

This is an amendment to 14.5.2 NMAC, Sections 5, 9 and 14, effective 7/14/2023.

14.5.2.5 **EFFECTIVE DATE:** March 10, 2022, unless a later date is cited at the end of a section. From the date of publication of this rule in the New Mexico register, until 12/14/2023 permits may be issued under either the previously adopted rule or this rule. After 12/14/2303, permits may be issued only under this rule.
[14.5.2.5 NMAC – Rp, 14.5.2.5 NMAC, 3/10/2022; A, 07/14/2023]

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 not used for habitation and used as tool or storage sheds, playhouses or 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, that are installed entirely above ground with no permanent connections to water or power.
 - (8) Shade cloth structures constructed for nursery or agricultural purposes that do not include 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) Partitions not over five feet nine inches (1,753mm) in height.
- B. Residential:** See section R105 of the IRC except as provided below:
- (1) **Section 105.2 (1)** - One-story detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m2).
 - (2) **Section R105.2 (2)** - Delete this section of the IRC.
 - (3) **Section 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) **Section R105.2 (4)** - See this section of the IRC.
 - (5) **Section R105.2 (5)** - Delete this section of the IRC.
 - (6) **Section R105.2 (6)** - Delete this section of the IRC.
 - (7) **Section R105.2 (7)** - See this section of the IRC.
 - (8) **Section R105.2 (8)** - See this section of the IRC.
 - (9) **Section R105.2 (9)** - See this section of the IRC.
 - (10) **Section R105.2 (10)** - See this section of the IRC
- C. Mechanical work.** Refer to [~~the exempt work section of the currently adopted NMMC~~] 14.9.2 NMAC.
- D. Plumbing work.** Refer to [~~the exempt work section of the currently adopted NMPC~~] 14.8.2 NMAC.
- 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, 3/10/2022; A, 07/14/2023]

14.5.2.14 **EXPIRATION AND DEACTIVATION OF PERMIT:**

- A. Expiration.** Every permit issued by the AHJ shall expire and be void if the work authorized by

the permit is not commenced within 180 days from the issuance date.

B. Cancellation. If the work authorized by a permit is suspended, delayed or abandoned after the work is commenced and such suspension, delay or abandonment continues for greater than 180 days, the permit shall be cancelled. In order for work on the project to continue, a new permit application must be submitted, a new, full permit fee must be remitted, and a new permit issued. The AHJ may require re-submittal of documents.

C. Extension of time. The CBO or TBC may extend the time of an active permit for an additional period not to exceed 180 days on receipt of a written request from the permit holder showing that circumstances beyond the control of the permittee have caused delay in the permitted work.

D. Penalties. Any work performed after a permit expires, cancels or becomes inactive shall be considered a violation pursuant to Subsection A of 14.5.2.8 NMAC and subject to discipline and to the provisions of ~~[4.5.2.16 NMAC]~~ 14.5.2.16 NMAC.

[14.5.2.14 NMAC - Rp, 14.5.2.14 NMAC, 3/10/2022; A, 07/14/2023]