

**CITY of ALBUQUERQUE
NINETEENTH COUNCIL**

COUNCIL BILL NO. O-11-65 ENACTMENT NO. O. 2011.038

SPONSORED BY: Trudy Jones and Dan Lewis

ORDINANCE

1
2 Adopting A Uniform Administrative Code And Technical Codes Prescribing
3 Minimum Standards Regulating The Construction, Alteration, Moving, Repair
4 And Use And Occupancies Of Buildings And Structures And Building Service
5 Equipment And Installations Including Plumbing, Swimming Pools, Electrical,
6 Mechanical, Signs, Solar, Energy Conservation, Building Conservation And
7 The Abatement Of Dangerous Buildings Within The City Of Albuquerque;
8 Providing For The Issuance Of Permits And Collecting Fees Therefore;
9 Repealing Chapter 14, Article 1, ROA 1994, The Present Uniform
10 Administrative Code And Technical Codes Including The Building Code, The
11 Plumbing Code, The Swimming Pool Code, The Mechanical Code, The Solar
12 Energy Code, The Electrical Code, Providing For Penalties For Violation Of
13 The Code.

14 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
15 ALBUQUERQUE:

16 Section 1. INTENT OF ORDINANCE. It is the intent of this ordinance that
17 the City shall recover from fees derived from Building and Safety 100% of the
18 full cost, including indirect charges of code enforcement activities. It shall be
19 the responsibility of the Mayor to review the Building and Safety income at
20 yearly intervals and to recommend to the Council the need to increase or
21 decrease fees according to the result of this review.

22 Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE
23 CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby
24 adopted and shall serve as the administrative, organizational and enforcement
25 rules and regulations for the adopted technical codes within the City of
26 Albuquerque, New Mexico.

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1 Section 3. ADOPTION OF THE TECHNICAL CODES OF THE CITY OF
2 ALBUQUERQUE. For the purpose of prescribing minimum standards
3 regulating construction and maintenance of buildings and structures,
4 including all building service equipment, and installations within the City of
5 Albuquerque, New Mexico, the following codes are hereby adopted:

6 (A) The New Mexico Building Code as adopted by the Construction
7 Industries Division of the State of New Mexico with an effective date of
8 January 1, 2011;

9 (B) The 2009 New Mexico Commercial Building Code as adopted by the
10 Construction Industries Division of the State of New Mexico, including
11 Appendix Chapter E, and I but not including Appendix Chapters A, B, C, D, F,
12 G, H, J, and K with an effective date of January 1, 2011;

13 (C) The 2009 New Mexico Residential Building Code as adopted by the
14 Construction Industries Division of the State of New Mexico, including
15 Appendix Chapters G, H, J, K and M, but not including Appendix Chapters A,
16 B, C, D, E, F, I, L, N, O, P, and Q with an effective date of January 1, 2011;

17 (D) The 2009 New Mexico Earthen Building Materials Code as adopted by
18 the Construction Industries Division of the State of New Mexico with an
19 effective date of January 1, 2011;

20 (E) The 2009 New Mexico Historic Earthen Building Code as adopted by
21 the Construction Industries Division of the State of New Mexico with an
22 effective date of January 1, 2011;

23 (F) The 2009 New Mexico Existing Building Code as adopted by the
24 Construction Industries Division of the State of New Mexico with an effective
25 date of January 1, 2011;

26 (G) The 2009 New Mexico Non-Load Bearing Baled Straw Construction
27 Building Standards as adopted by the Construction Industries Division of the
28 State of New Mexico with an effective date of January 1, 2011;

29 (H) The 2009 International Code Council Performance Code for Building
30 and Facilities, including all Appendix Chapters, as published by the
31 International Code;

32 (I) The 1997 Uniform Code for the Abatement of Dangerous Buildings as
33 published (previously) by the International Conference of Building Officials;

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1 (J) The 2009 New Mexico Mechanical Code as adopted by the
2 Construction Industries Division of the State of New Mexico with an effective
3 date of January 1, 2011;

4 (K) The 2009 New Mexico Plumbing Code as adopted by the
5 Construction Industries Division of the State of New Mexico including
6 Appendix Chapters A, B, D, E, F, I, and L with an effective date of January 1,
7 2011;

8 (L) The 2006 New Mexico Swimming Pool, Spa and Hot Tub Code Phase
9 3 as adopted by the Construction Industries Division of the State of New
10 Mexico with an effective date of January 1, 2008;

11 (M) The 2006 New Mexico Solar Energy Code Phase 3 as adopted by the
12 Construction Industries Division of the State of New Mexico with an effective
13 date of January 1, 2008;

14 (N) The 2009 New Mexico Energy Conservation Code with an effective
15 date of January 1, 2012;

16 (O) The 2008 New Mexico Electrical Code as adopted by the
17 Construction Industries Division of the State of New Mexico with an effective
18 date of July 1, 2008;

19 (P) The 2008 New Mexico Electrical Safety Code as adopted by the
20 Construction Industries Division of the State of New Mexico with an effective
21 date of July 1, 2008;

22 (Q) Errata sheets to the adopted portions of the Codes promulgated by
23 the International Code Council, International Association of Plumbing and
24 Mechanical Officials and National Electrical Code;

25 (R) The City of Albuquerque amendments to the New Mexico Codes
26 referred to herein are available at the City Clerk's office and are hereby
27 adopted and together with the Codes in divisions (A) through (Q) of this
28 section that shall be known as the Uniform Construction Codes of the City of
29 Albuquerque. From the date on which this ordinance takes effect they shall be
30 controlling within the municipal boundaries of the City of Albuquerque, New
31 Mexico.

32 Section 4. AMENDMENTS TO THE UNIFORM CODES OF THE CITY OF
33 ALBUQUERQUE. The Uniform Codes of the City of Albuquerque hereby

1 adopted may be amended or repealed in the same manner as ordinances are
2 amended or repealed.

3 Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF
4 THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code
5 and a copy of the Uniform Construction Codes of the City of Albuquerque as
6 adopted by this ordinance are on file in the Office of the City Clerk of the City
7 of Albuquerque, and are available for inspection by the public during regular
8 business hours. A copy of said codes shall be available to any individual
9 upon request and the payment of a reasonable charge as set by the Chief
10 Administrative Officer, to be not less than the actual cost per copy.

11 Section 6. BUILDING SAFETY DIVISION - JURISDICTION. The Building
12 Safety Division of the Planning Department shall have jurisdiction to
13 administer the Uniform Construction Codes of the City of Albuquerque for
14 construction, alteration, moving, demolition, repair, use and occupancy of
15 buildings, structures and building service equipment.

16 Section 7. FIRE MARSHAL - JURISDICTION; APPLICATION OF FIRE CODE.

17 (A) The Fire Marshal shall have jurisdiction under the Fire Code of the
18 City of Albuquerque to test and inspect fire alarm systems and fire
19 suppression systems, including fire hydrants, fire extinguishers and sprinkler
20 systems installed in construction, alteration, moving, repair, demolition, use
21 and occupancy of buildings, structures and building service equipment. The
22 Fire Marshal shall have jurisdiction under the Fire Code as adopted by the Fire
23 Department of the City of Albuquerque as applicable to construction,
24 alteration, moving, demolition, repair, use and occupancy of buildings,
25 structures and building service equipment.

26 (B) Existing Buildings. The Fire Marshal shall have jurisdiction to
27 administer the Fire Code of the City of Albuquerque as applicable to all
28 existing structures.

29 Section 8. CONFLICT OF CODES. When a conflict exists in specific code
30 requirements between applicable sections of the Uniform Construction Codes
31 of the City of Albuquerque and the Fire Code of the City of Albuquerque, the
32 Uniform Construction Codes shall prevail.

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1 Section 9. **PENALTIES.** Any person violating any of the provisions of this
2 code or failing or neglecting to comply with any orders issued pursuant to any
3 section thereof shall be deemed guilty of a misdemeanor and such person
4 shall be guilty of a separate offense for each and every day or portion thereof
5 during which any such violation is continued or permitted. Upon conviction of
6 any such violation, such person shall be punished by fine of not more than
7 \$500 or by imprisonment for not more than 90 days, or by both such fine and
8 imprisonment.

9 Section 10. **REPEALER.** Ordinance No. 34-2008 adopting the Uniform
10 Administrative Code, the Building Code, the Mechanical Code, the Plumbing
11 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,
12 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the
13 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;
14 provided, however, that nothing contained in this ordinance shall, in any
15 manner, affect pending actions for violations of Ordinance No. 34-2008 or the
16 Codes incorporated therein as such actions shall be governed by Ordinance
17 No. 34-2008 and the Uniform Administrative and Construction Codes
18 incorporated therein.

19 Section 11. **SEVERABILITY CLAUSE.** If any section, subsection, sentence,
20 clause, word or phrase of this ordinance is for any reason held to be
21 unconstitutional or otherwise invalid by any court of competent jurisdiction,
22 such decision shall not affect the validity of the remaining portions of this
23 ordinance. The City Council, the Governing Body of the City of Albuquerque,
24 hereby declares that it would have passed this ordinance and each section,
25 subsection, sentence, clause, word, or phrase thereof irrespective of any one
26 or more sections, subsections, sentences, clauses, words, or phrases being
27 declared unconstitutional or otherwise invalid.

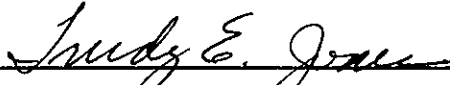
28 Section 12. **COMPILATION.** This ordinance shall be incorporated in and
29 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

30 Section 13. **EFFECTIVE DATE.** This ordinance shall take effect five days
31 after publication by title and general summary.

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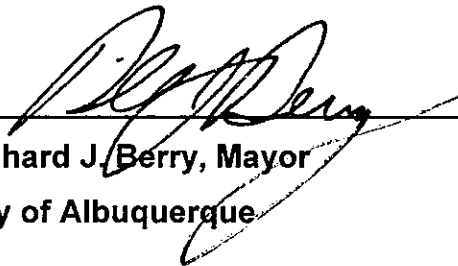
1 PASSED AND ADOPTED THIS 19th DAY OF December, 2011
2 BY A VOTE OF: 5 FOR 4 AGAINST.

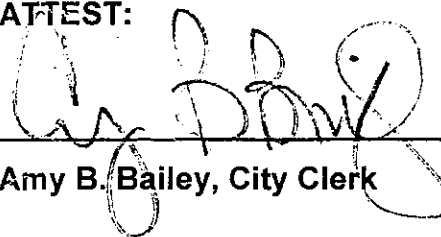
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5 For: Cook, Harris, Jones, Lewis, Winter
6 Against: Benton, Garduño, O'Malley, Sanchez
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10 _____
11 Trudy E. Jones, President
12 City Council
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15 APPROVED THIS 6th DAY OF January, 2012
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17 Bill No. O-11-65

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20 _____
21 Richard J. Berry, Mayor
22 City of Albuquerque
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25 ATTEST:
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28 Amy B. Bailey, City Clerk
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