



## ORDINANCE 24-06

### AN ORDINANCE ADOPTING THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE AS COMPLIMENTARY LEGISLATION TO THE INTERNATIONAL BUILDING CODE AND AS “THE TOWN OF TAOS PROPERTY MAINTENANCE CODE” AND REPEALING ORDINANCE 16-08.

**THIS ORDINANCE** of the **TOWN OF TAOS** is adopted pursuant to NMSA 1978, § 3-17-6 (1965) and NMSA 1978, § 3-18-17 (1965), and adopts the 2021 edition of the *INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)*, regulating and governing the conditions and maintenance of all property, buildings, and structures by:

- providing the standards for supplied utilities and facilities and other physical features, requirements, and conditions essential to ensure that structures and/or their properties are safe, sanitary, and fit for occupation and use;
- the process, mechanism, and criteria for addressing dangerous buildings, structures, and properties unfit for human occupancy or use or posing an existing or potential health, safety, or general welfare threat to the public;
- providing for the issuance of permits and collection of fees and fines related to said regulations; repealing **sections** of Ordinance No. 16-08 of the Town of Taos and all other ordinances or parts of laws in conflict therewith.

The Town Council of the Town of Taos does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Taos being marked and designated as the ***International Property Maintenance Code, 2021 edition***, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Taos, in the State of New Mexico for regulating and governing the conditions and maintenance of all property, development, buildings and structures; by providing the minimum standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupations and use; and addressing dangerous buildings, structures and properties unfit for human occupancy and use, or

posing an existing or potential threat to the public health, welfare and safety of the residents of the community, and the demolition of such existing buildings, structures and properties as herein provided; providing for the issuance of permits and collection of fees and fines herein; and each and all the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Taos are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1 Insert: Town of Taos

Section 102.3 is revised as follows: “Repairs, alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the New Mexico Commercial Building Code, NMAC 14.7.2, the New Mexico Residential Building Code, NMAC 14.7.3, the New Mexico Existing Building Code, NMAC 14.7.7, the New Mexico Energy Conservation Code, NMAC 14.7.6, the New Mexico Fire Code, NMAC 10.25.5, the New Mexico Mechanical Code, NMAC 14.9.2, the New Mexico Plumbing Code, NMAC 14.8.2, and NFPA 70.”

References to the International Codes in Sections 102.3, 111.9, 305.1.1, 306.1.1, 401.3, 502.5, 505.1, 505.5.1, 602.2, 602.3(1), 604.3.1.1, 604.3.2.1, 702.1, 702.2, 702.3, 702.4 (2), 703.2, 703.7, 704.1, 704.1.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2 (1), 704.4.3, 704.5.1 Exception, 704.6.4 (1) (2) & (3), 705.1, are revised to refer to the appropriate New Mexico code.

Section 103.1, Insert: Planning, Community, and Economic Development Department

Section 104.1 is revised as follows: “The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be \$100 per visit per site inspection if required for compliance, other than the initial investigation and close-out inspection.”

Section 105.7.1 is revised as follows: “Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee shall be defended and indemnified until final termination of the proceedings as specified in the New Mexico Tort Claims Act, NMSA 1978 Section 41-4-4.”

Section 107.1 shall be revised as follows: “Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Planning and Zoning Commission, provided that a written application for appeal is filed within twenty (20) days after the day the

decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code has been correctly interpreted, the provisions of this code do not apply, or the requirements of this code are adequately satisfied by other means.”

Sections 107.2, 107.3, 107.4 shall be deleted.

Section 108, shall be deleted.

Section 110.4 shall be revised as follows: “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines up to \$300 per day per violation.”

Section 111.1 shall be revised as follows: “When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, the condition shall be addressed as provided in this ordinance and as otherwise provided by State law.”

Section 302.4. Insert: 6 inches

Section 304.14 Insert: April 15 to November 1

Section 602.3 Insert: November 1 to April 15

Section 602.4. Insert: November 1 to April 15

Chapter 8 shall be revised to refer to the appropriate New Mexico codes as described in Section 102.3 of this code.

Appendix A: Include.

**Section 3.** That if any section, subsection, sentence, clause, date, amount or phrase of this Ordinance is, for any reason, in conflict with any other law, ordinance, or any code, regulation or guideline of the state, any state department any other superior governmental or regulatory entity, then the stricter, more restrictive, higher or greater requirement shall be applied under this Ordinance.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this law, and each section, subsection, clause phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 6.** That the Town Clerk, consistent with NMSA 1978, § 3-17-5(A) (1965), is hereby ordered and directed to cause this Ordinance to be published in accordance with the laws of the Town of Taos and State of New Mexico governing the passage and publication of local government ordinances.

**Section 7.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect five (5) days after its adoption and subsequent publication pursuant to Section 6 of this Ordinance.

**Section 8.** The provisions of this Ordinance shall be enforceable by the Town of Taos Planning Director, the Town Fire Marshall, the designated Town Code Enforcement Officer, or any individual or person designated by the aforementioned and sworn to enforce the municipal codes of the Town of Taos (including sworn personnel of the Taos Police Department and the Town Animal Control Officer).

**ORDAINED, ADOPTED, AND APPROVED** this 11<sup>th</sup> day of June, 2024 by the following vote:

Councilmember Darien D. Fernandez     \_\_\_  
Councilmember Corilia I. Ortega         \_\_\_  
Councilmember Marietta S. Fambro       \_\_\_  
Councilmember Genevieve Oswald        \_\_\_

**TOWN OF TAOS:**

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**Pascualito M. Maestas, Mayor**

**ATTEST:**

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**Francella Garcia, Town Clerk**

**APPROVED AS TO FORM:**

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**Christopher Stachura, Town Attorney**