CITY of ALBUQUERQUE
THIRTEENTH COUNCIL

COUNCIL BILL NO. 0-5 ENACTMENT NO. 9-1998

SPONSORED BY: Sam Bregman

ORDINANCE

REQUIRING OWNERS AND LESSORS TO INSTALL SMOKE DETECTORS IN ALL DWELLING UNITS OCCUPIED BY PERSONS WHO ARE LEASING OR RENTING THE DWELLING UNITS.

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

Section 1. SHORT TITLE. This article shall be known and cited as the “Allan Peifer Smoke Detector Ordinance”.

Section 2. INTENT. This article is intended to promote the general health, safety and welfare of the people of the City who lease their dwelling units from lessors, by requiring the installation of smoke detectors in all leased dwelling units and the maintenance of such detectors to provide sufficient warning of a fire to enable the occupants to escape.

Section 3. DEFINITION.

DWELLING UNIT. A dwelling unit is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Housing Code, Chapter 14, Article 3, ROA 1994, for not more than one family.

Section 4. A smoke detector or detectors shall be installed in all dwelling units that are occupied by persons who are leasing or renting the dwelling unit from an owner or lessor. It shall be the responsibility of the owner of the property and the lessor of the dwelling unit to install the smoke detector(s). The owner or lessor shall provide a copy of this ordinance, or shall provide notice as part of the rental agreement that the owner/lessor is required by law to install operable smoke
detectors, to the person or persons leasing or renting the dwelling unit at the time 
the persons begin occupancy of the dwelling unit, and the owner/lessor and the 
persons renting or leasing the dwelling unit shall determine that all required smoke 
detectors are operating properly at that time. It shall be the responsibility of the 
tenant or occupant to maintain the smoke detector(s) in an operable condition. The 
smoke detector(s) shall be installed and maintained pursuant to the requirements 
of the Albuquerque Fire Code of the Albuquerque Fire Department.

Section 5. The Mayor will, through the City’s water billing system, notify 
residents of the requirements of this ordinance on an annual basis.

Section 6. The Fire Chief, the Fire Chief’s authorized representatives, and 
the Division of Housing Code Enforcement shall have the authority to enforce this 
article, which shall include the authority to issue citations.

Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence, 
clause, word or phrase of this ordinance is for any reason held to be invalid or 
unenforceable by any court of competent jurisdiction, such decision shall not affect 
the validity of the remaining provisions of this ordinance. The Council hereby 
declares that it would have passed this ordinance and each section, paragraph, 
sentence, clause, word or phrase thereof irrespective of any provision being declared 
unconstitutional or otherwise invalid.

Section 8. COMPILATION. This ordinance shall be incorporated in and made 
part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 9. EFFECTIVE DATE. This ordinance shall take effect five days after 
publication in full.
PASSED AND ADOPTED THIS 6th DAY OF APRIL, 1998

BY A VOTE OF: 9 FOR 0 AGAINST.

[Signature]
Alan B. Armijo, President
City Council

APPROVED THIS 28th DAY OF APRIL, 1998

[Signature]
Jim Baca, Mayor
City of Albuquerque

[Signature]
Attest:
City Clerk
INTEROFFICE MEMORANDUM  April 28, 1998

TO:        Alan B. Armijo, President, City Council

FROM:      Jim Baca, Mayor

SUBJECT: BILL NO. 0-5. REQUIRING OWNERS AND LESSORS TO INSTALL SMOKE DETECTORS IN ALL DWELLING UNITS OCCUPIED BY PERSONS WHO ARE LEASING OR RENTING THE DWELLING UNITS (BREGMAN)

I have signed 0-5, Thirteenth Council because the overall intent of the bill is to promote the general health, safety and welfare of the citizens of Albuquerque.

However, I have serious concerns about the prudence of initiating a precedent of naming legislation in honor of certain individuals. Legislation should be considered strictly on its merits not on how the bill should be named. I believe there are more appropriate avenues to honor distinguished individuals that have made a contribution, or sacrifice for the community.

cc: City Councilors