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SENATE BILL 515

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING FOR CERTIFIED BUILDING OFFICIALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 3-17-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-16-5, as amended) is amended to read:

"3-17-6. CODES ADOPTED AND ENFORCED BY REFERENCE-- AVAILABILITY.--

A. A municipality may adopt by ordinance the conditions, provisions, limitations and terms of:

- (1) an administrative code;
- (2) an air pollution code;
- (3) a building code that includes provisions

for plan review, permitting and inspections for general, electrical, mechanical and plumbing construction;

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underscoring material = new
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- 1 (4) an elevator code;
2 (5) a fire prevention code;
3 (6) a health code;
4 (7) a housing code;
5 (8) a traffic code; or
6 (9) any other code not in conflict with the
7 laws of New Mexico or valid regulations issued by any board or
8 agency of New Mexico authorized to issue regulations.

9 B. Any such code so adopted shall provide for
10 minimum requirements at least equal to the state requirements
11 on the same subject.

12 [~~B.~~] C. An ordinance adopting any such code need
13 only refer to the proper title and date of the code, without
14 setting forth the code's conditions, provisions, limitations
15 and terms, and may include any exception or deletion to the
16 code by setting forth the exception or deletion to the code.
17 The ordinance shall further specify at least one place within
18 the municipality where the code, so adopted, is available for
19 inspection during the normal and regular business hours of the
20 municipal clerk. A copy of the code shall be available upon
21 request and payment of a reasonable charge.

22 [~~C.~~] D. Any amendment to such a code may be adopted
23 in the same manner as other ordinances are adopted.

24 E. Upon adoption of a building code that includes
25 provisions for plan review, permitting and inspection for

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underscored material = new
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1 general, electrical, mechanical or plumbing construction
2 compliance services, the municipality shall designate a
3 certified building official under the direct employment of a
4 municipality or as provided by a memorandum of understanding.
5 The certified building official shall be charged with the
6 administration and enforcement of the building codes adopted by
7 the municipality. As used in this section, "certified building
8 official" means a person employed by a municipality, a county
9 or other political subdivision who has a broad knowledge of the
10 construction industry, holds a current certified building
11 official certificate from a nationally recognized organization
12 and has been a practicing inspector or practicing contractor or
13 has held a management position in a construction company or
14 construction organization for at least five of the past ten
15 years. A person currently acting in the capacity of a
16 certified building official shall have five years from the
17 effective date of this 2013 act to obtain certification."