CITY OF ALBUQUERQUE

Office of the City Clerk
Amy B. Bailey, City Clerk
(505) 768-3030

November 1, 2012

I, Amy B. Bailey, City Clerk for the City of Albuquerque, New Mexico, a Municipal Corporation, hereby certify that the attached; Council Bill No O-12-23, Enactment No O-2012-029; ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE, EXPLOSION, AND DANGEROUS CONDITIONS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES AND PROVISIONS TO ASSIST EMERGENCY REPONSE PERSONNEL; PROVISIONS OF THIS CODE SHALL SUPPLEMENT ANY AND ALL LAWS RELATING TO FIRE SAFETY AND SHALL APPLY TO ALL PERSONS WITHOUT RESTRICTION, UNLESS SPECIFICALLY EXEMPTED; PROVIDING FOR A BOARD OF APPEALS; PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVIISIONS; REPEALING THE FIRE PREVENTION CODE ADOPTED IN 2005 BY ORDINACE NO. O-2005-034, PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE: is a true and correct copy of the original

PO Box 1293

Albuquerque

NM 87103

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document which has been maintained by the office of the City Clerk and of which I am the custodian.

Amy B. Bailey, City Clerk

CITY of ALBUQUERQUE
TWENTIETH COUNCIL

COUNCIL BILL NO. O-12-23 ENACTMENT NO. O-2012-029

SPONSORED BY: Trudy E. Jones, by request

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ORDINANCE

ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE, EXPLOSION, AND DANGEROUS CONDITIONS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES AND PROVISIONS TO ASSIST EMERGENCY RESPONSE PERSONNEL; PROVISIONS OF THIS CODE SHALL SUPPLEMENT ANY AND ALL LAWS RELATING TO FIRE SAFETY AND SHALL APPLY TO ALL PERSONS WITHOUT RESTRICTION, UNLESS SPECIFICALLY EXEMPTED; PROVIDING FOR A BOARD OF APPEALS; PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS; REPEALING THE FIRE PREVENTION CODE ADOPTED IN 2005 BY ORDINANCE NO. 0-2005-034 PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

Section 1. Adoption of the Fire Code.

(A) For the purpose of prescribing minimum regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion within the City of Albuquerque, New Mexico, the following documents are hereby adopted as the City of Albuquerque Fire Code, and from the date on which this ordinance takes effect shall be controlling within the boundaries of the City of Albuquerque, New Mexico:

(1) The International Fire Code IFC 2009 Edition, including Appendices D and F except All references to the International Plumbing, Mechanical and

Electrical Codes as published by the International Code Council (ICC) shall be deleted and replaced with the current adopted Uniform Administrative Codes as referenced in Section 2 (C)

(2) All National Fire Protection Codes, Standards and Supplements, as published by the National Fire Protection Association (NFPA) referenced in Chapter 47 of the (IFC) 2009 Edition.

(3) NFPA 101 Life Safety Code, 2009 Edition as published by the National Fire Protection Association as applicable to Existing Structures and Facilities built prior to July 1, 2004, except Chapter 13, Section 13.3.5.1.

Section 2. Authorities Having Jurisdiction.

A. The Fire Marshal's Office of the Albuquerque Fire Department shall have jurisdiction under the City of Albuquerque Fire Code to test and inspect fire suppression systems, including fire hydrants, fire extinguishers, fire alarms and sprinkler systems installed in construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

B. The Fire Marshal's Office shall have jurisdiction under the City Of Albuquerque Fire Code to enforce the IFC as applicable to construction, alterations, moving, demolition, repair, use and occupancy of building and structures.

C. The Building and Safety Division of the Planning Department shall have jurisdiction to administer the Uniform Administrative and Technical Codes of the City of Albuquerque for construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

Section 3. Conflict of Codes.

(A) Existing Structures, Facilities and Operations. The Fire Chief or his/her duly authorized representative shall have jurisdiction to administer the City of Albuquerque Fire Code as applicable to all existing structures as follows:

1) NFPA 101 Life Safety Code, (LSC) as adopted shall apply to those existing structures and facilities built prior to July 1, 2004. The International Fire Code (IFC) Chapter 46 shall apply to existing buildings constructed prior to the adoption of this code. Existing structures built after July 1, 2004, and the adoption of this code will be regulated pursuant to the code at the time of their construction.

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(2) When a conflict exists in a specific code requirement between the Existing Sections of the Life Safety Code the Existing Sections of International Fire Code and the International Building Code (IBC), the most stringent code shall apply.

(B) New Structures, Facilities and Operations. The Fire Chief or his/her duly authorized representative shall have jurisdiction to administer the City of Albuquerque Fire Code as it applies to all new structures:

(1) When a conflict exists in specific code requirements between the applicable sections of the Uniform Administrative Codes of the City of Albuquerque and the City of Albuquerque Fire Code the more stringent will apply.

Section 4. Amendments.

The International Fire Code is hereby amended as set forth in Exhibit A and subject to the modifications, additions or deletions therein. When an existing section number of the International Fire Code is referred in Exhibit A, the text herein shall control when a new chapter, section or subsection is referred to in Exhibit A, it shall be added to the International Fire Code as adopted in Section 1 of this Ordinance.

Section 5. Availability of Code.

A copy of the Fire Code of the City of Albuquerque as adopted by this ordinance and a copy of the deletions, modifications, amendments and additions to said code are available at the Fire Marshal's Office, City of Albuquerque, for inspection by the public during regular business hours. A copy of the adopted ordinance shall be available to any individual upon request and payment of a reasonable charge as set forth in Chapter 50 of this code. Three certified copies of this ordinance as adopted shall be filed with the City Clerk and shall be in effect immediately thereafter and additional copies shall be kept in the office of the Fire Marshal. One copy of the new Fire Code adopted by this ordinance is available for inspection in the City Clerk's Office, 600 2nd N.W.

Section 6. Establishment of the Fire Marshal's Office.

(A) The Fire Code of the City of Albuquerque shall be enforced by the Fire Marshal's Office of the Fire Department of the City of Albuquerque, which is hereby established and which shall be administered and directed by the Fire Marshal.

(B) The Fire Marshal shall be appointed by the Fire Chief of the Albuquerque Fire Department to exercise the powers and authority as set forth in this code.

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(C) The Fire Marshal or his/her authorized representatives shall have the authority to issue citations pursuant to the provisions of this code.

Section 7. Amendments to the Fire Code of the City of Albuquerque.

The Fire Code of the City of Albuquerque hereby adopted may be amended or repealed in the same manner as ordinances are amended or repealed.

Section 8. Penalties.

Any person convicted of violating any of the provisions of this code or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be deemed guilty of a misdemeanor and such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction, each such violation shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 9. Repealer.

Ordinance No. 0-2005-034 adopting the Fire Prevention code is hereby repealed.

Section 10. Compilation.

This Ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 11. Severability Clause.

If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The governing body of the City of Albuquerque hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, words or phrases is held unconstitutional or otherwise invalid.

Section 12. Emergency Clause.

This ordinance is hereby declared to be an emergency measure on the grounds of urgent public need and is, therefore, to become effective immediately upon its passage and publication by title and summary as provided by law.

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

Trudy E. Jones

Trudy E. Jones, President
City Council

APPROVED THIS 10 DAY OF October, 2012

Bill No. O-12-23

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:

Amy B. Bailey, City Clerk

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EXHIBIT A

Delete The International Fire Code (IFC) CHAPTER 1 in its entirety and replace with the following:

CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—GENERAL PROVISIONS

SECTION 101
SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the City of Albuquerque Fire Code, hereinafter referred to as "this code."

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:
The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;

1. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
2. Fire hazards in the structure or on the premises from occupancy or operation;
3. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems; and
4. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.
5. Authority to extinguish, mitigate, and investigate fire, explosions, hazardous material incidents, and other related incidents.

101.2.1 Appendices. Appendices D and F have been adopted as part of this code.

101.3 Intent. The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

101.6 Responsible Party. For the purpose of this code, unless a particular section, subsection, or clause places compliance responsibility upon a different person, the property owner, the tenant or occupant in responsible control of the premises and the person, firm or corporation performing the work all have a duty to ensure that all applicable requirements of this code are complied with. Failure to comply with the provisions of this code or with a lawful order of the Fire Code Official, subjects the owner, the tenant or occupant and the firm or corporations performing the work to criminal penalties prescribed in Section 8.

SECTION 102
APPLICABILITY

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when required in Chapter 46.
4. Existing structures, facilities and conditions which, in the opinion of the fire code official, constitute a distinct hazard to life or property.

102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

102.4 Application of building code. The design and construction of new structures shall comply with the International Building Code, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the International Building Code, shall be made in accordance therewith.

102.5 Application of residential code. Where structures are designed and constructed in accordance with the International Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.
2. Administrative, operational and maintenance provisions: All such provisions of this code shall apply.

102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 47 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATIVE PROVISIONS

SECTION 103
THE DIVISION OF THE FIRE MARSHAL'S OFFICE

103.1 General. The Division of the Fire Marshal's Office is established within the City of Albuquerque

under the direction of the Fire Marshal. The function of the Division shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Marshal shall be appointed by the Fire Chief of the Albuquerque Fire Department.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint deputy fire code officials, other related technical officers, inspectors and other employees.

103.4 Liability. The fire code official , member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the Fire Marshal's Office, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104
GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General. The fire code official or his/her representative is hereby authorized to enforce the provisions of this code.

104.1.1 Fire Marshal. The Fire Marshal shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code or other applicable referenced law, or whenever the fire code official or his/her authorized representative has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry.

104.3.1. Sketches and Photographs. The fire code official or his/her authorized representative, or any Fire Department member so designated by the Fire Chief is authorized to make such sketches and to take such photographs as he may find necessary to execute the functions of his/her office. After due notice of a violation of this code has been issued, such photographs may be taken as are found necessary. Subsequent to a fire, explosion, or other emergency, such photographs may be taken as are necessary to adequately depict the conditions for the purpose of investigation. No person shall interfere with, refuse, or obstruct such sketching or photo taking.

104.3.1.2 Warrant. If entry is refused, or the owner or other persons having charge or control of the property cannot be located, the fire code official or his/her authorized representative shall proceed to obtain a search warrant by filing an application upon oath or

affirmation before Metropolitan Court, District Court, or any Court having jurisdiction.

The application shall:

1. Set forth the particular premises sought to be inspected.
2. State that the owner or occupant of the premises has refused entry or that the owner or other persons having charge or control of the property cannot be located.
3. State that an inspection of the premises is necessary to determine whether it complies with the requirements of this code.
4. Set forth the particular provisions of this code sought to be enforced.
5. Set forth any other reasons necessitating the inspection, including knowledge or belief that a particular condition exists in the premises which constitutes a violation of this code.
6. State that the Fire Marshal or his/her representative is authorized by the City to make the inspection.

Upon obtaining a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

104.4 Identification. The fire code official or his/her representative shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.4.1 Impersonation. No person shall use a badge, uniform or other credentials to impersonate any personnel of the Albuquerque Fire Department.

104.5 Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

104.6 Official records. The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations. Fees for copies of records shall be in accordance with Chapter 50.

104.6.1 Approvals. A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

104.6.2 Inspections. The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

104.6.3.1 Incident Loss Information. It shall be the responsibility of any person suffering loss as a result of fire, explosion, or other hazardous incident within the City of Albuquerque to provide the Albuquerque Fire Department within sixty (60) days, the dollar value of any loss as a result of such an incident. If insured, the person shall provide the name and address of the insurance company in which case the insurance company shall supply the final incident loss figures to the Albuquerque Fire Department.

104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

104.7 Approved materials and equipment. All materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official , the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

104.8 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Fire Marshal's Office.

104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design, use, or operation is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Approvals issued by the fire code official shall be subject to the approval of the Chief Building Official whenever the alternate materials or methods involve matters regulated by the City of Albuquerque's Uniform Administrative Code.

104.9.1 Research reports. Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.9.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records.

104.10 Fire investigations. The Albuquerque Fire Department shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous conditions. The Fire Chief or his/her authorized representative shall be responsible for investigating the origin, cause and circumstances of every fire occurring in the municipality which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such a fire and, if it appears that such fire is of suspicious origin, the Fire Chief or his authorized designee and members of the Fire Investigations/Arson Section of the Fire Marshal's Office shall be immediately notified of the facts; and shall take charge of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

104.10.1 Power to commission. The Albuquerque Police Department or the Bernalillo County Sheriff shall have the power to commission as police officers individual members of the Fire Investigations/Arson Section.

104.10.2 Fire Investigators. Members of the Fire Investigations/Arson Section, who have been certified by a Law Enforcement Academy authorized by the State of New Mexico and

commissioned, shall have the powers of arrest and authority to carry such weapons and utilize such equipment as necessary in the discharge of their duties. Such sworn investigators of the Fire Investigations/Arson Section, as the Fire Chief shall designate, through Fire Department Policy shall have the powers to conduct fire and arson investigations, and to enforce the laws of the State of New Mexico, and the City of Albuquerque and shall be empowered to discharge the duties of said position.

104.10.3 Assistance from other agencies. The Police Department and other enforcement agencies, upon request of the Fire Chief or his/her authorized designee, shall assist the Fire Chief or his/her authorized designee in the investigation of any fire, explosion, or hazardous incident, which in the opinion, of the Fire Chief or his/her authorized representative, is of suspicious origin.

104.10.4 Authority of Fire Personnel to Exercise Police Powers. The Chief and members of the Fire Department shall have the powers of a police officer in performing their duties under this code.

104.10.5 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed, or tampered with or removed without authorization of the fire code official.

104.11 Authority at fires and other emergencies. The Fire Chief, or other sworn members of the Albuquerque Fire Department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Resisting, Obstructing or Refusing to Obey an Officer. It is unlawful for any person to knowingly obstruct, resist or oppose any officer serving or attempting to serve or execute any process or any rule or order of any of the courts of this state or any other judicial writ or process.

104.11.4 Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105
PERMITS

105.1 General. Permits, inspections, annual inspection shall be in accordance with Sections 105.1 through 105.7.16. Permit inspection fees, annual inspection fees and rates shall be in accordance with Chapter 50.

1. Permits required by this code shall be obtained from the fire code official.
2. It shall be unlawful any person, firm or corporation to use or occupy a building or premise or engage in any activity for which an inspection or permit is required by this code without first having obtained such a permit or inspection as required by the provisions of this code.
3. Permit inspection fees, shall be paid prior to issuance of the permit or certificate of inspection.
4. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

5. An annual inspection and fee will be required to renew an operational permit as required by this code and Chapter 50 Table 5002.4-A.
6. A Specific Operational Permit shall be issued for specific operations outlined in this code for a designated time frame as determined by the fire code official. The fees for these permits shall be in accordance with Chapter 50 Table 5002.4-B.
7. Annual inspections for occupancies not requiring an operational permit, will be assessed an inspection fee in accordance with Chapter 50.
8. In instances where laws or regulations are enforceable by departments other than the Fire Marshal's Office, approvals from those departments must also be obtained.
9. Permits are not transferable. Any change in occupancy, operation, tenancy or ownership shall require that a new inspection be conducted and new permit be issued.
10. Required Construction Permits as set forth in Section 105.7.1 through 105.7.16 shall be assessed fees in accordance with Chapter 50.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
   1.1. A prescribed period.
   1.2. Until renewed or revoked.
2. Construction permits. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Permits for the same location. When more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

105.2 Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

105.2.1 Refusal to issue permits. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

105.2.2 Inspection authorized. Before a new operational permit is approved, the fire code official is required to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.2.4 Action on application. The fire code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefore. If the fire code official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefore as soon as practicable.

105.2.4.1 Completing work and final inspection. Every construction permit issued by the fire code official, shall expire 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained.

Exception: The fire code official may approve a period exceeding 24 months for completion of work when the permit holder can demonstrate that the complexity or size of the project makes completing the project within 24 months

unreasonable and the permit holder submits a request in writing to the fire code official prior to the expiration of the permit. Failure to submit request prior to the expiration date of the permit, will require a new permit, including payment of full plan review and permit fees.

105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the City of Albuquerque.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and a fee equal to the original amount shall be paid to recommence work for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a Certificate of Inspection or permit and conducting associated inspections indicating the applicable provisions of this code have been met.

Exception: It shall be lawful to occupy portions of buildings or structures under a Temporary Certificate of Occupancy issued by the City of Albuquerque's Chief Building Official in concurrence with the Fire Marshal, and subject to the conditions stated therein.

105.3.3.1 Temporary Certificate of Occupancy. In accordance with the City of Albuquerque's Uniform Administrative Codes, the Fire Marshal in conjunction with the Chief Building Official is authorized to approve conditions necessary to occupy the premises or portions thereof before the entire work is completed. When issued such portion or portions shall be occupied safely prior to full completion or installation of equipment and operation without endangering life or public welfare.

105.3.4 Conditional permits. Where permits are required and upon the request of a permit applicant, the fire code official is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The fire code official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

105.3.5 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

105.3.5.1 Assembly Permits. Assembly Occupancies shall post their place of assembly

permit next to the Occupant Load sign near the main entrance to the premise.

105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.

105.3.7 Information on the permit. The fire code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire code official. Issued permits shall bear the signature of the fire code official or other approved legal authorization.

105.3.8 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents, operational documents and other data shall not prevent the fire code official from requiring correction of errors in the documents or other data.

105.3.8.1 The recipient of any permit issued pursuant to this Code, by accepting such permit, does thereby consent and agree to entry upon the premises described in the permit by the Fire Marshal or his/her authorized representative for the purpose of conducting such inspections as are required by this code or other applicable law. In the event entry is denied to any premises for which a permit is required by this code, the Fire Marshal or his/her authorized representative may commence proceedings to revoke the permit, provided, the request to enter must have been made during reasonable working hours and a written warning of the possible revocation must have been given when entry is denied. The holder of a permit sought to be revoked shall have the right to appeal as per Section 108 of this code.

105.4 Construction documents. Construction documents shall be in accordance with this section.

105.4.1 Submittals. It will be the responsibility of the Fire Marshal's Office Plans Checking Section to promulgate rules and procedures for the submittal of construction documents

Construction Documents/ Plans for all proposed new building construction or remodeling of any building, structure, premise; to include all construction or operations requiring a permit within the scope of the this code shall be submitted in duplicate through the Planning Department of the City of Albuquerque for approval by the fire code official or his/her authorized representative as to compliance with this code prior to beginning construction. All construction shall be done in accordance with applicable code.

The construction documents/plans shall be prepared and sealed by a Registered New Mexico Architect and/or Registered New Mexico Professional Engineer(s). Construction Documents/Plans for Fire Protection Systems shall be designed and prepared by a Fire Protection Engineer or a person with National Institute of Certificate in Engineering Technologies (NICET) Level 3 certification for fire alarm and automatic sprinkler systems.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

105.4.1.1 Examination of documents. Plans for all proposed construction or remodeling of any building or structure within the application and scope of the City of Albuquerque Fire Code shall be submitted to the Fire Marshal's Office Plan Review Section for review and approval by the Fire Marshal or his/her

authorized representative as to compliance with this code prior to the beginning of any construction. All construction work shall be done in accordance with all applicable codes and standards. The fire code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

105.4.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official .

105.4.2.1 Fire protection system shop drawings. Two copies of shop drawings for the fire protections system(s) shall be submitted to indicate compliance with this code and the construction documents and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

105.4.2.2 Modification. Modifications to Fire Sprinkler and Alarm Systems shall require plans submittal.

Exceptions: The following "Scope of Work" letter permits do not require plan submittal unless required by the fire code official:

1. Fire Alarm modifications involving five or less devices with or without power booster.
2. Sprinkler system modifications involving 10 or less sprinkler heads.
3. Special egress control devices tied into an existing fire alarm panel only.

The Fire Marshal's Office, Plans Review Section will promulgate rules and regulations regarding the submittal of "Scope of Work" letters

105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

105.4.4 Approved documents. Construction documents approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.

105.4.4.1 Phased approval. The fire code official is authorized to issue a permit for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

105.4.5 Corrected documents. Where field conditions necessitate any substantial change from the approved construction documents, the fire code official shall have the authority to require the corrected construction documents to be submitted for approval.

105.4.6 Retention of construction documents. One set of construction documents shall be retained by the fire code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

105.5 Revocation. The fire code official is authorized to revoke a permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50. Inspection Fees will be assessed for required inspections and for the issuing of operational permits in accordance with Chapter 50.

105.6.1 Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

105.6.2 Amusement buildings, (Special). An operational permit is required to operate a special amusement building.

105.6.3 Aviation facilities. An operational permit is required to use Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.6.5 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

105.6.7 Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m3).

Exception: A permit is not required for agricultural storage.

105.6.8 Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m^3.

105.6.9 Covered mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.
4. To install and operate a Kiosk in the mall.
5. To use the mall or an area of the mall as a Place of Assembly.
6. To display liquid- or gas-fueled vehicles or equipment in the mall.

105.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use,

handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

105.6.11 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

105.6.12 Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.6.13.1 Community Arts and Craft Shows. An operational permit is required to operate a community arts and craft show.

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 33.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

105.6.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water authority that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
   2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.
   2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.
   Exception: Fuel oil and used motor oil used for space heating or water heating.
5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved , stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-

dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

105.6.17 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.

105.6.18 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon[a]
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds[b]
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

a. 20 gallons when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less

b. 200 pounds when Table 2703.1.1(1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

105.6.21 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.22 High-piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m2).

105.6.23 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.
   Exception: Work that is conducted under a construction permit.
3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. When approved, the fire code official shall issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.

105.6.24 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.

105.6.25 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft3) (236 m3).

105.6.26 Liquid- or gas-fueled vehicles or equipment in buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in Group A Occupancies, production studios, production locations, Group M Occupancies and covered malls.

Exception: Auto Dealerships not located inside mall buildings.

105.6.27 LP-gas. An operational permit is required for:

Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.29.1 Mobile Food Vending Units. An operational permit is required to operate a mobile food vending unit.

105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Burning of dead and dry weed removal on private residential, commercial or industrial property, and hot torch weed control, which comply with all the following:

1.1 Burning shall not be with in 25 feet of a structure or combustible materials.
1.2 Pile size shall not exceed (3'x3') three feet by three feet.
1.3 Burning shall be discontinued when the wind exceeds 15 miles per hour.
1.4 Burning shall only be conducted between the hours of 11 am and 3pm.

105.6.30.1 Bonfires. An operational permit is required for the kindling or maintaining a bonfire

105.6.30.2 Recreational Fires. An operational permit is required for the kindling or maintaining a recreational fire

Exception: Permanently installed outdoor fireplaces, barbeque pits, and portable fire places or chimineas.

105.6.31 Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

105.6.31.1 Open flame roasting operations. An operating permit is required to conduct open-flame roasting operations.

105.6.31.2 Open Flame Performance Outdoors. An operational permit is required to conduct an outdoor open flame performance.

105.6.32 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments and motion picture studios, sound stages and production locations.

105.6.33 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

105.6.34 Places of assembly. An operational permit is required to operate a place of assembly.

105.6.34.1 Outdoor assembly events. An operational permit is required to operate an outdoor assembly event as defined in Chapter 2.

105.6.35 Private fire hydrants. An operational permit is required for the removal from service, the use or operation, flushing or flow testing and maintenance of private hydrants.

Delete: Exception

105.6.36 Pyrotechnic special effects material and Open Flames. An operational permit is required for use and handling of pyrotechnic special effects material and open flame.

105.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

105.6.40 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.41 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

105.6.42 Storage of new, used, scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain outdoor storage of tires, scrap tires and tire byproducts that exceeds 600 cubic feet of total volume or 100 tires and for indoor storage of 50 tires and tire byproducts.

105.6.43 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent regardless of square footage.

Exceptions:

1. Tents and membrane structures 400 square foot or less and are open without sidewalls or drops on 75 percent or more of the perimeter shall obtain approval in accordance with 2403.2 but do not require a construction or operational permit.
2. Tents and membrane structures erected on car lots used exclusively for shading vehicles shall obtain approval in accordance with Section 2403.2 but do not require an operational permit.
3. Tents used exclusively for recreational camping purposes.

4. Personal tents and canopies 100 square feet or less, which are not used for commercial purposes.
5. Funeral tents and curtain or extensions attached thereto, when used for funeral services.

105.6.44 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.45 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.45.1 Recycling operation. An operational permit is required to operate commercial recycling operations.

105.6.46 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).

105.6.47 Production Studio. To operate a motion picture production studio, television production studio or soundstage.

105.6.48 Production Location. To use a site other than an other than a soundstage or approved production studio for the purpose of motion picture, television, or commercial production.

105.6.49 Productions with a live audiences. To have a live audience in conjunction with a motion picture, television or television commercial production.

105.6.50 Use of aircraft. To use an aircraft for the filming of motion pictures, television and commercial productions.

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.16.

105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.2 Battery systems. A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

105.7.3 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service or close or substantially modify a compressed gas system.

Exceptions:
1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.4 Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

105.7.5 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.6 Fire Protection Equipment. A construction permit is required for installation or modification, or removal from service any fire protection system, automatic suppression system, specialty extinguishing systems, standpipe system, fire pumps, and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.7 Flammable and combustible liquids. A construction permit is required:
1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

105.7.8 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions:
1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.9 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 21.

Exceptions:
1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

105.7.10 LP-gas. A construction permit is required for installation of or modification to an LP-gas system.

105.7.11 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

105.7.12 Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth.

105.7.13 Standpipe systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.14 Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure or a tent regardless of square footage.

Exceptions:
1. Tents and membrane structures 400 square foot or less and are open without sidewalls or drops on 75 percent or more of the perimeter shall obtain approval in accordance with 2403.2 but do not require a construction permit or operational permit.
2. Tents and membrane structures erected on car lots used exclusively for shading vehicles shall obtain approval in accordance with Section 2403.2 but do not require a construction permit.
3. Tents used exclusively for recreational camping purposes.
4. Personal tents and canopies 100 square feet or less, which are not used for commercial purposes.
5. Funeral tents and curtain or extensions attached thereto, when used for funeral services.

105.7.15 Access gates, fire apparatus. A construction permit is required to install, or modify manual or automatic fire apparatus access gates and the appurtenances. This also includes gates for auxiliary access openings.

105.7.16 Firefighter air system. A construction permit is required to install or modify a firefighting air system.

SECTION 106
INSPECTIONS

106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Section 106.1.1 Authority for Inspection and Enforcement. The Fire Chief or his/her designated representative shall have power and authority to issue citations or to otherwise take legal action for the violation of any section, code or standard referenced by the City of Albuquerque Fire Code, and may be amended as needed.

106.2 Inspections. The fire code official or his/her authorized representative is authorized to conduct annual inspections on all buildings, structures or premises, including such other hazards or appliances as the fire marshal may designate for the purpose of

ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation or provision for the purpose of this code and of any other law or standard affecting fire or life safety, and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

Exception: The interior of one and two-family dwellings shall be exempt from the duty to inspect imposed by section 106.2 of this section unless there is probable cause to believe an imminent hazard to life or property exists.

106.2.1 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

106.2.2 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official.

106.3 Concealed work. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be exposed for inspection. Neither the fire code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

106.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

106.5 Re-inspections. Re-inspection fees will be assessed in accordance with Chapter 50.

106.6 Inspections Outside Normal Business Hours. With the approval of the fire code official, inspections may be conducted outside normal business hours. Fees for such inspections will be in accordance with Chapter 50.

SECTION 107
MAINTENANCE

107.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

107.2.1 Test and inspection records. Required test and inspection records shall be available to the fire code official at all times or such records as the designates shall be filed with the fire code official.

107.2.2 Re-inspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or

inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108
FIRE BOARD OF APPEALS

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals, which shall consist of (5) five active members. The Board of Appeals shall be appointed by the Mayor with the advice and consent of the City Council. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board.

108.1.1 Quorum. Any combination of three (3) members of the Board shall constitute a quorum. A simple majority of the quorum present shall be decisive.

108.1.2 Secretary of the Board. The Fire Marshal shall designate an employee to serve as a recording secretary to the board that shall keep and maintain a record of all proceedings and perform other secretarial duties as required by the Board.

108.2 Qualifications. The board of appeals shall consist of members who are citizens of the United States and residents of the State of New Mexico and are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, fire protection systems, or building construction.

The Board of Appeals shall consist of five (5) members:

1. A fire protection contractor licensed in the State of New Mexico.
2. An Architect registered in the State of New Mexico.
3. The State of New Mexico Fire Marshal or his/her designee.
4. A certified industrial safety specialist.
5. A resident of the City of Albuquerque.

108.3 Terms of Office. Members shall be appointed for terms of three years. No member shall be reappointed for more than two consecutive full terms.

108.4 Vacancies. Vacancies shall be filled for an unexpired term in the manner in which original appointment are required to be made.

108.5 Legal counsel. The City shall furnish legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the City's expense in all matters arising from service within the scope of their duties.

108.6 Meetings. The board will convene when an appeal is made through the Mayor's Office or as determined by the Fire Board. All hearings shall be conducted in accordance with NMSA 1978, Chapter 10, Article 15, which may be cited as the "Open Meetings Act."

108.7 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

108.8 Rules and procedures. The Board shall adopt rules of procedure for conducting its business and annually elect one of its members to serve as chairperson. The hearing shall be conducted in an orderly manner, and the chairperson shall exclude all irrelevant, immaterial and unduly repetitious evidence.

108.8.1 Conflict of interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

108.8.2 Evidence and witnesses. The Board of Appeals shall afford all parties an opportunity for a full and fair hearing, including the right to counsel; the right to present evidence; and the right to call and examine witnesses to testify.

108.8.3 Inspection and plans. For the purpose of hearing appeals, the Board shall have the power to make inspections and to require the submission of such plans and specifications or other evidence as it deems necessary.

108.9 Application to the Board of Appeals. The following procedures shall be followed for the Board to hear an appeal.

108.9.1 Appeals to the Fire Marshal. Any person aggrieved by a notice of violations or a correction notice issued from a fire code official may file in writing a letter to the Fire Marshal seeking reconsideration of such notice. Such letter shall be received by the Fire Marshal within thirty (30) calendar days of notice of violation or correction notice being issued. If the appeal is denied by the Fire Marshal the appellant may then appeal to the Fire Code Board of Appeals for consideration.

108.9.2 Board of Appeals. Any person may appeal a decision of the Fire Marshal to the Board of Appeals. Appeals shall be in writing and submitted to the Mayor's Office within ten (10) calendar days following the decision of the Fire Marshal. The notice shall contain an enumeration of specific orders or decisions complained of, the date of issuance of such orders and decisions, and a brief statement of the reasons why such order or decisions are incorrect. Said ten (10) days period is jurisdictional and shall not be waived.

108.9.3 Fee. Enclosed with the appeal shall be a one hundred and fifty dollars ($150.00) fee payable to the City of Albuquerque to cover all expenses incurred in the appeal process.

108.9.4 Hearings. Hearings on appeals shall be held within fifteen (15) calendar days after the appeal has been received by the Mayor's Office, unless otherwise agreed by both parties. Appealed orders or decisions shall be stayed, pending a decision of the Board of Appeals unless the violation constitutes an imminent hazard to life or property by reason of fire, hazardous materials explosion or panic.

108.9.5 Decisions. In every appeal the Board shall issue its decision in writing, within ten (10) days, including its findings and conclusions to the Fire Marshal, with duplicate copy to the appellant. The decision of the Board shall be final and exhaust all administrative remedies.

108.9.6 Official Records. Every decision or opinion of the Board of Appeals shall be made part of the official records of the Fire Department and a copy of such decisions or opinion shall be filled in the Office of the City Clerk. The Board shall maintain for at least five (5) years a record of all appeals heard before it.

108.9.7 Appeals to District Court. Any person aggrieved by a decision of the Fire Code Board of Appeals may at any time within thirty (30) days after the decision of the Board may file an appeal with District Court.

Appeals to District Court shall be from the record. Said record shall consist of a transcript or recording of all testimony taken during the appeals hearing to include all exhibits offered, all plans and specifications which may have been required, and a copy of the Boards decision.

SECTION 109
VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place

at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Failure to comply. Failure to comply with any order and notices issued under this code or any of its amendments or revisions may result in legal action being taken against any violator in any court of jurisdiction, by issuing citations, criminal complaints or by ordering the closure of such occupancy until compliance is achieved, or by any other legal process.

109.2.4 Stopping uses or evacuation. The fire code official or his/her representative is authorized to order an operation or use stopped; the evacuation of any premises or building; and the closure of any building or part thereof when an immediate and/or distinct hazard to life or property exists.

109.2.5 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

109.3 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official or his/her representative, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not exceeding ninety days (90), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.3.1 Citations and Criminal Complaints. Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his/her control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or his/her duly authorized representative , shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding ninety days (90), or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.3.2 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 110
UNSAFE BUILDINGS

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

110.1.2 Structural hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

110.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

110.4 Abatement. The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. When deemed necessary by the Fire Chief or his/her designee and in the absence of the owner or responsible party, emergency measures may be taken to provide for security of property and contents. The cost of such actions shall be borne by the property owner or other responsible party. Upon notification, the owner or responsible party may be required to provide for on going security of the property if deemed necessary.

SECTION 111
STOP WORK ORDER

111.1 Order. Whenever the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

111.3 Emergencies. Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars ($500) or by imprisonment not exceeding ninety days (90), or both such fine and imprisonment.

SECTION 112
SERVICE UTILITIES

112.1 Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 113
FEES AND RATES

113.1 Fees. All fees and pay rates required by this code will be in accordance with Chapter 50 of this code.

SECTION 114
STANDBY PERSONNEL/FIRE WATCH

114.1 Standby Personnel/Fire Watch. The fire code official shall have the authority to require approved standby personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest, activity, the number of persons present or an impairment to a fire protection or life safety system.

114.2 When required. Standby Personnel or Fire Watch shall be provided as follows:

1. When required by other sections of this Code.
2. When the Fire Code Official determines it essential for public safety.

114.3 Financial responsibility. The property owner, the tenant or occupant, in control of the premises or

event organizer shall be responsible for the cost of providing Standby Personnel or fire watch.

114.4 Number of personnel assigned to standby or fire watch. The Fire Code Official shall specify the number of standby/fire watch personnel required and determine whether fire watch personnel are to be members of the Fire Department or a qualified private person holding a "Fire Watch Certificate of Fitness". The number of personnel required for fire watch will depend on the hazardous conditions threatening life safety, type of event, and the size of the facility. The Fire Code official will review and approve all requests for fire watch, assuring the minimum required personnel is used to maintain life safety. The following is a list of Hazardous conditions that may threaten life safety.

1. Any Fire Protection system that is temporarily out of service.
2. Request for a special event in an occupancy not designed for the event.
3. Request for a temporary occupant load increase for a special event
4. Any other situation that the Fire Code Official determines to be hazardous or poses a life safety concern to the general public

114.5 Notification. The Fire Code Official shall provide written notification of the number of fire watch personnel determined to be necessary for the event as well as the basis for the determined fire watch. If fire watch personnel are limited to Albuquerque Fire Department Personnel, the Fire Code official shall provide the basis for this limitation. A copy ot the written notification shall be provided to the responsible party, and a copy will be kept on file at the Fire Marshal's Office. Filed notifications for fire watch will be available for review by the public on request.

114.6 Duration of fire watch. The Fire Code Official shall determine the duration of time to maintain fire watch based on the hazardous conditions threatening life safety, type of event, the occupancy type, and whether or not the occupancy has a fire protection system out of service. The Fire Code official shall make it a priority to remove standby/fire watch as soon as the event in question has ended, all life safety issues have been mitigated, and the occupants as well as the general public are no longer at risk.

114.7 "Fire Watch Certificate of Fitness" for private fire watch personnel. Persons wanting to obtain a Fire Watch Certificate of Fitness shall meet the minimum qualifications:

1. Must be licensed per Title 16, Chapter 48, Part 2 NMAC 1978, (16.48.2.13) for private patrol operator or be employed by a person holding such license.
2. Shall attend a "Fire Watch Certificate of Fitness" class from the Albuquerque Fire Department's Fire Marshal's Office.
3. Shall pass a Certificate of Fitness exam administered by the Albuquerque Fire Department Fire Marshal's Office with a minimum score of 85%.
4. Shall have had a fire extinguishing class within the last year.
5. Shall be capable of executing the duties and responsibilities as specified in Section 114.6.
6. Shall be capable of operating a mobile telephone and/or portable radio.
7. Shall be capable of walking the assigned watch area.

114.8 Duties and responsibilities. Standby/Fire watch duties and responsibilities include, but are not limited to the following:

1. Know the address of the facility or premises being watched.
2. Be equipped with a mobile telephone that can be used to contact 9-1-1 or a portable radio that can be used to communicate with a constantly attended security/communication center.
3. Continuously make patrols and monitor all assigned areas.
4. Keep a diligent watch for fires and ensure exits are not blocked or obstructed.
5. Immediately report any sign of smoke, fire or other emergency situation to 9-1-1 or to the security/communications center.
6. Prevent fires by identifying and controlling fire hazard.
7. Activate the fire alarm system when the building is equipped with such a system or notify those occupants present to evacuate the building or area.
8. Shall assist with the evacuation of people present in the area.
9. Take initial action to suppress a fire should it occur.
10. Extinguish any fires that can be controlled with a portable fire extinguisher.
11. Keep a fire watch log that includes the following information:

    11.1 Identifies the building or area by name and address that is under watch.

    11.2 The date and time each round or tour is completed, plus comments on what was

observed. Each entry shall contain the name and signature of the person conducting the watch.

11.3 Fire watch logs shall be immediately accessible for review by the Fire Code Official. A copy of the fire watch log shall be submitted to the Albuquerque Fire Department Fire Marshal's Office when the watch is concluded.

12. Continue the fire watch until permission has been received from the Fire Code Official or his/her designee.
13. Fire Watch personnel shall not have other duties than those outline above and any others the fire code official has deemed necessary for public safety.

CHAPTER 2
DEFINITIONS

AUTHORIZED REPRESENTATIVE shall mean those persons authorized by the Fire Marshal to enforce this code.

BUILDING OFFICIAL shall mean the Chief Building Official of the Building and Safety Division.

DANCE HALL shall mean a public hall offering facilities for dancing where alcoholic drinks are served.

DISCOTHEQUE shall mean a small intimate nightclub for dancing to recorded or live music.

FIRE CODE OFFICIAL shall mean the Fire Marshal or his/her authorized representative.

FIREFIGHTER AIR SYSTEM. A piping network and associated components installed in building stairwells or other approved locations that is designed to deliver breathing air to firefighters supplied from fire department apparatus that uses a connection located outside the building.

FIRE MARSHAL is the head of the Fire Marshal's Office appointed by the Fire Chief.

CITY OR MUNICIPALITY shall mean City of Albuquerque, New Mexico.

COMMUNITY ARTS AND CRAFT SHOWS. An indoor or outdoor area used for a craft show, rummage sale, and other fund-raising activities sponsored by schools, places of worship, neighborhood associations, or other civic organizations.

CORPORATION COUNSEL shall mean the City Attorney of the City of Albuquerque or his/her authorized representative.

EXHIBIT. An Exhibit is a building, space or portable structure used for the display of products and/or services.

EXISTING shall mean that which is already in existence at the date this code takes effect.

EXISTING BUILDING is any building in existence prior to the adoption of this code.

IMMINENT HAZARD. Defined as a high, real and immediate risk to life, health or property.

FIRE LANE shall mean an area, parking lot, driveway, roadway, fire apparatus access road or portion thereof.

HAZARDOUS MATERIALS RELEASE is defined as any unauthorized spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous material as defined in Chapter 27 of this code.

JURISDICTION shall mean the area within the corporate limits of the City of Albuquerque.

MAYOR shall mean the Mayor of the City of Albuquerque or his/her designated representative.

NIGHT CLUB shall mean a restaurant open at night serving liquor, having a floor show, or providing music and space for dancing.

OFFICER shall mean the fire chief or any member of the Albuquerque Fire Department.

POLICE DEPARTMENT shall mean the Albuquerque Police Department or the Bernalillo County Sheriff Department.

PREMISE shall mean any property, building, structure, yard, or vehicle or any portion thereof.

TAVERN AND BARS *shall mean an establishment* where alcoholic beverages are sold to be consumed on the premises and which the sale of any food is only incidental to the sale of alcohol and is less than 50% of the total gross annual sales of the establishment.

THE DIVISION OF THE FIRE MARSHAL'S OFFICE shall mean the Fire Prevention Bureau, Fire Plan Review Section, and Arson Section of the City of Albuquerque Fire Department.

CHAPTER 3
GENERAL PRECAUTIONS AGAINST FIRE

SECTION 301
GENERAL

301.3 Other Permits. A separate permit is required for tents, outdoor fireworks, theatrical and special effect displays, the display of vehicles, the use of open flames, and exhibits and trade shows.

301.4 Fees. Inspection/permit fees shall be in accordance with Chapter 50.

301.5 Applications. Applications with site plans shall be submitted to the fire code official for approval in accordance with the following:

BONFIRE AND RECREATIONAL FIRES. A minimum of 14 days prior to open burning an application and site plan shall be submitted to the fire code official for review and approval.

COMMERCIAL OPEN FLAME COOKING OR ROASTING OPERATIONS. A minimum of 14 days prior to the operations, applications shall be submitted to the fire code official for review and approval. Site plans shall identify the address of proposed set-up, the locations of the operation and distance from building openings.

INDOORS DISPLAYS. A minimum of 14 days prior to set-up of indoor displays, applications shall be submitted to the fire code official for review and approval. Site plans shall show all details of the display including location and size of exhibits, booths, aisles and exits. Indicate the location of fire extinguishers, hose valves, manual pull stations. For trade shows and exhibits see Chapter 49

VEHICLE DISPLAYS. A minimum of 14 days prior to the display of liquid or gas-fueled vehicles, boats or other motor crafts in Group A and M Occupancies applications shall be submitted to the fire code official for review and approval.

Exception: Auto dealerships not located in Mall Buildings.

SECTION 302
DEFINITIONS

ASHPALT (ROOFING) KETTLE. A vessel or container used to process, heat, hold for heating, or dispense flammable or combustible roofing materials that are in liquid form or will take that form as a result of being exposed to such vessel or container.

BARBEQUE PIT. A trench in which wood is burned to make a bed of hot coals typically for the cooking of food.

ENVIRONMENTALLY POOR BURNING SUBSTANCES. Included but not limited to: refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, waste oil, liquid or gelatinous hydrocarbons, tar, paints, solvents, chemically treated wood, plastic, or rubber, office records, sensitive or classified wastes, hazardous or toxic substances, interior or wrecked vehicle bodies or other materials which are difficult to burn without producing significant amounts of noxious or toxic fumes or dense smoke.

EXHIBIT. An Exhibit is a building, space or portable structure used for the display of products and/or services.

FLAME EFFECT. The combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.

MOBILE FOOD VENDOR. An operation that serves, vends or relinquishes possession of food utilizing a transportation vehicle regardless of whether the vehicle is mobile, stationary, temporary or permanent or if there is a charge for the food.

OPEN SPACE AREAS. Those lands so designated in the adopted Plan for Major Open Space and acquired by the city; any other lands so designated at the time of acquisition or subsequently; any lands for which the City has assumed control or management responsibility by lease, easement, or legal agreement; major named arroyos, lined or unlined drain-ways, retention dams and retention pond areas, and abutting rights-of-way or easements which have been publicly acquired.

OUTDOOR OPEN FLAME PERFORMANCE. An outdoor performance, on private or public property, that utilizes an open flame effect before a proximate audience

PERMANENT OUTDOOR FIREPLACES. are those fireplaces having a chimney that are made of masonry or reinforced concrete and are permanent structures.

PERMANENT OUTDOOR RECREATIONAL FIRE RING. An area close to the surface of the ground that is ringed by brick, rock or other noncombustible material and imbedded in concrete

RIO GRANDE STATE PARK. The park area established in the Rio Grande Valley State Park Act that has boundaries defined in Section 16-4-12 NMSA 1978 and is under the management of the City of Albuquerque pursuant to the Rio Grande Valley State Park Act.

TRADE SHOWS. A temporary public or private display, event or occurrences, held in buildings for the gathering of 50 or more persons for the purposes of competition, demonstration, or presentation in open view, showing the merits of a product or service to a prospective consumer.

WILDLAND AREAS. The lands owned by the governing body of a county or municipality that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grasses

SECTION 303
ASPHALT KETTLES

303.10 Unattended fuel containers. When it is deemed necessary to leave fuel containers in place at the end of the work day, the fuel containers shall be stored outdoors and secured to prevent unauthorized access to and tampering with the fuel containers. Asphalt kettles and fuel containers shall not be left unattended in a street or roadway.

SECTION 307
OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. Open Burning, recreational fires, bonfires, rubbish fires and open burning operations are prohibited except as provided by the Albuquerque – Bernalillo County Air Quality Control Board and this section.

307.1.2 Environmentally poor substances. Burning of environmentally poor substances is prohibited within the City of Albuquerque.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with 105.6 prior to kindling a fire for recognized silvicultural or wildlife management practices, prevention or control or disease or pests, bonfire or a recreational fire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exception:

1. Burning of dead and dry weed removal on private residential, commercial or industrial property, and hot torch weed control, which comply with all the following:
   1.1 Burning shall not be with in 50 feet of a structure or combustible materials.
   1.2 Pile size shall not exceed (3'x3') three feet by three feet.
   1.3 Burning shall be discontinued when the wind exceeds 15 miles per hour.
   1.4 Burning shall only be conducted between the hours of 11 am and 3pm October 31st through March 31st and 6am to 5pm April 1st through September 30th.
   1.5 An approved means for extinguishing the fire shall be readily available.
2. Burning in permanently installed outdoor fireplaces, permanent outdoor recreational fire rings, barbeque pits, and portable fire places.

307.2.1.2 Applications. A minimum of 10 days prior to open burning an application and site plan shall be submitted to the fire code official for review and approval. Site plans shall identify the address of proposed burning, the type of operation requested, the locations of the operation and distance from building, structures, combustibles and property lines. Also included on the application shall be the times and dates of burning.

DELETE 307.4 Exceptions: 1. and 2.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. When, in the opinion of the fire code official, it is essential for public safety due to the size, location and nature of the bonfire, the fire code official is authorized to require both fire watch personnel and fire suppression apparatus to standby for duration of the fire and until extinguished.

307.6 Burn Restrictions and Burn Ban The Fire Chief is authorized per (City Ordinance 0-2011-018) during periods of high fire danger in the City of Albuquerque, both seasonally and unexpected, which pose a significant and immediate threat to the safety, health and welfare of the citizens and property, to issue burn bans as deemed necessary and prohibit all open burning, to include bonfires, and recreational fires, within the City and any Open Space Areas, the Rio Grande State Park, and Wildland Areas, and prohibit the issuances of permits for burning during those periods. Burn restriction and bans shall be publicly announced through all public and private Medias available. These periods shall be determined on current and forecasted weather conditions, and drought assessments obtained by the Albuquerque Fire Department. Once prohibitions have been implemented they shall remain in effect until the Chief of the Fire Department determines that the fire danger has been alleviated.

SECTION 308
OPEN FLAMES

308.1.4.1 Storage of Liquefied-petroleum-gas (propane). LP-gas container with a water capacity greater than 2.5 pounds [nominal 1pound (0.454 kg) LP-gas capacity] shall not be stored on balconies, covered patios, covered walkways or within 10 feet (3048 mm) of Group R occupancies.

Exception: One- and two family dwellings.

308.3.2.1 Permits, plans and fees. A permit shall be obtained from the fire code official for the use of open flame devices before a proximate audience (See Section 105). Permits shall only be issued to pyrotechnic operators with a nationally recognized pyrotechnic license.

308.3.2.2 Plans. Two sets of plans shall be submitted to the fire code official at the time of permit application.

The plans shall identify the following:

1. Address.
2. Name of occupancy or resident name.
3. Dates and times of the open flame device use.
4. Specific site on the property where the open flame device will be used.
5. Distance to proximate audience.
6. Means employed to keep audience away from open flame.
7. Distance from the flame to combustible materials, if applicable.
8. Height of ceiling or structural member, if applicable.
9. Maximum horizontal and vertical distances the devices will be thrown, if applicable.

308.3.2.3 Liability insurance. Before any permit is issued, the person, firm, or corporation applying for permit to display open-flame before a proximate audience shall furnish proof of General Liability Insurance in a minimum amount of two million dollars ($2,000,000) to satisfy claims for damage to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public.

308.3.2.4 Fees. Fees will be in accordance with Chapter 50.

308.3.2.5 Demonstration. Prior to permit issuance, the fire code official may require a demonstration of the use of open flame devices. When approved the fire code official shall issue a permit.

SECTION 312
VEHICLE IMPACT PROTECTION

Section 312.2.1 Gas meters protection. Above ground gas meters, regulators and piping exposed to vehicular damage due to proximity to alleys, driveways or parking areas shall be protected by guard posts complying with all of the following:

1. A minimum of four inch diameter steel pipe filled with concrete.
2. Posts shall be buried three feet below grade in a concrete footing of not less than a 15-inch diameter.
3. Extending vertically a minimum of three feet above grade or high enough to adequately clear the top of the meter, regulator or exposed pipe.
4. Maximum distance between guard posts shall be two feet.
5. Posts shall be placed on each side of each meter, regulator, or exposed piping with a minimum of two feet between post protection and meter, regulator or exposed pipe.

Exception: The fire code official is authorized to approve alternative means and methods designed and stamped by a professional engineer. See Section 104.9.

SECTION 315
MISCELLANEOUS COMBUSTIBLE MATERIAL STORAGE

315.2.4.1 High piled storage. Any storage occupancy buildings or portion thereof capable of being used for high pile combustible storage (see definitions Section 2302 IFC 2009) shall be designed in accordance with Chapter 23.

315.2.4.2 Existing storage occupancy buildings. Existing storage buildings or portion thereof capable of being used for high pile combustible storage but have not been designed for such storage shall be provided with signage stating "NO STORAGE HIGHER THAN 12 FEET". Lettering shall be 5 inches minimum with contrasting color and background. Such signage shall be posted conspicuously on the interior walls and doors leading to storage area.

SECTION 318
COMMERCIAL OPEN FLAME COOKING OPERATIONS

318.1 Applicability. Section 318 shall apply to outdoor commercial cooking or roasting of food products using open flame or flammable gas.

Hose and fitting connections to the building's natural gas piping shall not be allowed, unless approved by the City's Planning and Safety Department.

318.2 Planning department approval. Prior to fire code official approval, the City Planning and Zoning Department shall approve the location of cooking devices.

318.3 LP-gas requirements. LP-gas cylinders, hoses, and appurtenances shall be approved for LP-gas use and in accordance with Chapter 38.

318.3.1 Securing LP-gas cylinder. To prevent falling, LP-gas cylinders shall be secured to a fixed object or on an approved cart manufactured specifically for cylinders. Securing of cylinders shall be achieved using one or more noncombustible restraints.

318.3.2 Protection (Temporary use). LP-gas cylinders shall be protected by a minimum of a 6 inch high parking curb or parking blocks and shall be a minimum of 4 feet away from cylinders.

318.3.3 Location.

1. LP-gas cylinders shall be located a minimum of 20 feet from an exit and 10 feet away from a building or structure.
2. LP-gas cylinder relief valve shall be positioned away from cooking device and buildings or structures.
3. LP-gas cylinders shall be a minimum of 10 feet away from temporary membrane structures.

318.4 Placement. The commercial open flame cooking device shall be located at least 10 feet from any building or structure. The commercial open flame cooking device shall be located a minimum of 10 feet from LP-gas cylinders, combustible materials, and combustible building surfaces, including building eaves.

An approved means shall be used to prevent the public and vehicular traffic from accessing within 4 feet of the commercial open flame cooking devices and the LP-gas cylinder.

318.5 Attendance. During operations, the commercial open flame cooking device and LP-gas cylinders shall not be left unattended at any time.

318.6 Fire Extinguisher. An approved, visible and accessible (3-A:40-B:C) minimum rated portable fire extinguisher shall be provided within 20 feet of a commercial open flame cooking devices operation, but no closer than 5 feet.

318.7 No smoking. "NO SMOKING" signs shall be posted. No smoking is permitted within 25 feet of LP-gas and cooking operations.

318.8 Storage. Storage of LP-gas cylinders and commercial open flame cooking devices shall be outdoors in a secure location to prevent unauthorized access and tampering. Each LP-gas cylinder shall have valve protection installed.

SECTION 319
OUTDOOR OPEN FLAME PERFORMANCES

319.1 Applicability. This section shall apply to outdoor open flame performances utilizing flame

effects defined in section 302.1.1 and shall be in accordance with this section and NFPA 160.

319.2 General Requirements.

319.2.1 Safety zones. The area where the open flame performance is to be located shall set-up with three (3) zones, Hot Zone, Warm Zone and Cold Zone.

1.1 The Hot zone is where the actual performance and flame effect will take place.
1.2 The Warm zone is a buffer between the performance (hot zone) and the audience and shall minimum of 6 feet in width.
1.3 The Cold zone is the area where the audience is allowed.

Each zone shall be clearly defined and marked in an approved manner.

319.2.2 Location. The performance area shall be a minimum of 25 feet from buildings and combustible materials.

319.2.3 Safety personnel. A minimum of one (1) safety person shall be provided in the warm zone for every two performers and shall be present anytime there is open flame or effects being utilized and shall be responsible for the following:

1. Shall keep vigilant for any dangerous situations.
2. Maintain crowd control and keep the audience from entering the warm zone.
3. Shall be trained in the use of fire extinguishers.
4. Shall have a minimum of one (3-A:40-B:C) rated fire extinguisher in the warm zone available to them in at all times.
5. Have a wet towel or a fire blanket available in the warm zone.
6. All safety personnel shall be provided a whistle, air horn or other approved device to signal the stop of the performance in the event of an emergency.

319.2.4 Protective clothing. The flame effect performers, operators, and safety personnel shall be protected by clothing or other means suitable for exposure to flame effects.

319.2.5 Holding areas for fuel and flame effect materials and devices. Only fuel approved by the fire code official shall be allowed to be used. Fuel, effect materials, and devices shall be located in an approved holding area within the perimeter of the warm zone.

319.3 Fire Extinguisher. An approved, visible and accessible (3-A:40-B:C) minimum rated portable fire extinguisher shall be provided for safety personnel. One (3-A:40-B:C) shall be provided in the fuel holding area.

319.4 No smoking. "NO SMOKING" signs shall be posted.

319.5 Liability insurance. Before any permit is issued, the person, firm, or corporation applying for permit to display open-flame before a proximate audience shall furnish proof of General Liability Insurance in a minimum amount of two million dollars ($2,000,000) to satisfy claims for damage to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public.

319.6 Demonstration. Prior to permit issuance, the fire code official may require a demonstration of the use of open flame devices. When approved the fire code official shall issue a permit.

319.7 Permits, application, plans and fees. A permit shall be obtained from the fire code official prior to any outdoor open flame performance or utilizing a flame effect.

319.7.1 Applications. An application shall be submitted to the fire code official seven (7) days prior to event. Plans shall include the following:

1. The name of the person responsible for event.
2. Contact information of person responsible for event.
3. Address of the event.
4. Date and time of event.
5. A narrative description of the flame effect and fuel to be used.
6. Billing information.

319.7.2 Plans. Detailed plans shall be submitted with the application to the fire code official and include the following:

1. A plot plan showing the specific site on the property where the open flame effect and performance will be conducted.

2. Site plan showing the safety zones and the distance from flame effect to proximate audience.
3. Means employed to keep audience away from flame effect and performance.

319.7.3 Fees. Fees will be in accordance with Chapter 50.

CHAPTER 4
EMERGENCY PLANNING AND PREPAREDNESS

SECTION 401
GENERAL

401.9 Fire or emergency alarm initiation. No person shall silence a fire or emergency alarm system, alarm initiating device or component until the fire alarm is investigated. The person responsible for the property shall investigate the building or area of alarm and if no evidence of fire or emergency is observed, the system may be silenced provided the fire department dispatch/ alarm room is notified of the findings.

401.10 Supervising Station. Supervising stations shall immediately notify the fire department of alarm signals initiated by manual fire alarm boxes, automatic fire detections systems, water flow devices, or actuation of other fire extinguishing or detection systems or equipment.

401.11 Disposition of signals. Supervising stations shall notify the fire department of an alarm signal prior to contacting the subscriber.

SECTION 405
EMERGENCY EVACUATION DRILLS

TABLE 405.2
FIRE AND EVACUATION DRILL FREQUENCY AND PARTICIPATION

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B[c]	Annually	Employees
Group E	Monthly[a]	All Occupants
Group F	Annually	Employees
Group H	Semiannually	Employees
Group I	Quarterly on each shift	Employees[b]
Group R-1	Quarterly on each shift	Employees
Group-R2[d]	Four annually	All Occupants
Group R-4	Quarterly on each shift	Employees

SECTION 407
HAZARDOUS COMMUNICATION

407.2 Material Safety Data Sheets. Material Safety Data Sheets (MSDS) for all hazardous materials shall be either readily available on the premises as a paper copy, or where approved shall be permitted to be readily retrievable by electronic access.

Approved electronic access shall be as follows:

1. Electronic media if used shall be a USB Flash Drive and met the following:
   1.1 The device is labeled as "MSDS"
   1.2 The device has been checked for virus
   1.3 If a virus is download from an infected USB flash drive and damages fire department equipment, the firm or corporations providing the flash drive will bear the full cost of repairs to such equipment.
2. Format shall be Microsoft Word 2000 or newer document, PDF or other approved format.

Where a Knox Box is located at a facility MSDS sheets or USB device shall be locked in the Knox Box and in an approved location on the premises. All contents shall be labeled, maintained and kept updated.

CHAPTER 5
FIRE SERVICES FEATURES

SECTION 501
GENERAL

503.1 Where required. Fire apparatus access roads and fire lanes shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.6 and Appendix D.

SECTION 502
DEFINITIONS

FIRE LANE. Shall mean an area, parking lot, driveway, roadway, fire apparatus access road developed to allow passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

SECTION 503
FIRE APPARATUS ACCESS ROADS

503.1.1.1 Fire Lanes. The fire code official may require that fire lanes for new and existing structures be established on public or private property to provide access for fire department

operations by the use of an improved public street, areaway, parking lot, driveway, or roadway.

Exception: One and two family dwellings.

503.1.1.2 Fire lane for existing premises. Fire lanes for existing structures and premises shall conform to the requirements applicable at the time of construction; if no requirements were applicable at the time of construction, the fire code official may require the establishment of fire lanes to conform to this code insofar as practical.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, and to have vehicle passing points of 26 feet in width when fire department access road exceed 300 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.3.1 Engineering Data. Engineering data shall be submitted with plan review submittal to substantiate weight-bearing capacity and all weather driving capabilities for fire apparatus roads and fire lanes.

503.2.4 Turning radius. Fire apparatus access roads and fire lanes shall have a minimum 45-foot centerline radius, 35-foot inside radius, 55-foot outside radius on curves.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Curbs. Fire lanes shall be identified by curbs painted red on both top and face along the entire length of the fire lane. Where no curb exists or a rolled curb is installed, a 6-inch wide red stripe applied the full length of the fire lane. **NO PARKING-FIRE LANE** shall be marked every 15-feet along the length of a fire lane with white block capital letters of not less than 5-inches in height with a stroke of not less than ¾ inches. All signs and markings shall be at the expense of the owner, lessee, or person in control of the property.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads and fire lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.4.1 Stopping or parking in fire lane. Motor vehicles, with or without power, including trailers shall not be stopped or parked within the fire lane, or parked on the sidewalk so as to obstruct an entrance or exit.

Any vehicle stopped or parked within the fire lane may be removed at the expense of the vehicle owner. Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or his designee. The person in lawful possession of the property shall keep designated fire lanes free of vehicles or other obstructions.

Section 503.4.2 Authority to issue Motor Vehicle Citations. The fire code official or his/her authorized representative shall have power and authority to issue citations for parking violations in designated fire lanes, obstructed exits, fire escapes, fire hydrants, or for other hazards being created by parking of any motor vehicle. The suspected violator's signature need not be required on a citation, but only the description of the vehicle, license number, date, and section of this code violated and location of violation. The citation may be placed under the windshield wiper or affixed to the vehicle in a conspicuous place. Each such violation shall be punishable by a fine as set forth by traffic code.

In any prosecution charging a violation of any provision or subsection of this code governing or regulating the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the citation or complaint was parked in violation of the code, together with proof that the defendant was at the time of such violation the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the registered owner and that the defendant was the person who parked or placed the vehicle at the point where, and or the time during which the violation occurred.

503.6 Security and controlled access gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.6.1 Padlocks. An approved padlock shall be installed on manually operated gates or similar barriers which obstruct fire department access roads. When used with a gate padlock, the padlock shall be linked to the gate padlock in a manner allowing access to both the owner and fire department personnel.

503.6.2 Key Switches. An approved Key Switch shall be installed on electrically operated gates or similar barriers which obstruct fire department access roads.

503.6.3 Height. All key switches shall be mounted between 4 and 6 feet above grade.

503.6.4 Location. Each electrically operated gate shall be equipped with an approved key switch located on both sides of the gate.

Exception: A key switch is only required on the entrance side when the electronically operated gate automatically opens for departing traffic.

503.6.5 Identification. All key switches shall be identified by a label or sticker indicating switch locations.

503.6.6 Obstructions. Posts, fences, vehicles, growth, trash, storage, and other material shall not obstruct or visually block key switches.

SECTION 505
PREMISES IDENTIFICATION

505.1 General Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters and constructed on any durable material which will withstand the natural elements. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

505.1.1 Address identification placement. Address numbers for a single story commercial or residential structure shall be placed a minimum of 10 feet above grade and a maximum of 14 feet above grade.

Address numbers for a two or more story commercial or residential structure shall be placed a minimum of 14 feet above grade and a maximum of 20 feet above grade.

505.1.2 Maintenance. All premises identification shall be maintained in good condition and clearly visible, free from obstructions, including landscaping.

505.2 Address marking of Group R occupancies. The address numbers, individual building, and dwelling numbers at Group R-1 and R-2 occupancies shall be in accordance with this section.

505.2.1 Building or street address. The street address for Group R-1 and R-2 occupancies shall be a minimum of 12 inches high with a minimum of 2-inch wide brush stroke on a contrasting color. For building less than 100 feet long, a minimum of one address shall be provided. For buildings over 100 feet in length, the address is required in a minimum of two places. Each building in a complex shall display its own identification.

505.2.2 Building identification numbers. Each building shall display its specific alphabetical or numerical designation which must be clearly visible from the fire apparatus access road. The building identification numbers shall be a minimum of 18 inches high with a minimum of 3-inch brush stroke on contrasting color. For buildings less than 100 feet long, a minimum of one building identification number is required.

505.2.3 Apartment or unit numbers. Alphabetic or numerical designations for each individual apartment or unit shall be a minimum of 4-inches high with a minimum stroke of 0.5 inch on a contrasting background.

505.3 Premise identification for commercial buildings. Commercial building address numbers shall be a minimum of 10-inches high with a minimum of 2-inch brush stroke on a contrasting background. The address shall be visible from the street or road fronting the property. When buildings are more than 200 feet long or set back from the road more than 100 feet they shall be identified with building address numbers that are a minimum of 24-inches high with a 4-inch brush stroke of a contrasting background.

When buildings are greater than 500 feet in length, the number and address shall be provided in a minimum of two approved locations. When buildings have multiple access points, numbers and addresses shall be provided at each access points.

505.3.2 Multi-tenant commercial buildings. Individual tenant spaces in a multi-tenant commercial building shall have their addresses or suite number posted at the front entrance and rear access doors. The numbers shall be a minimum of 6-inches high with a 1-inch brush stroke on a contrasting background.

505.3.3 Multiple buildings at a single address. Each building shall display its specific alphabetical or numerical designation that that shall be clearly distinguishable from the fire apparatus road (see section 505.2.1 for minimum letter height and brush stroke requirements).

505.4 Address directories.

505.4.1 When required. An approved address directory shall be provided at properties containing one of the following:

1. More than one principle building.
2. Buildings with unit identification numbers that are randomly numbered or sequenced.
3. When in the opinion of the fire code official, emergency response may be delayed due to physical layout of the complex.

505.5 Existing Buildings. Existing buildings in compliance with the previous Fire Ordinance will have no more than twelve (12) months from the adoption of the code to comply with the new standards set forth in Section 505.

505.6 Street or road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

SECTION 506
KEY BOXES

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access and other information and items deemed necessary by the fire code official.

506.1.1 Height. All key boxes shall be mounted in an approved location between 4 feet & 6 feet above grade.

506.1.2 Visibility. The key box shall be illuminated so as to be immediately visible to fire personnel upon approach to the building or structure.

506.1.3 Location. One key box shall be located at the main entrance to the building or premises. Additional key boxes may be required by the fire code official at other secure areas such as entrances to fire sprinkler riser rooms, mechanical equipment rooms or other areas where emergency responders may require immediate access for fire or other emergency operations.

506.1.4 Identification. All secured openings such as doors and gates shall have an identifying label or sticker indicating to the emergency responders a key box is installed on the premises.

506.2 Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box.

506.2.1 Marking of keys. Each key secured in the key box shall be provided with a water-resistance tag. The terminology used to identify the key shall be immediately discernable as to the keys function.

SECTION 507
FIRE PROTECTION WATER SUPPLIES

507.1 Fire flows. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by the City of Albuquerque Development Process Manual Chapter 25 Section 8.

507.2 Fire hydrant systems. Fire hydrant systems shall comply with the City of Albuquerque Development Process Manual Chapter 25 Section 7, and Sections 507.5.1 through 507.5.6

507.3 Where required. New buildings, building additions, or building reconstructions shall be provided fire hydrants that meet the requirements of this code and the City of Albuquerque Development Process Manual

507.3.1 Consideration of Existing Fire Hydrants. Existing fire hydrants on public streets are allowed to be considered as available when the use of the fire hydrant for emergency water supply does not restrict access for responding fire apparatus.

DELETE 507.5.1 EXCEPTIONS 1 & 2.

507.4 Inspection, testing and maintenance. Fire hydrant systems shall be subject to tests as required by the fire code official. Fire hydrant systems shall be inspected annually and maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

507.4.1 Fire Hydrant Certificate of fitness. Only persons holding a "Fire Hydrant Certificate of Fitness" issued by the Albuquerque Fire Department Fire Marshal's Office shall inspect, test and maintain private fire hydrants.

Persons applying for a Certificate of Fitness shall meet the following minimum requirements:

1. Shall posses the experience and knowledge in inspection, testing and maintenance of fire hydrants.
2. Shall have a copy of all NFPA codes pertaining to inspection, testing and maintenance of fire hydrants.
3. Shall have a copy of American Water Works Association American Water Works Association (AAWW Manual 17)
4. Shall possess all equipment necessary to conduct inspection, flow testing and maintenance of fire hydrants.
5. Shall demonstrate the procedures for flushing and flow testing of a fire hydrant.

507.4.2 Permits. Prior to flushing, flow testing or conducting maintenance on a private fire hydrant a permit shall be obtained as per Section 105.6.35.

507.4.3 Notification. Prior to flushing and flow testing of a private fire hydrant, the Water Utility Authority shall be contacted at (505) 857-8250.

507.4.4 Private fire hydrants. Private fire hydrants shall be painted "Safety Orange" to identify them from publicly owned yellow hydrants.

507.5 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant.

507.6 Parking. It shall be unlawful to park any motor vehicle or other obstruction within 15 feet of a fire hydrant or within 5 feet of any fire department connection, or control valve on public or private way. It shall be unlawful to park any motor vehicle or otherwise obstruct a sidewalk in such a manner as to prevent, hinder or impair access to an entrance

CHAPTER 6
BUILDING SERVICES AND SYSTEMS

SECTION 603
FUEL-FIRED APPLIANCES

603.9 Gas meters. Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312.2.1 or otherwise protected in an approved manner.

CHAPTER 9
FIRE PROTECTION SYSTEMS

SECTION 901
GENERAL

901.3.1 Modifications. No person shall remove or modify any fire protection system installed without the approval of the fire code official and proper permits obtained in accordance with 105.4.2.1 and 105.7.6

901.6 Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems shall be maintained or removed. Prior to removal of any fire protection system, a permit shall be obtained from the fire code official.

901.6.1 Nuisance alarms. The fire code official may require a nuisance fire protection system placed out of service and a fire watch implemented in accordance Section 114 until required repairs are made.

901.6.1.1 Multiple nuisance alarms. Multiple nuisance alarms from a monitored facility, due to mechanical failure, malfunction, or lack of proper maintenance, may result in penalties being imposed per Section 8.

901.7 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where required by the fire code official, fire watches shall be provided in accordance Section 114.

SECTION 903
AUTOMATIC SPRINKLER SYSTEMS

903.2.3 Group E. An automatic sprinkler system shall be installed in all Group E occupancies.

DELETE 903.2.3 (1) & (2)

Exception:

1. An automatic sprinkler system is not required in Group E occupancies less than 12,000 square feet in area that are protected throughout with a complete automatic smoke detection system.
2. An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every area throughout the building is protected with a complete automatic smoke detection system and every classroom throughout that area has at least one exterior exit door at ground level.
3. Portable buildings not exceeding 1,700 square feet.

903.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

903.4.1 Occupant Notification. All electronically supervised sprinkler systems shall be provided a minimum of one manual fire alarm box and one occupant notification device in a constantly attended location on the premises.

903.4.2 Separate Tenant Spaces. Where electronically supervised sprinkler system provides coverage for tenant spaces with separate exiting systems, one occupant notification device shall be provided in each tenant spaces in a constantly attended location. The notification device shall be identified with signage stating "sprinkler system activation alarm".

SECTION 907
FIRE ALARM AND DETECTION SYSTEMS

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with

Section 907.6, unless other requirements are provided by another section of this code.

A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors. Where Sprinkler system supervision is required by another section of this code, the provisions of 903.4 shall be followed. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and a complete automatic smoke detection system installed in accordance with NFPA 72 and where the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow or activation of a smoke detector.

907.2.1.1. Shunt. All new and existing Group A occupancies that are required an fire alarm notification systems shall be provided with a shunt to stop any music, conflicting or confusing sounds, and visual distractions upon activation of fire alarm system.

907.2.3 Group E. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of less than 8.
2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
   2.1. The facility is provided with a complete automatic smoke detection system.
   2.2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by complete smoke detection system.
   2.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
   2.4. The capability to activate the evacuation signal from a central point is provided.
   2.5. In buildings where normally occupied spaces are provided with a two-way communication system between such spaces and a constantly attended receiving station from where a general evacuation alarm can be sounded, except in locations specifically designated by the fire code official .
3. Manual fire alarm boxes shall not be required in Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, and a complete automatic smoke detection system is installed in accordance with NFPA 72 and where the notification appliances will activate on sprinkler water flow or activation of a smoke detector and manual activation is provided from a normally occupied location.

SECTION 912
FIRE DEPARTMENT CONNECTIONS

912.1 Installation. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.6.

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

912.2.1 Visible location. Fire department connections shall be located on the street side of

buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official.

The location of fire department connections shall be approved and installed as follows:

1. Within 50 feet of approved roadway or driveway, and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, post planting or other fire department connections.
2. Within 100 feet of an approved fire hydrant.
3. So that the inlet height shall not be less than 18 inches nor more than 48 inches above grade.

912.2.2 Existing buildings. Wherever the fire department connections on existing buildings are not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. All such signs shall be subject to the approval of the fire code official. Signs shall be in accordance with Section 912.4.1

912.3 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official.

Exception: Fences are allowed when provided with an access gate equipped with a sign complying with the legend requirements of Section 912.4.1 and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire code official and maintained operational at all times.

912.3.1 Locking fire department connection caps. All fire department connection shall be provided with approved locking caps for water-based fire protection systems where the fire department carries appropriate key wrenches for removal.

912.3.2 Clear space around connections. A working space of not less than 36 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the fire code official.

912.3.3 Physical protection. Where fire department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312.

912.4 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.

912.4.1 Additional signage. Each fire department connection shall be identified by a permanent weather resistant sign. The sign face shall be a minimum 12 inches x 12 inches and fabricated from .080 aluminum sheet or equivalent. The sign face shall have white diamond grade sheeting or equivalent applied background. The sign shall consist of red reflective letters having a principle stroke of not less than ¼" wide and at least 3 ½" high. When the system supplied by the FDC does not supply the entire building or supplies multiple buildings the sign shall identify the buildings or areas of the building supplied by the FDC. The fire department connection sign shall identify the building address or area, where necessary the type of system the FDC supplies. Signs shall be posted in an approved location.

912.5 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the Albuquerque Bernalillo County Water Authority.

912.6 Inspection, testing and maintenance. All fire department connections shall be periodically inspected, tested and maintained in accordance with NFPA 25.

CHAPTER 10
MEANS OF EGRESS

SECTION 1030
MAINTENANCE OF THE MEANS OF EGRESS

1030.3 Obstructions. A means of egress shall be free from obstructions that would prevent its use including the following:

1. The accumulation of snow and ice.
2. No person shall be permitted by the management of any premises to so position himself in any exit door, exit passages, aisle ways, court or space used as an exit approach or discharge in such manner as to obstruct, impede or confuse persons desiring to use such exit facilities.
3. It shall be unlawful to cause or allow any required exit door or passage thereto to have the appearance, or cause occupants to presume, that the door or passage is locked, blocked or otherwise unusable. Mirrors shall not be permitted on the inside of required exit doors.
4. Any devices or alarms installed to restrict the proper use of exit doors shall be so designed and installed that they cannot, even in the case of failure, impede or prevent emergency use of such exits.

CHAPTER 22
MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION 2205
OPERATIONAL REQUIREMENTS

2205.4 Sources of Ignition. Smoking materials, including matches and lighters, and open flames shall not be used within twenty-five (25) feet of areas used for fueling, servicing fuel systems of internal combustion engines, or receiving or dispensing of Class I and Class II liquids. The motors of all equipment being fueled shall be shut off during the fueling operations. Electrical equipment shall be in accordance with NFPA 70.

SECTION 2206
FLAMMABLE AND COMBUSTIBLE LIQUID MOTOR FUEL-DISPENSING FACILITIES

2206.2.3 Above-ground tanks located outside, above grade. Above-ground tanks for the storage of Class I, II or III liquids are prohibited within the City of Albuquerque except at follows:

1. Above-ground tanks used for outside, above grade storage of Class I liquids shall meet the requirements of Underwriters Laboratory Inc., Standard for Thermally Insulated Double Walled Aboveground Fuel Storage Tanks UL 2085 and comply with Chapter 34. Such tanks shall be located in accordance with Table 2206.2.3.
2. Above-ground tanks used for above-grade storage of Class II or IIIA liquids shall meet the requirements of Underwriters Laboratory Inc., Standard for Thermally Insulated Double Walled Aboveground Fuel Storage Tanks UL 2085 and comply with Chapter 34. Tank locations shall be in accordance with Table 2206.2.3.
3. Tanks containing fuels shall not exceed 6,000 gallon in individual capacity or 18,000 gallons in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet.
4. Tanks located at farms, construction projects, or rural areas shall comply with Section 3406.2.
5. New motor oil outside of a building shall be stored in an Underwriters Laboratory Inc., Standard for Steel Aboveground Storage Tanks for Flammable and Combustible Liquids, UL 142 Type I Double Wall. A storage tank shall not be larger than 6,000 gallons for outside storage. In addition thereto, drainage lines terminating inside a building shall be equipped with a non-removable-type cap such as a hinged cap.
6. Crankcase drainings stored outside of buildings shall be stored in an Underwriters Laboratories Inc., Standard for Steel Aboveground Storage Tanks for Flammable Combustible Liquids, UL 142 Type I Double Wall. A storage tank shall not be larger than 500 gallons for storage outside of buildings. In addition thereto, drainage lines terminating inside a building shall be equipped with a non-removable-type cap such as a hinged cap. Crankcase oil properties can vary considerably, and light volatile materials can be released during storage or handling, or upon heating. Because of this characteristic, appropriate and adequate provisions shall be made to handle, store, and burn crankcase oil.
7. Temporary Installation of outside Aboveground Storage Tanks may be approved by the fire code official for a period of not more that ninety (90) days where they do not present an unusual danger to life and property or the environment. Underwriters Laboratories Inc., Standard for Steel Aboveground Storage Tanks for Flammable and Combustible Liquids UL 142 single wall tanks are required for temporary installations and shall not

exceed 1,000 gallons and meet the requirements of Section 3406.2.

CHAPTER 24
TENTS AND OTHER MEMBRANE STRUCTURES

SECTION 2403
TEMPORARY TENTS AND MEMBRANE STRUCTURES

2403.2 Approval required. Tents and membrane structures regardless of square footage shall not be erected, operated or maintained for any purpose without first obtaining approval and required permits from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Personal tents and membrane structure 100 square feet or less, which are not used for commercial purposes.
3. Funeral tents and curtain or extensions attached thereto, when used for funeral services.

2403.4 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7.

2403.4.1 Tent contractors shall submit site plans and condition of use for all tents and membrane structures including those that do not require a permit to the Fire Marshal's Office for review before a permit or approval will be granted.

2403.8.2 Location. Structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent. Flagging or other approved barriers shall be provided to prevent vehicles from parking within 20 feet of tent and membrane structures.

SECTION 2404
TEMPORARY AND PERMANENT TENTS AND MEMBRANE STRUCTURES

2404.8 Fireworks. Fireworks shall not be used or discharged within 300 feet of a tent or membrane structure.

CHAPTER 25
TIRE REBUILDING AND TIRE STORAGE

SECTION 2505
OUTDOOR STORAGE

2505.4 Distance from lot lines and buildings. Tire storage piles shall be located at least 50 feet (15 240 mm) from lot lines and buildings.

Exceptions:

1. The separation distance is allowed to be reduced to 20 feet from lot lines and buildings if Individual tire piles do not exceed 1,200 cubic feet in volume and do not exceed 10 feet in height.
2. The separation distance is allowed to be reduced to 10 feet from lot lines or buildings if individual tire pile does not exceed 600 cubic feet and does not exceed 6 feet in height.

CHAPTER 27
HAZARDOUS MATERIALS

SECTION 2703
GENERAL REQUIREMENTS

2703.1.3 Quantities not exceeding the maximum allowable quantity per control area. The storage, use and handling of hazardous materials in quantities not exceeding the maximum allowable quantity per control area indicated in Tables 2703.1.1(1) through 2703.1.1(4) shall be in accordance with Sections 2701 and 2703.

2703.1.3.1 All liquid hazardous materials stored or used in containers 6 gallons or larger or an aggregate amount of fifty-five gallons or more in Group A, B, E, F, I, R, and S Occupancies shall be provided spill control and secondary containment. Spill control and containment shall be by one of the following means.

1. Listed and approved Hazardous Material Cabinets or;
2. Listed and approved Flammable Liquid Cabinets or;
3. Approved containment pallets: or
4. Other means approved by the fire code official.

SECTION 2704
STORAGE

2704.2.2.5.1 Removal of Liquids. Liquids that accumulate in the secondary and/or spill control areas must be removed promptly. Non-hazardous liquids may be drained to a sanitary or storm sewer in accordance with applicable local regulations. If the collected material is a hazardous waste as defined under Title 40 Part 261 of the Code of Federal Regulations, it must be managed as a hazardous waste in accordance with all applicable regulations contained in Parts 262 through 266 of that regulation.

CHAPTER 33
EXPLOSIVES AND FIREWORKS

SECTION 3301
GENERAL

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 3304.
2. Manufacture, assembly and testing of fireworks as allowed in Section 3305.
3. The use of fireworks for fireworks displays as allowed in Section 3308.
4. The possession, storage, sale, handling and use of Division 1.4G consumer fireworks shall be in accordance with Section 3309.

3301.2.3.1 Permits issued. Permits issued for use of explosives or blasting agents or any other permits issued as set forth is Section 105.6 are valid only for the job or project specified in the permit, and are not transferable.

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of ($2,000,000) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

3301.2.4.1. Blasting. Before a permit is issued to use explosive materials, the applicant shall file with the city a corporate surety bond in the principal sum of two million dollars ($2,000,000) or a public liability insurance policy for the same amount for the purpose of the payment of damages to persons or property which arise from, or are caused by, the conduct of an act authorized by the permit upon which a judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his/her opinion, conditions at the location of use indicate a greater or lesser amount is required.

3301.2.4.2 Fireworks display. Before any permit for a firework display is issued, the person, firm, or corporation making application therefore shall furnish proof of financial responsibility in a minimum amount of two million dollars ($2,000,000) to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public. The fire code official is authorized to specify a greater or lesser amount when, in his/her opinion, conditions at the location of use indicate a greater or lesser amount is required.

3301.2.4.3 Pyrotechnic Special Effect Material. Before any permit is issued to store or use pyrotechnic effects material. the person, firm, or corporation making application therefore shall furnish proof of financial responsibility in a minimum amount of two million dollars ($2,000,000) to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public. The fire code official is authorized to specify a greater or lesser amount when, in his/her opinion, conditions at the location of use indicate a greater or lesser amount is required.

SECTION 3302
DEFINITIONS

OPEN SPACE AREAS. Those lands so designated in the adopted Plan for Major Open Space and acquired by the city; any other lands so designated at the time of acquisition or subsequently; any lands for which the City has assumed control or management responsibility by lease, easement, or legal agreement; major named arroyos, lined or unlined drain-ways, retention dams and retention pond areas, and abutting rights-of-way or easements which have been publicly acquired.

RIO GRANDE STATE PARK. The park area established in the Rio Grande Valley State Park Act that has boundaries defined in Section 16-4-12 NMSA 1978 and is under the management of the City of Albuquerque pursuant to the Rio Grande Valley State Park Act.

WILDLANDS AREAS. The lands owned by the governing body of a county or municipality that are designated for public recreational purposes and that are covered wholly or in part by timber, brush or native grasses

SECTION 3305
MANUFACTURE, ASSEMBLY AND TESTING OF EXPLOSIVES, EXPLOSIVE MATERIALS AND FIREWORKS

3305.1 General. The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks is prohibited in the City of Albuquerque.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or plosophoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.
4. The assembly, use and testing of explosives materials by companies or firms under contract with United States Department of Defense.
5. The assembly, use and testing of explosive materials for the Motion Picture and Film Industry shall be subject to the approval of the fire code official, and in accordance with NFPA 495, NFPA 1124 and NFPA 1126.

SECTION 3307
BLASTING

3307.1 General. Blasting operations shall be conducted only by approved, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the provisions of NFPA 495.

3307.1.1 Permit Application. Application for blasting shall include:

1. Safety procedures for company or firm making application.
2. Copy of the applicants State of New Mexico blasters certification.
3. Copy of the Department of the Treasury – Bureau of Alcohol, Tobacco and Firearms License.
4. A Responsible Person Letter of Clearance.
5. Detailed map of the blast site.
6. A copy of the required two million dollars $2,000,000) corporate surety bond or public liability insurance as per section 3301.2.4.1.

3307.1.2 Certified Blaster. The certified blaster listed on the application is responsible for leading and supervising the blasting operation for which the permit is issued.

3307.3 Blasting in congested areas. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects.

3307.3.1 Blast Cover. Blasting mats or other protective means shall be used to prevent fragments from being thrown. When blasting mats are not feasible, rock free fill dirt of not less then four (4) feet in depth shall cover the blast site.

3307.3.2 Seismic monitoring. Seismic monitoring shall be provided for all blasting operations conducted within the city

3307.5 Fire Department Notification. The fire code official or his/her representative shall be notified in writing and with a telephone call (505-764-6300) a minimum of 24 hours prior to any blasting operations.

3307.5.1 UtilityNotification. Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 24 hours in advance of blasting, specifying the

location and intended time of such blasting. Verbal notices shall be confirmed with written notice.

Exception: In an emergency situation, the time limit shall not apply when approved.

SECTION 3308
FIREWORKS DISPLAY

3308.2 Permit application. Permit application for a fireworks display shall be made not less than 14 days prior to the scheduled date of the display. Prior to issuing permits, plans for the fireworks display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the fire code official. At the time of permit application, the Fire Marshal or his/her designee shall be consulted regarding requirements for standby fire apparatus.

SECTION 3309
POSSESSION, STORAGE, SALES, HANDLING AND USE, OF CONSUMER FIREWORKS

3309.1 General. The possession, storage, sales, handling and, use of 1.4G consumer fireworks shall comply with IFC Chapter 33, NFPA 1124, and Chapter 60, Article 2C NMSA 1978 also cited as the "Fireworks Licensing and Safety Act" except for the following fireworks listed under 60-2C-7 of this act shall be prohibited from, possession, storage, sale and use in the City of Albuquerque:

(1) Aerial Devices:
  (a) aerial spinners;
  (b) helicopters;
  (c) missile-type rockets;
  (d) stick-type rockets;
  (f) roman candles
(2) Ground Audible Devices
  (a) Chasers;
  (b) firecrackers

3309.2 Permit required. Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section. Permit applications for the retail sales of consumer fireworks shall be made fourteen (14) days prior to the date of sales.

3309.3 Fees. Permit and Inspection fees shall be in accordance with Chapter 60, Article 2C-4 B. NMSA and Chapter 50 of this code.

3309.4 Retail Sales in Temporary Membrane Structures and Stands. Tent used for the sale of fireworks shall be in accordance with Chapter 24 and this section. Fireworks stands shall be in accordance with NFPA 1124.

3309.4.1 Means of Egress. The minimum number of exits from a retail sales area shall not be less than two.

3309.4.2 Exit Signs. All exits shall be provided illuminated exit signs with battery backup.

Exception: Tents 1,500 square feet or less are allowed to use exit signs constructed of a durable weather resistant material.

3309.4.3 Portable Fire Extinguishers. Portable fire extinguishers shall be located and installed as follows:

1. A minimum of one 2A10BC type fire extinguisher shall be provided for every 1,000 square feet of retails sales areas or fraction thereof. Maximum travel distance to extinguisher shall not exceed 50 feet.
2. A minimum of one 4A rated pressurized water-type fire extinguishers shall be provided for each retail sales area. Minimum travel distance to extinguisher not to exceed 50 feet.

Exception: Two (2) 2.5 gallon water-type fire extinguishers shall be deemed the equivalent of one 4-A rated extinguisher.

3309.5 Locations for discharge and use. Fireworks shall only be discharged in areas that are paved or barren and have a readily accessible source of water for use by public.

3309.5.1. Prohibited Areas. Fireworks shall not be discharged or used on or within 200 feet of a City Designated Open Space Area, the Rio Grande State Valley State Park (Bosque), Wildland Areas, or privately owned undeveloped lands.

3309.5.2 City Parks. Fireworks shall not be discharged or used on or within any City owned park to include Balloon Fiesta Park.

Exception: Public Firework displays as permitted in Section 3308.

3309.5.3 Retail Sales Locations. Fireworks shall not be discharged within 300 feet of a retail sale location.

3309.6 Penalties. If a person is found guilty of violating any of the provisions of this code, that person's license or permit may be revoked or suspended by the Fire Marshal or his/her designees.

3309.6.1 Fines. Any individual, firm, partnership or corporation that violates any provision of the Fireworks Licensing and Safety act or this code is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500.00) and/or imprisonment for not more than ninety days.

3309.6.2 Evidence. No individual, firm, corporation, or partnership shall possess with the intent to sell, distribute, or use within the City of Albuquerque, any fireworks not permitted by this code. If any retailer has in his/her possession any fireworks in violation of this article, his/her permit shall be revoked and such fireworks seized, the fireworks shall be held to be used as evidence.

3309.6.3 Seizures. If any person has in his/her possession fireworks not permitted by this article, all such fireworks shall be seized and kept to be used for evidence. Upon conviction of the offender, the fireworks shall be disposed of in a manner deemed appropriate by the Fire Marshal, however, if the offender is discharged, any permissible fireworks shall be returned to the person in whose possession they were found. Due to the volatile and hazardous nature of fireworks, the Fire Marshal may, upon conviction of any offender, levy all necessary fees and costs for storage and destruction of non-permissible fireworks.

CHAPTER 34
FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 3404
STORAGE

3404.1 General. The storage of flammable and combustible liquids in containers and tanks shall be in accordance with this section, **3404.2.9.6.1,** and the applicable sections of Chapter 27.

3404.2.9.1 Existing noncompliant installations. Existing tanks installation shall conform to all applicable provisions of Chapter 34 and NFPA 30 or shall be removed in accordance with Section 3404.2.14, regardless of whether such tank has been previously inspected (see Section 106.4).

Exception: Previously approved existing tank installation, which in the opinion of the Fire Marshal, do not constitute a hazard to life, property or the environment.

3404.2.9.3 Supports, foundations and anchorage. Supports, foundations and anchorages for above-ground tanks shall be designed and constructed in accordance with NFPA 30 and the International Building Code.

3404.2.9.3.1 Foundations. Tanks shall rest on foundations made of concrete and designed to minimize the possibility of uneven settling of the tank. The design of the foundation shall be sealed by a Professional Engineer (PE) registered in the State of New Mexico.

3404.2.9.6.1 Above-ground tanks located outside above grade. Above-ground tanks for the storage of Class I, II or III liquids are prohibited within the City of Albuquerque except at follows:

1. **Permanent Installations.** Above-ground tanks used for outside, above grade storage of Class I, II and IIIA liquids shall meet the requirements of Underwriters Laboratory Inc., Standard for Thermally Insulated Double Walled Aboveground Fuel Storage Tanks UL 2085, and be limited to 6,000 gallons individual or 18,000 gallons aggregate capacity. Tanks shall be installed and located in accordance with Chapter 34 and NFPA 30. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet.
2. **New Motor Oil.** New motor oil outside of a building shall be stored in an Underwriters Laboratory Inc., Standard for Steel Aboveground Storage Tanks for Flammable and Combustible Liquids, UL 142 Type I Double Walled. A storage tank shall not be larger than 6,000 gallons for outside storage and installed and located in accordance with Chapter 34 and NFPA 30.
3. **Crankcase drainings.** Crankcase drainings stored outside of buildings shall be stored in an Underwriters

Laboratories Inc., Standard for Steel Aboveground Storage Tanks for Flammable Combustible Liquids, UL 142 Type I Double Walled. A storage tank shall not be larger than 500 gallons for storage outside of buildings. In addition thereto, drainage lines terminating inside a building shall be equipped with a non-removable-type cap such as a hinged cap. Crankcase oil properties can vary considerably, and light volatile materials can be released during storage or handling, or upon heating. Because of this characteristic, appropriate and adequate provisions shall be made to handle, store, and burn crankcase oil.

4. **Vaults**. Single wall tanks that meet Standard for Steel Aboveground Storage tanks for Flammable and Combustible Liquids, UL 142 may be installed in aboveground or underground vaults. Vault shall be in accordance with IFC 3404.2.8. All classes of flammable liquids may be vaulted.
5. **Temporary Tank Installations**. Temporary Aboveground Storage Tanks may be approved by the fire code official for a period of not more that ninety (90) days where they do not present an unusual danger to life and property or the environment. Underwriters Laboratories Inc., Standard for Steel Aboveground Storage Tanks for Flammable and Combustible Liquids UL 142 single wall tanks are required for temporary installations and shall not exceed 1,000 gallons and meet the requirements of Section 3406.2.
6. **Farms and construction sites.** Tanks located at farms, construction projects, or rural areas shall comply with this Section and Section 3406.2.
7. **Existing Installations,** Existing tanks conforming to all applicable provisions of Chapter 34 and NFPA 30 shall be permitted where they do not constitute a hazard to life and property or the environment in the opinion of the Fire Marshal.
8. **Plans.** Plans for the installation of aboveground storage tanks shall be submitted to the Fire Marshal's Office Plans Review Section for review and approval prior to the beginning of any construction and installations. Plans shall be submitted in duplicate, drawn to scale, upon suitable material, and sealed by a Professional Engineer (PE) registered in the State of New Mexico. Plans shall include the following:
   a. Plot plan showing property lines that are or can be built upon, buildings on the principal property, vehicle access lanes and the public way; and
   b. Distances from proposed tank(s) and dispensers to property lines, buildings and other tanks or hazardous materials on site; and
   c. The size and quantity capacity of tank(s) and the hazardous class and type of material to be stored; and
   d. Design of tank supports, foundations, anchorage, secondary containment and vehicle protection; and
   e. Tank venting and any vapor-recovery provisions; and
   f. Emergency controls and shut offs, fire extinguishing equipment; and
   g. Labeling and signage; and
   h. Manufacturer Cut sheets with the UL Listing for all tank(s), dispenser(s) and associated equipment; and
   i. Any other information required by this code.

SECTION 3406
SPECIAL OPERATIONS

3406.2.4 Permanent and temporary tanks. The capacity of permanent and temporary above-ground tanks containing Class I or II liquids shall be in accordance with section 3404.2.9.6.1 and this section.

3406.2.4.4 Locations where above-ground tanks are prohibited. Above-ground tanks for the storage of Class I, II or III liquids are prohibited within the City of Albuquerque except as provided in section 3404.2.9.6.1.

CHAPTER 46
CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 4603
FIRE SAFETY REQUIREMTNS FOR EXISTING BUILDINGS

4603.4 Sprinkler Systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Section 4603.4.1 through 4603.4.3

4603.4.3 Existing Assembly Occupancies. An automatic sprinkler system shall be provided for all existing Assembly Occupancies with an occupant load of 100 or more intended for recreation and entertainment purposes where alcoholic drinks are consumed. These occupancies include:

1. Dance halls
2. Discotheques
3. Night clubs
4. Taverns and bars

CHAPTER 47
REFERENCED STANDARDS

NFPA Standard reference number 140-2008. Motion Picture and Television Production Studio Sound Stages, Approved Productions Facilities, and Production Locations

CHAPTER 48
PLACES OF ASSEMBLY

SECTION 4801
GENERAL

4801.1 Scope. Places of assembly, including trade shows and exhibitions, outdoor assembly events, outdoor mazes, special amusement buildings and special scaffolding structures shall comply with Chapter 48 and Section 1028.

4801.2 Permits. Permits shall be required as set forth in Section 105.6 and 105.7.

4801.3 Construction documents. Construction documents shall be submitted to the fire code and building official prior to the construction or modification of special amusement buildings, special scaffolding-type structures and multi-level exhibits.

4801.4 Site plans. Site plans shall be submitted to the Fire Code Official for prior approval in accordance with the following.

1. ***Outdoor assembly events.*** *A minimum of 30 days prior to the event, site plans shall be submitted to the Fire Code Official that include, but not be limited to the location and width of exits, location of fencing or means used to confine attendees, and locations of fire apparatus access roads.*
2. **Trade shows and exhibitions.** A minimum of 21 days prior to set-up of trade shows or exhibitions, site plans shall be submitted to the Fire Code Official documenting all details of the trade show or exhibition including, but not limited to the location and size of exhibits and booths, aisle and exits, location of fire extinguishers, hose valves, manual pull stations, fire alarm strobes and the location of any covered or multilevel exhibits or booths.
3. **Outdoor mazes.** A minimum of 30 days prior to the event, site plans shall be submitted to the Fire Code Official. The site plan shall document the location of mazes and any other building or structures on the site, location of means to confine attendees, the width of exits, internal combustion engines, approved fire extinguishers, generators and fire hydrants.
4. **Vehicle displays.** A minimum of 10 days prior to the display of liquid- or gas-fueled vehicles, boats or other motor craft in Group A occupancies (see Section 314.4).

   Exception: Auto dealerships.

5. **Vehicle competition or demonstration.** A minimum of least 10 days prior to the competition or demonstration of gas-fueled vehicles, boats or other motor craft in Group A occupancies, see Section 314.4.

SECTION 4802
DEFINITIONS

4802.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ASSEMBLY GROUP A. Assembly Group A occupancy includes, among others, the use of a building, or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption, or awaiting transportation.

Exception: *A building used for assembly purposes with an occupant load of less than 50 persons shall be classified as Group B occupancy.*

EXHIBITS. A space or portable structure used for the display of products or services.

MAZES. A labyrinth of paths throughout a confined area accessible by walking.

OUTDOOR ASSEMBLY EVENTS. Private and public events, conducted outdoors, including but not limited to concerts, beer gardens and mazes, and having a projected attendance of 50 or more persons throughout the event.

SWEAT LODGE. A structure constructed for a religious ceremony that contain a fire.

TORCHES. The use of open flame torches for entertainment purposes before a proximate audience.

TRADE SHOWS OR EXHIBITIONS. Public or private displays, events or occurrences held in building or portions of building for gathering together of 50 or more persons for purposes of competition, demonstration, a setting or presentation of something in open view, or showing the merits of a product or service to a prospective consumer.

SECTION 4803
TRADE SHOWS AND EXHIBITIONS

4803.1 General. Trade shows and exhibitions conducted within any occupancy shall comply with Sections 4803 and 314.

4803.2 Fixtures and displays. Fixtures and displays of goods for sales to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.

4803.3 Vehicles. Liquid- or gas-fueled vehicles, boats or other motor-craft displays shall comply with Section 314.

4803.4 Means of egress. Means of egress shall comply with this section and the requirements of the International Building Code.

4803.5 Aisles.

4803.5.1 Aisle width. Minimum aisle width in a trade show or exhibition shall comply the following.

SQUARE FOOTAGE OF TRADE SHOW OR EXHIBITION	MINIMUM AISLE WIDTH
Greater than 15,000 square ft (1393m^2)	10 feet (4572 mm)
5,000 square ft (465 Square meters) to 15,000 square feet (1393 m^2)	8 ft (2438 mm)
Less than 5,000 square ft (465 m^2)	6 ft (1829 mm)

The square footage of the trade show or exhibition shall be determined by adding all of the areas being used in the occupancy for the venue, not the individual size of each room.

4803.5.2 Obstructions. Aisles shall be kept clear of all obstructions, including, but not limited to: chairs, tables, products, displays, vehicles and trailer tongues.

4803.5.3 Exit signs. Exit signs shall be visible from all locations in the occupancy.

4803.6 Exhibit Construction and materials. The materials used for an exhibit shall comply with Section 4803.6.

4803.6.1 Materials.

1. Noncombustible or limited-combustible materials.
2. Wood exceeding ¼ inch (6 mm) nominal thickness.
3. Wood ¼-inch (6mm) nominal thickness or less that is pressure-treated fire-retardant wood meeting the requirements of NFPA 703. Standard for Fire Retardant Impregnated Wood and Fire Retardant coating for Building Materials.

The product shall be marked or labeled by the manufacturer. See NFPA 703, Section 1.2.4 for labeling requirements. The product shall not be painted or similarly modified until the material has been inspected and the marking or labeling, verified, or provide documentation acceptable to the Fire Code Official.

4803.6.1.1 Flame retardant materials. Vertical materials shall comply with NFPA 701.

4803.6.1.2 Wall and ceiling coverings. Textile wall coverings, such as carpeting and similar products used as wall or ceiling, finishes shall comply with NFPA 101, Sections 10.2.2 and 10.2.4.

4803.6.1.3 Plastics. Plastics shall be limited to those that comply with Section 803. Plastics used in trade shows and exhibitions with an

occupant load of 300 or more shall be Class A or Class B. Plastics used in trade shows and exhibitions with an occupant load of less than 300 shall be Class A, Class B or Class C.

4803.7 Combustible materials storage.

4803.7.1 Quantity. Combustible materials shall be limited to a 1-day supply

4803.8 Fire Protection.

4803.8.1 Clearance. A minimum 3-foot (914 mm) clearance shall be provided around all fire extinguishers; fire hose cabinets, fire alarm pull stations and all other fire protection equipment, and shall be visible and accessible from an aisle.

4803.8.2 Fire extinguishers. Fire extinguishers shall be in accordance with Section 906.

4803.8.3 Covered exhibits and booths.

4803.8.3.1 Automatic extinguishing systems. Approved automatic extinguishing systems shall be provided in covered exhibits and booths exceeding 300 square feet (see Section105.7). Each level of multilevel exhibit booths shall be protected throughout, including the uppermost level where the uppermost level is covered with a ceiling.

Exception. Displays including boats, motor homes and other recreational vehicles.

4803.3.2 Smoke detectors. Single-station smoke detectors shall be provided in all enclosed, covered exhibits, exceeding 120 square feet (111 484 cm^2).

4803.9 Multilevel booths. Construction documents for all multilevel exhibits shall be approved and stamped by a licensed structural engineer or architect and shall be submitted with the permit application. This includes any exhibit where a live load is proposed above the exhibit area floor level, regardless of the accessibility of the area to the public. Upper levels of multi-level booths with an occupant load greater than 10 persons shall have at least two remote exits.

4803.10 Hazardous materials. Hazardous materials shall comply with Section 4803.10 and Chapter 27.

4803.10.1 Specific prohibitions. The following hazardous materials and operations are prohibited in trade shows and exhibitions:

1. Division 1.1, 1.2, 1.3 and 1.5 explosives as classified by U.S. Department of Transportation.
2. Detonable, Class I and Class II organic peroxides.
3. Class I-A flammable liquids.
4. Class 4 and Class 3 oxidizers.
5. Class 4 and Class 3 (unstable) reactive materials.
6. Class 3 Water-reactive materials.
7. Pyrophoric materials.
8. Highly toxic materials.
9. Toxic gases.
10. Fueling or defueling of flammable or combustible liquids or compressed gases.

4803.11 Decorations. Curtains, drapes and decorations including, but is not limited to drapes, signs, banners, acoustical materials, cotton, hay, fabric, paper, straw, moss, split bamboo, and wood chips shall be flame resistant as demonstrated by testing in accordance with NFPA 701, or provide documentation of flame retardancy. Materials that cannot be treated for flame retardancy shall not be used. This includes but is not limited to oilcloth, tar paper, nylon, plastic cloth, and other plastic materials.

4803.12 Liquid- and gas-fueled vehicles and equipment. Liquid- and gas-fueled vehicles used for display, competition or demonstration within a building shall be in accordance with Section 314.4.

4803.13 Demonstration cooking and warming equipment and devices.

4803.13.1 General. Cooking and warming devices shall be in accordance with Section 4803.13. This section shall apply to the use of cooking and warming devices for demonstration purposes only.

4803.13.2 Public isolation. The equipment and devices shall be isolated from the public by not less than 4 feet (1219 mm) or by a noncombustible three-sided barrier between the equipment and devices and the public

4803.13.3 Protection. Single-well cooking equipment using combustible oils or solids shall meet the following:

1. A noncombustible lid shall be immediately available. The lid shall be of sufficient size to cover the cooking well completely.
2. The cooking surface shall not exceed 288 square inches.

3. The equipment shall be placed on a noncombustible surface.
4. The equipment shall be separated from each other by a horizontal distance of not less than 2 feet.
5. The equipment shall be separated from combustible materials by a horizontal distance of at least 3 feet.

4803.13.4 Fire extinguishers. An approved (3-A:40-B:C) dry chemical fire extinguisher shall be provided with 30 feet (9144 mm) of deep fat fryers using animal fat oil. An Approved Class K rated fire extinguisher shall be provided within 30 feet (9144 mm) of deep fat fryers using vegetable oils.

4803.13.5 The cooking equipment shall be separated from combustible materials by horizontal distance of at least 3 feet (609) mm).

4803.14 Electrical. See Section 605

4803.15 Open flame devices. See Section 308

4803.16 Pyrotechnics. Pyrotechnics shall comply with Chapter 33.

SECTION 4804
OUTDOOR ASSEMBLY EVENTS

4804.1 General. Outdoor assembly events shall be in accordance with Section 4804.

4804.2 Occupant load. The Fire Code Official shall establish an occupant load for the event site.

4804.3 Exits. Exits are remote from each other as practical shall be provided as follows:

OCCUPANT LOAD	MINIMUM NUMBER OF EXITS
50-500	2
501-6000	3
6001 or more	4

4804.3.1 Width. The aggregate clear width of exits shall be a minimum of 48 inches wide for each 250 persons to be accommodated.

4804.3.2 Signs. Exits shall be identified with signs that read **"EXIT"**. The signs shall be weather resistant with red lettering on a contrasting background. The lettering shall be of sufficient height and brush stroke to be immediately visible form 75 feet (22860 mm) Placement of the exit signs shall be approved by the fire code official.

4804.4 Access. Fire apparatus access roads shall be provided in accordance with Chapter 5.

4804.5 Fire extinguishers.

4804.5.1 General. Portable fire extinguisher shall be provided for the event site in accordance with Section 906.

4804.5.2 Travel distance. Maximum travel distance to reach a portable fire extinguisher shall not exceed 75 feet.

4804.6 Electrical equipment. Electrical equipment and installations shall comply with the National Electrical Code.

4804.7 Concession stands and food booths.

4804.7.1 General. Concession stands and food booths shall be in accordance with Section 4804.7.

4804.7.1.1 Distances. A minimum of 5 feet shall be provided behind booths when placed back-to-back. A minimum of 20 feet shall be provided between every 150 feet of concession stand and food booth space. A minimum of 20 feet (9144 mm) shall be provided between food booths and the parking of automobiles, generators, or any other internal combustion engine.

4804.7.1.2 Location. Concession stands used for cooking shall have a minimum of 5 feet (3048 mm) of clearance on 2 sides and shall not be located with 10 feet (3048 mm) of amusement rides or devices.

4804.7.1.3 Fire extinguishers. An approved (3-A:40-B:C) rated dry chemical fire extinguisher shall be provided within 30 feet (9144 mm) of deep fat fryers using animal fat oil. An approved Class K rated fire extinguisher shall be provided within 30 feet (9144 mm) of deep fat fryers using vegetable oils.

4804.7.2 Cooking appliances or devices.

4804.7.2.1 Public isolation. Concession stand and food booth cooking appliances or devices shall be isolated from the public by providing the following:

1. A minimum of 4 feet (1219 mm) between the cooking appliances or devices from the front of the booth, or
2. A noncombustible 3-sided shield installed between the cooking appliance or device and the public.
3. A minimum of 3 feet (914) shall be provided between concession stands and food booths and heat producing appliances or devices.

4804.7.3 Liquefied petroleum gas (LP –gas). LP-gas shall be in accordance with Chapter 38 and NFPA 58.

4804.7.3.1 Maximum number and quantity. A maximum of two (2) LP-gas containers with a total aggregate water capacity of 124 gallons (95 L) is permitted at one concession stand or food booth.

4804.7.3.2 Storage of containers. Containers shall be stored in accordance with Chapter 38

4804.8 Internal combustion engines. Internal combustion power sources, generators and similar equipment shall be in accordance with Section 4804.8.

4804.8.1 Fueling. Fueling of internal combustion power sources shall be conducted only when not in use.

4804.8.2 Protection. Internal combustion power sources shall be isolated from the public by physical guard, fence or enclosure installed at least 3 feet (914 mm) away from the internal combustion power source.

SECTION 4805
SPECIAL AMUSEMENT BUILDINGS

4805.1 General. Special amusement building shall be in accordance with this section and Section 411 of the International Building Code.

Exception: Amusement buildings or portions thereof that are without walls or a roof constructed to prevent the accumulation of smoke.

4805.2 Use of combustible decorative materials. Use of combustible decorative materials shall be in accordance with Chapter 8.

4805.3 Assistance. Adult monitors with flashlights shall be available to provide assistance in the event someone becomes lost or disoriented.

4805.4 Automatic sprinkler system. Special amusement buildings shall be equipped throughout with an automatic sprinkler system in accordance with Chapter 9.

4805.4.1 Temporary special amusement buildings. Where the special amusement building is temporary, the sprinkler water supply shall be of an approved temporary means. The sprinkler piping shall be connected to a temporary water supply having sufficient capacity (flow and pressure) to supply residential or standard quick spray response sprinkler heads at a minimum design density of 0.15 gpm (.57744 L/m^2) per square foot of protected floor area. The design shall be based on flowing the six most hydraulically remote sprinkler heads. Should the temporary amusement building contain less than six heads, the design shall assume that all heads are flowing simultaneously.

The temporary water supply may be connected to a domestic water line, a fire line, or temporary on-site storage as long as the minimum design densities are met. An indicating type control valve shall be installed in an accessible location between the sprinkler system and the connection to the water supply.

SECTION 4806
OUTDOOR MAZES

4806.1 General. Outdoor mazes including, but not limited to corn stalk or hedge mazes, shall be in accordance with Section 4806.

4806.1.1 Smoking and open flame devices. Smoking and open flame devices shall not be permitted within 50 feet of the maze site.

4806.1.2 Safe refuge areas. Safe refuge areas shall be established outside of the maze or building and structure and not closer than 50 feet.

4806.1.3 Generators. Generators shall be installed at least 10 feet from combustible materials.

4806.4 Paths. Paths throughout the maze shall be a minimum of 36 inches clear and unobstructed width.

4806.1.5 Separation. A minimum of 20 feet shall be provided between mazes and buildings and structures. The 20 foot clearance shall be free from vegetation and obstruction.

4806.1.6 Means of egress. Each exit shall be a minimum of 6 feet wide.

4806.1.6.1 Travel distance. The maximum travel distance to reach an exit access shall no exceed 75 feet. The travel distance shall be determined by using the maze path.

4806.1.6.2 Number. The travel distance required to reach an exit access shall determine the number of exits required. Locking devices shall not be allowed on exits when the maze is occupied.

4806.1.6.3 Fire extinguishers. A minimum (2-A:10-B:C) portable fire extinguisher shall be provided at each exit.

4806.2 Permit application. At time of permit application, the event coordinator shall submit to the Fire Code Official, a letter from the property owner authorizing the use of the site, the address of the site, dates and hours of operation and names and 24-hour phone numbers of at least two principals.

4806.2.1 Event Plans. The following plans shall be submitted to the fire code official for approval.

4806.2.1.1 General fire safety plan. The plan shall include, but not be limited to procedures that shall be used to prevent over-drying of vegetation throughout the site, documentation of decorative materials flame-retardancy, the maximum number of attendees.

4806.2.1.2 Security plan. The plan shall document who shall provide security. Each security personnel shall be provided with a 2-way radio and flashlight.

4806.2.1.3 Evacuation plans. The plan shall document the responsibilities of all on-site employees. The plan shall also document how attendees will be evacuated and where they will be evacuated.

4806.2.1.4 Maze rules. Each attendee shall be provided with maze rules.

4806.3 Employee responsibilities. Each employee shall be familiar with the evacuation plan and with fire extinguisher locations.

4806.3.1 Guides. An employee shall be responsible for guiding a group of not more that 14 attendees through the maze. Each employee shall be provided with a minimum of one flashlight and two-way radio. The employees shall be responsible for detecting and reporting fire or smoke to a competent person posted at the maze main entrance.

4806.3.2 Main entrance employee. Each maze shall be staffed by an employee at the entrance. The employee shall be capable of communicating with the other employees and shall be provided with a cellular telephone. When the main entrance employee receives a report of smoke, fire or injury, the employee shall immediately call 9-1-1.

4806.4 Watering. Corn stalk and hedge mazes shall be provided with sufficient water and at a frequency that prevents the vegetation from becoming dry or brittle. Failure to comply this provision is an imminent hazard and the Fire Code Official shall issue a stop order.

4806.5 Buildings and structures. When buildings and structures are intended to be occupied by attendees, the building and structure shall comply with Section 4805.

SECTION 4807
COVERED MALL BUILDINGS

4807.1 General. Temporary use of the common pedestrian area within a covered mall building for promotional, Group E, Group A, Group M or similar activities shall be in accordance with Section 4807.

4807.2 Definitions.

ALLOWABLE USE AREA. The area approved to conduct activities in accordance with Section 4807 and shall not include area necessary for main and cross aisles.

CROSS AISLES. Required aisle which permit egress from one main aisle to another through an allowable use area

FIXTURES. Those furnishings accessory to the normal operation of the mall. Fixtures are allowed to include, but are not limited to, seating, directories, planters and lighting fixtures.

MAIN AISLE. That area of a mall designated to accommodate the required means of egress width located between the furthest projections of the area designated for use by tenant and the allowable use area.

TEMPORARY STRUCTURES. Kiosks, booths, concession stands and similar structures.

4807.3 General requirements

4807.3.1 Main aisle width. Main aisles shall be a minimum of 10 feet in width or the minimum required means of egress width, whichever is greater, and shall be maintained in accordance with Chapter 10. Main aisle shall not be obstructed.

4807.3.2 Cross aisle width. Cross aisle shall be a minimum of 15 feet in width or the required means of egress width, whichever is greater, and shall be maintained in accordance with Chapter 10.

4807.3.3 Fueled equipment. Liquid-or gas-fueled appliances, tools, apparatus, craft or vehicles shall be displayed in a mall in accordance with Section 314.4. LP-gas powered floor maintenance machines may be used when in conformance with Chapter 38.

4807.4 Combustible decorative materials. Combustible decorative materials shall be in accordance with Chapter 8.

4807.5 Fixtures. Fixtures shall not be located in main aisles or cross aisle.

CHAPTER 49
MOTION PICTURE AND TELEVISION PRODUCTION STUDIOS, SOUND STAGES, APPROVED PRODUCTION FACILITIES AND PRODUCTION LOCATIONS

SECTION 4901
GENERAL

4901.1 Scope. Motion picture production studios, sound stages, approved production facilities, and production locations used by the entertainment industry for the purpose of motion picture, television, television commercials and commercial production shall be in accordance with this chapter, NFPA 140, and other applicable requirements of this code. Where a conflict exists between this chapter, NFPA 140, and other chapters of this code, the requirement herein shall control.

4901.2 Purpose. The purpose of this chapter is to establish minimum requirements that will provide a reasonable degree of safety from fire, panic, explosion and other hazards associated with the motion picture, television and film industry.

SECTION 4902
DEFINITIONS

4902.1 Definitions. The following words or terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meaning shown herein.

APPROVED PRODUCTION FACILITY. An existing facility, building, portion of a building, or group of buildings renovated, modified, or reconstructed for use by the entertainment industry and approved by the authority having jurisdiction for the purposes of motion picture, television, or commercial production.

FIRE SAFETY ADVISOR (FSA). A qualified person holding a Certificate of Fitness from the Albuquerque Fire Department Fire Marshal's Office who is temporarily employed by a movie or television production company working as a liaison between the production and Fire Marshal's Office and advising the film production company on the City's fire and life safety requirements and fire code related issues.

FIRE SAFETY OFFICER (FSO). A Fire Safety Officer is qualified uniformed member of the Division of the Fire Marshal's Office enforcing the City's fire and life safety requirements and other code related issues pertaining to movie, film and television productions and the entertainment industry.

PLATFORM. A platform is part of a set, which is a floor or horizontal surface raised above stage floor level.

PRODUCTION LOCATION. A production location is any site other than a soundstage or

approved production facility used for the purpose of motion picture, television, or commercial production.

PRODUCTION STUDIO. A building, a portion of a building, or group of buildings designed and constructed for use by the entertainment industry for the purpose of motion picture, television, or commercial productions, or broadcasting television programs utilizing a soundstage.

SET. A structure built or assembled for the purpose of motion picture, television, or commercial productions.

SOUNDSTAGE. A building or a portion of a building, usually insulated from outside noise and natural light, used by the entertainment industry for the purpose of motion picture, television, or commercial productions.

WRAP PARTY. A party organized for the cast and crew of a film to celebrate the end of principal photography.

SECTION 4903
OCCUPANCY CLASSIFICATION

4903.1 Live audience stages. Production facilities, sound stages and approved production studios with live audience stages shall be classified as Group A-1 occupancies in accordance with the International Building Code.

4903.2 All other stages. Production studios, sound stages and approved production facilities without live audience stages shall be classified as Group F-1 occupancies in accordance with the International Building Code.

SECTION 4904
REQUIRED PERMITS

4904.1 Change in use. A permit from the fire code official shall be obtained any time a change in use of occupancy is intended by the owner (e.g. for live audience shows, wrap parties).

4904.2 Additional permits. Additional permits shall be required as set forth in Section 105.6. All permits shall be obtained prior to any activity or operation for which a permit is required.

SECTION 4905
GENERAL REQUIREMENTS

4905.1 Housekeeping. Soundstages and approved production locations shall be kept free of waste or refuse and shall not be allowed to accumulate in any area or in any manner that creates a fire hazard.

4905.2 Smoking. Smoking shall be in accordance with this section and Section 310.

4905.2.1 Smoking shall be prohibited on soundstages, approved production facilities and on production locations.

Exceptions:

1. Smoking shall be permitted when it is a necessary part of a performance, and only when the smoker is a member of the cast.
2. Smoking shall be permitted in outdoor locations where all of the following are met:
   a. The area is approved by the fire code official; and
   b. Hazardous environmental conditions do not exist; and
   c. Hazardous materials are not present; and
   d. Approved ash trays or receivers are provided.

4905.3 Means of Egress. Means of egress from a Soundstage or approved production location shall be maintained free of obstructions or tripping hazards.

4905.3.1 Fire Lane. A sound stage or approved production facility shall have clearly marked aisle along the perimeter of the facility with a minimum of a 4 foot clear width and an unobstructive height of 7 feet.

4905.3.2 Doors. Any door in a required means of egress from an area having an occupant load of 50 or more persons shall be permitted to be provided a latch or lock only if it is panic hardware or fire exit hardware.

4905.4 Welding and Cutting. Welding and cutting operations in soundstages and other approved production locations shall be in accordance with Chapter 26.

4905.5 Pyrotechnics Special Effects, Open Flames and Other Hazardous Operations. The use of pyrotechnic special effects, open flames and other hazardous operations conducted on soundstages,

approved production facilities and production locations shall be subject to the approval of the Fire Code Official.

4905.5.1 Safety Meeting. A comprehensive safety meeting shall be conducted prior to the use of any pyrotechnic or any other hazardous operation.

SECTION 4906
FIRE EXTINGUISHING SYSTEMS

4906.1 Existing sound stages and approved production facilities. All existing sound stages and approved production facilities equipped with an automatic fire sprinkler system shall be maintained in accordance with the provisions of Chapter 9.

4906.2 New sound stages. All new sound stages and productions facilities shall be equipped with an approved fire sprinkler system and shall meet the provisions of Chapter 9 and be designed as an Extra Hazard, Group 2 system.

4906.3 Solid-ceiling sets and platforms. All interior solid-ceiling sets over 600 square feet in area, and platforms (when approved) over 600 square feet in area and which exceeds 3 feet in height shall be protected by one of the following:

1. An approved and listed heat detector system. Heat detectors shall be spaced 30 feet on center or as required by the manufacturer's instructions. Detectors shall be connected to an approved and listed central, proprietary, or remote station service or a local alarm, which will give an audible signal at a constantly attended location. Such systems shall be installed in accordance with Chapter 9.
2. The ceiling shall be positioned to allow for the operation of the building's automatic fire sprinkler systems after rehearsal, videotaping, filming, or broadcasting of programs that have been completed for the day.
3. With an approved FSA or FSO standby.

SECTION 4907
FIRE-DETECTION SYSTEMS AND EQUIPMENT

4907.1 Fire alarm systems. A manual fire alarm system shall be installed in accordance with Chapter 9 and NFPA 72 in all motion picture production studios, sound stages, approved production facilities.

4907.2 Heat detectors. Heat detection systems required by this Chapter shall be defined as a portable system as it is intended to be reinstalled when platforms or sets are changed.

4907.3 Fire alarm system notification deactivation. Fire protection systems and equipment shall be maintained in an operable condition. Deactivation of notification devices during videotaping, filming, or broadcasting of programs shall be prohibited unless otherwise approved by the fire code official with FSA or FSO standby.

SECTION 4908
ELECTRICAL REQUIREMENTS

4908.1 General. All electrical equipment including lighting, cabling and temporary power such as portable generators, shall be installed and maintained in good working order and shall comply with the National Electrical Code (NFPA 70).

4908.2 Lighting and power requirements. Soundstages and approved production facilities shall be provided with a minimum of 35 W/ft2 dedicated for production lighting and power.

4908.3 Generators. Portable, mobile or stationary power-generating equipment may be used to supplement building electrical power for temporary use. Equipment shall be located at a predestinated location as approved by the fire code official.

Temporary auxiliary power cables supplied from mobile generators or adjacent buildings shall not be routed through fire-rated windows and doors unless approved by the fire code official.

SECTION 4909
DESIGN REQUIREMENTS

4909.1 Anticipated loads. The fire code official shall be provided with certification from a structural engineer that approved production location facilities and studio soundstages will sustain the anticipated loads of sets, props or other temporary modifications.

SECTION 4910
PRODUCTION LOCATIONS

4910.1 General. *This Chapter and NFPA 140 (Chapter 5) shall apply to production locations. Where a conflict exists between this chapter and NFPA 140 the requirement herein shall control.*

4910.2 Permits. Permits shall be required as set forth in Section 105.6. All permits shall be obtained prior to any activity or operation for which a permit is required.

4910.3 Pyrotechnic special effect, open flame and other hazardous operations. The use of pyrotechnic special effects, open flame and other hazardous operations shall be subject to the approval of the fire code official.

4910.4 Smoking. Smoking shall be in accordance with this section and Section 310.

4910.4.1 Smoking shall be prohibited on production locations.

Exceptions:

1. Smoking shall be permitted when it is a necessary part of a performance, and only when the smoker is a member of the cast.
2. Smoking shall be permitted in outdoor locations where all of the following are met:
   a. The area is approved by the fire code official; and
   b. Hazardous environmental conditions do not exist; and
   c. Hazardous materials are not present; and
   d. Approved ash trays or receivers are provided.

4910.5 Structural loads. Sets, scenery and other equipment shall not impact the structural integrity of a building or structure. Consultation with the building official or structural engineer may be required.

4910.6 Electrical requirements.

4910.6.1 General. The electrical distribution equipment used shall comply with UL 1640, Standard for Portable Power-Distribution Equipment, and the provisions of Article 530 of NFPA 70, National Electrical Code.

4610.6.2 Distribution equipment. The wiring method to electrical distribution equipment shall comply with the provisions of Article 530 of NFPA 70, National Electrical Code. Temporary feeders shall not be tapped from panel boards and switchboards where deadfront covers have to be removed.

4610.6.3 Installations. Electrical installations shall be installed in accordance with the National Electric Code, NFPA 70. Such equipment shall not obstruct exits, means of egress or fire department access, unless approved by the fire code official.

4910.6.4 Generators. The location of portable, mobile, or stationary power-generating equipment shall be subject to the approval of the fire code official.

4910.6.5 Auxiliary power cables. Auxiliary power cables supplied from mobile generators or adjacent buildings shall not be routed through fire-rated windows and doors unless an approved FSA or FSO is on standby.

4910.7 Fire Department Access. Required emergency vehicle access shall be maintained. Any deviations are subject to approval by the fire code official.

4910.8 Means of egress. The production location shall be provided with means of egress appropriate of the intended use as approved by the fire code official.

4910.9 Fire protection systems and equipment. Fire protection systems and equipment shall be maintained in an operable condition, unless approved by the fire code official. Disconnecting or altering of fire protection systems and/ or equipment shall be prohibited unless otherwise approved by the fire code official with FSA or FSO standby.

4910.10 Fire hydrants and fire appliances. Hydrants, standpipes and Fire Department Connections (FDC) shall not be obstructed, blocked or rendered inoperable.

4910.11 Fire extinguishers. Approved fire extinguishers shall be provided as required by the fire code official.

4910.12 Solid-ceiling sets and platforms. All interior solid-ceiling sets over 600 square feet in area, and platforms (when approved) over 600 square feet in area and which exceeds 3 feet in height shall be protected by one of the following:

1. An approved and listed heat detector system. Heat detectors shall be spaced 30 feet on center or as required by the manufacturer's instructions. Detectors shall be connected to an approved and listed central, proprietary, or remote station service or a local alarm, which will give an audible signal at a constantly

attended location. Such systems shall be installed in accordance with Chapter 9.

2. The ceiling shall be positioned to allow for the operation of the building's automatic fire sprinkler systems after rehearsal, videotaping, filming, or broadcasting of programs that have been completed for the day.
3. With an approved FSA or FSO standby.

4910.13 Filming in buildings without fire protection systems. Special hazards in building without fire protection systems shall be reviewed and approved by the fire code official.

SECTION 4911
FIRE SAFETY PERSONNEL

4911.1 Fire safety advisor (FSA) qualifications. A FSA must meet the following minimum qualifications submitting copies of current certifications to the Fire Code Official to obtain and maintain a Fire Safety Advisor Certificate of Fitness. The Fire Code Official will make the final determination on who will be allowed to be on the list of FSA assignments, and has the right to deny or revoke any Fire Safety Advisor Certificate of Fitness at any time.

1. Shall be Certified (IFC) Level I Fire Inspector.
2. Shall attend an Albuquerque Fire Marshal's Office Film and Movie Fire Safety Course and passed the final exam with a minimum score of 85%.
3. Shall have had a fire extinguishing class within the last year.
4. Shall be capable of executing the duties and responsibilities as specified in Section 4911.5 and the "Fire Marshal's Office Fire Safety Advisor Manual".
5. Shall be capable of operating a mobile telephone and/or portable radio.

4911.2 Fire safety officer (FSO) qualifications. A FSO will be a current member of the Albuquerque Fire Marshal's Office appointed by the Fire Chief.

4911.3 Notification. Prior to performing any of the following operations the Fire Code Official shall be notified by the production company.

1. Productions involving significant pyrotechnic special effects and stunts.
2. Productions using candles or other open flame effects.
3. Special effect or explosions as determined by the fire code official.
4. Productions using LP-gas (propane) flame effects interior or exterior of a structure.
5. Productions or activities involving aircraft, refueling, stunts, and/or take off and landings.
6. Productions locations where filming is interior or exterior of a building, and the total cast and crew at the location exceeds fifty (50) members.
7. Productions in buildings were fire rated doors and windows are being propped open.
8. Production where liquid- or gas-fueled vehicles or equipment are within a building
9. Production activities occurring in hazardous vegetative areas.
10. Other operations where in the opinion of the fire code official a danger to life or property exists.

4911.4 Fire safety advisor (FSA) or Fire Safety officer (FSO) when required. When it is determined that a proposed activity, or operation jeopardizes the safety of those conducting such functions, the property thereof, property adjacent thereto, or the general public the Fire Code Official shall determine the number of FSAs or FSOs required for the production to be done safely.

4911.5 Fire Safety Personnel's Duties. It is the responsibility of the FSAs and FSOs assigned to a production to recognize unsafe conditions that may be dangerous to life and property, or situations that could allow a fire to start, and follow the Standard Operating Guidelines promulgated by the Fire Marshal as they pertain to the Motion Picture and Film Industry.

SECTION 4912
STANDARD OPERATING GUIDELINES

4914.1 Standard Operating Guidelines. The Fire Marshal shall propagate standard operating guidelines for the following activities:

1. FSA and FSO Duties/ Demeanor
2. FSA and FSO Training
3. Certificate of fitness requirements.
4. Work Availability and Call Out Procedures for FSA and FSO
5. Film Location Inspection Guidelines.
6. Pyrotechnic Special Effects guidelines for filming/Special Effects Requirements.

CHAPTER 50
REQUIRED INSPECTIONS, FEES AND RATES

SECTION 5001.
GENERAL

Fire Prevention inspection, fees and rates are divided into the following categories:

1. New/existing business fire inspection fees.
2. Operational permit fire inspection fees.
3. Plan review/construction permit fees.
4. New construction fire inspection fees.
5. Re-inspection fees.
6. After hour inspections fees.
7. Fire Watch and Fire Safety Officer rates.
8. Fire safety Advisor Standby rates.
9. Fire Safety Training fees.
10. Certificate of Fitness fees.
11. Appeal to Fire Appeals Board Fee.
12. Copying fees.

5002
NEW/EXISTING BUSINESS

5002.1 New Businesses. All new commercial businesses shall require a fire inspection of the occupancy, building, suite or premise being occupied prior to opening and annually thereafter.

5002.2 Existing Businesses. All existing commercial businesses shall be required an annual fire inspection of the occupancy, building, suite or premise.

5002.2.1 Change of Ownership. The Fire Marshal's Office shall be notified upon change of ownership of an existing business and shall be required a fire inspection of the occupancy, building and/or premise to ensure continued compliance with the fire code.

5002.3 New/Existing Business Inspection Fees (No Operational Permit Required). New and Existing Business fire inspection fees, where no operational permit is required, will be based on the square footage of the occupancy, building or premise as follows:

Square Footage	Fee
Up to 500 sq/ft	$10.00
501 sq/ft - 1,000 sq/ft	$20.00
1,001 sq/ft - 1,500 sq/ft	$30.00
1,501sq/ft – 3,000 sq/ft	$60.00
3,001sq/ft – 6,000 sq/ft	$110.00
6,001 sq/ft – 9,000 sq/ft	$160.00
9,001 sq/ft– 12,000 sq/ft	$210.00
12,001sq/ft – 50,000 sq/ft	$300.00
50,001sq/ft or Greater	$400.00

5002.4 New/Existing Businesses Inspection Fees (Operational Permit Required). All buildings, facilities, or businesses requiring an operational permit for an operation which is integral to the business or a specific operation related to the business shall be required a fire inspection of the occupancy, building or premise prior to opening and annually thereafter. These fees will be based on the total square footage of the building or facility indicated in **Table 5002.4-A**. Inspection fees for operational permits for specific operations will be based on the fees schedule indicated on **Table 5002.4-B**

5002.4.1 Change of Ownership. The Fire Marshal's Office shall be notified upon change of ownership of an existing business requiring an operational permit and shall be required a fire inspection of the occupancy, building and or premise to ensure continued compliance with the fire specific code requirement related to the permit.

5002.4.2 Operational Inspection Permit Fees. Operational permit fire inspection fees based on the square footage of the building, facility or premise as follows:

Table 5002.4-A

Square Footage	Fee
Up to 1,500 sq/ft	$50.00
1501 sq/ft - 3,000 sq/ft	$80.00
3,001 sq/ft– 6,000 sq/ft	$160.00
6,001sq/ft – 9,000 sq/ft	$210.00
9,001 sq/ft– 12,000 sq/ft	$260.00
12,001sq/ft – 15,000 sq/ft	$310.00
15,001 sq/ft – 20,000 sq/ft	$400.00
20,001 sq/ft- 50,000 sq/ft	$500.00
50,001 sq/ft or Greater	$600.00

Table 5002.4-B
Specific Operational Permits

Permits	Fees
105.6.1 Aerosol Products	$100.00
105.6.4 Carnivals and Fairs	$100.00
105.6.8 Compressed gases	$100.00
105.6.9 Covered mall buildings:	
1. The placement of retail fixtures and displays of highly combustible goods and similar items in mall	$60.00
2. The display of liquid- or gas-fired equipment in mall	$60.00
3. The use of open-flame or flame-producing equipment in mall	$60.00
4. The installation and operation of a Kiosk in mall	$60.00
5. To use mall or an area of the	

mall as a Place of Assembly	$60.00
105.6.10 Cryogenic fluids	$100.00
105.6.11 Cutting and welding	$100.00
105.6.13 Exhibits and trade shows. (Based on Square footage) Up to 1,500 sq/ft 1501 sq/ft – 3,000 sq/ft 3,001 sq/f – 6,000 sq/ft 6,001 – 9,000 sq/ft 9,001 – 12,000 sq/ft 12,001 sq/ft or greater	 $50.00 $80.00 $160.00 $210.00 $260.00 $310.00
105.6.13.1 Community arts and craft fair	$60.00
105.6.14 Explosives	$100.00
105.6.14.1 Fireworks Display	$100.00
105.6.16 Flammable and Combustible liquids 1. To use or operate a pipeline 2. To store, handle or use Class I 3. To store, handle or use Class II or IIIA 4. To store or use Class IIIB liquids 5. To remove Class I or II liquids 6. To operate tank vehicles, wells 7. To place temporarily out of service 8. To change the type of contents stored 9. To manufacture, process, blend 10. To engage in the dispensing of liquid 11. To utilized a site for the dispensing	 $100.00 $100.00 $100.00 $100.00 $100.00 $100.00 $100.00 $100.00 $100.00 $100.00 100.00 $100.00
105.6.17 Floor finishing	$100.00
105.6.18 Fruit and crop ripening	$100.00
105.6.19 Fumigation and thermal	$100.00
105.6.20 Hazardous Materials	$100.00
105.6.23 Hot work operation	$100.00
105.6.26 Liquid- or gas fueled vehicles.	$60.00
105.6.27 LP-gas 1. Storage and use of LP-gas 2. Operation of cargo tankers	 $100.00 $100.00
105.6.29 Miscellaneous combustible storage	$100.00
[+105.29.1 Mobile food vending units+]	$50.00
105.6.30 Open burning 1. 105.6.30.1 Bonfires. 2. 105.6.30.1.1 Recreational Fires	 $25.00 $10.00
105.6.31 Open flame and torches 105.6.31.1 Open flame roasting 105.6.31.2 Open flame performance.	$100.00 $100.00 $100.00
105.6.32 Open flames and candles	$100.00
105.6.36 Pyrotechnics special effects.	$100.00
105.6.37 Propylene plastic	$100.00
105.6.40 Rooftop heliports	$100.00
105.6.42 Storage of new, used, scrap tires and tire byproducts	$100.00
105.6.48 Production Location	$10.00
105.6.50 Use of aircraft.	$100.00

5003
PLAN REVIEW FEES/CONSTRUCTION PERMIT

5003.1 Plan Review and Construction Permits. Plans shall be submitted and construction permits shall be obtained to install or modify systems and equipment for which a permit is required by Section 105.7.

5003.2 Plan Review and Construction Permits Fees. Plan review fees and construction permit fees shall be paid at the time of plan submittal. Payment will entitle the submitting contractor or firm to a plan review, a second review of the initial plans for any errors or deficiencies, the construction permit and installation inspection and/or acceptance test.

105.7.1 Automatic Fire-Extinguishing Systems. Shall include all piping and valves from the stub-out to the sprinkler heads. Automatic Sprinkler fees shall be based on the square footage of the protected area as follows:	
Protected Area	**Fee**
Up to 10,000 sq. ft	$75.00
10,001 – 52,000 sq. ft	$125.00
Each Additional 52,000 sq. ft or fraction thereof	$125.00
105.7.1 Dry Chemical, Wet Chemical, Carbon Dioxide, FM 200, Halon and other Special Extinguishing Systems. Fees will be based on square footage of protected area.	
Protected Area	**Fee**
Up to 5,000 sq. ft	$50.00
Each Additional 5,000 sq. ft	$25.00
105.7.2 Battery Systems	**Fee**
Each system	$50.00
105.7.3 Compressed gas systems	**Fee**
Each system	$50.00
105.7.4 Cryogenic fluid system	**Fee**
Each system	$50.00
105.7.5 Fire Alarm Systems and Related Equipment. Fire alarm and related equipment fees shall be based on square footage of protected area.	
Protected Area	**Fee**
Up to 10,000 sq. ft	$50.00
10,001 – 25,000 sq. ft	$75.00
Each Additional 25,000 sq .ft or fraction thereof	$75.00
Fire Pumps and Related Equipment. Fees will be based on each fire pump and related equipment	**Fee**
Each Pump and Related Equipment	$100.00
105.7.7 Flammable and Combustible liquids	**Fee**

1. To install, repair or modify a pipeline	$100.00
2. To install, construct or alter tank....	$100.00
3. To install, alter, remove abandon....	$100.00
105.7.8 Hazardous Materials	**Fee**
To install repair damage to abandon...	$100.00
105.7.9 Industrial Oven	**Fee**
To install an industrial oven	$100.00
105.7.10 LP-Gas	**Fee**
To install or modify an LP-gas system	$100.00
105.7.11 Private fire hydrants	**Fee**
To install or modify or a private fire	$100.00
105.7.12 Spraying or dipping. Fees based on each individual spray room , dip tank, or both	**Fee**
To install or modify a spray room	$100.00
105.13 Standpipe Systems (Wet or Dry). Fees shall be based on the number of outlets	
Number Of Outlets	**Fee**
Up to (4) Four Outlets.....	$50.00
Each Additional (4) Four Outlets of fraction thereof.....	$50.00
105.7.14 Temporary membrane structures and tents.	**Fee**
Tent or group of tents having up to 400 sq. ft	$50.00
Tent or group of tents having 401 sq. ft to 1,500 sq. ft..	$100.00
Tent or group of tents having 1,501 sq. ft to 3,000 sq. ft.	$150.00
Tent or group of tents having 3,001 sq .ft to 6,000 sq ft.	$200.00
Tent or group of tents having 6,001 sq. ft to 9,000 sq. ft	$250.00
Tent or group of tents having more than 9,001 sq. ft	$300.00

5004
NEW CONSTRUCTION INSPECTION FEES

5004.1 New Construction Inspection Fees. Fire inspections fees for new construction, to include all New Buildings or Structures Tenant Improvements, and Remodels, will be based on the square footage of the occupancy, building or premise as follows:

Square Footage	Fee
Up to 500 sq/ft	$10.00
501 sq/ft- 1,000 sq/ft	$20.00
1,001 sq/ft- 1,500 sq/ft	$30.00
1,501 sq/ft– 3,000 sq/ft	$60.00
3,001 sq/ft – 6,000 sq/ft	$110.00
6,001 sq/ft – 9,000 sq/ft	$160.00
9,001 sq/ft– 12,000 sq/ft	$210.00
12,001 sq/ft – 50,000 sq/ft	$300.00
50,001 sq/ft or Greater	$400.00

5005
RE-INSPECTON FEES

5005.1 Re-inspection Fees. A re-inspection fee will be assessed for all inspections requiring a second re-inspection when such portion of work for which the inspection cited is not complete or when violations(s) cited on the first re-inspection have not be corrected. This fee will be a $60.00 and assessed for all inspections requiring a second re-inspection and for each re-inspection thereafter.

5006
AFTER HOUR INSPECTION RATES

5006.1 After hour inspection rates. After hour inspection rates shall be in accordance with the current Albuquerque Fire Departments (AFD) "Fire Service Statement" issued by the AFD Fiscal Division.

5007
FIRE WATCH AND FIRE SAFETY OFFICER (FSO) STANDBY RATES

5007.1 Fire Watch and Fire Safety Officer Standby Rates. When utilizing Albuquerque Personnel, fire watch and fire safety officer (FSO) rates shall be in accordance with the current Albuquerque Fire Departments (AFD) "Fire Service Statement" issued by the AFD Fiscal Division.

5008
FIRE SAFETY TRAINING FEES

5009.1 Fire Extinguisher Training. There shall be a $100.00 fee for each fire extinguisher training session provided by the fire department. Each session can accommodate up to 15 persons maximum.

5009.2 Film and Movie Fire Safety Course. For all persons who are not current members of the Albuquerque Fire Department; there shall be an initial $200.00 fee for the Film and Movie Fire Safety Course and Certification. Payment and attendance does not insure a Certificate of Fitness.

5009.3 Fire Watch Safety Course. For all persons who are not current members of the Albuquerque Fire Department; there shall be an initial $75.00 fee to attend an Albuquerque Fire Department Fire Marshal's Office Fire Watch Safety Course. Payment and attendance does not insure a Certificate of Fitness.

SECTION 5009
ANNUAL CERTIFICATE OF FITNESS FEES

5009.1 Annual Fire Safety Advisor Certificate of Fitness. An annual fee of $50.00 shall be assessed for maintaining a certificate of fitness card for a Motion Picture and Film Industry Fire Safety Advisor. Certificate of fitness cards shall be renewed annually from the date of issuance.

5009.2 Annual Private Fire Hydrant Certificate of Fitness. An annual fee of $50.00 shall be assessed for maintaining a certificate of fitness card for the Inspection, Testing, and Maintenance of Private Fire Hydrants. Certificate of fitness cards shall be renewed annually from the date of issuance.

5009.3 Annual Fire Watch Certificate of Fitness. An annual fee of $50.00 shall be assessed for maintaining a certificate of fitness card to perform Fire Watch. Certificate of fitness cards shall be renewed annually from the date of issuance.

5011
APPEALS TO THE FIRE BOARD OF APPEALS

5011.1 Appeals. A fee of one hundred dollar ($150.00) payable to the City of Albuquerque shall be paid upon application to the Fire Board of Appeal.

5012
COPYING FEES

5012.1 Coping fees. If a person requesting inspection would like a copy of a public record The City may charge up to $.10 per page per Administrative Instruction 1-7. The records custodian may request that applicable fees for copying public records be paid in advance, before the copies are made. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.

5012.2 Electronic records, The City of Albuquerque will make records available electronically if the record is available in an electronic format and the requesting party asks for the record in electronic format. The City will provide the record(s) in the electronic format in which the record exists at the time of the request. If the records are saved to a cd or dvd, the cost of the materials is $5.00 per disk.

5013
BILLING AND COLLECTION OF FEES

5013.1 Billing and Collection of Inspection Fees. All fees shall be paid at the time of service except those noted in Section 5002.3 and Table 5002.4-A. Fees listed in Section 5002.3 and Table 5002.4-A will be invoiced by mail, to the address provided by the business or firm upon compliance of the fire inspection. Payment is due thirty (30) days from invoice. Failure to pay may result in the account being referred to a collection agency on contract with the city, and may be subject to interest, penalties and collection fees as applicable. Once a delinquent account has been turned over to the contracted collection agency, the person, firm, or business, responsible for the account will deal directly with the collection agency for payment.

All other fees shall be paid at the time of service or application.

5013.1.1 Issuance of permits. Operational and Construction permits shall not be issued until fees have been paid.

5013.2 Plan Review/Construction Fees. Plan review fees and construction permit fees shall be paid at the time of plan submittal.