

# CITY of ALBUQUERQUE

## NINETEENTH COUNCIL

COUNCIL BILL NO. O-11-65 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy Jones and Dan Lewis

1 **ORDINANCE**

2 **Adopting A Uniform Administrative Code And Technical Codes Prescribing**  
3 **Minimum Standards Regulating The Construction, Alteration, Moving, Repair**  
4 **And Use And Occupancies Of Buildings And Structures And Building Service**  
5 **Equipment And Installations Including Plumbing, Swimming Pools, Electrical,**  
6 **Mechanical, Signs, Solar, Energy Conservation, Building Conservation And**  
7 **The Abatement Of Dangerous Buildings Within The City Of Albuquerque;**  
8 **Providing For The Issuance Of Permits And Collecting Fees Therefore;**  
9 **Repealing Chapter 14, Article 1, ROA 1994, The Present Uniform**  
10 **Administrative Code And Technical Codes Including The Building Code, The**  
11 **Plumbing Code, The Swimming Pool Code, The Mechanical Code, The Solar**  
12 **Energy Code, The Electrical Code, Providing For Penalties For Violation Of**  
13 **The Code.**

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

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

22 **Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE**  
23 **CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby**  
24 **adopted and shall serve as the administrative, organizational and enforcement**  
25 **rules and regulations for the adopted technical codes within the City of**  
26 **Albuquerque, New Mexico.**

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

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

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

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

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

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

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

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

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

32 (I) The 1997 Uniform Code for the Abatement of Dangerous Buildings as  
33 published (previously) by the International Conference of Building Officials;

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1 (J) The 2009 New Mexico Mechanical Code as adopted by the  
2 Construction Industries Division of the State of New Mexico with an effective  
3 date of January 1, 2011;

4 (K) The 2009 New Mexico Plumbing Code as adopted by the  
5 Construction Industries Division of the State of New Mexico including  
6 Appendix Chapters A, B, D, E, F, I, and L with an effective date of January 1,  
7 2011;

8 (L) The 2006 New Mexico Swimming Pool, Spa and Hot Tub Code Phase  
9 3 as adopted by the Construction Industries Division of the State of New  
10 Mexico with an effective date of January 1, 2008;

11 (M) The 2006 New Mexico Solar Energy Code Phase 3 as adopted by the  
12 Construction Industries Division of the State of New Mexico with an effective  
13 date of January 1, 2008;

14 (N) The 2009 New Mexico Energy Conservation Code with an effective  
15 date of January 1, 2012;

16 (O) The 2008 New Mexico Electrical Code as adopted by the  
17 Construction Industries Division of the State of New Mexico with an effective  
18 date of July 1, 2008;

19 (P) The 2008 New Mexico Electrical Safety Code as adopted by the  
20 Construction Industries Division of the State of New Mexico with an effective  
21 date of July 1, 2008;

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

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

32 Section 4. AMENDMENTS TO THE UNIFORM CODES OF THE CITY OF  
33 ALBUQUERQUE. The Uniform Codes of the City of Albuquerque hereby

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1 adopted may be amended or repealed in the same manner as ordinances are  
2 amended or repealed.

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

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

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

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

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

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

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

9       Section 10. **REPEALER.** Ordinance No. 34-2008 adopting the Uniform  
10 Administrative Code, the Building Code, the Mechanical Code, the Plumbing  
11 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,  
12 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the  
13 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;  
14 provided, however, that nothing contained in this ordinance shall, in any  
15 manner, affect pending actions for violations of Ordinance No. 34-2008 or the  
16 Codes incorporated therein as such actions shall be governed by Ordinance  
17 No. 34-2008 and the Uniform Administrative and Construction Codes  
18 incorporated therein.

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

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

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