

**THIS AMENDMENT PASSED ON AN 9-0 VOTE.**

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO. 1 TO O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers**

In section 11-1-1-9, Page 9, starting on line 25 add and amend the following language and renumber subsequent sections.

**(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 [, provided that a daily \$500 fine shall only be imposed in the case of an imminent hazard].**

Explanation:

This amendment ensures that for abatements and public nuisances, only a case where an imminent hazard is present shall trigger the \$500/day fine.

**THIS AMENDMENT FAILED ON AN 4-5 VOTE.  
For: Baca, Fiebelkorn, Peña, Rogers  
Against: Bassan, Champine, Grout, Lewis, Sanchez**

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO.   2   TO   O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR   Nichole Rogers**

In section 11-1-1-9, Page 9, starting on line 25 add and amend the following language and renumber subsequent sections.

- (A) WARNING NOTICE. Any person who violates any provision of this ordinance shall receive a warning and be given 30 days to come into compliance.**
- (B) NOTICE OF VIOLATION. The Mayor’s designee may impose a civil fine of \$200 for a first failure to cure violations of this article, \$300 for a second failure to cure violations of this article and \$500 for a third or subsequent failure to cure violations of this article, after notice has been issued pursuant to § 11-1-1-9-(C). The civil fine for any person who demonstrates hardship, low income, or indigent status shall not exceed \$200 for any notification.**
- (C)(B) [CONTENTS OF NOTICES.] When the Mayor’s designee imposes a civil fine for violations of this article occurring on real property, the Mayor’s designee shall issue Notice directed to the owner of the subject property, their agent and/or responsible person, and, where appropriate, to the occupant of the subject property, as shown on the records of the Bernalillo**

County Clerk and/or the Bernalillo County Assessor's Office. The Notice shall contain:

- (1) The street address and a legal description of the subject property;
- (2) A statement that the Mayor's designee has found the subject property to be in violation of this article;
- (3) A concise description of the conditions found to render the subject property a public nuisance under the provisions of this code;
- (4) The amount of the fine assessed;
- (5) A statement that the fine must be paid in full within 30 days of the date of the order or a lien may be placed upon the subject property or any asset owned by the subject property's owner and that the City may seek remedies, including foreclosure, for any unpaid liens;
- (6) Instructions for how the fine can be paid;
- (7) A statement that payment plans or waivers may be available if the person can demonstrate hardship, low income or indigent status; and
- (8) A statement advising that any person having any title or legal interest in the subject property may appeal from the notice of civil fine to the Office of Administrative Hearings, provided the appeal is made in writing as provided in this article, and filed with the Office of the Administrative Hearings within 15 days of service of notice of civil fine, and that failure to timely appeal the notice of civil fine shall constitute a waiver of the right to appeal.

**(D) (A) [Following the WARNING NOTICE and NOTICE OF VIOLATION,] [!]** 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.

Explanation:

This amendment creates a new Warning notice and brings back the original fine and notification language from the existing ordinance. It also retains the fine at \$200 max for people who can prove hardship, low income or indigent status. This fine is only decreased for Civil Fines and not for criminal activity, which is covered under Section 11-1-1-7 of this ordinance.

**THIS AMENDMENT FAILED ON AN 4-5 VOTE.  
For: Baca, Fiebelkorn, Peña, Rogers  
Against: Bassan, Champine, Grout, Lewis, Sanchez**

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO. 3 TO O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña**

In section 11-1-1-9, Page 9, starting on line 25 add and amend the following language and renumber subsequent sections.

- (A) WARNING NOTICE. Any person who violates any provision of this ordinance shall receive a warning and be given 30 days to come into compliance.**
- (B) NOTICE OF VIOLATION. Upon failure to remediate within the 30 day warning period, the Mayor's designee shall issue a Notice of Violation that assesses a civil fine not to exceed \$500. The civil fine for any person who demonstrates hardship, low income, or indigent status shall not exceed \$200.**
- (C) (B) [CONTENTS OF NOTICES.] When the Mayor's designee imposes a civil fine for violations of this article occurring on real property, the Mayor's designee shall issue Notice directed to the owner of the subject property, their agent and/or responsible person, and, where appropriate, to the occupant of the subject property, as shown on the records of the Bernalillo County Clerk and/or the Bernalillo County Assessor's Office. The Notice shall contain:**

- (1) The street address and a legal description of the subject property;**
- (2) A statement that the Mayor's designee has found the subject property to be in violation of this article;**
- (3) A concise description of the conditions found to render the subject property a public nuisance under the provisions of this code;**
- (4) The amount of the fine assessed;**
- (5) A statement that the fine must be paid in full within 30 days of the date of the order or a lien may be placed upon the subject property or any asset owned by the subject property's owner and that the City may seek remedies, including foreclosure, for any unpaid liens;**
- (6) Instructions for how the fine can be paid;**
- (7) A statement that payment plans or waivers may be available if the person can demonstrate hardship, low income or indigent status; and**
- (8) A statement advising that any person having any title or legal interest in the subject property may appeal from the notice of civil fine to the Office of Administrative Hearings, provided the appeal is made in writing as provided in this article, and filed with the Office of the Administrative Hearings within 15 days of service of notice of civil fine, and that failure to timely appeal the notice of civil fine shall constitute a waiver of the right to appeal.**

**(D) (A) [Following the WARNING NOTICE and NOTICE OF VIOLATION,] [!]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.**

Explanation:

This amendment creates a new Warning notice and adds language that reduces the price to \$200 max for people who can prove hardship, low income or indigent status.

This fine is only decreased for Civil Fines and not for criminal activity, which is covered under Section 11-1-1-7 of this ordinance.

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

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO.        4                    TO    O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR    Tammy Fiebelkorn**

1. On page 3, lines 21-22, strike subsection (g) in its entirety and renumber subsequent subsections:

**(3) Three or more violations of the following City ordinances within a three-month period:**

- (a) Noise Control Ordinance § 9-9-4 or 9-9-7 ROA 1994;**
- (b) Food Sanitation Ordinance, § 9-6-1-1 to § 9-6-1-99 ROA 1994;**
- (c) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-2-2 ROA 1994, Housing and Restraint Standards for Mammals and Bird Kept on Residential Property;**
- (d) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-4-7 ROA 1994, Animal Noise;**
- (e) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-4-8 ROA 1994, Animal Fights;**
- (f) Albuquerque Insect and Rodent Control Ordinance, § 9-7-1 to § 9-7-99 ROA 1994;**
- ~~[(g) Weed and Litter Ordinance, § 9-8-1 to § 9-8-99 ROA 1994;]~~**
- ~~[(h)] [(g)] Uniform Housing Code, § 14-3-1-1 to § 14-3-5-99 ROA 1994; or~~**
- ~~[(+)] [(h)] Fire Code, § 14-2-1 ROA 1994.~~**



Explanation: This amendment proposes to remove the Weed and Litter Ordinance from the list of ordinance violations that constitute a “public nuisance” when three or more violations have occurred within a three-month period. The Weed and Litter Ordinance includes penalty provisions for violations, including civil fines. [ROA 1994, § 9-8-99](#).

**THIS AMENDMENT FAILED ON AN 3-6 VOTE**  
**For: Fiebelkorn, Peña, Rogers**  
**Against: Baca, Bassan, Champine, Grout, Lewis, Sanchez**

**CITY COUNCIL**  
**of the**  
**CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO.        5                        TO      O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR      Tammy Fiebelkorn**

1. On page 3, line 3, amend section (3) as follows:

**(3)    ~~[Three]~~ **[Six]** or more violations of the following City ordinances  
within a three-month period:**

Explanation: This amendment proposes to increase the number of ordinance violations in a three-month period that would constitute a “public nuisance” from three to six.

**THIS AMENDMENT PASSED ON AN 7-2 VOTE.  
For: Baca, Champine, Fiebelkorn, Grout, Lewis, Peña, Rogers  
Against: Bassan, Sanchez**

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

**February 3, 2025**

**FLOOR AMENDMENT NO. 6 TO O-24-63**

**AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn**

On Page 2, line 27 amend 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;**
- (2) The failure to secure the doorways or window openings of any building or structure to prevent the entry of unauthorized persons, where such failure leads to repeat activity that adversely affects public health, welfare or safety;**
- (3) Three or more violations of the following City ordinances within a three-month period:**
  - (a) Noise Control Ordinance § 9-9-4 or 9-9-7 ROA 1994;**
  - (b) Food Sanitation Ordinance, § 9-6-1-1 to § 9-6-1-99 ROA 1994;**
  - (c) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-2-2 ROA 1994, Housing and Restraint Standards for Mammals and Birds Kept on Residential Property;**
  - (d) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-4-7 ROA 1994, Animal Noise;**
  - (e) Humane and Ethical Animal Rules and Treatment (HEART) Ordinance, § 9-2-4-8 ROA 1994, Animal Fights;**
  - (f) Albuquerque Insect and Rodent Control Ordinance, § 9-7-1 to § 9-7-99 ROA 1994;**
  - (g) Weed and Litter Ordinance, § 9-8-1 to § 9-8-99 ROA 1994;**

(h) Uniform Housing Code, § 14-3-1-1 to § 14-3-5-99 ROA 1994; or

(i) Fire Code, § 14-2-1 ROA 1994.

(4) Any acts or omissions that would be deemed a public nuisance under common law.

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

On Page 5, line 14 amend § 11-1-1-6 PUBLIC NUISANCES PROHIBITED as follows:

**§ 11-1-1-6 PUBLIC NUISANCES PROHIBITED.**

**It shall be unlawful for any person to engage in activities that constitute a public nuisance or to intentionally, knowingly, recklessly, or negligently commit, conduct, promote, facilitate, permit, fail to prevent, or otherwise allow, any public nuisance in, on or using any property in which they hold any legal or equitable interest or right of possession.**

**An owner of property whose own activities on the real property are not a nuisance shall not be in violation of this ordinance if the owner has no knowledge of the public nuisance activity and, within a reasonable time after receiving notice of the activity constituting a nuisance, the owner:**

**Demonstrates to the City that the rental agreement for the property contains a provision prohibiting criminal activity and other nuisance activity;**

**Delivers to the tenant(s) a written notice of termination of the rental agreement as provided by the New Mexico Owner-Resident Relations Act;**

**Files an appropriate report with law enforcement authorities or otherwise cooperates with such authorities in enforcing laws with respect to tenants on the property;**

**(4) Initiates necessary and appropriate legal action to remove residents involved in criminal activity where such activity can be proven;**

**(5) Takes all reasonable and available steps to terminate the public nuisance activity, including, but not limited to, implementing the city's Crime Prevention Standards on the property; and**

**(6) Enters into a written Nuisance Abatement Agreement with the City wherein the property owner agrees to take specific steps, which may include providing on-site security or otherwise taking action that will abate, terminate or eliminate the public nuisance activity on the property in exchange for the City reserving its rights and agreeing not to initiate any legal action for public nuisance against the property owner during the term of the agreement provided that the property**

**owner complies with the terms and conditions of the written Nuisance Abatement Agreement and the public nuisance is eliminated, abated or terminated.**

**(C) No person shall be in violation of this ordinance if the nuisance designation is based solely on violations of the following and the 16 individual is determined to be the victim of domestic violence:**

**(1) Assault against a household member, NMSA 1978, § 30-18 3-12;**

**(2) Aggravated assault against a household member, NMSA 1978, § 30-3-13;**

**(3) Assault against a household member with intent to commit a violent felony, NMSA 1978, § 30-3-14;**

**(4) Battery against a household member, NMSA 1978, § 30-24 3-15; or**

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

**[(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:

This amendment clarifies that allow unhoused persons to camp and store their belongings on private property does not constitute a public nuisance and may not be subject to civil or criminal penalties under this ordinance.