

0-2014-007

**CITY OF ALBUQUERQUE
CITY COUNCIL**

3/21/14

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-14-5 Amending Chapter Thirteen Of The Revised Ordinances Of Albuquerque Relating To Businesses And Occupations To Authorize Waivers Of The Distance Requirement From A Church Or School For Certain Licenses Issued Under The New Mexico Liquor Control Act (Benton), which was passed at the Council meeting of March 17, 2014 by a vote of 8 FOR AND 0 AGAINST.

Excused: Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh
Attachment

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1 LICENSE. A dispenser's, retailer's, club, restaurant, wholesaler's, small
2 brewer's, wine grower's or other license regulated under this ordinance and
3 issued by the Director for the sale of alcoholic beverages."

4 SECTION 3. SECTION 13-2-4(A) IS HEREBY AMENDED AS FOLLOWS:

5 "§ 13-2-4 WAIVER OF DISTANCE REQUIREMENT BETWEEN LICENSED
6 PREMISES FOR A LIQUOR LICENSE AND CHURCH OR SCHOOL.

7 (A) The Council may grant a waiver of the prohibition of a licensed
8 premises within 300 feet of a church or school pursuant to Section 60-6B-10
9 NMSA 1978, provided:

10 (1) In all zones that allow the sale or service of alcoholic beverages,
11 other than the Arts and Entertainment District of the downtown core, the
12 waiver is for the operation of a restaurant license, a small brewer's license, or
13 a winegrower's license as defined in the state Liquor Control Act;

14 (2) The Arts and Entertainment District of the downtown core as
15 designated in the Downtown 2010 Plan (as adopted in 2000), a waiver may be
16 requested for the operation of any state license authorized under Chapter 60,
17 Article 6A of the Liquor Control Act; and further provided that;

18 (3) The waiver will not be detrimental to the public health, safety,
19 welfare or morals of the affected neighborhood, including residents;

20 (4) The proposed location for which the waiver is sought will not be
21 within an area where the sale of alcoholic beverages is prohibited by the laws
22 of the state; and

23 (5) The issuance or transfer for which the waiver is sought will not be
24 in violation of a zoning or other ordinance of the city."

25 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph,
26 sentence, clause, word or phrase of this ordinance is for any reason held to be
27 invalid or unenforceable by any court of competent jurisdiction, such decision
28 shall not affect the validity of the remaining provisions of this ordinance. The
29 Council hereby declares that it would have passed this ordinance and each
30 section, paragraph, sentence, clause, word or phrase thereof irrespective of
31 any provisions being declared unconstitutional or otherwise invalid.

1 SECTION 5. COMPILATION. Section 2 and 3 of this ordinance shall
2 amend, be incorporated in and made part of the Revised Ordinances of
3 Albuquerque, New Mexico, 1994.

4 SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five
5 days after publication by title and general summary.

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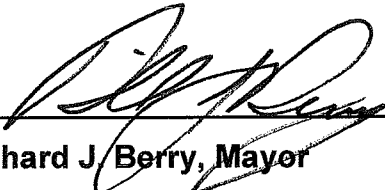
1 PASSED AND ADOPTED THIS 17th DAY OF March, 2014
2 BY A VOTE OF: 8 FOR 0 AGAINST.

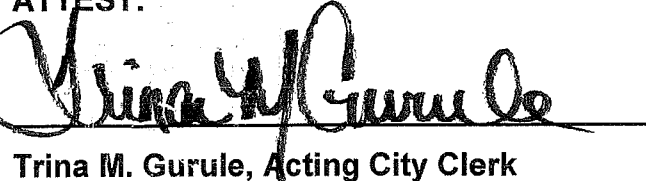
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4 Excused: Lewis

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8 Ken Sanchez, President
9 City Council

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13 APPROVED THIS 31st DAY OF March, 2014

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17 Bill No. O-14-5

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22 Richard J. Berry, Mayor
23 City of Albuquerque

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26 ATTEST:
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29 Trina M. Gurule, Acting City Clerk

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Health City Sun

AFFIDAVIT OF PUBLICATION

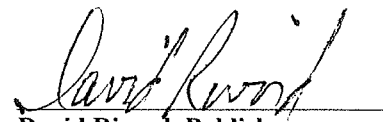
State of New Mexico)
) ss
County of Bernalillo)

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

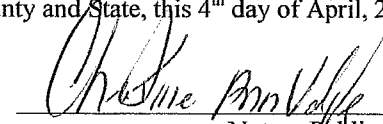
Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 4th day of April, 2014, and the last publication being in the issue of the 4th day of April, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.


David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 4th day of April, 2014.


Notary Public

My Commission Expires 3-11-2017

CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL
COUNCIL BILL NO. O-14-5
ENACTMENT NO. O-2014-007
SPONSORED BY: Isaac
Benton
ORDINANCE
AMENDING CHAPTER
THIRTEEN OF THE
REVISED ORDINANCES OF
ALBUQUERQUE RELATING
TO BUSINESSES AND
OCCUPATIONS TO AUTHORIZE
WAIVERS OF THE DISTANCE
REQUIREMENT FROM A
CHURCH OR SCHOOL FOR
CERTAIN LICENSES ISSUED
UNDER THE NEW MEXICO
LIQUOR CONTROL ACT.
BE IT ORDAINED BY
THE COUNCIL, THE
GOVERNING BODY OF THE
CITY OF ALBUQUERQUE:
HCS Pub. April 4, 2014

Health City Sun

AFFIDAVIT OF PUBLICATION

State of New Mexico)
) ss
County of Bernalillo)

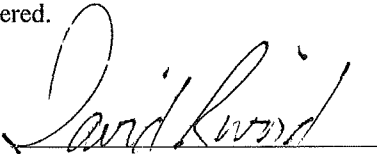
CIUDAD de ALBUQUERQUE
VIGÉSIMO PRIMER CONCEJO
PROYECTO DE LEY
MUNICIPAL NÚM. O-14-
5 PROMULGACIÓN NÚM.
O-2014-007
PATROCINADO POR:
Isaac Benton
ORDENANZA
PARA ENMENDAR EL
CAPÍTULO TRECE DE LAS
ORDENANZAS REVISADAS DE
ALBUQUERQUE RELATIVAS A
NEGOCIOS Y OCUPACIONES,
CON EL FIN DE AUTORIZAR
EXENCIONES PARA EL
REQUISITO DE DISTANCIA
DESDE IGLESIAS O ESCUELAS
PARA CIERTAS LICENCIAS
EMITIDAS CONFORME A
LA LEY DE CONTROL DE
BEBIDAS ALCOHÓLICAS
DE NUEVO MÉXICO.
ASÍ LO RESUELVE EL
CONCEJO, ÓRGANO
GOBERNANTE DE LA
CIUDAD DE ALBUQUERQUE:
HCS Pub. April 4, 2014

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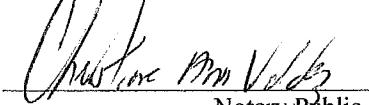
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