 E. Retaining walls which do not have a difference in finished grade on opposite  
2 sides exceeding 48 inches, unless supporting a surcharge and impounding  
3 flammable liquids.
- 4 F. Water tanks supported directly upon grade if the capacity does not exceed  
5 5000 gallons and the ratio of height to diameter or width does not exceed two  
6 to one.
- 7 G. Platforms, walks, and driveways not more than 30 inches above grade and not  
8 over any basement or story below.
- 9 H. Painting, papering and similar finish work.
- 10 I. Temporary motion picture, television and theater stage sets and scenery.
- 11 J. Window awnings supported by an exterior wall of Group R, Division 3, and  
12 Group U Occupancies when projecting not more than 54 inches.
- 13 K. Prefabricated swimming pools accessory to buildings regulated by the  
14 International Residential Code in which the pool walls are entirely above the  
15 adjacent grade and if the capacity does not exceed 5000 gallons.
- 16 L. Minor repairs less than \$1000.00 in value.
- 17 M. Installation or work which is done after regular business hours or during a  
18 holiday when immediate action is imperative to safeguard life, health, or  
19 property, provided such person making the installation or performing the work  
20 applies for a permit covering the installation or work not later than the next  
21 business day.
- 22 N. Construction, alteration, or repair work for which a permit is not required by  
23 law or ordinance. (See Section 103)
- 24 O. Television and radio antennas supported on roofs.
- 25 P. Cabinet Work.
- 26 Q. Tree-houses.
- 27 R. Tents.
- 28 S. Interior plastering or paneling of existing surfaces provided the material meets  
29 all applicable requirements of flame spread required by this Code.
- 30 T. Exterior re-plastering that does not require the application of exterior lath.
- 31 U. Signs. The following signs shall not require a sign permit. These exemptions  
32 shall not be construed as relieving the owner of a sign from the responsibility  
33 of its erection and maintenance, and its compliance with the provisions of this  
34 Code or any other law or ordinance regulating the same.
- 35 (1) The changing of the advertising copy of message on a painted or printed  
36 sign only. Except for theater marquees and similar signs specifically  
37 designed for the use of a replaceable copy, electric signs shall not be  
38 included in this exemption.

**CONTINUATION PAGE 20, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

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

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

7  
8           Unless otherwise exempted by this Code, separate plumbing, electrical and  
9           mechanical permits will be required for the above exempted items.

10  
11           **301.2.2 Plumbing Permits.** A plumbing permit will not be required for the  
12 following:

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

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

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

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

27  
28           **301.2.3 Electrical Permits.** An electrical permit will not be required for the  
29 following:

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

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

35           C. Temporary decorative lighting.

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

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

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

**CONTINUATION PAGE 21, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
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1 G. Repair or replacement of electrodes or transformers of the same size and capacity  
2 for signs or gas tube systems.

3 H. Tapping joints.

4 I. Removal of electrical wiring.

5 J. Temporary wiring for experimental purposes in suitable experimental  
6 laboratories.

7 K. A permit shall not be required for the installation, alteration or repair of electrical  
8 wiring, apparatus or equipment or the generation, transmission, distribution or  
9 metering of electrical energy or in the operation of signals or the transmission of  
10 intelligence by a public or private utility in the exercise of its function as a serving  
11 utility.

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

15 **301.2.4 Mechanical Permits.** A mechanical permit will not be required for the  
16 following:

17 A. Any portable heating appliance.

18 B. Any portable ventilating equipment.

19 C. Any portable cooling unit.

20 D. Any portable evaporative cooler.

21 E. Any closed system of steam, hot or chilled water piping within any heating or  
22 cooling equipment regulated by the Mechanical Code.

23 F. Replacement of any component part of assembly of an appliance which does not  
24 alter its original approval and complies with other applicable requirements of the  
25 Technical Codes.

26 G. Any refrigerating equipment which is part of the equipment for which a permit  
27 has been issued pursuant to the requirements of the Technical Codes.

28 H. Any unit refrigerating system as defined in the Mechanical Code.

29 I. The installation of temporary lines for testing equipment or apparatus.

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

33  
34 **SECTION 302. APPLICATION FOR PERMIT**

35  
36 **302.1 Application.** To obtain a permit, the applicant shall first file an application in  
37 writing on a form furnished by the building section for that purpose. Every such  
38 application shall provide construction documents that include:  
39

**CONTINUATION PAGE 22, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 A plot plan, foundation plan, floor plan, framing plan, cross section through bearing  
2 wall, and elevations. Electrical, plumbing and heating work may be shown on the  
3 floor plan.

4  
5 Information and computation on building service equipment shall be indicated in the  
6 plans including installation of consumer plumbing, drainage, gas piping, heating and  
7 cooling, ventilation and refrigeration systems. Electrical plans shall show electrical  
8 risers, conductor sizes, grounding, load calculations, disconnects, panel schedules and  
9 wiring methods.

10  
11 The construction documents shall:

- 12 1. Identify and describe the work to be covered by the permit for which the  
13 application is made.
- 14 2. Describe the land on which the proposed work is to be done by legal description,  
15 Uniform Property Code (UPC), and street address or similar description that will  
16 readily identify and definitely locate the proposed building or work.
- 17 3. Indicate the use or occupancy for which the proposed work is intended.  
18 Commercial plans shall be provided with the following design criteria list:  
19 Occupancy group and division, type of construction, location of property seismic  
20 zone, square footage/allowable area, fire sprinklers, height and number of stories,  
21 occupant load and land use zone.
- 22 4. Be accompanied by plans, diagrams, engineering calculations, computations and  
23 specifications and other data as required in subsection 302.2.
- 24 5. State the valuation by submittal of the project contract amount or other means  
25 acceptable to the building official of any new building or structure or any  
26 addition, remodeling or alteration to an existing building.
- 27 6. Be signed by applicant, or his authorized agent, who may be required to submit  
28 evidence to indicate such authority.
- 29 7. Give such other data and information, as may be required by the building official.

30  
31 **302.2 Submittal Documents.** With each application for a building permit, and  
32 when required by the Building Official for enforcement of any provisions of this  
33 Code, two sets of plans and specifications shall be submitted:

34  
35 **EXCEPTION:** The building official may waive the submission of plans, calculation,  
36 etc., if he finds that the nature of the work applied for is such that reviewing of plans  
37 is not necessary to obtain compliance with this Code. The Building Official shall  
38 require all plans and specifications be prepared and sealed by a Registered Architect  
39 and/or Registered Professional Engineer(s) licensed to practice in the State of New  
40 Mexico for all uses as listed in Chapter 3 of the International Building Code with the  
41 exception of:

- 42 1. Single-family dwellings not more than two (2) stories in height.

**CONTINUATION PAGE 23, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

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

24                When required by the building official the responsibility of a Licensed  
25                Architect and Licensed Engineer(s) shall be demonstrated on each sheet of the  
26                drawings by the appearance of their seal and signature and shall include the  
27                following:

- 28           1. Architect.
- 29           2. Structural Engineer.
- 30           3. Electrical Engineer.
- 31           4. Mechanical Engineer.
- 32           5. Civil Engineer.
- 33           6. Where an additional specific technical consideration is required, it shall also  
34           be acknowledged by seal and signature. The Electrical design shall be  
35           prepared and sealed by a Registered Professional Engineer, licensed to  
36           practice in the State of New Mexico, when the service capacity exceeds the  
37           following:
- 38           1. 200A for a single phase.
- 39           2. 50 KVA for three phase.
- 40

**CONTINUATION PAGE 24, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

9  
10       **302.3 Information on Plans and Specifications.** Plans shall be drawn to scale  
11 upon substantial paper and shall be of sufficient clarity to indicate the nature and extent  
12 of the work proposed and show in detail that it will conform to the provisions of the  
13 Technical Codes and all relevant laws, ordinances, rules and regulations. Information on  
14 plans and specifications shall include but not be limited to the following: the house and  
15 street address of the work, name and address of the owner and/or the contractor and the  
16 person preparing the plans, seismic category, type of construction, area of each floor,  
17 occupancy group and occupant load, soil bearing capacity, concrete strength, lumber and  
18 steel stress values, wind, roof, and floor design loads. Plans shall also include a plot plan  
19 showing property lines and the location of the proposed building and of every existing  
20 building on the property.

21  
22       The building official may require special calculations regarding three (3) story wood  
23 framed building, retaining walls, or any other data or computations not specifically  
24 mentioned herein in order to show correctness of the plans.

25  
26       Plans for buildings more than two (2) stories in height of other buildings regulated by  
27 the International Residential Code shall indicate how required structural and fire-resistive  
28 integrity will be maintained where a penetration will be made for electrical, mechanical,  
29 plumbing and communication conduits, pipes and similar systems.

30  
31       For one and two-family dwellings and townhouses regulated by the International  
32 Residential Code, minimum plan submittal shall include but not be limited to the  
33 following drawings: Plot plan, Foundation plan, Floor plan, Framing plan, Electrical plan,  
34 cross section through bearing wall and elevations. Plumbing and heating fixtures may be  
35 shown on the floor plan.

36  
37       Information and computations on building services equipment shall be indicated on  
38 the plans including installation of consumer plumbing, drainage, gas piping, heating and  
39 cooling, ventilating and refrigeration systems. Electrical plans shall show electrical  
40 risers, conductor sizes, grounding, load calculations, disconnects, panel schedules and  
41 wiring methods.

42  
43       Any specifications of general expression such as, "work shall be done in accordance  
44 with the Bernalillo County Code", or "to the satisfaction of the County Building  
45 Official", shall be deemed inadequate and incomplete.

**CONTINUATION PAGE 25, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2 **SECTION 303. PERMIT ISSUANCE**  
3

4 **303.1 Issuance.** Only an individual, firm, partnership or corporation duly licensed  
5 as a contractor by the Construction Industries Division of the State of New Mexico, will  
6 be issued a permit unless such individual, firm, partnership or corporation is exempt  
7 under NMSA 60-13-3 D.  
8

9 **Exception 1:** A homeowner may be issued a permit to build a single family residence  
10 and or garage for his own use.  
11

12  
13 **Exception 2:** An electrical or plumbing permit may be issued to a homeowner who  
14 successfully completes a written plumbing and/or electrical exam with a score of 75% or  
15 greater. The Electrical / Plumbing Sections shall administer the written exams to  
16 qualified homeowners who complete the Homeowner's Responsibility Form.  
17 Homeowners will be allowed two (2) hours to complete each exam. Homeowners who do  
18 not pass an exam may take that one additional time after waiting 10 working days.  
19

20 The application, plans and specifications, and other data, filed by an applicant for  
21 permit shall be reviewed by the Building Official. Such plans may be reviewed by other  
22 departments of this jurisdiction to verify compliance with any applicable laws under their  
23 jurisdiction. If the Building Official finds that the work described in an application for a  
24 permit and the plans, specifications and data filed therewith conform to the requirements  
25 of this code and the technical codes and other pertinent laws and ordinances, and that the  
26 fees specified by the Bernalillo County Commission in Administrative Resolution have  
27 been paid, a permit therefore shall be issued to the applicant.  
28

29 When the Building Official issues the permit where plans are required, he shall  
30 endorse in writing or stamp the plans and specifications "APPROVED". Such approved  
31 plans and specifications shall not be changed, modified or altered without authorization  
32 from the building official, and all work regulated by this Code shall be done in  
33 accordance with the approved plans.  
34

35 The Building Official may issue a permit for the construction of part of a building,  
36 structure or building service equipment before the entire plans and specifications for the  
37 whole building, structure or building service equipment have been submitted or  
38 approved, provided adequate information and detailed statements have been filed  
39 complying with all pertinent requirements of the Technical Codes. The holder of such  
40 permit shall proceed at his own risk without assurance that the permit for the entire  
41 building, structure or building service will be granted. A permit that was issued for the  
42 foundation of a building will require a building permit before work progresses beyond the  
43 foundation stage. Work permitted under a foundation permit shall be limited to footings,  
44 foundation walls and any other construction up to and including a first floor slab.  
45

**CONTINUATION PAGE 26, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

- 3  
4 1. Plumbing, mechanical and electrical permit procedures for multiple units. Where  
5 multiple structures are built on the same property or lot under one ownership  
6 and/or address; and where the gas and/or electric utilities are furnished through  
7 one meter, separate permits will be required for each building on separate  
8 foundations with the permits so numerically marked to identify the separate  
9 buildings. The administration fee as described in Administrative Resolution shall  
10 be charged on each permit and permit fees shall be charged as though they were  
11 individual structures.

12  
13 No consideration will be given to connecting laundries, storage rooms, boiler rooms,  
14 garages, etc., by connecting roof structures or assemblies in order to avoid the separate  
15 structure as stated above.

16  
17 Where several meters are installed on one (1) building, separate permits will be  
18 required for each meter with the permits so marked to identify each building address.  
19 The Administration Fee as described in the Administrative Resolution approved by the  
20 Bernalillo County Commission will be charged on each permit and permit fees shall be  
21 charged as though each meter location was a separate building.

22 **Exception: Electrical Permits for Apartment Houses.** The Administration Fee will  
23 be required for each gang of meters on each gang of meters on each building of apartment  
24 houses.

25  
26 When separate structures exist as stated above, but each such structure is served by its  
27 individual and separate gas and/or electric meter, a separate permit will be required and  
28 each permit will carry the administration fee.

29  
30 **303.2 Retention of Plans.** One set of approved plans and specifications shall be  
31 returned to the applicant and shall be kept on the site of the building or work at all times  
32 during which the work authorized thereby is in progress. One set of approved plans,  
33 specifications and computations shall be retained by the Building Official until final  
34 approval of the work, thereafter to be returned to the applicant or destroyed by the  
35 Building Official.

36  
37  
38 **303.3 Validity of Permit.** The issuance of a permit or approval of plans,  
39 specifications and computations shall not be construed to be a permit for, or an approval  
40 of, any violation of any of the provisions of this Code or the Technical Codes, or of any  
41 other ordinance of this jurisdiction. Permits presuming to give authority to violate or  
42 cancel the provisions of this code or of other ordinances of the jurisdiction shall not be  
43 valid.

44  
45  
46

**CONTINUATION PAGE 27, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

6  
7 **303.4 Expiration.** Every permit issued by the Building Official under the  
8 provisions of the Technical Codes shall expire by limitation and become null and void, if  
9 the building or work authorized by such permit is not commenced within 180 days from  
10 the date of such permit, or if the building or work authorized by such permit is suspended  
11 or abandoned at any time after the permit is issued for a period of 180 days. Permit will  
12 expire after a period of 180 days of last legitimate inspection of record. All buildings or  
13 structures under construction and regulated by this Code and the Technical Codes which  
14 are in a deteriorated condition for more than 90 days and on which no work has been  
15 done during that period are considered abandoned. The premises will also be considered a  
16 nuisance and if the nuisance is not abated by rehabilitation, repair, demolition or removal,  
17 the Building Official may institute any appropriate administrative or judicial action to  
18 prevent, restrain, correct or abate the violation. Before such work on above permits can  
19 be recommenced, the permit must be re-newed, and the fee therefore shall be one-half  
20 (1/2) the amount required for a new permit for such work, provided no changes have been  
21 made or will be made in the original plans and specifications for such work; and provided  
22 that such suspension or abandonment has not exceeded one (1) year. All plans and other  
23 data submitted for permit may thereafter be returned to the applicant or destroyed by the  
24 Building Official.

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

27  
28 **EXCEPTION:** Demolition Permits shall expire ninety days from the date of issuance  
29 unless an extension is granted by the Building Official.

30  
31 Any permit holder holding an unexpired permit may apply for an extension of the  
32 time within which he may commence work under that permit when he is unable to  
33 commence work within the time required by this section for good and satisfactory  
34 reasons. The Building Official may extend the time for action by the permittee for a  
35 period not exceeding 180 days upon written request by the permittee showing that  
36 circumstances beyond the control of the permittee have prevented action from being  
37 taken. Permits shall not be extended more than once.

38 **303.5 Suspension or Revocation.** The Building Official may, in writing, suspend  
39 or revoke a permit issued under the provisions of this Code and the Technical Codes  
40 whenever the permit is issued in error or on the basis of incorrect information supplied, or  
41 in violation of any ordinance or regulation or any of the provisions of these codes.

42  
43  
44 **SECTION 304. FEES**  
45

**CONTINUATION PAGE 28, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1       **304.1 General.** Fees shall be assessed in accordance with the provisions of this  
2       section.

3  
4       **304.2 Permit Fees.** The fee for each permit shall be as set forth by Administrative  
5 Resolution with the approval of the Bernalillo County Commission. Where a technical  
6 code has been adopted by the jurisdiction for which no fee schedule is shown in this  
7 Code, the fee required shall be in accordance with the schedule established by the  
8 Bernalillo County Commission.

9  
10       The determination of value or valuation under any of the provisions of these codes  
11 shall be made by the building official. The Building Official may use the most current  
12 data released from the Building Safety Journal (The Professional Journal of Construction  
13 and Fire Safety). The value to be used in computing the building permit and building  
14 plan review fees shall be the total value of all construction work for which the permit is  
15 issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-  
16 conditioning, elevators, fire-extinguishing systems and any other permanent equipment  
17 no matter who may furnish the equipment, labor or materials. Final building permit  
18 valuation shall be set by the Building Official.

19  
20       **304.3 Plan Review Fees.** When a plan or other data is required to be submitted by  
21 Section 302.2, a plan review fee shall be paid at the time of submitting plans and  
22 specifications for review. Said plan review fee for buildings, signs or structures shall be  
23 as shown in Table 3-A and 3-E Administrative Resolution.

24  
25       The plan review fees for electrical, mechanical and plumbing shall be equal to 25  
26 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

27  
28       The plan review fees specified in this subsection are separate fees from the permit  
29 fees specified in Section 304.2 and are in addition to the permit fees.

30  
31       Where plans are incomplete or changed so as to require additional plan review, an  
32 additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-F  
33 of the Administrative Resolution.

34  
35       The fee for rechecking lost or worn-out plans for which a permit has previously been  
36 issued shall be charged at the rate shown in Table 3-A of the Administrative Resolution.

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

39  
40       The fee for the checking and consultation time requested by the applicant for a  
41 preliminary plan review shall be charged at the rate shown in Table 3-A of the  
42 Administrative Resolution. In all cases the applicant must provide the basic code data  
43 described in Section 302.3 and not be dependent upon the building official for this  
44 information.

45



**CONTINUATION PAGE 30, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2 (a) If upon inspection, a boiler is found to comply with the adopted rules and regulations,  
3 the Building Official shall issue a Certificate of Operation to the owner or user of such boiler.  
4 The Certificate of Operation shall state the date of inspection and the maximum pressure at  
5 which the boiler may be operated. The owner or user of said boiler shall pay the fee as  
6 established by Administrative Resolution upon the issuance of the Certificate of Operation.  
7 Certificate of Operation shall be valid for not more that fourteen (14) months from the date of  
8 inspection in case of power boilers and twenty-six (26) months in the case of low pressure  
9 heating and all other boilers. Certificates shall be posted in the room containing the boiler  
10 inspected, or for a portable boiler, in a metal container to be fastened to the boiler or to be  
11 kept in a tool box accompanying the boiler.

12  
13 (b) The Building Official may at any time revoke a certificate of operation when, in  
14 his opinion the boiler for which it was issued cannot be operated without menace to the  
15 public safety, or when the boiler is found not to comply with the lawful rules and  
16 regulations of the County. Such revocation of a certificate of operation shall continue in  
17 effect until such boiler shall have been made to conform to the rules and regulations of  
18 the County.

19  
20 **2. Inspection Fees:** The owner or user of a boiler required by this ordinance to be  
21 inspected by the Building Official shall pay to the designated inspection agency upon  
22 completion of the inspection, fees in accordance with the fee schedules established by  
23 Administrative Resolution.

24  
25  
26  
27 **SECTION 305 INSPECTIONS**

28  
29 **305.1 General.** All Construction or work for which a permit is required shall be  
30 subject to inspection by the Building Official and all such construction or work shall  
31 remain accessible and exposed for inspection purposes until approved by the Building  
32 Official. In addition, certain types of construction shall have continuous inspection as  
33 specified in Section 306.

34  
35 Approval as a result of an inspection shall not be construed to be an approval of a  
36 violation of the provisions of this Code or of other ordinances of the jurisdiction.  
37 Inspections presuming to give authority to violate or cancel the provisions of this Code or  
38 of other ordinances of the jurisdiction shall not be valid.

39  
40 It shall be the duty of the permit applicant to cause the work to remain accessible and  
41 exposed for inspection purposes. Neither the building official nor this jurisdiction shall  
42 be liable for expense entailed in the removal or replacement of any material required to  
43 allow inspection.

44  
45 A survey of the lot may be required by the building official to verify that the structure  
46 is located in accordance with the approved plans.

**CONTINUATION PAGE 31, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

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

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

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

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

36  
37       **305.5 Required Inspections.**

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

42  
43               The Building Official, upon notification from the permit holder or his agent, shall  
44 make the following inspections (when applicable to the construction method used)  
45 and shall either approve that portion of the construction as completed or shall

**CONTINUATION PAGE 32, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1           notify the permit holder or his agent wherein the same fails to comply with this  
2           Code.

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1. **Foundation Inspection:** to be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready-mix in accordance with nationally accepted standards, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the Building Official.
  2. **Foundation Insulation Inspection:** To be made after insulation has been installed around the perimeter of slab on grade floors.
  3. **Concrete Slab Inspection:** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed.
  4. **Floor Frame inspection:** To be made when all floor joists, girders and hangers are installed but before any decking is placed. All under-floor plumbing, mechanical and electrical work must be approved prior to any concealment.
  5. **Bond Beam Inspection:** To be made when bond beam is formed and steel is in place and tied, prior to laying any successive courses or placing any concrete.
  6. **Frame inspection:** To be made after the roof decking and under-layment, all framing fire-blocking, bracing, framed openings for exterior doors and windows, are in place and all pipes, electrical wiring, chimneys, duct work and vents are complete, inspected and approved.
  7. **Insulation Inspection:** To be made after insulation has been installed in frame walls, ceilings, floors, etc.
  8. **Sheetrock Inspection:** All commercial sheetrock applications shall be inspected prior to taping and bedding. Residential applications only required 5/8" type X sheetrock will be inspected prior to taping and bedding.
  9. **Lath Inspection:** To be made after all lath, interior and/or exterior, is in place; but before any plaster / stucco is applied.
  10. **Final inspection:** To be made after building is completed and ready for occupancy and before it is occupied. A final inspection shall be scheduled by the permit holder.
- Partial inspections:** When necessary due to construction requirements, partial inspections may be made. This requires specific details as to what portion of the work is to be inspected.

**CONTINUATION PAGE 33, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1           Some projects shall require multiple inspections within a category as listed above.  
2           It shall be the responsibility of the Permit Holder to notify the Building Official  
3           and request such additional inspections for these categories as the project  
4           progresses.  
5

6           **305.5.2 Required Electrical Inspections.** The following is a list of required  
7           electrical inspections and customary terms. It should be noted that the number  
8           and type of inspections are not limited to the following and that additional  
9           inspections may be required subject to the complexity of the work.  
10

- 11           1. **Rough-in:** When wires are run into a building and before they are covered by  
12           finished walls, ceilings or floors, when the ground wires are made up to the boxes,  
13           when home-runs are terminated in the panels, when conduit work is secured  
14           (including boxes), the work is ready for a Rough-In inspection.  
15
- 16           2. **Pre-final:** Pre-Final requires a complete service riser, meter can in place, point of  
17           attachment completed, service ground attached to grounding electrode.  
18
- 19           3. **Final:** When the job is completed a final inspection is required.  
20
- 21           4. **Slab:** Check the conduit before pouring for proper installation, continuity  
22           (grounding integrity) and any damage. Note whether conduit is metal or plastic.  
23
- 24           5. **Temporary poles:** Check that disconnect and receptacles are weatherproof.  
25           Look for proper clearance at the point of attachment. A driven ground or  
26           wrapped butt shall be properly installed. Check conductor capacity, fuses, and  
27           switches. Check for GFCI for 15 and 20 amp receptacles.  
28
- 29           6. **Meter changes:** When there is a meter change, check out the service risers, point  
30           of attachment, service bonding, and grounding.  
31           7. **Ranges and/or dryers:** Check that there has been no double lugging, the service  
32           is adequate for the load and grounds are properly installed. Check for improper  
33           use of SE cable from a sub-panel.  
34
- 35           8. **Swimming Pools:** Grounding, conduit and final inspections are required.  
36

37           **305.5.3 Required Mechanical and Solar Energy Inspections.** It should be noted  
38           that the number and type of inspections are not limited to the following and that  
39           additional inspections may be required subject to the complexity of the work.  
40

- 41           1. **Duct Groundwork:** This inspection includes all duct work described by the  
42           permit that requires underground installation. The inspection shall be called after  
43           the duct has its proper concrete cover if required, but before it is covered by any  
44           other material.

**CONTINUATION PAGE 34, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

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

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

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

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

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

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

38  
39       **Exception:** With prior written approval from the Administrative Authority, existing  
40 gas piping carrying gas at pressures in excess of fourteen (14) inches water column  
41 pressure may be tested with sixty (60) pounds per square inch and shall be continued  
42 for a length of time satisfactory to the Administrative Authority, but in no case for  
43 less than thirty (30) minutes for each 500 cubic feet of pipe volume. All of the above

**CONTINUATION PAGE 35, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 tests shall be made using air, CO<sub>2</sub>, or nitrogen pressure only and shall be made in the  
2 presence of the administrative authority. The 24-hour recording device shall be read  
3 by the administrative authority or his representative at the end of the 24-hour period.  
4 All necessary apparatus for conducting tests shall be furnished by the permit holder.

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

11  
12 **7. Appliances Final:** An appliance final shall be made after the installation of an  
13 appliance, or appliances, has been completed to meet this Code and  
14 manufacturer's installation instructions.

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

21  
22 **9. Boiler Inspection:** This inspection shall be made after the installation of the  
23 boiler is completed to meet this Code and the manufacturer's installation  
24 instructions.

25  
26 **Partial Inspections:** When necessary due to construction requirements, partial  
27 inspections may be made. This requires specific details as to what portion is to be  
28 inspected.

29  
30 **305.5.4 Required Plumbing and Swimming Pool Inspections.** The following is  
31 a list of required plumbing and swimming pool inspections and the customary terms and  
32 order in which they are usually called. It should be noted that the number and type of  
33 inspections are not limited to the following and that more inspections may be required by  
34 the complexity of some jobs.

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

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

44 3. **Building or House Sewer:** Building sewer or house sewer shall be in  
45 accordance with Table 7-5 in the Uniform Plumbing Code, of approved

**CONTINUATION PAGE 36, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 materials, at a minimum depth of twelve inches, on a smooth bed, tamped below  
2 pipe as required, and properly graded, and inspected before any backfill cover.

3 4. **Ground Work:** All drain, waste and vent piping below the first floor level to a  
4 re-vent height is to be filled with water to a minimum of ten feet head for a test  
5 and inspection before covering. This inspection includes water distribution piping  
6 below a first floor slab. Water distribution is defined as all water piping inside  
7 and under the building.

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

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

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

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

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

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

30  
31 **305.5.5 Required sign inspections.** All signs for which a permit is required shall  
32 be subject to inspection by the Building Official.

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

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

37  
38 All signs containing electrical wiring shall be subject to the provisions of the  
39 governing electrical code, and the electrical sign and components used shall bear the label  
40 of an approved testing agency.

41  
42 The Building Official may order the removal of any sign that is not maintained in  
43 accordance with provisions of Section 104.5.

**CONTINUATION PAGE 37, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2 All signs may be re-inspected at the discretion of the Building Official.

3  
4 **305.5.6 Other inspections.** In addition to the called inspections specified above,  
5 the Building Official may make or require other inspections of any construction work to  
6 ascertain compliance with the provisions of this Code or other Technical Codes and other  
7 laws which are enforced by the Building Division. For the purpose of determining  
8 compliance with Section 104.5, the Building Official may cause any structure to be re-  
9 inspected.

10  
11 **305.5.7 Re-inspections.** A re-inspection fee may be assessed for each inspection  
12 or re-inspection when such portion of work for which inspection is called is not complete  
13 or when corrections called for are not made.

14  
15 This subsection is not to be interpreted as requiring re-inspection fees the first time a  
16 job is rejected for failure to comply with the requirements of the Technical Codes, but as  
17 controlling the practice of calling for inspections before the job is ready for such  
18 inspection or re-inspection.

19  
20 Re-inspection fees may be assessed when the permit notice card and/or address is not  
21 conspicuously posted on the work site; the approved plans are not readily available to the  
22 inspector; for failure to provide access on the date for which inspection is requested; for  
23 deviating from plans requiring the approval of the Building Official; or for a second  
24 rejection for failure to comply with the requirements of this Code.

25  
26 To obtain a re-inspection, the applicant shall file an application therefore in writing  
27 upon a form furnished for that purpose, and pay the re-inspection fee in accordance with  
28 Tables No. 3-A through 3-F of Administrative Resolution.

29  
30 In instances where re-inspection fees have been assessed, no additional inspection of  
31 the work will be performed until the required fees have been paid.

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

33  
34  
35 **SECTION 306. CONNECTION TO UTILITIES.**

36 **306.1 Energy Connections.** No person shall make connections from a source of  
37 energy, fuel, or power to any building service equipment which is regulated by the  
38 Technical Codes and for which a permit is required by this Code, until written approval is  
39 given by the Building Official.

40  
41 **306.2 Temporary Connections.** The Building Official may authorize the  
42 temporary connection of the building service equipment to the source of energy, fuel or  
43 power for the purpose of testing building service equipment, or for use under a temporary  
44 Certificate of Occupancy.

45

**CONTINUATION PAGE 38, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1       **306.3      Reconnection of Utilities.** Written authorization of the Building Official  
2 shall be required for any person, firm, or corporation to reconnect any gas or water  
3 service if it has been ordered disconnected by the Building Official.

4  
5       **306.4      Street Excavations.** All utilities (plumbing, gas, sewer, water, electricity,  
6 telephone, and telegraph) making excavations shall comply with all provisions of the  
7 Bernalillo County Code and other applicable Ordinances.

8  
9       **306.5      Sewer Connections.** Before any person, firm or corporation makes any  
10 sewer connection to, or between any other type buildings within the unincorporated areas  
11 of Bernalillo County, the connection shall be subject to the provisions of the county's  
12 policy in force at that time regarding policy regulating sewer connections. Any person,  
13 firm or corporation making sewer connections shall comply with all applicable sections  
14 of this code, secure the required permits and pay the required fees.

15  
16  
17 **SECTION 307. CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF**  
18 **SHELL COMPLETION**

19  
20       **307.1      Use or Occupancy.** Buildings or structures shall not be used or occupied,  
21 nor shall a change in the existing occupancy classification of a building or structure or  
22 portion thereof be made until the building official has issued a certificate of occupancy  
23 therefore as provided herein.

24  
25       **307.2      Change in Use.** Changes in the character or use of a building shall not be  
26 made except as specified in the building code.

27  
28  
29       **307.3      Certificate of Occupancy Issued.** A request for a certificate of  
30 occupancy shall be made by the owner or his agent after final inspection approvals have  
31 been secured from all county departments or divisions involved in the enforcement of  
32 pertinent codes, ordinances, or laws. The building official, after notification of all final  
33 inspection approvals, shall issue a certificate of occupancy which shall contain the  
34 following:

- 35  
36       1. The building permit number.  
37       2. The address of the building.  
38       3. The name and address of the owner.  
39       4. A description of that portion of the building for which the Certificate is issued.  
40       5. A statement that the described portion of the building complies with the  
41 requirements of this Code for group and division of occupancy and the use for  
42 which the proposed occupancy is classified.  
43       6. The name of the Building Official.  
44

**CONTINUATION PAGE 39, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1       **307.4 Temporary Certificate of Occupancy.** If the Building Official finds that  
2 no substantial hazard will result from occupancy of any building or portion thereof before  
3 the same is completed, he may issue a Temporary Certificate of Occupancy for the use of  
4 a portion or portions of a building or structure prior to the completion of the entire  
5 building or structure.

6  
7       **307.5 Certificate of Shell Completion.** A request for a certificate of shell  
8 completion may be made by the owner or his agent after inspection approvals have been  
9 secured from all County departments or divisions involved in the enforcement of  
10 pertinent codes, ordinances or laws. The Building Official, after notification of all  
11 inspection approvals, shall issue a Certificate of Shell Completion which shall contain the  
12 following:

- 13
- 14       1 The shell building permit number.
- 15       2 The address of the building.
- 16       3. The name and address of the owner.
- 17       4. A statement that the construction of the shell is complete and is in compliance  
18 with the requirements of this Code.
- 19       5. A statement that the various portions of the shell building are not ready for  
20 occupancy until such time that tenant developments are completed for each  
21 portion of the shell building to be occupied and a Certificate of Occupancy is  
22 issued for each portion.
- 23       6. The name of the Building Official.
- 24

25       **307.6 Posting.** For commercial and multi-family occupancies, the Certificate of  
26 Occupancy shall be posted in a conspicuous place on the premises and shall not be  
27 removed except by the Building Official.

28  
29       **307.7 Violations.** Failure to request a certificate of occupancy prior to occupancy and  
30 failure to request a change of occupancy or use under Section 308(b) shall constitute a  
31 continuing violation of this code and subject the offender to penalty under Section 205.

32  
33       **307.8 Revocation.** The Building Official may, in writing, suspend or revoke a  
34 certificate of occupancy issued under the provisions of this Code whenever the certificate  
35 is issued in error, or on the basis of incorrect information supplied, or when it is  
36 determined that the building or structure or portion thereof is in violation of any  
37 ordinance or regulation or any of the provisions of this Code.

**CONTINUATION PAGE 40, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 The following adopts and amends the technical provision of the 2006 New Mexico  
2 Building Code. Each amendment is numbered to correspond to the numbering of the  
3 2006 International Building Code.

4  
5 All mention of L.P. Gas shall be deleted from these codes. Refer to L.P. Gas Bureau  
6 of the State of New Mexico for regulations.

7  
8  
9 **NEW MEXICO COMMERCIAL BUILDING CODE**

10  
11  
12 **CHAPTER 1 ADMINISTRATION:**

13  
14 Delete in its entirety and refer to Chapters 1, 2, and 3, of the Uniform Administrative  
15 Code of the County of Bernalillo.

16  
17 **CHAPTER 7 FIRE RESISTANCE-RATED CONSTRUCTION:**

18  
19 **Section 712.2.1 Solar-ready sleeved penetrations.** Section 712.2.1 of the New  
20 Mexico Commercial building Code is deleted in its entirety.

21  
22 **CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES:**

23  
24 **Section 1502.1 Definitions.** Section 1502.1 of the New Mexico  
25 Commercial Building Code is deleted in its entirety. See this section of the International  
26 Building Code.

27  
28  
29  
30 **CHAPTER 16 STRUCTURAL DESIGN:**

31  
32 **Section 1604.11 Walls and Fences.** Add to new section to read as follows:

33  
34 Walls and fences shall be constructed to conform to the engineering design  
35 requirements of this code relating to the construction materials used and the types of  
36 loads the wall or fence will be subjected to. Walls designed as garden walls shall not be  
37 used as retaining walls. The finished grade on opposite sides of a garden wall may vary  
38 up to 48 inches without being considered a retaining wall. All retaining walls shall have  
39 engineering computations submitted before a permit is issued.

40  
41 Garden walls or fences do not require permits or engineering design if they do not  
42 exceed 6 feet in height on either side.

43  
44 Barbed wire and “concertina” wire may be used on a wall or fence if the strands  
45 are a minimum of six feet (6’) or more above finished grade on either side of the wall or  
46 fence.

**CONTINUATION PAGE 41, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2 **Section 1608**           **Snow Loads.** The snow load for Bernalillo County (other than  
3 areas labeled “CS” as shown in Figure 1608.2 of IBC) is 20 pounds per square foot non-  
4 reducible.

5  
6 **Section 1609.3**           **Basic Wind Speed.** Delete the entire section and replace with the  
7 following: The three (3) second gust wind speed to be used for design in the Bernalillo  
8 County shall be 90 mph.

9  
10 **Section 1609.3**           **Wind Speed Conversion.** When required, the three (3) second  
11 gust wind speed shall be converted to fastest-mile wind velocity using table 1609.3.1.  
12

13  
14                   **CHAPTER 23**           **WOOD:**

15  
16 **Section 2308.9.1**           **Size, Height and Spacing.** Delete the entire section and replace  
17 with the following: The size, height and spacing of studs shall be in accordance with  
18 Table 2308.9.1 except that utility grade studs shall not be spaced more than 16 inches on  
19 center, or exceed 8 feet in height for exterior walls or 10 feet in height for interior walls.  
20 Utility studs and / or plates shall not be used in load-bearing walls.  
21

22 **Section 2308.9.2.4**           **Plates or Sills.** Add the following sentence at the end of this  
23 section: 2 inch x 6 inch foundation plates or sills may overhang the foundation or  
24 foundation wall a maximum of one and one-half inch (1-1/2”).  
25

26  
27                   **CHAPTER 24**           **GLASS AND GLAZING:**

28  
29 Delete Chapter 24 of the New Mexico Commercial Building Code in its entirety. See this  
30 Chapter of the International Building Code.  
31

32  
33                   **CHAPTER 29**           **PLUMBING SYSTEMS:**

34 Delete Chapter 29 of the New Mexico Commercial Building Code in its entirety. See this  
35 Chapter of the International Building Code.  
36

37  
38                   **CHAPTER 32**           **ENCROACHMENTS INTO THE PUBLIC RIGHT**  
39                                   **OF-WAY:**

40  
41 **Section 3202.2.4**           **GATES.** Add a new section to read as follows:  
42 Gates in walls or fences on private or public property shall not project beyond the  
43 property line.  
44  
45  
46

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

**NEW MEXICO RESIDENTIAL BUILDING CODE**

**CHAPTER 1 ADMINISTRATION:**

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

**CHAPTER 6 WALL CONSTRUCTION:**

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

**CHAPTER 7 WALL COVERING:**

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

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

**CHAPTER 10 CHIMNEYS AND FIREPLACES:**

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

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

**Table R1001.1 Summary of Requirements for Masonry Fireplaces and Chimneys.** Delete footnote “b”.

CONTINUATION PAGE 43, ORDINANCE NO. \_\_\_\_\_  
BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY  
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,  
APPEALS AND PENALTIES.

**NEW MEXICO EARTHEN BUILDING MATERIALS CODE**

ADOPTED AS WRITTEN.

**NEW MEXICO HISTORIC EARTHEN BUILDING CODE**

ADOPTED AS WRITTEN.

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

ADOPTED AS WRITTEN.

**NEW MEXICO EXISTING BUILDING CODE**

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

**STATE OF NEW MEXICO ELECTRICAL CODE**

**ARTICLE 90**

Delete in its entirety and substitute the following:

**ARTICLE 90**

**Article 90-1. Title.**

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

**Article 90-2. Purpose.** The purpose of this Code is to provide minimum standards to  
safeguard life or limb, health, property and public welfare by regulating and controlling  
the design, construction, installation, quality of materials, location, operation and  
maintenance or alteration of electrical systems, including fixtures and appliances within  
Bernalillo County.

**Article 90-3. Scope.**

**CONTINUATION PAGE 44, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

**CHAPTER 1**

**General:**

11  
12  
13  
14  
15  
16  
17 Article 100-Definitions Add the following definitions:

18  
19 Code Administration Program is the Building Division of the Zoning, Building and  
20 Planning Department, Bernalillo County.

21  
22 Finished building is a building where all tradesmen have completed their work and  
23 the building has been approved by the building official and a certificate of occupancy  
24 issued as required by the Uniform Administrative Code of Bernalillo County.

25  
26 **Sec. 210-52 (b).** Branch circuits required.

27  
28 (b)(1). Small Appliance Branch Circuits Dwelling Occupancies: ADD the following  
29 paragraph:

30  
31 The receptacle outlets required by this section shall be limited to four (4) single or  
32 duplex receptacles per circuit.

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

34 Article 240. Over-current Protection.

35  
36 **Section 240-24 Location in or on Premises.** ADD sub-paragraph (f): Over-current  
37 devices shall not be located in bathrooms, closets, cupboards or similar locations.

38  
39 **Article 250 Grounding.**

40  
41 **Section 250-81(e).**

42  
43 (e) Where a building or structure has plastic instead of metal pipe for its cold water  
44 system and there is no possibility of a proper cold water ground, the grounding  
45 connection shall be made to the re-bars in the footing of the building or structure. This

**CONTINUATION PAGE 45, ORDINANCE NO. \_\_\_\_\_**  
**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  
5  
6 **STATE OF NEW MEXICO UNIFORM MECHANICAL CODE**

7  
8  
9 **CHAPTER 1**

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

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

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

21  
22  
23 As of September 2007, Bernalillo County will inspect LP gas piping on residential and  
24 commercial buildings.

25  
26  
27 **CHAPTER 5**

28  
29 **Section 504.3-Clothers Dryers**

30  
31 504.3.2.2 Length Limitation. Change the section to read as follows: Unless  
32 otherwise permitted or required by the dryer manufacturer’s installation instructions and  
33 approved by the Administrative Authority, domestic dryer moisture exhausts shall not  
34 exceed a length of 23 feet with two (2) 90 degree ells and a full 4” vent cap opening, or  
35 33 feet with one (1) 90 degree ell and a full 4” vent cap opening. Ten feet shall be  
36 deducted for each additional 90 degree elbow in excess of the number allowed. Further,  
37 it is the installer’s responsibility to comply with the individual installation instructions  
38 and/or manufacturer’s recommendations for each appliance.

39  
40 **Section 505.4 Duct Enclosure.** Add a sentence to the end of this section to read as  
41 follows:

42  
43 The required duct enclosure shall extend continuously to a minimum of 6” above the  
44 roof surface.

45





**CONTINUATION PAGE 48, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 the American Gas Association under ANSI Z21.56-1974. All swimming pool heaters  
2 installed in connection with public swimming pools as defined in this Code shall be  
3 certified by the American Gas Association under ANSI Z21.56-1974 if their BTU Input  
4 is 200,000 BTU's or less at sea level. If the pool heater exceeds 200,000 BTU's at sea  
5 level as stamped at the factory, it shall be considered a boiler and it shall be governed by  
6 the provisions of Chapter 21 of the Bernalillo County Mechanical Code and shall be  
7 ASME constructed, stamped and approved by the National Board.

8  
9 The Building Official or his designated agent shall inspect all installations in  
10 Bernalillo County at intervals designated in this code and conduct all inspections in  
11 accordance with the latest edition of the National Board Inspection Code, published by  
12 the National Board of Boiler and Pressure Vessel Inspectors and the National Board  
13 Blow-off Equipment Rules Supplement to the National Boiler Board Inspection Code.

14  
15  
16  
17  
18 **STATE OF NEW MEXICO UNIFORM PLUMBING CODE**

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

23  
24 This Code shall be known as the "Plumbing Code of the County of Bernalillo", may  
25 be cited as such, and will be referred herein as "this Code."

26  
27  
28 **Purpose.**

29  
30 The provisions of this Code shall apply to the erection, installation, alteration, repair,  
31 relocation, replacement, addition to, use or maintenance of all plumbing systems and  
32 drainage systems.

33  
34 Appendix A, B, C, D, E, G, and H, I, J, K and I of the Plumbing Code shall be  
35 considered as part of this Code. The Uniform Plumbing Code Interpretations Manual  
36 shall be considered as the official interpretation manual for this Code. The International  
37 Association of Plumbing and Mechanical Officials Installation Standards shall be  
38 considered only as a guide. For specific material approvals, see Section 301 of this Code.

39  
40 The International Association of Plumbing and Mechanical Officials Directory of  
41 Research Recommendations shall be considered only as a guide.

42  
43  
44  
45 **CHAPTER 3**

**CONTINUATION PAGE 49, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 **313.6.1 Pipe Protection.** All water piping installed in any space adjacent to, above or  
2 below a heated area subject to freezing shall be protected from freezing by the use of a  
3 minimum R-19 paper back Batt Insulation covering the water piping. When blown in  
4 insulation is used a semi rigid material shall be draped over the pipe and extending down  
5 to the top of the ceiling with no insulation installed in the space below the pipe. A  
6 minimum of R-21 insulation shall be installed continuously above the water piping.  
7 Water piping shall not be installed in any outside walls, floors or ceiling of unheated  
8 areas.

9  
10  
11  
12 **CHAPTER 4**

13  
14 **412.0 Minimum Number of Plumbing Fixtures.**

15  
16 412.1 **Fixture Count.** Plumbing fixtures shall be provided for the type of  
17 building occupancy and in the minimum number as shown in the 2006 New  
18 Mexico Building Code.

19  
20  
21 412.2 **Access to Fixtures.** Adopted as written in the Uniform  
22 Plumbing Code.

23  
24  
25 412.3 **Separate Facilities, Including Exceptions.** Adopted as written  
26 in the Uniform Plumbing Code.

27  
28 412.4 **Fixture requirements for Special Occupancies.** Adopted as  
29 written in the Uniform Plumbing Code.

30  
31  
32 412.5 **Facilities in Mercantile and Business Occupancies Serving**  
33 **Customers.** Adopted as written in the Uniform Plumbing Code.

34  
35 412.6 **Food Service Establishments.** Food service establishments with an  
36 occupant load of one hundred (100) or more shall be provided with separate facilities  
37 for employees and customers. Customer and employee facilities may be combined  
38 for occupant loads less than one hundred (100)

39  
40 In addition, add a sentence to the end of section 413.6 as follows: A lavatory for  
41 hand-washing shall be installed in all food preparation areas and in all food service areas.  
42 Restroom facilities for the use of customers shall not have their access through any food  
43 preparation, food storage or food service areas.

44  
45 412.7 **Toilet Facilities for Workers.** Adopted as written in the Uniform  
46 Plumbing Code.

**CONTINUATION PAGE 50, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1  
2 **413.0 Fixtures and Fixture Fittings for Persons with Disabilities**

3  
4 Change this section to read as follows: The requirements are set forth in the Building  
5 Code in Chapter 11 and the Appendix Chapter E.

6 **CHAPTER 6**

7  
8  
9 **WATER SUPPLY AND DISTRIBUTION**

10  
11 **608.5** Add an exception at the end of this section as follows:

12  
13 **Exception:** If, in the opinion of the Administrative Authority, no practical means exists  
14 for running the relief line to an approved point of disposal in a manner that will not trap  
15 the line, it may be trapped if protected from freezing. Prior approval must be granted by  
16 the Administrative Authority.

17  
18  
19 **CHAPTER 7**

20  
21 **SANITARY DRAINAGE**

22  
23 **PART II BUILDING SEWERS**

24  
25 **Section 715.1 Building Sewer Materials.** Change to read as follows:

26  
27 The building sewer, beginning two (2) feet from any building or structure and not in a  
28 public right of way shall be of such materials as may be approved by the Administrative  
29 Authority under the approved procedures set forth in Chapter 3 of this Code. Building  
30 sewers 4” and smaller are required to be a minimum of schedule 40 piping. Building  
31 sewers 6” and larger are required to be a minimum of SDR 35 (ASTM 3034) piping.  
32 Drainage fittings or approved manholes shall be used to connect building sewers to utility  
33 lines on private property. All building sewers may be constructed of SDR 26 PVC  
34 (ASTM 3034) piping.

35  
36 Sewer Tap and Stub-In: A Sewer tap and Stub-In is from the sewer main connection  
37 to the private property line. Approved materials for this use include hub and spigot, no-  
38 hub cast iron and PVC schedule 40 meeting ASTM 2665 or SDR 26 meeting ASTM  
39 3034. All fittings shall be drainage type fittings. The minimum size of such piping shall  
40 be 4” nominal diameter. If the City of Albuquerque sewer is tapped, either an approved  
41 saddle or a y-branch fitting must be used at the point of connection between the house  
42 sewer and the City main. Approval to “tap” the sewer is required from the liquid waste  
43 engineer of the applicable jurisdiction. The vertical section of service risers, if required,  
44 when connecting to flexible mains (PVC SDR 35, etc.) shall be schedule 40 PVC meeting  
45 ASTM D2665 or PVC SDR26 meeting ASTM 3034. The Horizontal Section of all

**CONTINUATION PAGE 51, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 laterals shall be of schedule 40 PVC, SDR26 or schedule 40 cast iron. ABS piping may  
2 not be used in the public right of way.

3  
4 **Section 715.2** Joining methods and materials shall be as prescribed in this code.  
5  
6  
7

**CHAPTER 11**

**STORM DRAINAGE**

11  
12 **Section 1101.11.1** Add a sentence to the end of the paragraph to read as follows:  
13 The rainfall rate for the County of Bernalillo shall be as described in the Bernalillo  
14 County Storm Drainage Ordinance.  
15

**CHAPTER 12**

**FUEL PIPING**

19  
20  
21 **Section 1211.0 Installation of Gas Piping:** Add to the end of this paragraph as  
22 follows: When necessary to insert fittings in piping which has been installed in a  
23 concealed location, the piping may be reconnected by the use of a ground joint union  
24 with nut “center punched” to prevent loosening by vibration. Bushings shall not be used  
25 in any locations.  
26

27 Delete 1214.3.1, 1214.3.2 and 1214.3.3.1 and substitute the following;  
28

29 **Mercury Test:** This inspection shall include an air pressure test at which time the gas  
30 piping shall stand a pressure of not less than 10 pounds per square inch gauge pressure or  
31 at the discretion of the Authority having Jurisdiction the piping and valves may be tested  
32 at a pressure of at least six inches (6”) of mercury measured with a manometer or slope  
33 gauge. Test pressures shall be held for a length of time satisfactory to the Authority  
34 having Jurisdiction, but in no case for less than ten (ten) minutes with no perceptible drop  
35 in pressure.  
36

37 Pressure test: For piping carrying gas at working pressures of 2 psi or less, the test  
38 pressure shall not be less than ten (10) psi using a 15 pound test gauge with one tenth  
39 (1/10) increments for a minimum time of ten(10) minutes. 3 psi or greater shall be tested  
40 with a test pressure of not less than thirty (30) pounds per square inch using a recording  
41 device for a period of not less than twenty-four (24) hours. For minor repairs, installing  
42 tees or fittings on existing piping carrying gas pressure of three (3)psi or greater, the test  
43 may be sixty (60) psi using a pressure gauge of one hundred (100) psi or less with 1  
44 pound increments for a minimum time of thirty (30) minutes. All necessary apparatus for  
45 conducting tests shall be furnished by the permit holder.  
46

**CONTINUATION PAGE 52, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1 Gas Final: Final inspection of all installations shall be made after all piping and shut off  
2 valves 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-portable  
4 gas appliances are installed. A mercury test is required for a final gas inspection.  
5  
6  
7  
8

9 **STATE OF NEW MEXICO UNIFORM SWIMMING POOL, SPA and**  
10 **HOT TUB CODE**

11  
12  
13 **PART 1**

14  
15 **ADMINISTRATION**

16  
17 Delete in its entirety and refer to Chapters 1, 2, and 3 of the Uniform Administrative  
18 Code of Bernalillo County.  
19

20 This Ordinance shall be known as the "Uniform Swimming Pool Code" of Bernalillo  
21 County, and may be cited as such and will be referred to herein as "this Code."  
22

23 The provisions of this Code shall apply to the erection, installation, alteration, repair,  
24 relocation, replacement, maintenance or use of any swimming pool plumbing system  
25 except as otherwise provided for in this Code.  
26  
27

28 **CHAPTER 3**

29  
30 **Sec. 301. General.** Change to read as follows:  
31

32 All design, construction, and workmanship shall be in conformity with accepted  
33 engineering practices and shall be of such character as to secure the results sought to be  
34 obtained by this Code.  
35

36 (a) Every swimming pool, spa or hot tub shall be equipped complete with approved  
37 mechanical equipment consisting of filter, pump, piping valves, component parts and  
38 connection to the sanitary sewer (See Section 310).  
39

40 **EXCEPTION:** Pools with a supply of fresh water equivalent to the volume of the  
41 pool in the specified turnover time will be allowed.  
42

43 (b) The circulating piping system shall be designed so that the water velocity will not  
44 exceed ten feet (10') per second, except that the water velocity shall not exceed eight feet  
45 (8') per second in all suction piping and all copper piping.  
46

**CONTINUATION PAGE 53, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

1       **EXCEPTION:** Jet inlet fittings shall not be deemed subject to this requirement.  
2

3       **Sec. 310. Waste Water Disposal.** Change to read as follows:  
4

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

15       **NOTE:** Small spa pools under 750 gallons in a single family residence shall be  
16 considered a plumbing fixture and may be connected directly to the sewer.  
17

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

22  
23       Water discharged from swimming pools less than 8,000 gallons must be contained on  
24 property where the pool is located or discharged into the sanitary sewer through a  
25 temporary sewer connection.  
26

27       **Sec. 311. Separation Tank**  
28

29       Delete all wording.  
30

**CHAPTER 4**

**SWIMMING POOL HEATERS AND VENTS**

34  
35  
36       **Sec. 401. General.** Change to read as follows:  
37

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

**CONTINUATION PAGE 54, ORDINANCE NO. \_\_\_\_\_**  
**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

10 **Sec. 404. Gas fired Swimming Pool Heater Approval Requirements.** Change to  
11 read as follows:  
12

13 (c) For units up to and including 200,000 BTU/hr. input the relief valve shall be  
14 A.G.A. rated and for inputs over 200,000 BTU/hr. the valve shall be A.S.M.E. rated.  
15

16 **Sec. 407. Enclosures and Combustion Air**

17  
18 Delete all wording and refer to Chapter 6 of the Uniform Mechanical Code.  
19  
20

21 **CHAPTER 5**

22  
23 Delete all wording and refer to Chapter 5 of the Uniform Plumbing Code for  
24 requirements.  
25  
26  
27  
28  
29  
30

31 **STATE OF NEW MEXICO SOLAR ENERGY CODE**

32  
33  
34 **Chapter 1 Administration.** Delete in its entirety and refer to Chapters 1, 2, and 3,  
35 of the Uniform Administrative Code of the County of Bernalillo.  
36  
37

38 **UNIFORM SIGN CODE**

39  
40 **CHAPTER 1**

41  
42 Delete in its entirety and substitute the following:  
43  
44

45 **CHAPTER 1**  
46

**CONTINUATION PAGE 55, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

**TITLE, PURPOSE AND SCOPE**

**TITLE**

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

**PURPOSE AND SCOPE**

**Sec.102.** The purpose of this Code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building. No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device nor shall any sign be erected that purports to be or is an imitation of or resembles an official traffic control device. The provisions of this section shall not be deemed to prohibit the erection upon private property adjacent to public ways of signs giving useful directional information and of a type that cannot be mistaken for official signs. The regulations of this Code are not intended to permit any violation of the provisions of any other lawful ordinance. (See the Bernalillo County Zoning Ordinances and the Traffic Code.)

**REGISTRATION**

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

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

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

**Insurance**

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

**CHAPTER 2**

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



**CONTINUATION PAGE 57, ORDINANCE NO. \_\_\_\_\_**  
**BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY**  
**CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,**  
**APPEALS AND PENALTIES.**

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

4  
5 **Sec. 1003.2 Delete.**

6  
7 **CHAPTER 11**

8  
9 **Sec. 1103.2 Delete.**

10  
11 (Ord. No. 96-8, §7 (exh.A), 4-16-96) Cross reference -- Boards and commissions, § 2-  
12 431 et seq.

13  
14 **DONE** this \_\_\_\_ day of \_\_\_\_\_, 2009

15  
16 **BOARD OF COUNTY COMMISSIONERS**

17  
18 \_\_\_\_\_  
19 Deanna Archuleta, Chair

20  
21 \_\_\_\_\_  
22 Alan B. Armijo, Vice-Chair

23  
24 \_\_\_\_\_  
25 Art De La Cruz, Member

26  
27 \_\_\_\_\_  
28 Michael C. Wiener, Member

29  
30 \_\_\_\_\_  
31 Michael Brasher, Member

32  
33  
34 **APPROVED AS TO FORM:**

35  
36 \_\_\_\_\_  
37 **County Legal**

38  
39 **Date:** \_\_\_\_\_

40  
41  
42 **ATTEST:**

43  
44 \_\_\_\_\_  
45 Maggie Toulouse Oliver

46  
Date: \_\_\_\_\_