

CITY of ALBUQUERQUE

TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. O-22-37 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn

1 ORDINANCE

2 ADDING A NEW PART TO CHAPTER 9, ARTICLE 6 ROA 1994, FOOD AND
3 BEVERAGES, TO BE KNOWN AS THE "ALBUQUERQUE MARKET FOOD
4 VENDOR ORDINANCE", AND ESTABLISHING A PERMITTING FEE.

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

7 SECTION 1. A new Part 7 is hereby added to Chapter 9, Article 6 of the Revised
8 Ordinances of Albuquerque, 1994, as follows:

9 "[§ 9-6-7-1 SHORT TITLE.

10 This part shall be known and may be cited as the "Albuquerque Market Food
11 Vendor Ordinance."

12 § 9-6-7-2 APPLICABILITY. This Article applies to any person registered with
13 the New Mexico Secretary of State to do business as a food or produce vendor
14 in the State of New Mexico and who vends food at a market or operates a market
15 food establishment, unless such operation is otherwise covered by any other
16 applicable food permit, including a mobile food unit permit (§ 9-6-1-3),
17 Temporary Food Service Establishment permit (§ 9-6-1-4), Temporary Food
18 Establishment (§ 9-6-2) or Raw Produce Vendor permit (§ 9-6-3-2). No permit is
19 required by this Ordinance for a person to vend homemade food items
20 produced and labeled in compliance with the Homemade Food Act.

21 § 9-6-7-3 INTENT AND PURPOSES. The intent of Article 9-6-7 et seq. is to
22 provide market food vendors participating in markets a permit system that has
23 the efficiency and economic benefit of a single permit and that may be
24 accepted at markets across the City. Residents of Albuquerque and the
25 surrounding communities benefit from the products sold at local markets.

26 § 9-6-7-4 DEFINITIONS

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1 For the purpose of §§ 9-6-7-1 et seq., the following definitions shall apply
2 unless the context clearly indicates or requires a different meaning.

3 2009 FOOD CODE. The Food Code, 2009 Recommendations of the United
4 States Public Health Service/Food and Drug Administration as published by the
5 U.S. Department of Health and Human Services, Public Health Service, Food and
6 Drug Administration.

7 APPLICANT. A person submitting an application for a market food
8 establishment permit.

9 APPROVED. Acceptable to the enforcement authority based on its
10 determination as to conformance with the 2009 Food Code, appropriate
11 standards, and good public health practice.

12 CITY. The City of Albuquerque.

13 COMMISSARY. A permanent food establishment with a valid permit which is
14 used by a market food establishment to prepare food for sale at a market or a
15 place in possession of a permit in which food, containers or supplies are kept
16 or stored for use by a market food vendor.

17 ENFORCEMENT AUTHORITY. The Mayor or any designated agent(s) of the
18 Mayor.

19 FOOD. Any raw, cooked, or processed edible substance, ice, beverage or
20 ingredient used or intended for use or for sale in whole or in part for human
21 consumption.

22 MARKET. Any temporary gathering of vendors, whether a single or recurring
23 event, organized by a market coordinator and operating at a single location,
24 whose primary purpose is the selling of goods.

25 MARKET COORDINATOR. Any person responsible for the organization and
26 supervision of a market.

27 MARKET FOOD ESTABLISHMENT. Any establishment at a market where
28 food and food products are processed, prepared, packaged, stored, offered for
29 sale, donated, or distributed for human consumption, or any place where food
30 is prepared and intended for individual portion service and includes the site at
31 which individual portions are provided, or both. The term includes any such
32 place regardless of whether consumption is on or off the premises and
33 regardless of whether there is a charge for the food. The term does not include

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1 private homes where food is prepared or served for individual family
2 consumption.

3 MARKET FOOD VENDOR. Any person, including their employees,
4 representatives, and agents, operating a market food establishment.

5 PACKAGED. Bottled, canned, cartoned, or securely wrapped.

6 PERMIT. The document issued by the enforcement authority that authorizes
7 a person to operate a food establishment.

8 PERMIT HOLDER. The person responsible for the operation of the food
9 establishment required to possess a valid permit to operate a food
10 establishment.

11 PERSON. Any person, agent, firm, partnership, association, corporation,
12 company, organization, or entity of any kind.

13 PERSON IN CHARGE. The individual present in a market food establishment
14 who is the apparent supervisor of the establishment at the time of inspection. If
15 no individual is the apparent supervisor, then any employee present is the
16 person in charge.

17 POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR
18 SAFETY FOOD). A food that requires time/temperature control for safety (TCS)
19 to limit pathogenic microorganism growth or toxin formation as provided for in
20 the 2009 Food Code.

21 SAFE TEMPERATURES. Temperatures as provided in the 2009 Food Code.

22 SEALED. Free of cracks or other openings that permit the entry or passage
23 of moisture.

24 SINGLE-SERVICE ARTICLES. Cups, containers, lids or closures, and
25 packaging materials, including bags and all similar articles designed for one-
26 time, one-person use and then discarded. The term does not include single use
27 articles such as number 10 cans, aluminum pie pans, bread wrappers and
28 similar articles into which food has been packaged by the manufacturer.

29 TABLEWARE. All multi-use eating and drinking utensils.

30 THIS ORDINANCE. The Albuquerque Market Food Vendor Ordinance.

31 UTENSIL. Any approved implement used in the preparation, storage,
32 transportation or service of food.

33 VALID. Unexpired, financially compliant, not suspended, and not revoked.

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1 VEND. The act of selling, trading, bartering or giving away.

2 § 9-6-7-5 GENERAL REQUIREMENTS; ADOPTION BY REFERENCE OF THE
3 2009 FOOD CODE.

4 (A) Except to the extent that it is inconsistent with the Albuquerque Market
5 Food Vendor Ordinance, the City of Albuquerque does hereby adopt by
6 reference the Food Code, 2009 Recommendations of the United States
7 Public Health Service/Food and Drug Administration as published by the
8 U.S. Department of Health and Human Services, Public Health Service,
9 Food and Drug Administration to regulate the conduct of all market food
10 vendors and market food establishments.

11 § 9-6-7-6 GENERAL REQUIREMENTS.

12 (A) Before vending at a market, market food vendors shall have a valid
13 annual market food establishment permit, or other approved food
14 permits issued pursuant to the Food Sanitation Ordinance, ROA 1994
15 Chapter 9, Article 6, Part 1; the Retailers, Meat Markets and Wholesalers
16 Ordinance, ROA 1994 Chapter 9, Article 6, Part 2; the Raw Produce
17 Stands Ordinance, ROA 1994 Chapter 9, Article 6, Part 3; or the Mobile
18 Food Units Ordinance, ROA 1994 Chapter 9, Article 6, Part 5.

19 (B) Market food vendors shall be authorized by a market coordinator before
20 vending at a market.

21 (C) If applicable, market food vendors shall be in possession of a valid City
22 of Albuquerque business registration before vending at a market.

23 (D) Market food vendors shall comply with the requirements of §§ 9-6-7-1 et
24 seq. and all other laws, regulations, and ordinances.

25 (E) Requirements.

26 (1) Market food establishments and their market food vendors shall
27 comply with the regulations set forth in the 2009 Food Code as
28 they pertain to temporary food establishments.

29 (2) The enforcement authority may impose additional requirements to
30 protect against health hazards related to the conduct of the market
31 food establishment, may prohibit the sale of some or all potentially
32 hazardous foods, and when no health hazard will result, may waive
33 or modify requirements of §§ 9-6-7-1 et seq.

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(3) Food Safety.

(a) All market food establishments, with the exception of market food establishments vending only raw, uncut produce, shall operate out of a commissary and shall report at least each day of operation to such location for all supplies and for all cleaning and servicing operations. The preparation or service of potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish, at a market is limited to potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of §§ 9-6-7-1 et seq.; is obtained in individual servings; is stored at a safe temperature in facilities that meet the requirements of §§ 9-6-7-1 et seq.; and is served directly in the unopened container in which it was packaged.

(b) All foods vended at a market must be from an approved source and free from spoilage, filth, or other contamination as to be safe for human consumption. During transportation of food to the point of sale or distribution at a market, food must be kept at appropriate temperatures and protected from contamination.

(c) Enough potable water shall be available in the market food establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility located on the premises and capable of producing enough hot water for these purposes shall be provided where applicable.

(i) When a conventional handwashing sink is not available or in close proximity to the market food establishment, an approved temporary hand wash station shall be made available and consist of an insulated container that is equipped with a minimum 5

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gallon capacity and a spigot to allow for the continuous flow of water; an adequate supply of potable water at a minimum temperature of 38°c (100°f); a wastewater container capable of properly retaining wastewater from the hand wash station; and an adequate supply of hand soap and paper towels.

(d) Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of §§ 9-6-7-1 et seq. The ice shall be obtained only in chipped, crushed or cubed form and in single-use safe plastic or wet strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags, until it is dispensed, in a way that protects it from contamination. The bags shall be stored at least four inches off the ground.

(e) All market food establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

(f) Food Display and Storage at a Market.

(i) All food displays and preparation areas shall be smooth, durable, and easily cleanable.

(ii) Food displays shall be confined to tables or to the bed of a vehicle. Food must be at least six inches above the ground.

(iii) Food contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. Servicing areas shall be provided with overhead protection.

(g) Raw Animal foods; additional restrictions.

(i) A market food vendor shall not remove, or allow to be removed, raw animal foods from the original

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- 1 packaging in which the foods were placed at the food
- 2 processing establishment from which they originated.
- 3 (ii) A market food vendor shall not vend unpackaged raw
- 4 animal food products.
- 5 (iii) A market food vendor shall not vend raw animal food
- 6 products in any condition other than frozen.
- 7 (iv) A market food vendor shall not vend raw animal foods
- 8 unless they have the Federal USDA mark of
- 9 inspection.
- 10 (h) Prohibited Sales. A market food vendor shall not vend live
- 11 animals, seafood, shellfish, sushi, or sprouts.

12 § 9-6-7-7 MARKET FOOD VENDOR APPLICATION; FEES.

13 (A) An applicant seeking an annual market food establishment permit shall
14 submit a signed application and a copy of the market food
15 establishment’s business registration (if applicable) to the enforcement
16 authority, on a form provided by the enforcement authority, by March 15
17 of each year. In the event that an applicant submits an application after
18 March 15th of each year, the permit application shall be submitted to the
19 enforcement authority at least five working days prior to the
20 commencement of operations.

- 21 (B) The application shall include the following:
- 22 (1) The name, mailing address, telephone number, e-mail address, and
 - 23 signature of the applicant;
 - 24 (2) The name, title, mailing address, telephone number, and e-mail
 - 25 address of the person in charge;
 - 26 (3) A list of any valid permit held by the applicant, or a disclosure of a
 - 27 previous market food establishment permit held by the applicant
 - 28 for the same market food establishment within the last three years;
 - 29 (4) When a commissary is required, the name, title, mailing address,
 - 30 telephone number, and e-mail address of the applicant’s
 - 31 commissary;

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(a) When the commissary is not owned and operated by the applicant, a copy of the commissary agreement that includes the following:

(i) A list of all services provided to the applicant by the commissary;

(ii) The name, title, mailing address, telephone number, and e-mail address of the commissary;

(iii) The name, title, mailing address, telephone number, and e-mail address of the applicant;

(iv) A statement signed by the applicant and commissary owner that:

(1) Attests to the accuracy of the information provided;

(2) Affirms that the applicant will:

(a) Visit the commissary for services on every day of market operations;

(b) Provide a copy of the current commissary agreement annually to the enforcement authority; and

(c) Comply with the requirements of §§ 9-6-7-1 et seq. and all other applicable laws and regulations.

(3) Affirms that the commissary owner will allow the enforcement authority access to the establishment and its records for the purpose of enforcing the Albuquerque Market Food Vendor Ordinance.

(5) A list of all food items to be prepared or sold;

(6) The method for which any item will be prepared and the location at which it will be prepared;

(7) A statement signed by the applicant that:

(a) Attests to the accuracy of the information provided in the application.

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- 1 (b) Certifies that the applicant is not subject to the Homemade
- 2 Food Act, and
- 3 (c) Affirms that the applicant shall:
- 4 (i) Notify the enforcement authority of any changes to the
- 5 information provided,
- 6 (ii) Comply with all requirements set forth by §§ 9-6-7-1 et
- 7 seq., and
- 8 (iii) Allow the enforcement authority access to the
- 9 establishment and its records for the purpose of
- 10 enforcing this ordinance.

11 (C) Corrections. In the event that the enforcement authority finds that an

12 applicant needs to correct, amend, or supplement an application, the

13 enforcement authority shall notify the applicant as soon as practicable.

14 The enforcement authority’s determination that an application requires

15 a correction does not constitute a denial of the application.

16 (D) Fees.

17 (1) Temporary Fees. The enforcement authority is authorized to

18 collect the fees in §9-6-7-7(D)(1) until such time as they are

19 adjusted by rules adopted by the enforcement authority.

20 (a) Each market food establishment shall pay an annual permit

21 fee of \$50. Annual permit fees are due on or before the first

22 working day of April of each year; provided, however, that

23 no person shall engage in the operations of a market food

24 establishment without first paying the permit fee. See also

25 Section 9-6-7-8(C) Term and Scope of Permit.

26 (b) In the event that an applicant submits an application after the

27 annual deadline, the enforcement authority may grant the

28 permit and the permit fee shall be assessed in accordance

29 with the following fee table:

| <u>Permit Type</u> | <u>Permit Effective Dates</u> | <u>Fee</u> |
|--------------------|-------------------------------|-------------|
| <u>Annual</u> | <u>April 1 – March 31</u> | <u>\$50</u> |
| <u>Late Season</u> | <u>October 1 – March 31</u> | <u>\$30</u> |

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1 (2) Adjustment of Fees. Fees charged in relation to the Albuquerque
2 Market Food Vendor Ordinance may be established by rules
3 adopted by the enforcement authority. Any such rule shall be
4 adopted under the procedures of Chapter 2, Article 15 ROA 1994.

5 § 9-6-7-8 PERMITS; COMPLIANCE PROCEDURES.

6 (A) Permits. It shall be unlawful for any person to operate a market food
7 establishment within the city who does not possess a valid market food
8 establishment permit issued for that food establishment by the
9 enforcement authority. Such permit shall be posted in a conspicuous
10 location. Permits shall not be transferable.

11 (B) Issuance of Permits. The enforcement authority shall review the
12 contents of the application and make a determination of approval or
13 denial. The enforcement authority may require an inspection of the
14 applicant's operations prior to the approval of the application. The
15 applicant shall remit payment for the permit prior to the commencement
16 of operations. If approved, a permit shall be issued following the
17 payment of all applicable fees and compliance with the requirements
18 §§ 9-6-7-1 et seq. and other laws, regulations and ordinances. Failure to
19 pay the permit fee within 14 calendar days of permit approval will result
20 in the cancellation of the application and the applicant must re-apply.

21 (C) Term and Scope of Permit. The term of each approved market food
22 establishment permit shall begin on (i) April 1, if the market food
23 establishment application was submitted on or before March 15, or (ii)
24 the date of issuance. The term of each market food establishment
25 permit shall end on March 31. A market food establishment permit
26 authorizes a market food vendor to operate at any market, subject to
27 the requirements of this ordinance and the market coordinator, within
28 City limits.

29 (D) Service of Notices. Notices provided for under this ordinance shall be
30 deemed to have been properly served when the original of the inspection
31 report form or other written notice has been delivered personally to the
32 permit applicant, or such notice has been sent by registered or certified
33 mail, return receipt requested, to the last known address of the permit

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1 applicant. A copy of such notice shall be filed with the records of the
2 enforcement authority.

3 (E) Denial of Permit. The enforcement authority may refuse to issue a
4 permit to any applicant who fails to demonstrate, to the satisfaction of
5 the enforcement authority, the ability to comply with or who fails to
6 comply with the requirements of §§ 9-6-7-1 et seq. or of other laws,
7 regulations or ordinances or any applicable rules or orders issued
8 pursuant to a Civil Emergency or Public Health Emergency, as those
9 terms are defined in state law or ROA 1994, Chapter 2, Article 9, Part 1.
10 In the event the enforcement authority denies a permit, the enforcement
11 authority shall notify the applicant in writing, stating the reasons for
12 which the permit was denied. An opportunity for a hearing to appeal the
13 denial of a permit will be provided if a written request for hearing is
14 filed with the City Clerk’s office within fifteen working days. A hearing
15 shall be held in accordance with subsection (J) of this ordinance.

16 (F) Suspension of Permits.

17 (1) Permits may be suspended by the enforcement authority for:

18 (a) Failure of the holder to comply with the requirements of §§ 9-6-
19 7-1 et seq. or of other laws, regulations or ordinances or any
20 applicable rules or orders issued pursuant to a Civil Emergency
21 or Public Health Emergency, as those terms are defined in state
22 law or ROA 1994, Chapter 2, Article 9, Part 1.

23 (b) Failure of the permit holder or operator to comply with corrective
24 actions required by the enforcement authority, within a time
25 period specified by the enforcement authority, after the
26 enforcement authority has completed an inspection and found
27 violations. If the violations are not corrected within the time
28 period specified by the enforcement authority, the market food
29 establishment shall immediately cease operation.

30 (2) The permit holder or operator shall be notified in writing that the permit
31 is immediately suspended. A permit holder may appeal the
32 suspension of a permit by making written request to the enforcement
33 authority within fifteen working days of notice of suspended permit. A

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1 hearing shall be held in accordance with subsection (J) of this
2 ordinance.

3 (3) Immediate Suspension for Imminent Health Hazard. Notwithstanding
4 the other provisions of §§ 9-6-7-1 et seq., whenever the enforcement
5 authority finds an imminent health hazard or other conditions in the
6 operation of a market food establishment which, in its judgment,
7 constitute a substantial hazard to the public health, the enforcement
8 authority may without any prior warning, notice, or hearing, issue a
9 written notice to the permit holder or operator citing such condition,
10 specifying the corrective action to be taken, and specifying the time
11 period within which action shall be taken; and, if deemed necessary,
12 such order shall state that the permit is immediately suspended and all
13 food-service or food processing operations are to be immediately
14 discontinued. Any person to whom such an order is issued shall
15 comply immediately therewith. A permit holder may appeal the
16 suspension by requesting a hearing within fifteen working days of the
17 notice of suspension. A hearing shall be held in accordance with
18 subsection (J) of this ordinance.

19 (G) Reinstatement of Suspended Permits. Any person whose permit has
20 been suspended may at any time make application for a reinspection for
21 the purpose of reinstatement of the permit. At the next date of the market
22 food establishment's operations following receipt of a written request
23 for reinspection, and subject to availability of the enforcement authority,
24 the enforcement authority shall make a reinspection. If the enforcement
25 authority deems that the permit holder complies with the requirements
26 of §§ 9-6-7-1 et seq. and other applicable laws, regulations, and
27 ordinances, the permit shall be reinstated.

28 (H) Revocation of Permits.

29 (1) A permit may be revoked by the enforcement authority for the
30 following:

31 (a) For failure of an establishment to correct violations, upon
32 reinspection, when the establishment's permit has been

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1 suspended for failure to meet the requirements of this §§ 9-
2 6-7-1 et seq.

3 (b) For the second suspension within any 36-month period for
4 any market food establishment.

5 (c) For refusal of inspection of the establishment after proper
6 identification has been tendered by the enforcement
7 authority.

8 (d) For interference with or harassment of the enforcement
9 authority in the performance of its duties.

10 (2) Prior to revoking a permit, the enforcement authority shall notify
11 the permit holder in writing, stating the reasons for which the
12 permit is subject to revocation and advising that the permit shall
13 be revoked at the end of five working days after service of such
14 notice, unless a written request for a hearing is filed with the City
15 Clerk's office by the permit holder within such five working day
16 period in accordance with subsection (J) of this ordinance. The
17 hearing shall be scheduled within five working days following
18 receipt of the written request by the City Clerk's office. The permit
19 shall be deemed suspended from the date of notice of revocation
20 until the issuance of the hearing officer's decision.

21 (I) Application for a New Permit After Revocation.

22 (1) A permit holder may, after 90 calendar days following permit
23 revocation, submit a written application to the enforcement
24 authority for a new permit and shall pay all applicable fees for a
25 new permit and any outstanding fees associated with the revoked
26 permit.

27 (2) The permit fee due for the new permit shall be determined by the
28 date the new permit is issued by the enforcement authority.

29 (J) Hearings. The hearings provided for in this ordinance shall be
30 conducted by the Independent Hearing Officer in accordance with the
31 provisions in the IHO Ordinance, ROA 1994, Chapter 2, Article 7, Part 8.
32 Any action of the enforcement authority for which a hearing is not
33 otherwise provided for in this ordinance, which action adversely impacts

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1 the permit holder, is subject to review under this section if a hearing
2 request is filed within fifteen working days of the action and in
3 accordance with the provisions in the IHO Ordinance, ROA 1994, Chapter
4 2, Article 7, Part 8. A nonrefundable hearing fee of \$50.00 shall
5 accompany each application for hearing conducted by the hearing
6 officer requested pursuant to this ordinance.

7 (K) Judicial Review. The exclusive remedy for any party to appeal a final
8 decision of the hearing officer is to file a petition to the District
9 Court within 30 days after service of written notice of the decision of the
10 concerned party. The petition for review shall be limited to the record.

11 (L) Injunctive Relief. As an additional remedy, if any person, permit holder,
12 or market food establishment violates the provisions of §§ 9-6-7-1 et
13 seq., the enforcement authority may seek injunctive relief in a court of
14 competent jurisdiction.

15 (M) Issuance of Citations. Citations may be issued by the enforcement
16 authority for failure to comply with any requirement set forth in §§ 9-6-7-
17 1 et seq.

18 § 9-6-7-9 VARIANCES.

19 The enforcement authority may grant an individual variance from the limitations
20 prescribed in §§ 9-6-7-1 et seq. whenever it is found upon presentation of
21 adequate proof, that compliance with that specific part of §§ 9-6-7-1 et seq. will
22 impose an undue economic burden or hardship upon the business and that
23 granting of the variance will not result in a condition injurious to health or safety.
24 Any person seeking a variance shall do so in writing, setting forth their reasons
25 for the variance and stating the length of time for which they seek the variance.
26 The enforcement authority shall promptly investigate the petition and make a
27 determination as to the disposition thereof. The party seeking this variance shall
28 be given a decision within ten working days following receipt of the request by
29 the enforcement authority. A permit holder may appeal the enforcement
30 authority’s decision by requesting a hearing within fifteen working days of the
31 decision. A hearing shall be held in accordance with the provisions of the IHO
32 Ordinance, ROA 1994, Chapter 2, Article 7, Part 8.

33 § 9-6-7-10 AVAILABILITY OF ORDINANCE.

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1 A copy of the "Albuquerque Market Food Vendor Ordinance" [i.e., §§ 9-6-7-1 et
2 seq.] is now on file in the Office of the City Clerk and is available for inspection
3 by the public during regular business hours. A copy of the ordinance [i.e., §§
4 9-6-7-1 et seq.] shall be available to any individual upon request and the
5 payment of a reasonable charge as set forth by the Chief Administrative Officer,
6 to be not less than the actual cost per copy.

7 § 9-6-7-11 PENALTY.

8 Every person convicted of a violation of any provision of §§ 9-6-7-1 et seq. shall
9 be guilty of a petty misdemeanor and shall be subject to the penalty provisions
10 set forth in § 1-1-99 of this code of ordinances. Every violation of §§ 9-6-7-1 et
11 seq. shall be a petty misdemeanor. Each day such violation is committed or
12 permitted to continue shall constitute a separate offense and shall be
13 punishable as such hereunder.]”

14 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
15 clause, work or phrase of this ordinance is for any reason held to be invalid or
16 unenforceable by any court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining provisions of this ordinance.

18 SECTION 3. COMPILATION. Section 1 of this ordinance shall be incorporated in
19 and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994,
20 as a new Part 7 of Chapter 9, Article 6 titled “Albuquerque Market Food Vendor
21 Ordinance.”

22 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after publication
23 by title and general summary on January 1, 2023.