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1 as ice-cream trucks, paleta carts, and frozen food trucks, may operate from a  
2 street frontage immediately abutting a single-family residence.

3 (C) Every Mobile Food Unit is subject to, and must comply with, the general  
4 noise restrictions prescribed by Section 9-9-12 ROA 1994, and all other  
5 relevant requirements and restrictions of local, state, and federal law.

6 (D) No Mobile Food Unit shall obstruct any sidewalk or pedestrian way  
7 within a public right-of-way with the Mobile Food Unit or any associated  
8 tables, chairs, displays, umbrellas, or the like.

9 (E) Every Mobile Food Unit shall maintain a minimum distance of 100 feet  
10 from any publicly accessible building ingress or egress for any site-built food  
11 service establishment [during that establishment's business hours,] unless  
12 written permission is granted by the owner(s) or operator(s) of each site-built  
13 food service establishment within 100 feet [to authorize mobile food unit  
14 operation during business hours], a copy of which is kept at the Mobile Food  
15 Unit and made available for review by any City inspector.

16 (1) For purposes of this section, the 100 foot separation requirement is  
17 measured along the sidewalk or street edge beginning at the center point of  
18 the nearest building ingress/egress of any site-built food service  
19 establishment, and measured to the nearest edge of the Mobile Food Unit.  
20 Where Mobile Food Units are located across one or more public rights-of-way,  
21 the 100 foot separation requirement is measured so to include the width of the  
22 right(s)-of-way.

23 (F) Every Mobile Food Unit shall maintain a distance of at least 10 feet from  
24 any vehicular and pedestrian egress/ingress points to adjacent properties and  
25 from intersections.

26 (G) Use of on-street spaces by Mobile Food Units is on a first come first  
27 served basis, Mobile Food Unit operators shall not reserve spaces in advance  
28 of arrival. Mobile Food Unit operators are responsible for paying all applicable  
29 meter fees for on-street parking spaces.

30 (H) This section establishes traffic code regulations pertaining to Mobile  
31 Food Units. Other aspects of Mobile Food Units are regulated in other parts of  
32 the Municipal Code. Please refer to Zoning Code § 14-16-3-25 and Health,  
33 Safety & Sanitation Code § 9-6-5.”

1 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
2 clause, word or phrase of this ordinance is for any reason held to be invalid or  
3 unenforceable by any court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining provisions of this ordinance. The Council  
5 hereby declares that it would have passed this ordinance and each section,  
6 paragraph, sentence, clause, word or phrase thereof irrespective of any  
7 provisions being declared unconstitutional or otherwise invalid.

8 SECTION 3. COMPILATION. This ordinance shall be incorporated in and  
9 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

10 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
11 after publication by title and general summary.

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