

CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-2 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

1 ORDINANCE
2 UPDATING THE CIVIL EMERGENCY POWERS ORDINANCE RELATING TO
3 PUBLIC HEALTH ORDERS.
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 SECTION 1. The City's code of ordinances addressing Civil Emergency
7 Powers is amended and the sections are revised as follows:

8 "§ 2-9-1-4 MAYORAL PROCLAMATION OF PUBLIC HEALTH EMERGENCY;
9 EMERGENCY ADVISORIES AND RECOMMENDATIONS.

10 Whenever the Mayor shall, after consultation with the Director of the City
11 Office of Emergency Management, find that a public health emergency exists
12 as defined herein, he shall forthwith proclaim in writing the existence of such
13 emergency. Upon such determination the Mayor may issue such public health
14 advisories or recommendations as deemed appropriate in consultation with
15 City Office of Emergency Management, and subject to the oversight authority
16 of the City Council as prescribed by Section 2-9-1-6, below.

17 § 2-9-1-5 PUBLICATION OF ORDERS, ADVISORIES OR RECOMMENDATIONS.

18 The Mayor shall immediately deliver a copy of the declaration and all
19 orders, advisories, or recommendations issued pursuant to authority
20 contained in § 2-9-1-3 or § 2-9-1-4 to the Albuquerque Police Department,
21 Albuquerque Fire and Rescue, all major media outlets serving the city, and the
22 City Councilors. The Mayor shall also post a copy of such orders, advisories,
23 or recommendations to the city's website, distribute them through the city's
24 primary social media accounts, and take such additional reasonable measures
25 necessary to inform impacted persons and businesses of the emergency

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1 declaration and associated emergency orders, advisories, or
2 recommendations.

3 § 2-9-1-6 DURATION AND EXTENSION OF EMERGENCY PROCLAMATION,
4 ORDERS, ADVISORIES, OR RECOMMENDATIONS.

5 (A) Any emergency proclaimed in accordance with the provisions of §§
6 2-9-1-1 et seq. shall take effect immediately, and terminate after 48 hours from
7 the issuance thereof, or may terminate sooner upon the issuance of a
8 proclamation by the Mayor determining an emergency no longer exists,
9 whichever occurs first; provided, however, that any emergency proclamation
10 may be sooner terminated by resolution of the City Council prior to the
11 termination of 48 hours or may be extended by resolution of the Council as
12 originally proclaimed or with amendments for any such additional periods of
13 time as deemed necessary by the City Council up to a maximum of 90 days
14 per proclamation.

15 (B) Any public health emergency proclaimed in accordance with the
16 provisions of §§ 2-9-1-1 et seq. shall take effect immediately, and terminate
17 upon the date set forth by the proclamation, not to exceed 30 days from the
18 issuance thereof, or may terminate sooner upon the issuance of a
19 proclamation by the Mayor determining an emergency no longer exists,
20 whichever occurs first; provided, however, that any emergency proclamation,
21 order, advisories, or recommendations may be sooner terminated or amended
22 by resolution of the City Council prior to the termination of 30 days or may be
23 extended by any resolution of the Council as originally proclaimed, ordered,
24 advised, or recommended or with amendments for any such additional
25 periods of time as deemed necessary by the City Council up to a maximum of
26 90 days per proclamation.”

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

1 SECTION 3. COMPILATION. Sections 1 of this Ordinance shall amend, be
2 incorporated in and compiled as part of the Revised Ordinances of
3 Albuquerque, New Mexico, 1994.

4 SECTION 4. EFFECTIVE DATE. This ordinance takes effect five days after
5 publication by title and generally summary.

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