

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 1 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

In Section 11-1-1-3, page 2, starting on line 11, delete the definition of Imminent Hazard and replace it as follows:

[IMMINENT HAZARD. ~~A condition where creates an immediate and articulable risk of serious injury or death to persons in the vicinity. A situation that demands unusual or immediate action and which requires the City to circumvent usual procedures and warrant requirements in order to protect a person's health, safety, and life from harm.]~~

Explanation:

This amendment clarifies the definition of Imminent Hazard.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 2 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

In Section 11-1-1-6, page 5, starting on line 20, insert a new section B as follows and renumber subsequent sections:

(B) A person shall not be deemed to have violated this ordinance if they are the victim, rather than the perpetrator, or any criminal activity that forms the basis of the nuisance determination, or if they are merely present when nuisance activity occurs.

Explanation:

This amendment adds that victims of a crime will not be in violation of a crime-based nuisance determination.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 3 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

In Section 11-1-1-6, page 6, starting on line 15, delete subsection C in its entirety and add a new subsection as follows:

~~(C) No person shall be in violation of this ordinance if the nuisance designation is based solely on violations of the following and the individual is determined to be the victim of domestic violence:~~

~~(1) Assault against a household member, NMSA 1978 § 30-3-12;~~

~~(2) Aggravated assault against a household member, NMSA 1798, § 30-3-13;~~

~~(3) Assault against a household member with intent to commit a violent felony, NMSA 1798, § 30-3-14;~~

~~(4) Battery against a household member, NMSA 1798, § 30-3-15; or~~

~~(5) Aggravated battery against a household member, NMSA 1978, § 30-3-16.~~

~~[(C) A person shall not be deemed to have violated this ordinance if the nuisance determination is based solely on incidents of domestic violence and the person is determined to be the victim in those incidents.]~~

Explanation:

This amendment says that, when a nuisance determination is based on domestic violence the victims will not be in violation of the Ordinance, but in simpler language.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
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March 3, 2025

FLOOR AMENDMENT NO. 4 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

1. In Section 11-1-1-7, page 6, starting on line 32, amend Section A as follows:

(A) Any person ~~[found to have engaged in unlawful activity, as established in Section 11-1-1-6(A) who violates any provision of this ordinance]~~ shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both. Each separate violation shall constitute a separate offense and every day on which any violation exists shall constitute a separate violation and offense.

Explanation:

This amendment adds specificity to the penalty provision of the Ordinance.

THIS AMENDMENT PASSED ON A 8-1 VOTE.
For: Baca, Bassan, Champine, Fiebelkorn, Grout, Lewis, Peña, Sanchez
Against: Rogers

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 5 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

1. In Section 11-1-1-9, page 9, starting on line 27, amend Section A as follows:

(A) In addition to any other remedies available in this Ordinance or under the common law, the Mayor's designee may impose a civil fine of \$500 per day ~~[for any violation of this article based on a determination that a person has engaged in activity that constitutes a public nuisance, as defined herein]~~[, provided that a daily \$500 fine shall only be imposed in the case of an imminent hazard.]

Explanation:

This amendment adds clarifying language to the civil fine provision of this Ordinance.

THIS AMENDMENT PASSED ON A 8-1 VOTE.
For: Baca, Bassan, Champine, Fiebelkorn, Grout, Lewis, Peña, Sanchez
Against: Rogers

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 6 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

In Section 11-1-2-5, page 27, starting on line 25, amend Sections C and D as follows:

(C) Remediation by owner. The owner of the property shall remediate the residually contaminated portion of the property by retaining an industrial or environmental hygienist firm to pre-test the property to determine the extent of the contamination and the nature of the required remediation. When the industrial or environmental hygienist firm determines that remediation is required, the owner shall retain a drug laboratory site remediation firm to conduct the remediation. The industrial or environmental hygienist firm and the drug laboratory site remediation firm shall be separate and unaffiliated business entities. The owner shall retain the industrial or environmental hygienist firm and the drug laboratory site remediation firm within 30 days of the day of delivery of personal service of the notice of removal or within 35 days of the date the notice of removal is mailed by certified mail or posted on the property. Remediation shall be completed ~~[in accordance with the standards for remediation of residual contamination adopted by the Albuquerque Police Department and the City Environmental Health Department]~~ within 60 days of the day of delivery of personal service of notice to the owner or within 65 days of the date notice is mailed by certified mail to the owner or for such other period of time that is approved in writing by the Albuquerque Police Department.

(D) Remediation procedures. An industrial or environmental hygienist firm and the drug laboratory site remediation firm retained to remediate the residually contaminated portion of any property pursuant to this section shall comply with the best practices and standards for remediation of residual contamination ~~[adopted by the Albuquerque Police Department 17 and the City Environmental Health Department]~~. The industrial or environmental hygienist firm shall notify the owner whenever the firm determines that any structure requires remediation of contamination as required in this section. The owner shall send such notification of required remediation of contamination to Albuquerque Police Department, the City Environmental Health Department and the city's Chief Building Official. Within one

business day after the remediation is complete, the drug laboratory site remediation firm shall notify the Albuquerque Police Department, the City Environmental Health Department and the industrial or environmental hygienist firm that the property is ready for final inspection. After inspection by the industrial or environmental hygienist firm ~~[and approval by the Albuquerque Police Department and the City Environmental Health Department]~~, the industrial or environmental hygienist firm shall issue a final clearance document certifying that remediation of the residually contaminated portion of the property was completed pursuant to the standards for remediation of residual contamination and shall deliver the certification document or send the document by certified mail to the owner. The owner shall provide a copy of the certification of completed remediation to each person and entity listed in subsection (A) (4) of this section, the city's Chief Building Official and the law enforcement agency that issued the notice under that subsection. After the final clearance document has been issued, both of the following apply:

(1) The owner, landlord, lien holder or manager of the property is not required to comply with subsection (G) of this section.

(2) Any person may use, enter, occupy, rent or sell the property. It shall be the responsibility of the owner of the property to file with the County Assessor the document stating that the residually contaminated portion of the property has been remediated. The owner shall also be responsible for the costs associated with filing. The issuance of the document certifying that remediation of the residually contaminated portion of the property was completed pursuant to the standards for remediation of residual contamination shall be a prerequisite for a certificate of occupancy or any city required building inspection and shall not be in lieu of a certificate of occupancy or any city required building inspection.

Explanation:

This amendment removes requirements for APD and EHD to set and confirm standards for cleanup of drug labs. Since the Ordinance requires cleanup by professional industrial and environmental hygienists, they will ensure adherence to updated professional standards.

THIS AMENDMENT PASSED ON A 5-4 VOTE.

For: Baca, Bassan, Champine, Grout, Lewis

Against: Fiebelkorn, Peña, Rogers, Sanchez

**CITY COUNCIL
of the
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March 3, 2025

FLOOR AMENDMENT NO. 7 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR: Renée Grout

In Section 11-1-1-3, page 3, starting on line 28, delete section 5 entirely:

~~**[(5) In no instance shall allowing individuals to camp or store their belongings on private property be deemed a public nuisance.]**~~

In Section 11-1-1-6, page 6, starting on line 28, delete section D entirely:

~~**[(D) No person shall be in violation of this ordinance if the nuisance designation is based solely on allowing individuals to camp or store their belongings on private property.]**~~

Explanation:

Allowing individuals to camp on private property, unless the property is properly zoned and designated, is a violation of the IDO and the Public Camping Ordinance. This amendment strikes this provision entirely.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

March 3, 2025

FLOOR AMENDMENT NO. 8 TO O-24-63

AMENDMENT SPONSORED BY COUNCILOR Fiebelkorn

1. On page 2, lines 30-31, amend subsection (1) in the definition of Public Nuisance as follows:

PUBLIC NUISANCE. Any acts or omissions that adversely affect public health, welfare, or safety. Acts or omissions that may be deemed a public nuisance include, but are not limited to, the following:

(1) Any criminal activity on three or more occasions within a three-month period[, if the City has issued citations or arrests documenting that the criminal activity has occurred on three prior occasions];