



**TAOS COUNTY
ORDINANCE 2024-5**

AN ORDINANCE REPEALING TAOS COUNTY ORDINANCE 1996-10 AND ORDINANCE 1998-3 AND ADOPTING THE NEW MEXICO ADMINISTRATIVE CODE AS ADOPTED BY THE CONSTRUCTION INDUSTRIES DIVISION OF THE NEW MEXICO LICENSING AND REGULATION DEPARTMENT WHICH HAS ADOPTED THE 2021 INTERNATIONAL BUILDING CODES

WHEREAS, the Taos County Board of County Commissioners is the duly authorized governing body of Taos County, a political subdivision of the State of New Mexico; and

WHEREAS, Taos County herein adopts, for the purposes of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use height, area and maintenance of buildings providing penalties for the violation thereof, the New Mexico Administrative Codes, as approved and promulgated by the State Construction Industries Commission; and

WHEREAS, the health, safety, and general welfare of the residents of Taos County require the regulation of building construction, alteration and repair and certain types of land excavation with Taos County; and

WHEREAS, §4-37-1 NMSA, 1978 and §3-17-6, NMSA 1978 enable New Mexico counties to enact a building code to provide for the safety, preserve the health, and promote the general welfare, order, comfort and convenience of Taos County and its inhabitants; and

WHEREAS, Resolution 2008-33 previously adopted the New Mexico Building Codes by reference as approved and promulgated by the State of New Mexico Construction Industries Commission.

WHEREAS, the building codes adopted by the New Mexico Construction Commission do not include an excavation and grading section; Appendix Chapter 33 Excavation and Grading Section of the 1997 Uniform Building Code shall remain in effect;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Taos County that:

1. The Taos County Board of County Commissioners, in the interests of the public health, safety and general welfare of the citizens of Taos County, adopts the New Mexico Administrative Codes as adopted by the Construction Industries Division of the New Mexico Licensing and Regulations Department and as amended by that agency from time to time for the purpose of establishing rules, regulations and permitting procedures for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures. This adoption is subject to all the amendments, deletions and additions contained in this Ordinance. From the effective date of the Ordinance, the provisions thereof shall be controlling in the construction of all buildings and structures within the boundaries of Taos County, New Mexico.

2. With the adoption of the New Mexico Administrative Code the following codes shall be in effect as amended by the New Mexico Administrative Code and this Ordinance:
 - A. 2021 International Building Code
 - B. 2021 International Residential Code
 - C. 2021 International Energy Conservation Code
 - D. 2021 International Existing Building Code
 - E. 2021 International Property Maintenance Code
3. Taos County adopts Appendix Chapter 33 of the 1997 Uniform Building Code as part of this Ordinance for the purpose of establishing rules, regulations and permitting procedures for excavation and grading as defined in Appendix Chapter 33. This adoption is subject to all the amendments, deletions and additions contained in this Ordinance. From the effective date of this Ordinance, the provisions thereof shall be controlling in excavations as defined in Appendix Chapter 33, within the boundaries of Taos County, New Mexico.
4. All applicants applying for a building permit shall adhere to the requirements for electrical, plumbing and mechanical codes as adopted by the New Mexico Administrative Code. No electrical wiring, plumbing or mechanical work or LP gas work as defined in the applicable New Mexico construction codes for those trades, may be installed, repaired, altered or maintained in or on such building or structure, unless the applicable permit has first been obtained from the New Mexico Construction Industries Division prior to the commencement of said construction.
5. No person shall construct, enlarge, alter, repair, move, demolish or change the occupancy of any building or structure or perform excavation or grading without first obtaining a separate building or excavation permit for each building, structure, or excavation, except where exempted in the New Mexico Administrative Code or in Appendix Chapter 33 of the 1997 Uniform Building Code.
6. The Certified Building Official "CBO" is the executive official charged with the administration and enforcement of the provisions of the Construction Industries Licensing Act and the administrative codes under the act. For the purposes of this Ordinance, "Certified Building Official, "CBO" includes his/her staff and designee(s).
7. The CBO and his/her designated agent(s) shall be licensed by the Construction Industries Division of the New Mexico Licensing and Regulations Department.
8. For the purposes of determining building permit fees, the applicant for a permit shall provide such information as the CBO shall require in order to establish the total value of the project for which the permit is being sought. The information shall include the value of the labor and materials to be used for the project. If the information supplied is insufficient or indicates that the value of the project is lower than the minimum value of the project derived by applying any schedule of costs established by the Building Valuation Data Sheet, as approved and promulgated by the State Construction Industries Commission, the permit shall be denied unless the applicant submits credible written estimates, of sufficient detail, to support the value asserted by the applicant. The CBO shall determine the ultimate valuation assigned to a project for the purposes of establishing the permit fee.
9. Permit fees for all building permits and excavation permits shall be as set forth in a separate Resolution adopting the Planning Department Fee Schedule.
10. Where it is necessary to make an inspection to enforce the provisions of this Ordinance, or where the CBO has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this Ordinance that makes the structure or premises unsafe, dangerous or hazardous, the CBO is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance, provided that if such structure or premises be occupied that credentials

be presented to the occupant and entry requested. If entry is refused, the CBO shall have recourse to the remedies provided by law to secure entry.

11. Every permit issued by the CBO shall expire within one (1) years' time that said permit has been deemed approved and shall be voided if the work authorized by the permit does not commence within 180 days.
12. An active permit may be extended for an additional period not to exceed 180 days upon approval of the CBO and payment of all assessed fees.
13. Whenever the CBO disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the New Mexico Administrative Code do not apply, or when the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the CBO in writing to the Taos County Board of Adjustment within thirty (30) days of the decision of the CBO. The burden is on the applicant to prove, with clear and convincing evidence, how and why the CBO's decision is incorrect.

Written requests for appeals of the actions of the Taos County Board of Adjustment may be taken to the Taos County Planning Commissioners within thirty (30) days of the decision of the Taos County Board of Adjustment. The burden is on the applicant to prove, with clear and convincing evidence, how and why the CBO's decision is incorrect.

Appeals of the action taken by the Taos County Planning Commissioners may be taken to the Taos County Board of County Commissioners within thirty (30) days of the decision of the Taos County Planning Commission. The burden is on the applicant to prove, with clear and convincing evidence, how and why the CBO's decision is incorrect.

Appeals of the action taken by the Taos County Board of County Commissioners may be taken by writ of certiorari filed in State of New Mexico District Court of Taos County within thirty (30) days of such Taos County Board of County Commissioners action.

All appeals are subject to the rules and regulations of the Taos County Land Use Regulations, Article 9, as amended.

14. One or more copies of the New Mexico Administrative Code as adopted herein, shall be available for inspection during normal business hours of the Taos County Planning Department.
15. In addition to any remedial action or abatement procedures contained in the New Mexico Administrative Code, as adopted herein, any person willfully violating any provision thereof shall be punished by a fine not to exceed the maximum allowable by New Mexico law, or imprisonment, not to exceed the maximum number of days allowable by New Mexico law, or both fine and imprisonment. Each day shall be deemed a separate offense.

AMENDMENT – All other provisions of the New Mexico Administrative Code not specifically amended herein shall remain in full force and effect.

EFFECTIVE DATE, this Ordinance shall take effect thirty (30) days after the ordinance has been authenticated and recorded by the County Clerk, pursuant to § 47-6-10(K) NMSA 1978 as amended.

PASSED, APPROVED, and ADOPTED this 17 day of September 2024.

BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO

Bob Romero
FR Bob Romero, Chairperson

Attest:

Valerie Montoya
Valerie Montoya, Taos County Clerk

VOTE RECORD

FR Bob Romero	yes	no	abstain	absent
R Mascarenas	yes	no	abstain	absent
M Romero, Jr	yes	no	abstain	absent
D Vigil	yes	no	abstain	absent
A Brush	yes	no	abstain	absent

Approved as to legal form:

Randy M. Autio
Randy M. Autio (Sep 18, 2024 10:25 MDT)
Randy Autio, Contract County Attorney

