

# **County of Bernalillo**

## **Building Ordinance And Administrative Resolution**



**Planning and Development Services**

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**Bernalillo County Board of County Commissioners  
Ordinance 2011-12 and Administrative Resolution  
2009-5**

**(Effective Date July 14, 2011)**

**BERNALILLO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADMINISTRATIVE RESOLUTION 25-2009**

**A RESOLUTION ESTABLISHING THE PERMIT FEE SCHEDULES REQUIRED BY THE UNIFORM ADMINISTRATIVE CODE.**

1           **WHEREAS**, it is in the best interest of the health, safety, and welfare of the citizens of  
2 Bernalillo County to establish fee structures to be utilized for all construction projects within the  
3 unincorporated areas of Bernalillo County; and

4           **WHEREAS**, this Resolution is referenced in and is to be used in conjunction with the  
5 Bernalillo County Building Ordinance, Uniform Administrative Code, and

6           **WHEREAS**, the fees established in this Resolution are subject to review and change on a  
7 periodic basis.

8           **NOW, THEREFORE, BE IT RESOLVED** by the Bernalillo County Board of  
9 Commissioners that this Resolution identified as the PERMIT FEE SCHEDULE of the  
10 UNIFORM ADMINISTRATIVE CODE, effective May 1, 2009, and as amended from time to  
11 time, establishes fees for all construction projects within the unincorporated area of Bernalillo  
12 County.

13 **SECTION 1.** Fees shall be described as Tables 3-A, 3-B, 3-C, 3-D, 3-E, and 3-F as follows:

**TABLE 3-A BUILDING PERMIT FEES**

14		
15		
16	\$30.00 plus \$4.00 per \$1,000.00 Valuation	Building Permit Fee
17		
18	\$30.00 plus \$2.00 per \$1,000.00 Valuation	Building Plan Review Fee
19		

20 **OTHER INSPECTIONS AND FEES:**

- 21
- 22 1. Inspections outside of normal business (minimum charge two-hours) .....\$47.00 per hour
  - 23 2. Re-inspection fees assessed under provisions of Section 305.5.7 .....\$47.00 each
  - 24 3. Inspections for which no fee is specifically
  - 25 indicated (minimum charge two- hours) .....\$47.00 per hour
  - 26 4. Additional plan review required for changes,
  - 27 additions or revisions to plans (minimum charge-one hour) .....\$47.00 per hour
  - 28 5. Additional plan review required for rechecking lost or worn-out plans.....1/2 plan check fee
  - 29 6. Preliminary and integrated plan review .....\$75.00 per hour
  - 30 7. For use of outside consultants..... Actual Cost to Jurisdiction
  - 31 8. Inspections outside of normal business hours (minimum charge: Weekdays – two hours
  - 32 Weekends and observed holidays – four-hours).....\$75.00 per hour
  - 33 9. Demolition Permit Fee: Fee for wrecking and demolition up to and
  - 34 including 1500 sq. ft of floor area including all floors and basements.....\$47.00
  - 35 Each additional 500 sq. ft. or fraction thereof.....\$10.00
- 36

**CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

**TABLE 3-B ELECTRICAL PERMIT FEES**

1	
2	
3	1. Administrative charge applicable to all application for permits (EXCEPTION: re-inspection
4	fees) .....\$23.50 each
5	
6	2. Meter loop.....\$20.00 each
7	(a) Temporary meters.....\$20.00 each
8	(b) Ganged meters.....\$30.00 per gang
9	
10	3. Outlets (Communication, signal, fixtures, switches, and receptacles):
11	(a) First 20.....\$0.75 each
12	(b) All over 20.....\$0.45 each
13	
14	4. For installation of commercial lighting fixtures:
15	(a) First 20.....\$0.75 each
16	(b) All over 20.....\$0.50 each
17	
18	When fluorescent lighting is installed in continuous rows, each unit shall be considered a
19	separate fixture. (The term fixture shall be interpreted to mean the lighting device at any outlet).
20	
21	5. Motor Operated Equipment:
22	(a) Less than one horsepower unit.....\$4.00 each
23	(b) One horsepower and over, based on total horsepower of all motors in any one unit (per
24	horsepower).....\$10.00 each
25	(c) Maximum fee per unit.....\$20.00 each
26	6. Evaporative Coolers (any size).....\$4.00 each
27	7. Outlet: 30 amp or over including panels.....\$4.00 each
28	8. Residential Fixed Appliances (30 amps or over).....\$4.00 each
29	9. Sign Connections.....\$20.00 each
30	10. Transformers, Dry Type (power).....\$4.00 each
31	11. Space Heating Equipment: (Each Unit) Per 1000 watt.....\$4.00 each
32	12. Communication and Signal: Min. each system.....\$10.00 each
33	13. Prefinal.....\$20.00 each
34	14. Swimming pool (Public).....\$40.00 each
35	15. Swimming pool (Private).....\$30.00 each
36	
37	<b>Other Inspections and Fees:</b>
38	1. Apparatus for which no fee is prescribed the (minimum of
39	one-half hour charged) .....\$47.00 each
40	2. Re-inspection fee assessed under provisions of
41	Section 305.5.7 .....\$47.00 each
42	3. Overtime and after-hour inspections (minimum of

**CONTINUATION PAGE 3, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

1 2 hours being charged).....\$47.00 per hour

2  
3 **TABLE 3-C MECHANICAL PERMIT FEES**

4  
5 1. Administrative charge applicable to all applications for permit..... \$23.50 each  
6 EXCEPTION: Permits written for rejection of work

7 2. Mercury test with no outlets or appliances.....\$5.00 each

8 3. Recording chart test or other high pressure test.....\$8.00 each

9 4. Temporary gas shall not exceed 90 days. No temporary gas shall be  
10 allowed before October 1 or after April 30 .....\$20.00 each

11 5. Gas outlet..... \$3.00 each

12 6. Each appliance, includes ducts and venting (does not include boilers,  
13 refrigeration units, air conditioning units, or absorption units .....\$7.00

14 7. For the repair, alteration of, or addition to each heating appliance,  
15 refrigeration unit, cooling unit, boiler, absorption or evaporative cooling  
16 system, including installation of controls regulated by this Code..... \$8.00

17  
18 8. For the installation or relocation of each boiler or each absorption system to and including  
19 36,000 B.T.U. output. Includes cost of first routine inspection for boilers, does not include  
20 cost of inspection certificate..... \$11.00

21 9. For the installation or relocation of each boiler or each absorption system over 100,000  
22 B.T.U. input to and including 500,000 B.T.U. input, and each condensing unit over 36,000  
23 B.T.U. output to and including 180,000 B.T.U. output. Includes cost of first routine  
24 inspection for boiler does not include cost of inspection certification..... \$20.00

25  
26 10. For the installation or relocation of each boiler or each absorption system over 500,000  
27 B.T.U. input to and including 1,000,000 B.T.U. input, and each condensing unit over  
28 180,000 B.T.U. output to and including 360,000 B.T.U. output. Includes cost of first routine  
29 inspection for boilers, does not include cost of inspection certificate..... \$27.00

30  
31 11. For the installation or relocation of each boiler or each absorption system over 1,000,000  
32 B.T.U. input to and including 1,750,000 B.T.U. input, and each condensing unit over  
33 360,000 B.T.U. output to and including 600,000 B.T.U. output. Includes cost of first routine  
34 inspection for boiler, does not include cost of inspection certificate.....\$40.00

35  
36 12. For the installation or relocation of each boiler or each absorption system over 1,750,000  
37 B.T.U. input and each condensing unit over 600,000 B.T.U. output. Includes cost of first  
38 routine inspection for boilers, does not include cost of inspection certificate.....\$67.00

39  
40 13. For each air handling unit including ducts attached thereto (charged as an  
41 appliance..... \$7.00

42 NOTE: This fee shall not apply to an air handling unit which is a portion of a factory  
43 assembled appliance cooling unit, evaporative cooler or absorption unit for which a permit is  
44 required elsewhere in this code.

**CONTINUATION PAGE 4, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

- 1 14. For each evaporative cooler other than portable type.....\$7.00  
2  
3 15. For each ventilation fan connected to a single duct.....\$7.00  
4  
5 16. For each ventilation system which is not a portion of any heating or air conditioning system  
6 authorized by a permit.....\$7.00  
7  
8 17. For the installation of each hood which is served by mechanical exhaust including the ducts  
9 for such hood.....\$7.00  
10  
11 18. For the installation or relocation of each crematory or pathological destructor...\$45.00  
12  
13 19. For each appliance or piece of equipment required by this code but not classed in other  
14 appliance categories, or for which no other fee is listed in this Code.....\$7.00  
15  
16 20. For solar collectors (including related piping, duct work and regulating devices):  
17 Up to 1000 sq. ft..... \$4.00  
18 1001 sq. ft. to 2000 sq. ft..... \$6.00  
19 More than 2000 sq.ft. \$6.00 plus \$1.50 per 1000 sq.ft. or  
20 Fraction thereof over 2000 sq.ft.  
21  
22 21. For solar storage tanks (including related piping and regulating devices):  
23 Up to 750 gallons..... \$3.00  
24 751 gallons to 2000 gallons..... \$4.00  
25 More than 2000 gallons, \$4.00 plus \$1.50 per 1000 gallons or fraction thereof over 2000  
26 gallons.  
27  
28 22. For solar rock storage:  
29 Up to 1500 cu. ft..... \$3.00  
30 1501 cu. ft. to 3000 cu. ft..... \$4.00  
31 More than 3000 cu. ft., 4.00 plus \$1.50 per 1000 cu. ft. or fraction thereof over 3000 cu. ft.  
32

33 **Other inspections and Fees:**

- 34 1. Overtime and after-hour inspections (minimum of 2  
35 hours)..... \$47.00 per hour  
36 2. Re-inspection fee assessed under provisions of Section 305.5.7.....\$47.00 per hour  
37 3. Apparatus for which no fee is prescribed.....\$47.00 per hour  
38

39 **BOILER INSPECTIONS**

- 40  
41 1. Certificate of Operation: (a) If upon inspection, a boiler is found to comply with the adopted rules  
42 and regulations, the Building Official shall issue a Certificate of Operation to the owner or user of  
43 such boiler. The Certificate of Operation shall state the date of inspection and the maximum  
44 pressure at which the boiler may be operated. The owner or user of said boiler shall pay fifteen  
45 dollars \$15.00 to the designated inspection agency upon the issuance of the Certificate of  
46 Operation. Certificate of Operation shall be valid for not more that fourteen (14) months from the  
47 date of inspection in case of power boilers and twenty-six (26) months in the case of low pressure

**CONTINUATION PAGE 5, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

1 heating and all other boilers. Certificates shall be posted in the room containing the boiler  
2 inspected, or for a portable boiler, in a metal container to be fastened to the boiler or to be kept in  
3 a tool box accompanying the boiler.  
4

5 2. Inspection Fees: (b) The Building Official may at any time revoke a certificate of operation when,  
6 in his opinion the boiler for which it was issued cannot be operated without menace to the public  
7 safety, or when the boiler is found not to comply with the lawful rules and regulations of the  
8 County. Such revocation of a certificate of operation shall continue in effect until such boiler  
9 shall have been made to conform to the rules and regulations of the County.  
10

11 3. Inspection Fees: The owner or user of a boiler required by this ordinance to be inspected by the  
12 Building Official shall pay to the designated inspection agency upon completion of the  
13 inspection, fees in accordance with the following schedule:  
14

15 **(a) Power boilers and high pressure, high temperature water boilers:**

16  
17 **Certificate of Inspection:**

18 Boilers of 50 sq.ft. of heating surface or	
19 less.....	\$20.00
20 Boilers over 50 sq.ft. of heating surface and less than 4000 sq.ft.	
21 of heating surface and less than 10,000 sq.ft. of heating surface.....	\$40.00
22 Boilers over 40,000 sq.ft. of heating surface and less than	
23 10,000 sq.ft. of heating surface.....	\$50.00
24 Boilers over 10,000 sq.ft. of heating	
25 surface.....	\$60.00

26  
27 **External Inspections:**

28 Boilers .....	\$20.00
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29  
30 **(b) Heating boilers:**

31  
32 **Certificate of Inspection:**

33 Heating boilers without a manhole or handhole.....	\$20.00
34 Heating boilers with a manhole.....	\$40.00
35 Hot-water-supply boilers.....	\$15.00

36  
37 **(c) Hydrostatic Test:** When it is necessary to make a special trip to witness the application of a  
38 hydrostatic test, an additional fee, based on the scale of fees applicable to a certificate inspection  
39 of the boiler or pressure vessel shall be charged.  
40

41 **Other Inspections and Fees:**

42 1. All other inspections, including shop inspections, special inspections and inspections of secondhand  
43 or used boilers or pressure vessels(minimum charge two-hours).....\$47.00/Hr  
44 "Secondhand" shall mean an object, which has changed ownership and location after primary use.  
45 New installations, repairs, or alterations must be accompanied by a record of repair form.  
46

**CONTINUATION PAGE 6, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

- 1 2. A Boiler Commission may be issued upon receipt of the inspector's National Board Boiler  
2 Commission with the approval of the Building Official.....\$25.00 Each  
3

4 **TABLE 3-D PLUMBING PERMIT FEES**  
5

6	1	Administrative charge applicable to all applications for permit.....	\$23.50 each
7		(EXCEPTION: re-inspection fee)	
8	2.	Mercury test with no outlets on appliances.....	\$5.00 each
9	3.	Recording chart test or other high pressure test.....	\$8.00 each
10	4.	Temporary gas shall not exceed 90 days. No temporary gas	
11		shall be allowed before October 1 or after April30.....	\$20.00 each
12	5.	Gas outlet.....	\$3.00 each
13	6.	Plumbing fixture.....	\$5.00 each
14	7	Water distribution system.....	\$7.00 each
15		(Also pool filling system, including back-flow prevention)	
16	8.	Water service (from property line to house or building.....	\$7.00
17	9.	For new storm sewer or sanitary sewer tap inspection	
18		(connections to public storm or sanitary sewer).....	\$9.00 each
19	10.	House or building sewer (from property line to house or	
20		building) including 2-way clean-out.....	\$14.00 each
21	11.	Lawn sprinkler system on any one meter including	
22		back-flow protection devices thereof.....	\$9.00
23	12.	For atmospheric-type vacuum breakers not included in Item 11 above:	
24		1 to5.....	\$7.50
25		over 5 .....	\$1.50 each
26	13.	For each back-flow protective device other than atmospheric-type	
27		vacuum breakers: (also for repair)	
28		up to 2 inches.....	\$7.50
29		over 2 inches.....	\$15.00
30	14.	For sewer repair in public street.....	\$8.00
31	15.	Roof drain (piping).....	\$6.00 each
32	16.	Septic tank or cesspool.....	\$40.00 each
33	17.	Swimming pool (public).....	\$40.00 each
34	18.	Swimming pool (private).....	\$30.00 each
35	19.	Automatic fire extinguishing system, wet standpipe	
36		system, dry standpipe system, combination	
37		standpipe system installed in a building.....	\$25.00
38	20.	Utility service lines 300 foot section (or portion)	
39		sewer collecting lines.....	\$10.00
40	21.	Utility service lines sewer connection outlets.....	\$3.00
41	22.	Utility service lines manholes.....	\$8.00
42	23.	Utility service lines 300 foot section (or portion) water service lines....	\$10.00
43	24.	Utility service lines water connection outlets.....	\$3.00
44	25.	Fire hydrant inspection.....	\$8.00
45	26.	Interceptor or sewer ejector pump.....	\$12.00 each
46	27.	For each fixture or piece of equipment required by this Code but not	
47		classed in other fixture categories, or for which no other fee is listed	

**CONTINUATION PAGE 7, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.**

1 in this Code..... \$5.00

2

3 **Other Inspections and Fees:**

4 1. Overtime and after-hour inspection (Minimum of two hours charges)... \$47.00 per hour

5 2. Re-inspection fee assessed under provisions of Section 305.5.7.....\$47.00 each

6

7

**TABLE 3-E SIGN PERMIT FEES**

8

9 A sign permit fee shall be paid in accordance with the following schedule:

10 Size of sign

11 Two to 20 sq. ft. .... \$15.00

12 Over 20 to 100 sq. ft..... \$30.00

13 Over 100 sq. ft. ....\$45.00

14

15 Other inspections and fees:

16 1. Inspections outside of normal business hours  
17 (minimum charges-two hours)..... \$47.00 per hour

18 2. Re-inspection fee assessed under provisions of  
19 Section 305.5.7.....\$47.00 each

20

21 3. Inspections for which no fee is specifically  
22 indicated (minimum charge-one-half hour)..... \$47.00 per hour

23 4. Additional plan review required by changes,  
24 additions, or revisions to approved plans  
25 (minimum charge-one-half hour)..... \$47.00 per hour

26

27 **TABLE 3-F ELEVATOR, DUMBWAITER, ESCALATOR, AND MOVING WALK**  
28 **PERMIT FEES**

29

30 New Installations:

31 Passenger or freight elevator, temporary construction elevator, and moving walk:

32

33 Up to and including \$40,000 of valuation..... \$110.00

34 Over \$40,000 of valuation \$110.00 plus \$2.00 for each \$1000 or fraction thereof over \$40,000.

35

36 Dumbwaiters, private residence elevator and wheelchair lifts:

37 Up to and including \$10,000 of valuation..... \$30.00

38 Over \$10,000 of valuation \$60.00 plus \$2.00 for each \$1,000 or fraction thereof over \$10,000.

39

40 Major Alterations:

41

42 Fees for major alterations shall be as set forth in Table 3-A. Installation fees include charges for  
43 the first year's annual inspection fee and charges for electrical equipment on the conveyance side  
44 of the disconnect switch.

45

46 Biannual Certificates of Inspection:



**CONTINUATION PAGE 8, ADMINISTRATIVE RESOLUTION 25-2009  
 ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
 ADMINISTRATIVE CODE.**

1	For each elevator .....	\$40.00
2	For each landing over three.....	\$5.00
3	Annual certificates of inspection:	
4		
5	For each escalator and moving walk.....	\$75.00
6	For each commercial dumbwaiter and wheelchair lift.....	\$50.00
7	(Each escalator or moving walk unit powered by one motor shall be considered as a separate	
8	escalator or moving walk.)	
9		
10	Other Inspection Fees:	
11		
12	Traction Elevator Maintenance Load Test	
13		
14	1. 5-Year maintenance load test (includes operating	
15	permit.....	\$125.00
16	For each elevator equipped with counterweight safeties, add .....	\$50.00
17	For each reduced stroke buffer, add.....	\$20.00
18	For each traction elevator with spring buffer.....	\$75.00
19	2. Hydraulic elevator three-year load test(includes operating	
20	permit.....	\$100.00
21	3. Inspections outside of normal business hours (Minimum 2	
22	hrs).....	\$35.00/Hr
23	4. Reinspection fee assessed under provisions of Sec.305.5.7.....	\$30.00 ea
24	5. Inspections for which no fee is specifically indicated (minimum charge one-half	
25	hour).....	\$30.00/Hr
26	6. Additional plan review required by changes, additions or revisions to approved	
27	plans.....	\$30.00/Hr

**SECTION 2.** Building valuation data for the calculation of Table 3-A Building permit fees shall be phased in based on the following schedule:

- A. From May 1, 2009, to December 31, 2009, fees shall be calculated based on the 1997 building valuations in place at the time of adoption of this Resolution.
- B. From January 1, 2010, to June 30, 2010, fees shall be calculated based on 2005 building valuation data from the Building Safety Journal (The Professional Journal of Construction and Fire Safety).
- C. Beginning July 1, 2010, the County of Bernalillo Building Official may use the most current data from the Building Safety Journal (The Professional Journal of Construction and Fire Safety) for calculating building valuations.


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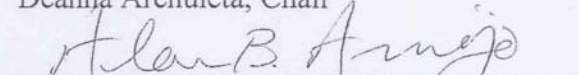
CONTINUATION PAGE 9, ADMINISTRATIVE RESOLUTION 25-2009  
ESTABLISHING THE PERMIT FEE SCHEDULE REQUIRED BY THE UNIFORM  
ADMINISTRATIVE CODE.

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DONE this 28 day of April, 2009

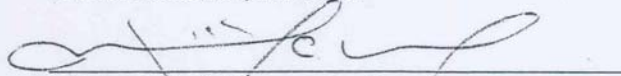
BOARD OF COUNTY COMMISSIONERS

  
Deanna Archuleta, Chair

  
Alan B. Armijo, Vice-Chair

VOTED 'NO'


Art De La Cruz, Member

  
Michael C. Wiener, Member

VOTED 'NO'

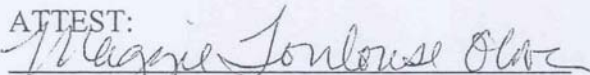
Michael Brasher, Member

APPROVED AS TO FORM:

  
County Legal

Date: 4/7/09

ATTEST:

  
Maggie Toulouse Oliver

Date: 4/28/09



**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**

30  
31 **Sects. 10-1—10-30 Reserved**

32  
33 **ARTICLE II. CONSTRUCTION CODES**

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

36  
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.

40  
41  
42

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.

6  
7  
8 **EXHIBIT A**

9  
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.

4

5

6

7

**SECTION 103  
CONFLICTING PROVISIONS**

8

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

9

10

11

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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**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;

**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.

CONTINUATION PAGE 11, ORDINANCE NO. 2011-12  
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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BERNALILLO COUNTY BUILDING ORDINANCE, BERNALILLO COUNTY  
CODE, CHAPTER 10. PROVIDING FOR PERMITTING, INSPECTION,  
APPEALS AND PENALTIES.

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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APPEALS AND PENALTIES.

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

6  
7 **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 than 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

46 The Building Official, upon notification from the permit holder or his  
47 agent, shall make the following inspections (when applicable to the  
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 CO<sub>2</sub>, 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<sup>a, b, c, d, e</sup>

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

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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26

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

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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 <sup>a</sup>	D <sub>1</sub>	Moderate	18/21 <sup>b</sup>	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  
7 ARTICLE 210  
8 Branch Circuits  
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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**ARTICLE 314**

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

**314.27 Outlet Boxes.**

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

**ARTICLE 334**

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

**334.12 Uses not permitted.**

**(A)Types NM, NMC, and NMS.**

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

**Exception:** apartment houses classified as R-2.

**ARTICLE 340**

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

**340.10 Uses Permitted.**

(8) For use in residential straw bale construction

**340.12 Uses Not Permitted.**

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

**ARTICLE 352**

**Rigid Polyvinyl Chloride Conduit: Type PVC**

**352.12 Uses Not Permitted.**

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

**ARTICLE 358**

**Electrical Metallic Tubing: Type EMT**

**358.12 Uses Not Permitted.**

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

**ARTICLE 394**

**Concealed Knob-and-Tube Wiring**

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

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**ARTICLE 422**  
**Appliances**

**422.19 Evaporative Coolers.** A listed raceway shall be installed during rough-in from the control point to the evaporative cooler location. The raceway shall contain an equipment-grounding conductor from the control point outlet box to the junction box at the unit. The equipment grounding conductor shall be sized in accordance with table 250.122.

**ARTICLE 550**  
**Mobile Homes, Manufactured Homes and Mobile Home Parks**

**550.32 Service Equipment.**

**(H) Required receptacle.** A 125 volt 15 or 20 amp receptacle outlet shall be installed with ground fault circuit interruption protection at each remote mobile home or manufactured home service equipment, or the local external disconnecting means permitted in 550.32 (A).

**ARTICLE 800**  
**Communications Circuits**

**(H) Dwelling Unit Communications Circuits.** Dwelling unit communications cable assemblies shall be a minimum of 4-pair No. 24 AWG conductors. Each 4 pair cable shall serve not more than three telephone outlets. Conductors shall terminate in a listed box or on a terminal block near the electrical service or location of telephone service. Any exterior wall penetration shall be installed in a listed raceway.

**MECHANICAL CODE**

**CHAPTER 4**  
**VENTILATION AIR SUPPLY**

**SECTION 405**  
**Evaporative Cooling Systems**

**405.3 Installation.** Barometric relief dampers shall be installed on all new residential evaporative cooling systems to allow conditioned air from occupied spaces to exit the occupied space through a discreet opening in the ceiling, allowing the required air change to pass through the attic space to the outdoors. The authority having jurisdiction shall determine whether relief dampers shall be required on retrofits. Barometric relief dampers shall not be required on flat roof construction. Water saving or water management pumps shall be installed on all new and replaced evaporative coolers.

**CHAPTER 5**  
**EXHAUST SYSTEMS**

**SECTION 511**  
**AIR MOVEMENT**

**511.3 Replacement Air.** Replacement air quantity shall be adequate to prevent negative pressures in the commercial cooking area(s) from exceeding 0.02 inch water column (4.98 kPa). When its fire-extinguishing system discharges, makeup air supplied internally to a hood shall be shut off. Windows and doors shall not be used for the purpose of providing replacement air. The

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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

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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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Done this 14 of June 2011.

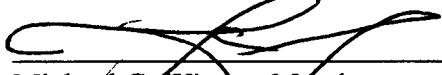
**BOARD OF COUNTY  
COMMISSIONERS**

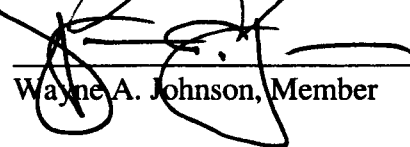
  
Maggie Hart Stebbins, Chair

  
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

