

**CITY of ALBUQUERQUE
TWENTIETH COUNCIL**

COUNCIL BILL NO. O-12-18

ENACTMENT NO. O. 2012.020

SPONSORED BY: **Trudy E. Jones, by request**

1

ORDINANCE

2 **ADOPTING A UNIFORM ADMINISTRATIVE CODE AND TECHNICAL CODES**
3 **PRESCRIBING MINIMUM STANDARDS REGULATING THE CONSTRUCTION,**
4 **ALTERATION, MOVING, REPAIR AND USE AND OCCUPANCIES OF**
5 **BUILDINGS AND STRUCTURES AND BUILDING SERVICE EQUIPMENT AND**
6 **INSTALLATIONS INCLUDING PLUMBING, SWIMMING POOLS, ELECTRICAL,**
7 **MECHANICAL, SIGNS, SOLAR, ENERGY CONSERVATION, BUILDING**
8 **CONSERVATION AND THE ABATEMENT OF DANGEROUS BUILDINGS WITHIN**
9 **THE CITY OF ALBUQUERQUE; PROVIDING FOR THE ISSUANCE OF PERMITS**
10 **AND COLLECTING FEES THEREFORE; REPEALING CHAPTER 14, ARTICLE 1,**
11 **ROA 1994, THE PRESENT UNIFORM ADMINISTRATIVE CODE AND**
12 **TECHNICAL CODES INCLUDING THE BUILDING CODE, THE PLUMBING**
13 **CODE, THE SWIMMING POOL CODE, THE MECHANICAL CODE, THE SOLAR**
14 **ENERGY CODE, THE ELECTRICAL CODE, PROVIDING FOR PENALTIES FOR**
15 **VIOLATION OF THE CODE.**

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

18 **Section 1. INTENT OF ORDINANCE. It is the intent of this ordinance that**
19 **the City shall recover from fees derived from Building and Safety 100% of the**
20 **full cost, including indirect charges of code enforcement activities. It shall be**
21 **the responsibility of the Mayor to review the Building and Safety income at**
22 **yearly intervals and to recommend to the Council the need to increase or**
23 **decrease fees according to the result of this review.**

24 **Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE**
25 **CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby**
26 **adopted and shall serve as the administrative, organizational and enforcement**

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1 rules and regulations for the adopted technical codes within the City of
2 Albuquerque, New Mexico.

3 Section 3. ADOPTION OF THE TECHNICAL CODES OF THE CITY OF
4 ALBUQUERQUE. For the purpose of prescribing minimum standards
5 regulating construction and maintenance of buildings and structures,
6 including all building service equipment, and installations within the City of
7 Albuquerque, New Mexico, the following codes are hereby adopted:

8 (A) The New Mexico Building Code as adopted by the Construction
9 Industries Division of the State of New Mexico with an effective date of
10 January 1, 2011;

11 (B) The 2009 New Mexico Commercial Building Code as adopted by the
12 Construction Industries Division of the State of New Mexico, including
13 Appendix Chapter E, and I but not including Appendix Chapters A, B, C, D, F,
14 G, H, J, and K with an effective date of January 1, 2011;

15 (C) The 2009 New Mexico Residential Code as adopted by the Construction
16 Industries Division of the State of New Mexico, including Appendix Chapters
17 G, H, J, K and M, but not including Appendix Chapters A, B, C, D, E, F, I, L, N,
18 O, P, and Q with an effective date of January 1, 2011;

19 (D) The 2009 New Mexico Earthen Building Materials Code as adopted by
20 the Construction Industries Division of the State of New Mexico with an
21 effective date of January 1, 2011;

22 (E) The 2009 New Mexico Historic Earthen Building Code as adopted by
23 the Construction Industries Division of the State of New Mexico with an
24 effective date of January 1, 2011;

25 (F) The 2009 New Mexico Existing Building Code as adopted by the
26 Construction Industries Division of the State of New Mexico with an effective
27 date of January 1, 2011;

28 (G) The 2009 New Mexico Non-Load Bearing Baled Straw Construction
29 Building Standards as adopted by the Construction Industries Division of the
30 State of New Mexico with an effective date of January 1, 2011;

31 (H) The 2009 International Code Council Performance Code for Building
32 and Facilities, including all Appendix Chapters, as published by the
33 International Code;

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- 1 (I) The 1997 Uniform Code for the Abatement of Dangerous Buildings as
2 published (previously) by the International Conference of Building Officials;
- 3 (J) The 2009 New Mexico Mechanical Code as adopted by the
4 Construction Industries Division of the State of New Mexico with an effective
5 date of January 1, 2011;
- 6 (K) The 2009 New Mexico Plumbing Code as adopted by the
7 Construction Industries Division of the State of New Mexico including
8 Appendix Chapters A, B, D, E, F, I, and L with an effective date of January 1,
9 2011;
- 10 (L) The 2009 New Mexico Swimming Pool, Spa and Hot Tub Code as
11 adopted by the Construction Industries Division of the State of New Mexico
12 with an effective date of November 1, 2011;
- 13 (M) The 2009 New Mexico Solar Energy Code as adopted by the
14 Construction Industries Division of the State of New Mexico with an effective
15 date of November 1, 2011;
- 16 (N) The 2009 New Mexico Energy Conservation Code;
- 17 (O) The 2011 New Mexico Electrical Code as adopted by the
18 Construction Industries Division of the State of New Mexico with an effective
19 date of November 1, 2011;
- 20 (P) The 2007 New Mexico Electrical Safety Code as adopted by the
21 Construction Industries Division of the State of New Mexico with an effective
22 date of July 1, 2008;
- 23 (Q) Errata sheets to the adopted portions of the Codes promulgated by
24 the International Code Council, International Association of Plumbing and
25 Mechanical Officials and National Electrical Code;
- 26 (R) The City of Albuquerque amendments to the New Mexico Codes
27 referred to herein are available at the City Clerk's office and are hereby
28 adopted and together with the Codes in divisions (A) through (Q) of this
29 section that shall be known as the Uniform Construction Codes of the City of
30 Albuquerque. From the date on which this ordinance takes effect they shall be
31 controlling within the municipal boundaries of the City of Albuquerque, New
32 Mexico.

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

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

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

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

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

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

31 Section 8. CONFLICT OF CODES. When a conflict exists in specific code
32 requirements between applicable sections of the Uniform Construction Codes

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1 of the City of Albuquerque and the Fire Code of the City of Albuquerque, the
2 Uniform Construction Codes shall prevail.

3 Section 9. PENALTIES. Any person violating any of the provisions of this
4 code or failing or neglecting to comply with any orders issued pursuant to any
5 section thereof shall be deemed guilty of a misdemeanor and such person
6 shall be guilty of a separate offense for each and every day or portion thereof
7 during which any such violation is continued or permitted. Upon conviction of
8 any such violation, such person shall be punished by fine of not more than
9 \$500 or by imprisonment for not more than 90 days, or by both such fine and
10 imprisonment.

11 Section 10. REPEALER. Ordinance No. 038-2011 adopting the Uniform
12 Administrative Code, the Building Code, the Mechanical Code, the Plumbing
13 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,
14 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the
15 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;
16 provided, however, that nothing contained in this ordinance shall, in any
17 manner, affect pending actions for violations of Ordinance No. 038-2011 or the
18 Codes incorporated therein as such actions shall be governed by Ordinance
19 No. 038-2011 and the Uniform Administrative and Construction Codes
20 incorporated therein.

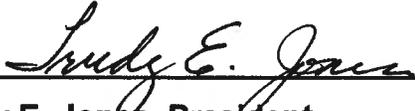
21 Section 11. SEVERABILITY CLAUSE. If any section, subsection, sentence,
22 clause, word or phrase of this ordinance is for any reason held to be
23 unconstitutional or otherwise invalid by any court of competent jurisdiction,
24 such decision shall not affect the validity of the remaining portions of this
25 ordinance. The City Council, the Governing Body of the City of Albuquerque,
26 hereby declares that it would have passed this ordinance and each section,
27 subsection, sentence, clause, word, or phrase thereof irrespective of any one
28 or more sections, subsections, sentences, clauses, words, or phrases being
29 declared unconstitutional or otherwise invalid.

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

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

1 PASSED AND ADOPTED THIS 21st DAY OF May, 2012
2 BY A VOTE OF: 9 FOR 0 AGAINST.

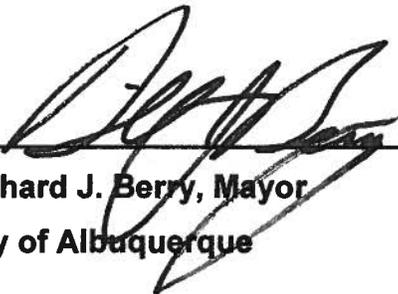
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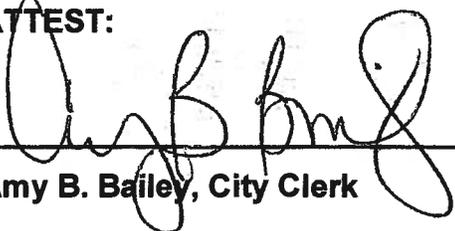
Trudy E. Jones, President
City Council

APPROVED THIS 31st DAY OF May, 2012

Bill No. O-12-18



Richard J. Berry, Mayor
City of Albuquerque

ATTEST:


Amy B. Bailey, City Clerk

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