

## Opinion No. 59-61

June 12, 1959

**BY:** FRANK B. ZINN, Attorney General

**TO:** Mr. John S. MacKay, Business Manager New Mexico School for the Deaf 1060 Cerrillos Road Santa Fe, New Mexico

The New Mexico School for the Deaf may employ unlicensed persons for making installation of plumbing in the buildings of a dairy farm located in an unpopulated area; that an irrigating system may be installed without regard to the licensing requirements of the Plumbing Code and connections may be made to water tanks, troughs, etc., by licensed plumbers.

### OPINION

{\*98} This is written in reply to your recent request for an opinion on the following questions:

1. Must the School for the Deaf employ or contract with licensed plumbers in keeping with the provisions of the New Mexico Plumbing Code to install temporary plumbing systems, both water and sewage in a house located in an unpopulated area or may the School use its own regular employees for such work even though these employees are not licensed plumbers.
2. It is anticipated that at sometime in the future, we will want to construct water lines to our dairy barn and drains from this barn. No human beings would be housed in this structure. It would be used solely for the production of milk and any by-products of milk which we might want to make. Would we be required under law, to employ the services of a licensed journeyman or master plumber, or licensed plumbing contractor, for an installation of this nature?
3. At some time in the future, probably not for some time, we anticipate that we might wish to construct an irrigation system at this site for the purpose of irrigating table vegetables and fruits and dairy pasture lands. Again, would it be necessary for us to contract with or hire licensed journeymen or master plumbers, or licensed plumbing contractors, for this type of work?
4. At the time that we drill a well at this site, will it be necessary to employ a licensed journeyman or master plumber or contract with a licensed plumbing contractor to make the necessary connections to any tank, water troughs, etc., that we may have?

In answer to your questions in the order stated, it is my opinion that:

1. Where a house or residence is located in an unpopulated area or where plumbing installations are to [be] made in a farm or ranch building, the Plumbing Code does not require that such work be done by licensed plumbers, although the same minimum standards, materials and workmanship as are otherwise required must be met.

2. It is my opinion that water lines and drains may be installed to a dairy barn located in an unpopulated area by persons not licensed as plumbers by the Plumbing Administrative Board.

{\*99} 3. It is further my opinion that an irrigation system may be installed by unlicensed plumbers so long as such systems are not located within thirty (30) feet of any dwelling or building devoted to animal husbandry.

4. It is lastly my opinion that school employees may make necessary connections to water tanks, troughs, etc., as may be used in the watering of stock or as integral parts of an irrigation system.

It is understood from your letter that the New Mexico School for the Deaf is planning to establish a dairy farm in an unpopulated area outside the City of Santa Fe. It is further pointed out and understood that in connection with the establishment of the dairy farm, that a dairyman's house will be erected on the premises and that it is the initial plan to provide this dwelling with a temporary sewage and water system. Additionally, it is planned that the dairy barn equipped with the necessary water and sewage systems will be installed as well as the establishment of an irrigation system in the same general vicinity. Based upon these facts, you have asked the questions aforesaid.

By Attorney General's Opinion No. 59-14, a copy of which is attached for your information, it was pointed out generally that the New Mexico Plumbing Code:

"\* \* \*, provides for the creation of a Plumbing Administrative Board; for the licensing of qualified persons engaged in the plumbing trade; requires that permits be acquired by property owners desiring plumbing work to be done and, further, provides for a minimum standard of materials which must be used and, \* \* \*, for inspections of installations by duly appointed representatives of the State Plumbing Board."

Also, it is pointed out by Opinion No. 59-14, that:

"\* \* \*, except in the case of minor repairs or installation of temporary fixtures, an application must be made' \* \* \* to the inspector in whose jurisdiction such work is to be performed, \* \* \* for a permit."

Keeping in mind these general requirements of the Plumbing Law, it is now necessary to direct attention to the provided exceptions from the requirements of the Code. Specifically, Section 67-22-2 N.M.S.A., 1953 Comp., (PS) states out that:

"The provisions of this act shall apply to all installations, alterations and repairs of 'plumbing' or 'fixtures' as herein defined, and to the installation, alteration and repair of consumers' gas piping and the installation of gas appliances, within or on public or private buildings, structures, or premises, except as hereinafter provided:

(a) \* \* \*

(b) The provisions of this act shall not apply to the installation, alteration or repair of plumbing or fixtures or gas piping, \* \* \* where such work is an integral part of any irrigation system on farms, ranches, or other open, unpopulated areas where such work will not be located within thirty [30] feet of any dwelling or any building devoted to animal husbandry.

(c) \* \* \*

(d) The provisions of this act shall not prohibit an individual from installing, altering or repairing plumbing or plumbing fixtures in a farm or ranch building owned or occupied by him, or require a license from an individual doing such work on such premises."

Recalling your first question relative to the installation of the plumbing in the dairyman's house, it must be stated as my opinion *{\*100}* that this type of plumbing work is exempt from the licensing requirements of the Plumbing Code as falling within the category of a farm or ranch. It is pointed out, however, that the standards of workmanship and materials otherwise required must be met. This same conclusion is also necessarily reached with reference to your second question.

Your third question relating to the establishment of an irrigating system is specifically exempted from the licensing requirements of the Plumbing Code by Section 67-22-2, N.M.S.A., 1953 Comp. (PS) as earlier in this opinion set out.

Lastly, it is my opinion that the hiring or contracting with licensed plumbers is not required for the making of plumbing connections with water tanks, troughs, and etc., as may be used or become an integral part of either the domestic water and sewage systems of the dairymen's house, dairy barn and irrigating system. From the language used by the Legislature and expressed in the statute quoted earlier in part, it is apparent that the Legislative intent ran to the exemption generally of all farm and ranch plumbing installations, both agricultural and domestic.

By: Hilton A. Dickson, Jr.,

First Assistant Attorney General