CITY of ALBUQUERQUE TWENTY SIXTH COUNCIL

COUNCIL BILL NO. <u>0-24-58</u> ENACTMENT NO. _____

SPONSORED BY: Renée Grout

1	ORDINANCE
2	ADOPTING A NEW ARTICLE 25 OF CHAPTER 9 OF THE REVISED
3	ORDINANCES OF ALBUQUERQUE: PUBLIC CAMPING
4	WHEREAS, public spaces are intended for the use and enjoyment of all
5	community members; and
6	WHEREAS, establishing encampments can prevent others from enjoying
7	parks and open spaces; and
8	WHEREAS, camping in non-designated areas can damage natural habitats,
9	increase waste management challenges, and disturb wildlife; and
10	WHEREAS, the proliferation of unauthorized encampments strains local
11	resources, creates unhealthy conditions for both campers and nearby
12	residents, and decreases the quality of life for Albuquerque residents; and
13	WHEREAS, unauthorized encampments in public rights of way pose a
14	danger to the campers and the traveling public; and
15	WHEREAS, limiting public camping to designated campgrounds ensures
5 16	that all citizens have equitable access to public spaces.
17	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
² 18	ALBUQUERQUE:
19	SECTION 1. Adding Chapter 9, Article 25, as follows:
20	§ 9-25-1 SHORT TITLE.
21	This article may be cited as "The Public Camping Ordinance."
22	§ 9-25-2 PURPOSE
23	It is the purpose of this article to prevent harm to the health and safety of
24	the public and to promote the health, safety and welfare of the City by keeping
25	streets, sidewalks and other public property clear of encampments and to

1 prevent the use of public property in a manner that interferes with the rights of

2 others to use the areas for their intended purposes.

3 § 9-25-3 DEFINITIONS

- 4 [CAMP. To occupy an area for the purpose of establishing or maintaining a 5 permanent or temporary place to live, or to occupy an area with an apparent 6 intent to remain in that location for 24 hours or more. 7 CAMP FACILITIES. Tents, huts and any other temporary structures or 8 shelters. 9 CAMP PARAPHERNALIA. Tarpaulins, cots, beds, sleeping bags, 10 hammocks, carts/shopping carts, cooking facilities and similar equipment. 11 ENCAMPMENT. An area where an individual or individuals have erected 12 one or more tent or structures or placed personal items on public property 13 with the apparent intent to remain in that location for 24 hours or more. An 14 area will not be deemed an encampment merely because any individuals are present on public property or because individuals have temporarily placed 15 16 personal items on public property. PERSONAL PROPERTY. An item that is reasonably recognizable as 17 18 belonging to a person. § 9-25-4 UNLAWFUL CAMPING 19 **20 21 22** Except as otherwise authorized by ordinance or by rules issued by the Department of Parks and Recreation, it shall be unlawful for any person to camp, or maintain an encampment, in any publicly owned area, including any street, sidewalk, right of way, park, or open space. It shall further be unlawful for any person to refuse to remove an encampment from public land after receiving a notice instructing them to remove the encampment, or to set up an encampment after being ordered to remove one from a particular location. A person does not violate this ordinance if the person is merely sitting, sleeping or lying on public property on a temporary basis. § 9-25-5 UNLAWFUL STORAGE OF PERSONAL PROPERTY It shall be unlawful for any person to maintain personal property, including camp facilities or camp paraphernalia, on public property after that person has received a notice instructing them to remove the items.
 - 33 § 9-25-6 PROMULGATION OF RULES

[+<u>Bracketed/Underscored Material</u>+] - New

1 The Mayor may promulgate rules necessary for the prevention, abatement

2 and removal of encampments from public property within the City.

3 § 9-25-7 PENALTY FOR VIOLATIONS

4 Any person who violates § 9-25-4 or 9-25-5 shall be deemed guilty of a petty

5 misdemeanor and, upon conviction thereof, shall be subject to the penalty

6 provisions set forth in § 1-1-99 of this code of ordinances.]

7 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,

8 clause, word or phrase of this ordinance is for any reason held to be invalid or

9 unenforceable by any court of competent jurisdiction, such decision shall not

10 affect the validity of the remaining provisions of this ordinance. The Council

11 hereby declares that it would have passed this ordinance and each section,

12 paragraph, sentence, clause, word or phrase thereof irrespective of any

13 provision being declared unconstitutional or otherwise invalid.

14 SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be complied

as a new Article 25 in Chapter 9 of the Revised Ordinances of Albuquerque,

16 New Mexico, 1994, Chapter 9, titled "The Public Camping Ordinance."

- 17 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
- 18 after publication by title and general summary.

19

33