



Legislation Text

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CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-17-31 ENACTMENT NO. _____

SPONSORED BY: Trudy Jones, by request

ORDINANCE

Amending The Health, Safety, And Sanitation Ordinance (Jones, by request)

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

SECTION 1. The Health, Safety, and Sanitation Ordinance is hereby amended as follows:

§ 9-4-4-1 SHORT TITLE.

Sections 9-4-4-1 et seq. may be cited as the ~~["EMS"]~~ ["Emergency Medical Services (EMS)"]
Ordinance."

§ 9-4-4-2 FINDINGS AND PURPOSE.

(A) The City Council finds that:

(1) The EMS system provides a satisfactory level of service to the community at present.

~~[(2) The present EMS Authority has been found to be redundant in its efforts to regulate
matters falling in the jurisdiction of established state agencies.]~~

~~[(3) Potential community-sensitive improvements are available as a result of reforming the
present EMS system.]~~

~~[(4) Reform of the present EMS system must deal with first responder, rescue, and emergency
and nonemergency ambulance transportation services and address the roles and
responsibilities of the service providers within a restructured system.]~~

~~[(5)]~~[(2)] The EMS system should be based on objectively stated and measurable performance
standards and monitored [by the Authority Having Jurisdiction (hereinafter "AHJ")].

[(6)][(3)] The 911 Emergency System is a basic governmental function providing emergency responses through the City Police and City Fire Departments.

[(7)][(4)] The City, through its 911 System, is the focal point for the receipt of requests for emergency transport of sick and injured persons within the City.

[(8)][(5)] The City, through its 911 System, is the focal point for the dispatch of responses to requests for emergency transport of sick and injured persons within the city.

[(9)][(6)] In order to provide satisfactory emergency transport of sick and injured persons within the City, it is necessary to establish a procedure for ambulance transport service under contract with the City.

[(10)][(7)] The provisions of this Ordinance and any regulations promulgated pursuant to this Ordinance are in addition to those standards and/or requirements promulgated by the state agencies as the standards and/or requirements for ambulance services and prehospital providers, which as minimum standards may not be sufficient for the requisite standard of care in the city.

[(11)][(8)] The EMS system should ultimately be a regional system to include the City, County, and other governmental entities located within the county.

(B) The purposes of §§ 9-4-4-1 et seq. are:

(1) To serve the community through the promotion of clinical excellence, reliable response time performance, long range stability of service, and cost containment of the EMS system within the city; and

(2) To protect the public safety and health through prehospital emergency care and to ensure consistency of ambulance transport services within the city; and

(3) To establish reasonable rates for cost recovery in dispatching functions, consumable medical supplies, and staff time of personnel assisting the contractor(s) in the performance of transport duties through contractual agreements with the City.

§ 9-4-4-3 DEFINITIONS.

For the purpose of §§ 9-4-4-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning. The word *SHALL* is always mandatory and not merely directory.

911 EMERGENCY SYSTEM. A publicly supported and funded system for delivering [EMS] [~~emergency medical services~~], public fire protection, and law enforcement.

ADVANCED LIFE SUPPORT (ALS). Advanced prehospital and interfacility care and

treatment including basic and intermediate life support, as prescribed by state regulation, which may be performed only by a person licensed as a Paramedic by the Primary Care and Emergency Medical Services Bureau of the Public Health Systems Division of the New Mexico Department of Health and operating under medical direction.

AMBULANCE. Any vehicle, including motor vehicles, watercraft, and aircraft, assigned, used, or intended to be used to transport sick or injured persons, and operated by an ambulance service certificated as such by the New Mexico [Public Regulation] [State Corporation] Commission.

AMBULANCE TRANSPORT PROVIDER. Any appropriately certified and contracted person providing emergency transport of sick or injured persons by ambulance within the city.

[**AUTHORITY.** The EMS Authority as established by §§ 9-4-4-1
<<http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%et seq.>]

BASIC LIFE SUPPORT (BLS). Prehospital and interfacility care and treatment, as prescribed by state regulation, which can be performed by all appropriately licensed Emergency Medical Technicians, as provided by state law.

BOARD. The Medical Control Board.

BUREAU. The Emergency Medical Services Bureau of the Community Health Systems Division of the New Mexico Department of Health.

CHIEF. The Chief of the Albuquerque Fire Department.

CITY. The City of Albuquerque as a governmental entity.

city. The City of Albuquerque as geographically defined.

COMMISSION. The County Commission of Bernalillo County, New Mexico.

CONTRACTOR. A provider [or providers] of emergency ambulance transport services who is appropriately certified and bound by contractual agreement to the City to engage in ambulance services.

COUNCIL. The governing body of the City of Albuquerque.

DRIVER. An individual who is qualified as an ambulance or rescue vehicle driver.

EMERGENCY MEDICAL DISPATCHER. A person who is trained and certified, pursuant to state law, to receive calls for emergency medical assistance, provide dispatch life support (DLS), pre-arrival medical instructions, dispatch emergency medical assistance, and coordinate its response.

EMERGENCY MEDICAL SERVICES (EMS). The services rendered by licensed Emergency Medical Technicians, certified Emergency Medical Services First Responders or Emergency Medical Dispatchers in response to an individual's need for immediate medical care in order to prevent loss of life or aggravation of physical or psychological illness or injury.

EMERGENCY MEDICAL SERVICES SYSTEM (EMS SYSTEM). A coordinated system of health care delivery that includes centralized access and emergency medical dispatch, trained first responders, medical-rescue services, ambulance services, hospital emergency departments, and specialty care hospitals that respond to the needs of the acutely sick and injured.

EMERGENCY MEDICAL TECHNICIAN (EMT). A health care provider, licensed as such by the Emergency Medical Services Bureau of the Community Health Systems Division of the New Mexico Department of Health.

MAYOR. The Chief Executive of the City of Albuquerque.

MEDICAL CONTROL. Supervision provided by or under the direction of physicians to

providers by written protocol or direct communications.

MEDICAL DIRECTION. Guidance or supervision provided by a physician, licensed to practice in New Mexico and Board certified in emergency medicine with current experience in the practice of emergency medicine, including authority over and responsibility for emergency medical dispatch, direct patient care and transport of patients, arrangements for medical control, and all other aspects of patient care delivered by a provider.

MEDICAL DIRECTOR, ~~[EXECUTIVE]~~. A physician, licensed to practice in New Mexico and Board certified in emergency medicine with current experience in the practice of emergency medicine, who is responsible for all medical aspects of an EMS system dealing with the provision of patient care [as defined in the New Mexico Department of Health Regulations Governing Emergency Medical Services Medical Direction]. This includes the extension of his or her license to prehospital providers; the development, implementation, and evaluation of all medical aspects of an EMS system; and other functions specified in §§ 9-4-4-1 et seq. ~~[The Executive Medical Director shall be eligible for staff privileges at all local hospitals and a faculty appointment at the University of New Mexico School of Medicine.]~~

MEDICAL DIRECTOR, OPERATOR. ~~A physician, licensed to practice in New Mexico and Board certified in emergency medicine with current experience in the practice of emergency medicine, who is responsible for all medical aspects of an EMS operator dealing with the provision of patient care as defined in the New Mexico Department of Health Regulations Governing Emergency Medical Services Medical Direction.]~~

OPERATOR. Any person, firm, corporation, or public agency who is the owner or proprietor of EMS response vehicles.

PATIENT. An individual who is sick, injured, wounded, or otherwise incapacitated.

PREHOSPITAL PROVIDER. Any person who has the duty of caring for a sick, ill, or injured person, who is certified at the EMT-Basic level or higher and who is licensed by the State of New Mexico.

PROTOCOL. A predetermined, written medical care plan including standing orders.

RESCUE SERVICE. Any ALS and BLS service, municipal, county, or private, excluding law enforcement agencies that are not otherwise providing rescue, that is subject to being dispatched to the scene of an injury or illness to provide rescue and immediate emergency medical care.

SUBSTANTIAL FINANCIAL INTEREST. That at the present or in any year within the past two years, a person derived more than \$1,000 per year income from employment by, or business dealings with, one or more EMS operators within Bernalillo County or a contracting organization of such provider.

§ 9-4-4-4 STATE REGULATION.

(A) It is recognized that certain state agencies, such as the [New Mexico Public Regulation] ~~[State Corporation]~~ Commission and the State EMS Bureau, regulate certain ambulance services and prehospital providers in the community.

(B) It is also recognized that certificates, permits, and/or licenses issued by those state agencies can be suspended and/or revoked only by those state agencies.

(C) It is also recognized that the establishment of rates for ambulance services, certificated by the [New Mexico Public Regulation] ~~[State Corporation]~~ Commission, is solely within the

purview of the [New Mexico Public Regulation] [State Corporation] Commission.

(D) It is also recognized that the State EMS Bureau regulates EMS Medical Direction for prehospital providers in the community.

(E) It is intended that any regulations promulgated pursuant to §§ 9-4-4-1 et seq. are in addition to those standards promulgated by the state agencies as the standards for ambulance services and prehospital providers. The standards promulgated by the state agencies are minimum standards which may not be sufficient for the requisite standard of care in the city.

(F) It is intended that the city may enter into joint powers agreements and other arrangements with governmental entities as may be necessary to carry out the purposes of §§ 9-4-4-1 et seq.

~~[EMS AUTHORITY.]~~

~~There is established a City of Albuquerque EMS Authority.~~

~~(A) *Membership, Appointment, Terms, Disclosure, and Replacement.* The Authority shall consist of five at-large community members. One or more of the at-large community members shall have expertise in business finance, budgeting, and accounting. The members shall be appointed by the Mayor with the advice and consent of the Council. The Authority shall be established in an expeditious manner. No member of the Authority shall have a past or present substantial financial interest, as defined in §§ 9-4-4-1 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%20mexico](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20mexico)>~~

~~(B) *Authority.* At a minimum, the Authority shall prepare and recommend to the Mayor requirements as specified in §§ 9-4-4-1 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%20mexico](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20mexico)>~~

~~(C) *Functions.*~~

~~1) *General Administration.* The Authority shall be responsible for the administration of §§ 9-4-4-1 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%20mexico](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20mexico)> et seq., shall guarantee medical control of the EMS system through the direction of the Board, shall directly discharge all other responsibilities concerning the nonmedical aspects of the EMS system, and shall recommend to the Chief and the Mayor the promulgation of rules and regulations governing EMS functions pursuant to its proper administration.~~

~~2) *Medical Control Board.* The Board shall be responsible to the Authority for medical control functions as specified in § 9-4-4-8 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%20mexico](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20mexico)>~~

~~3) *Oversight and Enhancements.* The Authority shall provide general oversight with regard to the operations of the EMS system and shall be responsible for the investigation and improvement, if appropriate, of existing EMS programs with regard to the items below. In matters related to patient care and the delivery of medical services, especially as specified in § 9-4-4-8 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%20mexico](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20mexico)>~~

~~(a) Assuring the on-line and off-line medical control exercised by physicians over ambulance and emergency medical services;~~

- ~~(b) Enhancing the communications and dispatch systems of the EMS program;~~
- ~~(c) Developing, publishing, disseminating, and insuring compliance with written medical protocols (which are the responsibility of the Executive Medical Director) to serve as the required standard of care;~~
- ~~(d) Establishing objectively stated and measurable performance standards related directly or indirectly to clinical performance and patient care;~~
- ~~(e) Developing an emergency medical services prevention program;~~
- ~~(f) Conducting research concerning, and evaluating the provision of, EMS services. This activity shall involve developing and implementing a unified, medical records system for EMS services;~~
- ~~(g) Engaging in such other actions which would result in needed improvements to the operation and efficiency of the EMS system.~~

~~(4) *EMS Authority Report.* The Authority shall prepare and submit an annual report concerning its activities, finances, and the performance of the EMS system to the Council and the Mayor.~~

~~(5) *System Restructuring.* The Authority, with the assistance of the Board and the Providers Advisory Committee, shall describe the present operation of the EMS system and propose a plan to fulfill the purposes of §§ 9-4-4-1 <[http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%](http://www.amlegal.com/nxt/gateway.dll?f=id&id=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20MEDICAL%20DIRECTOR%20OPERATOR)~~

~~MEDICAL DIRECTOR; OPERATOR.~~

~~(A) Operators shall maintain medical direction pursuant to the regulations of the Primary Care and EMS Bureau of the New Mexico Department of Health, or as otherwise provided by state law. The function of an Operator's Medical Director shall include but is not limited to the following:~~

- ~~(1) Establishing and managing the office of the Medical Director and the day-to-day operations of the EMS Service, in matters of medical performance.~~
- ~~(2) Overseeing and coordinating the activities of the EMS Operator in medical performance.~~
- ~~(3) Acting in close cooperation with other operator's Medical Directors to establish written protocols as required by state regulation.~~
- ~~(4) Acting in cooperation with the Executive Medical Director.~~
- ~~(5) Auditing and overseeing medical issues as they pertain to training, quality improvement, and service delivery.~~

(6) ~~Acting to restrict all or part of an individual's patient care activities in accordance with existing state regulations.]~~

§ ~~[9-4-4-7]~~ [9-4-4-5] MEDICAL DIRECTOR ~~[of the AHJ]~~ [EXECUTIVE]

~~[(A)]~~ [(A)] Shall maintain medical direction pursuant to the regulations of the Primary Care and EMS Bureau of the New Mexico Department of Health, or as otherwise provided by state law.]

~~[(A)]~~ [(B)] The functions of the Executive Medical Director ~~[of the AHJ]~~ include but are not limited to the following:

~~[(1)]~~ [(1)] ~~Establishing and managing the office of the Authority.]~~

~~[(2)]~~ [(1)] Managing the day-to-day activities of the EMS system pursuant to protocols written by the ~~[Medical Control]~~ Board ~~[(hereinafter "Board")]~~ ~~[recommended by the Authority, as approved by the Executive Medical Director.]~~

~~[(3)]~~ [(2)] Acting to restrict all or part of an individual's patient care activities in accordance with existing state regulations.]

~~[(4)]~~ [(3)] Liaison with, oversee, and coordinate the activities of the EMS providers.

~~[(5)]~~ [(4)] Taking direction from and being responsible to the Board concerning matters related to patient care and the delivery of medical services.

~~[(6)]~~ [(5)] Acting as a member and chairperson of the Board.

~~[(7)]~~ [(6)] ~~[Acting as a member of]~~ [Provides Board report to] the Providers Advisory Committee.

~~[(8)]~~ [(7)] ~~Acting as the Operator Medical Director, if requested, for any of the services within the EMS system with the powers, duties, and responsibilities appropriate to that position.]~~

~~[(9)]~~ [(7)] Acting as a liaison with physicians, nurses, other health care professionals, and the public at large.

~~[(8)]~~ [(8)] Auditing and overseeing medical issues as they pertain to training, quality improvement, and service delivery.]

~~[(10)]~~ [(9)] ~~Directing the performance of medical audits.~~

~~[(11)]~~ [(9)] Performing other duties as designated by the Mayor ~~[Fire Chief]~~ or his designee.

~~[(12)]~~ [(10)] Acting as a liaison between the EMS system and local community, medical facilities, and regional/state medical directors.

~~[(13)]~~ [(11)] Providing educational opportunities when appropriate.

~~[(B)]~~ [(B)] The Executive Medical Director shall be a full-time position. During periods when the Executive Medical Director position is vacant, the Authority will request Operator Medical

~~Directors to act in the capacity of the permanent Executive Medical Director on a rotating basis for a period of no less than six months. The Executive Medical Director of the AHJ shall be an independent contractor and shall comply, however, with the City purchasing ordinance. The Executive Medical Director position and all related expenses shall be paid by the governmental and private entities who come under this ordinance on a pro-rata basis as determined by the number of emergency medical technicians utilized by the respective entity.~~

§ ~~9-4-4-8~~ 9-4-4-6 MEDICAL CONTROL BOARD.

(A) *Membership and Terms.* The members shall consist of licensed physicians engaged in the practice of emergency medicine. The membership of the Board shall consist of [one] ~~[the]~~ emergency department [physician] ~~[medical director]~~ or his designee from each hospital organization operating a full service, 24-hour emergency department in the city. ~~[The Executive Medical Director shall serve as a member and chairperson of the Board.]~~ The Board shall meet no less than once every two months as determined by its membership. Members [other than the Medical Director of the AHJ] shall have staggered terms, and the term of appointment shall be for two years~~[, and there shall be no limit on consecutive terms. The Medical Director of the AHJ shall serve as a member and chairperson of the Board without term of appointment.]~~

(B) *Functions.* The Board shall be responsible ~~[to the Authority]~~ for all aspects of medical control related to patient care and the delivery of medical services. The Board shall meet at the call of its Chairperson. The Board shall address the following matters but not be limited to these topics:

(1) Medical control over the delivery of EMS and ambulance services including the medical control communication system.

(2) The effectiveness of the EMS dispatch communication system.

(3) Medical protocols (which are the responsibility of ~~[the Executive Medical Director]~~ [all Board members]) to serve as the required standard of care as required by state regulation.

~~[(4) Measurable performance standards related directly or indirectly to clinical performance and patient care.~~

~~[(5) Research and evaluation of the provision of EMS services, including the establishment of a unified medical records system for the EMS system.~~

~~[(6) An emergency medical services prevention program.]~~

(C) *Medical Audits.* The Board shall perform medical audits with regard to the provision of EMS when requested by the Medical Director [of the AHJ.] ~~[, by any doctor involved in the case,~~

by the Authority, or when in the Board's discretion it is determined that a specific incident merits investigation. The Board shall establish procedures for taking complaints and acting in an expeditious manner upon them. The Authority shall determine whether a regular program of conducting medical audits as a service monitoring procedure is warranted.]

§ ~~9-4-4-9~~ 9-4-4-7 PROVIDERS ADVISORY COMMITTEE.

The Mayor shall appoint a Providers Advisory Committee. The Mayor shall appoint one representative to the Committee from each EMS operator within the city and two representatives of all Emergency Medical Technicians (EMTs) employed by or providing services for these service providers. [The Mayor] [He] shall appoint one EMT employed by the City Fire Department and one EMT employed by providers of ambulance services. The Providers Advisory Committee shall assist [the Authority and] the Board in the performance of their duties through advice and consultation. The Committee shall meet at the call of its chairperson upon the request of the Board. Initial members shall have staggered terms and, thereafter, the term of appointment shall be for two years[, and there shall be no limit on consecutive terms]. [If the County enters into a joint powers agreement pursuant to § 9-4-4-4 <[http://www.amlegal.com/nxt/gateway.dll?f=idsid=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%](http://www.amlegal.com/nxt/gateway.dll?f=idsid=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20) The Committee shall [include] [be increased by] two members who shall be appointed by the County Commission. The Providers Advisory Committee shall elect its chairperson from among its members.

§ ~~9-4-4-10~~ 9-4-4-8 911 SYSTEM.

The 911 System shall be the focal point for:

- (A) Receipt of all requests for assistance for and emergency transport of sick and injured persons.
- (B) Dispatch of all responses to requests for assistance and emergency transport of sick and injured persons.

§ ~~9-4-4-11~~ 9-4-4-9 PROCEDURES FOR BEING INCLUDED IN THE 911 SYSTEM.

(A) The Mayor shall enter into [a] [at least one] contractual agreement with an operator to provide emergency transport ambulance services in the city pursuant to the 911 system. The application and request for proposal for such contract[s] shall be subject to the City purchasing regulations.

~~[(B) The Board shall review all applications and make recommendations to the Mayor.]~~

~~[(C)][(B)] There shall be [at least] one contract awarded to provide emergency transport ambulance services[.] [, provided, however, that if the county enters into a joint powers agreement pursuant to § 9-4-4-4 <[http://www.amlegal.com/nxt/gateway.dll?f=idsid=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db\\$cid=new%](http://www.amlegal.com/nxt/gateway.dll?f=idsid=Albuquerque%20Code%20of%20Ordinances%3Ar%3A25db$cid=new%20)~~

§ ~~9-4-4-12~~ 9-4-4-10 PROCEDURES FOR RESPONSES TO REQUESTS FOR EMERGENCY TRANSPORT.

- (A) The City through coordinated dispatch shall:

- (1) Receive, evaluate, and categorize all requests for emergency transport of sick and injured persons within the community.
 - (2) Dispatch appropriate Fire Department response.
 - (3) Notify ambulance operator as to location and nature of call pursuant to written protocols prepared by the Medical Control Board.
 - (4) Take control of patient and scene and provide for patient care until [care is transferred to a] contracted [emergency transport ambulance service] [transportation is available].
 - (5) Continue patient care during transport when appropriate or upon the request of a contractor.
 - (6) Transport patients when medically necessary [or when a contracted ambulance service is either delayed or unavailable] ~~[when so determined by on-line medical control or previously written protocol]~~.
- (B) The ambulance transport provider[s] shall respond to any request for emergency transport of sick or injured persons which has been referred to the ambulance provider by the City, pursuant to contract with the City.

~~[§9-4-4-13] AMBULANCE SERVICE PROVIDERS WHO ARE CERTIFICATED TO PROVIDE EXCLUSIVELY NONEMERGENCY TRANSPORTATION.~~

~~Because the services provided by holders of exclusively nonemergency ambulance certificates may be varied and include operations which do not require the participation of EMTs, the Authority shall regulate these providers in a distinct and appropriate manner which is not burdensome to them. The Authority shall regulate these services only with regard to the provision of ambulance services which require the assistance of an EMT.]~~

~~§ [9-4-4-14] [9-4-4-11] JUDICIAL REVIEW.~~

All actions for judicial review must be filed within 30 days of receipt of notice of the determination in the Second Judicial District Court in Bernalillo County. All determinations made by the Mayor shall be sustained unless arbitrary, capricious, contrary to law, clearly erroneous, or not based upon substantial evidence.

§ 9-4-4-99 PENALTY.

Any person who violates § 9-4-4-5(C)(5) shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances. Every violation shall be a separate misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as

such hereunder. ('74 Code, § 6-28-13) (Ord. 9-1993)

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 the 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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