

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 7 BUILDING CODES GENERAL
PART 7 2009 NEW MEXICO EXISTING BUILDING CODE

14.7.7.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.7.7.1 NMAC - Rp, 14.7.7.1, NMAC, 1-1-08]

14.7.7.2 SCOPE: This rule applies to contracting performed on existing buildings in New Mexico, but not contracting performed on detached one- and two- family dwellings or townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures, on or after January 28, 2011, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date, with the following exceptions:

A. Electrical. Electrical wiring as defined in CILA section 60-13-32, including installation, repair, alteration, change of occupancy, addition and relocation of existing buildings shall be in accordance with 14.10.4 NMAC, the 2008 New Mexico electrical code (NMEC).

B. Mechanical. All mechanical work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.9.2 NMAC, the 2009 New Mexico mechanical code (NMMC).

C. Plumbing. All plumbing work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with 14.8.2 NMAC, the 2009 New Mexico plumbing code (NMPC).

D. LP Gas. All liquid petroleum and compressed natural gas work, including installation, repair, alteration, change of occupancy, addition and relocation, on existing buildings shall be in accordance with the NMMC or 19.15.40 NMAC, Liquefied petroleum gas standards, and NMSA 1978 70-5-1 et seq., Liquefied and compressed gasses (collectively the LP gas standards).

[14.7.7.2 NMAC - Rp, 14.7.7.2, NMAC, 1-1-08; A, 01-028-11]

14.7.7.3 STATUTORY AUTHORITY: NMSA 1978 Section 60-13-9.
[14.7.7.3 NMAC - Rp, 14.7.7.3, NMAC, 1-1-08]

14.7.7.4 DURATION: Permanent.
[14.7.7.4 NMAC - Rp, 14.7.7.4, NMAC, 1-1-08]

14.7.7.5 EFFECTIVE DATE: January 1, 2008, unless a later date is cited at the end of a section.
[14.7.7.5 NMAC - Rp, 14.7.7.5, NMAC, 1-1-08]

14.7.7.6 OBJECTIVE: The purpose of this rule is to establish minimum standards for construction work performed on existing buildings in New Mexico.
[14.7.7.6 NMAC - Rp, 14.7.7.6, NMAC, 1-1-08]

14.7.7.7 DEFINITIONS:
[See 14.5.1 NMAC, General Provisions, and chapter 2 of the IEBC as amended in 14.7.7.10 NMAC.]
[14.7.7.7 NMAC - Rp, 14.7.7.7, NMAC, 1-1-08]

14.7.7.8 ADOPTION OF THE 2009 NEW MEXICO EXISTING BUILDING CODE:
A. This rule adopts by reference, and amends, the 2009 international existing building code.
B. In this rule, each provision is numbered to correspond with the numbering of the 2009 international existing building code.
[14.7.7.8 NMAC - Rp, 14.7.7.8, NMAC, 1-1-08; A, 01-28-11]

14.7.7.9 CHAPTER 1 ADMINISTRATION:
A. Section 101 - General.
(1) **101.1 Title.** Delete this section of the IEBC and substitute: this code shall be known as the 2009 New Mexico existing building code.
(2) **101.2 Scope.** Delete this section of the IEBC and see 14.7.7.2NMAC, Scope.

- (3) **101.3 Intent.** Delete this section of the IEBC and see 14.7.7.6 NMAC, Objective.
- (4) **101.4 Applicability.** Delete this section of the IEBC and substitute: the legal occupancy of any structure existing on the effective date of this rule shall be permitted to continue without change, except as is specifically provided otherwise in this rule, in the 2009 New Mexico existing building code, or by the building official in consideration of the general safety and welfare of the occupants of any such building and the general public.
- (5) **101.5 Compliance methods.** See this section of the IEBC.
- (6) **101.6 Safeguards during construction.** Delete this section of the IEBC.
- (7) **101.7 Appendices.** Delete this section of the IEBC and substitute: this rule adopts appendices A and B of the IEBC as they may be amended herein.
- (8) **101.8 Correction of violations of other codes.** Delete this section of the IEBC.
- B. Section 102 - Applicability.**
 - (1) **Section 102.1 General.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
 - (2) **Section 102.2 Other laws.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
 - (3) **Section 102.3 Application of references.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
 - (4) **Section 102.4 Referenced codes.** Delete this section of the IEBC and substitute the following. All references in the IEBC to the international building code shall be deemed references to 14.7.2 NMAC, the 2009 New Mexico commercial building code (NMCBC). All references to the international residential code shall be deemed references to 14.7.3 NMAC, the 2009 New Mexico residential building code (NMRBC). All references to the international plumbing code shall be deemed references to 14.8.2 2009 NMAC, the 2009 NMPC. All references to the international mechanical code shall be deemed references to 14.9.2, 2009 NMAC, the 2009 NMMC. All references to the international electrical code shall be deemed references to 14.10.4 NMAC the 2008 NMEC. All references to the international energy conservation code shall be deemed references to 14.7.6 NMAC, the 2009 New Mexico energy conservation code (NMECC). All references to the international fuel gas code are deemed references to the NMMC or the LP gas standards.
 - (5) **Section 102.5 Partial invalidity.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- C. Section 103 - Department of building safety.** Delete this section of the IEBC and see 14.5.1 NMAC.
- D. Section 104 - Duties and powers of the code official.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- E. Section 105 - Permits.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- F. Section 106 - Construction documents.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- G. Section 107 - Temporary structures and uses.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits.
- H. Section 108 - Fees.** Delete this section of the IEBC and see 14.5.5 NMAC, Fees.
- I. Section 109 - Inspections.** Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.
- J. Section 110 - Certificate of occupancy.** Delete this section of the IEBC and see 14.5.3.13 NMAC, Inspections.
- K. Section 111 - Service utilities.** Delete this section of the IEBC and see 14.5.2 NMAC, Permits; 14.5.1, General Provisions and NMSA 1978, section 60-13-42.
- L. Section 112 - Board of appeals.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- M. Section 113 - Violations.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- N. Section 114 - Stop work order.** Delete this section of the IEBC and see 14.5.3 NMAC, Inspections.
- O. Section 115 - Unsafe buildings and equipment.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- P. Section 116 - Emergency measures.** Delete this section of the IEBC and see 14.5.1 NMAC, General Provisions.
- Q. Section 117 - Demolition.** Delete this section of the IEBC and see 14.5.1 NMAC, General

Provisions.

[14.7.7.9 NMAC - Rp, 14.7.7.9, NMAC, 1-1-08; A, 01-28-11]

14.7.7.10 CHAPTER 2 DEFINITIONS: See this chapter of the IEBC except as provided below.

A. Section 201.1 Scope. See this section of the IEBC and add the following: if the same term is defined in the New Mexico construction codes and in the IEBC, the term shall have the meaning given it in the New Mexico construction codes.

B. Section 201.3 Terms defined in other codes. Delete this section of the IEBC and substitute: if a term is not defined in this code but is defined in a New Mexico construction code, the term shall have the meaning given it in the New Mexico construction code.

C. Section 202. General definitions. See this section of the IEBC except as follows.

(1) Add the following definition: CODE OFFICIAL means the CID general construction bureau chief.

(2) Delete the definition for CHANGE OF OCCUPANCY and substitute: means a change in the use of an existing building such that the occupancy classification applicable to the new use is different from the occupancy classification of the former use.

[14.7.7.10 NMAC - Rp, 14.7.7.10, NMAC, 1-1-08]

14.7.7.11 CHAPTER 3 PRESCRIPTIVE COMPLIANCE METHOD: See this chapter of the IEBC except delete the text of section 307.5 and replace with the following: **Energy.** Buildings undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with the international energy conservation code. Mixed-use buildings undergoing a change in occupancy to a portion of the building shall either comply with the international energy conservation code or undergo an energy audit for the portion of the building undergoing the change in occupancy and submit plans for physical improvements based on the audit results for the portion of the building affected by the change in occupancy.

[14.7.7.11 NMAC - Rp, 14.7.7.11, NMAC, 1-1-08; A, 01-28-11]

14.7.7.12 CHAPTER 4 CLASSIFICATION OF WORK: See this chapter of the IEBC.

[14.7.7.12 NMAC - Rp, 14.7.7.12, NMAC, 1-1-08]

14.7.7.13 CHAPTER 5 REPAIRS: See this chapter of the IEBC.

[14.7.7.13 NMAC - Rp, 14.7.7.13, NMAC, 1-1-08]

14.7.7.14 CHAPTER 6 ALTERATIONS - LEVEL 1:

A. Section 601. General. See this section of the IEBC.

B. Section 602. Building elements and materials. See this section of the IEBC except make the following change to **Section 602.3 Materials and methods.** Delete the text of this section of the IEBC and substitute: all new work shall comply with materials and methods requirements in the New Mexico construction codes (See NMAC 14.5.1.7.L).

C. Sections 603 and 604. See these sections of the IEBC.

D. Section 605. Accessibility. See this section of the IEBC except make the following change to **Section 1.5 Dining areas.** Delete this section of the IEBC and substitute: check-out aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function shall be made accessible until the number of accessible check-out aisles complies with Subsection I of 14.7.2.19 NMAC, which refers to section 1109.12.2 of the international building code.

[14.7.7.14 NMAC - Rp, 14.7.7.14, NMAC, 1-1-08]

14.7.7.15 CHAPTER 7 ALTERATIONS - LEVEL 2: See this chapter of the IEBC.

[14.7.7.15 NMAC - RP, 14.7.7.15, NMAC, 1-1-08]

14.7.7.16 CHAPTER 8 ALTERATIONS - LEVEL 3: See this chapter of the IEBC.

[14.7.7.16 NMAC - Rp, 14.7.7.16, NMAC, 1-1-08]

14.7.7.17 CHAPTER 9 CHANGE OF OCCUPANCY: See this chapter of the IEBC.

[14.7.7.17 NMAC - Rp, 14.7.7.17, NMAC, 1-1-08]

14.7.7.18 CHAPTER 10 ADDITIONS: See this chapter of the IEBC.
[14.7.7.18 NMAC - Rp, 14.7.7.18, NMAC, 1-1-08]

14.7.7.19 CHAPTER 11 HISTORIC BUILDINGS: See this chapter of the IEBC.
[14.7.7.19 NMAC - Rp, 14.7.7.19, NMAC, 1-1-08]

14.7.7.20 CHAPTER 12 RELOCATED OR MOVED BUILDINGS: See this chapter of the IEBC except make the following change in **Section 1201.2 Conformance:** delete the words “as determined by the *international fire code and the international property maintenance code.*”
[14.7.7.20 NMAC - Rp, 14.7.7.20, NMAC, 1-1-08]

14.7.7.21 CHAPTER 13 PERFORMANCE COMPLIANCE METHODS: See this chapter of the IEBC except as follows:

A. Section 1301.2 Applicability. See this section of the IEBC except delete the words: “existing prior to [DATE TO BE INSERTED BY THE JURISDICTION]. [Note: it is recommended that this date coincide with the effective date of building codes within the jurisdiction]”.

B. Section 1301.3.2 Compliance with other codes. Delete the text of this section and substitute: buildings that are evaluated in accordance with this section shall comply with the New Mexico construction codes (See Subsection L of 14.5.1.7 NMAC).

[14.7.7.21 NMAC - Rp, 14.7.7.21, NMAC, 1-1-08]

14.7.7.22 CHAPTER 14 CONSTRUCTION SAFEGUARDS: See this chapter of the IEBC.
[14.7.7.22 NMAC - Rp, 14.7.7.22, NMAC, 1-1-08]

14.7.7.23 CHAPTER 15 REFERENCED STANDARDS: See this chapter of the IEBC.
[14.7.7.22 NMAC - Rp, 14.7.7.22, NMAC, 1-1-08]

HISTORY OF 14.7.7 NMAC:

Pre NMAC History: None.

History of Repealed Material:

14.7.7 NMAC, 2003 New Mexico Existing Building Code (filed 5-27-04) repealed 1-1-08.

NMAC History:

14.7.7 NMAC, 2003 New Mexico Existing Building Code (filed 5-27-04) replaced by 14.7.7 NMAC, 2006 New Mexico Existing Building Code, effective 1-1-08.