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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MUNICIPALITIES; AMENDING THE MUNICIPAL CODE TO
PROVIDE FOR CHIEF BUILDING OFFICIALS; REQUIRING THE
CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND
LICENSING DEPARTMENT TO CERTIFY INSPECTORS TO INSPECT
STATEWIDE.

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;

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1 (3) a building code that includes provisions
2 for plan review, permitting and inspections for general,
3 electrical, mechanical and plumbing construction;

4 (4) an elevator code;

5 (5) a fire prevention code;

6 (6) a health code;

7 (7) housing code;

8 (8) a traffic code; or

9 (9) any other code not in conflict with the
10 laws of New Mexico or valid regulations issued by any board or
11 agency of New Mexico authorized to issue regulations.

12 Any code so adopted shall provide for minimum requirements
13 at least equal to the state requirements on the same subject.

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

24 C. Any amendment to such a code may be adopted in
25 the same manner as other ordinances are adopted.

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1 D. If a municipality adopts a building code that
2 includes provisions for plan review, permitting and inspections
3 for any or all general, electrical, mechanical and plumbing
4 construction compliance services, the municipality shall
5 designate a chief building official under the direct employment
6 of the municipality. The chief building official shall be a
7 current state-certified building inspector and shall be charged
8 with the administration and enforcement of the building codes
9 adopted by the municipality. As of December 31, 2014, the
10 chief building official shall obtain and hold a current
11 certified building official certification from the
12 international code council. A building official employed by a
13 municipality and designated as the chief building official
14 prior to the enactment of this legislation shall be considered
15 the chief building official for the duration of the building
16 official's tenure with that municipality.

17 E. A municipality that adopts a building code shall
18 create a board of appeals to hear and decide appeals of orders,
19 decisions or determinations made by a building official
20 relative to the application and interpretation of the
21 municipality's building code. The board of appeals shall
22 consist of members appointed by the municipality who are
23 qualified by experience and training to judge matters
24 pertaining to building construction and who shall not be
25 employees of the municipality. The board of appeals shall

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1 adopt rules of procedure for conducting its business. An
2 appeal shall be based on a claim that the municipality's
3 building code or rules adopted pursuant to that code have been
4 incorrectly interpreted, that the provisions of the building
5 code do not fully apply or that an equally good or better form
6 of construction exists. The board of appeals shall not have
7 the authority to waive requirements of the municipality's
8 building code."

9 SECTION 2. Section 60-13-41 NMSA 1978 (being Laws 1967,
10 Chapter 199, Section 49, as amended) is amended to read:

11 "60-13-41. INSPECTORS--DESIGNATED INSPECTION
12 AGENCIES.--

13 A. State inspectors shall be employed by the
14 director.

15 B. Qualifications [~~and job descriptions~~] for
16 statewide certification of inspectors for the state,
17 municipalities and all other political subdivisions shall be
18 prescribed by the commission. Upon satisfying the
19 qualifications prescribed by the division, an inspector shall
20 be certified by the division to inspect statewide.

21 C. The division may appoint inspection agencies to
22 inspect the construction, installation, alteration or repair of
23 manufactured commercial units, modular homes and
24 premanufactured homes, including those manufacturers whose
25 business premises are without the state, to ensure that the New

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1 Mexico standards of construction and installation are adhered
2 to and that the quality of construction meets all New Mexico
3 codes and standards. If the inspection agency has no place of
4 business within the state, it shall file a written statement
5 with the secretary of state setting forth its name and business
6 address and designating the secretary of state as its agent for
7 the service of process.

8 D. The division may enter into reciprocal
9 agreements with other jurisdictions having comparable codes,
10 standards and inspection requirements for the inspection of the
11 construction, alteration or repair of modular homes,
12 premanufactured homes and manufactured commercial units.

13 E. The division may, with the approval of the
14 commission, establish qualifications for inspectors certified
15 to inspect in more than one bureau's jurisdiction."