

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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 apply
5 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 for 24 hours or more, or outside of
10 regular park hours.

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

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

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

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

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

28 § 10-1-1-2 PURPOSE.

29 The purpose of §§ 10-1-1-1 et seq. is to preserve the environmental features of
30 the City, allow more efficient park refuse collection, more effective and
31 unhampered custodial care of the premises, and protect the health and welfare
32 of the citizens of the City.

33 § 10-1-1-3 PARK PROPERTY.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 (A) Buildings and Other Property.

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

9 (2) Damage to Natural Resources. No person in a park shall dig,
10 remove, crush, or otherwise damage any landscaping or plant material. This
11 includes, but is not limited to, sand, wood chips, soil, rock, stones, trees,
12 grass, shrubs or plants, or down timber.

13 (3) Erection of Tents or Other Structures. No person in a park shall
14 camp or construct or erect any tent, building or other structure overnight or
15 after normal park operating hours. Exceptions may be made for youth
16 organizations camping with adult supervision for the purpose of introducing
17 children to camping and outdoor experiences, with written permission from
18 the Director of the Parks & Recreation Department. In such cases, the group
19 size shall be limited to a maximum of 25, shall not camp for more than one
20 night, and the adult leader in charge shall have their permit available for
21 inspection by City authorities. The Director of the Parks and Recreation
22 Department may establish other restrictions and requirements on such
23 camping permits.

24 (4) Shopping Carts Prohibited. Shopping carts are prohibited in City
25 parks, open spaces, and the parking areas that serve these facilities. Any
26 shopping cart, whether empty or containing any merchandise or belongings,
27 may be confiscated and either returned to the cart owner, recycled, or
28 otherwise disposed of.

29 (B) Trees, Shrubbery, Lawn.

30 (1) Injury and Removal. No person in a park shall damage, cut, carve,
31 transplant or remove any tree or plant or injure the bark or pick the flowers or
32 seeds, of any tree or plant. Nor shall any person attach any rope, wire,
33 hammock, or other contrivance to any tree or plant. No person shall damage

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 grass by leaving personal items in grass areas for extended periods. This
2 Section shall not apply to Parks & Recreation staff conducting routine
3 maintenance.

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

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

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

11 (1) Hunting. No person in a park shall hunt, molest, harm, frighten,
12 tease, shoot or throw missiles at any animal, reptile or bird; nor shall a person
13 remove or possess the young of any wild animals, or the eggs or nest, or
14 young of any reptile or bird. Exception is made for poisonous reptiles, such as
15 rattlesnakes, which may be killed if presenting an immediate, direct, and
16 proximate threat.

17 (2) Feeding. No person in a park shall give or offer food, tobacco,
18 alcohol, or other known noxious or injurious substances to any bird or wild
19 animal. Park users shall clean up and remove all food scraps and wrappers
20 that could attract wild animals.

21 § 10-1-1-4 SANITATION.

22 No person in a park shall:

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

28 (B) Dump, deposit, or leave any bottles, broken glass, paper, boxes, cans,
29 dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash
30 shall be placed in any waters in or contiguous to any park, or left anywhere on
31 the grounds, but shall be placed in the proper receptacles where these are
32 provided; where receptacles are not so provided, all rubbish or waste shall be

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 carried away from the park responsible for its presence, and properly
2 disposed of elsewhere.

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

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

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

9 (B) This section shall not apply to any service animal subject to the
10 provisions of the Americans With Disabilities Act. Further, this section shall
11 not apply to any animal used by the City or its agents, or any animals
12 specifically allowed by the Mayor.

13 § 10-1-1-6 TRAFFIC.

14 (A) Bicycles.

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

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

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

23 (C) State and City Vehicle Laws Apply. No person in a park shall fail to
24 comply with all applicable provisions of the State and City motor vehicle traffic
25 laws.

26 § 10-1-1-7 RECREATIONAL ACTIVITIES.

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough-Material] - Deletion

1 **(B) Picnic Areas and Use.**

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

6 **(2) Duty of Picnicker.** Fires are only allowed in permanent grills
7 provided by the City for cooking. No person in a park shall leave a picnic area
8 before the fire is completely extinguished and before all trash such as boxes,
9 papers, cans, bottles, garbage and other refuse is placed in the disposal
10 receptacles where provided. If no such trash receptacles are available, refuse
11 and trash shall be carried away from the park area by the picnicker to be
12 properly disposed of elsewhere.

13 **(3) Horseback Riding.** Riding a horse or any other animal except on
14 designated bridle trails is prohibited. Where permitted, horses or any other
15 animal shall be thoroughly broken and properly restrained, and ridden with
16 due care, and shall not be allowed to graze or go unattended, or be hitched to
17 any rock, tree or shrub.

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

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

23 **(2) Roller skate except in those areas specifically designated for such**
24 **pastime.**

25 **§ 10-1-1-8 MERCHANDISING, ADVERTISING AND SIGNS.**

26 **(A) Vending and Peddling.** Vending is allowed by licensed vendors in
27 designated areas only with a valid permit from the Department of Parks &
28 Recreation. Permissible licensed vending shall include informal sales of crafts
29 and other wares during permitted events in City parks. Such events shall not
30 require an additional vending permit. Food vendors must carry all other
31 permits required by the Environmental Health Department, the Fire Marshal,
32 and any other regulatory agencies.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 (B) Advertising. Advertising is allowed only by a regularly licensed
2 concessionaire acting by and under the authority and regulation of the Mayor.
3 Advertising signs and banners may be allowed on outfield fences, concession
4 stands, and dugouts in baseball and softball parks. The “batter’s eye” portion
5 of all outfield fences, defined as the area directly behind the pitcher from the
6 batter’s perspective, shall be kept clear of all signs, banners, and other visual
7 distractions.

8 (C) Signs. No person in a park shall paste, glue, tack or otherwise post
9 any sign, placard, advertisement, or inscription whatsoever, nor shall any
10 person erect or cause to be erected any sign whatsoever on any public lands
11 or highways or roads adjacent to a park except as provided in Section 10-1-1-
12 8(B), above. Exception is here made as to any authorized party or to any
13 regularly licensed concessionaire acting by and under the authority and
14 regulation of the Mayor.

15 § 10-1-1-9 DOG EXERCISE GROUNDS.
16 Any person may exercise dogs with or without leash in Roosevelt Park and in
17 other appropriately located parks designated by the Mayor during posted park
18 hours. Park users shall comply with the provisions of § 9-2-4-3, be in full
19 control of and in close proximity to their dogs at all times, and be responsible
20 for cleaning up all dog's nuisances as defined in § 9-2-4-3.

21 § 10-1-1-10 PARK OPERATING POLICY.
22 (A) Hours. Except for unusual and unforeseen emergencies, parks shall
23 be open to the public every day of the year from 6:00 a.m. until 10 p.m. unless
24 otherwise posted. No person shall remain in, occupy, or use any park in the
25 City that is closed to public use unless that person has been authorized to be
26 present by the Mayor or unless that person is present to enforce this
27 ordinance or other laws or ordinances or to irrigate park lands or service and
28 maintain facilities.

29 § 10-1-1-99 PENALTY.
30 Any person who violates any provision of §§ 10-1-1-1 et seq. shall be subject
31 to the general penalty provisions of this code set forth in § 1-1-99.”

32 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
33 clause, word, or phrase of this Ordinance is for any reason held to be invalid

1 or unenforceable by any court of competent jurisdiction, such decision shall
2 not affect the validity of the remaining provisions of this Ordinance. The
3 Council hereby declares that it would have passed this Ordinance and each
4 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
5 any provision being declared unconstitutional or otherwise invalid.

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

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 PASSED AND ADOPTED THIS 16th DAY OF December, 2024
2 BY A VOTE OF: 6 FOR 3 AGAINST.

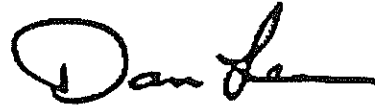
3

4 For: Baca, Bassan, Champine, Grout, Lewis, Sanchez
5 Against: Fiebelkorn, Peña, Rogers
6

7

8

9



10

Dan Lewis, President

11

City Council

12

13

14

15 APPROVED THIS _____ DAY OF _____, 202__

16

17

18

19 Bill No. F/S O-24-56

20

21

22

23

Timothy M. Keller, Mayor

24

City of Albuquerque

25

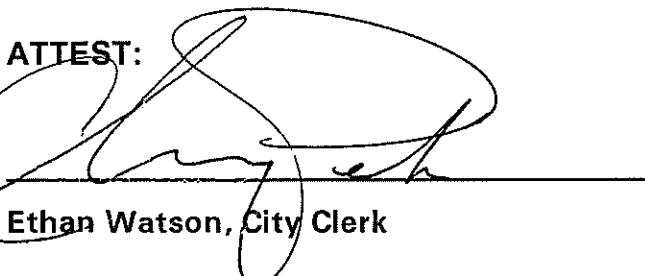
26

27

ATTEST:

28

29



30

Ethan Watson, City Clerk

31

32

33

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

January 2, 2025

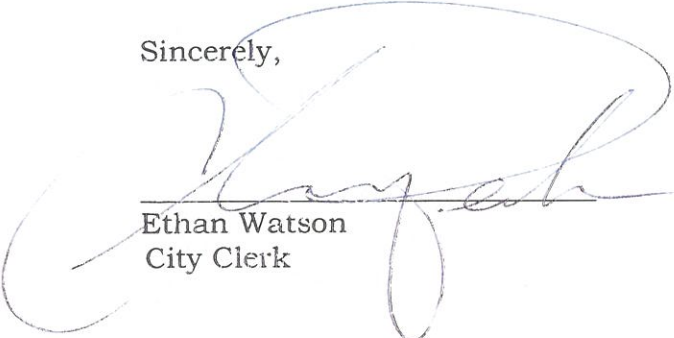
To: CITY COUNCIL

From: Ashley Santistevan, Records Center Manager

Subject: BILL NO. O-24-56; ENACTMENT NO. O-2024-046

I hereby certify that on January 2, 2025, the Office of the City Clerk received Bill No. O-24-56 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2024-046 was passed at the December 16, 2024 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 beginning January 9, 2025 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-24-56.

Sincerely,



Ethan Watson
City Clerk