

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. F/S O-24-56 ENACTMENT NO. _____

SPONSORED BY: Renée Grout

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ORDINANCE

AMENDING THE PARKS ORDINANCE, ROA 1994, SECTIONS 10-1-1-1 ET SEQ.

WHEREAS, The City provides children’s play areas at parks throughout the City; and

WHEREAS, Playground structures exist for the purpose of providing a place for children to play and engage in recreation; and

WHEREAS, This equipment and the immediately surrounding areas are sometimes misused for other purposes such as sleeping, camping, and storing personal items; and

WHEREAS, This misuse can prevent residents from utilizing these areas as they are intended; and

WHEREAS, The Council wishes to address this issue by limiting the use of playground equipment solely to its intended play and recreation-related uses during park operating hours; and

WHEREAS, The presence of large items such as shopping carts in parks hinders the general public’s pride in and enjoyment of these neighborhood spaces; and

WHEREAS, Every year, the Parks & Recreation Department spends \$10,000 per acre maintaining grass areas for all users to enjoy, and grass is damaged by placement of personal belongings for extended periods of time; and

WHEREAS, It is the City’s responsibility to preserve the natural beauty of the City, support more use of City parks, encourage responsible use of parks, maintain a clean and safe environment, and protect the health and welfare of the residents of the City.

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

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1 SECTION 1. The Parks Ordinance, ROA 1994, Sections 10-1-1-1 et seq., is
2 hereby amended as follows:

3 “§ 10-1-1-1 DEFINITIONS.

4 For the purpose of §§ 10-1-1-1 et seq., the following definitions shall
5 apply unless the context clearly indicates or requires a different meaning.

6 ANIMAL. Any vertebrate member of the animal kingdom other than
7 humans.

8 [CAMP. To occupy an area for the purpose of establishing or maintaining a
9 permanent or temporary place to live, or to occupy an area with an apparent
10 intent to remain in that location for 24 hours or more, or outside of regular
11 park hours.]

12 CIVIC PLAZA. The park more particularly described as the city property
13 within the area bounded on the east by Third Street, on the north by Marquette
14 Avenue, on the west by Fifth Street, and on the south by Tijeras Avenue.

15 MAYOR. The Mayor or his duly designated representative or agent.

16 PARK. Any area of land so designated and maintained by the city as a
17 place of beauty or recreation or both.

18 [PLAYGROUND AREA. The area in a park containing playground
19 equipment or structures for children’s play, such as swings, slides, climbing
20 structures, and the like. This definition shall not include goals, backstops, or
21 other sports equipment or structures, but it shall include the area under and
22 around children’s play structures containing sand, wood chips, or other
23 cushioned surfaces and bordered by concrete, wood, or other means of
24 containing this material.]

25 SPECIAL EVENT. Any privately or publicly sponsored advertised activity
26 at a city park or other facility operated by the Parks and Recreation
27 Department, to which the general public is invited for the purpose of
28 recreation, culture or entertainment, and at which food or beverages may be
29 available.

30 § 10-1-1-2 PURPOSE.

31 The purpose of §§ 10-1-1-1 et seq. is to preserve the environmental
32 features of the city, allow more efficient park refuse collection, more effective

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1 and unhampered custodial care of the premises, and protect the health and
2 welfare of the citizens of the city.

3 § 10-1-1-3 PARK PROPERTY.

4 (A) Buildings and Other Property.

5 (1) Disfigure and Removal. No person in a park shall willfully mark,
6 deface, disfigure, injure, tamper with or remove, any building, bridges, tables,
7 benches, fireplaces, railings, paving or paving material, water lines or other
8 public utilities or parts or appurtenances thereof, signs, notices, or placards,
9 whether temporary or permanent, monuments, stakes, posts, or other
10 boundary markers, or other structures or equipment, facilities, or park
11 property or appurtenances whatsoever, either real or personal.

12 (2) ~~[Removal of]~~[Damage to] Natural Resources. No person in a park
13 shall dig, ~~[or] remove[, crush, or otherwise damage]~~ any [landscaping or plant
14 material. This includes, but is not limited to,] ~~[beach]~~ sand, ~~[whether~~
15 ~~submerged or not, or any]~~ [wood chips,] soil, rock, stones, trees, [grass,]
16 shrubs or plants, [or] down timber ~~[or other wood or materials, or make any~~
17 ~~excavation by tool, equipment, blasting, or other means or agency].~~

18 (3) Erection of [Tents or Other] Structures. No person in a park shall
19 [camp or] construct or erect any [tent,] building or [other] structure [for the
20 apparent purpose of staying in that location overnight or after normal park
21 operating hours.] ~~[of whatever kind, whether permanent or temporary in~~
22 ~~character, or run or string any public service utility into, upon, or across such~~
23 ~~lands, except by written permission of the Mayor.]~~ [Exceptions may be made
24 for youth organizations camping with adult supervision for the purpose of
25 introducing children to camping and outdoor experiences, with written
26 permission from the Mayor and the Director of the Parks & Recreation
27 Department. In such cases, the group size shall be limited to a maximum of 25,
28 shall not camp for more than one night, and the adult leader in charge shall
29 have their permit available for inspection by City authorities. The Director of
30 the Parks and Recreation Department may establish other restrictions and
31 requirements on such camping permits.]

32 [(4) Shopping Carts Prohibited. Shopping carts are prohibited in City
33 parks, open spaces, and the parking areas that serve these facilities. Any

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1 shopping cart, whether empty or containing any merchandise or belongings,
2 may be confiscated and either returned to the cart owner, recycled, or
3 otherwise disposed of.]

4 [(5) Wrongful Use of Playground Equipment. Unless otherwise posted, the
5 use of playground equipment is reserved for children within the age ranges for
6 which the equipment is designed. Adults are allowed in playground areas only
7 when accompanied by a child under the age of 12 or when children are not
8 present. In addition, the Mayor may designate certain parks, and areas within
9 parks, as “Children’s Parks” and restrict access by adults when children are
10 present unless they are accompanied by a child under the age of 12. Users
11 must follow playground guidelines and restrictions. During park operating
12 hours, no person shall engage in any conduct that deprives park visitors of
13 the intended use of the playground equipment.]

14 (B) Trees, Shrubbery, Lawn.

15 (1) Injury and Removal. No person in a park shall damage, cut, carve,
16 transplant or remove any tree or plant or injure the bark or pick the flowers or
17 seeds, of any tree or plant. Nor shall any person attach any rope, wire,
18 [hammock,] or other contrivance to any tree or plant. [No person shall damage
19 grass by leaving personal items in grass areas for extended periods.] [A
20 ~~person shall not dig in or otherwise disturb grass areas to the detriment of~~
21 ~~these areas, or in any way injure or impair the natural beauty or usefulness of~~
22 ~~any area, provided that normal use of grassed areas will not be prohibited.~~
23 ~~Exception is here made as to any regularly authorized party acting by and~~
24 ~~under the authority and regulation of the Mayor.] [This Section shall not apply~~
25 to Parks & Recreation staff conducting routine maintenance.]

26 (2) Climbing Trees and the like. No person in a park shall climb any
27 tree or walk, stand or sit upon monuments, vases, fountains, railings, fences
28 or gun carriages or upon any other property not designated or customarily
29 used for such purposes.

30 (3) Hitching of Animals. No person in a park shall tie or hitch a horse
31 or other animal to any tree or plant.

32 (C) Wild Animals, Birds and the like.

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1 (1) Hunting. No person in a park shall hunt, molest, harm, frighten,
2 tease, shoot or throw missiles at any animal, reptile or bird; nor shall a
3 person ~~[he]~~ remove or ~~[have in his]~~ possess~~[iən]~~ the young of any wild
4 animals, or the eggs or nest, or young of any reptile or bird. Exception ~~[to the~~
5 ~~foregoing]~~ is made ~~[in that snakes known to be deadly]~~ [for] poisonous
6 [reptiles], such as rattlesnakes, ~~[or other deadly reptiles,]~~ [which] may be
7 killed ~~[on sight]~~ [if presenting an immediate, direct, and proximate threat].

8 (2) Feeding. No person in a park shall give or offer ~~[or attempt to give~~
9 ~~to any animal or bird any]~~ [food,] tobacco, alcohol, or other known noxious or
10 injurious substances [to any bird or wild animal. Park users shall clean up and
11 remove all food scraps and wrappers that could attract wild animals.]

12 § 10-1-1-4 SANITATION.

13 No person in a park shall:

14 (A) Throw, discharge or otherwise place or cause to be placed in the waters
15 of any fountain, pond, lake, stream or other body of water in or adjacent to any
16 park or any tributary, stream, storm sewer, or drain flowing into such waters,
17 any substances, matter or thing, liquid or solid, which will or may result in the
18 pollution of said waters.

19 (B) Dump, deposit, or leave any bottles, broken glass, paper, boxes,
20 cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or
21 trash shall be placed in any waters in or contiguous to any park, or left
22 anywhere on the grounds, but shall be placed in the proper receptacles where
23 these are provided; where receptacles are not so provided, all rubbish or
24 waste shall be carried away from the park responsible for its presence, and
25 properly disposed of elsewhere.

26 (C) Have in his possession any glass container except as necessary for
27 the immediate rendering of emergency medical treatment.

28 § 10-1-1-5 ANIMALS PROHIBITED IN CIVIC PLAZA DURING A SPECIAL
29 EVENT.

30 (A) No person shall cause or allow any animal to enter onto the Civic
31 Plaza during a special event.

32 (B) This section shall not apply to any service animal which is being
33 used to assist a blind, deaf, or mobility-impaired person, provided that the

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1 service animal has adequate identification that it is a service animal, as
2 defined by §§ 9-2-1-1 et seq., Humane and Ethical Animal Rules and
3 Treatment. Further, this section shall not apply to any animal used by the city
4 or its agents, or any animals specifically allowed by the Mayor.

5 § 10-1-1-6 TRAFFIC.

6 (A) Bicycles.

7 (1) Confined to Roads. No person in a park shall ride a bicycle on other
8 than paved vehicular road or path designated for the purposes. A bicyclist
9 shall be permitted to wheel or push a bicycle by hand over any grassy area or
10 wooded trail or on any paved area reserved for pedestrian use.

11 (2) Designated Racks. Leave a bicycle in a place other than a bicycle
12 rack when such is provided and there is a space available.

13 (B) No person in a park shall operate a motorized vehicle on other than a
14 vehicular road designated for that purpose.

15 (C) State and City Vehicle Laws Apply. No person in a park shall fail to
16 comply with all applicable provisions of the state and city motor vehicle traffic
17 laws.

18 § 10-1-1-7 RECREATIONAL ACTIVITIES.

19 (A) Hunting and Firearms. No person in a park shall carry or possess for
20 the purpose of hunting, trapping or pursuing wildlife at any time, firearms of
21 any description, or air rifles, spring guns, bows and arrows, slings, or any
22 instrument that can be loaded with and fire blanks, cartridges, or any kind of
23 trapping device. Shooting into park areas from beyond park boundaries is
24 prohibited. Exception is here made to law enforcement officers while in
25 performance of their duties.

26 (B) Picnic Areas and Use.

27 (1) Availability. No person in a park shall prevent any person from
28 using any park, or any of its facilities, or interfere with any use already
29 engaged in that is in compliance with §§ 10-1-1-1 et seq. and the rules
30 applicable to such use.

31 (2) Duty of Picnicker. Fires are only allowed in permanent grills
32 provided by the City for cooking. No person in a park shall leave a picnic area
33 before the fire is completely extinguished and before all trash ~~[in the nature of]~~

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1 [such as] boxes, papers, cans, bottles, garbage and other refuse is placed in
2 the disposal receptacles where provided. If no such trash receptacles are
3 available, ~~[then]~~ refuse and trash shall be carried away from the park area by
4 the picnicker to be properly disposed of elsewhere.

5 (3) Horseback Riding. Rid[e][ing] a horse or any other animal except
6 on designated bridle trails [is prohibited]. Where permitted, horses or any
7 other animal shall be thoroughly broken and properly restrained, and ridden
8 with due care, and shall not be allowed to graze or go unattended, or be
9 hitched to any rock, tree or shrub.

10 (C) Dangerous Amusements. No person in a park shall:

11 (1) Engage in activities that involve thrown or otherwise propelling
12 objects such as hard balls, stones, arrows, javelins, model airplanes, or other
13 objects likely to inflict injury, except in areas set apart for such forms of
14 recreation.

15 (2) Roller skate except in those areas specifically designated for such
16 pastime.

17 § 10-1-1-8 MERCHANDISING, ADVERTISING AND SIGNS.

18 (A) Vending and Peddling. ~~[No person in a park shall expose or offer for~~
19 ~~sale any particle or thing, nor shall he station or place any stand, cart or~~
20 ~~vehicle for the transportation, sale, or display of any such article or thing.~~
21 ~~Exception is here made as to any regularly licensed concessionaire acting by~~
22 ~~and under the authority and regulation of the Mayor.]~~ [Vending is allowed by
23 licensed vendors in designated areas only with a valid permit from the
24 Department of Parks & Recreation. Food vendors must carry all other permits
25 required by the Environmental Health Department, the Fire Marshal, and any
26 other regulatory agencies.]

27 (B) Advertising. ~~[No person in a park shall announce, advertise, or call~~
28 ~~the public attention in any way to any article or service for sale or hire.]~~
29 ~~[Exception is here made to any]~~ [Advertising is allowed only by a] regularly
30 licensed concessionaire acting by and under the authority and regulation of
31 the Mayor. [Advertising signs and banners may be allowed on outfield fences,
32 concession stands, and dugouts in baseball and softball parks. The “batter’s
33 eye” portion of all outfield fences, defined as the area directly behind the

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1 pitcher from the batter's perspective, shall be kept clear of all signs, banners,
2 and other visual distractions.]

3 (C) Signs. No person in a park shall paste, glue, tack or otherwise post
4 any sign, placard, advertisement, or inscription whatever, nor shall any person
5 erect or cause to be erected any sign whatever on any public lands or
6 highways or roads adjacent to a park [except as provided in Section 10-1-1-
7 8(B), above.] Exception is here made as to any authorized party or to any
8 regularly licensed concessionaire acting by and under the authority and
9 regulation of the Mayor.

10 § 10-1-1-9 DOG EXERCISE GROUNDS.

11 Any person may exercise dogs with or without leash in Roosevelt Park
12 and in other appropriately located parks designated by the Mayor ~~[from 7:00~~
13 ~~a.m. to 11:00 a.m., daily from October 1 through March 31, and daily from 6:00~~
14 ~~a.m. to 10:00 a.m., except legal holidays and Saturday and Sunday from April 1~~
15 ~~through September 30.]~~[during posted park hours.] ~~[Such person]~~[Park users]
16 shall comply with the provisions of § 9-2-4-3, be in full control of and in close
17 proximity to ~~[such]~~[their] dogs at all times, and be responsible for cleaning up
18 all dog's nuisances as defined in § 9-2-4-3.

19 § 10-1-1-10 PARK OPERATING POLICY.

20 (A) Hours. Except for unusual and unforeseen emergencies, parks shall
21 be open to the public every day of the year~~[during designated hours. The~~
22 ~~Mayor may designate and may from time to time change the opening and~~
23 ~~closing hours of any park. If such opening and closing hours are not~~
24 ~~respectively 6:00 a.m. and 12:00 midnight, they shall be posted within the park~~
25 ~~for public information. Thereafter the posted hours shall determine when the~~
26 ~~park is closed to public use. If the Mayor posts no opening and closing hours~~
27 ~~in a park, that park shall be open to public use from 6:00 a.m. to 12:00~~
28 ~~midnight and shall be closed to public use from 12:00 midnight to 6:00 a.m.]~~
29 [from 6:00 a.m. until 10 p.m. unless otherwise posted.] ~~[Any facility in a park,~~
30 ~~including restrooms, may be closed by the Mayor at any time and for any~~
31 ~~interval of time, and the Mayor may designate opening and closing hours for~~
32 ~~such a facility which are different from the opening and closing hours of the~~
33 ~~park in which the facility is located.]~~ No person shall remain in, occupy, or use

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1 any park in the city ~~[which]~~ [that] is closed to public use unless that person
2 has been authorized to be present by the Mayor or unless that person is
3 present to enforce this ordinance or other laws or ordinances or to irrigate
4 park lands or service and maintain facilities.

5 § 10-1-1-99 PENALTY.

6 Any person who violates any provision of §§ 10-1-1-1 et seq. shall be
7 subject to the general penalty provisions of this code set forth in § 1-1-99.”

8 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
9 clause, word, or phrase of this Ordinance is for any reason held to be invalid
10 or unenforceable by any court of competent jurisdiction, such decision shall
11 not affect the validity of the remaining provisions of this Ordinance. The
12 Council hereby declares that it would have passed this Ordinance and each
13 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
14 any provision being declared unconstitutional or otherwise invalid.

15 SECTION 3. COMPILATION. Section 1 of this Ordinance shall amend, be
16 incorporated in and made part of the Revised Ordinances of Albuquerque,
17 New Mexico, 1994.

18 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days
19 after publication by title and general summary.

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