

This is an amendment to 14.5.2 NMAC, Sections 9 and 10, effective XX/XX/XXXX.

14.5.2.9 EXCEPTIONS TO REQUIREMENT FOR PERMITS: Permits shall not be required for the following:

A. Commercial.

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15.m2).
- (2) Oil derricks.
- (3) Retaining walls that retain less than 36 inches (915 mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.
- (4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927L) and the ratio of height to diameter or width does not exceed two to one.
- (5) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (6) Temporary motion picture, television and theater stage sets and scenery.
- (7) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in the NMRBC, and are installed entirely above ground.
- (8) Shade cloth structures constructed for nursery or agricultural purposes and not including services systems.
- (9) Swings and other playground equipment accessory to one-and two-family dwellings.
- (10) Window awnings supported by an exterior wall of group R-3, as applicable in the NMRBC, and group U occupancies.
- (11) Moveable cases, counters and partitions not over five feet nine inches (1,753mm) in height.

B. Residential: Refer to Section R105.2 of the IRC except as provided below:

- (1) **R105.2 (1)** - One-story detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m2).
- (2) **R105.2 (2)** - Delete this section of the IRC.
- (3) **R105.2 (3)** - Retaining walls that retain less than 36 inches (915mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.
- (4) **R105.2 (4)** - See this section of the IRC.
- (5) **R105.2 (5)** - See this section of the IRC.
- (6) **R105.2 (6)** - Delete this section of the IRC.
- (7) **R105.2 (7)** - See this section of the IRC.
- (8) **R105.2 (8)** - See this section of the IRC.
- (9) **R105.2 (9)** - See this section of the IRC.
- (10) **R105.2 (10)** - See this section of the IRC.

C. Mechanical work. Refer to the exempt work section [~~414.2~~] of the currently adopted UMC.

D. Plumbing work. Refer to the exempt work section [~~403.1.1~~] of the currently adopted UPC.

E. Electrical work. No exceptions other than those set forth in CILA Section 60-13-45.

[14.5.2.9 NMAC - Rp, 14.5.2.9 NMAC, 11/15/2016; A XX/XX/XXXX]

14.5.2.10 SUBMITTAL DOCUMENTS:

A. Submittal documents.

- (1) With each application for a permit, two sets of the following documents (collectively, submittal documents) must be submitted:
 - (a) type, occupancy including occupant load and kind of structure;
 - (b) plans;
 - (c) specifications;
 - (d) engineering calculations;
 - (e) diagrams;
 - (f) soil investigation reports;
 - (g) any other data or document required by the AHJ's plan review official; and
 - (h) exterior wall envelope; submittal documents for all buildings shall describe the

exterior wall envelope in sufficient detail to enable the plan review to determine compliance with the NMCBC the NMRBC and NMECC; the submittal documents shall show the exterior wall envelope in detail as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings; roofing systems and manufacturers specifications are required to be submitted;

(i) mechanical design criteria for all buildings must be included with the submittal documents.

(2) For construction subject to the NMCBC, see Sections 107.1.1, 107.1.2, 107.2 of the IBC for other requirements regarding submittal documents, including form, means of egress, and site plans.

(3) For construction subject to NMRBC, see Sections 106.1.1, 106.1.2, 106.1.3 and 106.2 of the IRC for other requirements regarding submittal documents, including form, manufacturer's installation instructions, construction in flood areas, and site plans.

(4) Upon approval, one set of the submittal documents shall be retained by the division, and one set shall be returned to the permittee, shall be available at the work site, and shall be available for inspection by the AHJ or inspector during the performance of the permitted work.

(5) Submissions may be required of any specifications, drawings or diagrams necessary to show clearly the kind and extent of building construction work.

B. Professional seals requirements: The AHJ or the plan review official may require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, or by a professional structural engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto. An architect or engineer stamp is required for all uses listed in table 1004.1.1 of the IBC.

C. Exceptions: The requirement for plans and specifications to be prepared by an architect or engineer shall not be required in any of the following instances unless, in the discretion of the TBC or CBO, an exception is not in the best interests of public safety or health.

(1) Multiple dwellings of not more than two stories in height and containing not more than four dwelling units constructed of materials approved for use pursuant to the NMRBC, and provided this exception is not construed to allow a person who is not an architect to design multiple clusters of four dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

(2) Garages or other structures not more than two stories in height which are appurtenant to buildings described in Subsection A of 14.5.2.10 NMAC.

(3) Group A, B, E divisions 1 and 2, F, M, S, U buildings or additions having a total occupant load of 10 or less and not more than two stories in height.

(4) Alteration to buildings or structures that present no unusual conditions or hazards or change in occupancy.

(5) Single-family dwellings, not more than three stories in height.

D. Submission may be waived. The CBO or TBC may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with the New Mexico construction codes.

E. Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted with the application for the permit, and that are to be submitted, thereafter, within a period specified by the AHJ or the plan review official.

F. Approval. Deferral of any submittal items must have the prior approval of the TBC or CBO. The responsible design professional shall list the deferred submittals on the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional which shall review and forward them to the AHJ with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The items identified in the deferred submittals shall not be installed until the building official has approved their design and submittal documents.

G. Responsible design professional. When submittal documents are required to be prepared by a registered design professional, the permit application shall indicate the registered design professional who shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. This design professional shall be deemed to be the "responsible design professional." The permittee shall notify the division in writing within a reasonable period of time, not to exceed 10 business days, if the responsible design professional is changed or is unable to continue to perform the duties required.

H. Special submissions. The building official plan review official is authorized to require, before and after, the commencement of a project, the submission of any specification, drawing or diagram necessary to adequately and clearly show the kind, extent, and occupancy of the general building, mechanical or plumbing, and electrical work on the project that is covered by the permit issued, or that is required to be permitted under the CID rules. See Subsection C of 14.5.2.10 NMAC.

I. Phased approval. See Section 107.3.3 of the IBC for work subject to the NMCBC, and Section 106.3.3 of the IRC for work subject to the NMRBC.

J. Correction of submittal documents. The issuance of a permit based on certain plans and specifications shall not prevent the AHJ from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the applicable code would result.

K. Electrical projects.

(1) Any installation with a calculated service capacity over 100 kVA single-phase or over 225 kVA three- phase must be stamped by an electrical engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act. This requirement shall not apply to remote installations such as irrigation pumps. Any commercial project that requires an architect or engineer seal pursuant to this part shall be submitted to the electrical bureau for review and approval.

(2) Submittal documents shall show the electrical riser, conductor size, grounding conductor size, method of grounding (available electrodes, etc.), load calculations, available fault calculations, size and location of disconnects, panel schedules, wiring methods, site and floor plan. General expressions such as “work shall be done in accordance with the New Mexico Electrical Code” or “work shall be done to the satisfaction of the state building official” shall be considered inadequate, and incomplete.

(3) No permit for electrical work shall be issued for the addition to, or alteration of, wiring of an existing building unless the building as it will be wired conforms to the requirements of the code for new buildings, except that those portions of the existing wiring that have not been disturbed and are deemed safe by the inspector may remain in service.

L. Mechanical projects.

(1) The AHJ may require the stamp of a professional engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act on permits for mechanical or plumbing work with a total value of \$200,000, or more, or for commercial buildings three stories and higher.

(2) Plans for buildings more than two stories in height, other than R-3 and U occupancies, see the construction documents section [442-3] of the currently adopted UMC.

M. Permit contents and display. Pursuant to CILA Section 60-13-59, every permit or notice of permit issued by the AHJ shall:

(1) clearly indicate the name and address of the owner of the property;

(2) contain a legal description of the property being built on either by “lot and block” description in a subdivision, by street address in a municipality, or by township, range and section numbers if outside a municipality or platted subdivision;

(3) contain the name, address and license number of the contractor or the homeowner to whom the permit is to be issued, and the name of the architect or engineer as may be required by the building official; and

(4) must be prominently displayed on the site where the permitted work is to be performed.

N. Retention. The division shall retain construction documents, including submittal documents and permit applications, in accordance with New Mexico state laws governing document retention.

O. Preliminary inspection. As part of the document review process, before issuing a building permit, the AHJ is authorized to examine or cause to be examined buildings, structures and sites for which an application for a building permit has been filed.

[14.5.2.10 NMAC - Rp, 14.5.2.10 NMAC, 11/15/2016; A, XX/XX/XXXX]