

TITLE XV: LAND USAGE

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CHAPTER 151: BUILDING REGULATIONS; CONSTRUCTION

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Cross-reference:

Dangerous Buildings or Premises, see §§ 52.40 et seq.

Excavations, see §§ 94.01 et seq.

Moving of Buildings, see §§ 94.30 et seq.

Statutory reference:

Adoption of codes, see §§ 3-17-6 et seq. NMSA 1978

BUILDING CODE

§ 151.01 ADOPTION BY REFERENCE.

(A) There is hereby adopted by the City, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures; providing for the issuance of permits and the collection of fees therefor; and providing penalties for the violation thereof, the State Uniform Building Code, 1982 edition, as published by the International Conference of Building Officials and as approved and promulgated by the Construction Industries Commission of the State, including all amendments thereto and all future editions thereof; of which code not less than one copy has been and now is filed in the office of the City Clerk/Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein, except as to the section of that code relating to building permit fees, in lieu of which a development fee will be charged in accordance with § 151.02 below.

(B) The Uniform Building Code and the development fees established hereby shall be in force from the date on which this subchapter shall take effect; and the provisions thereof shall be controlling within the limits of the City.

(1988 Code, § 9-5-1) (Ord. 92-05, passed - -)

§ 151.02 BUILDING PERMIT FEES.

(A) Fees shall be applicable to all types of construction, including demolition work. A fee for each building permit shall be paid to the City as set forth in the schedules in Appendix A of this chapter. The determination of violation of any construction shall be made by the Code Building Inspector.

(B) The Building Inspector shall be required to make inspections as necessary in connection with each building permit issued.
(1988 Code, § 9-5-2) Penalty, see § 151.99

§ 151.03 STATE EVALUATION TABLE.

Copies of the State Evaluation Table shall be available and subject to inspection in the office of the City Clerk/Treasurer.
(1988 Code, § 9-5-3)

ELECTRICAL CODE

§ 151.15 ADOPTION BY REFERENCE.

All electrical wiring of any sort or type within the limits of the City shall fully conform in every respect to the National Electrical Code, 1971 edition, as adopted by the National Fire Protection Association, and the amendments thereof, as published by the Electrical Board of the State, all of which are hereby adopted by reference and incorporated herein as fully as if set out in full and shall be known as the Electrical Code of the City. Copies of that code are available for inspection in the office of the City Clerk/Treasurer during normal business hours.
(1988 Code, § 9-1-1) (Ord. 92-05, passed - -) Penalty, see § 151.99

FIRE PREVENTION CODE

§ 151.30 ADOPTION BY REFERENCE.

There is hereby adopted by the City, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the Fire Prevention Code, abbreviated edition, recommended by the American Insurance Association, being particularly the 1970 edition and the whole thereof, including all future amendments thereto and all future abbreviated editions thereof, unless otherwise amended in the future by the Governing Body; of which code not less than one copy has been and now is filed in the office of the City Clerk/Treasurer, and is available for inspection during normal business hours. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this subchapter shall take effect, the provisions thereof shall be controlling within the limits of the City.
(1988 Code, § 9-2-1)

§ 151.31 ENFORCEMENT.

The code hereby adopted shall be enforced by the Chief of the Fire Department ("Fire Chief").
(1988 Code, § 9-2-2)

§ 151.32 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MUNICIPALITY. Whenever used in the code hereby adopted, it shall be held to mean this City.
(1988 Code, § 9-2-3)

§ 151.33 MODIFICATIONS.

The Fire Chief shall have power to modify any of the provisions of the code hereby adopted upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of that code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such a modification when granted or allowed and the decision of the Fire Chief thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

(1988 Code, § 9-2-4)

§ 151.34 APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the adopted code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Governing Body within 30 days from the date of the decision appealed.

(1988 Code, § 9-2-5)

§ 151.35 VIOLATIONS; REMEDIES NOT EXCLUSIVE.

(A) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate or permit issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Governing Body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor and subject to a penalty as described in § 151.99.

(B) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy the violations or defects within a reasonable time; and when not otherwise specified, then each ten days that prohibited conditions are maintained shall constitute a separate offense.

(C) The application of a penalty as mentioned above shall not be held to prevent the enforced removal of prohibited conditions.

(1988 Code, § 9-2-6) Penalty, see § 151.99

§ 151.36 AUTHORITY.

This subchapter is adopted by authority contained in § 3-17-6 NMSA 1978, relating to codes adopted and enforced by reference.

(1988 Code, § 9-2-7)

PLUMBING AND GAS CODE

§ 151.50 ADOPTION BY REFERENCE.

(A) For the purpose of prescribing minimum standards regulating the installation of plumbing and gas systems, including appliances, within the City, those certain codes known as the Plumbing Code and the Natural Gas Code of the State, current edition, as proposed and published by the Mechanical Board and accepted by the Construction Industries Commission of the State, as amended, are adopted; except, however, as modified herein.

(B) (1) Ch. I, General Administration, §§ 300 through 390, inclusive, are deleted and part I, Administration, Ch. 1, 2, and 3 are substituted therefor;

(2) The sections and Appendix B of Ch. II of the Plumbing Code are amended as indicated; and

(3) The definitions and sections of Ch. III, Natural Gas Code, are amended as indicated.

(C) All of the above are hereby adopted by reference and incorporated herein as fully as if set out in full, and shall be known as the "Plumbing and Gas Code of the City," and from the date on which this subchapter takes effect shall be controlling within the boundaries of the City.
(1988 Code, § 9-6-1) (Ord. 92-05, passed - -)

(C) Violations as described in § 151.35 of this Code shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.
(1988 Code, § 9-2-6)

§ 151.51 COPIES AVAILABLE.

A copy of the Plumbing and Gas Code of the City, as adopted by this subchapter, is now on file in the office of the City Clerk/Treasurer of the City and is available for inspection by the public during normal business hours. A copy of that code shall be available to any individual upon request and the payment of a reasonable charge as set by the City Clerk/Treasurer, to be not less than the actual cost per copy.
(1988 Code, § 9-6-2) (Ord. 92-05, passed - -)

§ 151.52 AMENDMENTS.

The Plumbing and Gas Code of the City, as hereby adopted, may be amended or repealed in the same manner as this Code of Ordinances is amended or repealed.
(1988 Code, § 9-6-3)

§ 151.99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall be subject to penalties as provided in § 10.99 of this Code.

(B) Each violation of §§ 151.15 *et seq.*, upon conviction, shall constitute a misdemeanor and shall be punishable by a fine of not more than \$300 or imprisonment for not more than 90 days, or both such fine and imprisonment.
(1988 Code, § 9-1-2)

APPENDIX A: BUILDING PERMIT FEE SCHEDULE

<i>Building Permit Fees</i>		
<i>Type of Building</i>	<i>Details</i>	<i>Fee, Based on Square Feet</i>
Commercial	Heated	\$0.12
Commercial	Unheated	\$0.10
Residential	Heated	\$0.10
Residential	Unheated	\$0.08

(1988 Code, § 9-5-2)

Cross-reference:

Building Code, see §§ 151.01 et seq.

