

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTION 3-17-6 NMSA 1978 (BEING LAWS 1965, CHAPTER 300, SECTION 14-16-5) PROVIDING FOR ADOPTION OF CODES.

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) 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;
- (4) an elevator code;
- (5) a fire prevention code;
- (6) a health code;
- (7) housing code;
- (8) a traffic code; or
- (9) any other code 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.

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

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

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009. _____