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1 take effect on the effective date of this ordinance, and shall control within the  
2 boundaries of the City of Albuquerque, New Mexico:

3 (1) The International Fire Code (“IFC”) 2021 Edition, including  
4 Appendices B, C, D, F, H, E and K, except all references to the International  
5 Plumbing, Mechanical and Electrical Codes as published by the International  
6 Code Council (ICC) shall be deleted and replaced with the City of  
7 Albuquerque’s Uniform Administrative Codes, as adopted in ROA 1994,  
8 Section 14-1-3.

9 (2) NFPA 1, Fire Code, 2021 Edition, Chapter 38 (Cannabis Growing,  
10 Processing, or Extraction Facilities), except that the use of ozone  
11 generators in connection with the production or manufacturing of  
12 cannabis shall be prohibited.

13 § 14-2-2 CONFLICT OF CODES.

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

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

24 (2) When a conflict exists in a specific code requirement between the  
25 Existing Sections of the Life Safety Code the Existing Sections of  
26 International Fire Code and the International Building Code (IBC), the Fire  
27 Code Official will make the determination on which code to use that best  
28 meets the public safety requirements of the jurisdiction.

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

32 (1) When a conflict exists in specific code requirements between the  
33 applicable sections of the Uniform Administrative Codes of the City of

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1 Albuquerque and the City of Albuquerque Fire Code, the Fire Code Official  
2 will make the determination on which code to use that best meets the  
3 public safety requirements of the jurisdiction.

4 **§ 12-2-3 AUTHORITIES HAVING JURISDICTION.**

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

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

15 **§ 14-2-4 AMENDMENTS.** The International Fire Code is hereby amended as  
16 set forth in Exhibit A and subject to the modifications, additions or  
17 deletions therein. When an existing section number of the International  
18 Fire Code is referred in Exhibit A, the text herein shall control. When a new  
19 chapter, section or subsection is referred to in Exhibit A, it shall be added  
20 to the International Fire Code as adopted in Section 1 of this Ordinance.

21 **§ 14-2-5 AVAILABILITY OF CODE.** A copy of the Fire Code of the City of  
22 Albuquerque as adopted by this ordinance and a copy of the deletions,  
23 modifications, amendments and additions to said code are available on the  
24 website for the City of Albuquerque Fire Marshal's Office. A copy of the  
25 adopted ordinance shall be available to any individual upon request and  
26 payment of a reasonable charge as set forth in Chapter 83 of this code.  
27 Three certified copies of this ordinance as adopted shall be filed with the  
28 City Clerk and shall be in effect immediately thereafter and additional  
29 copies shall be kept in the office of the Fire Marshal. One copy of the new  
30 Fire Code adopted by this ordinance is available for inspection in the City  
31 Clerk's Office, 600 2nd St. N.W.

32 **§ 14-2-6 ESTABLISHMENT OF THE FIRE MARSHAL'S OFFICE.**

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1 (A) The Fire Code of the City of Albuquerque shall be enforced by  
2 the Fire Marshal's Office of Albuquerque Fire Rescue, which is hereby  
3 established and shall be administered and directed by the Fire Code  
4 Official.

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

8 (C) The Fire Code Official shall have the authority to issue citations  
9 pursuant to the provisions of this code.

10 § 14-2-99 PENALTY. Any person convicted of violating any of the  
11 provisions of this code or failing or neglecting to comply with any orders  
12 issued pursuant to any section thereof shall be deemed guilty of a petty  
13 misdemeanor and such person shall be guilty of a separate offense for  
14 each and every day or portion thereof during which any such violation is  
15 continued or permitted. Upon conviction, each such violation shall be  
16 punishable by a fine of not more than five hundred (\$500.00) or by  
17 imprisonment for not more than ninety (90) days, or by both such fine and  
18 imprisonment."


19 SECTION 3. COMPILATION. This Ordinance shall be incorporated in  
20 and made part of the Revised Ordinances of Albuquerque, New Mexico,  
21 1994.

22 SECTION 4. SEVERABILITY CLAUSE. If any section, subsection,  
23 sentence, clause, word or phrase of this code is for any reason held to be  
24 unconstitutional or otherwise invalid, such decision shall not affect the  
25 validity of the remaining portions of this ordinance. The governing body of  
26 the City of Albuquerque hereby declares that it would have passed this  
27 ordinance and each section, subsection, sentence, clause, word or phrase  
28 thereof, irrespective of the fact that any one of more sections,  
29 subsections, sentences, clauses, words or phrases is held  
30 unconstitutional or otherwise invalid.

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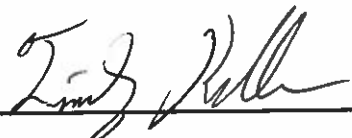
1 PASSED AND ADOPTED THIS 22<sup>nd</sup> DAY OF January, 2024  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Dan Lewis, President  
City Council

APPROVED THIS 31 DAY OF January, 2024

Bill No. O-23-92

  
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Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:  
  
\_\_\_\_\_  
Ethan Watson, City Clerk

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