

O-2018-008

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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4/10/18

**INTEROFFICE MEMORANDUM**

**TO: Timothy M. Keller, Mayor**

**FROM: Jon K. Zaman, Director of Council Services** 

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is **Bill No. O-18-8 Adopting A Uniform Administrative Code And Technical Codes Prescribing Minimum Standards Regulating The Construction, Alteration, Moving, Repair And Use And Occupancies Of Buildings And Structures And Building Service Equipment And Installations Including Plumbing, Swimming Pools, Electrical, Mechanical, Signs, Solar, Energy Conservation, Building Conservation And The Abatement Of Dangerous Buildings Within The City Of Albuquerque; Providing For The Issuance Of Permits And Collecting Fees Therefore; Repealing Chapter 14, Article 1, ROA 1994, The Present Uniform Administrative Code And Technical Codes; Providing For Penalties For Violation Of The Code (Jones, by request), which was passed at the Council meeting of April 2, 2018 by a vote of 9 FOR AND 0 AGAINST.**

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh  
Attachment

**CITY of ALBUQUERQUE  
TWENTY THIRD COUNCIL**

COUNCIL BILL NO.     O-18-8    

ENACTMENT NO.     0-2018-008    

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

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**ORDINANCE**

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

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

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

**Section 2. ADOPTION OF THE UNIFORM ADMINISTRATIVE CODE OF THE  
CITY OF ALBUQUERQUE. The Uniform Administrative Code is hereby  
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 May 1,  
10 2017;

11 (B) The 2015 New Mexico Commercial Building Code including  
12 Appendix Chapters E and I, but not including Appendix Chapters A, B, C, D, F,  
13 G, H, J, and K; with an effective date of May 1, 2017;

14 (C) The 2015 New Mexico Residential Building Code including Appendix  
15 Chapters H, J, K, M, R, and S, but not including Appendix Chapters A, B, C, D,  
16 E, F, G, I, L, N, O, P, and Q; with an effective date of May 1, 2017;

17 (D) The 2015 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 May 1, 2017;

20 (E) The 2015 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 May 1, 2017;

23 (F) The 2015 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 May 1, 2017;

26 (G) The 2015 International Code Council Performance Code for Building  
27 and Facilities, including all Appendix Chapters, as published by the  
28 International Code;

29 (H) 2012 New Mexico Mechanical Code as adopted by the Construction  
30 Industries Division of the State of New Mexico including Appendixes A, B, C,  
31 and D with an effective date of November 1, 2015;

32 (I) The 2012 New Mexico Plumbing Code as adopted by the  
33 Construction Industries Division of the State of New Mexico including

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1 Appendix Chapters A, B, D, E, F, I, and L with an effective date of November 1,  
2 2015;

3 (J) The 2012 New Mexico Swimming Pool, Spa and Hot Tub Code as  
4 adopted by the Construction Industries Division of the State of New Mexico  
5 with an effective date of November 1, 2015;

6 (K) The 2012 New Mexico Solar Energy Code as adopted by the  
7 Construction Industries Division of the State of New Mexico with an effective  
8 date of November 1, 2015;

9 (L) The 2009 New Mexico Energy Conservation Code;

10 (M) The 2017 New Mexico Electrical Code as adopted by the  
11 Construction Industries Division of the State of New Mexico with an effective  
12 date of August 1, 2018;

13 (N) The 2012 New Mexico Electrical Safety Code as adopted by the  
14 Construction Industries Division of the State of New Mexico with an effective  
15 date of August 1, 2014;

16 (O) Errata sheets to the adopted portions of the Codes promulgated by  
17 the International Code Council, International Association of Plumbing and  
18 Mechanical Officials and National Electrical Code;

19 (P) The City of Albuquerque amendments to the New Mexico Codes  
20 referred to herein are available at the City Clerk's office and are hereby  
21 adopted and together with the Codes in divisions (A) through (Q) of this  
22 section that shall be known as the Uniform Construction Codes of the City of  
23 Albuquerque. From the date on which this ordinance takes effect they shall be  
24 controlling within the municipal boundaries of the City of Albuquerque, New  
25 Mexico.

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

30 Section 5. AVAILABILITY OF THE UNIFORM CONSTRUCTION CODES OF  
31 THE CITY OF ALBUQUERQUE. A copy of the Uniform Administrative Code  
32 and a copy of the Uniform Construction Codes of the City of Albuquerque as  
33 adopted by this ordinance are on file in the Office of the City Clerk of the City

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1 of Albuquerque, and are available for inspection by the public during regular  
2 business hours. A copy of said codes shall be available to any individual  
3 upon request and the payment of a reasonable charge as set by the Chief  
4 Administrative Officer, to be not less than the actual cost per copy.

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

10 Section 7. FIRE MARSHAL - JURISDICTION; APPLICATION OF FIRE  
11 CODE.

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

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

24 Section 8. CONFLICT OF CODES. When a conflict exists in specific code  
25 requirements between applicable sections of the Uniform Construction Codes  
26 of the City of Albuquerque and the Fire Code of the City of Albuquerque, the  
27 Uniform Construction Codes shall prevail.

28 Section 9. PENALTIES. Any person violating any of the provisions of this  
29 code or failing or neglecting to comply with any orders issued pursuant to any  
30 section thereof shall be deemed guilty of a misdemeanor and such person  
31 shall be guilty of a separate offense for each and every day or portion thereof  
32 during which any such violation is continued or permitted. Upon conviction of  
33 any such violation, such person shall be punished by fine of not more than

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1 \$500 or by imprisonment for not more than 90 days, or by both such fine and  
2 imprisonment.

3 Section 10. REPEALER. Ordinance No. 2012-020 adopting the Uniform  
4 Administrative Code, the Building Code, the Mechanical Code, the Plumbing  
5 Code, the Swimming Pool Code, the Solar Energy Code, the Electrical Code,  
6 and all amendments thereto, which is compiled as Chapter 14, Article 1 of the  
7 Revised Ordinances of Albuquerque, New Mexico, 1994, is hereby repealed;  
8 provided, however, that nothing contained in this ordinance shall, in any  
9 manner, affect pending actions for violations of Ordinance No. 2012-020 or the  
10 Codes incorporated therein as such actions shall be governed by Ordinance  
11 No. 2012-020 and the Uniform Administrative and Construction Codes  
12 incorporated therein.

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


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

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

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1 PASSED AND ADOPTED THIS 2<sup>nd</sup> DAY OF April, 2018  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Ken Sanchez, President  
City Council

APPROVED THIS 19 DAY OF April, 2018

Bill No. O-18-8

  
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Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:  
  
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Trina Gurule, Acting City Clerk

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