

VILLAGE OF RUIDOSO ORDINANCE 2017-07

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 22 BUILDINGS AND BUILDING REGULATIONS TO UPDATE STATE ADOPTED CODES AND TO UPDATE LANGUAGE REGARDING PERMITS, FEES AND UPDATE REFERENCES TO RELEVANT CODES IN CHAPTERS 42, 54 AND 86.

WHEREAS, the Governing Body of the Village of Ruidoso previously adopted Ordinance 2015-08 updating the building codes within the Village of Ruidoso; and

WHEREAS, subsequently, the State of New Mexico Construction Industries Commission adopted various building and trade code updates on September 21 and November 16, 2016 with the effective date of July 1, 2017 to be applicable in all local Authorities Having Jurisdiction; and

WHEREAS, the Village, a designated Authority Having Jurisdiction, assembled a Building Code Review Task Force comprised of residential and commercial contractors, electricians, plumbers, property managers and design professionals; the Task Force evaluated the adoption and implementation of the 2015 International Building Code and International Residential Code and reviewed select Village codes to ensure consistency and clarity with the new code adoption; and

WHEREAS, the Village Building Code Review Task Force Committee unanimously recommended approval of the ordinance at its April 19, 2017 meeting; and

WHEREAS, the Governing Body of the Village of Ruidoso has determined that these amendments are required to ensure safe building practices and a more consistent set of regulations; and

WHEREAS, the Governing Body of the Village of Ruidoso conducted a duly advertised public hearing to consider this ordinance on June 13, 2017.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Village of Ruidoso that Chapters 22, 42, 54, 86 and Appendix A are hereby amended by the addition of new text and modification or deletion of existing text as follows:

Single Underline is text that is proposed for adoption. Strike-out is language deleted.

Section one. Chapter 22 is amended to read:

Chapter 22 BUILDINGS AND BUILDING REGULATIONS

Article I. In General:

Sec. 22-31. - Building, electrical, plumbing and mechanical codes adopted; amendments.

(a) There is hereby adopted by the village for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures, and providing for the issuance of permits and collection of fees there for, and providing penalties for the violation thereof, the ~~2009~~**2015** International Residential Code (~~2009~~**2015** IRC); the ~~2009~~**2015** International Building Code (~~2009~~**2015** IBC); the 2014 National Electrical Code (2014 NEC); the ~~2009~~**2012** Uniform Plumbing Code (~~2009~~**2012**UPC); the ~~2009~~**2012** Uniform Mechanical Code (~~2009~~**2012** UMC); the ~~2009~~**2012** Uniform Solar Energy Code (~~2009~~**2012** USEC); the ~~2009~~**2012** Uniform Swimming Pool, Spa, and Hot Tub Code (~~2009~~**2012** USPSHTC); the ~~2009~~**2015** International Existing Building Code (2009IEBC); the ~~2009~~ **2003** International Fire Code (~~2009~~**2003**IFC); the 2009 International Energy Conservation Code (2009IECC); including but not limited to any amendments to the provisions of the above described codes which are adopted by the State of New Mexico, whether such amendments are adopted as of or subsequent to the effective date of the ordinance codified in this section.

1. All construction code references from other parts of the Ruidoso Code, which refer to previous versions of construction codes, shall be considered to be referencing this section. In the event of any conflicts in references or requirements elsewhere in the Ruidoso Code, the codes in this section shall prevail.

2. Such codes are hereby adopted and incorporated as fully as if set out at length in this chapter, except as to the section of the code relating to building permit fees, which fees shall be in accordance with section 22-34. The ~~2009~~**2015** IRC, the ~~2009~~**2015** IBC, the 2014 NEC, the ~~2009~~**2012** UPC, the, the ~~2009~~**2012** USPSHTC, the ~~2009~~**2012** USEC, the ~~2009~~**2012** UMC, the 2009 IECC, the ~~2009~~**2015** IEBC, the ~~2009~~ **2003** IFC and the building permit fees established by this chapter shall be in force from the date on which this article shall take effect, and the provisions thereof shall be controlling within the limits of the village and the extraterritorial planning and platting jurisdiction of the village as they currently exist or may be modified in the future as provided by law.

(b) The codes adopted by subsection (a) of this section are amended as follows:

(1) Nonrated roof coverings and special purpose roofs, other than mineral aggregate surface built-up roofs, are prohibited. An existing wood shake or wood shingle roof shall be replaced with a roof in compliance with this provision if the cost of repair exceeds \$500.00 or if the area repaired exceeds 20 percent of the area of the roof.

(2) Water conservation local amendments.

a. ~~Intent and scope. This section sets forth water conservation requirements for new one and two family dwellings and townhouses. Two of the three alternative approaches listed below will be incorporated into the design and construction of the new dwelling~~

unit.

1. ~~Alternative number 1. Install a hot water recirculating system with a pump, a timer, and/or a thermostat.~~ **Potable water use fixtures shall comply with Sections 22-31 (a) and 86-31 (j).**
 2. ~~Alternative number 2. Install any combination of two of the following items:~~ **Ruidoso water conservation form shall be completed and submitted at or before the plumbing inspection final approval.**
 - i. ~~An Energy Star rated dishwasher.~~
 - ii. ~~An Energy Star rated clothes washing machine.~~
 - iii. ~~A dual flush toilet that uses a maximum of 1.1 gallons of water per flush of liquid waste and a maximum of 1.6 gallons of water per flush of solid waste.~~
 3. ~~Alternative number 3. Install a cooling system that does not rely on the evaporation of water to produce cooled air.~~
- (3) Gas piping.
- a. All low pressure gas piping, up to 2 psi, shall be tested with a minimum of 10 psi using an approved test gauge with maximum of 1/10 pound increments.
 - b. All medium and high pressure gas piping and low, medium and high pressure welded gas pipe (maximum 30 psi) shall be tested with a minimum of 60 psi or 1 ½ times the operating pressure, whichever is greater, using an approved test gauge with maximum of 1 pound increments.
- (4) Room heaters. Unvented fuel-burning room or water heaters shall not be installed in any building, whether new or as a replacement. Unvented fuel-burning room or water heaters shall not be used, maintained or permitted to exist in a Group I or R occupancy.
- (5) Air Admittance Valves. Air admittance valves shall be specifically prohibited; **except at the exterior** when permitted by the Building Official.
- (6) Fireplaces. New solid-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.
- (7) Accessory structures over 120 square foot require a building permit for residential and commercial use, and shall meet the requirements as provided in this article or this Code.
- (8) Site built shower pan(s) and wall(s) may be constructed or rebuilt by MM-98, MM-1, GB-98, GB-2, and **approved GS-3 GS-29** licensed contractors, or home owners for their primary residence. The permit issuance for such work shall be issued as a building or plumbing permit, depending on the applicant.
- (9) Grading and drainage.

a. Final grading. No certificate of occupancy or final building approval shall be issued until final grading has been completed in accordance with the approved plans or site conditions. Erosion controls such as vegetation, check dams, riprap, etc., shall be installed prior to final inspection.

b. Drainage. Parcels shall be laid out so as to provide the required drainage away from all buildings. Drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed and provided so as to avoid concentration of storm drainage water from each parcel onto adjacent parcels.

c. Alteration of existing grading and/or drainage conditions on parcels shall require a building permit.

d. Exemptions.

EXEMPTIONS:

1. Grading in an isolated, self-contained area **less than 500 square feet**, provided there is no danger to the public, and that such grading will not alter the existing drainage **and terminates in an approved manner or location**.
2. Excavation ~~for construction of a structure~~ under a current permit.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavation for wells or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling sand, rock, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency which have created situations such as flooding or high fire danger that present an immediate danger to life or property.

(10) Minimal Dwelling Unit is a single-family dwelling with a minimum of 150 ft² and a maximum of 450 ft² and complies with subsection (a) of this section but is **shall be** amended as follows.

a. Minimum interior clear dimensions include:

1. 150 ft² of habitable area on 1 story minimum (120 ft² minimum of habitable area for the main room).
2. 7' minimum interior finished width.
3. A loft of habitable space shall meet the requirements of subsection (a) of this section.

Exemption: May have a ships ladder (per requirements) for access up to 1 bedroom and bathroom group of 120 ft² or less and has an emergency egress as required by subsection (a) of this section.

4. 2 stories maximum above grade plane.
Exemption: May have a basement in compliance with subsection (a) of this section.
 - b. Must contain Cooking Facilities (minimum of a permanently installed cooking ~~stove~~ **range or cook top** containing one burner) and a kitchen sink (separate from bathroom vanity).
 - c. Must contain Bathing Facilities (shower and/or tub, water closet and vanity) water closet and shower and/or tub required to be separated from kitchen by a tight fitting door. A vanity is required but not required in the same room as water closet and shower and/or tub. Finished interior of shower compartments may be 30" x 30" minimum (900in²) (or a 30" circle fit inside of finished area of shower but still has 900in² minimum).
 - d. Must have continuous concrete footings and foundation and shall have 1- # 4 rebar at the top and bottom of the footing or 1- # 5 rebar near the bottom installed per subsection (a) of this section.
 - e. Brace wall requirements shall be in compliance with subsection (a) of this section except as follows:
 1. Must use the continuous sheeting method with minimum 3/8" wood structural panels, using full height sheets or block and fasten seams ~~with blocking full depth of studs.~~
 2. ~~Regardless of wind loads,~~ **S** structures which meet or exceed a 2-1 height to width ratio shall be required to have **mechanical** roof tie downs with a minimum rating of 200 pounds, **but meet IRC uplift table requirements.** Hold downs and tie downs shall be required at the ends of brace walls ~~panels~~ at all exterior walls, including stories below, and shall be continuous down to the foundation with a minimum rating of 500 pounds, **but meet the requirement of transferring 100% of wind loads continuous to the foundation.** If brace walls do not align, then tie downs will be provided continuous to foundation through framing members and/or additional tie downs or hold downs.
 3. Portal frames **with hold downs only,** may ~~not~~ be used as **portal frame** brace walls
 4. ~~Brace wall panels shall be a minimum of 2' wide for up to 8' wall heights, 2'-6" wide for up to 10' wall heights and 3' wide for up to 12' wall heights. A brace wall panel must start in a brace wall line within 5' -6" of every corner of the exterior walls.~~
 5. Plans not in compliance with this section shall be required to be designed by a **an approved** registered New Mexico ~~engineer~~ **design professional.**
 - f. Minimal Dwelling units shall be approved in zoning districts; AR-1, C-1, C-2, M-1, M-2, R-1 and R-2, or as provided elsewhere in this code.
- (11) Structures and buildings constructed using continuous concrete footings/foundations shall have 1- # 4 rebar at the top and bottom of the footing or 1- # 5 rebar near the bottom or 2 #4 at 1/3 points in footing of "T" type footing and stem wall foundations. Reinforcement shall be installed per subsection (a) of this section. Slabs on ground not poured monolithically with the

footings, shall have #3 rebar dowels with standard hooks installed 48" on center per figure IRC R403.1.3-2 or similar as approved by the building official.

(12) Potable rainwater catchment systems shall be designed by an approved registered New Mexico design professional.

(13) Inspections shall be completed in the order as required by the building official. Interior rough electrical and mechanical work and materials or other materials that may be damaged by weather such as drywall, insulation, etc.; shall not be installed prior to the project and/or work area being weather tight.

(14) Commercial projects permitted in C-3 zoning district (section 54 of the Ruidoso code);

a. Accessible restroom requirements are considered to be met by Village of Ruidoso maintained public restrooms.

Exception: Lots in C-2 zoning districts with 500' or less travel distance of a Ruidoso maintained public restroom, may apply for a variance under the Ruidoso code per the variance requirements in Section 54 of the Ruidoso code.

b. Accessible parking and standard parking requirements are considered to be met by Village of Ruidoso maintained public parking.

Exception: Lots in C-2 zoning districts with 500' or less travel distance of a Ruidoso maintained public parking lot may apply for a variance under the Ruidoso code per the variance requirements in section 54 of the Ruidoso code.

(15) Decks that are not more than 30 inches (762 mm) measured vertically from the deck surface above to grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side(s) of decks shall not be required to meet the lateral load connection requirements of IRC 507.2.4.

(16) New commercial construction or additions which are 2500 square feet or less are exempt from the requirements for geotechnical investigations unless otherwise required by the Building Official or per IBC requirements on expansive soil or ground-water table elevation.

(17) A damage investigation inspection shall be required when a structure receives damage, other than small cosmetic damage, from fire, snow, water, tree, wind, vehicle or other similar type causes to any trade system within the structure. The investigation shall be permitted and paid prior to inspection. The permittee shall receive a copy of the investigation inspection report after inspection report is processed.

(18) A foundation/footing recertification by a New Mexico approved registered surveyor or engineer shall be required on projects at the time of stem wall/slab/post setting for projects, except additions to existing residential structures or ancillary structures thereto which can be readily verified by the building official and planning administrator as being substantially within required setbacks and outside easement areas, the planning administrator or the building official may waive the survey requirement and allow the inspector to verify the setbacks on approved plot plan using property stakes or other approved markers.

(19) A Building permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Examples;

- a. **Natural gas**
- b. **Electricity**
- c. **Cellular**
- d. **Telephone**
- e. **Internet**
- f. **Sewer**
- g. **Water**
- h. **Cable**
- i. **Television**
- j. **Radio**

Exception; shall meet the requirements of Sections 54 and 86 of the Ruidoso code

Sec. 22-32. - Definitions of terms used in adopted codes.

- (a) Wherever the word "city" or "municipality" is used in the codes adopted by this article, it shall be held to mean the village.
- (b) Wherever the word "building official" is used in the codes adopted by this article, it may be held to mean the building official and assistants and other employees as shall be authorized from time to time by the council.
- (c) The term "Energy Star" shall, for the purposes of this chapter, mean a government-backed program that provides an energy performance rating system for household appliances. Appliances with the Energy Star label attached have met energy efficiency guidelines set by the United States Environmental Protection Agency and the United States Department of Energy.
- (d) For purposes of this subsection, the term "substantially within required setbacks" shall mean ten feet or more in excess of required setbacks.

Cross reference— Definitions generally, § 1-2.

Sec. 22-33. - Application for permit; deviation from certified plot plan.

- (a) The applicant shall submit a completed application to the building official on forms supplied by the building official. 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. Applications for permits to expand an existing structure or construct a new structure shall be accompanied by a **scaled** drawing or plat in duplicate showing, with dimensions, the lot line, the buildings, and the locations of buildings upon the lot.

- (b) The drawing or plat shall be prepared and certified by a registered New Mexico surveyor or engineer **within 5 years prior of the date of application for permit is submitted unless required by building or planning official**. For permit applications for additions to existing residential structures or ancillary structures thereto which can be readily verified **using marked property lines** by the building official and planning administrator as being substantially within required setbacks ~~and outside easement areas~~, the planning administrator may waive the survey requirement and allow the applicant to prepare **a scaled** drawings-containing all information required under this subsection. The drawings shall contain notations indicating the proposed use of all land and buildings. The original copy of such applications and plats shall be kept in the office of the building inspection department, and a duplicate copy will be kept at the construction site at all times during construction.
- (c) A plot plan or survey will not be required for permits issued for minor repairs or renovations of existing structures, or other work that does not involve the construction of additional square footage, unless required by the building official. No excavation or clearing of land will be permitted without having first obtained the appropriate permit.

1. When the building construction or site development having areas exceeding 20 percent slope or excavations of 5 foot deep are planned, site development plans shall include:

- a) **1' contours on topographic map**
- b) **Provide existing and proposed plans**
- c) **Drainage and erosion control plans**
- d) **Height of slope**
- e) **Slope gradient**
- f) **Grading site areas (not for a structure) in excess of 1 vertical in 2 horizontal slope (50 percent) shall require an approved registered New Mexico design professional to address;**
 - i. **Slope material**
 - ii. **Erosion characteristics of slope material**
 - iii. **Drainage and erosion control plans**

2. Building construction site areas in excess of 1 in 3 slopes (33.3 percent) shall require investigation and recommendation by an approved registered New Mexico design professional when supporting a structure, the design professional shall address;

- a. **Slope material**
- b. **Height of slope**
- c. **Slope gradient**
- d. **Load intensity**
- e. **Erosion characteristics of slope material**

f. Drainage and erosion control plans
g. Foundation plans

- (b) Any person who deviates from the certified plot plan required in subsection (a) of this section shall be notified in writing by the planning administrator or building official of the required corrective action to be accomplished within a specified time limit. Failure to comply with the corrective order shall subject the person to proceedings in the municipal court. Upon conviction of failure to comply with the corrective order, such person may be punished in accordance with section 1-6
- (c) In addition to the penalties provided in subsection (b) of this section, the building official may, upon reasonable belief that a person has deviated from the certified plot plan required in subsection (a) of this section, revoke the building permit and red tag the property.
- (d) No variance from the strict application of setback requirements shall be granted to any person who deviates from the certified plot plan required in subsection (a) of this section.
- (e) By signing permit applications requiring a plot plan or survey, the applicant shall be deemed to have:
- (1) Read the provisions of subsections (a), (b), (c) and (d) of this section;
 - (2) Understood such provisions; and
 - (3) Agreed to abide by such provisions.
- Copies of subsections (a), (b), (c) and (d) of this section are available on the village web site or can be provided to applicant upon request:
- (f) Only contractors holding a current New Mexico license for the type of work proposed or the owner of the property (primary residence only) where the work will be performed are eligible to submit an application and receive a permit for any proposed construction governed by the codes referenced in this section. Owners may not subcontract work to unlicensed individuals.

(g) Issuance of any new permit(s) may be withheld by the building official or planning official for a property, contractor or owner when; there are existing out dated or expired permits, have unpaid or outstanding village fees, the owner or contractor have an ongoing investigation or court case related to construction or permitting, Village of Ruidoso business license has not been obtained or has been revoked or other similar items.

Sec. 22-34. Permit fees: expiration of permit.

- (a) *Fees generally.* The fees for permits shall be set from time to time and shall be as set forth in the following schedule. All permit fees are inclusive of plan review fees.

BUILDINGS (Chapter 22)			
Permit and inspection fees (22-34): After consultation with the village manager, the building official may waive permit fees as authorized in the building code.			
(1)	Permit fees are assessed based on a formula that takes into account that the level of effort for a larger, more complex project is not directly proportional to the value of construction (22-34(b)).		
		The basic formula is $y = 0.294 \times 0.688$	
		The minimum fee is 50.00 up to a construction value of 2,000.00	
		For construction values from 2,001.00 through 100,000.00 fees are computed and tabulated in 1,000.00 increments. The fee for construction values from 100,001.00 through 500,000.00 is 795.00 plus 4.48 per 1,000.00 over 100,000.00. The fee for construction values from 500,001.00 through 1,000,000.00 is 2,587.00 plus 3.80 per 1,000.00 over 500,000.00. The fee for construction values over 1,000,000.00 is 4,487.00 plus 2.92 per 1,000.00 over 1,000,000.00.	
(2)	The Building Official shall issue in February by April 1st of each year a valuation worksheet for use during the calendar year.		
(3)	Demolition permit:		
		Wrecking and demolition up to and including 1,500 square feet of floor area	35.00
		Each additional 500 square feet or fraction thereof	8.00
(4)	Moving of buildings:		
		Buildings up to ten feet in width	35.00
		Each additional foot over ten feet in width	3.00
(5)	Other inspections and fees:		
		Manufactured Home Occupancy Inspection	100.00
		Thermal Imaging Scan	100.00
		<u>Administrative only (for administration permits only, ex; change of contractor)</u>	<u>25.00</u>
		Damage Investigation	100.00 <u>75.00</u>
		<u>Change of Occupancy (without improvements or alterations)</u>	<u>50.00</u>
		Minimum fee for items not listed*	50.00
		Reinspection	50.00
Electrical permit fees (22-74):			
(1)	Residential:		
		Manufactured Home	45.00
		100 amp and below service	52.00
		101--200 amp service	90.00
		201--320 amp service	105.00
		321--400 amp service	225.00
		401 and above service	360.00
		Temporary service	20.00
		For each Additional Panelboard (Sub-panels)	20.00
		Remodel (No Panels Included)	45.00
		Low Voltage (Structured Wiring, Not Alarm)	20.00
		Alarm	20.00
		Solar system (No Panelboards Included)	45.00
(2)	Commercial:		
		100 amp and below service	92.00

	101--200 amp service	130.00
	201--320 amp service	175.00
	321--400 amp service	275.00
	401--600 amp service	375.00
	601--800 amp service	475.00
	801--1,000 amp service	575.00
	1,001--2,000 amp service	775.00
	2,001+ amp service	1,075.00
	Temporary	20.00
	Remodel (up to 1,000 square feet) (No Panels Included)	45.00
	Remodel (\$0.045 per sq. ft. for over 1,000 sq. ft.)	\$0.045 sq. ft.
	For each Additional Panelboard (Sub-panels)	20.00
	Low Voltage (Structured Wiring, Not Alarm)	20.00
	Alarm	20.00
	Solar system (No Panelboards Included)	45.00
(3)	Other inspections and fees:	
	Reinspections	50.00
	Services Change	20.00
	Swimming pools and Spas	45.00
	Septic	20.00
	Minimum fee for items not listed*	20.00
Plumbing and Mechanical Fees		
	Plumbing system and eight (8) plumbing fixtures or less	60.00
	Each additional group of four (4) plumbing fixtures(or for additions w/4 or less)	21.00
	<u>Re-plumb water piping system up to eight (8) plumbing fixtures</u>	<u>30.00</u>
	<u>Additional group of four (4) plumbing fixtures for re-plumbing water system</u>	<u>16.00</u>
	Evaporative cooler installation	11.00
	Gas pipe system and up to four (4) gas appliances	50.00
	<u>Gas conversion from LP to NG or recertification (not including replaced or new appliances)</u>	<u>35.00</u>
	Each additional gas appliance(1)	10.00
	Hot tubs and spas	40.00
	Swimming pools	40.00
	Water heater	7.00
	Mobile home service	5.00
	Water conditioner	7.00
	Back flow device	7.00

	Rainwater catchment system (non-potable)	20.00
	Rainwater catchment system (potable)	40.00
	Fire protection head (each)	1.00
	Grease trap	40.00
	Exhaust Ventilation (1 for up to each 1,000ft² Per each separate occupancy)	10.00
	Refrigeration system	13.00
	Duct work system	13.00
	Furnace /Forced air unit	13.00
	Ventilators, Purifiers or Humidifiers (per unit)	10.00
	Hydronic heating installation (includes boiler)	40.00
	Other heating appliances	13.00
	Boiler (other than hydronic)	13.00
	Medical gas system	33.00
	Hood/exhaust (residential)	6.50
	Hood/exhaust (commercial)	40.00
	Other items not listed*	33.00
	Reinspection	50.00
Administrative fees per application for processing electrical, plumbing and mechanical permits		
	Residential (up to four plex) and Commercial	25.00
	Multi-family above four plex and Commercial (based on value of work)	
	0 to 2,000	25.00
	2,001 to 25,000	35.00
	25,001 to 50,000	40.00
	50,001 to 100,000	45.00
	100,001 and up	50.00
<p>*Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, equipment, hourly wages and fringe benefits of all the employees involved. Inspections requested outside of normal business hours shall have a 4 hour minimum per inspection and shall be subject to personnel availability and shall be permitted and paid prior to inspection.</p>		

Chapter 22. Buildings and building regulations, fines

VORMC Section	Description	VOR Fine or Penalty	Total with Court Fees
22-1	Violation of chapter requirements, first offense, minimum	200	229

22-1	Violation of chapter requirements, second offense, minimum	350	379
22-1	Violation of chapter requirements, third and subsequent offense	500	529

(b) *Determination of value.* The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued, including all finish work. This valuation shall be based on the most current International Code Council Building Valuation Data Sheet. The building official shall issue ~~in February~~ **by April 1st** of each year a valuation worksheet for use during the calendar year. Where the owner or contractor provides a signed contract stating the value of construction, such value shall be used in calculating the permit fee under the following conditions:

Where the owner or contractor provides a signed contract stating the value of construction, such value shall be used in calculating the permit fee under the following conditions:

- (1) Work involved is for renovation of existing structure when no new square footage is added and/or no building official valuation covers work involved.
- (2) Contract value is greater than building official valuation and involves quality of work which is better than building official listed valuation for work involved.
- (3) The building official may use the lower of the 2 valuations when the scope of work to be permitted and the Use of the structure should be determined at the lower valuation.

(c) *Reinspection fees.* Reinspection fees may be required by the inspector for the following reasons:

1. The approved plans are not available on site for review by the inspector at the time of inspection.
2. Work is not ready for inspection.
3. Work is covered up without approval or inspection.
4. The previous correction notice, for the work under inspection, is not completed.

5. Access into or a means to access inspection is not provided by permittee or their representative.

(d) *Failure to obtain permit;* Where work for which a permit is required by this article is started prior to obtaining a permit, a stop work order (or red tag) shall be issued by the building official, the building official's representative or code enforcement officer. Permit fees specified may be doubled for the first offense and tripled for all subsequent offenses, but the payment of such fee(s) shall not relieve any person from fully complying with the requirements of this article in the execution of the work, nor from any other penalties prescribed by this article or this Code

(e) **Expiration; extensions.**

If the work for a permit has not commenced within one hundred eighty (180) days after the permit is issued, any permit issued pursuant to the provisions of this article shall expire. If the work authorized by such permit or extension of the permit, is suspended or abandoned for a period of 180 days after the work is commenced, the permit shall expire. A valid inspection shall be required to be approved at least once every 180 days to document that work on the project has not been suspended or abandoned. The building official is authorized to grant one permit extension upon request. Extension requests must be provided in writing by the permittee prior to permit expiration. Permits that have expired or are voided

for any reason are subject to section 22-34 (c) and (d) and any other applicable sections of this article or this Code. The building official may charge a fee to renew a permit that has expired or is voided for any reason, up to the amount of the existing permit fee.

- (f) **Failure to comply with a stop work order (or red tag);** Any person(s) not complying with a notice to stop work issued by the building official, the building official's representative, **state CID inspector** or code enforcement officer, may be subject to payment of up to triple the permit fees specified and/or any other penalties prescribed by this article or this Code. Every day that a person or persons fails to honor a stop work order shall be considered a separate violation subject to the penalties provided in this article or this Code. Stop work orders for work in violation on permitted projects, shall apply to the specified violation only, unless otherwise noted by the building official **and are subject to a fee of up to 3 times the cost of the total of the projects construction permit fees, for each day work is continued in violation of the stop work order with a minimum of \$300.00.**

Sec. 22-35. - Village nonliability.

This chapter shall not be construed as imposing upon the village any liability or responsibility for damage resulting from defective construction or systems, nor shall the village or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized by this chapter.

Sec. 22-36. - Notification when work or condition in violation of chapter.

Whenever the inspector finds any building, premises, or part thereof, in, or on which, there is being maintained a structure or system which is defective, unsafe, a code violation, or in which work is being done in violation of this chapter, it shall be his duty to notify in writing the owner, agent or person responsible for the premises in which such condition exists, or if such work is being, or has been installed, to correct such condition, or to remove, or cause to be reinstalled such work as has been in violation of this chapter. Upon receipt of such notice, the owner, agent or person responsible shall cause the violation to be corrected, removed or reinstalled and obtain permits or other required documentation as required by other applicable sections of this article or this Code.

Sec. 22-37. - Issuance of certificate of approval or occupancy.

(a) Upon satisfactory completion of permitted new construction or change of Use and Occupancy, **or a change within an Occupancy class,** the inspector shall issue a certificate of occupancy. ~~Additions, r~~ **Remodels, repairs, alterations, replacement, removal and demolition to existing structures shall, upon satisfactory completion of permitted work,** **shall** receive a final building approval.

(b) Development Agreement. Should requirements relating to this chapter or chapter 54 which are not substantially significant remain outstanding and would not pose a threat to public safety, welfare or cause nuisance to adjacent property owners or the public, then the building official, planning administrator or department director may authorize executing a Project Development Agreement with the contractor and property owner consistent with the provisions of such agreements in Chapter 54 and Section 22-40 Temporary Occupancy herein.

1. Such agreement should only extend the provisions of compliance in increments not to exceed 180 days, renewable once and allow for the issuance of a certificate of occupancy when all other permit and code requirements are met and is in the best interest of the public to enter into such agreement.

2. In no instance may a Project Development Agreement be utilized to circumvent the intent of this code or authorize unsafe, uninhabitable or illegal conditions to exist on the subject property.

3. Failure to comply with the provisions of a Project Development Agreement within the time specified shall be cause for the Village to revoke or suspend the permit, certificate of occupancy or both.

Sec. 22-38. - Inspections.

Requests to schedule inspections shall be called in to an automated inspection request phone number. The permit holder shall provide all the information required by the inspector when requesting that an inspection be scheduled. Requests will be processed the next business day and will be scheduled as work load and staff availability permits. Every effort will be made to schedule and complete inspections within one to two business days.

Sec. 22-39. - Minor repairs.

Minor repairs involving cosmetic changes or replacement of fixtures not requiring shutoff of the main utility feed to the structure normally will not require a permit and inspection. However, it is the owner's responsibility to check with the building official prior to commencing any work to verify that a permit and inspection are not required.

Secs. 22-40 – ~~¶~~Temporary occupancy.

- a. The inspector may issue temporary occupancy for a period not to exceed 180 days when approved by the building official:
 - (1) when circumstances in any specific case indicates a temporary occupancy is appropriate; **and,**
 - (2) life, safety or health will not be adversely affected by doing so; and,
 - (3) when approved by the building official, the permittee, shall in a written request, ask for an extension of a current, valid temporary occupancy. The extension shall be a maximum of 180 days and can be granted 1 time only.
- b. Upon expiration or denial of temporary occupancy, the right to occupy shall be revoked and the permit(s) shall be subject to the applicable sections of this article or this Code.

Secs. 22-41—22-60. - Reserved.

Section two. Chapter 42 is amended to read:

Sec. 42-32. - Adoption of fire codes.

(a) There is hereby adopted by the ~~VOR~~ Village for the purpose of prescribing regulations governing conditions hazardous to life, the environment and property from fire or explosion;; ~~those certain codes known as~~ **the codes as required in section 22-31 (a) of the Ruidoso code.**;

~~(1)New construction:~~ The International Fire Code, as amended and adopted by the State of New Mexico;

~~(2)Structures existing prior to adoption of this ordinance:~~ The Uniform Fire Code (2004 edition) and the National Fire Protection Association Standard 101, Life Safety Code (1994 edition). In the event that any inconsistency between the Uniform Fire Code and the Life Safety Code presents itself, the more restrictive provision of the codes shall apply.

Such codes are hereby referred to, adopted and made part of this article, as if fully set out in this article. The provisions of such codes shall be controlling within the village limits and the established three-mile extraterritorial zone, except those areas under the exclusive ownership and control of the United States of America or the Mescalero Apache Nation. Property owned or controlled by the State of New Mexico is subject to the provisions of such codes provided there is a delegation of authority agreement in place. A copy of the codes adopted by reference in this section shall be maintained in the office of the village clerk and shall be made available for review by the public upon request.

Section three. Chapter 54 is amended to read:

Sec. 54-31. - Definitions

Manufactured housing means a manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) and the Housing and Urban Development Zone Code II or ~~the Uniform Building Code, as amended to the date of the unit's construction~~ **the requirements in section 22-31 (a) of the Ruidoso code**, and installed consistent with the Manufactured Housing Act (NMSA 1978, § 60-14-1 et seq.) and with the regulations made pursuant thereto relating to ground level installation and ground anchors.

Portable or mobile vending stand or booth means a structure or assembly intended or designed for vending of food, beverages or general retail merchandise which is without permanent foundation and without connection to approved water and sewer systems and other required utilities and not meeting ~~state Uniform Building Code requirements~~ **the requirements in section 22-31 (a) of the Ruidoso code** for construction.

Sec. 54-100. - C-2 community commercial district.

(c) *Conditional uses.* Conditional uses in the C-2 district are:

(24) Uses or activities in a fiber or membrane tent, if the user or activities are listed in this section, and provided:

- a. The fire chief gives prior approval of the tent and proposed location thereof, as meeting the requirements of ~~article 32 of the Uniform Fire Code, 1994 edition, as amended~~ **in section 22-31 (a) of the Ruidoso code**.
- b. There is sufficient off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent.
- c. There are toilet facilities on the premises available to the users of the tent.
- d. The planning commission approves site development plans for the uses which demonstrate adequate parking, vehicular circulation, site grading and drainage and conformance to setback requirements.

Sec. 54-140. - Setback and height encroachments, limitations and exceptions.

(5) *Exemption from building setback requirements for buildings with party walls.*

Subject to regulations contained in ~~the Uniform Building Code~~ **section 22-31 (a) of the Ruidoso code** and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an integral unit.

Sec. 54-150. - Approved structures.

(a) Use of property permitted by this article shall be conducted from or within a permanent structure conforming to the ~~state Uniform Building Code~~ requirements **in section 22-31 (a) of the Ruidoso code** for the use or uses to be conducted in the respective zone district, unless approved as a mobile vending stand pursuant to subsection (b) of this section or unless approved under subsection 54-100(c)(24) allowing use of fiber or membrane tent in a C-2 zone district.

(b) Mobile vending stands are expressly prohibited except when licensed and approved in C-2 and C-3 zone districts as a conditional use or where use is temporary and operated in connection with special community and civic events which have been licensed and approved by the village under section 26-69 and the operation is limited to the approved location and jurisdiction for such event.

Section four. Chapter 86 is amended to read:

Sec. 86-64. - Sewer use regulations.

(g) *Grease, oil and sand traps.* Grease, oil and sand traps shall be provided and properly maintained by the owner when, in the opinion of the building inspection division or wastewater department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand

or other harmful ingredients. These are subject to the following additional regulations:

- (1) Such traps shall not be required for private living quarters or dwelling units.
- (2) All traps installed shall be sized as required by the Uniform Plumbing Code in section 22-31 (a) the Ruidoso code as adopted by the village.
- (3) All traps shall be located so as to be readily and easily accessible for cleaning and inspection.
- (4) All traps shall be cleaned sufficiently often so as to prevent any discharge of grease, oil or sand into the village sewer system and the owner of the premises shall keep records of the cleaning of all traps on the premises. These records shall be available for inspection by an authorized representative of the building inspection division or wastewater department during normal business hours.

Section five. *Applicability.* All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

Section six. *Severability.* If any provision within this ordinance is amended or repealed by the Governing Body, or determined to be incompatible with state law by court order and thus rescinded, the remaining provisions are severable and shall remain in effect.

Section seven. *Effective date.* The provisions of this Ordinance shall become effective July 1, 2017.

PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the VILLAGE of RUIDOSO this ____ day of _____, 2017.

VILLAGE OF RUIDOSO

By: _____
Tom Battin, Mayor

(SEAL)

ATTEST:

Irma Devine, Village Clerk