

**CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL**

COUNCIL BILL NO. O-17-44

ENACTMENT NO. O.2017.020

SPONSORED BY: Trudy E. Jones, by request

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ORDINANCE

ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH
NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO
A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF
FIRE, EXPLOSION, AND DANGEROUS CONDITIONS ARISING FROM THE
STORAGE, HANDLING AND USE OF HAZARDOUS MATERIALS AND DEVICES,
AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE
OR OCCUPANCY OF BUILDINGS OR PREMISES AND PROVISIONS TO ASSIST
EMERGENCY RESPONSE PERSONNEL; PROVISIONS OF THIS CODE SHALL
SUPPLEMENT ANY AND ALL LAWS RELATING TO FIRE SAFETY AND SHALL
APPLY TO ALL PERSONS WITHOUT RESTRICTION, UNLESS SPECIFICALLY
EXEMPTED; PROVIDING FOR A BOARD OF APPEALS; PROVIDING
PENALTIES FOR VIOLATIONS OF CODE PROVISIONS; REPEALING THE FIRE
PREVENTION CODE ADOPTED IN 2012 BY ORDINANCE NO. 0-2012-029
PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
ALBUQUERQUE:

Section 1. Adoption of the Fire Code.

(A) For the purpose of prescribing minimum regulations governing
conditions hazardous to life and property from fire, hazardous materials, or
explosion within the City of Albuquerque, New Mexico, the following
documents are hereby adopted as the City of Albuquerque Fire Code, and
from the date on which this ordinance takes effect shall be controlling within
the boundaries of the City of Albuquerque, New Mexico:

(1) The International Fire Code IFC 2015 Edition, including
Appendices B, C, D, F, H and K except all references to the International

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1 Plumbing, Mechanical and Electrical Codes as published by the International
2 Code Council (ICC) shall be deleted and replaced with the current adopted
3 Uniform Administrative Codes as referenced in Section 2 (C).

4 (2) All National Fire Protection Codes, Standards and
5 Supplements, as published by the National Fire Protection Association (NFPA)
6 referenced in Chapter 80 of the (IFC) 2015 Edition.

7 (3) NFPA 101 Life Safety Code, 2015 Edition as published by the
8 National Fire Protection Association as applicable to existing structures and
9 facilities built prior to July 1, 2004, except Chapter 13, Section 13.3.5.1.

10 Section 2. Authorities Having Jurisdiction.

11 (A) The Fire Marshal's Office of the Albuquerque Fire Department shall
12 have jurisdiction under the City of Albuquerque Fire Code to test and inspect
13 fire suppression systems, including fire hydrants, fire extinguishers, fire
14 alarms and sprinkler systems installed in construction, alteration, moving,
15 demolition, repair, use and occupancy of buildings, structures and building
16 service equipment.

17 (B) The Fire Marshal's Office shall have jurisdiction under the City Of
18 Albuquerque Fire Code to enforce the IFC as applicable to construction,
19 alterations, moving, demolition, repair, use and occupancy of building and
20 structures.

21 (C) The Building and Safety Division of the Planning Department shall
22 have jurisdiction to administer the Uniform Administrative and Technical
23 Codes of the City of Albuquerque for construction, alteration, moving,
24 demolition, repair, use and occupancy of buildings, structures and building
25 service equipment.

26 Section 3. Conflict of Codes.

27 (A) Existing Structures, Facilities and Operations. The Fire Chief or
28 his/her duly authorized representative shall have jurisdiction to administer the
29 City of Albuquerque Fire Code as applicable to all existing structures as
30 follows:

31 (1) Existing structures and facilities built prior to July 1, 2004, will
32 be regulated pursuant to the NFPA 101 Life Safety Code, (LSC) as adopted and
33 The International Fire Code (IFC) Chapter 11. Existing structures built after

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1 July 1, 2004, and before the adoption of this code will be regulated pursuant to
2 the code at the time of their construction and The International Fire Code (IFC)
3 Chapter 11.

4 (2) When a conflict exists in a specific code requirement between
5 the Existing Sections of the Life Safety Code the Existing Sections of
6 International Fire Code and the International Building Code (IBC), the Fire
7 Code Official will make the determination on which code to use that best
8 meets the public safety requirements of the jurisdiction.

9 (B) New Structures, Facilities and Operations. The Fire Chief or his/her
10 duly authorized representative shall have jurisdiction to administer the City of
11 Albuquerque Fire Code as it applies to all new structures:

12 (1) When a conflict exists in specific code requirements between
13 the applicable sections of the Uniform Administrative Codes of the City of
14 Albuquerque and the City of Albuquerque Fire Code, the Fire Code Official
15 will make the determination on which code to use that best meets the public
16 safety requirements of the jurisdiction.

17 Section 4. Amendments.

18 The International Fire Code is hereby amended as set forth in Exhibit A
19 and subject to the modifications, additions or deletions therein. When an
20 existing section number of the International Fire Code is referred in Exhibit A,
21 the text herein shall control when a new chapter, section or subsection is
22 referred to in Exhibit A, it shall be added to the International Fire Code as
23 adopted in Section 1 of this Ordinance.

24 Section 5. Availability of Code.

25 A copy of the Fire Code of the City of Albuquerque as adopted by this
26 ordinance and a copy of the deletions, modifications, amendments and
27 additions to said code are available at the Fire Marshal's Office, City of
28 Albuquerque, for inspection by the public during regular business hours. A
29 copy of the adopted ordinance shall be available to any individual upon
30 request and payment of a reasonable charge as set forth in Chapter 83 of this
31 code. Three certified copies of this ordinance as adopted shall be filed with
32 the City Clerk and shall be in effect immediately thereafter and additional
33 copies shall be kept in the office of the Fire Marshal. One copy of the new Fire

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1 Code adopted by this ordinance is available for inspection in the City Clerk's
2 Office, 1 Civic Plaza N.W.

3 Section 6. Establishment of the Fire Marshal's Office.

4 (A) The Fire Code of the City of Albuquerque shall be enforced by the
5 Fire Marshal's Office of the Fire Department of the City of Albuquerque, which
6 is hereby established and which shall be administered and directed by the Fire
7 Marshal.

8 (B) The Fire Marshal shall be appointed by the Fire Chief of the
9 Albuquerque Fire Department to exercise the powers and authority as set forth
10 in this code.

11 (C) The Fire Marshal or his/her authorized representatives shall have
12 the authority to issue citations pursuant to the provisions of this code.

13 Section 7. Amendments to the Fire Code of the City of Albuquerque.

14 The Fire Code of the City of Albuquerque hereby adopted may be
15 amended or repealed in the same manner as ordinances are amended or
16 repealed.

17 Section 8. Penalties.

18 Any person convicted of violating any of the provisions of this code or
19 failing or neglecting to comply with any orders issued pursuant to any section
20 thereof shall be deemed guilty of a misdemeanor and such person shall be
21 guilty of a separate offense for each and every day or portion thereof during
22 which any such violation is continued or permitted. Upon conviction, each
23 such violation shall be punishable by a fine of not more than five hundred
24 dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by
25 both such fine and imprisonment.

26 Section 9. Repealer.

27 Ordinance No. 0-2012-029 adopting the Fire Prevention code is hereby
28 repealed.

29 Section 10. Compilation.

30 This Ordinance shall be incorporated in and made part of the Revised
31 Ordinances of Albuquerque, New Mexico, 1994.

32 Section 11. Severability Clause.

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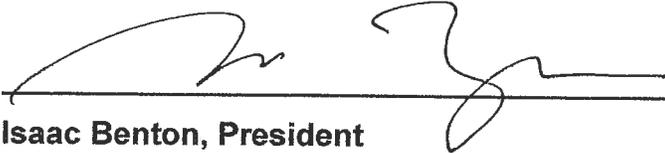
1 If any section, subsection, sentence, clause, word or phrase of this code
2 is for any reason held to be unconstitutional or otherwise invalid, such
3 decision shall not affect the validity of the remaining portions of this
4 ordinance. The governing body of the City of Albuquerque hereby declares
5 that it would have passed this ordinance and each section, subsection,
6 sentence, clause, word or phrase thereof, irrespective of the fact that any one
7 of more sections, subsections, sentences, clauses, words or phrases is held
8 unconstitutional or otherwise invalid.

9 Section 12. Emergency Clause.

10 This ordinance is hereby declared to be an emergency measure on the
11 grounds of urgent public need and is, therefore, to become effective
12 immediately upon its passage and publication by title and summary as
13 provided by law.

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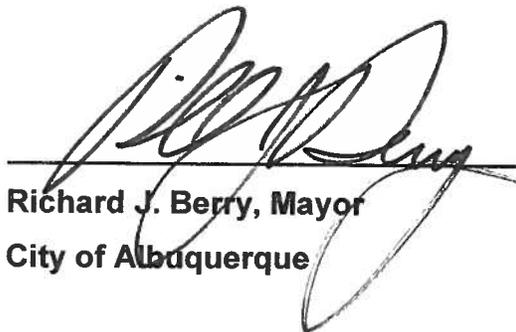
1 PASSED AND ADOPTED THIS 7th DAY OF August, 2017
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 Isaac Benton, President
9 City Council

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12 APPROVED THIS 17th DAY OF August, 2017
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16 Bill No. O-17-44

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19 _____
20 Richard J. Berry, Mayor
21 City of Albuquerque
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25 ATTEST:

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28 Natalie Y. Howard, City Clerk
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