

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-14 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca

1 **ORDINANCE**

2 **ADOPTING THE “ENHANCED SERVICE AND SAFETY ZONE ORDINANCE” TO**
3 **PROVIDE BETTER CITY SERVICES AND ENHANCE SAFETY PROVISIONS FOR**
4 **ALL TO SUPPORT ECONOMIC VITALITY.**

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

7 **SECTION 1. A new Article 23 is hereby created in Chapter 9 of the Revised**
8 **Ordinances of Albuquerque, 1994, as follows:**

9 **§ 9-23-1 SHORT TITLE.**

10 **This Chapter 9, Article 23 shall be known and cited as the “Enhanced Service**
11 **and Safety Zone Ordinance.”**

12 **§ 9-23-2 INTENT AND PURPOSE.**

13 **The purpose of this Ordinance is to establish a framework that allows the City**
14 **to designate and manage “Enhanced Service and Safety Zones” aimed at**
15 **supporting economic vitality, enhancing public safety, improving the**
16 **cleanliness and accessibility of public right-of-way, and strengthening the**
17 **overall quality of life in key commercial areas in the City of Albuquerque.**

18 **§ 9-23-3 FINDINGS.**

19 **The City Council makes the following findings:**

20 **(A) Certain areas of the City play a critical economic role by**
21 **demonstrating high levels of commerce, serving as significant employment**
22 **centers, and acting as key nodes for business activity that contribute to the**
23 **City’s overall economic stability and prosperity.**

24 **(B) Certain areas of the City provide important social and community**
25 **benefits by fostering public engagement and community interaction by**
26 **supporting local business, providing essential goods and services, activating**

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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
4 areas 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
12 crime rates within the vicinity, creating an unsafe environment for customers
13 and 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
20 aimed 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
30 to 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.

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;

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

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

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

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

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

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

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

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

§ 9-23-6 ENHANCED CITY SERVICES.

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

Additional public services may include:

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

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

(C) Enhanced trash collection services of public receptacles;

(D) Priority graffiti abatement;

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

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, it is unlawful to sit,
16 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 § x-x-5 have been satisfied.
27 (3) The enhanced city services under § X-X-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.

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

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;

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

27 **§ 9-23-11 NOTICE OF ENHANCED SERVICE AND SAFETY ZONES.**

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

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

33 **§ 9-23-12 PENALTY.**

1 (A) For any person who violates any City ordinance within an Enhanced
2 Service and Safety Zone, the City may impose the maximum fine or penalty as
3 provided in ROA 1994, section 1-1-99.

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

11 SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be compiled
12 as a new Article 23 in Chapter 9 of the Revised Ordinances of Albuquerque,
13 New Mexico, 1994, titled "Enhanced Service and Safety Zone Ordinance."

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

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