



ORDINANCE #199
The Town of Bernalillo Building Code
And
Performance Standards

Adopted by the Board of Trustees
Of the
Town of Bernalillo
April 25, 2005

Effective Date: May 16, 2005

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Be it ordained by the Governing Body of the Town of Bernalillo as follows:

PART 1: GENERAL PROVISIONS

1-1-1 SHORT TITLE

This Ordinance shall be known as the “Building and Property Standards Ordinance”, and shall be referred to herein as the “This Ordinance”.

1-1-2 JURISDICTION

This Ordinance shall govern all buildings, structures, manufactured homes, mobile homes and properties within the Town.

1-1-3 AVAILABILITY

Each of the codes which have been adopted by reference in this title shall be available for inspection during normal and regular business hours at the office of the Town Clerk or at the office of the Town Building Inspector. A copy of the codes adopted by reference in this title shall be available upon request and payment of a reasonable charge.

1-1-4 APPLICABILITY

In order to assist in the construction of this Ordinance, the Town Council declares that it is the intent of the Council that all of the authority conferred upon municipalities by NMSA 1978 Sec. 3-17-6, be exercised by the Town, and that all the provisions of the 2003 International Building Code, and the 2003 International Residential Code apply to and be enforced within not only the corporate limits of the Town, but also within the platting and planning jurisdiction of the Town.

1-1-5 FINDINGS AND PURPOSE

- A. Section 3-18-6, New Mexico Statutes Annotated 1978 Compilation, authorized municipalities to prescribed certain building and construction standards within its planning and platting jurisdiction, and to issue permits pertaining to buildings within its planning and platting jurisdiction.

- B. Section 3-17-6, New Mexico Statutes Annotated 1978 Compilation, authorizes municipalities to adopt by ordinance the conditions, provisions, limitations and terms of any codes not in conflict with the laws of New Mexico or valid regulations issued by any board or agency of New Mexico authorized to issue regulations. Any code so adopted shall provide for minimum requirements at least equal to the state requirements on the same subject.
- C. An ordinance adopting such code need refer only to the proper title and date of the code, without setting forth the codes, conditions, provision, limitations and terms and may include any exception or deletion by setting forth the exception or deletion.
- D. It would be to the public benefit for the Town to adopt uniform standards for building inspections.

PART 2: BUILDING CODE

1-2-1

ADOPTION BY REFERENCE.

There is adopted, so far as it is not in conflict with this Code or any law of the State or with any valid regulation issued by any board or agency of the stated authorized to make such regulations, for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings or structures, and for the purpose of providing for the issuance of permits and the collection of fees, [that certain code known as the New Mexico Building code, as adopted, amended and revised by the New Mexico Construction Industries Commission] and such code is adopted by reference and incorporated as fully as if set out in this section.

1-2-2

INTERPRETATION – STRICTER PROVISIONS TO RULE

The building code adopted by this chapter shall not repeal in any manner Ordinance No. 175 relating to zoning; or any other part of this code, except where such repeal

shall cause more strict and more safe regulations to be established, and such ordinances and parts of this code shall be in full effect to the extent that their provisions require a higher standard of workmanship and safety than the building code and the foregoing ordinances shall all be read and construed together.

1-2-3 UNLAWFUL TO PERFORM WORK WITHOUT PERMIT IF REQUIRED.

It is unlawful for any person, whether acting as principal, servant, agent, employee or owner, to do any building or construction work for which a permit is required by the NM Building Code without first securing such permit from the inspection department authorizing him so to do. Violation of this section shall be punished in accordance with Bernalillo Ordinance No. 142.

Note: The State of New Mexico CID Inspectors shall permit and inspect all electrical, plumbing and mechanical work in the Town of Bernalillo. The manufactured Housing Division shall permit and inspect all manufactured placements within the Town.

1-2-4 PURPOSE AND INTENT.

The operation of the Inspection Department of the Town is principally financed by the payment of fees for the inspection services rendered. It is the purpose of this chapter to reestablish and in some cases to increase the fees to be paid to the Town for its inspectional services concerning construction, moving and alteration of buildings. It is the express intent of the Town to include in this chapter all inspectional fees paid to the Town for such services. The Town Council expressly finds that all of the charges and fees set out in this chapter are reasonable, and bear a relationship to the actual cost of the service rendered.

PART 3: INSPECTIONS AND PERMIT FEES

1-3-1 BUILDING INSPECTOR – OFFICE ESTABLISHED - APPOINTEMENT

There is created and established the office of Building Inspector. The office shall be filled by appointment of the town manager by and with the consent and approval of a majority of the members of the Town Council.

1-3-2**POWER AND DUTIES.**

The Building Inspector has the power and duty to enforce the provisions of this Ordinance and shall issue all permits provided for by these provisions. In case any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Town or the Building Inspector, in addition to prosecuting the violator in accordance with this ordinance, shall have the authority to institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction, reconstruction, alteration, repair, conversion, maintenance and use, and to restrain, correct or abate such violation, and to prevent the occupancy or use of such building or structure.

1-3-3**BUILDING PERMIT; APPLICATION; DEPOSIT.**

- a) It is unlawful for any person to construct, alter, repair, remove, demolish or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the Building Inspector an application in writing and obtaining from him a building permit authorizing such work. The application for the building permit shall be accompanied by a deposit of \$250.00 if located in a flood plain.
- b) The deposit of \$250.00 shall be refunded to the applicant or permittee at such time as the Building Inspector determines that the FEMA Flood Insurance elevation Certificate is completed.
- c) The deposit requirement may be waived by the Building Inspector if he is satisfied that no flood plain exists.

1-3-4**BUILDING PERMITS REQUIRED**

Any construction, residential or commercial or other use, and any additions, expansions, repairs, remodel, or renovation to any building or structure, to include site built and modular buildings or structures, shall have a building permit issued by the Building Inspector and follow procedures required by codes adopted in this ordinance. In the case of manufactured or mobile housing units, they shall have an installation permit issued by the Building Inspector. If the Building Inspector determines that the property for which a permit has been requested is in violation, has outstanding violations, or may be in non-compliance with any part of this

ordinance, or the Town of Bernalillo Subdivision Ordinance, or any applicable state or federal regulation, the Building Inspector may deny issuance of the permit until such time as the property has been deemed compliant.

1-3-5

ON SITE UTILITY REQUIREMENTS.

All housing units, to include site built, modular, manufactured home or mobile homes whether titled or untitled are subject to this Ordinance and shall, prior to occupancy, be inspected by the Building Inspector, and issued a Certificate of Occupancy or a Certificate of Compliance. Approved on site utilities, to include water, sewer, and electricity are prerequisite to issuance of a manufactured housing installation permit (MHIP) or issuance of a building permit. All housing units shall be connected to a liquid waste disposal system permitted and approved by the New Mexico Environment Department, domestic water well permitted by the New Mexico State Engineer, or be connected to an approved potable water utility whether private or municipal. For purposes of this section:

- a) There shall be no multiple users connected to a domestic water well nor to any on site liquid waste disposal system.
- b) Approval of connections will only be made after inspection and approval by the New Mexico State Plumbing Inspector for compliance with the IBC.
- c) All electrical, plumbing, and gas hookups shall be inspected and approved by an inspector of the Manufactured Housing Division or CID, as the case may be prior, to occupancy and before a Certificate of Occupancy or Certificate of Compliance will be issued by the Town.
- d) Any water/well, sewer/septic, electric, or natural gas/LP utility that is connected to individual parcels before the land owner holds a valid building permit or MHIP is in violation of this ordinance and shall be disconnected by the utility provider.

1-3-6

INSPECTION RECORD CARD.

Work requiring a permit shall not be commenced until the permittee or his agent has posted or made available an inspection record card that will conveniently allow the inspectors to make entries thereon regarding inspection of the work. This card shall be maintained available until final approval has been granted by the appropriate inspectors.

1-3-7

REINSPECTIONS

A reinspection fee may be assessed for each inspection or reinspection when such portion of work is not complete, when corrections called for are not made, or when the building is not accessible.

This subsection is not to be interpreted as requiring reinspection fees for the first time a job is rejected for failure to comply with the requirements of this Code, but for controlling the practice of calling for inspection before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not properly posted on the work site; the approved plans are not readily available to the inspector during the inspection process, or, if deviating from plans, requiring the approval of the Building Inspector or any other department.

To obtain a reinspection, the permittee shall pay the reinspection fee in accordance with the fee schedule adopted by the Town.

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

1-3-8

ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR COMPLETION

No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Inspector has issued a Certificate of Occupancy or Completion as provided herein.

1-3-9 **CERTIFICATE OF OCCUPANCY.**

Upon completion and verification of all inspections and requirements of this ordinance and any other applicable ordinance for site built or modular buildings or structures, prior to occupancy a Certificate of Occupancy shall be signed by the Building Inspector and a copy shall be provided to the owner/occupant.

1-3-10 **CERTIFICATE OF COMPLIANCE**

Upon completion and verification of all inspections and requirements of this ordinance and any other applicable ordinance for manufactured homes/mobile homes, prior to occupancy a Certificate of Compliance shall be signed by the Building Inspector and a copy shall be provided to the owner/occupant.

1-3-11 **NO APPROVAL IF VIOLATION IMPLIED.**

Issuance of a Certificate of Occupancy or Completion shall not be construed as an approval of a violation of the provisions of the Building Code or of other ordinances of the Town. Certificates presuming to give authority to violate or cancel the provisions of the Building Code or other ordinances of the Town of Bernalillo shall not be valid.

The Building Inspector may, in writing, suspend or revoke a Certificate of Occupancy or Completion issued under the provisions of the Building Code when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation of the Town.

PART 4: MANUFACTURED/ MOBILE HOME PLACEMENT PERMITS

1-4-1 **PERMIT REQUIRED**

A manufactured home/mobile home placement permit must be obtained prior to the setting, placement, or connection of utility service of any manufactured home or mobile home on any residential lot within the Town of Bernalillo. The permit must be obtained by the person or entity that moved the manufactured/mobile home to the site location and is responsible for the placement of the manufactured home/mobile home. It is unlawful for any person or entity to place or cause to be placed a manufactured home or mobile home within the Town limits of Bernalillo without obtaining a permit.

1-4-2 **MANUFACTURED HOME TRANSPORTING OR MOVING.**

It shall be unlawful for any person or moving company to transport a manufactured home to its installation site without first receiving from the owner of the manufactured home a copy of an approved Manufactured Home Installation Permit (MHIP) issued by the Building Inspector. Any home to be transported into the Town shall comply with the provisions of this ordinance.

1-4-3 **MOBILE/MANUFACTURED / MODULAR HOUSING INSTALLATION**

No mobile, manufactured or Modular house shall be occupied unless it is connected to a potable running water supply, an approved sewage disposal system, and an appropriate electrical and / or gas system.

1-4-4 **MANUFACTURED HOME/MOBILE HOME DEBRIS ON ROOF.**

Roofs shall be kept clear of tires, debris, concrete blocks, rocks and other objects and structures not approved by the manufacturer or for which a permit has not been issued by the Building Inspector.

1-4-5 **PERMIT REQUIREMENTS.**

The Town of Bernalillo inspection department shall prescribed a permit application form requiring information regarding the identification of the manufactured home/mobile home, location of placement, compliance with applicable placement standards, and such other information as deemed necessary by the director of the inspection department. If the contemplated placement is within the “flood plain zone” as that term is defined by FEMA, the appropriate flood certificates must be obtained.

1-4-6 **MINIMUM PLACEMENT REQUIREMENTS.**

All dwelling units shall be placed on a permanent foundation. Permanent foundations for dwelling units that are not site-built shall comply with the New Mexico Manufactured Housing Division Rules and Regulations (NMAC 14.12.2) for permanent foundations. Mobile homes shall have a manufacture date after January 1, 1985 regulated pursuant to NMSA 3-21A-3.

1-4-7 **REQUIRED MATERIALS.**

Manufactured/Mobile Home Placement.

1. Copy of NMED Liquid Waste Permit and stamped floor plans
2. Site Plan
3. Proof of age for Mobile Homes
4. Appropriate stamp from Federal Housing & Urban Development Department
5. New Mexico Manufactured Housing Division Foundation and /or Installation Permit Application(s).

1-4-8 **PENALTY FOR VIOLATION OF ORDINANCE.**

Any person violating or failing, neglecting, or refusing to comply with the provisions of this Ordinance and the Codes adopted may be prosecuted in any court of competent jurisdiction within the Town, and shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both.

1-4-9 **SEVERABILITY**

The provisions of this Ordinance shall be deemed to be severable, and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

PART 5: FEE SCHEDULE

1-5-1 **FEES**

The Town Council shall from time to time establish fees and charges by resolution for building permits.

1-5-2 **FEES APPLICABLE WITHIN CORPORATE LIMITS**

All of the fees and charges imposed by this chapter shall apply within the corporate limits of the Town and within the planning and platting jurisdiction of the Town, as the same now exists or may hereafter be extended or expanded according to law.

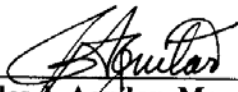
1-5-3 **FEE VALUATION**

A fee for each building permit shall be paid to the Town as set forth by resolution. The determination of valuation of any construction shall be made by the Building Inspector.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall become effective on the 16th day of May, 2005, following publication as required by law.

PASSED, APPROVED and SIGNED THIS 25TH day of APRIL, 2005.



Charles J. Aguilar, Mayor
Town of Bernalillo

ATTEST:



Ida Fierro, Town Clerk

[SEAL]