

City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Trina Gurule, Acting City Clerk

Interoffice Memorandum

January 12, 2018

To: CITY COUNCIL

From: TRINA GURULE, ACTING CITY CLERK

Subject: BILL NO. O-17-61; ENACTMENT NO. O-2017-030

I hereby certify that on January 11, 2018, the Office of the City Clerk received Bill No. O-17-61 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2017-030 was passed at the December 18, 2017 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-17-61.

Sincerely,

Trina Gurule
Acting City Clerk

O-2017-030

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 12/27/17

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-17-61 Amending The Revised Ordinances Of Albuquerque Relating To The Albuquerque Rapid Transit (ART) Program And The Operation And Use Of Transit Vehicles And Facilities (Benton, by request), which was passed at the Council meeting of December 18, 2017, by a vote of 9 FOR AND 0 AGAINST.

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

JKZ:dm
Attachment
12/20/2017

RECEIVED
ALBUQUERQUE CITY CLERK

2018 JAN 11 PM 4:37

**CITY of ALBUQUERQUE
TWENTY-SECOND COUNCIL**

COUNCIL BILL NO. O-17-61 ENACTMENT NO. 0-2017-030

SPONSORED BY: Isaac Benton, by request

1 **ORDINANCE**
2 **AMENDING THE REVISED ORDINANCES OF ALBUQUERQUE RELATING TO**
3 **THE ALBUQUERQUE RAPID TRANSIT (ART) PROGRAM AND THE**
4 **OPERATION AND USE OF TRANSIT VEHICLES AND FACILITIES.**

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

7 **SECTION 1. FINDINGS AND INTENT.**

8 **(A) The City Council finds that that the ART, scheduled to be operational by**
9 **the end of calendar year 2017, has passenger boarding, fare collection, traffic**
10 **lane usage and other structural and operational features which require**
11 **amendments to existing Ordinances to operate ART while maintaining public**
12 **safety.**

13 **(B) The City Council finds that these ART and general transit ordinance**
14 **amendments will help promote the health, safety, and welfare of the**
15 **community by providing guidelines for the operation of ART.**

16 **(C) The intent of these amendments is to enact ordinances to be enforced**
17 **consistent with the stated purposes in this Section 1.**

18 **SECTION 2. CHAPTER 7, ARTICLE 2, PART 1, IS HEREBY AMENDED AS**
19 **FOLLOWS:**

20 **“§ 7-2-1-2 VIOLATION.**

21 **It shall be a violation of § 7-2-1-1 for any person using the transit system to**
22 **fail to pay the applicable fare. Any person in violation of § 7-2-1-1 is guilty of a**
23 **misdemeanor and subject to the penalty provisions set forth in § 1-1-99 ROA**
24 **1994.”**

25 **SECTION 3. CHAPTER 7, ARTICLE 2, PART 2, IS HEREBY AMENDED AS**
26 **FOLLOWS:**

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1 **“PART 2: TRANSIT BOARDING.**

2 **§ 7-2-2-1 BOARDING AREA RESTRICTIONS.**

3 **Public transit boarding areas located within a street median are reserved**
4 **for passengers only. It shall be a violation of this Section for any person to be**
5 **present in these boarding areas except for:**

6 **(a) a passenger boarding or exiting the designated public transit vehicle**
7 **who has already paid the applicable fare for the public transit service; or**

8 **(b) a passenger waiting in the designated boarding area who has already**
9 **paid the applicable fare in advance with the intent to board the next**
10 **designated public transit vehicle to arrive in the direction of travel.**

11 **(c) city-authorized persons.**

12 **It shall be a violation of this Section for any person to be present in these**
13 **boarding areas at times outside the designated public transit service hours**
14 **except for city-authorized persons, except for the designated cross-walk areas**
15 **in the median for a reasonable amount of time to continue crossing the street.**

16 **§ 7-2-2-2 VIOLATION. Any person in violation of § 7-2-2-1 is guilty of a**
17 **misdemeanor and subject to the penalty provisions set forth in § 1-1-99 ROA**
18 **1994.”**

19 **SECTION 4. CHAPTER NINE, ARTICLE FIVE, SECTION 9-5-5-4 (C) IS**
20 **AMENDED AS FOLLOWS:**

21 **“§ 9-5-5-4 SMOKING PROHIBITED.**

22 **(C) It is unlawful for a person to smoke within any public transit boarding**
23 **area located within a street median and any other outdoor or partially-**
24 **sheltered public transit boarding or designated waiting area where smoking is**
25 **prohibited, in addition to the unlawfulness of smoking in any indoor public**
26 **transit facilities or city owned or operated vehicles.”**

27 **SECTION 5. CHAPTER NINE, ARTICLE FIVE, SECTION 9-5-5-9 IS HEREBY**
28 **AMENDED AS FOLLOWS:**

29 **“§ 9-5-5-9 ENFORCEMENT.**

30 **(A) The Albuquerque Fire or Police Departments, the Mayor or his**
31 **designated agents, or the Bernalillo County Sheriff’s Department shall enforce**
32 **the Albuquerque Clean Indoor Air Ordinance by issuance of a citation.**

1 (B) A person may register a complaint regarding an alleged violation
2 pursuant to the Albuquerque Clean Indoor Air Ordinance to initiate
3 enforcement of that ordinance with the Mayor or the Albuquerque Fire or
4 Police Departments.

5 (C) The designated enforcement agencies may inspect an establishment
6 for compliance with the Albuquerque Clean Indoor Air Ordinance.”

7 SECTION 6. SEVERABILITY CLAUSE.

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

15 SECTION 7. COMPILATION. Sections 2 through 5 of this ordinance
16 shall amend, be incorporated in and made part of the Revised Ordinances of
17 Albuquerque, New Mexico, 1994.

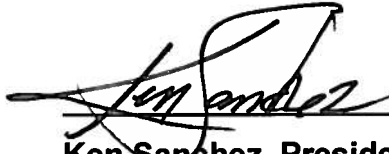
18 SECTION 8. EFFECTIVE DATE. This ordinance shall take effect five
19 days after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 18th DAY OF December, 2017
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Ken Sanchez, President
City Council

APPROVED THIS 4th DAY OF January, 2018

Bill No. O-17-61

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:


Trina Gurule, Acting City Clerk

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Mayor Richard J. Berry

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

October 31, 2017

TO: Isaac Benton, President, City Council

FROM: Richard J. Berry, Mayor

SUBJECT: Revised Ordinances of Albuquerque Relating to the Albuquerque Rapid Transit Program and the Operation and Use of Transit Vehicles and Facilities

The attached Ordinance for City Council consideration, if enacted, would provide for a greater level of security and healthier environment for users of public transit. This Ordinance amends current City Code and enacts additions to City Code related to:

- A. The maximum penalty for failure to pay the applicable transit fare, and
- B. The use of Albuquerque Rapid Transit stations during operating and non-operating hours, and
- C. Designating non-smoking areas for transit boarding areas, facilities, and vehicles, and
- D. Mayor's ability to designate individuals to enforce the Albuquerque Clean Indoor Air Ordinance.

This Ordinance is being forwarded to the City Council for approval.

Cover Analysis

1. What is it?

This Ordinance provides amendments and additions to City Code to promote the health, safety, and welfare of the use of the Albuquerque Rapid Transit system (ART).

2. What will this piece of legislation do?

This Ordinance amends current City Code and enacts additions to City Code related to:

- A. The maximum penalty for failure to pay applicable fare
- B. The use of ART stations during operating and non-operating hours.
- C. Designating no smoking areas for transit boarding areas, facilities, and vehicles
- D. Mayor's ability to designate individuals to enforce the Albuquerque Clean Indoor Air Ordinance

3. Why is this project needed?

These amendments and additions are needed to provide a safe and healthy environment for individuals using public transit.

4. How much will it cost and what is the funding source?

Zero cost.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

There is no associated revenue source.

6. What will happen if the project is not approved?

The City's ability to provide a safe and healthy environment for transit users is severely restricted.

7. Is this service already provided by another entity?

No

FISCAL IMPACT ANALYSIS

TITLE: Revised Ordinances related to the Albuquerque Rapid Transit (ART) Program R: O:
 FUND: 661
 DEPT: TRANSIT

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2018	Fiscal Years 2019	2020	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	-	-	-	-
Property	-	-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH				
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created 0

COMMENTS: There are no direct financial impacts from these ordinance revisions. Violators of the ordinance may be subject to penalties that may include fines.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

[Signature] 10/24/17
 FISCAL ANALYST

APPROVED:

[Signature] 2017.10.29
 DIRECTOR (date)

REVIEWED BY:

[Signature] EXECUTIVE BUDGET ANALYST
[Signature] BUDGET OFFICER (date)
[Signature] CITY ECONOMIST

§ 7-2-1-2 VIOLATION.

It shall be a violation of § 7-2-1-1 for any person using the transit system to fail to pay the applicable fare.

9-5-5-4 SMOKING PROHIBITED.

(A) It is unlawful for a person to smoke in any indoor workplace or indoor public place or in buses, taxicabs or other means of public transit not specifically exempted pursuant to the Albuquerque Clean Indoor Air Ordinance.

(B) It is unlawful to smoke on the grounds and in all buildings within the Albuquerque Biological Park including the Rio Grande Zoo, Aquarium and Botanical Gardens.

(Ord. 21-2008) Penalty, see § 9-5-5-99

9-5-5-9 ENFORCEMENT.

(A) The Albuquerque Fire or Police Departments or the Bernalillo County Sheriff's Department shall enforce the Albuquerque Clean Indoor Air Ordinance by issuance of a citation.

(B) A person may register a complaint regarding an alleged violation pursuant to the Albuquerque Clean Indoor Air Ordinance to initiate enforcement of that ordinance with the Mayor or the Albuquerque Fire or Police Departments.

(C) The designated enforcement agencies may inspect an establishment for compliance with the Albuquerque Clean Indoor Air Ordinance.

(Ord. 21-2008)