

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-12 ENACTMENT NO. O-2020-027

SPONSORED BY: Trudy E. Jones, by request

1 ORDINANCE

2 ADOPTING A UNIFORM ADMINISTRATIVE CODE AND TECHNICAL CODES
3 PRESCRIBING MINIMUM STANDARDS REGULATING THE CONSTRUCTION,
4 ALTERATION, MOVING, REPAIR AND USE AND OCCUPANCIES OF
5 BUILDINGS AND STRUCTURES AND BUILDING SERVICE EQUIPMENT AND
6 INSTALLATIONS INCLUDING PLUMBING, SWIMMING POOLS, ELECTRICAL,
7 MECHANICAL, SIGNS, SOLAR, ENERGY CONSERVATION, BUILDING
8 CONSERVATION AND THE ABATEMENT OF DANGEROUS BUILDINGS WITHIN
9 THE CITY OF ALBUQUERQUE; PROVIDING FOR THE ISSUANCE OF PERMITS
10 AND COLLECTING FEES THEREFORE; REPEALING CHAPTER 14, ARTICLE 1,
11 ROA 1994, THE PRESENT UNIFORM ADMINISTRATIVE CODE AND
12 TECHNICAL CODES INCLUDING THE BUILDING CODE, THE PLUMBING
13 CODE, THE SWIMMING POOL CODE, THE MECHANICAL CODE, THE SOLAR
14 ENERGY CODE, THE ELECTRICAL CODE, PROVIDING FOR PENALTIES FOR
15 VIOLATION OF THE CODE.

16 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
17 ALBUQUERQUE:

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

24 Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE
25 CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby
26 adopted and shall serve as the administrative, organizational and enforcement

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1 rules and regulations for the adopted technical codes within the City of
2 Albuquerque, New Mexico.

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

8 (A) The New Mexico Building Code as adopted by the Construction
9 Industries Division of the State of New Mexico with an effective date of May 1,
10 2017;

11 (B) The 2015 New Mexico Commercial Building Code including Appendix
12 Chapters E and I, but not including Appendix Chapters A, B, C, D, F, G, H, J,
13 and K; with an effective date of May 1, 2017;

14 (C) The 2015 New Mexico Residential Building Code including Appendix
15 Chapters H, J, K, M, R, and S, but not including Appendix Chapters A, B, C, D,
16 E, F, G, I, L, N, O, P, and Q; with an effective date of May 1, 2017;

17 (D) The 2015 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 May 1, 2017;

20 (E) The 2015 New Mexico Historic Earthen Building Code as adopted by the
21 Construction Industries Division of the State of New Mexico with an effective
22 date of May 1, 2017;

23 (F) The 2015 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 May 1, 2017;

26 (G) The 2015 International Code Council Performance Code for Building
27 and Facilities, including all Appendix Chapters, as published by the
28 International Code;

29 (H) 2015 New Mexico Mechanical Code as adopted by the Construction
30 Industries Division of the State of New Mexico including Appendixes A, B, C,
31 and D with an effective date of November 1, 2018;

1 (I) The 2015 New Mexico Plumbing Code as adopted by the Construction
2 Industries Division of the State of New Mexico including Appendix Chapters A,
3 B, D, E, F, I, and L with an effective date of November 1, 2018;

4 (J) The 2015 New Mexico Swimming Pool, Spa and Hot Tub Code as
5 adopted by the Construction Industries Division of the State of New Mexico
6 with an effective date of November 1, 2018;

7 (K) The 2012 New Mexico Solar Energy Code as adopted by the
8 Construction Industries Division of the State of New Mexico with an effective
9 date of November 1, 2015;

10 (L) The 2018 International Energy Conservation Code;

11 (M) The 2017 New Mexico Electrical Code as adopted by the
12 Construction Industries Division of the State of New Mexico with an effective
13 date of August 1, 2018;

14 (N) The 2012 New Mexico Electrical Safety Code as adopted by the
15 Construction Industries Division of the State of New Mexico with an effective
16 date of August 1, 2014;

17 (O) Errata sheets to the adopted portions of the Codes promulgated by
18 the International Code Council, International Association of Plumbing and
19 Mechanical Officials and National Electrical Code;

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

27 Section 4. AMENDMENTS TO THE UNIFORM CODES OF THE CITY OF
28 ALBUQUERQUE. The Uniform Codes of the City of Albuquerque hereby
29 adopted may be amended or repealed in the same manner as ordinances are
30 amended or repealed.

31 Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF
32 THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code
33 and a copy of the Uniform Construction Codes of the City of Albuquerque as

1 adopted by this ordinance are on file in the Office of the City Clerk of the City
2 of Albuquerque, and are available for inspection by the public during regular
3 business hours. A copy of said codes shall be available to any individual
4 upon request and the payment of a reasonable charge as set by the Chief
5 Administrative Officer, to be not less than the actual cost per copy.

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

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

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

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

24 Section 8. CONFLICT OF CODES. When a conflict exists in specific code
25 requirements between applicable sections of the Uniform Construction Codes
26 of the City of Albuquerque and the Fire Code of the City of Albuquerque, the
27 Uniform Construction Codes shall prevail.

28 Section 9. PENALTIES. Any person violating any of the provisions of this
29 code or failing or neglecting to comply with any orders issued pursuant to any
30 section thereof shall be deemed guilty of a misdemeanor and such person
31 shall be guilty of a separate offense for each and every day or portion thereof
32 during which any such violation is continued or permitted. Upon conviction of
33 any such violation, such person shall be punished by fine of not more than

1 \$500 or by imprisonment for not more than 90 days, or by both such fine and
2 imprisonment.

3 Section 10. Within 30 days of the State of New Mexico's adoption of a
4 revised Energy Conservation Code, City Planning and Council Planning staff
5 will review the City of Albuquerque's Energy Conservation Code for alignment
6 with the State's adopted Code to consider possible amendments necessary to
7 create consistency between the State and City Energy Conservation Codes.

8 Section 11. **REPEALER.** Ordinance No. 2012-020 adopting the Uniform
9 Administrative Code, the Building Code, the Mechanical Code, the Plumbing
10 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,
11 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the
12 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;
13 provided, however, that nothing contained in this ordinance shall, in any
14 manner, affect pending actions for violations of Ordinance No. 2012-020 or the
15 Codes incorporated therein as such actions shall be governed by Ordinance
16 No. 2012-020 and the Uniform Administrative and Construction Codes
17 incorporated therein.

18 Section 12. **SEVERABILITY CLAUSE.** If any section, subsection, sentence,
19 clause, word or phrase of this ordinance is for any reason held to be
20 unconstitutional or otherwise invalid by any court of competent jurisdiction,
21 such decision shall not affect the validity of the remaining portions of this
22 ordinance. The City Council, the Governing Body of the City of Albuquerque,
23 hereby declares that it would have passed this ordinance and each section,
24 subsection, sentence, clause, word, or phrase thereof irrespective of any one
25 or more sections, subsections, sentences, clauses, words, or phrases being
26 declared unconstitutional or otherwise invalid.

27 Section 13. **COMPILATION.** Sections 1 through 9 of this ordinance shall
28 be incorporated in and made part of the Revised Ordinances of Albuquerque,
29 New Mexico, 1994.

30 Section 14. **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 3rd DAY OF August, 2020
2 BY A VOTE OF: 6 FOR 2 AGAINST.

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4 Against: Bassan, Jones

5 Excused: Harris

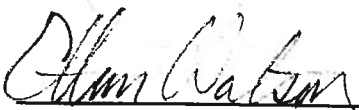
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10 Patrick Davis, President
11 City Council
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14 APPROVED THIS 17 DAY OF August, 2020
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17 Bill No. O-20-12

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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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28 ATTEST:

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31 Ethan Watson, City Clerk
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