# Legislation Details (With Text)

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| **File #:** | O-20-38 | | |
| **Type:** | Ordinance | **Status:** | Enacted |
| **File created:** | 10/5/2020 | **In control:** | City Council |
| | | **Final action:** | 10/19/2020 |
| **Enactment date:** | 10/30/2020 | **Enactment #:** | O-2020-040 |

**Title:** 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 (Benton, by request)

**Sponsors:** Isaac Benton (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-38.pdf, 2. O-38 Uniform Administrative Code.pdf, 3. O-38Enacted

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 10/30/2020 | 2 | City Clerk | Published | |
| 10/29/2020 | 2 | Mayor | Signed by the Mayor | |
| 10/28/2020 | 2 | City Council | Sent to Mayor for Signature | |
| 10/19/2020 | 1 | City Council | Passed | Pass |
| 10/5/2020 | 1 | President | To be heard at the Council Meeting | |
| 10/5/2020 | 1 | City Council | Introduced | |

# 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 (Benton, by request)

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 administrative, organizational and enforcement rules and regulations for the adopted technical codes within the City of Albuquerque, New Mexico.

Section 3. ADOPTION OF THE TECHNICAL CODES OF THE CITY OF ALBUQUERQUE. For the purpose of prescribing minimum standards regulating construction and maintenance of


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buildings and structures, including all building service equipment, and installations within the City of Albuquerque, New Mexico, the following codes are hereby adopted:

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

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

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

(D) The 2015 New Mexico Earthen Building Materials Code as adopted by the Construction Industries Division of the State of New Mexico with an effective date of May 1, 2017;

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

(F) The 2015 New Mexico Existing Building Code as adopted by the Construction Industries Division of the State of New Mexico with an effective date of May 1, 2017;

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

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

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

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

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

(L) The 2018 International Energy Conservation Code;

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

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

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

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

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

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

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

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

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

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

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

Section 9. PENALTIES. Any person 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 of any such violation, such person shall be punished by fine of not more than $500 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

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

Section 11. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council, 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 any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

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

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

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