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1 the public realm, and contributing to neighborhood vibrancy and quality of  
2 life.

3 (C) Directing existing municipal services to designated commercial areas  
4 with a demonstrated need for enhanced support will allow for a targeted,  
5 intentional approach to prioritizing economic vitality, public safety, community  
6 engagement, and connecting the public with social services.

7 (D) Maintaining the strength and success of commercial areas is in the  
8 public interest, as their continued vitality supports local jobs, strengthens the  
9 tax base, encourages investment, and promotes equitable access to daily  
10 needs.

11 (E) Some such areas are experiencing adverse impacts due to high crime  
12 rates within the vicinity, creating an unsafe environment for customers and  
13 pedestrians, resulting in reduced foot traffic and negative impacts on  
14 business operations and overall community wellbeing.

15 (F) A coordinated and proactive response is necessary to address these  
16 adverse impacts to safeguard both the public and the social value generated  
17 by these areas, and to prevent decline in commercial activity, social fabric,  
18 and general public use and prosperity.

19 (G) These commercial areas require additional supportive services aimed  
20 at enhancing neighborhood quality and business growth.

21 (H) The City has a compelling interest to provide enhanced support  
22 through existing city services, such as facilitating access to social and  
23 behavioral health resources, cleaning and maintenance of public right-of-way,  
24 pedestrian safety measures, ambassador and hospitality programs,  
25 coordinated outreach, and targeted capital improvements as may be needed  
26 within individual designated areas, to enhance the economic performance of  
27 the commercial corridors and promote the overall wellbeing of members of the  
28 public.

29 (I) It is necessary to implement a consistent and coordinated approach to  
30 support businesses, take a proactive approach to public health, maintain  
31 public spaces, and promote community engagement in commercial areas,  
32 while respecting the distinct needs of all stakeholders.

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1 (J) Enhanced Service and Safety Zones are intended to provide an  
2 additional tool to address challenges and needs of these commercial areas  
3 throughout the City of Albuquerque.

4 § 9-23-4 DEFINITIONS.

5 For the purpose of this Ordinance, the following definitions shall apply, unless  
6 the context clearly indicates or requires a different meaning.

7 ENHANCED SERVICES. The additional public services the City will provide  
8 within the Enhanced Service and Safety Zones.

9 MAIN STREET CORRIDOR. Corridors that are intended to be lively, highly  
10 walkable, pedestrian-friendly streets lined with small and local-serving  
11 businesses and office uses, as defined in the ABC Comprehensive Plan.

12 MAJOR STREET NETWORK. The network of major streets, including arterials  
13 and collectors, that connects neighborhoods to destinations in the area, as  
14 defined in the ABC Comprehensive Plan. This network is mapped in the Long-  
15 Range Transportation System Guide as the Long-Range Roadway System.

16 MAJOR TRANSIT CORRIDORS. Walkability on these corridors is key to  
17 providing a safe and attractive pedestrian environment, as well as good  
18 access for pedestrians, cyclists, and transit users to goods and services along  
19 these Corridors and the Centers they connect, as defined in the ABC  
20 Comprehensive Plan.

21 MAYOR. Mayor or the Mayor’s designee.

22 ENHANCED SERVICE AND SAFETY ZONE or ZONE. A commercial area  
23 designated pursuant to this Ordinance in which the City provides enhanced  
24 services.

25 § 9-23-5 ZONE DESIGNATION CRITERIA.

26 Enhanced Service and Safety Zones shall be contiguous areas in the City of  
27 Albuquerque that meet the following criteria:

28 (1) COMMERCIAL AREA. The Zone shall encompass an area with a  
29 concentration of commercial activity. A commercial area may include some or  
30 all of the following characteristics:

- 31 (a) Significant economic and/or employment density;
- 32 (b) Adjacency to a Major Transit Corridor, Main Street Corridor, or Major  
33 Street Network;

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1 (c) The area is intended for tourism, leisure, arts, culture, and  
2 entertainment activities, as may be evidenced by a concentration of  
3 restaurants, bars, theaters, music venues, retail, shopping, or other  
4 entertainment-related activities, and high pedestrian volumes;

5 (d) The presence of light industrial service providers critical to essential  
6 economic activity, supply chains, goods, services, and employment; or

7 (e) An existing Main Street organization, Business Improvement District,  
8 Merchant Association, or other Coalition of businesses, property owners, or  
9 residents with a mission to improve the district and advance shared economic  
10 vitality goals.

11 (2) HIGH CRIME AREA. The Zone shall encompass an area with high crime  
12 rates, demonstrating a need for enhanced enforcement, maintenance, safety  
13 coordination, or public space management. High crime rates may be  
14 evidenced by some or all of the following characteristics:

15 (a) Evidence of a crime rate significantly higher than that for other areas  
16 of the City for the 24 months preceding the designation;

17 (b) A significant history of recurring issues related to sidewalk  
18 obstructions, encampments, or public safety impacts affecting business or  
19 residents; or

20 (c) A significant history of violent crime and/or property crime.

21 (3) DISTRESSED AND UNDERSERVED AREA. The Zone shall have  
22 evidence of distressed or poor public infrastructure that inadequately  
23 supports the nexus between the public realm and business operations.

24 **§ 9-23-6 ENHANCED CITY SERVICES.**

25 Enhanced Service and Safety Zones will be eligible to receive additional public  
26 services as may be appropriate based on the individual needs of the Zone.

27 Additional public services may include:

28 (A) High-frequency sidewalk and/or public plaza cleaning services;

29 (B) High-frequency street cleaning and maintenance services;

30 (C) Enhanced trash collection services of public receptacles;

31 (D) Priority graffiti abatement;

32 (E) Increased proactive response frequency of Albuquerque Community  
33 Safety;

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1 (F) Increased Albuquerque Police Department patrols, including elevated  
2 engagement with local businesses by following principles of community  
3 policing;

4 (G) Expanded service/operational hours of City departments to maintain  
5 public health and safety;

6 (H) Prioritized enforcement of existing pedestrian safety laws;

7 (I) Prioritized response to encampments, pursuant to the City's Policy for  
8 Responding to Encampments on Public Property, and utilizing supportive  
9 services;

10 (J) Requests for targeted capital improvements on the public right-of-way;

11 (K) Increased Code Enforcement presence; or

12 (L) Other services as may be appropriate based on the needs of the Zone.

13 **§ 9-23-7 PROHIBITION ON THE OBSTRUCTION OF PUBLIC RIGHT-OF-WAY**  
14 **WITHIN AN ENHANCED SERVICE AND SAFETY ZONE.**

15 (A) Unless authorized by permit or other applicable law, no person shall  
16 sit, sleep, lie, or camp on any public street, road, bike path, or alley, or on any  
17 sidewalk within an Enhanced Service and Safety Zone as designated pursuant  
18 to this Ordinance, in a manner that impedes passage within the meaning of the  
19 Americans with Disabilities Act.

20 **§ 9-23-8 DESIGNATION PROCESS.**

21 (A) The Mayor may designate an Enhanced Service and Safety Zone by  
22 submitting an Executive Communication to the City Council for approval.

23 (B) The designation shall include a report in which the Mayor establishes  
24 the following:

25 (1) The purpose for the creation of the Zone;

26 (2) Findings that the criteria in Section § 9-23-5 have been satisfied;

27 (3) The enhanced city services under § 9-23-6 that shall be implemented;

28 (4) An itemized funding plan, utilizing existing departmental resources  
29 and indicating any anticipated additional funding needs for the term of the  
30 Zone;

31 (5) A summary of proposed targeted capital improvement and/or  
32 infrastructure improvements accompanied by a proposed funding plan;

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1 (6) A description and map of the boundaries of the Zone and the real  
2 property to be included; and

3 (7) Such other information necessary for the proper evaluation of the  
4 designation.

5 **§ 9-23-9 ANNUAL PROGRESS REPORT.**

6 (A) The Mayor shall submit an annual progress report via Executive  
7 Communication for every active Zone, which shall include the following  
8 information:

9 (1) The basis for the establishment of the Zone and date on which  
10 Enhanced Services commenced;

11 (2) The specific steps or measures implemented to address the  
12 conditions underlying the need for establishment of the Zone;

13 (3) Metrics relating to specific steps or measures implemented to adjust  
14 the underlying basis of the established Zone;

15 (4) The commencement of the Designation Validation Period; and

16 (5) Any other relevant information and updates regarding the progress  
17 and development of the Zone.

18 (B) The annual progress report shall also evaluate whether the Zone’s  
19 continued designation as an Enhanced Service and Safety Zone is justified  
20 pursuant to the provisions of this Ordinance, or whether the Zone has reached  
21 a level of stability that no longer justifies its designation as an Enhanced  
22 Service and Safety Zone.

23 **§ 9-23-10 DESIGNATION PERIOD.**

24 The designation of an Enhanced Service and Safety Zone shall be effective for  
25 a period of up to two (2) years from the date the Enhanced City Services  
26 commence. Thereafter, the Mayor may redesignate via Executive  
27 Communication approval by the City Council.

28 **§ 9-23-11 NOTICE OF ENHANCED SERVICE AND SAFETY ZONES.**

29 (A) The Mayor shall maintain a public-facing map and a list of all  
30 designated Enhanced Service and Safety Zones and their respective  
31 Enhanced Services.

32 (B) All designated Enhanced Service and Safety Zones shall be delineated  
33 by signs, curb paint, or other measures of visual notification.

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1 § 9-23-12 PENALTY.

2 (A) For any person who violates any City ordinance within an Enhanced  
3 Service and Safety Zone, the City may impose the maximum fine or penalty as  
4 provided in ROA 1994, section 1-1-99, provided, however, that a law  
5 enforcement officer shall first verify that a written warning has been issued,  
6 otherwise, the officer shall issue a Criminal Trespass Notification to a person  
7 for violating this section prior to the issuance of a citation or conducting an  
8 arrest.

9 § 9-23-13 QUARTERLY ENFORCEMENT REPORTING.

10 On a quarterly basis, the City shall report on enforcement actions conducted  
11 in an ESSZ, including, at a minimum, the following categories:

- 12 (A) number of engagements;
- 13 (B) voluntary compliance rates;
- 14 (C) Service referrals and uptake; and
- 15 (D) changes in safety indicators within the ESSZ.

16 The quarterly enforcement reports shall be provided to City Council in the  
17 form of an Executive Communication.

18 § 9-23-14 EXEMPTIONS; FIRST AMENDMENT ACTIVITY.

19 Nothing in this Ordinance shall be construed to infringe upon any activity that  
20 is protected by the First Amendment of the United States Constitution,  
21 including but not limited to the freedom of speech and the right to assemble  
22 and protest.

23 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
24 word or phrase of this Ordinance is for any reason held to be invalid or  
25 unenforceable by any court of competent jurisdiction, such decision shall not  
26 affect the validity of the remaining provisions of this Ordinance. The Council  
27 hereby declares that it would have passed this Ordinance and each section,  
28 paragraph, sentence, clause, word or phrase thereof irrespective of any  
29 provision being declared unconstitutional or otherwise invalid.

30 SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be compiled  
31 as a new Article 23 in Chapter 9 of the Revised Ordinances of Albuquerque,  
32 New Mexico, 1994, titled “Enhanced Service and Safety Zone Ordinance.”

1 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after  
2 publication by title and general summary.

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