

# Building Department Council Report 1-14-20

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This accompanying document provides some explanatory narrative to the Village Code submitted.

## Section I.

I. D. NMSA, sec. 60-13-1 Construction Industries Licensing Act is the enabling document for Municipalities to effect a building department jurisdiction. It also defines construction and other terminology as it applies to the state codes. This Act also provides for contractor licensing by the State, enumerates responsibilities, and establishes penalties and avenues for grievance. It provides minimum qualifications for journeymen, apprentices and contractors in the trades; Inspectors, Trade Bureau Chiefs and Building Officials for Municipalities.

## Section II

A. The adoption following is organized according to the New Mexico Administrative Code (NMAC) and that current code is available at the Regulation and Licensing website on the Construction Industries page in a drop down menu titled Rules, Laws and Building Codes.

### B. Adoptions

#### 1. Chapters 5 and 6

a. Chapter 5 Part 1, General Provisions is the administrative article of the State code providing framework for our Village Building Code administrative activities.

b. Part 2. Permits; delineates types of permits and requirements for submission of documents during application process. This article also enables actions for denying or revoking permits when justified.

c, d, e, f, g, h Chapter 6 Construction Industries Licensing, specifies types of licensing and the work allowable under the types.

2, 3. Title 14 Chapter 7 Building Codes General adopts International Code Council Codes, currently 2015. Part 2 . 14.7.2.1 through 14.7.2.44 is the adopting instrument of the International Building Code. Titled The 2015 New Mexico Commercial Building Code, this article also adopts or not individual appendix chapters of the 2015 IBC by the Village, generally in line with the State adoption:

Appendix F Rodentproofing is adopted as the Village is surrounded by wilderness causing rodents to be a significant nuisance and health danger, which is not necessarily so elsewhere and not State adopted.

Appendix I Patio Covers is adopted by the Village due to strict requirements for snow loads and the resulting necessity for regulation of same, which is not generally problematic in other areas of the State. Without adoption the Village will not regulate such simple additions and resulting structures may not withstand our winters.

Appendix A Employee Qualifications is amended to be less strict by New Mexico Code than the ICC for building department personnel due to difficulty in attracting prospects meeting the strict requirements. It is advisable to align with the State here to ease requirements for future hiring.

Appendix D Fire Districts is not adopted as the Village size does not warrant division into districts.

Appendix J Grading is not adopted by the Village, as a more robust grading ordinance was previously adopted by the Village and this will be readopted later in this process.

Appendix K Administrative Provisions is applicable to particular electrical code adoptions, the State does

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not adopt this appendix, as administrative provisions are established in Chapter 5 of the NMAC and in the New Mexico Electrical Code.

Appendix L Earthquake Recording Instrumentation is not adopted by the Village, as it applies to multistory buildings in earthquake prone locations.

Appendix M Tsunami Generated Flood Hazards is not applicable to Village geography.

4, 5. Part 3. 14.7.3.1 Through 14.7.3.28 The New Mexico Residential Building Code and the International Residential Code, specifically the appendices as explained below

Appendix H Patio Covers is advisable to adopt regulation of such structures. Poorly designed or installed utility and porch or patio covers can be problematic with our snow loads.

Appendix J Existing Buildings encourages the reuse or continued use of legally existing structures.

Appendix K Sound Transmission regulates the level of wall sound transmission and floor ceiling assemblies between dwelling units in multifamily dwellings.

Appendix L Permit Fees is an updated fee schedule very similar to the schedule in use in the Village for determining permit fees based upon the valuation of the project.

Appendix Q Tiny Houses is adopted by the New Mexico Residential Code from the 2018 IRC. This is unusual in that it is the State's only adoption at this time from the 2018 code. I recommend this adoption also primarily for the provisions establishing safe standards for alternative stairways or ladders accessing lofts. Vacation homes have been traditionally built with loft sleeping areas, but the code has been silent on any alternative means to access lofts leaving the only approvable access a stair built to means of egress standards. This is an unfairly strict standard to apply when four or less able bodied people will sleep there.

Appendix R Light Straw Clay Construction establishes standards for the use of light straw clay (adobe in New Mexico with a high straw content) for infill walls in nonstructural applications.

Appendix A, B, C, D, G, N and P are not adopted because the state continues their adoption of the Uniform Plumbing and Mechanical Codes, rather than the competing ICC codes. The State currently permits and inspects plumbing and mechanical installations in the Village therefore we cannot adopt the International Plumbing or Mechanical Codes.

Appendix I Private Sewage Disposal Code is not adopted. New Mexico Environment Department currently permits and regulates these activities when Village infrastructure does not serve a property.

Appendix S Straw Bale Construction is not adopted. The Village is a difficult environment for building with even conventional methods. I would not advise this method for our environment and believe it preferable to treat proposals to use this building method as alternative, which places the burden on the builder to detail his work to the latest standards. Entrapment or intrusion of moisture into straw bale constructed walls can be devastating for the walls, structure or homeowner's health.

6. 14.7.4 NMAC The New Mexico Earthen Building Materials Code is adopted, it governs the use of adobe and rammed earth walls for building construction. There is no reason to prohibit its use in the Village.

7, 8. 14.7.6 NMAC 2009 New Mexico Energy Code and the 2009 International Energy Conservation Code was a compromise by the State in deference to builders in New Mexico who did not want to increase the cost of their developments. I believe builders in the Village understand the advantages spent up

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front for lifetime savings for their buyers or occupants. I will soon be bringing this code before the Village for updating to the 2015 or 2018 IECC.

9, 10. 14.7.7 NMAC The 2015 New Mexico Existing Building Code and the 2015 International Existing Building Code apply to commercial and multifamily buildings. The intent is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

11. 14.7.8 NMAC The Historic Earthen Buildings does not apply to any known buildings in the Village. It is well crafted and passages other than those referring to earthen specifics could be used if buildings in the Village register as historic in the future.

12, 13. 14.8.2 NMAC The 2015 New Mexico Plumbing Code and the 2015 Uniform Plumbing Code Establishes minimum standards for all plumbing contracting in New Mexico.

14, 15. 14.8.3 NMAC The 2012 New Mexico Swimming Pool, Spa and Hot Tub Code, and the 2012 Uniform Swimming Pool, Spa and Hot Tub Code. This rule applies to all contracting work for these installations whether residential or commercial.

16, 17. 14.9.2 NMAC The 2015 New Mexico Mechanical Code and the 2015 Uniform Mechanical Code. This rule applies to all contracting work in the Mechanical Trades in New Mexico, residential and commercial.

18, 19. 14.9.6 NMAC The 2012 New Mexico Solar Energy Code and the 2012 Uniform Solar Energy Code. This rule applies to all solar energy contracting work performed in New Mexico.

20, 21. 14.10.4 NMAC The 2017 New Mexico Electrical Code and the 2017 National Electrical Code. This rule governs electrical contracting work in New Mexico and is administrated and enforced by the Electrical Bureau of CID.

22, 23. 14.11.2 NMAC The 2012 New Mexico Electrical Safety Code and the 2012 National Electrical Safety Code. This code regulates contracting work in New Mexico on customer owned electrical utilities.

24. 19.15.40 NMAC The New Mexico Liquefied Petroleum Gas Standard regulates activities of individuals or persons performing work that involves the use of storage or providing service, for LP Gas.

III. Section enabling enforcement and permitting activities by the Building Official.

IV. This section is drawn heavily from 17-30, the Village Zoning Ordinance to establish procedures for contesting decisions by the Building Official or staff. It differs that if either the Official or complainant are not satisfied with Commission's decision their appeal is to be heard by the CID TAC, rather than the Village Council. ICC Guidelines for an appeals board specify members with various types of construction expertise, from trades to architects, contractors, etc. This makes the Village Council an inappropriate body for such appeals. However the Planning and Zoning Commission powers and duties established in ordinance 97-15 as hearing body for Village Building appeals should be allowed to continue, provided

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that appeals of a highly technical nature may be referred to the CID Technical Advisory Council by decision of the Village Planning and Zoning Commission.

V. Building Permits, enables the Village Building Official to deny permits for cause, or request clarifying information when they do not meet provisions of Village adopted codes.

VI. Fees, currently assessed administratively will be submitted at the next Council meeting concurrent with adoption of the referenced ordinance.

VII. Repeal and Conflict of Codes, establishes a priority for Village codes over adopted codes when passages may have conflicts not specified or discovered in the adoption process. This process is ongoing and major portions are intended to be brought before Council in the first months of 2020. The codes enumerated in this adoption are the known codes affecting Village Buildings. These codes are generally on a 3 year cycle and the adoption will be updated similarly, requiring periodic revision of this ordinance to maintain current cycle. Appendix A is the related document which amends the adopted codes to Village specifications and may also be updated to the code cycles. The volume of text required in this Appendix, however may obscure and confuse the basic adoption of the codes. Therefore the separation of the related Ordinance and Appendix are advisable.

VIII. Non-waiver of immunity. Extends protections as provided by law to agents of the Village when prosecuting provisions of the ordinance.

IX. Severability. Maintains the integrity of the document as a whole in the event that any portion shall be found invalid.

X. Effective Date of the ordinance provides 3 months for project design time to meet new provisions. Delayed date of effectiveness then allows projects designed to previous codes to be permitted for a limited time after publication of the Ordinance. An actual date can be inserted here based on projected publication from date of passage at time of signing.