

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 5 CONSTRUCTION INDUSTRIES GENERAL PROVISIONS
PART 3 INSPECTIONS

14.5.3.1 ISSUING AGENCY: Construction Industries Division of the Regulation and Licensing Department.
[14.5.3.1 NMAC - Rp, 14.5.3.1 NMAC, 11/15/2016]

14.5.3.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after November 15, 2016, that is subject to the jurisdiction of CID, unless performed pursuant to permit for which an application was received by CID before that date.
[14.5.3.2 NMAC - Rp, 14.5.3.2 NMAC, 11/15/2016]

14.5.3.3 STATUTORY AUTHORITY: Sections 60-13-9 and 60-13-41 NMSA 1978.
[14.5.3.3 NMAC - Rp, 14.5.3.3 NMAC, 11/15/2016]

14.5.3.4 DURATION: Permanent.
[14.5.3.4 NMAC - Rp, 14.5.3.4 NMAC, 11/15/2016]

14.5.3.5 EFFECTIVE DATE: November 15, 2016, unless a later date is cited at the end of a section.
[14.5.3.5 NMAC - Rp, 14.5.3.5 NMAC, 11/15/2016]
[From the date of publication of this rule in the New Mexico register, until July 1, 2017, permits may be issued under either the previously-adopted rule, or this rule. After July 1, 2017, permits may be issued only under this rule.]

14.5.3.6 OBJECTIVE: The purpose of this rule is to set forth requirements for inspections of all contracting work in New Mexico that is subject to the jurisdiction of CID.
[14.5.3.6 NMAC - Rp, 14.5.3.6 NMAC, 11/15/2016]

14.5.3.7 DEFINITIONS:

A. Trade bureau chief “TBC” means the administrative head of a state of New Mexico trade bureau charged with the administration and enforcement of that trade bureau’s state adopted code s. The trade bureau chiefs are the ultimate authority to determine interpretations of their trade code. This includes applications of the New Mexico trade codes. The trade bureau chief shall recommend to the “CID and CIC” all minimum standards for code adoptions.

B. Certified building official “CBO” means an employee of any county, municipality or other political subdivision who has a broad knowledge of the construction industry, holds a current nationally recognized code organization certified building official certificate and has been either a practicing inspector or practicing contractor for at least five years or held a management position in a construction-related company or construction organization for at least five of the past 10 years. This official is charged with the administration and enforcement of the adopted administrative codes for an AHJ.

C. State of New Mexico certified building official “NMCBO”- a person who meets the qualifications for CBO, is employed by CID as a trade bureau chief, and appointed by the director as the state’s NMCBO. The NMCBO has ultimate authority over conflicts arising among AHJs other than trade bureau chiefs..

D. Inspector-means a person certified by the division and certified by one or more trade bureaus to conduct inspections of permitted work in a jurisdiction that has an inspection and permitting agency with a state approved CBO to ensure that all work performed by a contractor or the homeowner complies with the applicable codes.

E. Authority Having Jurisdiction “AHJ”- means the entity with permitting and enforcement authority over a project within its jurisdiction.

[14.5.3.7 NMAC - Rp, 14.5.3.7 NMAC, 11/15/2016]

14.5.3.8 GENERAL PROVISIONS:

A. Application. All work for which a permit is issued must be inspected.

B. Code compliance. The inspections necessary to ensure that the work complies with an applicable code shall be performed by the appropriate inspector under the direction of the AHJ responsible for that code.

C. Notification. It is the responsibility of the permittee, or the permittee's duly authorized agent, to timely notify the appropriate inspector when work is ready for inspection, and to provide access to, and the means to perform inspections of, the work. Notification shall be made as specified on the permit or in other instructions made available by the AHJ building official or the division, but in no event shall such notification be given less than 24 hours before the work is to be inspected.

D. Violations. If, upon inspection, any permitted work is found not to be in full compliance with an applicable code, the inspector shall serve a written notice on the permittee citing the code violation observed and ordering that the violation be corrected. The permittee is responsible for notifying the inspector when all corrections have been made and the work is ready for re-inspection. Failure to comply with a correction notice within the time required by the AHJ building official or the inspector or, if no time is specified, within a reasonable time is a violation of the CID rules and may result in disciplinary action by the division.

E. Covered and unapproved work. Work must be visible to be inspected and shall not be covered or used before approval is given by the inspector. Work that is covered before it is inspected, tested, if applicable, and approved may be ordered uncovered by the inspector or AHJ. No work shall be performed in the course of the inspections process beyond what is required for the next inspection without approval of the inspector.

[14.5.3.8 NMAC - Rp, 14.5.3.8 NMAC, 11/15/2016]

14.5.3.9 INSPECTIONS: The following inspections are required unless otherwise indicated.

A. For work subject to the NMCBC.

- (1) Footing and foundation inspection, see Section 110 of the IBC.
- (2) Concrete slab or under floor inspection, see Section 110 of the IBC.
- (3) Lowest floor elevation, see Section 110 of the IBC.
- (4) Frame inspection, see Section 110 of the IBC.
- (5) Roof assembly inspection.
- (6) Exterior wall opening flashings.
- (7) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
- (8) Lath and gypsum board, see Section 110 of the IBC.
- (9) Fire and smoke-resistant penetrations, see Section 110 of the IBC.
- (10) Energy efficiency inspection, see Section 110 of the IBC.
- (11) Other inspections required by the AHJ building official, see Section 110 of the IBC.
- (12) Special inspections, see Section 110 of the IBC.
- (13) Final inspection, see Section 110 of the IBC.

B. For work subject to the NMRBC.

- (1) Footing and foundation inspection, see Section 109.1.1 of the IRC.
- (2) Concrete slab or under floor inspection, see Section 109 of the IRC.
- (3) Frame and masonry inspections, see Section 109.1.4 of the IRC.
- (4) Roof assembly inspection.
- (5) Exterior wall opening flashings.
- (6) Weather resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.
- (7) Energy efficiency inspections and **state of New Mexico thermal bypass inspection checklist** verification.
- (8) Lath and gypsum board, see Section 109.1.5 of the IRC.
- (9) Other inspections required by the AHJ, see Section 109 of the IRC.
- (10) Fire resistance rated construction inspection, see Section 109.1.5.1 of the IRC.
- (11) Final inspection, see Section 109.1.6 of the IRC.

C. For work subject to the NMEC.

- (1) Temporary pole (if applicable).
- (2) Underground or under-slab (if applicable).
- (3) Rough-in:
 - (a) on residential projects, all wiring must be installed and connections made-up;
 - (b) on commercial projects, perform inspections as required.
- (4) Pre-final (if applicable).
- (5) Final (electrical system is complete and energized).

D. For work subject to the NMMC.

- (1) Rough inspection of all mechanical work covered by permit after work has been installed and before it is covered or concealed.
 - (2) Temporary heat (if applicable).
 - (3) Final inspection after all mechanical work covered by permit has been installed and covered and after fixtures and appliances have been attached.
 - (4) Operation of mechanical equipment installed to replace existing equipment or fixtures.
- See Section 116.2 of the UMC.

E. For work subject to the NMPC.

- (1) Rough inspection of all plumbing work covered by permit after work has been installed and before it is covered or concealed.
- (2) Top-out inspection of all vented piping above floor and all extensions through the roof and walls. The top-out testing procedures are at the option of the inspector to insure the system is free from leaks or defects.
- (3) Water distribution including all water piping inside and under a building.
- (4) Water service piping from a service meter to a connection outside the building.
- (5) Final inspection after all plumbing work covered by permit has been installed and covered and after fixtures and appliances have been attached.
- (6) Operation of plumbing equipment to replace existing equipment or fixtures, see Section 103.5.2 of the UPC.

F. Additional inspections. In addition to required inspections, the AHJ or CBO is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the applicable New Mexico construction codes.

G. Re-inspections.

- (1) A re-inspection fee shall be permitted to be assessed for each inspection or re-inspection when such portion of work for which an inspection is called and is not complete or when the required corrections have not been made. This provision shall not be interpreted as requiring a re-inspection fee the first time work is rejected for failure to comply with the applicable New Mexico construction codes, but for controlling the practice of requesting inspections before the work is ready for inspection or re-inspection. No additional inspections of the work will be performed until the required fees have been paid and re-inspection has been made.
- (2) Re-inspection fees may be assessed when the approved plans are not readily available to the inspector, or for deviating from plans without the approval of the authority having jurisdiction.
- (3) Re-inspection fees may be assessed for failure to provide access on the date for which the inspection is requested.

[14.5.3.9 NMAC - Rp, 14.5.3.9 NMAC, 11/15/2016]

14.5.3.10 STOP WORK ORDERS: Whenever contracting is being performed contrary to the CID rules, the AHJ or inspector may order that the work be stopped and shall give written notice of such order to the person performing the work or causing the work to be performed. Any person receiving such notice shall cease and desist from performing, or causing the performance of, the work until authorized, in writing, by the AHJ or the inspector to proceed.

[14.5.3.10 NMAC - Rp, 14.5.3.10 NMAC, 11/15/2016]

14.5.3.11 INSPECTION OF WORK ON ANNUAL PERMIT: No less often than once a calendar quarter, the inspector having jurisdiction shall visit all sites where work is authorized by an annual permit. The inspector shall inspect all work performed since the date of the last inspection. Violations of the applicable code shall be corrected pursuant to Subsection D of 14.5.3.8.4 NMAC. The inspector shall issue a certificate of approval for any work that has been performed in compliance with the applicable code and the applicable provisions of the CID rules.

[14.5.3.11 NMAC - Rp, 14.5.3.11 NMAC, 11/15/2016]

14.5.3.12 PRODUCT STANDARDS AND APPROVALS:

A. Product approval. Construction or installations shall not be approved as code compliant unless the products and materials used meet the standards set forth in the New Mexico construction codes.

B. Procedures for determining compliance. The CBO has the authority to establish the procedures necessary to determine whether products and materials meet the standards set forth in the New Mexico construction code for which the CBO is responsible.

C. Marking systems. Each CBO has the authority to require marking/labeling systems to easily identify products that comply with the standards set forth in the New Mexico construction code applicable to those products.

D. Approval of listing agencies. Each CBO has the authority to designate approved listing agencies whose testing standards and procedures, and marking/labeling, are such that they can be relied on to identify products and materials that are compliant with the standards established by the New Mexico construction code applicable to those products. A listing agency shall not be approved for certifying, marking/labeling products for use in New Mexico that does not certify compliance with the applicable New Mexico construction code on a reliable basis, and that does not provide an easy-to-identify marking system.

E. Use of approved materials - new and used. See Sections 104.9 of the IBC and R104.9.1 of the IRC.
[14.5.3.12 NMAC - Rp, 14.5.3.12 NMAC, 11/15/2016]

14.5.3.13 CERTIFICATES OF OCCUPANCY:

A. Occupancy. No building, or portion thereof, on which construction has been undertaken shall be occupied until the appropriate inspector has issued a certificate of occupancy, except that no certificate of occupancy shall be required for work not required to be permitted pursuant to any part of the CID rules or CILA.

B. Issuance. No certificate of occupancy shall be issued by the CBO or the inspector until all of the required inspections have been performed, in the proper order, and the appropriate inspectors have approved the work.

C. Homeowner's permit. Any certificate of occupancy issued for a residence constructed pursuant to a homeowner's permit shall expressly state that the residence was so constructed.

D. Temporary certificate of occupancy. The appropriate inspector may issue a temporary certificate of occupancy for a period not to exceed one year when:

- (1) an analysis of the circumstances in any specific case indicates that a temporary certificate of occupancy is appropriate;
- (2) life, safety or health will not be adversely affected by doing so; and
- (3) good cause is shown by the permittee in a written request for an extension of a current, valid temporary certificate of occupancy.

E. Effect. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the New Mexico construction codes or of other applicable laws. Certificates presuming to give authority to violate or cancel the provisions of any applicable code or other law shall not be valid. No certificate of occupancy shall certify, or be interpreted to certify, compliance with the requirements of any other regulatory agency that may or might have jurisdiction over aspects of a project that are outside the jurisdiction of the division. Such aspects include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, or any local fire code enforcement agency; the state environment department; the state health department, the state human services department, the public regulation commission, or any other state or local regulatory agency.

F. Revocation or suspension.

(1) The general construction AHJ is authorized to suspend or revoke a certificate of occupancy if:

- (a) the certificate was issued in error or on the basis of incorrect information; or
- (b) the work violates an applicable New Mexico construction code or applicable provisions of the CID rules or CILA.

(2) A suspended certificate of occupancy may be reinstated upon approval of the appropriate AHJ building official and payment of any fee assessed pursuant to 14.5.5 NMAC, Fees.

[14.5.3.13 NMAC - Rp, 14.5.3.13 NMAC, 11/15/2016]

14.5.3.14 INSPECTION AGENCIES: An inspection agency may be approved by the division to conduct inspections on behalf of the division, provided such agency has and maintains in its employ, certified inspectors for general construction, mechanical and electrical specialties, who are qualified under 14.6.5 NMAC, Inspectors.

[14.5.3.14 NMAC - Rp, 14.5.3.14 NMAC, 11/15/2016]

14.5.3.15 CONNECTION APPROVAL:

A. Plumbing. No person shall connect, or reconnect, any plumbing system to an energy or water source or to a sewer system until the AHJ or authorized inspector has given approval to do so.

B. Mechanical. No person shall connect, or reconnect, any mechanical system or equipment to an

energy, fuel or other power source until the AHJ or authorized inspector has given approval to do so.

C. Electrical. No person shall connect, or reconnect any electrical wiring to an energy source until the AHJ building official or authorized inspector has given approval to do so.

D. Exception. A public or private utility may make a connection from a supply of water or gas to an installation if, the appropriate AHJ has failed to approve or disapprove the work or installation to which the connection will be made within seven working days after receiving notification that the work is ready to inspect. [14.5.3.15 NMAC - Rp, 14.5.3.15 NMAC, 11/15/2016]

HISTORY OF 14.5.3 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

CIC 70-2, General Construction Classifications, filed 11-25-1970;

CIC 72-4, General Construction Classifications, filed 02-16-1972;

CIC 76-2, Rules and Regulations, filed 05-05-1976;

CID 78-2, Rules and Regulations, filed 12-05-1978;

CID 79-1, Rules and Regulations, filed 06-06-1979;

CID 82-1, Construction Industries Rules and Regulations, filed 04-14-1982;

CID 85-1, Construction Industries Rules and Regulations, filed 02-04-1985;

CID 90-1, Construction Industries Rules and Regulations, filed 05-31-1990.

History of Repealed Material:

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 09-02-1997), repealed 12-1-2000.

14.5.3 NMAC, Housing and Construction - Construction Industries General Provisions - Inspections (filed 10/16/2000), repealed 7-1-2004.

14.5.3 NMAC, Inspections (filed 5-27-2004), repealed 11/15/2016.

Other History:

That portion of CID 90-1, Construction Industries Rules and Regulations, filed 05-31-1990 -- renumbered, reformatted and amended to 14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections, filed 09-03-1996.

14 NMAC 5.3, Housing and Construction - Construction Industries General Provisions - Inspections (filed 09-03-1996) replaced by 14 NMAC 5.3, Inspections, effective 9/23/1997.

14 NMAC 5.3, Inspections (filed 09-02-1997) replaced by 14 NMAC 5.3, Inspections, effective 12/01/2000.

14.5.3 NMAC, Inspections (filed 10/16/2000) and those applicable portions of 14.7.2 NMAC, 1997 Uniform Building Code (filed 10/16/2000); 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Codes (filed 10/20/1998); and 14.10.4 NMAC, State of New Mexico Electrical Code (filed 7/01/2002) replaced by 14.5.3 NMAC, Inspections, effective 7-1-2004.