



Legislation Text

File #: O-22-2, Version: 2

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

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

SPONSORED BY: Dan Lewis

ORDINANCE

Updating The Civil Emergency Powers Ordinance Relating To Public Health Orders (Lewis)
UPDATING THE CIVIL EMERGENCY POWERS ORDINANCE RELATING TO PUBLIC HEALTH ORDERS.

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

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

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

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

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

The Mayor shall immediately deliver a copy of the declaration and all orders, advisories, or recommendations issued pursuant to authority contained in § 2-9-1-3 or § 2-9-1-4 to the Albuquerque Police Department, Albuquerque Fire and Rescue, all major media outlets serving

the city, and the City Councilors. The Mayor shall also post a copy of such orders, advisories, or recommendations to the city's website, distribute them through the city's primary social media accounts, and take such additional reasonable measures necessary to inform impacted persons and businesses of the emergency declaration and associated emergency orders, advisories, or recommendations.

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

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

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

SECTION 2. SEVERABILITY. 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 provision being declared unconstitutional or otherwise invalid.

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

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

X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\25 Council\O-2final.docx