

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-38 ENACTMENT NO. 0-2020-040

SPONSORED BY: Isaac Benton, 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 as depicted in Exhibit A to this ordinance and shall serve as the

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion

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
12 Appendix Chapters E and I, but not including Appendix Chapters A, B, C, D, F,
13 G, H, J, 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
21 the Construction Industries Division of the State of New Mexico with an
22 effective 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;

32 (I) The 2015 New Mexico Plumbing Code as adopted by the
33 Construction Industries Division of the State of New Mexico including

[+ Bracketed/Underscored Material +] - New
[-Bracketed/Strikethrough-Material-] - Deletion

1 Appendix Chapters A, B, D, E, F, I, and L with an effective date of November 1,
2 2018;

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

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

9 (L) The 2018 International Energy Conservation Code;

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

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

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

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

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

30 Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF
31 THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code
32 and a copy of the Uniform Construction Codes of the City of Albuquerque as
33 adopted by this ordinance are on file in the Office of the City Clerk of the City

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

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

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

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

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

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

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

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion

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

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

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

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

24 Section 13. EFFECTIVE DATE. This ordinance shall take effect five days
25 after publication by title and general summary.
26
27
28
29
30
31
32

33 X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\24 Council\O-38final.doc

1 PASSED AND ADOPTED THIS 19th DAY OF October, 2020
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6
7
8 Patrick Davis, President
9 City Council

10
11
12 APPROVED THIS 29 DAY OF October, 2020
13
14
15

16
17 Bill No. O-20-38

18
19
20
21 Timothy M. Keller, Mayor
22 City of Albuquerque
23
24
25
26

27 ATTEST:

28
29
30 Ethan Watson, City Clerk
31
32
33