

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2008-1

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4  
5 AN ORDINANCE

6 AMENDING CHAPTER 7 REGARDING BUILDING AND RELATED CODES;  
7 ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, THE 2006  
8 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2006 INTERNATIONAL  
9 EXISTING BUILDING CODE, THE 2006 UNIFORM MECHANICAL CODE, THE 2006  
10 UNIFORM PLUMBING CODE, THE 2008 NATIONAL ELECTRIC CODE AND OTHER  
11 RELATED CODES AS AMENDED BY THE STATE OF NEW MEXICO AND THE  
12 CITY OF SANTA FE.

13  
14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 Section 1. The title of Chapter VII SFCC 1987 is amended to read:

16 CHAPTER VII BUILDING

17 Section 2. The title of Section 7-1 SFCC 1987 is amended to read:

18 7-1 BUILDING CODES; GENERAL PROVISIONS.

19 Section 3. Section 7-1.1 SFCC 1987 (being Code 1953, §§7-1, 7-2 as amended) is  
20 amended to read:

21 7-1.1 Adoption of Codes.

22 A. For the purpose of regulating the erection, construction, enlargement, alteration,  
23 repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area,  
24 unobstructed maintenance of required yards, and maintenance of buildings or structures within  
25 the city, the following provisions and codes are adopted by reference and incorporated as fully as

1 if set out herein unless otherwise amended by the city:

- 2 (1) Section 14.5.1 New Mexico Administrative Code (NMAC) General  
3 Provisions;
- 4 (2) Section 14.5.2 New Mexico Administrative Code (NMAC) Permits;
- 5 (3) Section 14.5.3 New Mexico Administrative Code (NMAC) Inspections;
- 6 (4) 2006 International Building Code (IBC) as amended by the state of New  
7 Mexico construction industries division referred to as the 2006 New Mexico Commercial  
8 Building Code (NMAC 14.7.2);
- 9 (5) 2006 International Residential Code (IRC) as amended by the state of  
10 New Mexico construction industries division referred to as the 2006 New Mexico  
11 Residential Building Code (NMAC 14.7.3);
- 12 (6) 2006 New Mexico Earthen Building Materials Code (NMAC 14.7.4);
- 13 (7) 2006 New Mexico Non-Load Bearing Baled Straw Construction  
14 Building Standards (NMAC14-7.5);
- 15 (8) 2006 New Mexico Energy Conservation Code (NMAC 14.7.6);
- 16 (9) 2006 International Existing Building Code as amended by the state of  
17 New Mexico construction industries division referred to as the 2006 New Mexico  
18 Existing Building Code (NMAC 14.7.7);
- 19 (10) 2003 New Mexico Historic Earthen Buildings Code;
- 20 (11) 2006 Uniform Plumbing Code as amended by the state of New Mexico  
21 construction industries division referred to as the 2006 New Mexico Plumbing Code  
22 (NMAC 14.8.2);
- 23 (12) 2003 Uniform Swimming Pool, Spa, and Hot Tub Code Phase III as  
24 amended by the state of New Mexico construction industries division referred to as the  
25 2003 New Mexico Swimming Pool, Spa, and Hot Tub Code (NMAC 14.8.3);

1           (13) 2006 Uniform Mechanical Code as amended by the state of New Mexico  
2 construction industries division referred to as the 2006 New Mexico Mechanical Code  
3 (NMAC 14.9.2);

4           (14) 1997 Uniform Solar Code as amended by the state of New Mexico  
5 construction industries division referred to as the 2003 New Mexico Solar Energy Code  
6 (NMAC 14.9.6);

7           (15) 2008 National Electrical Code as amended by the state of New Mexico  
8 construction industries division when adopted by the state of New Mexico and referred to  
9 as the 2008 New Mexico Electrical Code (NMAC 14.10.4). Until such time, the 2005  
10 National Electrical Code as amended by the state of New Mexico referred to as the 2005  
11 New Mexico Electrical Safety Code shall apply; and

12           (16) 2008 National Electrical Safety Code as amended by the state of New  
13 Mexico construction industries division when adopted by the state of New Mexico and  
14 referred to as the 2008 New Mexico Electrical Safety Code (NMAC 14.10.5). Until such  
15 time, the 2002 National Electrical Safety Code as amended by the state of New Mexico  
16 referred to as the 2005 New Mexico Electrical Safety Code shall apply.

17       B. Any person violating or failing, neglecting or refusing to comply with the  
18 provisions of the codes set forth in paragraph A. above or this Chapter shall be punished as  
19 provided for in Section 1-3 SFCC 1987.

20       C. A copy of the codes set forth in paragraph A. and this Chapter shall be kept on  
21 file in the office of building inspections, and shall be at all reasonable times available and subject  
22 to inspection.

23       D. The codes set forth in paragraph A. shall be effective February 1, 2008. Upon  
24 request of the applicant, applications for permits submitted before July 1, 2008, may be issued in  
25 compliance with the prior codes.

1 E. Should the codes adopted in paragraph A. above not be current with the latest  
2 codes adopted by the state of New Mexico construction industries division, the city shall  
3 automatically apply the latest codes adopted by the state.

4 **Section 4. Section 7-1.2 SFCC 1987 (being Code 1953, §7-9 as amended) is**  
5 **amended to read:**

6 **7-1.2 Staff Members May Not Engage in Construction Business.**

7 It is unlawful for any certified city staff member charged with the administration and  
8 enforcement of the codes adopted by the city as set forth in Section 7-1.1 SFCC 1987 to engage  
9 in the business of the construction of buildings either directly or indirectly. The staff member  
10 shall have no financial interest in any concern engaged in such business in the city while charged  
11 with such duties. Any violation of the provisions of this subsection shall be sufficient cause for  
12 dismissal.

13 **Section 5. [REPEAL.] Section 7-1.3 SFCC 1987 (being Code 1953, §7-10 as**  
14 **amended) is repealed.**

15 **Section 6. [NEW MATERIAL.] A new Section 7-1.3 SFCC 1987 is ordained to**  
16 **read:**

17 **7-1.3 Schedule of Fees, Charges and Expenses.**

18 A. The governing body shall establish by resolution a schedule of fees for permits  
19 and other matters pertaining to this Chapter. The schedule of fees shall be posted in the Land Use  
20 Department and may be altered or amended only by the governing body. No permit or approval  
21 required under this chapter shall be issued or granted unless and until such fees have been paid in  
22 full. The schedule of fees adopted by the governing body replaces fees adopted by the state of  
23 New Mexico construction industries division as set forth in the New Mexico Administrative  
24 Code.

25 B. The fees shall be reviewed as set forth in Section 11-2.5 SFCC 1987.

1           **Section 7.       Section 7-1.4 SFCC 1987 (being Code 1953, §7-11 as amended) is**  
2 **amended to read: Note: This section is moved to Chapter 10 Nuisance.**

3           **10-9.7 Right of Entry of Inspection Officer for Examination of Premises.**

4           The inspection officer may enter, at all reasonable times, if the inspection officer has the  
5 occupant's or custodian's consent, any house or premises within the city to ascertain the existence  
6 of any nuisance. If the occupant's or custodian's consent is refused or is otherwise unobtainable,  
7 an inspection order may be sought or an emergency inspectorial search conducted pursuant to the  
8 procedures set forth in Sections 24-1-16 through 24-1-19 NMSA 1978 of the Public Health Act.  
9 The inspection officer may investigate the conditions found and make reports provided, that such  
10 entering and investigation are for the sole purpose of ascertaining the conditions entrusted to their  
11 supervision; provided further that their reports are limited to matters pertaining to their duties.

12           **Section 8.       Section 7-1.5 SFCC 1987 (being Code 1953, §7-3 as amended) is**  
13 **amended to read:**

14           **7-1.5 Building Permits.**

15           A.       Except as otherwise provided in this Code, no building permit shall be issued for  
16 the construction, erection or demolition of any structure of any kind within the city unless the  
17 construction, erection or demolition of such structure complies with the terms and provisions of  
18 the codes as set forth in Section 7-1.1A. SFCC 1987 and all applicable ordinances adopted by the  
19 city.

20           B.       Additional provisions regarding building permits are set forth in Section 14-3.10  
21 SFCC 1987.

22           **Section 9.       [REPEAL.]       Section 7-1.6 SFCC 1987 (being Code 1973, §5-5.1 as**  
23 **amended) is repealed.**

24           **Section 10.       [NEW MATERIAL.]   A new Section 7-1.6 SFCC 1987 is ordained to**  
25 **read:**

1           **7-1.6 Building Permit Expiration.**

2           Permits for residential construction shall expire one year from date of issuance and  
3 permits for commercial construction shall expire two years from date of issuance except for  
4 infrastructure permits, specifically grading and drainage permits and landscape and utility  
5 permits, for either residential or commercial construction which shall expire two years from date  
6 of issuance.

7           **Section 11.    ~~[REPEAL.]~~    Section 7-1.9 SFCC 1987 (being Code 1953, §7-5 as**  
8 **amended) is repealed.**

9           **Section 12.    ~~[REPEAL.]~~    Section 7-1.10 SFCC 1987 (being Code 1953, §7-6) is**  
10 **repealed.**

11           **Section 13.    ~~[REPEAL.]~~    Section 7-1.11 SFCC 1987 (being Code 1953, §7-8 as**  
12 **amended) is repealed.**

13           **Section 14.    Section 7-1.12 SFCC 1987 (being Ord. #1963-7, §1 as amended) shall**  
14 **become 7-2.1 SFCC 1987.**

15           **Section 15.    Section 7-1.3 SFCC 1987 (being Ord. #1963-7, §2 as amended) shall**  
16 **become 7-2.2 SFCC 1987.**

17           **Section 16.    ~~[REPEAL.]~~    Section 7-1.14 SFCC 1987 (being Ord. #1984-67, §4**  
18 **as amended) is repealed.**

19           **Section 17.    ~~[REPEAL.]~~    Section 7-1.15 SFCC 1987 (being Ord. #1984-67, §5-**  
20 **4.1 as amended) is repealed.**

21           **Section 18.    ~~[REPEAL.]~~    Article 7-2 SFCC 1987 (being Ord. #1983-26, §§5-12**  
22 **as amended) is repealed.**

23           **Section 19.    ~~[REPEAL.]~~    Article 7-4 SFCC 1987 (being Ord. #1961-25, §§3-13)**  
24 **is repealed in its entirety.**

25           **Section 20.    ~~[REPEAL.]~~    Article 7-5 SFCC 1987 (being Code 1953, §§28-64 as**

1 amended) is repealed in its entirety.

2 Section 21. [REPEAL.] Article 7-6 SFCC 1987 (being Code 1953, §8-1 and 8-  
3 13 as amended) is repealed in its entirety.

4 Section 22. [REPEAL.] Article 7-7 SFCC 1987 (being Ord. #1956-18, §§ 1-2  
5 as amended and Ord. #19875-38, §§2-8 as amended) is repealed.

6 Section 23. [REPEAL.] Article 7-8 SFCC 1987 (being Ord. #1972-23 and  
7 Ord. #1981-30, 2as amended) is repealed. Note: Fair Housing is moved to Chapter 26  
8 Housing.

9 Section 24. [REPEAL.] Article 7-9 SFCC 1987 (being Ord. #1956-17, §§1-2  
10 and Ord. #1985-37, §§2-27 as amended) is repealed.

11 Section 25. [REPEAL.] Article 7-10 SFCC 1987 (being Code 1973, § 29.1-1 as  
12 amended and Ord. #1985-39, §§2-3) is repealed.

13 Section 26. [REPEAL.] Article 7-11 SFCC 1987 (being Code 1973, §31.1.1 as  
14 amended and Ord. #1985-40, §§2-4) is repealed.

15 Section 27. [REPEAL.] Article 7-13 SFCC 1987 (being Ord. #1993-13, §1) is  
16 repealed.

17 Section 28. Article 7-14 SFCC 1987 (being Ord. #1999-10, §§2-20) is moved in its  
18 entirety to Article 26-4 SFCC 1987 except Section 7-14.20 SFCC 1987.

19 Section 29. [REPEAL.] Section 7-14.20 SFCC 1987 9 (being Ord. #1999-10,  
20 §21) is repealed.

21 Section 30. Section 14-3.10(B)(3) SFCC 1987 (being Ord. No. 2002-37 § 12) is  
22 amended to read:

23 (3) Expiration

24 For expiration of building permits see Section 7-1.6 SFCC 1987.

25 Section 31. [NEW MATERIAL.] A new Section 14-3.10(F) is ordained to read:

