

SAN JUAN COUNTY

AMENDMENT TO ORDINANCE NO. 9

AMENDING THE SAN JUAN COUNTY CONSTRUCTION CODE ORDINANCE, ADOPTED ON MAY 16, 2007, TO MAKE CONSTRUCTION CODES AVAILABLE FOR PUBLIC INSPECTION.

WHEREAS, citizens of San Juan County desire to inspect the New Mexico Construction Codes which are adopted by the Construction Industries Division of the Regulation and Licensing Department and are adopted by San Juan County through Ordinance No. 9; and

WHEREAS, the Board of County Commissioners desires to meet the needs of the citizens of San Juan County by allowing them access to the New Mexico Construction Codes.

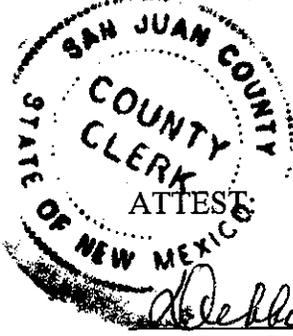
NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

The following section is hereby added to San Juan County Ordinance No. 9:

SECTION 11. PUBLIC INSPECTION

Copies of the Construction Codes adopted herein shall be available for public inspection in the office of the San Juan County Clerk and in the office of the San Juan County Building Official.

PASSED, APPROVED, AND ADOPTED THIS 17TH DAY OF FEBRUARY, 2009.



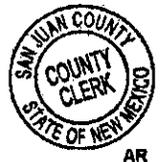
Debbie Holmes
Debbie Holmes, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO

By: *James C. Henderson*
James C. Henderson, Chairman



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San Juan County, NM DEBBIE HOLMES





SAN JUAN COUNTY, NEW MEXICO

CONSTRUCTION CODE ORDINANCE

ORDINANCE NO. 9

AN ORDINANCE ADOPTING THE NEW MEXICO CONSTRUCTION CODES INCLUDING THOSE ADOPTED BY REFERENCE IN ACCORDANCE WITH THE CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND LICENSING DEPARTMENT; INCLUDING THE COUNTY OF SAN JUAN IN "DEFINITIONS"; CONTINUING THE COUNTY BUILDING DEPARTMENT AND THE OFFICE OF THE COUNTY BUILDING OFFICIAL; REQUIRING PERMITS AND PROVIDING FOR THE INSPECTION THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR PROVISIONS FOR RIGHT OF ENTRY AND DANGEROUS STRUCTURES

WHEREAS, the health and welfare of the residents of San Juan County requires the regulation of the construction, alteration and repair, etc. of buildings within San Juan County; and

WHEREAS, NMSA 1978, Section 3-17-6 (1965) provides that a municipality may adopt by ordinance the conditions, provisions, limitations and terms of model codes, and that said codes be adopted by reference thereto; and

WHEREAS, NMSA 1978, Section 4-37-1 (1975) provides that all counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties. Included in this grant of powers to the counties are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants. The board of county commissioners may make and publish any ordinance to discharge these powers not inconsistent with statutory or constitutional limitations placed on counties.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of San Juan County, New Mexico, as follows:


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San Juan County, NM Clerk FRAN HANHARDT

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SECTION 1. PRIOR ORDINANCE REPEALED

Ordinance No. 9, passed, adopted and approved on December 7, 1982, and an amendment to Ordinance No. 9, passed, adopted and approved on December 30, 1986, be and the same are hereby repealed concurrent with the effective date of this Ordinance, provided that such repeal shall not affect the prosecutions then pending, or those later brought for violation of such Ordinance occurring before the effective date of this Ordinance.

SECTION 2. NEW MEXICO CONSTRUCTION CODES ADOPTED

The New Mexico Construction Codes which are currently, or which may from time to time be adopted, including all subsequent amendments, adopted by the Construction Industries Division of the Regulation and Licensing Department specified in Title 14 NMAC, including those codes adopted by reference, are hereby adopted by the County of San Juan for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures, and issuing permits to all amendments and deletions contained in this Ordinance; and from the date on which this Ordinance shall take effect; the provisions hereof shall be controlling in the construction of all buildings and structures with in the boundaries of San Juan County, New Mexico as directed by the Building Official.

SECTION 3. DEFINITIONS

- A. In the code herein adopted, the words City or State of New Mexico shall include the County of San Juan.
- B. "Building Official" or "County Building Official" shall mean the Building Official or his authorized representative.

SECTION 4. BUILDING OFFICIAL

The position of the Building Official is hereby created and the executive official in charge shall be known as the Building Official.

4.1 DUTIES

It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures. Where conflicts exist between the New Mexico Construction Codes and any subsequent code specifically or not specifically adopted, the Building Official shall have the authority to render a final determination.

4.2 NON LIABILITY FOR OFFICIAL ACTS

The Building Official and any other County employee charged with enforcement of the New Mexico Construction Codes, and Ordinances, acting in good faith and without malice for the County in the discharge of their duties, shall not render themselves personally liable and they are 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, in the lawful discharge of

their duties. Any suit brought against the Building Official or any such employee, because of such act or omission performed in the enforcement of any such provision of the New Mexico Construction Codes, or Ordinances, shall be defended by San Juan County.

SECTION 5. PERMIT REQUIRED

No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished prior to obtaining a permit. The permit holder shall be deemed the responsible party for notification of required inspections and compliance of permitted work.

5.1 PERMIT FEES

All permit fees are due at the time of the issuance of the permit. Fees shall be evaluated and updated on an annual basis utilizing the criteria specified in the Building Safety Journal published by the International Code Council. A schedule of fees so adopted shall be printed and available to any person, corporation or association at the Office of the County Building Official.

SECTION 6. PENALTY FOR VIOLATION

In addition to any remedial action or abatement procedures contained in the New Mexico Construction Codes adopted herein, any person violating any provision thereof shall be punished by a fine not to exceed Three Hundred Dollars (\$300.00) or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day of violation shall be deemed a separate offense.

SECTION 7. RIGHT OF ENTRY

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Ordinance or other applicable law, or whenever the Building Official or authorized representative has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure hazardous, unsafe or dangerous for any reason specified in the New Mexico Construction Codes, the Building Official or authorized representative hereby is authorized to enter such property at any reasonable time, to inspect the same and perform any duty imposed upon the Building Official by this Ordinance or other applicable law, provided that if such property be occupied, first proper credentials shall be presented to the occupant and request entry explaining reasons therefore; and if such property be occupied, first a reasonable effort to locate the owner or other persons having charge or control of the property and request for entry shall be made, explaining reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Building Official or authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- B. Notwithstanding the foregoing, if the Building Official or authorized representative has reasonable cause to believe that the building or premises is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, he or she shall have the right to immediately enter and inspect such property, and may use any reasonable

means required to effect such entry and such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, first proper credentials shall be presented to the occupant and entry shall be requested, explaining the reasons therefore and the purpose of the inspection. If the building is deemed unsafe by the Building Official or authorized representative, an official notice shall be attached to the structure declaring it not to be used or occupied until remedial action is taken to forgo the hazardous, unsafe or dangerous condition(s).

- C. No person shall fail or refuse, after proper request has been made as provided in this subsection, to promptly permit the Building Official or authorized representative to make any inspection provided for by paragraph B. of this section. Any person violating paragraph B. of this section shall face subsequent charges of a misdemeanor.

SECTION 8. APPEALS

Whenever the Building Official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply, or that the true meaning and intent of the Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Building Official to the Construction Industries Division of the State of New Mexico in accordance with Section 14.5.1 of the New Mexico Administrative Code.

SECTION 9. VALIDITY

The Board of County Commissioners of San Juan County, New Mexico, hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the New Mexico Construction Codes hereby adopted be declared for any reason to be invalid, it is the intent of the Board of County Commissioners that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

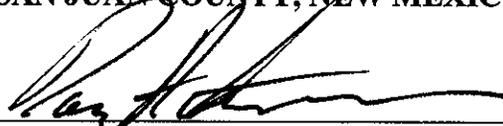
SECTION 10. EFFECTIVE DATE

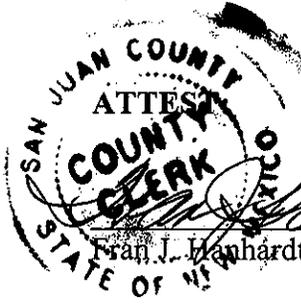
This Ordinance shall become effective thirty (30) days after its recording by the County Clerk as provided by law.


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San Juan County, NM Clerk FRAN HANHARDT

PASSED, APPROVED AND ADOPTED this 16th day of May, 2007.

**BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, NEW MEXICO**

By: 
Tony Atkinson, Chairman

 ATTEST
COUNTY CLERK

Fran J. Hanhardt, County Clerk


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