

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-63 ENACTMENT NO. O-2019-012

SPONSORED BY: Brad Winter, by request

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; REPEALING THE FIRE PREVENTION CODE ADOPTED IN 2017
BY ORDINANCE NO. O-2017-044; ADDING A CHAPTER ADDRESSING COST
RECOVERY FOR THE DEPLOYMENT OF EMERGENCY AND NON-
EMERGENCY SERVICES BY ALBUQUERQUE FIRE RESCUE; PROVIDING FOR
USE OF A FIRE INSPECTION REPORTING SYSTEM; AND UPDATING
LANGUAGE TO REFLECT MORE CURRENT TERMINOLOGY.
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 25 boundaries of the City of Albuquerque, New Mexico:

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[Bracketed/Strikethrough Material] - Deletion

1 (1) The International Fire Code as adopted in 2017 by Ordinance No. O-
2 2017-044, except all references to the International Plumbing, Mechanical and
3 Electrical Codes as published by the International Code Council (ICC) shall be
4 deleted and replaced with the current adopted Uniform Administrative Codes
5 as referenced in Section 2 (C).

6 Section 2. Amendments.

7 The International Fire Code is hereby amended as set forth in Exhibit A
8 and subject to the modifications, additions or deletions therein. When an
9 existing section number of the International Fire Code is referred in Exhibit A,
10 the text herein shall control. When a new chapter, section or subsection is
11 referred to in Exhibit A, it shall be added to the International Fire Code as
12 adopted in Section 1 of this Ordinance.

13 Section 3. Availability of Code.

14 A copy of the Fire Code of the City of Albuquerque as adopted by this
15 ordinance and a copy of the deletions, modifications, amendments and
16 additions to said code are available at the Fire Marshal's Office, City of
17 Albuquerque, for inspection by the public during regular business hours. A
18 copy of the adopted ordinance shall be available to any individual upon
19 request and payment of a reasonable charge as set forth in Chapter 83 of this
20 code. Three certified copies of this ordinance as adopted shall be filed with
21 the City Clerk and shall be in effect immediately thereafter and additional
22 copies shall be kept in the office of the Fire Marshal. One copy of the new Fire
23 Code adopted by this ordinance is available for inspection in the City Clerk's
24 Office, 600 2nd St. N.W.

25 Section 4. Establishment of the Fire and Life Safety Fee.

26 (A) All new and existing businesses and nonprofits which require an
27 inspection from the Fire Marshal shall be subject to a Fire and Life Safety Fee.

28 (B) The fee shall be based off the square footage of the building
29 requiring an inspection, which can be found in Table 8302.4 of Attachment A
30 of this ordinance.

31 Section 5. Establishment of the Fire Inspection Reporting System.

1 (A) The Fire Chief or his designee shall have the power to require use of
2 a fire inspection reporting system and the authority to appoint a third party
3 provider to manage and maintain this system.

4 (B) All third party inspectors performing inspections, testing, and
5 maintenance on fire and life safety systems shall use the designated fire
6 inspection reporting system.

7 (C) Any third party inspector or building owner who fails to use the
8 designated fire inspection reporting system shall be in violation of the
9 International Fire Code and shall be assessed a penalty of \$500.00.

10 Section 6. Establishment of a Cost Recovery Process for the
11 Deployment of Emergency and Non-Emergency Services.

12 (A) In order to protect the City from extraordinary expenses resulting
13 from the utilization of City resources in response to certain public safety or
14 fire emergency incidents, Albuquerque Fire Rescue is authorized to impose
15 charges to recover the reasonable costs it incurs in responding to specific
16 types of responses occurring in connection with motor vehicle accidents and
17 vehicle fires, as delineated in Section 8401 et seq. of Attachment A.

18 (B) The Fire Chief shall have the discretion to reduce, waive, or
19 otherwise modify any cost recovery request if a showing of financial hardship
20 or inability to pay is made.

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

22 The Fire Code of the City of Albuquerque hereby adopted may be
23 amended or repealed in the same manner as ordinances are amended or
24 repealed.

25 Section 8. Penalties.

26 Any person convicted of violating any of the provisions of this code or
27 failing or neglecting to comply with any orders issued pursuant to any section
28 thereof shall be deemed guilty of a misdemeanor and such person shall be
29 guilty of a separate offense for each and every day or portion thereof during
30 which any such violation is continued or permitted. Upon conviction, each
31 such violation shall be punishable by a fine of not more than five hundred
32 (\$500.00) or by imprisonment for not more than ninety (90) days, or by both
33 such fine and imprisonment.

1 **Section 9. Repealer.**

2 Ordinance No. O-2017-044 adopting the Fire Prevention code is hereby
3 repealed. The ordinance amendment prescribed by Sections 1, 2, and 3 shall
4 be incorporated in and made part of the Revised Ordinances of Albuquerque,
5 New Mexico, 1994.

6 **Section 10. Compilation.**

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

9 **Section 11. Severability Clause.**

10 If any section, subsection, sentence, clause, word or phrase of this code
11 is for any reason held to be unconstitutional or otherwise invalid, such
12 decision shall not affect the validity of the remaining portions of this
13 ordinance. The governing body of the City of Albuquerque hereby declares
14 that it would have passed this ordinance and each section, subsection,
15 sentence, clause, word or phrase thereof, irrespective of the fact that any one
16 of more sections, subsections, sentences, clauses, words or phrases is held
17 unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 29th DAY OF May, 2019
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 Against: Jones, Winter

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8 Klarissa J. Peña, President
9 City Council
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13 APPROVED THIS 17 DAY OF June, 2019
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18 Bill No. O-19-63
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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27 ATTEST:

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30 Katy Duhigg, City Clerk
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