

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-83 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña

1 RESOLUTION  
2 ESTABLISHING A MORATORIUM ON SPECIFIC LANGUAGE IN CHAPTER 9,  
3 ARTICLE 6, THE ALBUQUERQUE FOOD SERVICE AND RETAIL ORDINANCE,  
4 RELATED TO PERMIT AND ADMINISTRATIVE FEES SPECIFIC TO FOOD  
5 TRUCK ESTABLISHMENTS.

6 WHEREAS, on May 6, 2024 the City Council of the City of Albuquerque  
7 approved Ordinance O-24-15, which repealed and replaced Chapter 9, Article  
8 6, R.O.A. 1994, creating a unified and comprehensive Food Service and Retail  
9 Ordinance; and

10 WHEREAS, Ordinance O-24-15 established a broad definition for "Food  
11 Establishments," which now includes mobile food establishments, which are  
12 more commonly known as food trucks, thereby subjecting them to the same  
13 regulatory and permitting requirements as brick-and-mortar restaurants; and

14 WHEREAS, the City Council recognizes the need to establish a distinct  
15 definition for food trucks that accounts for their unique operational  
16 characteristics, as well as to delineate the differences between food trucks  
17 and traditional restaurants within the ordinance; and

18 WHEREAS, the City Council recognizes that the revised permitting  
19 structure under Ordinance O-24-15 may require further examination and  
20 adjustment to ensure it serves the best interests of the City and its food truck  
21 operators; and

22 WHEREAS, it is the intent of the City Council to temporarily suspend the  
23 enforcement of new permit fees specific to food trucks, while continuing to  
24 assess and collect the administrative fees that were in effect prior to the  
25 enactment of Ordinance O-24-15, thereby preventing undue financial hardship  
26 on food truck operators during this period of legislative review.

Committee Amendment  
Council Amendment

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1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
2 ALBUQUERQUE:

3 SECTION 1. MORATORIUM ENACTED

4 (A) Effective immediately upon the passage of this Resolution and for a  
5 period of three months thereafter or until legislation is proposed to define  
6 permitting requirements for food trucks and is finally acted upon by City  
7 Council, whichever first occurs, a moratorium is hereby imposed on the  
8 assessment and collection of any new permit fees specifically for food trucks  
9 operating within the City of Albuquerque under the provisions of Ordinance O-  
10 24-15.

11 (B) Notwithstanding the foregoing, the administrative fees that were  
12 applicable to food trucks under the provisions in effect prior to the enactment  
13 of Ordinance O-24-15 shall continue to be assessed and collected during the  
14 duration of this moratorium.

15 SECTION 2. DEPARTMENT FEEDBACK

16 (A) Within 60 days following the enactment of this Resolution, the City  
17 Administration / Environmental Health Department is directed to submit the  
18 following to the Council via "Executive Communication",

- 19 (1) an explanation for EHD's rationale for applying the changes made to the  
20 Food Service and Retail Ordinance via O-24-15 to food trucks;
- 21 (2) a review of the Food Service and Retail Ordinance as updated via O-24-  
22 15 that identifies any issues related to the regulation of food trucks; and
- 23 (3) a proposal to amend the Food Service and Retail Ordinance to clarify  
24 the distinctions between food trucks and other food establishments.

25 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
26 clause, word, or phrase of this Resolution is for any reason held to be invalid  
27 or unenforceable by any court of competent jurisdiction, such decision shall  
28 not affect the validity of the remaining provisions of this Resolution. The City  
29 Council hereby declares that it would have adopted this Resolution and each  
30 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
31 any such invalidity.