

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2011-12

1 **AN ORDINANCE REPEALING BERNALILLO COUNTY BUILDING**
2 **ORDINANCE, ORDINANCE 2009-5 AND ADOPTING A NEW BERNALILLO**
3 **COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE,**
4 **CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTIONS, APPEALS**
5 **AND PENALTIES.**

6
7 **BERNALILLO COUNTY ORDINANCE 2009-5 IS HEREBY REPEALED AND**
8 **REPLACED WITH THE FOLLOWING:**

9
10
11 **Bernalillo County Building Ordinance**

12
13 Chapter 10

14
15 **BUILDINGS AND BUILDING REGULATIONS***

16
17 **Article I. In General**

18
19 Sec. 10-1—10-30. Reserved

20
21 **Article II Construction Codes**

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

28
29 **ARTICLE I. IN GENERAL**

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31 **Sects. 10-1—10-30 Reserved**

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33 **ARTICLE II. CONSTRUCTION CODES**

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35 **Sec. 10-31. Intent of article.**

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37 It is the intent of this article to prescribe minimum standards regulating building,
38 mechanical, plumbing and electrical work, and maintenance of buildings and structures
39 within the unincorporated boundaries of the county.
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CONTINUATION PAGE 2, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

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

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

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

8
9 The *Uniform Administrative Ordinance* found in section 10 is hereby adopted and
10 shall serve as the administrative, organizational and enforcement rules and regulations for
11 the adopted technical codes within the county.
12

13 **Sec. 10-34. Adoption of the international and state codes for the county.**

14
15 For the purpose of prescribing minimum standards regulating construction and
16 maintenance of buildings and structures, including all building service equipment and
17 installations within the unincorporated boundaries of the county, the following codes are
18 hereby adopted as amended by Exhibit A attached hereto.
19

- 20 1) **The 2009 International Building Code**, including Appendix Chapters B, C, E, H, I,
21 and J;;
- 22 2) **The 2009 International Residential Code**, including Appendix Chapters G, H, and
23 K;
- 24 3) **The 2009 International Plumbing Code**, as published by the International Code
25 Council (ICC);
- 26 4) **The 2009 International Mechanical Code**, as published by the International Code
27 Council (ICC);
- 28 5) **The 2009 International Existing Building Code**, as published by the International
29 Code Council (ICC);
- 30 6) **The 2009 International Energy Conservation Code**, as published by the
31 International Code Council (ICC);
- 32 7) **The 2009 New Mexico Earthen Building Materials Code**, as adopted by the
33 Construction Industries Division of the State of New Mexico with an effective date of
34 July 1, 2011;
- 35 8) **The 2009 New Mexico Non-Load Bearing Straw Construction Building**
36 **Standard**, as adopted by the Construction Industries Division of the State of New
37 Mexico with an effective date of July 1, 2011;
- 38 9) **The 2009 International Property Maintenance Code**, as published by the
39 International Code Council (ICC);
- 40 10) **The 2009 Uniform Mechanical Code**, as published by the International Association
41 of Plumbing and Mechanical Officials (IAPMO);
- 42 11) **The 2009 Uniform Plumbing Code**, as published by the International Association of
43 Plumbing and Mechanical Officials (IAPMO);
- 44 12) **The 2008 National Electrical Code**, as published by the National Fire Protection
45 Association (NFPA);

CONTINUATION PAGE 3, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

- 1 13) The **2007 New Mexico Electrical Safety Code**, as adopted by the Construction
2 Industries Division of the State of New Mexico with an effective date o January 1,
3 2008;
- 4 14) The **2009 Uniform Swimming Pool, Spa and Hot Tub Code**, as published by the
5 International Association of Plumbing and Mechanical Officials (IAPMO);
- 6 15) The **2009 Uniform Solar Energy Code**, as published by the International
7 Association of Plumbing and Mechanical Officials (IAPMO); and
- 8 16) Errata sheets to the adopted portions of the uniform and international codes, as
9 promulgated by the International Conference of Building Officials or the International
10 Association of Plumbing and Mechanical Officials.
- 11 17) The Bernalillo County amendments to the International and New Mexico Codes
12 referred to in this ordinance are set forth as Exhibit A and incorporated herein by
13 reference, and as such, are hereby adopted and together with the Codes in Section A-1
14 of this section shall be known as the Uniform Construction Codes of Bernalillo
15 County. From the date on which this ordinance takes effect they shall be controlling
16 within the unincorporated boundaries of Bernalillo County, New Mexico.

17
18 **Sec. 10-35. Availability of the county uniform construction code.**

19
20 A copy of the Bernalillo County Uniform Construction Code, as adopted by
21 ordinance, is available for inspection by the public during regular business hours. A copy
22 of this code is available, upon request, in the office of the Zoning, Building and Planning
23 Department for a fee set by the building official.

24
25 **Sec. 10-36. Amendments to the county uniform construction code.**

26
27 (a) **Generally.** The county uniform construction code adopted in this article may be
28 amended or repealed in the same manner as ordinances are amended or repealed.

29 (b) **Uniform Administrative Code.** Chapter 1 of the various adopted codes have
30 been deleted and replaced with Chapter 1 on the following pages. Sections from various
31 other parts of the technical codes have been amended, added or deleted as noted on the
32 pages following the administrative chapter no. 1.

33 (c) **Amendments to state technical codes.** County amendments to the 2009 New
34 Mexico Earthen Building Code, as adopted by the Construction Industries Division of the
35 State of New Mexico with an effective date of July 1, 2011; the 2009 New Mexico **Non-**
36 **Load Bearing Straw Construction Building Standard**, as adopted by the Construction
37 Industries Division of the State of New Mexico with an effective date of July 1, 2011; are
38 noted on the pages following the administrative chapter no. 1.

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

43 (e) **Fire Marshal - Jurisdiction.** 1. The Bernalillo County Fire Marshal shall have
44 jurisdiction under the Fire Code of Bernalillo County to test and inspect fire suppression
45 systems, including fire hydrants, fire extinguishers and sprinkler systems installed in
46 construction, alteration, moving, repair, demolition, use and occupancy of buildings
47 structures and building service equipment. The Bernalillo County Fire Marshal shall

CONTINUATION PAGE 4, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 have jurisdiction under the International Fire Code (I.C.C.) or the Bernalillo County Fire
2 Code as applicable to construction, alteration, moving, demolition, repair, use and
3 occupancy of buildings, structures, and building service equipment. 2. Existing
4 buildings – The Bernalillo County Fire Marshal shall have jurisdiction to administer the
5 Bernalillo County Fire Code as applicable to all existing structures.

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8 **EXHIBIT A**

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10 COUNTY OF BERNALILLO AMENDMENTS TO THE 2009 INTERNATIONAL
11 BUILDING CODE; THE 2009 INTERNATIONAL RESIDENTIAL CODE,
12 INTERNATIONAL ENERGY CONSERVATION CODE; 2009 UNIFORM
13 MECHANICAL CODE; 2009 UNIFORM PLUMBING CODE AND THE 2008
14 NATIONAL ELECTRICAL CODE ARE AS FOLLOWS:

15
16 The Scope and Administrative Chapters of the various technical codes have been deleted
17 and replaced with Chapters, 1 on the following pages. Sections from various other parts
18 of the Technical Codes have been amended, added, or deleted. These changes are noted
19 on the pages following the Administrative Chapter No. 1.

20
21 **UNIFORM ADMINISTRATIVE CODE**

22
23 **CHAPTER 1**
24 **SCOPE AND ADMINISTRATION**

25
26 **PART 1 – SCOPE AND APPLICATION**

27
28 **SECTION 101**
29 **GENERAL**

30
31 **101.1 Title.** These regulations shall be known as the "Uniform Administrative Code of
32 the County of Bernalillo" and may be cited as such and will be referred to herein as "this
33 Code."

34
35 **101.2 Scope.** The provisions of this code shall apply to the construction, alteration,
36 movement, enlargement, replacement, repair, equipment, use and occupancy, location,
37 maintenance, removal and demolition of every building or structure or any appurtenances
38 connected or attached to such buildings or structures.

39
40 **101.3 Intent.** The purpose of this Code is to provide for the administration and
41 enforcement of the Bernalillo County Uniform Administrative Code adopted by this
42 jurisdiction. This Code will prescribe minimum standards to safeguard life, limb, health,
43 property, public and economic welfare by regulation and controlling building design,
44 construction, quality of materials, use and occupancy, location and maintenance of all
45 buildings and structures within the unincorporated area of the County and certain
46 equipment specifically regulated herein.

1 SECTION 102
2 APPLICATION TO EXISTING BUILDINGS AND BUILDING
3 SERVICE EQUIPMENT
4

5 **102.1 General.** Buildings, structures and their building service equipment to which
6 additions, alterations or repairs are made shall comply with all the requirements of the
7 technical codes for new facilities, except as specifically provided in this section.
8

9 **102.2 Additions, Alterations or Repairs.** Additions, alterations or repairs may be
10 made to any building or its building service equipment without requiring the existing
11 building or its building service equipment to comply with all the requirements of the
12 technical codes, provided the addition, alterations or repairs conform to that required for
13 a new building or building service equipment. Additions or alterations shall not be made
14 to an existing building or building service equipment which will cause the existing
15 building or building service equipment to be in violation of any of the provisions of the
16 technical codes nor shall such additions or alterations cause the existing building or
17 building service equipment to become unsafe. An unsafe condition shall be deemed to
18 have been created if an addition or alteration will cause the existing building or building
19 service equipment to become unsafe. An unsafe condition shall be deemed to have been
20 created if an addition or alteration will cause the existing building or building service
21 equipment to become structurally unsafe or overloaded; will not provide adequate egress
22 in compliance with the provisions of the Building Code or will obstruct existing exits;
23 will create a fire hazard; will reduce required fire resistance; will cause building service
24 equipment to become overloaded or exceed their rated capacities; will create a health
25 hazard or will otherwise create conditions dangerous to human life. Any building so
26 altered, which involves a change in use or occupancy, shall not exceed the height,
27 number of stories and area permitted by the Building Code for new buildings. Any
28 building plus new additions shall not exceed the height, number of stories and area
29 specified by the Building Code for new buildings. Additions or alterations shall not be
30 made to an existing building or structure when such existing building or structure is not
31 in full compliance with the provisions of the Building Code except when such addition or
32 alteration will result in the existing building or structure being no more hazardous based
33 on life safety, fire safety and sanitation, than before such additions or alterations are
34 undertaken. Alterations or repairs to an existing building or structure which are
35 nonstructural and do not adversely affect any structural member or any part of the
36 building or structure having required fire resistance may be made of the same materials of
37 which the building or structure is constructed, and shall be subject to the approval of the
38 building official. The installation or replacement of glass shall be as required for new
39 installations. Minor additions, alterations and repairs to existing building service
40 equipment installations may be made in accordance with the technical code in effect at
41 the time the original installation was made, subject to approval of the Building Official,
42 and provided such additions, alterations, and repairs will not cause the existing building
43 service equipment to become unsafe, unsanitary or overloaded.
44

45 **102.3 Existing Installations.** Building service equipment lawfully in existence at the
46 time of the adoption of the Technical Codes may have their use, maintenance, or repair

CONTINUATION PAGE 6, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 continued if the use, maintenance, or repair is in accordance with the original design and
2 no hazard to life, health or property has been created by such building service equipment.

3
4 **102.4 Existing Occupancy.** Buildings in existence at the time of the adoption of the
5 Building Code may have their existing use or occupancy continued if such use of
6 occupancy was legal at the time of the adoption of the Building Code, provided such
7 continued use is not dangerous to life, health, and safety.

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

10
11 **102.5 Maintenance.** All buildings, structures and building service equipment,
12 existing and new, and all parts thereof shall be maintained in a safe and sanitary
13 condition. All devices or safeguards which are required by the technical codes shall be
14 maintained in conformance with the technical code under which installed. Yards that are
15 necessary for allowable area increases per the Building Code, shall be maintained open
16 and unobstructed. The owner or his designated agent shall be responsible for the
17 maintenance of buildings, structures and the building service equipment. To determine
18 compliance with this subsection, the building official may cause any structure to be re-
19 inspected.

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

23
24 **102.6 Moved Buildings and Temporary Buildings.** Building structures and their
25 building service equipment moved into or within this jurisdiction shall comply with the
26 provisions of the Technical Codes for new buildings or structures and their service
27 equipment.

28
29 **102.7 Temporary Structures.** Temporary structures such as reviewing stands and
30 other miscellaneous structures, sheds, canopies or fences used for the protection of the
31 public around and in conjunction with construction work, may be erected by special
32 permit from the building official for a limited period of time. Such buildings or
33 structures need not comply with the type of construction or fire-resistive time periods
34 required by the Building Code. Temporary buildings or structures shall be completely
35 removed upon the expiration of the time limit stated in the permit.

36
37 **102.8 Historic Buildings.** Repairs, alterations and additions necessary for the
38 preservation, restoration, rehabilitation or continued use of a building, structure, or its
39 building service equipment may be made without conformance to all the requirements of
40 the technical codes when authorized by the building official, provided:

- 41
42 1. The building or structure has been designated to be the official action of the
43 legally constituted authority of this jurisdiction as having special historical or
44 architectural significance.
- 45 2. Any unsafe conditions as described in this Code are corrected.

CONTINUATION PAGE 7, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 3. The restored building or structure and its building service equipment will be no
2 more hazardous based on life, safety, fire safety and sanitation than the existing
3 building.

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**SECTION 103
CONFLICTING PROVISIONS**

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

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

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Exception: Where a conflict occurs between the Building Code and the Mechanical or Plumbing Codes the Building Code shall govern. The 2009 International Mechanical Code and 20009 International Plumbing Code, both published by the International Code Council may be used as reference documents to help resolve such conflicts.

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

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

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**SECTION 104
MODIFICATIONS**

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

43

44

45

46

104.2 Alternate Materials Design and Methods of Construction and Equipment. The provisions of the Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code provided that any such alternative has been approved. An alternative material, design or method of construction shall be

CONTINUATION PAGE 8, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 approved where the Building Official finds that the proposed design is satisfactory and
2 complies with the intent of the provisions of this Code, and that the material, method of
3 work offered is, for the purpose intended, at least the equivalent of that prescribed in this
4 Code in quality, strength, effectiveness, fire resistance, durability and safety;

5
6 **104.3 Research Reports.** Supporting data, where necessary to assist in the approval
7 of materials or assemblies not specifically provided for in this Code, shall consist of valid
8 research reports from sources;

9
10 **104.4 Tests.** Whenever there is insufficient evidence of compliance with any of the
11 provisions of the Technical Codes or evidence that materials or construction do not
12 conform to the requirements of the Technical Codes, the building official may require
13 tests as evidence of compliance to be made at no expense to this jurisdiction. Test
14 methods shall be as specified by the Technical Codes or by other recognized test
15 standards. In the absence of recognized and accepted test methods for the proposed
16 alternate, the building official shall determine test procedures. All tests shall be made by
17 an approved agency. Reports of such tests shall be retained by the building official for
18 the period required for the retention of public records.

19
20
21 **PART 2 – ORGANIZATION AND ENFORCEMENT**

22
23 **SECTION 105**
24 **AUTHORITY**

25
26 **105.1 Creation of Enforcement Agency.** There is hereby established in this
27 jurisdiction a building division which shall be under the administrative and operational
28 control of the building official.

29
30 **105.2 General.** Whenever the term or title "administrative authority", "responsible
31 official", "building official", "chief inspector", "code enforcement officer," or other
32 similar designation is used herein or in any of the technical codes, it shall be construed to
33 mean the building official designated by the appointing authority of this jurisdiction.

34
35 **SECTION 106**
36 **POWERS AND DUTIES OF THE BUILDING OFFICIAL**

37
38 **106.1 General** The building official is hereby authorized and directed to enforce all
39 the provisions of this code and the referenced Technical Codes. The building official
40 shall have the power to render interpretations of this Code and the referenced Technical
41 Codes, and to adopt and enforce rules and regulations supplemental to this code as he
42 may deem necessary to clarify the application of the provisions of this code. Such
43 interpretations, rules and regulations shall be in conformity with the intent and purpose of
44 this code.

45
46 **106.2 Deputies.** In accordance with prescribed procedures and with the approval of
47 the appointing authority, the Building Official may appoint a Senior Building

CONTINUATION PAGE 9, ORDINANCE NO. 2011-12 BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION, APPEALS AND PENALTIES.

1 Inspector/Plan Checker, a Senior Electrical Inspector, a Senior Mechanical/Plumbing
2 Inspector and/or other related technical officers and inspectors and other employees as
3 shall be authorized from time to time to carry out the functions of the Building Division.
4

5 **106.3 Reports and Records.** The Building Official shall keep a permanent, accurate
6 account of all fees and other moneys collected and received under this Code, the names
7 of the persons upon whose account the same were paid, the date and amount thereof,
8 together with the location of the building or premises to which they relate.
9

10 **106.4 Right of Entry** Whenever necessary to make an inspection to enforce any of
11 the provisions of this Code, or whenever the Building Official or his authorized
12 representative has reasonable cause to believe that there exists in any building or upon
13 any premises, any condition which makes such building or premises unsafe as defined in
14 this Code, the Building Official or his authorized representative may enter such building
15 or premises at all reasonable times to inspect the same or to perform any duty imposed
16 upon the Building Official by this Code; provided that if such building or premises be
17 occupied, he shall first present proper credentials and demand entry; and if such building
18 or premises be unoccupied, he shall first make a reasonable effort to locate the owner or
19 other persons having charge or control of the building or premises and demand entry. If
20 entry is refused, the Building Official shall proceed to obtain a search warrant by filing a
21 complaint made before the Metropolitan Court or District Court upon oath or affirmation.
22 The complaint shall:

- 23 (1) Set forth the particular building, premises or portion thereof sought to be
24 inspected.
- 25 (2) State that the owner or occupant of the building, premises or portion thereof, has
26 refused entry.
- 27 (3) State that inspection of the building, premises or portion thereof is necessary to
28 determine whether it complies with the requirements of this Code.
- 29 (4) Set forth the particular provisions of this Code sought to be enforced.
- 30 (5) Set forth any other reason necessitating the inspection, including knowledge or
31 belief that a particular condition exists in the building, premises or portion thereof
32 which constitutes a violation of this Code.
- 33 (6) State that the building official or his representative is authorized by the county to
34 make the inspection.
35

36 Each inspector shall be furnished with an identification card signed by the personnel
37 department director, indicating his authority and must present same to the Metropolitan
38 Court or District Court for the purpose of this section and to other persons, when
39 requested to do so during the performance of his duty.
40

41 “Authorized Representative” shall include the officers named in Section 105.1 and
42 105.2 of this Code.
43

CONTINUATION PAGE 10, ORDINANCE NO. 2011-12
BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,
APPEALS AND PENALTIES.

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

6
7 **106.5 Stop Orders.** When work is being done contrary to the provisions of this
8 Code, the Technical Codes, or other pertinent laws or ordinances implemented through
9 the enforcement of this code, the Building Official may order such work discontinued by
10 written notice served on any persons engaged in the doing or causing such work to be
11 done. Any such persons shall forthwith stop all such work until authorized by the
12 Building Official to proceed with the work.

13
14 **106.6 Occupancy Violations.** When a building or structure or building service
15 equipment therein regulated by this Code and the Technical Codes is being used contrary
16 to the provisions of such codes, the Building Official may order such use discontinued by
17 written notice served on any person causing such use to be continued. Such person shall
18 discontinue the use within the time prescribed by the Building Official after receipt of
19 such notice to make the structure, or portion thereof, comply with the requirements of
20 such codes.

21
22 **106.7 Authority to Disconnect Utilities.** The Building Official or the Building
23 Official's authorized representative shall have the authority to disconnect any utility
24 service or energy supplied to the building, structure or building service equipment therein
25 regulated by this Code or the Technical Codes in case of emergency where necessary to
26 eliminate an immediate hazard to life or property or as described in section 205 of this
27 code. If the proposed disconnection is necessary to eliminate an immediate hazard to life
28 or property, the Building Official may request that the serving utility effect, or assist
29 with, the disconnection to the extent the serving utility may do so under industry
30 standards and regulatory requirements applicable to it. The Building Official shall
31 whenever possible notify the serving utility, the owner and occupant of the building,
32 structure or building service equipment of the decision to disconnect prior to taking such
33 action, and shall notify such serving utility, owner and occupant of the building, structure
34 or building service equipment, in writing, of such disconnection immediately thereafter.

35
36 **106.8 Authority to Condemn Building Service Equipment.** When the Building
37 Official ascertains that any building service equipment regulated in the Technical Codes
38 has become hazardous to life, health, property, or becomes unsanitary, he shall order in
39 writing that such equipment either be removed or restored to a safe or sanitary condition
40 as appropriate. The written notice itself shall fix a time limit for compliance with such
41 order. No person shall use or maintain defective building service equipment after
42 receiving such notice.

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

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BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,
APPEALS AND PENALTIES.

1 When any building service equipment is maintained in violation of a notice issued
2 pursuant to the provisions of this section, the Building Official shall institute any
3 appropriate action to prevent, restrain, correct or abate the violation.
4

5 **106.9 Connection After Order to Disconnect.** No person shall make connections
6 from any energy, fuel or power supply nor supply energy or fuel to any building service
7 equipment which has been disconnected or ordered to be disconnected by the Building
8 Official or the use of which has been ordered to be discontinued by the Building Official
9 until the Building Official authorizes the reconnection and use of such equipment.
10

11 **106.10 Liability.** The Building Official, or his authorized representative charged
12 with the enforcement of this Code and the Technical Codes, acting in good faith and
13 without malice in the discharge of his duties, shall not thereby render himself personally
14 liable for any damage that may accrue to persons or property as a result of any approval,
15 act or by reason of any act or omission in the discharge of his duties. Any suit brought
16 against the Building Official or employee because of such approval, act or omission
17 performed by him in the enforcement of any provision of such codes or other pertinent
18 laws or ordinances implemented through the enforcement of this Code or enforced by the
19 code enforcement agency shall be defended by this jurisdiction until final termination of
20 such proceedings, and any judgment resulting there from shall be assumed by this
21 jurisdiction.

22 This code shall not be construed to relieve from or lessen the responsibility of any
23 person owning, operating or controlling any building, structure or building service
24 equipment therein for any damages to persons or property caused by defects, nor shall the
25 Code Enforcement Agency or its parent jurisdiction be held as assuming any such
26 liability by reason of the inspections authorized by this Code or any permits or
27 certificates issued under this Code.
28

29 **106.11 Cooperation of other officials and officers.** The Building Official may
30 request, and shall receive the assistance and cooperation of other officials of this
31 jurisdiction so far as is required in the discharge of his duties required by this Code or
32 other pertinent laws or ordinances.
33

34 **SECTION 107**

35 **UNSAFE BUILDINGS, STRUCTURES, OR BUILDING SERVICE EQUIPMENT**
36

37 **107.1 General.** All buildings or structures regulated by this code and the technical
38 codes which are structurally inadequate or have inadequate egress, or which constitute a
39 fire hazard, or are otherwise dangerous to human life are, for the purpose of this section
40 unsafe buildings.
41

42 **107.2 Service Equipment.** Building service equipment regulated by such codes,
43 which constitutes a fire, electrical, health hazard, unsanitary condition, or is otherwise
44 dangerous to human life, is for the purpose of this section, unsafe. Any use of buildings,
45 structures or building service equipment constituting a hazard to safety, health or public
46 welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard,
47 disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

1
2 **107.3 Projections.** Parapet walls, cornices, spires, towers, tanks, statuary and other
3 appendages or structural members which are supported by, attached to, or a part of a
4 building and which are in deteriorated condition or otherwise unable to sustain the design
5 loads which are specified in the building code are hereby designated as unsafe building
6 appendages.

7
8 All such unsafe buildings, structures or appendages and building service equipment
9 are hereby declared to be public nuisances and shall be abated by repair, rehabilitation,
10 demolition or removal in accordance with the procedures set forth in the Dangerous
11 Buildings Code or such alternate adopted by this jurisdiction. As an alternative, the
12 building official or other employee or official of this jurisdiction as designated by the
13 governing body may institute any other appropriate action to prevent, restrain, correct or
14 abate the violation.

15
16 **SECTION 108**
17 **BOARD OF APPEALS**
18

19 **108.1 General.** In order to hear and decide appeals of orders, decisions or
20 determinations made by the building official relative to the application and
21 interpretations of the Technical Codes, there shall be and is hereby created a Board of
22 Appeals consisting of nine (9) members who are qualified by experience and training to
23 pass upon matters pertaining to building construction and building service equipment
24 and who are not employees of the jurisdiction. The Building Official shall be an ex
25 officio member but shall have no vote upon any matter before the board. The board of
26 appeals shall be appointed by the County Manager with the advice and recommendation
27 of the Bernalillo County Board of Commissioners and shall hold office at his/her
28 pleasure.

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

32
33 **108.2 Applications.** All appeals shall be initiated by writing to the building official
34 and enclosing a one hundred dollar (\$100.00) fee payable to and retained by the
35 Bernalillo County Zoning, Building, and Planning Department. The applicant(s) shall pay
36 all expenses for any tests, calculations, samples, information, recording fees and copies,
37 etc.

38
39 **108.3 Qualifications.** Both regular and alternate members of the Board of Appeals
40 shall be qualified by education, training and experience to pass upon matters pertaining to
41 building design and construction, including appliances, equipment, facilities, systems,
42 and conditions.

43
44 **108.4 Alternates.** Alternate members of the Board of Appeals shall serve in the
45 absence of the principal members and insofar as possible the alternate member shall be of
46 the same classification as the regular members they replace. The County Manager shall
47 appoint all members and alternate members for a three (3) year term.

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1
2 **108.5 Members.** Each member of the board shall have had at least seven (7) years
3 experience in his profession and be a resident of or have his principal place of business in
4 the County of Bernalillo.

5
6 The members and alternates shall have the following classifications:

- 7 1. A REGISTERED ARCHITECT in active practice.
- 8 2. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
9 Mechanical Design.
- 10 3. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
11 Structural or Civil Design.
- 12 4. A REGISTERED PROFESSIONAL ENGINEER whose field of active practice is
13 Electrical Design.
- 14 5. A LICENSED GENERAL CONTRACTOR whose field of active practice is
15 General Building Contracting.
- 16 6. A LICENSED GENERAL CONTRACTOR whose field is Building Contracting
17 specializing in single-family residences.
- 18 7. A LICENSED MECHANICAL CONTRACTOR whose field is mechanical
19 contracting.
- 20 8. A LICENSED ELECTRICAL CONTRACTOR whose field is electrical
21 contracting.
- 22 9. A LICENSED PLUMBING CONTRACTOR whose field is plumbing
23 contracting.

24
25 **108.6 Quorum & Decisions.** Any combination of five (5) members and alternate
26 members shall constitute a quorum. A simple majority of the quorum present shall be
27 decisive.

28
29 If an application for an appeal is received by the Building Official, any action
30 recommended by the Building Official shall be temporarily vacated; unless emergency
31 action is called for, until a final decision on the appeal is rendered by the Board except as
32 limited by subsection 204.5.

33
34 No member or alternate member of the Board shall take part in any appeal or hearing
35 in which he has a personal or financial interest. All meetings of the board shall be open
36 to the public.

37
38 **108.7 Limitations of Authority.** The Board of Appeals shall have no authority
39 relative to interpretation of the administrative provisions of this Code or the Technical
40 Codes nor shall the Board be empowered to waive requirements of either this Code or the
41 Technical Codes.

1 SECTION 109
2 VIOLATIONS AND PENALTIES
3

4 It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge,
5 alter, repair, move, improve, convert or demolish, equip, use, occupy, or maintain any
6 building or structure or building service equipment in the County, or cause the same to be
7 done, contrary to or in violation of any of the provisions of this Code and the Technical
8 Codes.
9

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

- 12 1. Revoke one or all permits issued to the owner or contractor for the project in
13 violation until the violation is corrected.
- 14 2. Refuse to issue additional permits to the owner or contractor until the violation is
15 corrected.
- 16 3. Charge double permit fee if work is started without a permit.
- 17 4. Charge a re-inspection fee.
- 18 5. Refuse to authorize installation of gas, electric or water service until the violation
19 is corrected.
- 20 6. Have gas, electric or water service removed until the violation is corrected.
- 21 7. Issue an Ordinance Violation Citation or take any legal action at his disposal.

22 A violation of this Code shall be considered a separate offense for each and every day
23 or portion thereof the violation is committed, continued, or permitted.
24

25 SECTION 110
26 PERMITS
27

28 **110.1 Required.** Except as specified in subsection 110.2, no building, structure or
29 building service equipment regulated by this Code and the Technical Codes shall be
30 erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted,
31 or demolished unless a separate appropriate permit for each building, structure or
32 building service equipment has first been obtained from the Building Official.
33

34 **110.2 Work Exempt From Permits.** A permit shall not be required for the types of
35 work in each of the separate classes of permit as listed below. Exemption from the
36 permit requirements of this Code shall not be deemed to grant authorization for any work
37 to be done in violation of the provisions of the Technical Codes or any other laws or
38 ordinances of this jurisdiction.
39

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

- 41 A. One-story detached accessory buildings used as tool and storage sheds,
42 playhouses and similar uses, provided the projected roof area does not exceed
43 120 square feet.

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

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1 of its erection and maintenance, and its compliance with the provisions of this
2 Code or any other law or ordinance regulating the same.

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

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

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

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

13
14 Unless otherwise exempted by this Code, separate plumbing, electrical and
15 mechanical permits will be required for the above exempted items.
16

17 **Plumbing.** A plumbing permit will not be required for the following:

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

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

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

30 D. The installation of temporary lines for testing equipment or apparatus. No
31 deviation may be made from the installation described in the permit without
32 the approval of the Building Official.
33

34 **Electrical.** An electrical permit will not be required for the following:

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

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

40 C. Temporary decorative lighting.

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- 1 D. Repair or replacement of current-carrying parts of any switch, contactor or
2 control device.
- 3 E. Reinstallation of attachment plugs receptacles, but not the outlets therefore.
- 4 F. Repair or replacement of any over-current device of the required capacity in
5 the same location.
- 6 G. Repair or replacement of electrodes or transformers of the same size and
7 capacity for signs or gas tube systems.
- 8 H. Tapping joints.
- 9 I. Removal of electrical wiring.
- 10 J. Temporary wiring for experimental purposes in suitable experimental
11 laboratories.
- 12 K. A permit shall not be required for the installation, alteration or repair of
13 electrical wiring, apparatus or equipment or the generation, transmission,
14 distribution or metering of electrical energy or in the operation of signals or
15 the transmission of intelligence by a public or private utility in the exercise of
16 its function as a serving utility.
- 17 L. Work which is done when immediate action is imperative to safeguard life,
18 health, or property, provided such person performing the work applies for a
19 permit covering the work not later than the next business day.

20
21 **Mechanical.** A mechanical permit will not be required for the following:

- 22
- 23 A. Any portable heating appliance.
- 24 B. Any portable ventilating equipment.
- 25 C. Any portable cooling unit.
- 26 D. Any portable evaporative cooler.
- 27 E. Any closed system of steam, hot or chilled water piping within any heating or
28 cooling equipment regulated by the Mechanical Code.
- 29 F. Replacement of any component part of assembly of an appliance which does
30 not alter its original approval and complies with other applicable requirements
31 of the Technical Codes.
- 32 G. Any refrigerating equipment which is part of the equipment for which a
33 permit has been issued pursuant to the requirements of the Technical Codes.
- 34 H. Any unit refrigerating system as defined in the Mechanical Code.
- 35 I. The installation of temporary lines for testing equipment or apparatus.
- 36 J. Work which is done when immediate action is imperative to safeguard life,
37 health, or property, provided such person performing the work applies for a
38 permit covering the work not later than the next business day.
- 39

SECTION 111
APPLICATION FOR PERMIT

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

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

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

The construction documents shall:

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

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

EXCEPTION: The building official may waive the submission of plans, calculation, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code. The

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1 Building Official shall require all plans and specifications be prepared and sealed
2 by a Registered Architect and/or Registered Professional Engineer(s) licensed to
3 practice in the State of New Mexico for all uses as listed in Chapter 3 of the
4 International Building Code with the exception of:

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

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

29
30 When required by the building official the responsibility of a Licensed Architect
31 and Licensed Engineer(s) shall be demonstrated on each sheet of the drawings by the
32 appearance of their seal and signature and shall include the following:

- 33 1. Architect.
- 34 2. Structural Engineer.
- 35 3. Electrical Engineer.
- 36 4. Mechanical Engineer.
- 37 5. Civil Engineer.
- 38 6. Where an additional specific technical consideration is required, it shall also
39 be acknowledged by seal and signature. The Electrical design shall be
40 prepared and sealed by a Registered Professional Engineer, licensed to
41

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1 practice in the State of New Mexico, when the service capacity exceeds the
2 following:

- 3 1. 200A for a single phase.
- 4 2. 50 KVA for three phase.

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

14
15 **111.3 Information on Plans and Specifications.** Plans shall be drawn to scale upon
16 substantial paper and shall be of sufficient clarity to indicate the nature and extent of the
17 work proposed and show in detail that it will conform to the provisions of the Technical
18 Codes and all relevant laws, ordinances, rules and regulations. Information on plans and
19 specifications shall include but not be limited to the following: the house and street
20 address of the work, name and address of the owner and/or the contractor and the person
21 preparing the plans, seismic category, type of construction, area of each floor, occupancy
22 group and occupant load, soil bearing capacity, concrete strength, lumber and steel stress
23 values, wind, roof, and floor design loads. Plans shall also include a plot plan showing
24 property lines and the location of the proposed building and of every existing building on
25 the property.

26
27 The building official may require special calculations regarding three (3) story wood
28 framed building, retaining walls, or any other data or computations not specifically
29 mentioned herein in order to show correctness of the plans.

30
31 Plans for buildings more than two (2) stories in height of other buildings regulated by
32 the International Residential Code shall indicate how required structural and fire-resistive
33 integrity will be maintained where a penetration will be made for electrical, mechanical,
34 plumbing and communication conduits, pipes and similar systems.

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

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

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

4
5 **SECTION 112**
6 **PERMIT ISSUANCE**
7

8 **112.1 Issuance.** Only an individual, firm, partnership or corporation duly licensed as
9 a contractor by the Construction Industries Division of the State of New Mexico, will be
10 issued a permit unless such individual, firm, partnership or corporation is exempt under
11 NMSA 60-13-3 D.

12 **Exceptions:**

- 13 1. A homeowner may be issued a permit to build a single family residence
14 and or garage for his own use.

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

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

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

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

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1 foundation stage. Work permitted under a foundation permit shall be limited to footings,
2 foundation walls and any other construction up to and including a first floor slab.
3

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

- 6 1. Plumbing, mechanical and electrical permit procedures for multiple units.
7 Where multiple structures are built on the same property or lot under one
8 ownership and/or address; and where the gas and/or electric utilities are
9 furnished through one meter, separate permits will be required for each
10 building on separate foundations with the permits so numerically marked to
11 identify the separate buildings. The administration fee as described in
12 Administrative Resolution shall be charged on each permit and permit fees
13 shall be charged as though they were individual structures.
14

15 No consideration will be given to connecting laundries, storage rooms, boiler rooms,
16 garages, etc., by connecting roof structures or assemblies in order to avoid the separate
17 structure as stated above.
18

19 Where several meters are installed on one (1) building, separate permits will be
20 required for each meter with the permits so marked to identify each building address.
21 The Administration Fee as described in the Administrative Resolution approved by the
22 Bernalillo County Commission will be charged on each permit and permit fees shall be
23 charged as though each meter location was a separate building.
24

25 **Exception: Electrical Permits for Apartment Houses.** The Administration
26 Fee will be required for each gang of meters on each gang of meters on each
27 building of apartment houses.
28

29 When separate structures exist as stated above, but each such structure is served by its
30 individual and separate gas and/or electric meter, a separate permit will be required and
31 each permit will carry the administration fee.
32

33 **112.2 Retention of Plans.** One set of approved plans and specifications shall be
34 returned to the applicant and shall be kept on the site of the building or work at all times
35 during which the work authorized thereby is in progress. One set of approved plans,
36 specifications and computations shall be retained by the Building Official until final
37 approval of the work, thereafter to be returned to the applicant or destroyed by the
38 Building Official.
39

40 **112.3 Validity of Permit.** The issuance of a permit or approval of plans,
41 specifications and computations shall not be construed to be a permit for, or an approval
42 of, any violation of any of the provisions of this Code or the Technical Codes, or of any
43 other ordinance of this jurisdiction. Permits presuming to give authority to violate or
44 cancel the provisions of this code or of other ordinances of the jurisdiction shall not be
45 valid.
46

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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 **112.4 Expiration.** Every permit issued by the Building Official under the provisions
8 of the Technical Codes shall expire by limitation and become null and void, if the
9 building or work authorized by such permit is not commenced within 180 days from the
10 date of such permit, or if the building or work authorized by such permit is suspended or
11 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
39 **112.5 Suspension or Revocation.** The Building Official may, in writing, suspend or
40 revoke a permit issued under the provisions of this Code and the Technical Codes
41 whenever the permit is issued in error or on the basis of incorrect information supplied, or
42 in violation of any ordinance or regulation or any of the provisions of these codes.

43
44
45
46
47

SECTION 113
FEES

1
2
3
4 **113.1 General.** Fees shall be assessed in accordance with the provisions of this
5 section.

6
7 **113.2 Permit Fees.** The fee for each permit shall be as set forth by Administrative
8 Resolution with the approval of the Bernalillo County Commission. Where a technical
9 code has been adopted by the jurisdiction for which no fee schedule is shown in this
10 Code, the fee required shall be in accordance with the schedule established by the
11 Bernalillo County Commission.

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

22
23 **113.3 Plan Review Fees.** When a plan or other data is required to be submitted by
24 Section 302.2, a plan review fee shall be paid at the time of submitting plans and
25 specifications for review. Said plan review fee for buildings, signs or structures shall be
26 as shown in Table 3-A and 3-E Administrative Resolution.

27
28 The plan review fees for electrical, mechanical and plumbing shall be equal to 25
29 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D.

30
31 The plan review fees specified in this subsection are separate fees from the permit
32 fees specified in Section 304.2 and are in addition to the permit fees.

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

37
38 The fee for rechecking lost or worn-out plans for which a permit has previously been
39 issued shall be charged at the rate shown in Table 3-A of the Administrative Resolution.

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

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

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1 **113.4 Expiration of Plan Review.** Applications for which no permit is issued within
2 180 days following the date of application shall expire by limitation, and plans and other
3 data submitted for review may thereafter be returned to the applicant or destroyed by the
4 Building Official. The Building Official may extend the time for action by the applicant
5 for a period not exceeding 180 days upon request by the applicant showing that
6 circumstances beyond the control of the applicant have prevented action from being
7 taken. No application shall be extended more than once. In order to renew action on an
8 application after expiration, the applicant shall resubmit plans and pay a new plan review
9 fee.

10
11 **113.5 Investigation Fees. Work without a Permit.**

12
13 **113.5.1 Investigation.** Whenever any work for which a permit is required by
14 this Code has been commenced without first obtaining said permit, a special
15 investigation may be made before a permit is issued for such work.

16
17 **113.5.2 Fee.** An investigation fee, in addition to the permit fee, shall be
18 collected whether or not a permit is then or subsequently issued. The
19 investigation fee shall be equal to the amount of the permit fee required by this
20 Code. The minimum investigation fee shall be the same as the minimum fee set
21 forth in Tables 3-A through 3-F of the Administrative Resolution. The payment
22 of such investigation fee shall not exempt any person from compliance with all
23 other provisions of either this Code or the Technical Codes nor from any penalty
24 prescribed by law.

25
26 **113.6 Fee Refunds.** The building official may authorize the refunding of any fee paid
27 hereunder which was erroneously paid or collected.

28
29 The building official may authorize the refunding of not more than 80 percent of
30 the permit fee paid when no work has been done under a permit issued in accordance
31 with this code.

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

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

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

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BOILER INSPECTIONS

1. Certificate of Operation:

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

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

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

**SECTION 114
INSPECTIONS**

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

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

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

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1 A survey of the lot may be required by the building official to verify that the structure
2 is located in accordance with the approved plans.
3

4 **114.2 Permit Notice Card.** Work requiring a building permit shall not be
5 commenced until the permit holder or his agent shall have posted a permit notice card
6 with the street address on it in a conspicuous place on the premises so that the permit card
7 is visible from the street. This card shall be maintained in such position by the permit
8 holder until final approval has been issued by the Building Official.
9

10 **114.3 Inspections Requests.** It shall be the duty of the permit holder doing the work
11 authorized by a permit to notify the Building Official that such work is ready for
12 inspection. Notification shall include at least the following: correct street address, suite
13 number and/or building number, type of inspection, permit holder's name, permit number
14 and/or sub-permit number. The Building Official may require that every request for
15 inspection be filed at least one (1) working day before such inspection is desired. Such
16 request may be in writing or other means at the approval of the building official. It shall
17 be the duty of the permit holder requesting any inspections required either by this code or
18 the technical codes to provide access to and means for inspection of such work. It shall
19 be the duty of the permit holder requesting any inspection to ensure that the permit notice
20 card is conspicuously posted and is visible from the street.
21

22 **Exception:** If a building permit is not required, it shall be the duty of the
23 plumbing, mechanical, or electrical permit holder to ensure that the address is
24 conspicuously posted.
25

26 **114.4 Approval required.** Work shall not be done beyond the point indicated in
27 each successive inspection without first obtaining the approval of the Building Official.
28 Such approval shall be given only after an inspection shall have been made of each
29 successive step in the construction as indicated by each of the inspections required by the
30 following subsections detailing the required inspections. The building official, upon
31 notification, shall make the requested inspections and shall either indicate that portion of
32 the construction is satisfactory as completed or shall notify the permit holder or his agent
33 when the same fails to comply with this code. Any portions which do not comply shall
34 be corrected and such portion shall not be covered or concealed until authorized by the
35 Building Official.
36

37 There shall be a final inspection and approval of all buildings, building service
38 equipment, and structures when completed and ready for occupancy and use.
39

40 **114.5 Required Inspections.**
41

42 **114.5.1 Required Building Inspections.** Reinforcing steel or structural
43 framework for any part of any building or structure shall not be covered or
44 concealed without first obtaining the approval of the Building Official.

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

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

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

37
38 **114.5.2 Partial inspections.** When necessary due to construction
39 requirements, partial inspections may be made. This requires specific details as to
40 what portion of the work is to be inspected.

41
42 Some projects shall require multiple inspections within a category as listed
43 above. It shall be the responsibility of the Permit Holder to notify the Building

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

4 **114.5.3 Required Electrical Inspections.** The following is a list of required
5 electrical inspections and customary terms. It should be noted that the number
6 and type of inspections are not limited to the following and that additional
7 inspections may be required subject to the complexity of the work.
8

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

30 **114.5.4 Required Mechanical and Solar Energy Inspections.** It should be
31 noted that the number and type of inspections are not limited to the following and that
32 additional inspections may be required subject to the complexity of the work.

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

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1 additional gas outlets or plumbing fixtures for the same structure. This
2 inspection may be made at time of the plumbing or heating top out.

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

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

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

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

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

26 **Exceptions:**

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

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

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1 period. All necessary apparatus for conducting tests shall be furnished by
2 the permit holder.

- 3 6. **Gas Final:** Final inspection of all installations shall be made after all piping
4 covered by the permit has been installed and after all portions thereof which
5 are to be concealed by plastering or otherwise have been so concealed and
6 after all non-portable gas appliances are installed. A mercury test is required
7 for a final gas inspection, even if a temporary gas inspection was made
8 previously.
- 9 7. **Appliances Final:** An appliance final shall be made after the installation of
10 an appliance, or appliances, has been completed to meet this Code and
11 manufacturer's installation instructions.
- 12 8. **Temporary Gas Service:** Temporary gas service shall be for a maximum of
13 a 90 day period. Mercury test and inspection on specified appliances shall be
14 called for a temporary gas service. Before additional appliances are connected,
15 or a tenant may occupy a building, a final gas inspection shall be called and
16 approved. No temporary gas for heating shall be allowed after April 30 or
17 before October 1.
- 18 9. **Boiler Inspection:** This inspection shall be made after the installation of the
19 boiler is completed to meet this Code and the manufacturer's installation
20 instructions.

21 **114.5.5 Partial Inspections.** When necessary due to construction requirements,
22 partial inspections may be made. This requires specific details as to what portion is to
23 be inspected.

24 **114.5.6 Required Plumbing and Swimming Pool Inspections.** The following is
25 a list of required plumbing and swimming pool inspections and the customary terms
26 and order in which they are usually called. It should be noted that the number and
27 type of inspections are not limited to the following and that more inspections may be
28 required by the complexity of some jobs.

- 29 1. **Sewer Tap and Stub-In:** Sewer tap and stub-in from a tee or a tapping
30 saddle on the county sewer main to private property line. Approval to tap
31 the county sewer is required from the liquid waste engineer of the County
32 of Bernalillo.
- 33 2. **Water Service:** Water piping from the service meter to the connection
34 outside of the building. Metal pipe shall be covered to a minimum of
35 twenty-eight inches below finished grade, in debris-free soil. Plastic pipe
36 shall be covered to a twenty-eight inch depth below grade, on a smooth
37 bed, in debris-free soil. All piping shall be checked with a test of not less
38 than operating pressure. Backfill shall be free of any stones, metal, glass,
39 etc., which could cause damage to piping.
- 40 3. **Building or House Sewer:** Building sewer or house sewer shall be in
41 accordance with Table 7-5 in the Uniform Plumbing Code, of approved
42 materials, at a minimum depth of twelve inches, on a smooth bed, tamped

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1 below pipe as required, and properly graded, and inspected before any
2 backfill cover.

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

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

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

21 7. **Shower Pan Inspection;** Shower pan liners of vinyl or other water
22 proofing method shall be inspected.

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

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

30 **114.5.7 Partial inspection:** When necessary due to construction requirements,
31 partial inspections may be made. This requires specific details as to what portion is to
32 be inspected.

33 **114.5.8 Required sign inspections.** All signs for which a permit is required shall
34 be subject to inspection by the Building Official.

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

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

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

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

3
4 All signs may be re-inspected at the discretion of the Building Official.

5
6 **114.5.9 Other inspections.** In addition to the called inspections specified above,
7 the Building Official may make or require other inspections of any construction work
8 to ascertain compliance with the provisions of this Code or other Technical Codes
9 and other laws which are enforced by the Building Division. For the purpose of
10 determining compliance with Section 104.5, the Building Official may cause any
11 structure to be re-inspected.

12
13 **114.5.10 Re-inspections.** A re-inspection fee may be assessed for each
14 inspection or re-inspection when such portion of work for which inspection is called
15 is not complete or when corrections called for are not made.

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

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

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

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

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

32
33 **SECTION 115**
34 **CONNECTION TO UTILITIES.**

35 **115.1 Utility Connections.** No person shall make connections from a source of
36 energy, fuel, or power to any building service equipment which is regulated by the
37 Technical Codes and for which a permit is required by this Code, until written approval is
38 given by the Building Official.

39 **115.2 Temporary Connections.** The Building Official may authorize the temporary
40 connection of the building service equipment to the source of energy, fuel or power for
41 the purpose of testing building service equipment, or for use under a temporary
42 Certificate of Occupancy.

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1 a portion or portions of a building or structure prior to the completion of the entire
2 building or structure.

3
4 **116.5 Certificate of Shell Completion.** A request for a certificate of shell
5 completion may be made by the owner or his agent after inspection approvals have been
6 secured from all County departments or divisions involved in the enforcement of
7 pertinent codes, ordinances or laws. The Building Official, after notification of all
8 inspection approvals, shall issue a Certificate of Shell Completion which shall contain the
9 following:

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

20 **116.6 Posting.** For commercial and multi-family occupancies, the Certificate of
21 Occupancy shall be posted in a conspicuous place on the premises and shall not be
22 removed except by the Building Official.

23 **116.7 Violations.** Failure to request a certificate of occupancy prior to occupancy and
24 failure to request a change of occupancy or use under Section 308(b) shall constitute a
25 continuing violation of this code and subject the offender to penalty under Section 205.

26 **116.8 Revocation.** The Building Official may, in writing, suspend or revoke a
27 certificate of occupancy issued under the provisions of this Code whenever the certificate
28 is issued in error, or on the basis of incorrect information supplied, or when it is
29 determined that the building or structure or portion thereof is in violation of any
30 ordinance or regulation or any of the provisions of this Code.

31 **AMENDMENTS TO THE TECHNICAL CODES**

32 The following adopts and amends the technical provisions of the 2009 ICC family
33 of codes. Each amendment is numbered to correspond to the numbering of the
34 corresponding code which it amends.

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

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COMMERCIAL BUILDING CODE

**CHAPTER 9
 FIRE PROTECTION SYSTEMS**

**SECTION 904
 ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS**

904.11 Commercial Cooking Systems. Delete the exception following this section.

**CHAPTER 10
 MEANS OF EGRESS**

**SECTION 1008
 DOORS, GATES AND TURNSTILES**

1008.1.4.4 Access-controlled egress doors. The contents of this section can only be permissible when approved by the building official.

1008.19.7 Delayed egress locks. The contents of this section can only be permissible when approved by the building official.

1008.3 Turnstiles. The contents of this section can only be permissible when approved by the building official.

**CHAPTER 11
 ACCESSIBILITY**

**SECTION 1104
 ACCESSIBLE ROUTE**

1104.4 Multilevel buildings and facilities. Add the following to exception 1 and delete exception 5 without substitution.

1.4 The facility that is owned or leased by a government agency.

**SECTION 1106
 PARKING AND PASSENGER LOADING FACILITIES**

**Table 1106.1
 Accessible Parking Spaces**

Total Parking Spaces	Total Required Accessible Parking Spaces	Number Required to be Van Accessible
1-25	1	1
26-35	2	1
36-50	3	1
51-100	4	1
101-300	8	2
301-500	12	2
501-800	16	3
801-1000	20	3
1,001 and over	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1,000	1 of every 6 accessible parking spaces, or fraction thereof

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Exception: Entrances to individual *dwelling units* and *sleeping units*.

1110.3 Other signs.

7. *Accessible* parking spaces required by Section 1106 shall be provided with pavement markings in compliance with the following:

7.1. *Accessible* parking spaces shall be identified by the international symbol of accessibility; a clearly visible depiction of the symbol shall be painted in blue on the pavement surface, except where the total number of parking spaces provided is four or less.

7.2. The access aisle shall be clearly marked by diagonal, blue pavement striping.

**CHAPTER 13
ENERGY EFFICIENCY**

1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the *Bernalillo County Energy Conservation Code*.

**CHAPTER 15
ROOF ASSEMBLIES AND ROOFTOP STRUCTURES**

1503.3.1 Plastered parapets. Parapet walls shall have a seamless *weather-resistive barrier* that caps the entire parapet and wraps over each side. The *weather-resistive barrier* shall extend past any break from the vertical a minimum of four inches on the wall side, and shall lap any rising roof felts or membranes and be properly sealed. A layer of expanded metal lath shall be installed over the cover before plaster or stucco is applied. The lath shall extend past any break from the vertical on the wall side a minimum of five inches and on the roof side, the same distance as the cover below, allowing for plaster stops or seals. No penetrating fasteners are allowed on the horizontal surface of parapets.

**CHAPTER 18
SOILS AND FOUNDATIONS**

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7

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TABLE 1809.7
 PRESCRIPTIVE FOOTINGS SUPPORTING WALLS OF
 LIGHT-FRAME CONSTRUCTION^{a, b, c, d, e}

NUMBER OF FLOORS SUPPORTED BY THE FOOTING ^f	WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)
1	16	8
2	16	8
3	18	8 ^g

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Depth of footings shall be in accordance with Section 1809.4.
- b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.
- c. Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.
- d. See Section 1908 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.
- e. For thickness of foundation walls, see Section 1807.1.6.
- f. Footings shall be permitted to support a roof in addition to the stipulated number of floor. Footings supporting roof only shall be as required for supporting one floor.
- g. Plain concrete footings for Group R-3 occupancies shall be permitted to be 6" thick.

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**CHAPTER 21
 MASONRY**

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2111.4.1 and 2113.4.1 Anchorage. Two 3/16-inch by 1-inch (4.8 mm by 25.4mm) straps shall be embedded a minimum of 12 inches (305 mm) into the chimney with a 180 degree bend with a six-inch (152 mm) extension around the vertical reinforcing bars in the outer face of the chimney. Each strap shall be fastened to the structural framework of the building with two 1/2-inch (12.7 mm) diameter bolts per strap. Where the joists do not head into the chimney, the anchor strap shall be connected to two-inch by four-inch (51 mm by 102 mm) ties crossing a minimum of four joists. The ties shall be connected to each joist with two 16d nails. As an alternative to the two-inch by four-inch (51 mm by 102 mm) ties, each anchor strap shall be connected to the structural framework by two 1/2-inch (12.7 mm) diameter bolts in an approved manner.

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**CHAPTER 23
 WOOD**

21
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2308.8.4 Supporting bearing partitions. Bearing partitions parallel to joists shall be supported on beams, girders, built-up joists of sufficient size to carry the load, walls or other bearing partitions. Bearing partitions perpendicular to joists shall not be offset from supporting girders, walls or partitions more than the joist depth unless such joists are of sufficient size to carry the additional load.

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**CHAPTER 25
 GYPSUM AND PLASTER**

29
30

2512.1.1 On-grade floor slab. On wood framed or steel stud construction with an on-grade

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 APPEALS AND PENALTIES.

1 concrete floor slab system, approved acrylic based exterior plaster systems and acrylic based
 2 color coats shall be applied in such a manner as to cover but not to extend below, the lath, paper
 3 and screed. When a cement plaster stucco and cement plaster color coat is installed, and no
 4 perimeter insulation is on the exterior of a concrete or masonry foundation, the color coat shall
 5 terminate not further than 6 inches (153 mm) below finished grade. All excess plaster shall be
 6 removed from the site and no drip screeds shall comply with ASTM C 1063.

7
 8 **2512.1.3 Plaster to roof separation.** A reglet and weep screed or equivalent metal flashing
 9 shall be applied where all stucco wall surfaces terminate at a roof.

10
 11 **CHAPTER 28**
 12 **MECHANICAL SYSTEM**

13
 14 **2801.1 Scope.** Mechanical appliances, equipment and systems shall be constructed, installed
 15 and maintained in accordance with the *Bernalillo County Mechanical Code*. Masonry chimneys,
 16 fireplaces and barbeques shall comply with the *Bernalillo County Mechanical Code* and Chapter
 17 21 of this code.

18
 19 **CHAPTER 29**
 20 **PLUMBING SYSTEM**

21
 22 **2901.1 Scope.** The provisions of this chapter and the *Bernalillo County Plumbing Code* shall
 23 govern the erection, installation, *alteration*, repairs, relocation, replacement, *addition* to, use or
 24 maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be
 25 constructed, installed and maintained in accordance with the *Bernalillo County Plumbing Code*.
 26 Private sewage disposal systems shall conform to the *Bernalillo County Plumbing Code*.

27
 28 **CHAPTER 34**
 29 **EXISTING STRUCTURES**

30
 31 **3401.1 Scope.** The provisions of this chapter as well as those of the *International Existing*
 32 *Building Code* shall control the *alteration*, repair, *addition* and change of occupancy of existing
 33 structures. Where there is conflict between this chapter and the IEBC, the more restrictive shall
 34 apply.

35
 36 **RESIDENTIAL BUILDING CODE**

37
 38 **CHAPTER 3**
 39 **BUILDING PLANNING**

40
 41 **SECTION R301**
 42 **DESIGN CRITERIA**

43
 44 **TABLE R301.2(1)**
 45 **CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP	WIND EXPOSURE
			Weathering	Frost Line Depth	Termite						
20	90/76 ^a	D ₁	Moderate	18/21 ^b	Slight to Moderate	16	NO	N/A	26.3	54.6	C

a. First number is max wind speed for 3 second burst; second number is maximum sustained wind speed.

b. first number is frost depth west of the mountain; second number is frost depth on east side of mountain.

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**SECTION R302
 FIRE-RESISTANT CONSTRUCTION**

R302.2 Townhouses.

Exception: Where a *townhouse* is equipped with an automatic residential fire sprinkler system, a common 1-hour fire resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the *Bernalillo County Electrical Code*. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4

R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with self-closing, tight-fitting solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches thick or self-closing, tight-fitting 20-minute fire-rated doors.

**Table R302.6
 DWELLING/GARAGE SEPARATION**

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch gypsum board or equivalent

**SECTION R309
 GARAGE AND CARPORTS**

R309.1 Floor Surface. Garage floor surfaces shall be of *approved* noncombustible material. The area of floor used for parking of automobiles or other vehicles shall be sloped a minimum of 1 percent to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. The approach apron shall be recessed a minimum 3/4 inch at the vehicle doorways to prevent entry of storm water into the garage.

**SECTION R313
 AUTOMATIC FIRE SPRINKLER SYSTEMS**

R313.1 Townhouses and R313.2 One- and two-family dwellings automatic fire sprinkler systems. The requirement for fire sprinkler systems in townhouses and one- and two- family dwellings shall be determined by the Bernalillo County Fire Department, Fire Prevention Bureau and shall be subject to the *International Fire Code* as amended and adopted by the Bernalillo County Fire Department.

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**CHAPTER 4
FOUNDATIONS**

**SECTION R401
GENERAL**

R401.4 Soil tests. Where quantifiable data created by accepted soil science methodologies indicate expansive, compressible, shifting, or other questionable soil characteristics are likely to be present, a soil test to determine the soil's characteristics at a particular location shall be performed. This test shall be done by an *approved agency* using an *approved method*.

**CHAPTER 6
WALL CONSTRUCTION**

**SECTION R602
WOOD WALL FRAMING**

R602.1.3 Structural log members. Stress grading of structural log members of nonrectangular shape, as typically used in log buildings, or native timber such as rough sawn beams and vigas, as typically used in southwestern architecture, shall be in accordance with ASTM D 3957. Such structural members shall be identified by the grade mark of an *approved* lumber grading or inspection agency. In lieu of a grade mark, on the material, a certificate of inspection as to species and grade, issued by a lumber-grading or inspection agency meeting the requirements of this section, shall be permitted to be accepted.

R602.3.4 Bottom (sole) plate. Studs shall have full bearing on a nominal 2-by or larger plate or sill having a width at least equal to the width of the studs. A 2-by-6 or wider exterior wall plate or sill may be cantilevered a maximum of 1 ½ inches from edge of concrete to accommodate slab-on-grade perimeter insulation as long as the remaining bearing is sufficient for the structural load imposed on it. Anchor bolts shall be a minimum of 2 inches from the exterior edge of the concrete.

**CHAPTER 7
WALL COVERING**

**SECTION R703
EXTERIOR COVERING**

R703.6.2 Plaster.

Exception: Exterior plaster may be continued below the weep screed to below grade provided there is a complete break in the drainage plane of the building at the location of the horizontal weep screed. Weep holes in the screed shall not be plugged during the application of plaster materials used to cover foundation insulation.

R703.6.2.1 Weep screeds. When an approved acrylic based exterior finish stucco system or acrylic based color coat is applied, a minimum 0.019 inch (No. 26 galvanized sheet gage), corrosion resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 ½ inches shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches above the earth or ½ inch above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover

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1 and terminate on the attachment flange of the weep screed. The weep screed shall not
2 be required under porches or patios.

3
4 **CHAPTER 9**
5 **ROOF ASSEMBLIES**

6
7 **SECTION R903**
8 **WEATHER PROTECTION**

9
10 **R903.2.3 Plaster to roof separation.** A reglet and, weep screed or an approved
11 metal flashing shall be applied where all stucco wall surfaces terminate at a roof.

12
13 **R903.3 Coping.** Plastered parapets shall require a seamless but permeable waterproof cover or
14 weather barrier, capping the entire parapet and wrapping over each side. The cover shall extend
15 past any break from the vertical a minimum of four (4) inches on the wall side. On the roof side,
16 the cover shall properly lap any rising roof felts or membranes and be properly sealed. A layer of
17 expanded metal lath shall be installed over the cover before plaster or stucco is applied. The lath
18 shall extend past any break from the vertical on the wall side a minimum of five (5) inches and
19 on the roof side, the same distance as the cover below, allowing for plaster stops or seals. No
20 penetrating fasteners are allowed on the horizontal surface of parapets.

21
22 **CHAPTER 11**
23 **ENERGY EFFICIENCY**

24
25 **N1101**
26 **GENERAL**

27
28 Delete this chapter of the IRC in its entirety and see the *Bernalillo County Energy Conservation*
29 *Code*.

30
31 **CHAPTER 12 thru 24**
32 **MECHANICAL SYSTEMS**

33
34 Delete these chapters of the IRC in their entirety and see the *Bernalillo County Mechanical Code*.

35
36 **CHAPTER 25 thru 33**
37 **PLUMBING SYSTEMS**

38
39 Delete these chapters of the IRC in their entirety and see the *Bernalillo County Plumbing Code*.

40
41 **CHAPTER 34 thru 43**
42 **ELECTRICAL SYSTEMS**

43
44 Delete these chapters of the IRC in their entirety and see the *Bernalillo County Electrical Code*.

45
46 **2009 NEW MEXICO EARTHEN MATERIALS BUILDING CODE**

47
48 The provisions of this code have been adopted without amendment.
49
50
51

1 **2009 NEW MEXICO NON-LOAD BEARING STRAW CONSTRUCTION**
2 **BUILDING STANDARD**

3
4 The provisions of this code have been adopted without amendment.

5
6 **ELECTRICAL CODE**

7
8 **CHAPTER 1**
9 **GENERAL**

10
11 **ARTICLE 110**
12 **Requirements for Electrical Installations**

13
14 **110.2 Approval.** The conductors and equipment required or permitted by this code shall be
15 acceptable only if approved.

16
17 **110.2.1 Product Listing and Labeling.** Electrical wiring, equipment or material
18 approval shall
19 Be based on listing and labeling by a nationally recognized testing laboratory recognized
20 by the federal occupational safety and health administration.

21
22 **110.2.2 Field Evaluation.** Electrical wiring, equipment or material that is not listed
23 and labeled, but for which a (UL) safety standard exists may be approved upon
24 certification by a nationally recognized testing laboratory recognized by the federal
25 occupational safety and health administration or by a field evaluation body accredited by
26 the *International Accreditation Service, Inc.*

27
28 **110.2.3 Engineer Certification.** Electrical wiring, equipment or material for which a
29 (UL) safety standard does not exist may be approved upon certification by an electrical
30 engineer licensed to practice in the State of New Mexico; such a certification will not be
31 valid unless based on a verification of the manufacturer's safety and performance test
32 data for the product.

33
34 **110.21.1 Warning Sign.** All equipment used on circuits over 300 volts between conductors
35 shall have a warning sign either on or adjacent to the equipment. Warning signs shall be made in
36 accordance with ANSI Z535 environmental and safety signs. The language shall read:

- 37 **1.** For voltages over 300 volts but less than 600 volts the warning label shall be minimum of
38 one (1) inch by four (4) inches and read:

39
40 "480 VOLTS"

- 41
42 **1.** For voltages over 600 volts and there are exposed parts volts the warning label shall be
43 minimum of one (1) inch by four (4) inches and read:

44
45 "DANGER - HIGH VOLTAGE - KEEP OUT"

46
47 **110.26 Spaces About Electrical Equipment.**

48
49 **(E) Headroom.** Disconnects that do not provide over-current, overload, short circuit, or
50 ground fault protection are not required to maintain the dimensions of 110.26(A)(1),
51 (A)(2) and (A)(3) where adequate space is not readily available and the disconnect is
52 permanently labeled"

1
2 "INADEQUATE WORKING SPACE-DO NOT WORK ON WHILE ENERGIZED"
3

4 CHAPTER 2
5 WRIRING AND PROTECTION

6 ARTICLE 210
7 Branch Circuits
8

9
10 **210.11 Branch Circuits Required.**

11
12 **(A) Number of Branch Circuits.** The minimum number of branch circuits shall be
13 determined from the total calculation load and the size or rating of the circuits used. In
14 all installations, the number of circuits shall be sufficient to supply the load served. In no
15 case shall the load on any circuit exceed the maximum specified by 2208.18. In
16 dwelling occupancies, circuits for general purpose receptacles shall be limited to a
17 maximum of ten (10) current consuming outlets. Single and duplex receptacle outlets are
18 considered to be one current consuming outlet.

19
20 **Exception:** Circuits serving only lighting loads may be calculated per article 220
21 of the *National Electrical Code*.

22
23 **(C) Dwelling Units.**

24
25 **(1) Small-Appliance Branch Circuits.** In addition to the number of branch
26 circuits required by other parts of this section, two or more 20-ampere small-
27 appliance branch circuits shall be provided for all receptacle outlets specified by
28 210.52(B). Not more than four (4) current consuming outlets shall be connected
29 to these circuits. Single and duplex receptacle outlets are considered to be one
30 current consuming outlet.

31
32 **Exception:** Small appliance circuits that supply only dining area
33 receptacles may serve not more than six (6) receptacle outlets.

34
35 **210.19 Conductors – Minimum Ampacity and Size.**

36
37 **(A) Branch Circuits Not More Than 600 Volts.**

38
39 **(1) General.** Branch-circuit conductors shall have an ampacity not less than the
40 maximum load to be served. Where a branch circuit supplies continuous loads or
41 any combination of continuous and noncontinuous loads, the minimum branch-
42 circuit conductor size, before the application of any adjustment or correction
43 factors, shall have an allowable ampacity not less than the noncontinuous load
44 plus 125 percent of the continuous load. Conductors for branch circuits shall be
45 excessive voltage drop. Conductors of 15 ampere 120V branch circuits supplying
46 general-purpose receptacle outlets shall be not less than 12 AWG.

47
48 **210.52 Dwelling Unit Receptacle Outlets.**

49
50 **(G) Basements and Garages.**

51
52 **(3)** Receptacle outlets must be installed a minimum of eighteen (18) inches
53 above finished floor, in attached or detached garages.

ARTICLE 225

Outside Branch Circuits and Feeders

225.19 Clearance from Buildings for Conductors of Not Over 600 Volts, Nominal.

(A) Above Roofs. Overhead spans of open conductors and open multi-conductor cables shall be per this section of the *National Electric Code* except that Exception 2 has been deleted; or shall comply with the local serving utility requirements.

225.32 Location. The disconnecting means shall be installed at a readily accessible location. Where the disconnecting means is located outside the building or structure served, the disconnecting means enclosure shall be installed within ten (10) feet from the building or structure and visible, or on the exterior wall of the building or structure served. Where the disconnecting means is installed inside the building or structure served, the disconnecting means enclosure shall be located within forty eight (48) inches from where the feeder conductor raceway enters the building or structure. For the purpose of this section, the requirements in 230.6 shall be utilized.

(Exceptions in this section of the *National Electric Code* are still applicable to this section)

ARTICLE 230

Services

230.24 Clearances.

(A) Above Roofs. Overhead spans of open conductors and open multi-conductor cables shall comply with the local serving utility requirements.

230.28 Service Masts as Supports. Where a service mast is used for the support of service-drop conductors, it shall be a minimum two inch (2") rigid metal conduit, intermediate metal conduit or comply with local utility requirements. Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

230.31 Size and Rating.

(A) General. Service-lateral conductors shall have sufficient ampacity to carry the current for the load as calculated in accordance with Article 220 and shall have adequate mechanical strength. Where the underground service lateral is customer owned, the service lateral conductors shall be sized to prevent excessive voltage drop. The maximum voltage drop on the service lateral conductors shall not exceed five percent (5%). For the purpose of this calculation, the ampacity shall be based on the calculated demand load of the building or structure served. Customer owned includes all non-utility owned or operated service lateral conductors.

230.43 Wiring Methods for 600 Volts, Nominal, or Less. See this section of the *National Electric Code* except that items 1, open wiring on insulators, 6, Electrical nonmetallic tubing, are not permitted.

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1 **230.70 General.**

2
3 **(A) Location.**

4
5 **(1) Readily Accessible Location.** The service disconnecting means shall be
6 installed at a readily accessible location. Where the disconnecting means is
7 located outside the building or structure, the disconnecting means enclosure
8 shall be located immediately adjacent to the meter enclosure. Where the
9 disconnecting means enclosure is located outside the building or structure and
10 within ten (10) feet from the building or structure, it shall not be considered a
11 separate structure. Where the meter enclosure is located on the exterior wall of
12 the building or structure, the service disconnecting means enclosure shall be
13 installed at a readily accessible location and within forty eight (48) inches from
14 the meter enclosure. Where the disconnecting means is located inside the
15 building, the disconnecting means enclosure shall be installed at a readily
16 accessible location within forty eight (48) inches from where the service
17 conductor raceway enters the building or structure. Exception: bushing current
18 transformer meter installations that are associated with the utility transformer
19 are not required to be located in close proximity to the disconnecting means
20 enclosure.

21
22 **ARTICLE 250**
23 **Grounding and Bonding**

24
25 **250.56 Resistance Rod, Pipe, and Plate Electrodes.** A single electrode consisting of a rod
26 or plate shall be augmented by one additional electrode of any of the types specified by 250.52
27 (A) (2) through (A)(7). Where multiple rod or plate electrodes are installed to meet the
28 requirements of this section, they shall be not less than six (6) feet apart.

29
30 **Exception:** A single electrode consisting of a rod or plate may be used on temporary
31 construction services rated 200 amperes or less.

32
33 **ARTICLE 300**
34 **Wiring Methods**

35
36 **300.14. Length of free conductors at outlets, junctions and switch points.** At least six
37 (6) inches of free conductor, measured from the point in the box where it emerges from its
38 raceway or cable sheath, shall be left at each outlet, junction, and switch point for splices or the
39 connection of luminaries (fixtures) or devices. Where the opening of an outlet, junction, or switch
40 point is less than eight (8) inches in any dimension, each conductor shall be long enough to
41 extend at least six (6) inches outside of the opening.

42
43 **ARTICLE 310**
44 **Conductors for General Wiring**

45
46 **310.2 Conductors.**

47
48 **(B) Conductor Material:** the use of aluminum current carrying conductors shall be of
49 the AA-8000 series or equivalent and shall be limited to size 8 AWG or larger.

50
51 **Exception:** The equipment grounding conductor shall be limited to size 10 AWG
52 or larger if in a listed cable assembly.

53

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1 **ARTICLE 314**

2 **Outlet, Device, Pull, And Junction Boxes; Conduit Bodies; Fittings; and Handhole**
3 **Enclosures**

4
5 **314.27 Outlet Boxes.**

6
7 (A) Follow the requirements in this section of the *National Electric Code* except that the
8 exception to this section has been deleted.
9

10 **ARTICLE 334**

11 **Nonmetallic-Sheathed Cable: Types NM, NMC and NMS**

12
13 **334.12 Uses not permitted.**

14
15 (A) Types NM, NMC, and NMS.

16
17 (11) Type NM, NMC, or NMS shall not be installed in buildings, or structures such
18 as stores, professional offices, motels, hotels, and other occupancies classified as
19 commercial or industrial.

20
21 **Exception:** apartment houses classified as R-2.
22

23 **ARTICLE 340**

24 **Underground Feeder and Branch Circuit Cable: Type UF**

25
26 **340.10 Uses Permitted.**

27
28 (8) For use in residential straw bale construction
29

30 **340.12 Uses Not Permitted.**

31
32 (12) In any occupancy groups other than R-3.
33

34 **ARTICLE 352**

35 **Rigid Polyvinyl Chloride Conduit: Type PVC**

36
37 **352.12 Uses Not Permitted.**

38
39 (G) PVC conduit in raceways exposed and less than 8'-0" above finished floor or grade.
40

41 **ARTICLE 358**

42 **Electrical Metallic Tubing: Type EMT**

43
44 **358.12 Uses Not Permitted.**

45
46 (7) Underground, concrete slabs or walls that are in contact with the earth.
47

48 **ARTICLE 394**

49 **Concealed Knob-and-Tube Wiring**

50
51 **394.12 Uses Not Permitted.** Concealed knob-and-tube wiring is not permitted to be installed.
52
53

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APPEALS AND PENALTIES.

1 exhaust and replacement air systems shall be connected by an electrical interlocking switch.
2 When using equipment that is not listed for make-up air, a device to sense continued air
3 movement within the replacement air plenum shall be installed initiating a complete system shut-
4 down if air-flow is interrupted.

5
6 **CHAPTER 6**
7 **DUCT SYSTEMS**

8
9 **SECTION 604**
10 **INSTALLATION OF DUCTS**

11
12 **604.3 Factory-made Air Ducts.** The use of flexible ducts shall be limited to supply- and
13 return-air run-outs not longer than twelve (12) feet in length. Flexible duct shall not be used for
14 the main supply or return-air plenum.

15
16 **SECTION 605**
17 **INSULATION OF DUCTS**

18
19 Supply-, return-air ducts and plenums of a heating or cooling system shall be insulated to achieve
20 the minimum *R*-value as set forth in the *Bernalillo County Energy Conservation Code*.

21
22 **Exception:** Duct work located in exterior walls or exterior to the thermal envelope shall
23 be insulated the same *R*-value or greater than that required for the exterior walls of the
24 building.

25
26 **CHAPTER 9**
27 **INSTALLATION OF SPECIFIC APPLIANCES**

28
29 **SECTION 907**
30 **DECORATIVE APPLIANCES FOR INSTALLATION IN VENTED FIREPLECES**

31
32 **907.4 Gas Logs.** Approved gas logs may be installed in solid fuel burning fireplaces, provided:

- 33
34 1. The gas log is installed in accordance with the manufacturer's installation instructions
35 2. If the fireplace is equipped with a damper, it shall be permanently blocked open by
36 welding or cutting a hole of sufficient size to prevent spillage of combustion products into
37 the room. On eight (8) inch and smaller flues, the damper shall be removed.
38 3. The minimum flue passageway shall not be less than 1 square inch per 2000 Btu/h input.
39 4. Gas logs shall be equipped with a pilot and listed safety shutoff valve.
40 5. The use of flexible gas connections shall not be permitted within a firebox, unless it is
41 part of the listed gas log assembly.
42 6. Factory built fireplaces shall be approved for installation of gas logs and provided with a
43 means of installing the gas piping.
44 7. All gas outlets located in a barbecue or fireplace shall be controlled by an approved
45 separating valve located in the same room and outside the hearth, but not less than six
46 (6) feet from such outlets.

47
48 **SECTION 904**
49 **CENTRAL HEATING BOILERS AND FURNACES**

50
51 **904.10.2** Add exception to the end of this section.

52
53 **Exception:** Except those buildings designated as R-3 occupancy.

1
2 **SECTION 928**
3 **WALL FURNACES**
4

5 **928.2 Location.** Wall furnaces shall be located so as not to cause a hazard to walls, curtains,
6 furniture, or doors. Wall furnaces installed between bathrooms and adjoining rooms shall not
7 circulate air from bathrooms to other parts of the building. Unlisted wall furnaces shall be
8 installed with clearance to combustibles of not less than eighteen (18) inches.
9

10 **CHAPTER 13**
11 **FUEL GAS PIPING**
12

13 **SECTION 1309**
14 **Gas Piping System Design, Material, and Components**
15

16 **1309.5.2.3** Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be
17 used with gases corrosive to such material.
18

19 **1309.5.3.2** Copper and brass pipe shall not be used.
20

21 **SECTION 1312**
22 **Gas Piping Installation**
23

24 **1312.1.2 Protection Against Damage**
25

26 **A) Cover Requirements.** Underground piping systems shall be installed with a
27 minimum of 18 inches (460 mm) of cover. Where a minimum of 18 inches (460
28 mm) of cover cannot be provided, the pipe shall be installed in conduit or
29 bridged (shielded).
30

31 **1312.13 Electrical Bonding and Grounding.** Electrical bonding of gas piping to be per
32 *Bernalillo County Electrical Code*.
33

34 **PLUMBING CODE**
35

36 **CHAPTER 4**
37 **PLUMBING FIXTURES AND FIXTURE FITTINGS**
38

39 **SECTION 402**
40 **WATER-CONSERVING FIXTURES AND FITTINGS**
41

42
43 **402.3.1 Nonwater urinals.** Nonwater urinals shall be listed and comply with the applicable
44 standards in Table 14-1. Nonwater urinals shall have a barrier liquid sealant to maintain a trap
45 seal. Nonwater urinals shall be located on the downstream side of a frequently used water-using
46 fixture. Nonwater urinals shall permit the uninhibited flow of waste through the urinal to the
47 sanitary drainage system. Nonwater urinals shall be cleaned and maintained in accordance with
48 the manufacturer's instructions after installation. Where nonwater urinals are installed they shall
49 have a water distribution line rough-in and sanitary drain rough-in to the closet (toilet) location in
50 the event of a retrofit.
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**SECTION 405
PROHIBITED FIXTURES**

405.3 Fixed wooden, or tile wash trays or sinks for domestic use shall not be installed in any building designed for human habitation. No sheet metal-lined wooden bathtub shall be installed or reconnected. No dry or chemical closet (toilet) shall be installed in any building used for human habitation, unless first approved by the environmental Health Department. Where dry or chemical closets (toilets) are installed they shall have a water distribution line rough-in to the urinal location to allow for the installation of an approved backflow prevention device in the event of a retrofit.

**SECTION 412
MINIMUM NUMBER OF REQUIRED FIXTURES**

412.1 Multilevel Fixture count. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902.1 in Chapter 29 of the *International Building Code*. Types of occupancies not shown in Table 2902.1 shall be considered individually by the building official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3 of the *International Building Code*.

**CHAPTER 5
WATER HEATERS**

**SECTION 508
OTHER WATER HEATER INSTALLATION REQUIREMENTS**

508.14 Installation in Residential Garages. Gas utilization appliances in residential garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit shall be installed so that burners and burner-ignition devices are located not less than eighteen (18) inches above the floor.

**SECTION 508
OTHER WATER HEATER INSTALLATION REQUIREMENTS**

509.3.3 Add exception to the end of this section.

Exception: Except those buildings designated as R-3 occupancy.

**CHAPTER 7
WATER SUPPLY AND DISTRIBUTION**

**SECTION 704
Fixture Connections (Drainage)**

704.3 Pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware washing machines, and other similar fixtures shall not be connected directly to the drainage system. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in chapter 2 of the UPC, and all wastes drained by them shall discharge through an air gap into an open floor sink or other approved type receptor that is properly connected to the drainage system. Food waste disposal units shall be connected directly to the drainage system. A floor drain shall be provided adjacent to the disposal unit, and the disposal unit shall

CONTINUATION PAGE 53, ORDINANCE NO. 2011-12
BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,
APPEALS AND PENALTIES.

1 be connected on the sewer side of the floor drain trap, provided that no other drainage line is
2 connected between the floor drain waste connection and the disposal unit drain. The floor drain
3 shall be trapped and vented as required in this code
4

5 **CHAPTER 12**
6 **FUEL PIPING**
7

8 **SECTION 1209**
9 **Gas Piping System Design, Material, and Components**
10

11 **1209.5.2.3** Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be
12 used with gases corrosive to such material.
13

14 **1209.5.3.2** Copper and brass pipe shall not be used.
15

16 **SECTION 1211**
17 **Gas Piping Installation**
18

19 **1211.1.2 Protection Against Damage**
20

21 **A)** Underground piping systems shall be installed with a minimum of 18 inches (460
22 mm) of cover. Where a minimum of 18 inches (460 mm) of cover cannot be
23 provided, the pipe shall be installed in conduit or bridged (shielded).
24

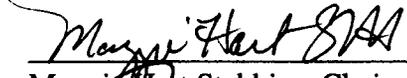
25 **1211.15 Electrical Bonding and Grounding.** Electrical bonding of gas piping to be per
26 *Bernalillo County Electrical Code.*
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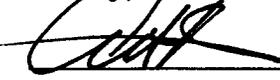
CONTINUATION PAGE 54, ORDINANCE NO. 2011-12
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Done this 14 of June 2011.

**BOARD OF COUNTY
COMMISSIONERS**

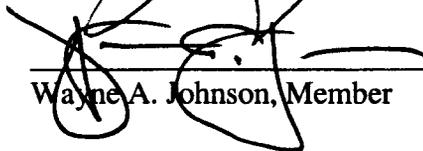

Maggie Hart Stebbins, Chair


Art De La Cruz, Vice Chair

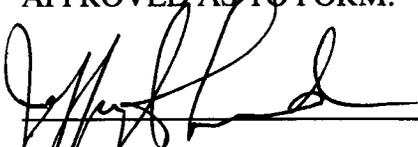
EXCUSED

Michelle Lujan Grisham, Member


Michael C. Wiener, Member


Wayne A. Johnson, Member

APPROVED AS TO FORM:


Jeffrey S. Landers, County Attorney
Date: 6/14/11

ATTEST:


Maggie Toulouse Oliver, County Clerk
Date: 6/14/11

