

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-38 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

ORDINANCE

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

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

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

Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby adopted as depicted in Exhibit A to this ordinance and shall serve as the

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1 administrative, organizational and enforcement rules and regulations for the
2 adopted technical codes within the City of 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;

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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 2009 New Mexico Energy Conservation Code]~~[The 2018
11 International Energy Conservation Code;]

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

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

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

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

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

32 Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF
33 THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code

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

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

12 Section 7. **FIRE MARSHAL - JURISDICTION; APPLICATION OF FIRE CODE.**

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

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

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

29 Section 9. **PENALTIES.** Any person violating any of the provisions of this
30 code or failing or neglecting to comply with any orders issued pursuant to any
31 section thereof shall be deemed guilty of a misdemeanor and such person
32 shall be guilty of a separate offense for each and every day or portion thereof
33 during which any such violation is continued or permitted. Upon conviction of

1 any such violation, such person shall be punished by fine of not more than
2 \$500 or by imprisonment for not more than 90 days, or by both such fine and
3 imprisonment.

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

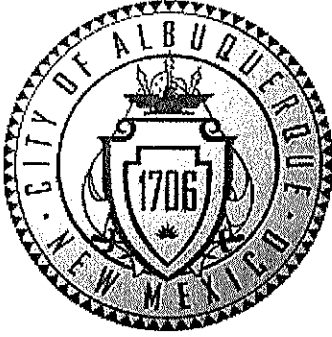
14 Section 11. SEVERABILITY CLAUSE. If any section, subsection, sentence,
15 clause, word or phrase of this ordinance is for any reason held to be
16 unconstitutional or otherwise invalid by any court of competent jurisdiction,
17 such decision shall not affect the validity of the remaining portions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

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

25 Section 13. EFFECTIVE DATE. This ordinance shall take effect five days
26 after publication by title and general summary.

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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

25 February 2020

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Adopting Uniform Administrative Code of the City of Albuquerque

This is intended to adopt a Uniform Administrative Code and Technical Codes prescribing minimum standards regulating the construction, alteration, moving, repair and use and occupancies of buildings and structures and building service equipment and installations. The proposed changes will adopt the 2018 International Energy Conservation Code (IECC).

TITLE/SUBJECT OF LITIGATION: Adopting Uniform Administrative Code of the City of Albuquerque

Approved:

SNL 9/25/20
Sarita Nair Date
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:
Esteban A. Aguilar 9/21/2020 | Date PM MDT
City Attorney

Recommended:

DocuSigned by:
Brennon Williams 9/21/2020 | 3:22 PM MDT Date
Director

Cover Analysis
Adopting the
Uniform Administrative Code

1. What is it?

Adopting the Uniform Administrative Code (Exhibit A) and Ordinance to update and revise language for clarity and adopt the: 2018 International Energy Conservation Code (IECC).

2. What will this piece of legislation do?

Clarify code requirements and increase energy efficiency requirements for new construction in Albuquerque.

3. Why is this project needed?

Required by City Council resolution R-19-210

4. How much will it cost and what is the funding source?

No known cost.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

No.

FISCAL IMPACT ANALYSIS

TITLE: Adopting the Uniform Administrative Code of the City of Albuquerque R: O:
 FUND:
 DEPT:

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

| | 2020 | Fiscal Years 2021 | 2022 | Total |
|---|-------------|----------------------|-------------|-------------|
| Base Salary/Wages | - | - | - | - |
| Fringe Benefits at | - | - | - | - |
| Subtotal Personnel | - | - | - | - |
| Operating Expenses | | | | |
| Property | | | - | - |
| Indirect Costs | - | | | - |
| Total Expenses | \$ - | \$ - | \$ - | \$ - |
| <input checked="" type="checkbox"/> Estimated revenues not affected | | | | |
| <input type="checkbox"/> Estimated revenue impact | | | | |
| Amount of Grant | - | | | - |
| City Cash Match | - | - | - | - |
| City Inkind Match | - | - | - | - |
| City IDOH *15.30 | - | | | - |
| Total Revenue | \$ - | \$ - | \$ - | \$ - |

These estimates do not include any adjustment for inflation.
 * Range if not easily quantifiable.

Number of Positions created 0

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:
 Adopting 2018 Energy Code

PREPARED BY: Land Clark APPROVED:

D. Clark 3/11/2020
 FISCAL MANAGER (date)

R. Dillman 12-MAR-2020
 DIRECTOR (date)

REVIEWED BY:

EXECUTIVE BUDGET ANALYST (date) BUDGET OFFICER (date) CITY ECONOMIST (date)