ORDINANCE NO. 2024-10

AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING BUILDING AND CONSTRUCTION CODES

WHEREAS, the adoption of building and construction codes is essential to ensure that structures located within the Village of Taos Ski Valley ("Village") are safe, sanitary, and fit for occupation and use;

WHEREAS, such codes are necessary for regulating and governing the construction and maintenance of all property, buildings, and structures in the best interest of the public health, safety, and welfare;

WHEREAS, these codes provide the standards for construction, utilities, and other physical conditions essential to the use and occupancy of Village buildings, as well as the demolition of such structures;

WHEREAS, these codes also provide for the issuance of permits, the collection of fees therefor, and the imposition of penalties for violations;

WHEREAS, the Village hereby adopts the Village of Taos Ski Valley's building and construction codes for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures;

WHEREAS, these Village building and construction codes, though named by reference herein, are adopted and incorporated as if fully set forth herein, and in compliance with the laws of the State of New Mexico;

WHEREAS, the adoption of the Village building and construction codes supersedes and repeals any building and construction codes previously adopted by the Village. Where the Village's building and construction codes are amended in part by the Village, any such amendments shall supersede inconsistent provisions set forth in the New Mexico model and uniform codes;

WHEREAS, these codes are controlling in the construction of all commercial, industrial, and residential buildings and other structures located within the corporate limits of the Village of Taos Ski Valley.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:

SECTION I. INTRODUCTION

A. For the purpose of prescribing standards for regulating construction, maintenance, and demolition of buildings and structures, including all building service equipment, and

installations within the Village, the following Village of Taos Ski Valley building and construction codes are hereby adopted.

B. The Village building and construction codes, as adopted herein, may be amended or repealed in the same manner as ordinances are amended or repealed. Such codes may also be amended as authorized by the State of New Mexico.

C. A copy of the Village's building and construction codes are on file in the Office of the Village Building Official, and are available for inspection by the public during regular business hours. A copy of these codes are available to any individual upon request, with and the payment of a reasonable charge, as set by the Village Administrator.

D. These codes are adopted by reference to the International Code Council and NMSA, sec. 60-13-1, *et. seq.,* titled "Construction Industries Licensing Act."

SECTION II. ADOPTION OF CODES.

A. The following building and construction codes are adopted and amended as set forth herein. These codes are adopted by reference to the general u.niform codes and New Mexico model codes, and are incorporated as if fully set out herein, unless otherwise amended by the Village. From the date on which this Ordinance takes effect, these codes shall be controlling within the municipal boundaries of the Village.

B. The following Codes are adopted by reference:

1. The New Mexico Building Code, NMAC Title 14, Housing and Construction, Chapters 5 and 6, as follows:

Chapter 5, Part 1, General Provisions,14.5.1, effective; 3-10-22.

Chapter 5, Part 2, Permits, 14.5.2, effective; 3-10-22.

Chapter 5, Part 3, Inspections, 14.5.3 effective; 3-10-22.

Chapter 5, Part 4, Fees 14.5.4, not adopted.

Chapter 6, Construction Industries Licensing 14.6.1 through 7; effective 12-1-00

2. The 2021 New Mexico Commercial Building Code, Chapter 7, part 2;effective 7-13-23

3. The 2021 International Building Code, including Appendices C, E, F, G, H, and I, titled as follows:

Appendix C, Agricultural Buildings

Appendix E, Supplementary Accessibility Requirements

Appendix F, Rodent proofing

Appendix G, Flood Resistant Construction

Appendix H, Signs

Appendix I, Patio Covers

Not adopted are the following Appendices:

Appendix A, Employee qualifications (see 14.5.1.7, B., D. NMAC)

Appendix D, Fire Districts

Appendix J, Grading

Appendix K, Administrative Provisions

Appendix L, Earthquake Recording Instrumentation

4. The 2021 New Mexico Residential Building Code, Chapter 7 Part 3;effective 7-13-23.

5. The 2021 International Residential Code (IRC) IRC Appendix Chapters, as amended and adopted by the State of New Mexico, as follows:

Appendix AD, Recommended procedure for Safety Inspection of an existing appliance installation

Appendix AF Radon Control Methods

Appendix AH, Patio Covers

Appendix AJ, Existing Buildings

Appendix AK, Sound Transmission

Appendix AL, Permit Fees

Appendix AQ, Tiny Houses

Appendix AR Light Straw Clay Construction

Not adopted are the following IRC Appendices:

Appendix AA, Sizing and Capacities of Gas Piping

Appendix AB, Sizing of Venting Systems Serving Appliances, Equipped Draft Hoods, Category 1 Appliances, and Appliances listed for use with Type B Vents

Appendix AC, Exit Terminals of Mechanical Draft and Direct-venting Systems

Appendix AE, Manufactured Housing Used as Dwellings

Appendix AG, Piping Standards

Appendix AI, Private Sewage Disposal

Appendix AN, Venting Methods

Appendix AP, Sizing of Water Piping System

Appendix AS, Straw Bale Construction

6. The 2021 New Mexico Earthen Building Materials Code, 14.7.4;effective11-15-16.
7. The 2018 New Mexico Residential Energy conservation Code,14.7.6;eff 9-25-20.
8. The 2018 International Energy Conservation Code.
9. The 2021 New Mexico Existing Building Code, 14.7.7;effective 7-14-23.
10. The 2021 International Existing Building Code
11. The 2021 New Mexico Historic Earthen Buildings
12. The 2021 New Mexico Plumbing Code
13. The 2021 Uniform Plumbing Code, including Appendix Chapters A, B, D, E, F, and I
14. The 2012 New Mexico Swimming Pool, Spa and Hot Tub Code
15. The 2012 Uniform Swimming Pool, Spa and Hot Tub Code
16. The 2021 New Mexico Mechanical Code
17. The 2021 Uniform Mechanical Code, including Appendices A, B, C, and D
18. The 2012 New Mexico Solar Energy Code
19. The 2012 Uniform Solar Energy Code
20. The 2017 New Mexico Electrical Code
21. The 2017 National Electrical Code
22. The New Mexico Electrical Safety Code
23. The 2012 National Electrical Safety Code
24. The New Mexico Liquefied Petroleum Gas Standard
25. Errata Sheets as to the adopted portions of the Codes promulgated by the International Code Council, International Association of Plumbing and Mechanical Officials, and National Electrical Code, as amended;

SECTION III. JURISDICTION TO ENFORCE

The jurisdiction to administer and enforce the Village building and construction codes shall be vested in the Village Building Official.

SECTION IV. APPEALS

The Village Planning Commission is vested with the right to hear appeals of the Village Building Official's decisions in the administration and enforcement of the Village Building and Construction Codes.

A. Any person aggrieved by the decision or action of the Building Official may appeal the Village Building Official's decision to the Commission. The appeal shall be filed in

writing within 15 days of the Building Official's final decision. The appeal shall set forth in writing specifically wherein it is claimed there was an error or abuse of discretion, or where the decision or action was not supported by evidence in the matter. Any such appeal shall be heard at the next regularly scheduled Planning Commission meeting and shall be noticed as a public hearing.

B. Any appeal following a decision of the Building Official shall be made in writing on prescribed forms obtainable at the Village Office upon payment of the applicable filing fee, and submitted to the Building Official. Any appeal not submitted within fifteen days after the decision, which is the subject of the appeal, shall not be considered. The Building Official shall transmit all papers involved in the proceedings to the Commission within seven days after the receipt of the appeal application.

C. The Commission, following a public hearing, shall make the decision on an appeal. Notification of the time and place of the public hearing shall be published at least fifteen days prior to the hearing. The Building Official shall notify the applicant, members of the Commission, and a representative of the opponents, if any, of the hearing date.

D. An appeal shall stay all proceedings in the action unless the Building Official certifies that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of a court of competent jurisdiction.

E. Decision of an appeal to the Planning and Zoning Commission shall be made within sixty (60) days of date of application. A majority vote of the Planning and Zoning Commission is required to reverse, change or affirm an action of the Village Building Official.

F. The Village Planning and Zoning Commission decision is subject to appeal to the Village Council by either the appellant or the Village Building Official.

G. The Village Council decision on appeal is the final decision of the Village, and may be appealed to a district court of competent jurisdiction in accordance with New Mexico law.

SECTION V. BUILDING PERMITS

Building permit applications shall be made available at the Village of Taos Ski Valley Office. No building permit shall be issued for the construction, erection, or demolition of any building or structure within the Village's jurisdiction unless the construction, erection, or demolition complies with the terms and provisions of this Ordinance.

SECTION VI. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Village Council shall establish, by resolution, a schedule of fees for permits and other matters pertaining to this Ordinance.

No permit or approval required under this Ordinance shall be issued or granted unless and until such fees have been paid in full. The schedule of fees adopted by the Village Council replaces any such fees adopted by the New Mexico Construction Industries Division or the State of New Mexico.

The schedule of fees shall be printed and available from the Village Building Official.

SECTION VII. REPEAL AND CONFLICT OF CODES

The adoption of Village of Taos Ski Valley Ordinance No. 2024-10 Adopting Building and Construction Codes supersedes and repeals any building and construction codes previously adopted by the Village.

Where the Village's building and construction codes are amended as set forth in this document, any such amendments will supersede inconsistent provisions set forth in the New Mexico model and uniform codes.

SECTION VIII. NON-WAIVER OF IMMUNITY

Nothing contained in this Ordinance shall be construed as waiving the immunity of the Village, its officers, agents, servants and employees, as may be provided for in the New Mexico Tort Claims Act. Neither the Village, nor its officers, agents, servants, and employees will be liable to any person for enforcement of the provisions of this Ordinance.

SECTION IX. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION X. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its adoption, approval, and publication as provided by law.

PASSED, APPROVED AND ADOPTED THIS 24th day of October , 2023.

VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

Thomas P. Wittman

Thomas Wittman, Mayor pro Tem

ATTEST:

Ann M. Wooldridge

Ann M. Wooldridge, Village Clerk

THE VILLAGE OF TAOS SKI VALLEY, N.M.