

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. F/S O-16-3 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 ORDINANCE
2 AMENDING THE TRAFFIC CODE, CHAPTER 10, ARTICLE 5, PART I OF THE
3 REVISED ORDINANCES OF ALBUQUERQUE [+TO DECREASE THE REQUIRED
4 BUFFER BETWEEN MOBILE FOOD UNITS AND SITE-BUILT RESTAURANTS
5 AND TO AUTHORIZE MOBILE FOOD UNITS TO OPERATE WITHIN THAT
6 BUFFER AFTER THOSE ESTABLISHMENTS' BUSINESS HOURS+]
7 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
8 ALBUQUERQUE:

9 SECTION 1. Section 8-5-1-42 of the Traffic Code is amended as follows:
10 “§ 8-5-1-42 Mobile Food Units on Public Streets. Any vehicle classified as a
11 Mobile Food Unit pursuant to Section 9-6-5-2 ROA 1994 is permitted to operate
12 from any public right-of-way where on-street parking is permitted subject to
13 the following:

14 (A) For the purposes of this section, “operation” of a Mobile Food Unit
15 includes any activity involved with food preparation or sales.

16 (B) No Mobile Food Unit, shall operate from any street frontage immediately
17 abutting a single family residence, except that:

18 (1) When only one side of a street abuts a single family residence,
19 nothing in this section shall be construed as prohibiting a Mobile Food Unit
20 from operating from the opposite side of the street, provided that all other
21 relevant requirements and restrictions are met; and

22 (2) Mobile Food Units may operate from a street frontage immediately
23 abutting a single-family residence during neighborhood events for which a
24 Block Party Application has been filed with the Department of Municipal
25 Development and for which a Block Party Permit has been received; and

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1 (3) Mobile Food Units that traditionally sell pre-packaged foods for sale
2 or delivery to the public in residential areas and that generally do not remain
3 stationary at any location for intervals exceeding a few minutes at a time, such
4 as ice-cream trucks, paleta carts, and frozen food trucks, may operate from a
5 street frontage immediately abutting a single-family residence.

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

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

12 (E) Every Mobile Food Unit shall maintain a minimum distance of ~~[400]~~[75]
13 feet from any publicly accessible building ingress or egress for any site-built
14 food service establishment [during that establishment's business hours,]
15 unless written permission is granted by the owner(s) or operator(s) of each
16 site-built food service establishment within ~~[400]~~ [75] feet [to authorize mobile
17 food unit operation during business hours], a copy of which is kept at the
18 Mobile Food Unit and made available for review by any City inspector.

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

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

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

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

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

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

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

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