

# CITY of ALBUQUERQUE NINETEENTH COUNCIL

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

1

## ORDINANCE

2 ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH  
 3 NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO  
 4 A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF  
 5 FIRE, EXPLOSION, AND DANGEROUS CONDITIONS ARISING FROM THE  
 6 STORAGE, HANDLING AND USE OF HAZARDOUS MATERIALS AND  
 7 DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN  
 8 THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES AND PROVISIONS  
 9 TO ASSIST EMERGENCY RESPONSE PERSONNEL; PROVISIONS OF THIS  
 10 CODE SHALL SUPPLEMENT ANY AND ALL LAWS RELATING TO FIRE SAFETY  
 11 AND SHALL APPLY TO ALL PERSONS WITHOUT RESTRICTION, UNLESS  
 12 SPECIFICALLY EXEMPTED; PROVIDING FOR A BOARD OF APPEALS;  
 13 PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS;  
 14 REPEALING THE FIRE PREVENTION CODE ADOPTED IN 2005 BY  
 15 ORDINANCE NO. 0-2005-034 PROVIDING A SEVERABILITY CLAUSE; AND  
 16 DECLARING AN EMERGENCY.

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

### Section 1. Adoption of the Fire Code.

19  
 20 (A) For the purpose of prescribing minimum regulations governing  
 21 conditions hazardous to life and property from fire, hazardous materials,  
 22 or explosion within the City of Albuquerque, New Mexico, the following  
 23 documents are hereby adopted as the City of Albuquerque Fire Code, and  
 24 from the date on which this ordinance takes effect shall be controlling  
 25 within the boundaries of the City of Albuquerque, New Mexico:

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1 (1) The International Fire Code IFC 2009 Edition, including  
2 Appendices D and F except All references to the International Plumbing,  
3 Mechanical and Electrical Codes as published by the International Code  
4 Council (ICC) shall be deleted and replaced with the current adopted  
5 Uniform Administrative Codes as referenced in Section 2 (C)

6 (2) All National Fire Protection Codes, Standards and  
7 Supplements, as published by the National Fire Protection Association  
8 (NFPA) referenced in Chapter 47 of the (IFC) 2009 Edition.

9 (3) NFPA 101 Life Safety Code, 2009 Edition as published by  
10 the National Fire Protection Association as applicable to existing  
11 structures and facilities built prior to July 1, 2004, except Chapter 13,  
12 Section 13.3.5.1.

13 **Section 2. Authorities Having Jurisdiction.**

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

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

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

29 **Section 3. Conflict of Codes.**

30 (A) Existing Structures, Facilities and Operations. The Fire Chief or  
31 his/her duly authorized representative shall have jurisdiction to administer

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1 the City of Albuquerque Fire Code as applicable to all existing structures  
2 as follows:

3 1) NFPA 101 Life Safety Code, (LSC) as adopted shall apply to  
4 those existing structures and facilities built prior to July 1, 2004. The  
5 International Fire Code (IFC) Chapter 46 shall apply to existing buildings  
6 constructed prior to the adoption of this code. Existing structures built  
7 after July 1, 2004, and the adoption of this code will be regulated pursuant  
8 to the code at the time of their construction.

9 (2) When a conflict exists in a specific code requirement  
10 between the Existing Sections of the Life Safety Code the Existing  
11 Sections of International Fire Code and the International Building Code  
12 (IBC), the most stringent code shall apply.

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

17 (1) When a conflict exists in specific code requirements  
18 between the applicable sections of the Uniform Administrative Codes of  
19 the City of Albuquerque and the City of Albuquerque Fire Code the more  
20 stringent will apply.

21 **Section 4. Amendments.**

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

28 **Section 5. Availability of Code.**

29 A copy of the Fire Code of the City of Albuquerque as adopted by this  
30 ordinance and a copy of the deletions, modifications, amendments and  
31 additions to said code are available at the Fire Marshal’s Office, City of  
32 Albuquerque, for inspection by the public during regular business hours. A

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1 copy of the adopted ordinance shall be available to any individual upon  
2 request and payment of a reasonable charge as set forth in Chapter 50 of  
3 this code. Three certified copies of this ordinance as adopted shall be  
4 filed with the City Clerk and shall be in effect immediately thereafter and  
5 additional copies shall be kept in the office of the Fire Marshal. One copy  
6 of the new Fire Code adopted by this ordinance is available for inspection  
7 in the City Clerk's Office, 1 Civic Plaza N.W.

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

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

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

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

19  
20 **Section 7. Amendments to the Fire Code of the City of**  
21 **Albuquerque.**

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

25 **Section 8. Penalties.**

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

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1 than five hundred dollars (\$500.00) or by imprisonment for not more than  
2 ninety (90) days, or by both such fine and imprisonment.

3 **Section 9. Repealer.**

4 Ordinance No. 0-2005-034 adopting the Fire Prevention code is  
5 hereby repealed.

6 **Section 10. Compilation.**

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

9 **Section 11. Severability Clause.**

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

18 **Section 12. Emergency Clause.**

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

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