

## **BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE I. IN GENERAL**

Sections 8-1 to 8-25. Reserved.

### **ARTICLE II. BUILDING CODE**

- Section 8-26. Definitions.
- Section 8-27. Adoption of Corrales building code; amendments; penalties.
- Section 8-28. Statutory authority; jurisdiction and scope.
- Section 8-29. Appointment of building inspector; administrative authority.
- Section 8-30. Responsibility for compliance.
- Section 8-31. Conflicts.
- Section 8-32. Alternate materials, methods and assemblies of construction.
- Section 8-33. Unsafe structures or condition.
- Section 8-34. Appeals.
- Section 8-35. Permits required.
- Section 8-36. Exceptions to requirements for permits.
- Section 8-37. Submittal documents.
- Section 8-38. Issuance and validity of permit.
- Section 8-39. Suspension cancellation, or revocation of permit.
- Section 8-40. Expiration, deactivation and cancellation of permit.
- Section 8-41. Denial of permit.
- Section 8-42. Failure to obtain permit.
- Section 8-43. Temporary structures.
- Section 8-44. Homeowner's permits.
- Section 8-45. Inspections.
- Section 8-46. Stop work orders.
- Section 8-47. Certificates of occupancy.
- Section 8-48. Development and permit fees.
- Sections 8-49 to 8-50. Reserved.

### **ARTICLE III. SWIMMING POOL CODE**

- Section 8-51. Purpose.
- Section 8-52. Scope.
- Section 8-53. Existing installations.
- Section 8-54. Nuisances; authority to abate.
- Section 8-55. Administrative authority.

- Section 8-56. Powers and duties of code enforcement officer.
- Section 8-57. Penalty for violation of article; limitations on permits.
- Section 8-58. Permit required.
- Section 8-59. Work not requiring a permit.
- Section 8-60. Application for permit; issuance.
- Section 8-61. Permit and inspection fees.
- Section 8-62. All work to be inspected.
- Section 8-63. Notification for inspection.
- Section 8-64. Stop work orders.
- Section 8-65. Suspension or revocation of permit.
- Section 8-66. Board of appeals; appeal hearings.
- Section 8-67. Disclaimer of liability.
- Sections 8-68 to 8-90. Reserved.

### **ARTICLE IV SIGNS**

- Section 8-91. Definitions.
- Section 8-92. Penalty for violation of article.
- Section 8-93. Enforcement.
- Section 8-94. Prohibited signs and prohibited locations of signs.
- Section 8-95. Illumination restrictions.
- Section 8-96. Permit required; application; fee.
- Section 8-97. Permitted signs, size restrictions.
- Section 8-98. Height limitations.
- Section 8-99. Responsibility for compliance.
- Section 8-100. Nonconforming signs.
- Section 8-101. Variances.
- Sections 8-102 to 8-140. Reserved.

### **ARTICLE V. ABATEMENT OF DANGEROUS BUILDINGS**

- Section 8-141. Adopted.
- Section 8-142. Penalty.
- Sections. 8-143 to 8-150. Reserved.

### **ARTICLE VI. MOVING BUILDINGS**

- Section 8-151. Permit required; fee.
- Section 8-152. Permit application.
- Section 8-153. Utility lines.

Cross references: Fire prevention and protection, Ch. 16; Land use, Ch. 18; Alarm systems, § 20-51 et seq.; Solid waste management, Ch. 30; State law references: Powers relative to public buildings, NMSA 1978, § 3-18-4; Building construction and restrictions, NMSA 1978, § 3-18-6.

## **ARTICLE I. IN GENERAL**

**Sections 8-1 to 8-25. Reserved.**

**ARTICLE II. BUILDING CODE****Section 8-26. Definitions.**

In this article, the following terms and abbreviations shall have the meaning indicated, unless a different significance is clearly indicated by context.

(a) “*Building inspector*” means the building inspector appointed by the Village as provided in Section 8-29(a) of this Code.

(b) “*Building official*” or “*CID building official*” means the bureau chief of the appropriate trade bureau of CID.

(c) “*Building permit*” or “*permit*” means a general construction permit issued by the Village in accordance with the provisions of this article, unless the context clearly indicates otherwise.

(d) “*Construction Industries Division*” or “*CID*” means the construction industries division of the regulation and licensing department of the State of New Mexico.

(e) “*Construction Industries Licensing Act*” or “*CILA*” means NMSA 1978, Chapter 60, Article 13.

(f) “*Contracting*” has the meaning indicated in NMSA 1978, § 60-13-3.

(g) “*Corrales Building Code*” or “*CBC*” means the building code of the Village of Corrales, as adopted in this article.

(h) “*Historic earthen building*” means a structure that is at least twenty-five (25) years old and which is constructed in significant part, including at least one exterior wall, from earthen materials, including adobe, burned adobe, compressed earth block, rammed earth, or terrón.

(i) “*International Building Code*” or “*IBC*” means the 2006 international building code and any subsequent international building code adopted by the Construction Industries Division as the New Mexico commercial building code.

(j) “*International Residential Code*” or “*IRC*” means the 2006 international residential code and any subsequent international residential code adopted by the Construction Industries Division as the New Mexico residential building code.

(k) “*New Mexico construction code(s)*” means any of the codes adopted by the Construction Industries Division, as compiled and as modified or amended by rule in Title 14, Chapters 7 through 10 of the New Mexico Administrative Code (“NMAC”), and in any amendments, revisions or replacements thereto or thereof adopted by the Construction Industries Division.

(l) “*Planning and zoning administrator*” means the planning and zoning administrator of the Village of Corrales.

(m) “*Published code*” means any code or standard published by an entity other than the State of New Mexico and adopted by reference, or referred to as a standard in this article or in any rule or regulation of the Construction Industries Division.

(n) “*Registered design professional*” has the meaning given that term in Title 14 of the New Mexico Administrative Code.

*History: Ord. No. 05-01, adopted 3-8-05; Ord. No. 07-020, adopted 2-12-08; Ord. No. 08-012, adopted 9-9-08.*

**Section 8-27. Adoption of Corrales building code; amendments; penalties.**

(a) *Adoption of Residential Building Code.* The 2006 New Mexico Residential Building Code, which adopts and amends the 2006 International Residential code pursuant to part 14.7.3 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(b) *Adoption of Commercial Building Code.* The 2006 New Mexico Commercial Building Code, which adopts and amends the 2006 International Building code pursuant to part 14.7.2 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(c) *Adoption of Non-Load Bearing Baled Straw Construction Building Standards.* The 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, as adopted by CID pursuant to part 14.7.5 NMAC effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, are hereby adopted by the Village in their entirety except as otherwise provided in this section.

(d) *Adoption of Earthen Building Materials Code.* The 2006 New Mexico Earthen Building Materials Code, as adopted by CID pursuant to part 14.7.4 NMAC effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(e) *Adoption of Energy Conservation Code.* The 2006 New Mexico Energy Conservation Code, which adopts and amends the 2006 International Energy Conservation code pursuant to part 14.7.6 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(f) *Adoption of Existing Building Code.* The 2006 New Mexico Existing Building Code, being the 2006 International Existing Building Code with amendments, deletions and revisions as adopted by CID pursuant to part 14.7.7 NMAC, effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted in its entirety except as otherwise provided in this section.

(g) *Adoption of Historic Earthen Buildings Code.* The 2006 New Mexico Historic Earthen Buildings Code, as adopted by CID pursuant to part 14.7.8 NMAC effective January 1, 2008, including all subsequent revisions, amendments or replacements thereto or thereof adopted by the CID, is hereby adopted by the Village in its entirety except as otherwise provided in this section.

(h) *Exceptions.* The following additions, deletions and amendments are adopted and shall be an integral part of the Corrales Building Code:

- (1) And and all parts, subparts or sections of any international code or New Mexico code relating to fees, are deleted and in their place the Village of Corrales shall establish permit fees, inspection fees and other fees as provided in this Code and by resolution of the Governing Body.
- (2) Whenever the height and area requirements of Chapter 18, Article II of this Code pertaining to zoning differ from any present or subsequent provisions in any applicable edition of the New Mexico Residential Building Code, the New Mexico Commercial Building Code, the New

Mexico Non-Load Bearing Baled Straw Construction Building Standards, the New Mexico Earthen Building Materials Code, the New Mexico Energy Conservation Code, the New Mexico Existing Building Code, or the New Mexico Historic Earthen Buildings Code, the more restrictive height and area requirements shall control.

- (3) To the extent that any subsequent revisions, amendments or replacements of the 2006 New Mexico Residential Building Code, the 2006 New Mexico Commercial Building Code, the 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, the 2006 New Mexico Earthen Building Materials Code, the 2006 New Mexico Energy Conservation Code, the 2006 New Mexico Existing Building Code, or the 2006 New Mexico Historic Earthen Buildings Code might be construed to affect the procedural provisions of this Code, such revisions or amendments shall not be adopted by the Village except by specific action of the Governing Body. However, all substantive revisions or amendments establishing construction or building standards shall become effective for the Village at the same time and to the same extent that they are made effective by action of CID.

(i) *Citation as "Corrales Building Code"*. The 2006 New Mexico Residential Building Code, the 2006 New Mexico Commercial Building Code, the 2006 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, the 2006 New Mexico Earthen Building Materials Code, the 2006 New Mexico Energy Conservation Code, the 2006 New Mexico Existing Building Code, and the 2006 New Mexico Historic Earthen Buildings Code, as adopted and as modified pursuant to this section, and including any subsequent revisions, amendments or replacements thereto or thereof that are effective as to the Village pursuant to this section, shall be collectively known and may be cited as the "Corrales Building Code."

(j) *Copies available*. Copies of the Corrales Building Code as adopted in this section shall be available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on regular business days at the office of the Village Clerk, and may be inspected by any interested party.

(k) *Penalties*. Except as otherwise specifically provided in this article, any person convicted to violating the provisions of this article may be punished in accordance with Section 1-6.

*History: Ord. No. 67, §§ 10-1-1 through 10-1-4, adopted 8-10-76; Ord. No. 05-01, adopted 3-8-05; Ord. No. 07-020, adopted 2-12-08; Ord. No. 08-012, adopted 9-9-08.*

### **Section 8-28. Statutory authority, jurisdiction and scope.**

(a) The Corrales Building Code is adopted pursuant to the authority set forth in NMSA 1978, §§ 3-17-6, 3-18-6, 60-13-41, 60-13-42, and 60-13-43, as amended and shall be applicable to all property within the corporate limits of the Village of Corrales.

(b) The Village intends, through enforcement of the Corrales Building Code, to regulate the general construction, installation, alteration, repair and demolition of commercial structures and residential structures (including modular homes, premanufactured homes, manufactured commercial units and outbuildings) within the jurisdiction of the Village of Corrales.

(c) Electrical, electrical safety, plumbing and mechanical codes as well as the regulation of liquefied petroleum gas, shall be enforced within the Village by CID, in accordance with applicable State law.

(d) Regulation of manufactured housing pursuant to NMSA 1978, Chapter 60, Article 14, shall not be performed by the Village, and shall remain the responsibility of CID. Any apparent violation of the New Mexico statutes and rules related to manufactured housing shall be referred to CID for review and enforcement.

*History: Ord. No. 05-01, adopted 3-8-05.*

**Section 8-29. Appointment of building inspector; administrative authority.**

(a) *Appointment.* The provisions of this article shall be administered and enforced by the Village Building Inspector. The Building Inspector shall be appointed by the Mayor, subject to the approval of the Governing Body, and must be approved and certified as an inspector by the CID in accordance with NMSA 1978, § 60-13-43, and applicable regulations of the CID. The Building Inspector must, at the least, be approved and certified to inspect the construction, installation, alteration, or repair of commercial buildings, residential buildings, modular homes, premanufactured homes and manufactured commercial units. The Building Inspector shall report to the planning and zoning administrator for administrative purposes, but in making determinations as to compliance with the Corrales Building Code shall exercise his or her independent judgment, consistent with the Corrales Building Code and any other applicable standards of the Village, of CID, or of any other authority.

(b) *Inspections.* The Building Inspector shall make inspections as necessary to administer and enforce the provisions of Chapter 8 (Buildings and Building Regulations) and of Chapter 18 (Land Use) of this Code. For that purpose, the Building Inspector shall have the right of entry whenever necessary, at all reasonable times, to make an inspection required for the administration or enforcement of the applicable provisions of this Code; provided, however, that if the building or premises is occupied the Building Inspector shall first present proper credentials and demand entry, and if the building or premises is unoccupied the Building Inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If entry is refused, the Building Inspector shall have recourse to all available remedies provided at law to secure entry.

(c) *Enforcement and Interpretation.* In the event there is any question regarding interpretation of the Corrales Building Code, the Building Inspector may consult with CID, and appropriate officials of CID may render interpretations of the Corrales Building Code in accordance with New Mexico statutes and rules and the established procedures for the interpretation and application of that code, including specifically Section 14.5.1.10 NMAC.

(d) *Notices.* The Building Inspector shall timely issue, or cause to be issued, all notices required by the Corrales Building Code, the Construction Industries Licensing Act (NMSA 1978, §§ 60-13-1 et seq.), and CID rules that are necessary in order to ensure compliance with the Corrales Building Code. However, these provisions shall not be construed to require or permit the Building Inspector to issue notices related to or requiring compliance with the New Mexico Electrical Code, the New Mexico Electrical Safety Code, the New Mexico Mechanical Code, or the New Mexico Plumbing Code. Such notices shall be issued by CID, and it shall be the responsibility of the contractor or other person performing the work to ensure that all permits, whether issued by CID or by the Village, are obtained at the appropriate times and in the appropriate sequence during the progress of the work.

*History: Ord. No. 05-01, adopted 3-8-05.*

**Section 8-30. Responsibility for compliance.**

(a) Every contractor or homeowner who performs work in connection with the installation or repair of any building or structure regulated by the Corrales Building Code is responsible for complying with the Corrales Building Code.

(b) When a violation of the Corrales Building Code is alleged, the Building Inspector shall investigate the allegation to obtain sufficient evidence or proof to determine whether a violation has occurred. The Building Inspector may require tests, at no cost to the Village, to determine compliance. Such tests shall be conducted in conformance with nationally recognized testing standards, or if no standards have been established, in conformance with such specifications as the Building Inspector shall approve. Such reports and tests shall include those published or conducted by reliable and reputable

sources approved by the Building Inspector, in accordance with the standards adopted by the Village and the CID.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-31. Conflicts.**

(a) *Between different parts of the Corrales Building Code or between the Corrales Building Code and other current codes.* When the provisions of any part of the Corrales Building Code specify different materials, methods, construction, or other requirements than other provisions of the Corrales Building Code or other New Mexico construction codes, the general rule of interpretation to be applied is that the most restrictive provision shall apply, and the most specific provision shall govern more general provisions. In the event of any such conflict, if the appropriate resolution of the conflict is not clear to the Building Inspector, the Building Inspector may consult with CID, and the interpretation of the appropriate CID building official shall control.

(b) *With prior New Mexico or Corrales building codes.* The Corrales Building Code shall not apply to require a change in any structure existing at the time the Corrales Building Code becomes effective provided that the structure was constructed and has been maintained in compliance with the laws and CID rules in effect at the time the existing structure was constructed or maintained; and provided that, if all or any part of the structure is determined to be unsafe, Section 8-33 of this Code will govern.

(c) *With requirements of other agencies.* When a regulatory agency other than the Village of Corrales or any Corrales official other than the Building Inspector may or might have jurisdiction over certain aspects of a project, the Building Inspector shall cooperate with any such agency or official to ensure compliance with all applicable requirements. Such aspects may include, but are not limited to, compliance with fire code standards enforced by the State fire marshal or the Corrales Fire Department; or any other applicable code or standard enforced by CID, the State environment department, the State health department, State human services department, the public regulation commission, the governor's committee on the concerns of the handicapped, or the Village of Corrales. From time to time, the Village of Corrales may enter into agreements with CID or with other regulatory agencies pursuant to which the other agency's requirements are made a prerequisite to an action by the Village. In such cases, satisfaction of such a prerequisite will not necessarily constitute full compliance with the other agency's requirements.

(d) *With other laws.* The Corrales Building Code shall not be deemed to contravene or invalidate any other valid federal, State or local law.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-32. Alternative materials, methods, and assemblies of construction.**

The Corrales Building Code shall not be interpreted to prevent the use of any material, method, or assembly of construction not specifically prescribed by the Corrales Building Code. The Building Inspector, upon the explicit approval of the appropriate CID building official, is authorized to permit a variance or approve an alternative as provided in this section.

(a) *Variances.* If the circumstances of a particular construction project make strict compliance with a provision of the Corrales Building Code impossible or impracticable, the Building Inspector, with the approval of the appropriate CID building official, has the authority to approve a variance to the provision; provided, however, that any such variance must be consistent with the intent of the Corrales Building Code, and shall not nullify or otherwise negate such intent, nor shall such variance adversely affect health, life-safety, accessibility, fire resistance or structural requirements otherwise applicable in the circumstances. No variance shall be valid or have force or effect unless in writing and signed by the Building Inspector and the CID building official.

(b) *Alternatives.* The Building Inspector is authorized, in accordance with the Corrales Building Code and with the explicit written approval of the appropriate CID building official, to approve materials, designs and methods or assemblies of construction that are not expressly specified in the Corrales Building Code if the alternative complies with the intent of the Corrales Building Code; provided, however, that the alternative is equivalent in quality, strength, effectiveness, fire resistance, durability and safety to the required code provision.

c) *Supporting data.* The Building Inspector is authorized to require sufficient evidence or proof in determining whether a variance or alternative is permissible. The Building Inspector is authorized to require tests, at no cost to the Village, to determine whether the proposed variance or alternative is in compliance with the intent of the Corrales Building Code. Such tests shall be conducted in conformance with nationally recognized testing standards, or if no standards have been established, in conformance with such specifications as the Building Inspector shall approve. Such reports and tests shall include those published or conducted by reliable and reputable sources approved by the Building Inspector, in accordance with the standards adopted by the Village and CID.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-33. Unsafe structures or conditions.**

(a) Whenever the Building Inspector discovers a condition in a structure that constitutes an unsafe condition, the Building Inspector shall take the following action:

- (1) If the unsafe condition results from construction in progress, issue a correction notice or stop work order as is necessary to abate the unsafe condition;
- (2) If the unsafe condition is in an existing building, prepare a report identifying the location of the structure and the unsafe condition observed. The report shall be provided to the planning and zoning administrator, to the appropriate CID inspector or building official, and to the owner, agent or person in control or possession of the structure when the identity of owner, agent or person can be readily determined; or
- (3) If the unsafe condition relates to any utility service the Building Inspector shall promptly report the matter to CID in writing for action by the appropriate CID inspector or building official.

(b) For purposes of this section, an unsafe condition is any condition that constitutes a violation of the Corrales Building Code or the CID rules and poses an actual threat to the health, safety or welfare of persons or property.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-34. Appeals.**

(a) *Appeal to the Governing Body.* Any person aggrieved by a decision of the Building Inspector may appeal that decision in writing to the Governing Body. Such appeal must set forth specifically the grounds for the appeal, showing wherein the appellant claims that there was an error or an abuse of discretion, or where the decision was not supported by substantial evidence, and must be filed with the Village Clerk, along with the applicable filing fee, no more than twenty (20) days after the decision which is the subject of the appeal. Any appeal not submitted within twenty (20) days will not be considered by the Governing Body.

(b) *Public hearing.* The decision of an appeal shall be made by the Governing Body following a public hearing. The hearing at which an appeal will be heard must receive legal notice in accordance with applicable law and the provisions of this Code.

(c) *Stay of proceedings.* A proper appeal by an aggrieved party shall stay enforcement of the decision appealed from unless the Building Inspector and the planning and zoning administrator concur that a stay will cause imminent peril to life or property, and so certify to the Governing Body. Upon such certification, the proceedings shall not be stayed except by order of the district court.

(d) *Notice of decision.* A notice of decision of the Governing Body shall be sent by mail to the appellant no later than ten (10) days after the decision is made. Said notice of decision must accompany any subsequent application for a building permit for the project involved in the appeal.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-35. Permits required.**

(a) *Permit requirement.* Except as otherwise provided in this article, no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, unless the applicable building permit has first been obtained from the Village.

(b) *Exceptions to permit requirement.* Exceptions from permit requirements of the Corrales Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Corrales Building Code, the Construction Industries Licensing Act, any part of the CID rules, or any other applicable law.

(c) *Previously permitted work; previously submitted plans.*

(1) Any work for which a permit has lawfully been issued by CID prior to the effective date of the Corrales Building Code, which permit has not expired, deactivated or been revoked or suspended by CID, may proceed as permitted, and the rules, codes and standards in effect at the time the permit was issued shall be the rules, codes and standards governing the work and its inspection.

(2) Any work for which plans have been submitted and received by CID or by the Village shall be permitted and inspected pursuant to the rules in effect at the time the plans were received.

(d) *Eligibility.* No person who is not appropriately, validly and currently licensed by CID is eligible to apply for or be issued a permit under this ordinance, except, however, that subject to the provisions of Section 8-44, a homeowner's permit may be issued to an unlicensed person. Any apparent violation of the requirement that a person performing work have a valid and current license shall be referred to CID for review and possible enforcement action.

(e) *Application for permit.* In order to obtain a building permit, the applicant must complete and submit a written application on the form and in the manner indicated by the Village.

(f) *Other permit types.* The Village will issue only general building permits. Permits for electrical, mechanical/plumbing, and liquefied petroleum gas work must be obtained from CID. Manufactured home installation permits must be obtained from the New Mexico Manufactured Housing Division.

*History: Ord. No. 05-001, adopted 3-8-05.*

### **Section 8-36. Exceptions to requirements for permits.**

(a) *Commercial.* Permits shall not be required for the following:

(1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).

(2) Fences not over 6 feet (1.829 meters) high.



- (3) Oil derricks.
- (4) Retaining walls that are not over 4 feet (1.219 meters) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II, or III-A liquids.
- (5) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 liters) and the ratio of height to diameter or width does not exceed 2 to 1.
- (6) Sidewalks and driveways not more than 30 inches (762 millimeters) above grade and not over any basement or story below and which are not part of an accessible route.
- (7) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work..
- (8) Temporary motion picture, television and theater stage sets and scenery.
- (9) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in the New Mexico Residential Building Code, which are less than 24 inches (610 millimeters) deep, do not exceed 5,000 gallons (18,927 liters) and are installed entirely above ground.
- (10) Shade cloth structures constructed for nursery or agricultural purposes and not including services systems.
- (11) Swings and other playground equipment accessory to one-and two-family dwellings.
- (12) Window awnings supported by an exterior wall of group R-3, as applicable in the New Mexico Residential Building Code, and group U occupancies.
- (13) Moveable cases, counters and partitions not over 5 feet 9 inches (1.753 meters) in height.
- (14) Any work not otherwise regulated by the New Mexico construction codes and the CID rules.

(b) *Residential*. Permits shall not be required for residential work that is not regulated under the Corrales Building Code or applicable New Mexico building codes.

*History: Ord. No. 05-01, adopted 3-8-05.*

### **Section 8-37. Submittal documents.**

(a) With each application for a permit, and when required by the Building Inspector or elsewhere in the Corrales Building Code, two (2) sets of the following documents (collectively, “submittal documents”) must be submitted:

- (1) Type, occupancy and kind of structure;
- (2) Plans;
- (3) Specifications;
- (4) Engineering calculations;
- (5) Diagrams;

- (6) Soil investigation reports;
- (7) Exterior wall envelope;
- (8) A current wastewater permit from the New Mexico Environment Department;
- (9) Documentation of compliance with Village zoning regulations, including but not limited to setbacks, access, height requirements, on site ponding, location of wells, and location of septic systems; and
- (10) Any other data or document required by the Building Inspector.

(b) Submittal documents for all buildings shall describe the exterior wall envelope in sufficient detail to enable the plan review to determine compliance with the Corrales Building Code; the submittal documents shall show the exterior wall envelope in detail as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.

(c) For construction subject to the New Mexico Commercial Building Code, see sections 106.1.1, 106.1.2, 106.2 of the International Building Code for other requirements regarding submittal documents, including form, means of egress, and site plans.

(d) For construction subject to New Mexico Residential Building Code, see sections 106.1.1, 106.1.2, 106.1.3 and 106.2 of the International Residential Code for other requirements regarding submittal documents, including form, manufacturer's installation instructions, construction in flood areas, and site plans.

(e) Upon approval, one (1) set of the submittal documents shall be retained by the Village, and one (1) set shall be returned to the permittee, shall be available at the work site, and shall be available for inspection by the Building Inspector during the performance of the permitted work.

(f) The Building Inspector may require submission of any specifications, drawings or diagrams necessary to show clearly the kind and extent of building construction work for which a permit application has been submitted.

(g) *Professional seals requirements.* The Building Inspector is authorized to require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, and/or by a professional engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto. An architect and/or engineer stamp is required for all uses listed in table 1004.1.2 in the International Building Code.

(h) *Exceptions to professional seals requirements.* The requirement for plans and specifications to be prepared by an architect and/or engineer shall not be required in any of the following instances unless, in the discretion of the Building Inspector, an exception is not in the best interests of public safety or health.

- (1) Multiple dwellings of not more than two (2) stories in height and containing not more than four (4) dwelling units constructed of materials approved for use pursuant to the New Mexico Residential Building Code, and provided that this exception is not construed to allow a person who is not an architect to design multiple clusters of four (4) dwelling units each where the total exceeds four (4) dwelling units on each lawfully divided lot.
- (2) Garages or other structures not more than two (2) stories in height which are appurtenant to

buildings described in paragraph (h)(1) or (h)(5) of this section.

- (3) Group A, B, E divisions 1 and 2, F, M, S, U buildings or additions having a total occupant load of ten (10) or less (as defined in Section 1003.2.2 and Table 1003.2.2.2 of the International Building Code), and not more than two (2) stories in height.
- (4) Alteration to buildings or structures that present no unusual conditions or hazards or change in occupancy.
- (5) Single-family dwellings, not more than two (2) stories in height.

(i) *Submission may be waived.* The Building Inspector may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with the Corrales Building Code.

(j) *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted with the application for the permit, and that are to be submitted, thereafter, within a period specified by the Building Inspector. Deferral of any submittal items must have the prior approval of the Building Inspector. The responsible design professional shall list the deferred submittals on the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional who shall review and forward them to the Village with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The items identified in the deferred submittals shall not be installed until the Building Inspector has approved their design and submittal documents.

(k) *Responsible design professional.* When submittal documents are required to be prepared by a registered design professional, the permit application shall indicate the registered design professional who shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. This design professional shall be deemed to be the “responsible design professional.” The permittee shall notify the division in writing within a reasonable period of time, not to exceed ten (10) business days, if the responsible design professional is changed or is unable to continue to perform the duties required.

(l) *Special submissions.* The Building Inspector is authorized to require, before and after the commencement of a project, the submission of any specification, drawing or diagram necessary to adequately and clearly show the kind, extent, and occupancy of the general building or any work on the project that is covered by the permit issued, or that is required to be permitted under the Corrales Building Code.

(m) *Phased approval.* See Section 106.3.3 of the International Building Code for work subject to the New Mexico Commercial Building Code, and Section 106.3.3 of the International Residential Code for work subject to the New Mexico Residential Building Code.

(n) *Correction of submittal documents.* The issuance of a permit based on certain plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the Corrales Building Code or any other applicable law, regulation or rule would result.

(o) *Permit contents and display.* In compliance with NMSA 1978, § 60-13-59 of the Construction Industries Licensing Act, every permit or notice of permit issued by the Village shall:

- (1) Clearly indicate the name and address of the owner of the property;
- (2) Contain a legal description of the property being built on either by “lot and block” description in a subdivision, by street address in a municipality, by reference to lot number on the appropriate map of the Middle Rio Grande Conservancy District, or by other suitable description;
- (3) Contain the name, address and license number of the contractor or the homeowner to whom the permit is to be issued, and the name of the architect and/or engineer as may be required by the Building Inspector; and
- (4) Be prominently displayed on the site where the permitted work is to be performed.

(p) *Retention of documents.* The Village shall retain construction documents, including submittal documents and permit applications, in accordance with New Mexico State laws governing document retention.

(q) *Preliminary inspection.* As part of the document review process, before issuing a building permit, the Building Inspector is authorized to examine or cause to be examined buildings, structures and sites for which an application for a building permit has been filed.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-38. Issuance and validity of permit.**

(a) *Plan review.* Within a reasonable time after receipt, the Building Inspector shall review submittal documents for compliance with the Corrales Building Code. If the submittal documents do not comply, the Building Inspector shall reject them and shall communicate the reasons for rejection to the applicant in writing. If the submittal documents meet the applicable provisions of the Corrales Building Code, the submittal documents shall be approved, in writing or by stamp, as “reviewed” and the Village shall issue a building permit to the applicant after payment in full of the applicable permit fees.

(b) *Authorization to change.* No change or modification may be made to approved submittal documents for which a permit has been issued without the express, written authorization of the Building Inspector. All work authorized by a permit must be performed in accordance with the approved submittal documents for which the permit was issued. Changes in the work authorized by a permit must be reflected in an amended set of submittal documents, which must be resubmitted for approval by the Village.

(c) *Validity of Permit.* The issuance or granting of a permit shall not be construed to be permission for, or an approval of, any violation of any of the provisions of the Corrales Building Code, the New Mexico construction codes or any other applicable law or rule. Permits presuming to give authority to violate or cancel the provisions of the Corrales Building Code, the New Mexico construction codes or any other applicable law or rule shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Inspector from requiring the correction of errors in the construction documents and other data.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-39. Suspension, cancellation, or revocation of permit.**

(a) The Building Inspector is authorized to suspend, cancel or revoke a permit issued pursuant to the Corrales Building Code for any of the following causes:

- (1) Whenever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information;

- (2) Whenever the permit was issued in violation of the Corrales Building Code or other applicable statutes, ordinances, rules or regulations;
- (3) When there is no contractor on the job;
- (4) Work stoppage;
- (5) Change in the person or entity performing the work; or
- (6) At the request of the permittee.

(b) A suspended permit may be reactivated upon approval of the Building Inspector and payment of any applicable fees.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-40. Expiration, deactivation and cancellation of permit.**

(a) *Expiration.* Every permit issued by the Village of Corrales under the provisions of the Corrales Building Code shall expire and be void if the work authorized by such permit is not commenced within 180 days from the date such permit was issued.

(b) *Deactivation, reactivation, and cancellation.* If the work authorized by a permit is suspended, delayed or abandoned at any time after the work is commenced and such suspension, delay or abandonment continues for 180 days, the permit shall become inactive. An inactive permit may be reactivated if the work resumes within one (1) year from the date the permit was issued, upon approval of the Building Inspector and payment of a fee equal to one-half (1/2) of the original permit fee. Such reactivated permit will authorize work only to the extent it conforms to the submission documents on which the original permit was issued. If work does not resume within one (1) year from the date the inactive permit was issued, the inactive permit will automatically cancel. In order for work on the project to continue, a new permit application must be submitted, a new, full permit fee must be remitted, and a new permit issued.

(c) *Extension of time.* The Building Inspector may extend the time of an active permit for an additional period not to exceed 180 days on receipt of a written request from the permit holder showing that circumstances beyond the control of the permittee have caused delay in the permitted work.

(d) *Penalties.* Any work performed after a permit expires, cancels or becomes inactive shall constitute a violation of the Corrales Building Code and the person performing the work, or causing the work to be performed, may be subject to penalties as provided in §1-6 of the Village Code.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-41. Denial of permit.**

(a) The Building Inspector may deny the issuance of a permit and associated inspections for good cause. Good cause shall include, without limitation:

- (1) Failure to pay all or part of a permit fee or penalty when due;
- (2) Payment of any amount due to the Village with a “non-sufficient funds” check;
- (3) An outstanding balance on any amount due to the Village that has accrued without approval of the Village;

- (4) Failure to obtain pre-approval of the project for zoning regulation; or
- (5) Failure of the documents submitted to meet all of the requirements set forth for such submittal documents in applicable ordinances, statutes, rules or regulations.

(b) After receipt of a “non-sufficient funds” check, the Village may require any future payment from the maker of such check in the form of cash, certified check, or cashier's check.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-42. Failure to obtain permit.**

If any work, other than site preparation, for which a permit is required is commenced prior to obtaining the necessary permit, the Village of Corrales may assess a fee in the amount of twice the usual permit and inspection fees or, upon the recommendation of the Building Inspector and upon the approval of the Village Administrator, may refer the matter for prosecution and imposition of penalties as provided in the Village Code.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-43. Temporary structures.**

(a) *Permits.* The Building Inspector is authorized to issue a permit for temporary structures and temporary uses. Such permits shall specify an expiration date not to exceed one (1) year from the date of issuance. The Building Inspector is authorized to grant extensions for good cause that is supported by credible evidence.

(b) *Conformance.* Temporary structures must be in conformance with applicable provisions of the Corrales Building Code.

(c) *Temporary power.* Upon issuance of a permit for a temporary structure, the permittee may make application to the appropriate CID building official for connection of a temporary system for supplying electrical power, water, gas, or sewage service. Connection and discontinuance of such service shall be governed by applicable State law and CID rules.

(d) *Termination of approval.* The Building Inspector is authorized to terminate a permit for a temporary structure when it appears to the Building Inspector that it is in the best interests of health, safety and welfare to do so. The Building Inspector shall immediately notify CID in the event any permit for a temporary structure is terminated.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-44. Homeowner's permits.**

(a) Homeowner's permits are limited to R-3 single-family dwellings, U-1 private garages, carports, sheds and agricultural buildings, and U-2 fences. No application for a homeowner's permit may be made to cover construction of any structure, or installations within any structure, or construction of part of a structure, where the use will be anything but residential purposes. This applies to additions to residential dwellings that will not be used for residential purposes. Further, homeowner's permits may not be used to cover construction of any structure, or installations within any structure, or construction of part of a structure, where the homeowner will not personally reside.

(b) Any person applying for a homeowner's permit in order to construct a personal residence in accordance with NMSA 1978, § 60-13-3(D)(10), must sign a homeowner's permit responsibility sheet issued by the Village of Corrales, acknowledging legal responsibilities and liabilities before obtaining such a permit.

(c) The homeowner's permit covers general, residential construction only.

(d) A homeowner's permit may not be used to permit a project where a GB-2 or GB-98 contractor is acting as a general contractor on the project. Any contractor acting as a general contractor on a project where there is a homeowner's permit must obtain a building permit for his work, and shall be held responsible for any work performed at this site. Further, licensed subcontractors will be held responsible for their work, which also must be permitted separately.

(e) Homeowner's permit projects may not be placed on the market for sale while under construction. Such an action violates the requirements of NMSA 1978, § 60-13-3(D)(10), and will result in the automatic void of any building permit issued by the Village. In the event that such a project is placed on the market for sale in violation of this provision, the Village may also refer the matter to CID for initiation of unlicensed contracting charges against the homeowner in accordance with NMSA 1978, § 60-13-52.

(f) No more than one (1) homeowner's permit for an R-3 single-family dwelling shall be issued to the same person within any twelve (12) month period.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-45. Inspections.**

(a) *Application.* All work for which a building permit is issued must be inspected.

(b) *Code compliance.* The inspections necessary to ensure that the work complies with the Corrales Building Code shall be performed by the Building Inspector.

(c) *Notification.* It is the responsibility of the permittee, or the permittee's duly authorized agent, to timely notify the Building Inspector which work is ready for inspection, and to provide access to, and the means to perform inspections of, the work. Notification shall be made as specified on the permit or in other instructions made available by the Building Inspector or the Village, but in no event shall such notification be given less than twenty-four (24) hours before the work is to be inspected. Notification shall be at no cost to the Village.

(d) *Violations.* If, upon inspection, any permitted work is found not to be in full compliance with an applicable code, the Building Inspector shall serve a written notice on the permittee citing the code violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the Building Inspector when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction notice within the time required by the Building Inspector or, if no time is specified, within a reasonable time is a violation of the Corrales Building Code and may result in citation or other enforcement action by the Village.

(e) *Covered and unapproved work.* Work must be visible to be inspected and shall not be covered or used before approval is given by the Building Inspector. Work that is covered before it is inspected, tested, if applicable, and approved may be ordered uncovered by the Building Inspector. No work shall be performed in the course of the inspections process beyond what is required for the next inspection without approval of the Building Inspector.

(f) *Inspections required.* The following inspections for work governed by the Corrales Building Code are required unless otherwise indicated:

(1) For work subject to the New Mexico Commercial Building Code:

a. Footing and foundation inspection, see Section 109.3.1 of the IBC;

- b. Concrete slab or under floor inspection, see Section 109.3.2 of the IBC;
- c. Lowest floor elevation, see Section 109.3.3 of the IBC;
- d. Frame inspection, see Section 109.3.4 of the IBC;
- e. Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered; and
- f. Final inspection, see Section 109.3.10 of the IBC.

(2) For works subject to the New Mexico Residential Building Code:

- a. Footing and foundation inspection, see Section 109.1.1 of the IRC;
- b. Frame and masonry inspections, see Section 109.1.4 of the IRC;
- c. Fire resistance rated construction inspection, see Section 109.1.5.1 of the IRC;
- d. Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered; and
- e. Final inspection, see Section 109.1.6 of the IRC.

(g) *Electrical, plumbing, and mechanical inspections.* Inspections of electrical, plumbing, and mechanical work shall be performed by CID in accordance with applicable statutes and rules. The Village does not have authority nor responsibility to perform such inspections.

(h) *Additional inspections.* In addition to required inspections, the Building Inspector is authorized to make or require other inspections of any general construction work to ascertain compliance with the provisions of the Corrales Building Code.

*History: Ord. No. 72, adopted 6-14-77; Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-46. Stop work orders.**

Whenever any contracting or construction is being performed contrary to the Corrales Building Code, the Building Inspector may order that the work be stopped and shall give written notice of such order to the person performing the work or causing the work to be performed. Any person receiving such notice shall cease and desist from performing, or causing the performance of, the work until authorized by the Building Inspector, in writing, to proceed.

*History: Ord. No. 05-01, adopted 3-8-05.*

#### **Section 8-47. Certificates of occupancy.**

(a) *Occupancy.* No building, or portion thereof, on which construction has been undertaken, shall be occupied until the Building Inspector has issued a certificate of occupancy, except that no certificate of occupancy shall be required for work not required to be permitted pursuant to any part of the Corrales Building Code, the CID rules or CILA. The certificate of occupancy shall be in addition to any certificate of occupancy or similar requirement of the electrical bureau or the mechanical bureau of CID.

(b) *Issuance.* No certificate of occupancy shall be issued by the Building Inspector until all of the required inspections have been performed, in the proper order, including any required inspections by the



electrical bureau and the mechanical bureau of CID, the appropriate inspectors have approved the work, compliance with all applicable statutes, ordinances, rules and regulations, whether of the Village, the State of New Mexico, or any other authority, has been demonstrated, and all fees, including the fee for the certificate of occupancy, have been paid.

(c) *Homeowner's permit.* Any certificate of occupancy issued for a residence constructed pursuant to a homeowner's permit shall expressly state that the residence was so constructed.

(d) *Temporary certificate of occupancy.* The Building Inspector may issue a temporary certificate of occupancy for a period not to exceed one (1) year when:

- (1) An analysis of the circumstances in any specific case indicates that a temporary certificate of occupancy is appropriate;
- (2) Life, safety or health will not be adversely affected by doing so; and
- (3) Good cause is shown by the permittee in a written request for an extension of a current, valid temporary certificate of occupancy, if any.

(e) *Effect.* The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Corrales Building Code, of any New Mexico statute or rule, or of any other applicable law, ordinance, rule or regulation. Certificates presuming to give authority to violate or cancel the provisions of any applicable code or other law shall not be valid. No certificate of occupancy issued by the Village shall certify, or be interpreted to certify, compliance with any requirement of the New Mexico Electrical Code, the New Mexico Electrical Safety Code, the New Mexico Mechanical Code, the New Mexico Plumbing Code, or any other aspect of a project outside the jurisdiction of the Village. Also, no certificate of occupancy shall certify, or be interpreted to certify, compliance with the requirements of any other regulatory agency that may or might have jurisdiction over aspects of a project that are outside the jurisdiction of the Village or the CID. Such aspects include, but are not limited to, compliance with fire code standards enforced by the Village fire chief or the State fire marshal; the State environment department; the State health department; the State human services department, the public regulation commission, or any other State or local regulatory agency.

(f) *Revocation or suspension.*

- (1) The Building Inspector is authorized to suspend or revoke a certificate of occupancy issued by the Village if:
  - a. The certificate was issued in error or on the basis of incorrect information;
  - b. The work violates an applicable provision of the Corrales Building Code;
  - c. The work violates any other applicable statute, ordinance, rule or regulation;
  - d. CID provides written documentation that the work has failed a CID inspection or otherwise failed to comply with CID requirements, and CID explicitly authorizes suspension or revocation of the certificate of occupancy on that basis and on the authority of CID.

- (2) A suspended certificate of occupancy may be reinstated upon approval of the Building Inspector and payment of any fee assessed in accordance with § 8-48.

*History: Ord. No. 05-01, adopted 3-8-05; Ord. No. 10-014, adopted 12-21-10.*

**Section 8-48. Development and permit fees.**

(a) *Development fees.* A development fee shall be charged for all types of work requiring a development review permit, as described in Section 18-45. The development fee shall be paid in accordance with the Village's permit fees schedule, as adopted and amended from time to time by resolution of the Governing Body. The determination of valuation of any construction shall be made by the planning and zoning administrator. Upon payment of the prescribed fees and compliance with all requirements set forth in Section 18-45, the planning and zoning administrator shall issue a development permit.

(b) *Construction permit and inspection fees.* Fees shall be charged for building permits, inspections, and issuance of certificates of occupancy for all construction within the scope of the Corrales Building Code and requiring issuance of a building permit. Fees shall be paid in accordance with the Village's permit fees schedule, as adopted and amended from time to time by resolution of the Governing Body. The determination of valuation of any construction shall be made by the planning and zoning administrator.

(c) *Suspended permits.* Suspended permits may be renewed upon payment of a fee equal to one-half the amount of the original permit fee, and compliance with all other requirements necessary for renewal of the suspended permit.

(d) *Penalties.* Where any work requiring a development permit or building permit is started prior to obtaining the necessary permit, the fee specified for the development permit or building permit shall be doubled.

*History: Ord. No. 159, adopted 7-21-86; Ord. No. 190 § 8, adopted 4-11-88, Ord. No. 05-01, adopted 3-8-05.*

**Sections 8-49 to 8-50. Reserved.****ARTICLE III. SWIMMING POOL CODE****Section 8-51. Purpose.**

This article is intended to provide minimum requirements and standards for the protection of the public health, safety and welfare.

*History: Ord. No. 85, § 10-3-2, adopted 2-13-79.*

**Section 8-52. Scope.**

The provisions of this article shall apply to the erection, construction, enlargement, alteration, addition, repair, relocation, removal, replacement, maintenance or use of any swimming pool plumbing system except as otherwise provided for in this article.

*History: Ord. No. 85, § 10-3-3, adopted 2-13-79.*

**Section 8-53. Existing installations.**

(a) Any swimming pool plumbing system lawfully installed prior to the effective date of the ordinance from which this article derives may have its existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to the public health, safety or welfare has been created by such system.

(b) The owner or his designated agent shall be responsible for the maintenance of the swimming pool plumbing system in a safe and sanitary condition.

*History: Ord. No. 85, § 10-3-4, adopted 2-13-79.*

**Section 8-54. Nuisances; authority to abate.**

(a) Any portion of a swimming pool plumbing system found by the code enforcement officer to be unsanitary as defined in this article is hereby declared to be a nuisance.

(b) Where a nuisance exists or a plumbing system is maintained in violation of this article or any notice issued pursuant to this section, the code enforcement officer shall require the nuisance or violation to be abated and where necessary shall seek such abatement in the manner provided by law.

*History: Ord. No. 85, § 10-3-5, adopted 2-13-79.*

**Section 8-55. Administrative authority.**

The Village building inspector and code enforcement officer appointed by the Mayor, subject to the approval of the Governing Body, shall administer and enforce this article.

*History: Ord. No. 85, § 10-3-6, adopted 2-13-79.*

**Section 8-56. Powers and duties of code enforcement officer.**

(a) The code enforcement officer shall make inspections as may be necessary to administer this article.

(b) The code enforcement officer may appoint such assistants, deputies, inspectors or other employees as are authorized by the Governing Body to carry out the purpose and enforcement of this article.

(c) Right of entry. Whenever necessary to make an inspection to administer or enforce any of the provisions of this article, or whenever the code enforcement officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes a swimming pool unsafe as defined in this article, the code enforcement officer or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the code enforcement officer by this article; provided, that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the code enforcement officer or his authorized representative shall have recourse to every remedy provided by law to secure entry. "Authorized representative" means the persons named in Subsection (b) of this section.

(d) No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to properly permit entry therein by the code enforcement officer or his authorized representative for the purpose of inspection and examination pursuant to this article.

*History: Ord. No. 85, § 10-3-7, adopted 2-13-79.*

**Section 8-57. Penalty for violation of article; limitations on permits.**

(a) Any person violating any provision of this article shall, upon conviction thereof, be punished in accordance with Section 1-6. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this article. No permit presuming to give authority to violate or cancel the provisions of this article shall be valid, except insofar as the work or use which it authorized is lawful.

(b) The issuance or granting of a permit or approval of plans under this article shall not prevent the code enforcement officer from thereafter requiring the correction of errors in such plans and specifications or from preventing construction operations being carried on thereunder when in violation of this article or of any other ordinance or from revoking any certificate of approval when issued in error.

(c) Every permit issued by the Village under the provisions of this article shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 120 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

*History: Ord. No. 85, § 10-3-8, adopted 2-13-79.*

### **Section 8-58. Permit required.**

(a) It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture, swimming pool heater or treating equipment in a building or on premises in the Village without first obtaining a permit to do such work from the Village. A separate permit shall be obtained for each building, structure or swimming pool.

(b) No person shall allow any other person to do or cause to be done work under a permit secured by a permittee under this article except persons in his employ.

*History: Ord. No. 85, § 10-3-9, adopted 2-13-79.*

### **Section 8-59. Work not requiring a permit.**

No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this article. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

*History: Ord. No. 85, § 10-3-10, adopted 2-13-79.*

### **Section 8-60. Application for permit; issuance.**

(a) *Required.* Any person legally entitled to apply for and receive a permit under this article shall make such application on forms provided for that purpose. The applicant shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The code enforcement officer may require plans, specifications or drawings and such other information as he may deem necessary

(b) *Plans.* Application for permits for new swimming pool construction shall be accompanied by plans in duplicate, and in sufficient detail, including the following:

(1) *Plot plans.* Plot plans with site grades dimensioned and drawn to a scale of not less than one-eighth inch per foot, and showing at least the following:

a. Property lines, easements, rights-of-way of record, and overhead utilities adjacent to pool

- area or over the property;
- b. Existing structures, fencing, retaining walls, and other relevant characteristics adjacent to pool area;
  - c. The proposed pool shape, dimensioned and located to show setbacks, side yards, and clearance from existing structures adjacent to pool area;
  - d. The proposed mechanical equipment pad, dimensions and location as to setbacks and side yards;
  - e. All deck equipment items, if included;
  - f. The proposed deck work configurations, showing its anticipated drainage; and
  - g. The anticipated overall drainage of the pool site.
- (2) *Structural plan.* A structural plan showing at least the following:
- a. The type of construction, whether gunnite, poured concrete, prefabricated, or other;
  - b. The pool dimensions, including the depth, and adequate cross sections drawn to scale;
  - c. Computations, stress diagrams, and other data sufficient to show the correctness of the plans, including the reinforcing steel schedule and detail;
  - d. A statement by the applicant concerning the anticipated nature of the soil under and around the pool structure;
  - e. The interior finish details; and
  - f. The pool edge details.
- (3) *Mechanical plan.* A mechanical plan showing at least the following:
- a. The volume, system flow rate in gallons per minute, and turnover in hours;
  - b. The type and size of filtration system and means of waste disposal;
  - c. The type and size of pool heater, if included, including the method of venting and provisions for combustion air;
  - d. The pool piping layout with all sizes shown and types of material to be used, and showing the location of the main outlet, surface skimmers, and inlets;
  - e. The rated capacity of the pool pump in gallons per minute at the design head with the size and type of motor indicated and identification as to type of pump;
  - f. The means of adding makeup water; and
  - g. The size, length from source to heater and routing of the gas line, if applicable.
- (c) *Issuance of permit.* If the code enforcement officer determines that the plans, specifications,

drawings, descriptions, or information furnished by the applicant is in compliance with this article, he shall issue the permit applied for upon payment of the required fee as provided in Section 8-61. The code enforcement officer shall further require that permits be obtained by the persons responsible for all of the electrical, plumbing, related utility connections and heating work prior to or in conjunction with issuance of the building permit for the pool structure.

(d) *Additional requirements.* The requirements of this section shall not void any requirements by any other department having jurisdiction.

(e) *Identification of documents.* All plans and documents submitted with the application for a permit under this article shall be on substantial paper and shall show the name and address of the person under whose supervision the documents were prepared.

*History: Ord. No. 85, § 10-3-11, adopted 2-13-79.*

### **Section 8-61. Permit and inspection fees.**

(a) Applicants shall pay a fee to the Village for each permit under this article, at the time of making application, in accordance with the following schedule, at the rate provided for each classification shown:

<u>Schedule of fees</u>	
For each swimming pool:	
Public pool.....	\$30.00
Private pool.....	20.00

(b) Any person who shall commence any swimming pool work for which a permit is required by this article without having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed in this section.

(c) *Extra inspections.* Whenever it shall be necessary to make an additional inspection due to the failure or neglect of the applicant to give the correct address or location of the work specified in the permit when applying therefor, for each additional inspection, a fee of \$10.00 shall be charged.

*History: Ord. No. 85, § 10-3-12, adopted 2-13-79.*

### **Section 8-62. All work to be inspected.**

All swimming pool installations or alterations thereto, including equipment, piping and appliances related thereto, shall be inspected by the construction industries division of the State to ensure compliance with all the requirements of this article.

*History: Ord. No. 85, § 10-3-13, adopted 2-13-79.*

### **Section 8-63. Notification for inspection.**

(a) It shall be the duty of the person doing the work authorized by a permit under this article to notify the construction industries division of the State, orally or in writing, that such work is ready for inspection. Such notification shall be given not less than 24 hours before the work is to be inspected.

(b) It shall be the duty of the person doing the work authorized by a permit under this article to make sure that the work meets all applicable local and State requirements, regulations and Uniform Building Code requirements.

*History: Ord. No. 85, § 10-3-14, adopted 2-13-79.*

### **Section 8-64. Stop work orders.**

Whenever any work is being done contrary to the provisions of this article, the code enforcement officer or his authorized representative may give notice in writing served on any persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the code enforcement officer to proceed with the work.

*History: Ord. No. 85, § 10-3-15, adopted 2-13-79.*

#### **Section 8-65. Suspension or revocation of permit.**

The code enforcement officer may, in writing, suspend or revoke a permit issued under the provisions of this article whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance, regulation or of any provisions of this article.

*History: Ord. No. 85, § 10-3-16, adopted 2-13-79.*

#### **Section 8-66. Board of appeals; appeal hearings.**

The Governing Body and the Mayor shall be appointed and such board shall act as a board of appeals in making a determination of any appeal arising from actions of the code enforcement officer under this article. Appeals shall be made in writing and the appellant may appear in person before the board or be represented by an attorney and may introduce evidence to support his claims. Appeals shall be heard at reasonable times at the convenience of the board, but not later than 30 days after receipt thereof. The appellant shall cause to be made, at his own expense, any tests or research required by the board to substantiate his claims.

*History: Ord. No. 85, § 10-3-19, adopted 2-13-79.*

#### **Section 8-67. Disclaimer of liability.**

The Village and its code enforcement officer or any employee charged with the enforcement of this article, acting in good faith and without malice in the discharge of his duties, shall not thereby render the Village or himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission performed by him in the enforcement of any provisions of this article.

*History: Ord. No. 85, § 10-3-17, adopted 2-13-79.*

#### **Sections 8-68 to 8-90. Reserved.**

### **ARTICLE IV. SIGNS**

Cross reference: Signs and outdoor advertising devices, § 18-43.

#### **Section 8-91. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial/shopping center* means a group of three or more commercial establishments under a common structure, or contiguous, adjacent, and/or related structures located in an area which is zoned commercial or wherein a special use permit has been obtained.

*Composite sign* means a composite group of signs located in a specific area integrated into one framed unit or compact structure or any arrangement of signs representing more than one business.

*Height* means the vertical distance from grade to the highest point of the sign.

*Portable sign* means any sign which is not permanently attached to the ground or any structure; and, is constructed, with or without wheels, in such a manner so it can be moved or transported from one premises to another.

*Sign* means any display to public view of letters, words, numerals, figures, devices, emblems, pictures, or any part or combinations thereof designed to inform, or advertise or promote merchandise, services or activities, but does not include the following:

- (1) Nonilluminated names of buildings, dates of erection, monuments, etc., when of permanent type of construction and made an integral part of a permitted structure.
- (2) Signs required by law or signs of a duly constituted governmental body, or signs advertising Village entertainment or events, sanctioned by a formal resolution of the Governing Body.
- (3) Signs placed by a public utility for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone, etc.

*Sign area* is determined by including all parts, words, illustrations, etc., in the measurements of a sign; the sign is to be considered one entity for the purpose of sign area determination, and separate measurements of detached letters, words, parts, illustrations, etc., is not allowed.

*Sign, building mounted* means a sign entirely supported by or through a building, including signs mounted on the roof; under a canopy, arcade, or portal; on walls; on a marquee; or projecting from a building.

*Sign, freestanding* means a sign attached to or supported from the ground and not attached to a building. Signs on walls or fences which are not an integral part of a building are freestanding signs.

*Sign, illuminated* means any sign which is lighted by any on-premises internal or external electrical light source. Signs illuminated by general area lighting are not considered illuminated signs.

*Sign, informational, off-premises* means an off-premises sign which refers to the name, location, products, persons, services, accommodations, or activities of a business or other land use which falls under the jurisdiction of this article.

*Sign, informational, on-premises* means a sign which refers exclusively to the name, location, products, persons, services, accommodations, or activities related to the premises on which it is located.

*Sign, safety, off-premises* means off-premises directional safety related signs.

*Sign, safety, on-premises* means a sign which provides exclusively directional or safety related information, for example "slow," "one-way," "no parking," etc.

*History: Ord. No. 135, § III, adopted 11-27-84; Ord. No. 207, § 2, adopted 2-27-89; Cross reference: Definitions generally, §1-2.*

### **Section 8-92. Penalty for violation of article.**

Any person violating the provisions of this article or failing or neglecting to comply with any orders issued pursuant to any section of this article shall be deemed guilty of a separate misdemeanor, and such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction for any such violation, such person shall be guilty of a misdemeanor, punishable in accordance with Section 1-6.

*History: Ord. No. 135, § XI, adopted 11-27-84.*



**Section 8-93. Enforcement.**

The planning and zoning administrator shall order the removal of any sign or violating portion thereof which is erected or maintained in violation of this article.

*History: Ord. No. 207, § 12, adopted 2-27-89.*

**Section 8-94. Prohibited signs and prohibited locations of signs.**

(a) *Prohibited signs.* The following signs are prohibited within the Village and shall be removed or brought into conformance with the provisions of this article:

- (1) Signs which obstruct or contribute to the obstruction of ingress or egress of any premises are prohibited. Placement of signs that cause unsafe sight distances for vehicles entering or exiting a premises shall not be permitted.
- (2) Signs which constitute a hazard to traffic shall not be permitted. Included in this category are signs which resemble traffic control devices: or which imitate traffic control signs, signals, markings; or signs which interfere with the effectiveness of any official traffic control device.
- (3) Any sign which is not properly permitted in accordance with Section 8-97 is prohibited.
- (4) Any sign which has visible moving parts, lighting or sound effects, or is placed or constructed in an illegal manner, not in accordance with this article is prohibited.
- (5) Any portable sign is prohibited.

(b) *Prohibited locations.* Signs are prohibited in the following locations:

(1) No sign shall be placed within a public right-of-way

(2) No signs shall be attached to any utility pole.

*History: Ord. No. 135, § IV (A), (B), adopted 11-27-84; Ord. No. 207, § 5, adopted 2-27-89.*

**Section 8-95. Illumination restrictions.**

Illuminated signs may be permitted, subject to the following restrictions:

- (1) Commercially zoned establishments may be permitted internally illuminated signs in which the illuminated area does not exceed a total of 16 square feet of sign area.
- (2) Internally illuminated signs shall only be permitted in the C zone.
- (3) Externally illuminated signs must be illuminated from a concealed source.
- (4) Internally illuminated signs shall not exceed 15 watts of power per square foot of illuminated area delivered to fluorescent lamps, or 75 watts of power per square foot of illuminated area delivered to tungsten filament incandescent lamps.
- (5) Oscillating and/or flashing signs shall not be permitted.

*History: Ord. No. 135, § IV(C), adopted 11-27-84.*

**Section 8-96. Permit required; application; fee.**

(a) All commercial and home occupation and real estate tour signs displayed in the Village require a sign permit.

(b) The sign permit application shall contain the following:

- (1) Signature of the applicant.
- (2) Name and address of the sign owner and the sign erector.
- (3) Drawings showing the location of the sign on the property, building facade, wall, or other location.
- (4) Drawings showing area dimensions of the sign, height of the sign, and basic design of the sign.
- (5) Drawings showing location of all other existing or proposed signs displayed on the property.
- (6) The permittee shall be made to show a Village business license and proof that he has the permission of the property owner before a sign permit is issued.

(c) The fee to be charged for a sign permit shall be \$2.00 per square foot of sign area for commercial and home occupation signs.

*History: Ord. No. 135, § V, adopted 11-27-84; Ord. No. 207, §§ 10, 11, adopted 2-27-89; Ord. No. 216, § 2, adopted 10-23-89.*

**Section 8-97. Permitted signs, size restrictions.**

Any sign not classified in this section is not permitted in any zone within the Village.

- (1) Commercially zoned establishments may be permitted signs advertising the establishment, products sold, or services offered. The sum of the areas of these signs may not exceed 64 square feet of nonilluminated or externally illuminated area. Both sides of a back-to-back or V-shaped sign shall be included in calculating the permitted area of 64 square feet. Composite signs representing more than one commercial establishment shall be limited to 64 square feet per side in sign area. A business located in a commercial/shopping center may use a portion of its allotted 64 square feet in a composite sign that serves the commercial/shopping center. The commercial/shopping center shall not be considered a separate commercial establishment and therefore is entitled to an identification sign of no more than 20 square feet.
- (2) Agricultural products stands may be permitted signs not to exceed 64 square feet of nonilluminated area. Both sides of a back-to-back or V-shaped sign shall be included in calculating the permitted area of 64 square feet.
- (3) Signs related to political campaigns may be permitted prior to an election on any premises. No one political sign including all its sides shall exceed 16 square feet in sign area. Such signs shall not be placed more than 25 days prior to the election, and such signs shall be removed within three days after the election.
- (4) Home occupation signs not to exceed ten square feet per side may be permitted. Home occupation directional signs for premises off Con-ales Road shall be limited to one per premises with a maximum area of five square feet per side. This area shall be deducted from the total of ten square feet per side.

- (5) Builders may be permitted one contractor, one lending institution and one professional sign during the period of construction. The total area of these signs shall be limited to a maximum of 32 square feet.
- (6) Real estate signs:
  - a. One sign not to exceed five square feet per side for each residential or commercial property may be permitted on the property for sale or lease.
  - b. In addition, three off-premises directional signs advertising:
    1. Either an open house, not to exceed five square feet per side in area, may be permitted between the hours of 1:00 and 5:00 p.m. on Saturday or Sunday provided that the owner of the property or agent representing the owner is present on the premises; or,
    2. A real estate tour for realtors may be permitted provided that a permit is obtained in accordance with Section 8-96(a).
  - c. One informational off-premises sign, not to exceed ten square feet per side in area, may be permitted for each subdivision.
  - d. Real estate signs may not be erected prior to the date of platting of the project and must be removed after completion of the sale of individual lots by the realtor.
- (7) One permanent identification sign setting forth the name of a residential development center, which does not exceed 20 square feet per side in area, may be permitted.
- (8) Signs advertising public meetings, entertainments and civic events:
  - a. The Village will permit such permanent informational signs as required, which signs including all their sides shall not exceed 32 square feet in sign area.
  - b. Signs advertising meetings or events of nonprofit community organizations and associations shall be permitted, provided that the number of signs advertising such meetings or events is limited to no more than five in number; no one sign including all its sides shall exceed 16 square feet in sign area; such signs shall not be placed more than ten days prior to the meeting or event; and all such signs shall be removed within three days after the event.
  - c. For special events sponsored or supported by resolution of the Governing Body, one temporary banner will be allowed to be placed on Corrales Road for a period of up to one month prior to the event. Such a banner shall not exceed 48 square feet per side in area. There will also be permitted five informational signs; no one sign shall exceed five square feet in sign area per side.
- (9) One informational off-premises sign not to exceed 12 square feet per side in area may be permitted; however, the area of such sign shall be included as a portion of the total allowable sign area for agriculturally commercially zoned or special use permitted businesses.
- (10) Residential name and street address signs which do not exceed two square feet per side in area may be permitted.

*History: Ord. No. 135, § IV (D), adopted 11-27-84; Ord. No. 207, §§ 6-9, adopted 2-27-89; Ord. No. 216, §1, adopted 10-23-89; Ord. No. 219, §1, adopted 9-11-89; Ord. No. 241, § 1, adopted 10-22-91.*

**Section 8-98. Height limitations.**

Signs permitted in the Village shall be governed by the following height limitations:

(1) Real estate signs:

- a. Subdivision signs shall not exceed eight feet in height.
- b. Directional signs shall not exceed four feet in height.
- c. Residential for sale signs shall not exceed four feet in height.

(2) Construction signs shall not exceed eight feet in height.

(3) Agricultural products stand signs shall not exceed 20 feet in height for a freestanding sign or five feet above the building for building mounted signs.

(4) Commercial signs may not exceed 15 feet in height for a freestanding sign, or five feet above the height of the building for a building mounted sign.

(5) No sign may exceed 30 feet in height in the A-i zone or 26 feet in height in the A-2 zone.

*History: Ord. No. 135, § IV (E), adopted 11-27-84.*

**Section 8-99. Responsibility for compliance.**

(a) A party occupying or doing business on a property is responsible for complying with the requirements of this article.

(b) If a property is not occupied or an existing tenant is not responsible for the presence of signs, then it shall be the responsibility of the property owner to ensure that the requirements of this article are fulfilled.

*History: Ord. No. 135, § IV (F), adopted 11-27-84.*

**Section 8-100. Nonconforming signs.**

A sign which first becomes nonconforming through passage of this article shall be made to conform within five years of this effective date of this article.

*History: Ord. No. 135, § VI, adopted 11-27-84.*

**Section 8-101. Variances.**

Variances from the terms of this article may be granted under the procedures of section 18-48 of this Code, as amended, except that variances may not be allowed for number, size or illumination of signs; however, a variance may be granted for height or other factors where topography, obstructions, etc., prevent the sign from being visible.

*History: Ord. No. 135, § VIII, adopted 11-27-84.*

**Sections 8-102 to 8-140. Reserved.**

## ARTICLE V. ABATEMENT OF DANGEROUS BUILDINGS

### Section 8-141. Adopted.

The Uniform Code for the Abatement of Dangerous Buildings, current edition, as promulgated by the International Conference of Building Officials, is hereby adopted by reference and incorporated herein as though fully set forth and shall be known as the code for the abatement of dangerous buildings of the Village. Copies of the code are available for inspection in the office of the Village Clerk during normal business hours.

*History: Ord. No. 167, adopted 3-23-87.*

### Section 8-142. Penalty.

Any person who shall violate the provisions of the code for the abatement of dangerous buildings shall be subject to all of the penalties described therein, and in addition shall be punished in accordance with section 1-6.

*History: Ord. No. 167, adopted 3-23-87.*

### Sections 8-143 to 8-150. Reserved.

## ARTICLE VI. MOVING BUILDINGS

### Section 8-151. Permit required; fee.

A fee in the amount of \$50.00 minimum for up to ten feet in width, \$2.00 per foot charge for over and above ten feet in width, shall be paid to the planning and zoning administrator prior to issuing of a permit to move a building.

*History: Ord. No. 167, adopted 3-23-87; Ord. No. 190, § 9, adopted 4-11-88.*

### Section 8-152. Permit application.

The written application for a permit to move a building shall contain:

- (1) The present location of the building or structure;
- (2) The proposed location of the building or structure;
- (3) The proposed time for moving; and
- (4) The proposed route for moving, designating the streets or alleys to be used.

*History: Ord. No. 167, adopted 3-23-87.*

### Section 8-153. Utility lines.

The removal of any telephone, telegraph or electric wire or cables will be conducted under the supervision of an official of the respective company owning such wire or cables, and the cost of such removal and replacement will be paid in advance by the owner of the building or structure to be moved.

*History: Ord. No. 167, adopted 3-23-87.*

*NOTE: Former Article V. Electrical Code and former Article VI. Plumbing and Gas Code, adopted by Ord. No. 167, adopted 3-23-87, were repealed by Ord. No. 05-01, adopted 3-8-05.*

**INTENTIONALLY LEFT BLANK**