

PUEBO OF ACOMA LAWS 2003 (2009 Replacement)

**TITLE 17
PUEBLO OF ACOMA UNIFORM CONSTRUCTION CODE**

This Replacement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2008 through December 31, 2008.

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These laws may be cited by Title, Chapter, Section and Year as Section or §___-___-___
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PUEBLO OF ACOMA LAWS 2003 (2009 Replacement)

TITLE 17
PUEBLO OF ACOMA UNIFORM CONSTRUCTION CODE

Origins: Unless otherwise noted, this Title was adopted by Tribal Council pursuant to Tribal Council Resolution No. TC-NOV-15-00-2.

Chapter 1 - Adoption of Construction Codes

17-1-1 [Type of Uniform Codes Adopted]. The Pueblo of Acoma adopts the technical requirements of the following uniform construction codes and standards which are collectively referred to as the “Uniform Codes,” and individually as “adopted Uniform Code.”

- A. National Electrical Code
- B. Uniform Building Code
- C. Uniform Mechanical Code
- D. Uniform Plumbing Code
- E. Uniform Fire Code
- F. National Electrical Safety Code
- G. National Fuel Gas Code
- H. Liquefied Petroleum Gas Code
- I. Uniform Swimming Pool, Spa and Hot Tub Code

Annotations: Pueblo of Acoma Laws 2003 supplied the section heading for this section in brackets.

17-1-2 Adoption of Current Edition by Reference. Except as specifically modified by the Pueblo of Acoma, the Pueblo adopts the most current edition of the above Uniform Codes and incorporates any amendments to the Uniform Codes as may be promulgated in the future by a nationally recognized standards association.

Annotations: Tribal Council Resolution No. TC-NOV-15-00-2 intended to adopt these Construction Codes by reference.

17-1-3 Amendment. The Pueblo of Acoma reserves the right to further amend or repeal any portion of the Uniform Codes pertaining to administration, permitting and enforcement as necessary to meet the specific needs of the Pueblo of Acoma.

Annotations: Cross-reference to Chapter 2 of this Title for Amendments.

17-1-4 Title. This Title shall be referred to as the “Pueblo of Acoma Pueblo Uniform Construction Code” and a copy of the adopted Uniform Code and any amendments shall be available for inspection by the public during regular business hours at the Pueblo of Acoma Governor’s Office.

17-1-5 Effective Date. The effective date of the Pueblo of Acoma Uniform Construction Code shall be November 1, 2000.

17-1-6 Applicability. The Pueblo of Acoma Uniform Construction Code shall apply to 1) all new public and commercial buildings constructed by the Pueblo, including its enterprises and authorities, on Acoma Pueblo lands; 2) renovations of existing public and commercial buildings; 3) all new building and construction projects on Acoma Pueblo lands with a project cost that in aggregate total over One Million Dollars (\$1,000,000.00); and 4) projects funded in whole or in part with Tribal, federal, or state money.

Annotations: Tribal Council Resolution No. TC-NOV-15-00-2 also stated that “A Certificate of Occupancy will also be required for the Sky City Hotel and Conference Center now under construction”.

17-1-7 Exemptions. The Acoma Uniform Construction Code shall not apply to privately-funded individual residential construction on Acoma Pueblo lands, including residential building using traditional building methods.

Chapter 2 - ENFORCEMENT AND ADMINISTRATION AMENDMENTS

17-2-1 Administration Amendments to the Uniform Codes.

A. Generally. The general provisions relating to the administration of the various Uniform Codes adopted by the Pueblo of Acoma shall apply unless amended by the Pueblo.

1. [Restrictive/Specific Requirements] Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most

restrictive shall govern. Where there is a conflict between a general requirement, the specific requirement shall be applicable.

2. Appendix. Whenever there is a reference in an adopted Uniform Code to an appendix, it shall be presumed that the provisions of the appendix are part of the Uniform Code [and] are applicable unless specifically disclaimed by the Pueblo.

Annotations: The bracketed information provides clarity.

- B. Scope. Wherever an adopted Uniform Code refers to the “scope” of the particular code or to buildings, activities or materials within “the jurisdiction”, it shall mean the following:

Scope. The provisions of this code shall apply to the construction, alteration, moving, demolition, repair, maintenance and use of:

1. all new public and commercial buildings constructed by the Pueblo, including its enterprises and authorities, on Acoma Pueblo lands;
2. renovations of existing public and commercial buildings;
3. all new building and construction projects on Acoma Pueblo lands with a project cost that in aggregate total over One Million Dollars (\$1,000,000.00); and
4. projects funded in whole or in part with Tribal, federal, or state money.

The provisions of this code shall not apply to privately-funded individual residential construction on Acoma Pueblo lands, including residential building using traditional building methods.

- C. Enforcement Authority - Generally.

1. Building Official. Whenever the term or title “administrative authority,” “building official,” “chief inspector,” “code enforcement officer,” “authority having jurisdiction” or other similar designation is used in any of the adopted Uniform Codes, it shall be construed to mean the entity or inspector for the Pueblo of Acoma designated by the Governor as a “Building Official” to be responsible for the administration and

enforcement of the referenced technical Uniform Codes. The Governor may hire or contract for such services.

2. Powers. Any Building Official shall have the powers of a construction law enforcement officer. The designated entity or inspector shall be qualified by education, training and experience to inspect, approve and certify matters pertaining to building construction. The designated entity or inspector may be required to be registered or licensed and in active practice in a construction field. The Governor may also authorize inspectors recognized by the State of New Mexico when needed for a particular installation, for example, electrical by work by Continental Divide Electric Cooperative on Pueblo land.

D. Definitions. Whenever the following terms are used in any of the adopted Uniform Codes, the following meanings shall apply:

1. “Board of Appeals” shall mean the appeals process, as identified in subsection G below, which is adopted by the Pueblo for handling any disputes for projects constructed or conducted by the Pueblo of Acoma. Similarly, any reference in a Uniform Code to “appeal” shall mean to the appeals process adopted by the Pueblo.
2. “Chief of the Fire Department” shall initially mean a Building Official for the Pueblo of Acoma as defined herein as to those sections of the Uniform Fire Code which apply to the construction and alteration of buildings within the scope of the Acoma Uniform Construction Codes. When the Pueblo of Acoma hires a person to serve as chief of the Fire Department, that person shall perform the duties for the fire marshal required by any of the Uniform Codes, and especially the Uniform Fire Code.
3. “Licensed or Registered Architect” shall mean a professional architect who is currently licensed or registered in New Mexico or any other state or tribal jurisdiction.
4. “Licensed or Registered Engineer” shall mean a professional engineer who is currently licensed or registered in New Mexico or any other state or tribal jurisdiction.

E. Permit Process.

1. Application. Whenever there is a reference to “permit application” in an adopted Uniform Code, the name, address and license number of the general contractor, architect and engineer shall also be included in the information required.
2. Submittal Documents. Whenever there is a reference to documents, including plans and specifications, to be submitted for permitting, inspection and certification purposes, the following provisions shall apply:

Submittal Documents. With each application for a building or other required permit, and when required by the building official for enforcement of any provision of this code, the plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents required and shall be submitted in three sets with each application for a permit. The building official shall require plans and specifications be prepared and sealed by a licensed or registered architect in conformance with the provisions of appropriate Architectural Act/Rules and Regulations and/or by a licensed or registered engineer in conformance with appropriate Engineering Act/Rules and Regulations. The building official may require submission of any plans, computations and specifications necessary to show clearly the kind and extent of building construction work covered by application for permits required. One set of submittal documents will be sent to the Pueblo of Acoma archives.

Exception. The building official 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 reviewing of plans is not necessary to obtain compliance with this code.

3. Fees.
 - a. Permit fees specified in the Uniform Codes shall be paid at the Governor’s Office by the Owner at the time of application for a permit. Fees shall be applied to cover the cost of reviews and inspection expenses of the

designated Building Official for the project.

b. Fees can be waived, in whole or in part, by the Governor.

4. Permit issuance. A permit issued by the Acoma Pueblo Building Official with the concurrence of the Governor shall be prominently displayed on the site where the construction or work is to be performed.

F. Certificate of Occupancy.

1. Temporary Certificate of Occupancy. A temporary certificate of occupancy can be issued by the Pueblo of Acoma Planning and Engineering Director, with the approval of the Building Official when a project reaches Substantial Completion.

Origins: Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment is effective February 14, 2008.

2. Substantial Completion means the time when a construction project, or specified part of a project is sufficiently complete, in accordance with the construction contract, so that the owner can occupy or use the project for the purposes for which it is intended. The terms “substantially complete” and “substantially completed” as applied to all or part of a project refer to Substantial Completion as defined in this section.

Origins: Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment is effective February 14, 2008.

3. Certificate of Occupancy. In addition to the name and signature of the Building Official, the Certificate of Occupancy shall bear the concurring signature of the Governor of the Pueblo of Acoma. Prior to submission of the Certificate to the Governor for signature, the Project Manager must certify that:

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as § 17-2-1(F); restated and amended as §17-2-1(F)(3) by Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment deleted “, and any Temporary Certificate of Occupancy” after “Certificate of Occupancy” in the second line, replaced the word “concurrence” with “signature” after “Governor for” in the fourth line”, and deleted the phrase “by signature” after “certify” in the last line. 2008 amendment is effective February 14, 2008

- a. All punch lists are completed;

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as § 17-2-1(F)(1); amended and restated as §17-2-1(F)(3)(a) by Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment inserted the word “All” at the beginning of this subsection. 2008 amendment is effective February 14, 2008.

- b. All approved plans and specifications have been followed;

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as § 17-2-1(F)(2); amended and restated as §17-2-1(F)(3)(b) by Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment inserted the word “All” at the beginning of this subsection. 2008 amendment is effective February 14, 2008.

- c. Any required and requested inspections, or proofs of performance have been successfully completed;

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as §17-2-1(F)(3); amended and restated as §17-2-1(F)(3)(c) by Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment inserted the word “Any” at the beginning of this subsection, inserted the phrase “, or proofs of performance” after “inspections”, and inserted the word “successfully” before completed. 2008 amendment is effective February 14, 2008.

- d. All required tests have been performed; and

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as § 17-2-1(F)(4); amended and restated as §17-2-1(F)(3)(d) by Tribal

Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment inserted the phrase “All required” at the beginning of this subsection. 2008 amendment is effective February 14, 2008.

- e. All inspection reports have been filed with the Pueblo of Acoma Department of Engineering.

Origins: Tribal Council Resolution No. TC-NOV-15-00-2; restated in Pueblo of Acoma Laws 2003 as § 17-2-1(F)(5); amended and restated as §17-2-1(F)(3)(e) by Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment inserted the word “All” at the beginning of this subsection and replaced the phrase “are on file for review” with “have been filed with the Pueblo of Acoma Department of Engineering”. 2008 amendment is effective February 14, 2008.

4. Final Payment. Issuance of the Certificate of Occupancy described in §17-2-1F(3) by the Building Official and the Governor of the Pueblo of Acoma is a prerequisite to making final payment on the project.

Origins: Tribal Council Resolution No. TC-JAN-30-08-VIa.

Annotations: 2008 amendment is effective February 14, 2008.

- G. Appeals. Whenever there is a reference to a “Board of Appeals” or “appeal” process in any adopted Uniform Code, the following appeal process shall apply:

Appeals. If there is a dispute on any order, decision or determination made by the Building Official relating to application and interpretation of the Code, the project manager of either the Owner or the Contractor may request in writing to the Governor that an independent third party be designated to resolve the dispute. The selection of an independent third party arbitrator shall be agreed upon by both parties to the dispute. If the parties cannot agree on an arbitrator, within twenty (20) days of written request delivery to the Building Official, the American Arbitration Association may designate the arbitrator, using its selection process. A decision by arbitrator shall be final. The cost for the services of the third party arbitrator shall be paid by the party requesting the appeal, unless the arbitrator rules otherwise.

- H. Repeal of Conflicting Provisions. Any provision of an adopted Uniform Code that conflicts or is inconsistent with the Acoma administration provisions as described herein is hereby deemed repealed.

Annotations: Tribal Council Resolution No. TC-NOV-15-00-2 stated that “The administrative process for implementing and enforcing these Construction Codes within the Pueblo of Acoma are described in the Administration Amendments 2000 for the Pueblo of Acoma which are incorporated by reference, and inconsistent sections in the Uniform Construction Codes are hereby ineffective.” Chapter 2 contains the Administrative Amendments-2000.

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