



## **VILLAGE OF CORRALES**

### **ORDINANCE NO. 18- 003**

**AN ORDINANCE RELATING TO BUILDINGS AND BUILDING REGULATIONS;  
AMENDING SECTIONS 8-34 AND 8-46 OF THE CODE OF ORDINANCES  
OF THE VILLAGE; PROVIDING FOR APPEALS TO THE GOVERNING  
BODY BY APPLICANTS OR CONTRACTORS; PROVIDING FOR STOP  
WORK ORDERS BY APPROPRIATE OFFICERS OF THE VILLAGE.**

**WHEREAS**, Section 8-34 of the Code of Ordinances of the Village of Corrales (the "Village Code" and "Village," respectively), being a part of Ordinance No. 05-01, adopted March 8, 2005, provides for appeals from decisions of the Building Inspector; and

**WHEREAS**, Section 8-34 of the Village Code presently provides for an appeal by "any person aggrieved" by a decision of the Building Inspector, without limiting the right of appeal to persons actually affected by the Building Inspector's decision on a request for a building permit or other matter governed by Chapter 8 of the Village Code; and

**WHEREAS**, the Village Council, the governing body of the Village ("Governing Body") finds that Section 8-34 as originally adopted creates an unworkable appeal procedure, in that it requires an appeal to be filed within twenty days after the decision appealed from, even though there is no public notice of most decisions by the Building Inspector, such as issuance of building permits, and such decisions may not be known to the general public until many months later, when construction commences; and

**WHEREAS**, the Governing Body further finds that, under State law, there is no general right of appeal by members of the public from decisions of a building official, such as issuance or non-issuance of a building permit or a certificate of occupancy by an official of the Construction Industries Division or other building official; and

**WHEREAS**, the Governing Body therefore finds that Section 8-34 of the Village Code should be amended to provide for appeals by applicants, building owners and contractors, who are those specifically affected by decisions on building permit applications and similar applications made under Chapter 8 of the Village Code; and

**WHEREAS**, the Governing Body further finds that appeal to the Governing Body from a decision of the Building Inspector should not automatically stay enforcement of that decision, but appropriate officers of the Village, including but not limited to the Building Inspector, should have clear authority to issue and enforce any necessary order to stop work that is being conducted in violation of the Village Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Council, the governing body of the Village of Corrales, that:

order, in writing, to proceed.

**SEVERABILITY CLAUSE:** Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

**COMPILING CLAUSE:** This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

**EFFECTIVE DATE AND PUBLICATION:** This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
The Honorable Scott Kominiak  
Mayor

ATTEST:

\_\_\_\_\_  
Jennifer A. Hise  
Village Clerk