

CITY of ALBUQUERQUE
TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. O-22-43 ENACTMENT NO.

SPONSORED BY: Louie Sanchez and Trudy Jones

1 ORDINANCE
2 ADOPTING A NEW ARTICLE IN CHAPTER 9 OF THE REVISED ORDINANCES
3 OF ALBUQUERQUE 1994, "HEALTH, SAFETY AND SANITATION," TO BE
4 KNOWN AS THE "SAFE OUTDOOR SPACE OPERATOR'S PERMIT,"
5 ESTABLISHING A PERMIT AND PERMITTING FEE.
6 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
7 ALBUQUERQUE:

8 SECTION 1. A new Article 24 in Chapter 9 of the Revised Ordinances of
9 Albuquerque 1994 is hereby adopted as follows:

10 "[§ 9-24-1 SHORT TITLE.

11 This Article, ROA 1994, §§ 9-24-1, et seq., shall be known and cited as the
12 "Safe Outdoor Space Operator's Permit Ordinance"

13 § 9-24-2 APPLICABILITY.

14 This Article applies to the permitting and operation of Safe Outdoor Spaces
15 as defined by subsection 9-24-4, Definitions.

16 § 9-24-3 INTENT AND PURPOSES.

17 This Article, ROA 1994, §§ 9-24-1, et seq., establishes minimum operational
18 standards and a system of operational permitting for Safe Outdoor Spaces
19 (SOS) in order to promote sanitation and the health, safety, and general
20 welfare of Safe Outdoor Space occupants and the broader community.

21 § 9-24-4 DEFINITIONS.

22 SAFE OUTDOOR SPACE ("SOS"): Per the Integrated Development
23 Ordinance, a Safe Outdoor Space is a lot, or a portion of a lot, developed to
24 provide designated spaces for occupancy by tents, recreational vehicles,
25 and/or light vehicles. Designated spaces are provided to occupants at no
26 charge. A safe outdoor space offers social services and support facilities.

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1 SAFE OUTDOOR SPACE OPERATOR (an “Operator”): The owner or party  
2 otherwise responsible for a Safe Outdoor Space operation.

3 § 9-24-5 SAFE OUTDOOR SPACE OPERATOR’S PERMITS.

4 A. Permit Required. No person shall operate any safe outdoor space  
5 without first obtaining, and maintaining, a safe outdoor space operator’s  
6 permit pursuant to this section. In addition to any other necessary  
7 information, a prospective operator shall submit the following for each SOS  
8 operator’s permit application:

9 1. A statement describing the operator’s experience working with  
10 people experiencing homelessness and managing organizations that work  
11 with people experiencing homelessness;

12 2. The physical address of the safe outdoor space;

13 3. The name, phone number, email, and address of the operator or its  
14 agent(s) who will be available twenty-four hours per day, seven days a week to  
15 respond to complaints regarding the operation or occupancy of the safe  
16 outdoor space;

17 4. Written consent to complete a background check on the primary  
18 Operator. Persons with criminal backgrounds will be denied a safe outdoor  
19 space operators permit only to the extent authorized by the New Mexico  
20 Criminal Offender Employment Act., NMSA 1978 § 28-2-1 et. seq. ;

21 5. An operations plan that, at a minimum, addresses the following:

22 a. The type and frequency of on-site resources and services to  
23 support the occupants of the safe outdoor space;

24 b. The process for checking in and registering tenants;

25 c. Site security and tenant safety;

26 d. Fire safety and fire evacuation;

27 e. Whether the site will be accessible to the general public, other  
28 than its tenants, and under what circumstances and during what hours;

29 f. A code of conduct for the occupants and tenants that, at a  
30 minimum address violent behavior, weapons, drugs and alcohol, and whether  
31 progressive warnings will be utilized before removal;

32 g. A pet policy that, to the extent pets are allowed, includes  
33 provisions to help ensure humane and sanitary conditions for pets;

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- 1           h. A community commitment outlining how the operational
- 2 policies will mitigate potential off-site impacts;
- 3           i. A policy to assist any person staying at a Safe Outdoor Space
- 4 to obtain a government-issued identification card.
- 5           i. A wastewater and sanitation plan; and
- 6           k. A decommissioning plan describing the process and timeline
- 7 for termination of the use and closure of the site.
- 8       B. Permit Duration; Inspection. A safe outdoor space operator’s permit
- 9 is valid for 12 consecutive months unless sooner terminated by the operator,
- 10 or canceled by the City. The materials required pursuant to subparagraph
- 11 ‘A(3)’ must be resubmitted at the time of each requested renewal.
- 12       C. Permit Fee. The City shall collect a safe outdoor space operator’s
- 13 permit fee of \$100.00 for each initial permit, and \$50.00 for the renewals
- 14 thereafter. Revenue generated will be used only to administer, manage, and
- 15 enforce this section. Safe outdoor space operator’s permit are non-
- 16 transferable, and remain valid only so long as the person(s) or entities listed
- 17 on the operator’s permit continue to manage and oversee the safe outdoor
- 18 space.
- 19 § 9-24-6 SAFE OUTDOOR SPACE OPERATING REQUIREMENTS.
- 20       A. Each operator shall maintain an up-to-date registry of the current
- 21 and past tenants of the safe outdoor space, together with an approved visitor
- 22 registry identifying each non-tenant who accesses the site;
- 23       B. Each operator shall inspect the right-of-way and public spaces
- 24 adjacent to or surrounding the safe outdoor space daily for the unlawful use
- 25 or occupancy by non-tenants of the safe outdoor space, and shall immediately
- 26 report any such instances to the City using the 311 Citizens Contact Center.
- 27       C. Each operator shall coordinate with an appropriate non-profit
- 28 organization to provide street outreach in areas adjacent to the SOS.
- 29       D. During the first 12-months of operation, each operator shall offer to
- 30 meet with the property owners within 660 feet of the safe outdoor space at
- 31 least once per month to review operations and progress of the site, and to
- 32 address questions, concerns, and ideas from the public. Following the first 12-

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1 months of operation, each operator shall offer these meetings on at least a  
2 quarterly basis.

3 E. Each operator must establish quiet hours for residents between the  
4 hours of 10:00 pm and 7:00 am.

5 F. Safe Outdoor Space Operators shall not permit persons with a felony  
6 assault/battery conviction to stay in a Safe Outdoor Space.

7 § 9-24-7 ENFORCEMENT AND PENALTIES.

8 The City shall give warning to any operator who is determined to be non-  
9 compliant with any section of this ordinance, or with the policies submitted  
10 with its safe outdoor space operator’s permit application. If the operator does  
11 not come into compliance after two warnings. the City shall revoke the  
12 operator’s permit. Upon revocation, the operator shall immediately commence  
13 with its decommissioning plan, and complete its decommissioning within 60  
14 days of the revocation.]”

15 SECTION 2. COMPLIANCE BY EXISTING SAFE OUTDOOR SPACE  
16 OPERATORS. Each Operator of any safe outdoor space already in existence  
17 upon the effective date of this ordinance must come into compliance within  
18 thirty days of the Effective Date.

19 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
20 clause, word or phrase of this Ordinance is for any reason held to be invalid or  
21 unenforceable by any court of competent jurisdiction, such decision shall not  
22 affect the validity of the remaining provisions of this Ordinance. The Council  
23 hereby declares that it would have passed this Ordinance and each section,  
24 paragraph, sentence, clause, word or phrase thereof irrespective of any  
25 provision being declared unconstitutional or otherwise invalid.

26 SECTION 4. COMPILATION. SECTION 1 of this Ordinance shall amend, be  
27 incorporated in, and made part of the Revised Ordinances of Albuquerque,  
28 New Mexico, 1994 as a new Article 24 to be added to Chapter 9, and titled  
29 “Safe Outdoor Space Operators Permit Ordinance.”

30 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect sixty days  
31 after publication by title and general summary.

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