CITY of ALBUQUERQUE
THIRTEENTH COUNCIL

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

SPONSORED BY: Sam Bregman

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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.

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PASSED AND ADOPTED THIS 6th DAY OF APRIL, 1998

BY A VOTE OF: 9 FOR 0 AGAINST.

Alan B. Armijo

Alan B. Armijo, President
City Council

APPROVED THIS 28th DAY OF April, 1998

Jim Baca

Jim Baca, Mayor
City of Albuquerque

ATTEST:

City Clerk

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City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

OFFICE OF THE MAYOR
JIM BACA

INTEROFFICE MEMORANDUM April 28, 1998

TO: Alan B. Armijo, President, City Council

FROM: Jim Baca, Mayor Jim Baca

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 it's 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