



City of Albuquerque

City of Albuquerque
Government Center
One Civic Plaza
Albuquerque, NM 87102

Legislation Details (With Text)

File #: O-17-44
Type: Ordinance **Status:** Enacted
File created: 5/15/2017 **In control:** City Council
Final action: 8/7/2017
Enactment date: 8/17/2017 **Enactment #:** O-2017-020

Effective date:

Title: 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; Providing For A Board Of Appeals; Providing Penalties For Violations Of Code Provisions; Repealing The Fire Prevention Code Adopted In 2012 By Ordinance No. 0-2012-029 (Jones, by request)

Sponsors:

Indexes:

Code sections:

Attachments: 1. O-44, 2. O-44 Attachment, 3. O-44Enacted

Date	Ver.	Action By	Action	Result
8/17/2017	1	Mayor	Signed by the Mayor	
8/17/2017	1	City Clerk	Published	
8/11/2017	1	City Council	Sent to Mayor for Signature	
8/7/2017	1	City Council	Passed	Pass
6/19/2017	1	City Council	Accepted with a Recommendation Do Pass	
6/12/2017	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass	Pass
5/15/2017	1	President	Referred	
5/15/2017	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-17-44 **ENACTMENT NO.** _____

SPONSORED BY: Trudy E. Jones, 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; Providing For A Board Of Appeals; Providing Penalties For Violations Of Code Provisions; Repealing The Fire Prevention Code Adopted In 2012 By Ordinance No. 0-2012-029 (Jones, by request)

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; PROVIDING FOR A BOARD OF APPEALS; PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS; REPEALING THE FIRE PREVENTION CODE ADOPTED IN 2012 BY ORDINANCE NO. 0-2012-029 PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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 boundaries of the City of Albuquerque, New Mexico:

(1) The International Fire Code IFC 2015 Edition, including Appendices B, C, D,

F, H and K except all references to the International Plumbing, Mechanical and Electrical Codes as published by the International Code Council (ICC) shall be deleted and replaced with the current adopted Uniform Administrative Codes as referenced in Section 2 (C).

(2) All National Fire Protection Codes, Standards and Supplements, as published by the National Fire Protection Association (NFPA) referenced in Chapter 80 of the (IFC) 2015 Edition.

(3) NFPA 101 Life Safety Code, 2015 Edition as published by the National Fire Protection Association as applicable to existing structures and facilities built prior to July 1, 2004, except Chapter 13, Section 13.3.5.1.

Section 2. Authorities Having Jurisdiction.

(A) The Fire Marshal's Office of the Albuquerque Fire Department shall have jurisdiction under the City of Albuquerque Fire Code to test and inspect fire suppression systems, including fire hydrants, fire extinguishers, fire alarms and sprinkler systems installed in construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

(B) The Fire Marshal's Office shall have jurisdiction under the City Of Albuquerque Fire Code to enforce the IFC as applicable to construction, alterations, moving, demolition, repair, use and occupancy of building and structures.

(C) The Building and Safety Division of the Planning Department shall have jurisdiction to administer the Uniform Administrative and Technical Codes of the City of Albuquerque for construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

Section 3. Conflict of Codes.

(A) Existing Structures, Facilities and Operations. The Fire Chief or his/her duly authorized representative shall have jurisdiction to administer the City of Albuquerque Fire Code as applicable to all existing structures as follows:

(1) Existing structures and facilities built prior to July 1, 2004, will be regulated pursuant to the NFPA 101 Life Safety Code, (LSC) as adopted and The International Fire Code (IFC) Chapter 11. Existing structures built after July 1, 2004, and before the adoption of this code will be regulated pursuant to the code at the time of their construction and The International Fire Code (IFC) Chapter 11.

(2) When a conflict exists in a specific code requirement between the Existing

Sections of the Life Safety Code the Existing Sections of International Fire Code and the International Building Code (IBC), the Fire Code Official will make the determination on which code to use that best meets the public safety requirements of the jurisdiction.

(B) **New Structures, Facilities and Operations.** The Fire Chief or his/her duly authorized representative shall have jurisdiction to administer the City of Albuquerque Fire Code as it applies to all new structures:

(1) **When a conflict exists in specific code requirements between the applicable sections of the Uniform Administrative Codes of the City of Albuquerque and the City of Albuquerque Fire Code, the Fire Code Official will make the determination on which code to use that best meets the public safety requirements of the jurisdiction.**

Section 4. Amendments.

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

Section 5. Availability of Code.

A copy of the Fire Code of the City of Albuquerque as adopted by this ordinance and a copy of the deletions, modifications, amendments and additions to said code are available at the Fire Marshal's Office, City of Albuquerque, for inspection by the public during regular business hours. A copy of the adopted ordinance shall be available to any individual upon request and payment of a reasonable charge as set forth in Chapter 83 of this code. Three certified copies of this ordinance as adopted shall be filed with the City Clerk and shall be in effect immediately thereafter and additional copies shall be kept in the office of the Fire Marshal. One copy of the new Fire Code adopted by this ordinance is available for inspection in the City Clerk's Office, 1 Civic Plaza N.W.

Section 6. Establishment of the Fire Marshal's Office.

(A) **The Fire Code of the City of Albuquerque shall be enforced by the Fire Marshal's Office of the Fire Department of the City of Albuquerque, which is hereby established and which shall be administered and directed by the Fire Marshal.**

(B) **The Fire Marshal shall be appointed by the Fire Chief of the Albuquerque Fire Department to exercise the powers and authority as set forth in this code.**

(C) The Fire Marshal or his/her authorized representatives shall have the authority to issue citations pursuant to the provisions of this code.

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

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

Section 8. Penalties.

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

Section 9. Repealer.

Ordinance No. 0-2012-029 adopting the Fire Prevention code is hereby repealed.

Section 10. Compilation.

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

Section 11. Severability Clause.

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

Section 12. Emergency Clause.

This ordinance is hereby declared to be an emergency measure on the grounds of urgent public need and is, therefore, to become effective immediately upon its passage and publication by title and summary as provided by law.

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