



# City of Albuquerque

City of Albuquerque  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Legislation Details (With Text)

**File #:** O-16-3  
**Type:** Ordinance  
**File created:** 1/4/2016  
**Status:** Enacted  
**In control:** City Council  
**Final action:** 3/7/2016  
**Enactment date:** 3/23/2016  
**Enactment #:** O-2016-004  
**Title:** F/S Amending The Traffic Code, Chapter 10, Article 5, Part I Of The Revised Ordinances Of Albuquerque To Decrease The Required Buffer Between Mobile Food Units And Site-Built Restaurants And To Authorize Mobile Food Units To Operate Within That Buffer After Those Establishments' Business Hours (Benton)  
**Sponsors:** Isaac Benton  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-3, 2. O-3 Approved Committee Substitute.pdf, 3. O-3 Approved Floor Substitute.pdf, 4. FS O-3Enacted

Date	Ver.	Action By	Action	Result
3/23/2016	4	Mayor	Signed by the Mayor	
3/23/2016	4	City Clerk	Published	
3/15/2016	3	City Council	Sent to Mayor for Signature	
3/7/2016	3	City Council	Amended	Pass
3/7/2016	3	City Council	Passed as Amended	Pass
2/1/2016	2	City Council	Substituted	Pass
2/1/2016	2	City Council	Postponed as Substituted	Pass
1/20/2016	2	City Council	Accepted with a recommendation Do Pass, As Substituted	
1/13/2016	1	Land Use, Planning, and Zoning Committee	Substituted	Pass
1/13/2016	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass, as Substituted	Pass
1/4/2016	1	President	Referred	
1/4/2016	1	City Council	Introduced and Referred	

## CITY of ALBUQUERQUE TWENTY-SECOND COUNCIL

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

SPONSORED BY: Isaac Benton

## ORDINANCE

F/S Amending The Traffic Code, Chapter 10, Article 5, Part I Of The Revised Ordinances Of Albuquerque To Decrease The Required Buffer Between Mobile Food Units And Site-Built Restaurants And To Authorize Mobile Food Units To Operate Within That Buffer After Those Establishments' Business Hours (Benton)

AMENDING THE TRAFFIC CODE, CHAPTER 10, ARTICLE 5, PART I OF THE REVISED ORDINANCES OF ALBUQUERQUE TO DECREASE THE REQUIRED BUFFER BETWEEN MOBILE FOOD UNITS AND SITE-BUILT RESTAURANTS AND TO AUTHORIZE MOBILE FOOD UNITS TO OPERATE WITHIN THAT BUFFER AFTER THOSE ESTABLISHMENTS' BUSINESS HOURS.

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

SECTION 1. Section 8-5-1-42 of the Traffic Code is amended as follows:

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

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

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

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

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

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

(C) Every Mobile Food Unit is subject to, and must comply with, the general noise restrictions

prescribed by Section 9-9-12 ROA 1994, and all other relevant requirements and restrictions of local, state, and federal law.

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

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

(1) For purposes of this section, the 75 foot separation requirement is measured along the sidewalk or street edge beginning at the center point of the nearest building ingress/egress of any site-built food service establishment, and measured to the nearest edge of the Mobile Food Unit. Where Mobile Food Units are located across one or more public rights-of-way, the 75 foot separation requirement is measured so to include the width of the right(s)-of-way.

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

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

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

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

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

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by

title and general summary.

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