



City of Las Cruces®

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Council Action and Executive Summary

Item # 26

Ordinance/Resolution# 2737

For Meeting of November 3, 2014
(Ordinance First Reading Date)

For Meeting of December 1, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE REPEALING AND REPLACING SECTION 30-146 DEFINITIONS, SECTION 30-201 EXEMPT BUILDING PERMITS, SECTION 30-272 PRE-APPLICATION PROCEDURE, SECTION 30-352 PRE-APPLICATION PROCEDURE, SECTION 30-457 PRE-APPLICATION PROCEDURE AND DIVISION 17 BUILDING STANDARDS OF CHAPTER 30, BUILDINGS AND BUILDING REGULATIONS OF THE LAS CRUCES MUNICIPAL CODE (LCMC). SUBMITTED BY THE CITY OF LAS CRUCES.

PURPOSE(S) OF ACTION:

Amend Building Code.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Robert Kyle, Building & Development Services Administrator	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3106
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed ordinance will amend the Las Cruces Building Code, (Chapter 30, LCMC 1997, as amended) to address several issues:

1. Requiring a pre-submittal meeting between review staff and the owner and responsible design professional(s) on all large new commercial projects and alterations of existing structures that are valued over \$100,000.00 as well as development projects. This is being requested as part of changes being made to the development and construction review process based on dialogs between the City Manager's Office and the industry and stakeholders. This provision should lead to more complete and accurate submittals which ultimately should reduce the number of reviews necessary to approve a set of plans and issue the resulting permit.

2. Exempting yard walls and fences from obtaining building permits or inspections providing the walls are 6 feet or lower in height, not a retaining wall, and are private to private construction. Any walls or fences adjacent to right-of-way or could fall into right-of-way, retain more than 24" of soil or are greater than 6 feet in height would require permits and inspections. The International Building Code, International Residential, and the State of New Mexico Commercial and Residential Building Codes all exempt walls and fences 6 feet and lower in height from permits. This amendment will bring the city into line with these general application construction codes. In addition, the building and construction industry has requested this exemption for a number of years as a means of reducing overall construction costs for new homes. As yard walls are not a requirement of our adopted codes, building or zoning, it appears that leaving this a civil contract issue between customer and contractor seems appropriate.

3. Correction of the definition of the plumbing and mechanical codes to reflect the Uniform Plumbing and Mechanical Codes as adopted by the City.

4. Adoption of the 2014 National Electric Code (NEC) as amended by the State of New Mexico. This action will bring the City of Las Cruces in line with the State of New Mexico by adopting and enforcement of the same electrical code. The 2014 NMEC went into effect in August 2014.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Proposed amendments in approved format.
3. Attachment "A", Proposed amendments in legislative format.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
N/A	Does this action create any revenue?		
	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$_____ for FY__.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the proposed amendments to Chapter 30 of the Las Cruces Municipal Code and will result in pre-submittal meetings being required for larger commercial and development projects, adoption of the 2014 NEC/NMEC and exemption of certain yard walls from obtaining permits.
2. Vote "No"; this will result in the Building Code not be amended. The City will be out of compliance with the State of New Mexico Construction Industries Licensing Act (CILA) by not enforcing a construction code (electrical) that is at least as stringent as the State's adopted code regarding the same topic. All walls and fences except as already exempted will be required to be permitted and inspected and the Building Code will reference the wrong Code body for plumbing and mechanical codes in the definition section. Lastly, pre-submittal meetings will remain strictly voluntary.
3. Vote to "Amend"; this would allow the City Council to amend the Ordinance to address any concerns they may have. The Council could choose to adopt one or more of the proposed amendments but not all of them.
4. Vote to "Table"; this would allow the City Council to table/postpone action on the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

COUNCIL BILL NO. 15-018
ORDINANCE NO. 2737

AN ORDINANCE REPEALING AND REPLACING SECTION 30-146 DEFINITIONS, SECTION 30-201 EXEMPT BUILDING PERMITS, SECTION 30-272 PRE-APPLICATION PROCEDURE, SECTION 30-352 PRE-APPLICATION PROCEDURE, SECTION 30-457 PRE-APPLICATION PROCEDURE AND DIVISION 17 BUILDING STANDARDS OF CHAPTER 30, BUILDINGS AND BUILDING REGULATIONS OF THE LAS CRUCES MUNICIPAL CODE (LCMC). SUBMITTED BY THE CITY OF LAS CRUCES.

The City Council is informed that:

WHEREAS, the City of Las Cruces is proposing to amend certain sections of the Las Cruces Building Code (Chapter 30, LCMC); and

WHEREAS, the amendments seek to provide improvements to the permitting and construction process as well as comply with the Construction Industries Licensing Act (CILA).

NOW, THEREFORE, Be it ordained the governing body of the City Las Cruces:

(I)

THAT Division 17, Building Standards, and Sections 30-146, 30-201, 30-272, 30-352 and 30-457 of Chapter 30 of the Las Cruces Municipal Code are hereby repealed and replaced as shown on Exhibit "A," attached hereto and part of this Ordinance.

(II)

THAT the 2014 NEC/NMEC will be enforced starting January 1, 2015.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

Sec. 30-146. Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Wherever terms are not defined, they shall have their ordinarily accepted meanings, within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1981 shall be considered as providing ordinarily accepted meanings.

Addition. An extension or increase in floor area or height of a building or structure.

Alter or alteration. Any change, addition, or modification in construction or occupancy.

Appropriate seal. Plans, designs, drawings, specifications/reports submitted shall be prepared and sealed by professionals practicing within their disciplines in accordance with the State Board of Examiners for Architects and the State Board of Registration for Professional Engineers and Surveyors, and shall be in compliance with the "Handbook for New Mexico Building Officials" produced by the Joint Practice Committee of the N.M. Board of Examiners for Architects and the N.M. Board of Registration for Professional Engineers and Surveyors and the N.M. Board of Landscape Architects.

Area. (See "floor area").

Building Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official. The officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.

Building permit. An official document or certificate issued by the Building Official authorizing performance of a specified activity.

Certificate of occupancy/completion. The final certificate attesting that the building or project has been constructed in accordance with the city building permit and inspection code.

City Council. The governing body of the city.

Development impact fee. A charge or assessment imposed by the city on new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, development fees and any other fee that functions as described by this definition. The term does not include hook-up fees, dedication of rights-of-way easements or construction or dedication of on site water distribution, wastewater collection or drainage facilities, or streets, sidewalks or curbs if the dedication or construction is required by previously adopted valid ordinance or regulation and is necessitated by and attributable to the new development.

Dwelling (single family). A dwelling designed for and occupied exclusively by one family.

Dwelling (two family/duplex). A building or buildings designed for two families occupying separate, attached or detached living units.

Dwelling (multi-family). A building or buildings designed for three or more families occupying separate attached or detached living units.

Energy Code. The International Energy Conservation Code promulgated by the International Code Council, as adopted by this jurisdiction.

Existing Building Code. The International Existing Building Code promulgated by the International Code Council, as adopted by this jurisdiction.

Electrical Code. The National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction and the New Mexico Electrical Code.

Fire Code. The International Fire Code promulgated the International Code Council, as adopted by this jurisdiction.

Fire Code official. The director of fire and emergency services or other designated authority charged with the administration and enforcement of all relevant fire codes, or his duly authorized representative.

Floor area. The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of one roof or floor above.

Fuel Gas Code. The International Fuel Gas Code promulgated by the International Code Council, as adopted by this jurisdiction.

Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or whenever the property line is more than five feet from the building, between the building and a line five feet from the building.

Height of building. The vertical distance from grade plane, undisturbed or altered, to the average height of the highest roof surface.

International Building/Residential Code, the standards for building and new construction developed by the International Code Council, as adopted by this jurisdiction.

Impervious surface area. That ground area of a lot, tract, or parcel that is not penetrable by water, to include, but not limited to, buildings, structures, pavement, sidewalks, and certain land covers for landscaping.

Manufactured housing. A manufactured home or modular home 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 (HUD), the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code/International Building/Residential Code, as amended to the date of the units' construction, and installed consistent with the Manufactured Housing Act (chapter 60, article 14 NMSA 1978).

Mechanical Code. The Uniform Mechanical Code promulgated by the International Association of Plumbing and Mechanical Officials, as amended and as adopted by this jurisdiction.

Mobile home. A manufactured movable or portable housing structure larger than 40 feet in body length eight feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes but does not include structures built to the standards of any municipal building code and other technical codes. Mobile homes should not be confused with prefabricated homes, modular homes, recreational vehicles or similarly constructed dwellings.

Manufactured housing or mobile home installation permit. A permit required by the City for the installation of a mobile and/or manufactured housing unit on land within the city. To include manufactured homes or mobile homes being installed or placed within a mobile home park, a subdivision, or separate parcel of land. See also, building permit.

Mobile home park. A privately owned tract of land, at least five acres in size, containing at least ten mobile home spaces, and in which mobile home spaces may be rented or leased for long-term residential use. It also may be known as a mobile home court, trailer court or trailer park.

Occupancy. The purpose for which a building, or part thereof, is used or intended to be used.

Permit. An official document or certificate issued by the Building Official authorizing performance of a specified activity, to include, building, electrical, mechanical, plumbing, demolition, grading, or manufactured housing or mobile home installation.

Plumbing Code. The Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as amended and as adopted by this jurisdiction.

Property line. The official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps of the county clerk.

Recreational vehicle (RV). The following shall be known as recreational vehicles:

- (1) Travel trailers, camping trailers, fifth wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping, or travel uses.

- (2) Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping, or travel uses.
- (3) Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated there- from, and designed to be used for moveable living quarters for recreational, camping, or travel uses.
- (4) Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping, or travel uses.
- (5) Trailers, boats, etc.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Shall. As used in this code, is mandatory.

Shell Building. A shell building consists of exterior walls, a roof structure (and floors/mezzanines/stairs and elevators in multi-story shells) and fire protection systems and **does not** include **any** of the following construction elements:

- Tenant Separation (demising) Walls
- Tenant Space Partitions
- Toilet Rooms (except rough-in for single story and complete build-outs for multi-story shells)
- Suspended ceilings not part of the acoustical design or fire resistance
- Lighting
- Corridors/Hallways
- HVAC (allowed for heating of sprinkler elements only)

Any stub-outs or rough-in work allowed in a shell permit must be clearly defined on the plans as for future fixtures.

Structure. Is that which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

Value or valuation of a building. The cost to construct new or replace the building and structure in kind, based on current market costs.

(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 3.**TYPES OF CONSTRUCTION NOT REQUIRING A PERMIT****Sec. 30-201. Exempt building permits.**

The following types of construction are exempt from obtaining a building permit.

- (1) Oil derricks.
- (2) Movable cases, counters and partitions not more than five feet nine inches in height.
- (3) Water tanks supported directly at grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (4) Platforms (decks, balconies, etc.), sidewalks and driveways not more than 30 inches above grade and not over any basement or story below which are not part of an accessible route and not within public right-of-way.
- (5) Painting, papering, floor covering, and similar finish work.
- (6) Temporary motion picture, television and theater stage sets and scenery.
- (7) Window awnings supported by an exterior wall of group R, division 3 (single family dwellings and duplex) and group U occupancies (accessory buildings) when projecting not more than 54 inches.
- (8) Pre-fabricated swimming pools accessory to single family/duplex dwellings in which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- (9) Exterior replastering that does not require the application of exterior lath and any non-structural architectural applications, i.e. columns, bump-outs, etc., used during the replastering process.
- (10) Fences or walls not over 6 feet in height which comply with the following:
 - Private property to private property construction (not adjacent to public right-of-way)
 - Not a retaining wall (does not retain more than 24 inches of soil)
 - Must obtain a Zoning Verification Certificate before construction to confirm location, setback and height requirements.
- (11) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).
- (12) Exempt moving permits: Permits will not be required for minor structures such as dog houses, doll houses, etc., if their exterior horizontal dimensions do not exceed four feet by

four feet, the height does not exceed three feet, and total floor area does not exceed 120 square feet.

Exemption from the building permit requirements of this article shall not be deemed authorization for any work in violation of the provision of this code or any other laws or ordinances within the City Jurisdiction.

(Ord. No. 1851, § II, 3-19-01)

DIVISION 5.

NEW CONSTRUCTION: COMMERCIAL NONRESIDENTIAL/MULTI-FAMILY RESIDENTIAL BUILDING PERMIT AND INSPECTION PROCESS

Sec. 30-272. Pre-application procedure.

(a) Before submitting plans or application for a permit, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the Community Development Department. The pre-application meeting does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed plans and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal. (Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 7.

ADDITIONS/ALTERATIONS/REMODELS: COMMERCIAL/NONRESIDENTIAL, MULTI-FAMILY RESIDENTIAL, BUILDING PERMIT AND INSPECTION PROCESS

Sec. 30-352. Pre-application procedure.

(a) Before submitting plans or application for a permit, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the Community Development Department. The pre-application meeting does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed plans and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal.

(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 10.**NEW DEVELOPMENT OF MOBILE HOME PARKS AND SUBDIVISIONS BUILDING PERMIT AND INSPECTION PROCESS.****Sec. 30-457. Pre-application procedure.**

(a) Before submitting plans or application for a permit, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the Community Development Department. The pre-application meeting does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed plans and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal. (Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 17.**BUILDING STANDARDS****Sec. 30-721. General provisions.**

- (A) The following constitute, or are adopted by reference, as rules, regulations, and/or standards of the city building code and as further amended by this rule:
- (1) 2009 International Building Code, as adopted by NMAC 14.7.2.8 – 14.7.2.44 (effective 1-28-11) excluding:
14.7.2.9 A (1), (2), (4), (5) (f), B (1-5), C-O.
 - (2) 2009 International Residential Code, as adopted by NMAC 12.7.3.8 -14.7.3.25 (effective 1-28-11) excluding:
14.7.3.9 A (1), (3), B (1-3), (6-7), C-N.
14.7.3.10 B (1-3).
 - (3) 2009 International Energy Conservation Code, as adopted by NMAC 14.7.6.8 – 14.7.6.14 (effective 8-1-11) excluding:
14.7.6.9 A (1-3), C-E, G-I.
 - (4) 2009 International Existing Building Code, as adopted by NMAC 14.7.7.8 – 17.7.7.23 (effective 1-28-11) excluding:

- 14.7.7.9 A (1-3), B (1-3), (5), C-Q.
14.7.7.10 C (1).
- (5) 2009 New Mexico Earthen Building Materials Code, as adopted by NMAC 14.7.4 (effective 1-28-11)
 - (6) 2009 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, as adopted by NMAC 14.7.5 (effective 1-1-08)
 - (7) 2009 New Mexico Historic Earthen Buildings, as adopted by NMAC 14.7.8 (effective 1-1-08) excluding:
14.7.8.2.
 - (8) 2014 National Electric Code, as adopted by NMAC 14.10.4.8 - 14.10.4.16 (effective 8-1-14) excluding:
14.10.4.9
 - (9) 2009 Uniform Plumbing Code, as adopted by NMAC 14.8.2.8 – 14.8.2.29 (effective 1-28-11) excluding:
14.8.2.9
14.8.2.10 A, C
14.8.2.11 A-C
 - (10) 2009 New Mexico Swimming Pool, Spa and Hot Tub Code, as adopted by NMAC 14.8.3.8 – 14.8.3.15 (effective 11-1-11) excluding:
14.8.3.9
14.8.3.10 A
 - (11) 2009 Uniform Mechanical Code, as adopted by NMAC 14.9.2.8 – 14.9.2.28 (effective 8-1-11) excluding:
14.9.2.9 A (1-3), (5-6), B-D
14.9.2.10 A
 - (12) 2009 Uniform Solar Energy Code, as adopted by NMAC 14.9.6.8 – 14.9.6.20 (effective 11-1-11) excluding:
14.9.6.9 A (1), (3), (4), (a), B, C
 - (13) Accessible and Usable Buildings and Facilities, ICC/ANSI A117.1-2003, published by the American National Standards Institute, Inc.
 - (14) 2009 International Fire Code, as amended by the City of Las Cruces.
 - (15) Design Standards, Chapter 32 LCMC, 1997 as amended, is adopted by reference.
 - (16) Standards for Erosion Control, Division V, Chapter 32, LCMC, 1997, as amended.

- (16) City of Las Cruces Standard Specification for Road Construction, as amended.
 - (17) Construction Site Materials (disposal), Sections 25-186 through 25-194, LCMC, 1997, as amended.
 - (18) National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. 5401 et seq.)
 - (19) Housing and Urban Development Zone Code II.
 - (20) Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978).
 - (21) Any and all other sections of the Las Cruces Municipal Code (LCMC, 1997), as amended, that pertain to construction.
- (B) Copies on file. True and correct copies of the codes, specifications and standards comprising the building code for the city, as amended, are on file and available for public examination during normal business hours of the city at the Community Development Department, City Hall, located at 700 N Main Street.
- (Ord. No. 1851, § II, 3-19-01; Ord. No. 2056, § I, 11-3-03)

Sec. 30-146. Definitions.

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

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Alter or alteration. Any change, addition, or modification in construction or occupancy.

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Area. (See "floor area").

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Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or whenever the property line is more than five feet from the building, between the building and a line five feet from the building.

Height of building. The vertical distance from grade plane, undisturbed or altered, to the average height of the highest roof surface.

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Impervious surface area. That ground area of a lot, tract, or parcel that is not penetrable by water, to include, but not limited to, buildings, structures, pavement, sidewalks, and certain land covers for landscaping.

Manufactured housing. A manufactured home or modular home 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 (HUD), the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code/International Building/Residential Code, as amended to the date of the units' construction, and installed consistent with the Manufactured Housing Act (chapter 60, article 14 NMSA 1978).

Mechanical Code. The ~~International Mechanical Code~~ Uniform Mechanical Code promulgated by the ~~International Code Council~~ International Association of Plumbing and Mechanical Officials, as amended and as adopted by this jurisdiction.

Mobile home. A manufactured movable or portable housing structure larger than 40 feet in body length eight feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes but does not include structures built to the standards of any municipal building code and other technical codes. Mobile homes should not be confused with prefabricated homes, modular homes, recreational vehicles or similarly constructed dwellings.

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Permit. An official document or certificate issued by the Building Official authorizing performance of a specified activity, to include, building, electrical, mechanical, plumbing, demolition, grading, or manufactured housing or mobile home installation.

Plumbing Code. The ~~International Plumbing Code~~ Uniform Plumbing Code promulgated by the ~~International Code Council~~ International Association of Plumbing and Mechanical Officials, as amended and as adopted by this jurisdiction.

Property line. The official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps of the county clerk.

Recreational vehicle (RV). The following shall be known as recreational vehicles:

- (1) Travel trailers, camping trailers, fifth wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for

recreation, camping, or travel uses.

- (2) Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping, or travel uses.
- (3) Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated there- from, and designed to be used for moveable living quarters for recreational, camping, or travel uses.
- (4) Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping, or travel uses.
- (5) Trailers, boats, etc.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Shall. As used in this code, is mandatory.

Shell Building. A shell building consists of exterior walls, a roof structure (and floors/mezzanines/stairs and elevators in multi-story shells) and fire protection systems and **does not** include **any** of the following construction elements:

- Tenant Separation (demising) Walls
- Tenant Space Partitions
- Toilet Rooms (except rough-in for single story and complete build-outs for multi-story shells)
- Suspended ceilings not part of the acoustical design or fire resistance
- Lighting
- Corridors/Hallways
- HVAC (allowed for heating of sprinkler elements only)

Any stub-outs or rough-in work allowed in a shell permit must be clearly defined on the plans as for future fixtures.

Structure. Is that which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

Value or valuation of a building. The cost to construct new or replace the building and structure in kind, based on current market costs.
(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 3.

TYPES OF CONSTRUCTION NOT REQUIRING A PERMIT

Sec. 30-201. Exempt building permits.

The following types of construction are exempt from obtaining a building permit.

- (1) Oil derricks.
- (2) Movable cases, counters and partitions not more than five feet nine inches in height.
- (3) Water tanks supported directly at grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (4) Platforms (decks, balconies, etc.), sidewalks and driveways not more than 30 inches above grade and not over any basement or story below which are not part of an accessible route and not within public right-of-way.
- (5) Painting, papering, floor covering, and similar finish work.
- (6) Temporary motion picture, television and theater stage sets and scenery.
- (7) Window awnings supported by an exterior wall of group R, division 3 (single family dwellings and duplex) and group U occupancies (accessory buildings) when projecting not more than 54 inches.
- (8) Pre-fabricated swimming pools accessory to single family/duplex dwellings in which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- (9) Exterior replastering that does not require the application of exterior lath and any non-structural architectural applications, i.e. columns, bump-outs, etc., used during the replastering process.
- (10) Fences or walls not over 6 feet in height which comply with the following:
 - Private property to private property construction (not adjacent to public right-of-way)
 - Not a retaining wall (does not retain more than 24 inches of soil)
 - Must obtain a Zoning Verification Certificate before construction to confirm location, setback and height requirements.

~~or located adjacent to public right-of-way~~ Decorative wall or edging. Any wall or edging used for landscaping purposes not more than 24 inches in height, 12 inches wide, and not located on property line

- (11) One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).
- (12) Exempt moving permits: Permits will not be required for minor structures such as dog houses, doll houses, etc., if their exterior horizontal dimensions do not exceed four feet by four feet, the height does not exceed three feet, and total floor area does not exceed 120 square feet.

Exemption from the building permit requirements of this article shall not be deemed authorization for any work in violation of the provision of this code or any other laws or ordinances within the City Jurisdiction.

(Ord. No. 1851, § II, 3-19-01)

DIVISION 5.

NEW CONSTRUCTION: COMMERCIAL NONRESIDENTIAL/MULTI-FAMILY RESIDENTIAL BUILDING PERMIT AND INSPECTION PROCESS

Sec. 30-272. Pre-application procedure.

(a) ~~Before submitting plans or application for a permit the filing of an application for approval of a permit application, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the an individual may submit, to the Community Development Department, a conceptual plan of the proposed development or project. This~~ The pre-application meeting does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed ~~conceptual plans~~ and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal. ~~will be required for the issuance of a permit.~~

(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)

DIVISION 7.

ADDITIONS/ALTERATIONS/REMODELS: COMMERCIAL/NONRESIDENTIAL, MULTI-FAMILY RESIDENTIAL, BUILDING PERMIT AND INSPECTION PROCESS

Sec. 30-352. Pre-application procedure.

(a) Before submitting plans or application for a permit, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the Community Development Department. The pre-application meeting does not require

a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed plans and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal.

~~(a) Before the filing of an application for approval of a permit application, an individual may submit, to the Community Development Department, a conceptual plan of the proposed development or project. This does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.~~

~~(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual or potential permittee the proposed conceptual plan and shall indicate any changes, if needed, that will be required for the issuance of a permit.
(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)~~

DIVISION 10.

NEW DEVELOPMENT OF MOBILE HOME PARKS AND SUBDIVISIONS BUILDING PERMIT AND INSPECTION PROCESS.

Sec. 30-457. Pre-application procedure.

(a) Before submitting plans or application for a permit, all projects with a valuation of \$100,000 or more shall have a pre-application meeting. The responsible design professional(s) and owner/applicant shall attend the meeting. All other projects may request a voluntary pre-application meeting through the Community Development Department. The pre-application meeting does not require a written application or fee; nor does this pre-application procedure constitute approval of the application.

(b) Community Development Department personnel, or other appropriate city personnel shall discuss with the individual(s) or potential permittee the proposed plans and shall indicate any changes, if needed, that should be incorporated into the plan set before submittal. ~~(a) Prior to the filing of an application for approval for a permit, an individual may submit to the Community Development Department, a conceptual plan of the proposed development or project. This does not require a written application or fee nor does this pre-application procedure constitute approval.~~

~~(b) The Community Development Department personnel, or other city personnel shall discuss with the individual or proposed permittee the proposed conceptual plan and shall indicate any changes that will be required for the issuance of a permit.
(Ord. No. 1851, § II, 3-19-01; Ord. No. 1929, §§ I, II, 8-5-02)~~

DIVISION 17.

BUILDING STANDARDS

Sec. 30-721. General provisions.

- (A) The following constitute, or are adopted by reference, as rules, regulations, and/or standards of the city building code and as further amended by this rule:
- (1) 2009 International Building Code, as adopted by NMAC 14.7.2.8 – 14.7.2.44 (effective 1-28-11) excluding:
14.7.2.9 A (1), (2), (4), (5) (f), B (1-5), C-O.
 - (2) 2009 International Residential Code, as adopted by NMAC 12.7.3.8 -14.7.3.25 (effective 1-28-11) excluding:
14.7.3.9 A (1), (3), B (1-3), (6-7), C-N.
14.7.3.10 B (1-3).
 - (3) 2009 International Energy Conservation Code, as adopted by NMAC 14.7.6.8 – 14.7.6.14 (effective 8-1-11) excluding:
14.7.6.9 A (1-3), C-E, G-I.
 - (4) 2009 International Existing Building Code, as adopted by NMAC 14.7.7.8 – 17.7.7.23 (effective 1-28-11) excluding:
14.7.7.9 A (1-3), B (1-3), (5), C-Q.
14.7.7.10 C (1).
 - (5) 2009 New Mexico Earthen Building Materials Code, as adopted by NMAC 14.7.4 (effective 1-28-11)
 - (6) 2009 New Mexico Non-Load Bearing Baled Straw Construction Building Standards, as adopted by NMAC 14.7.5 (effective 1-1-08)
 - (7) 2009 New Mexico Historic Earthen Buildings, as adopted by NMAC 14.7.8 (effective 1-1-08) excluding:
14.7.8.2.
 - (8) ~~2014~~~~2011~~ National Electric Code, as adopted by NMAC 14.10.4.8 - 14.10.4.16 (effective ~~11-1-11~~8-1-14) excluding:
14.10.4.9
 - (9) 2009 Uniform Plumbing Code, as adopted by NMAC 14.8.2.8 – 14.8.2.29 (effective 1-28-11) excluding:
14.8.2.9
14.8.2.10 A, C
14.8.2.11 A-C

- (10) 2009 New Mexico Swimming Pool, Spa and Hot Tub Code, as adopted by NMAC 14.8.3.8 – 14.8.3.15 (effective 11-1-11) excluding:
14.8.3.9
14.8.3.10 A
 - (11) 2009 Uniform Mechanical Code, as adopted by NMAC 14.9.2.8 – 14.9.2.28 (effective 8-1-11) excluding:
14.9.2.9 A (1-3), (5-6), B-D
14.9.2.10 A
 - (12) 2009 Uniform Solar Energy Code, as adopted by NMAC 14.9.6.8 – 14.9.6.20 (effective 11-1-11) excluding:
14.9.6.9 A (1), (3), (4), (a), B, C
 - (13) Accessible and Usable Buildings and Facilities, ICC/ANSI A117.1-2003, published by the American National Standards Institute, Inc.
 - (14) 2009 International Fire Code, as amended by the City of Las Cruces.
 - (15) Design Standards, Chapter 32 LCMC, 1997 as amended, is adopted by reference.
 - (16) Standards for Erosion Control, Division V, Chapter 32, LCMC, 1997, as amended.
 - (16) City of Las Cruces Standard Specification for Road Construction, as amended.
 - (17) Construction Site Materials (disposal), Sections 25-186 through 25-194, LCMC, 1997, as amended.
 - (18) National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. 5401 et seq.)
 - (19) Housing and Urban Development Zone Code II.
 - (20) Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978).
 - (21) Any and all other sections of the Las Cruces Municipal Code (LCMC, 1997), as amended, that pertain to construction.
- (B) Copies on file. True and correct copies of the codes, specifications and standards comprising the building code for the city, as amended, are on file and available for public examination during normal business hours of the city at the Community Development Department, City Hall, located at 700 N Main Street.
- (Ord. No. 1851, § II, 3-19-01; Ord. No. 2056, § I, 11-3-03)