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HOUSE BILL 400

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

INTRODUCED BY

Debbie A. Rodella

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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- 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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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."