

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-56 ENACTMENT NO. _____

SPONSORED BY: Renée Grout

1 ORDINANCE
2 AMENDING THE PARKS ORDINANCE, ROA 1994, SECTIONS 10-1-1-1 ET SEQ.
3 WHEREAS, The City provides children’s play areas at parks throughout the
4 City; and
5 WHEREAS, Playground structures exist for the purpose of providing a
6 place for children to play and engage in recreation; and
7 WHEREAS, This equipment and the immediately surrounding areas are
8 sometimes misused for other purposes such as sleeping, camping, and
9 storing personal items; and
10 WHEREAS, This misuse can prevent residents from utilizing these areas as
11 they are intended; and
12 WHEREAS, The Council wishes to address this issue by limiting the use of
13 playground equipment solely to its intended play and recreation-related uses
14 during park operating hours; and
15 WHEREAS, The presence of large items such as shopping carts in parks
16 hinders the general public’s pride in and enjoyment of these neighborhood
17 spaces; and
18 WHEREAS, Every year, the Parks & Recreation Department spends \$10,000
19 per acre maintaining grass areas for all users to enjoy, and grass is damaged
20 by placement of personal belongings for extended periods of time; and
21 WHEREAS, It is the City’s responsibility to preserve the natural beauty of
22 the City, support more use of City parks, encourage responsible use of parks,
23 maintain a clean and safe environment, and protect the health and welfare of
24 the residents of the City.
25 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26 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.]**

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**
18 **equipment or structures for children’s play, including the area under and**
19 **around such equipment containing sand, wood chips, or other cushioned**
20 **surfaces and bordered by concrete, wood, or other means of containing this**
21 **material.]**

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

26 **§ 10-1-1-2 PURPOSE.**

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

31 **§ 10-1-1-3 PARK PROPERTY.**

32 **(A) Buildings and Other Property.**

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

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

14 (3) Erection of [Tents or Other] Structures. No person in a park shall
15 [camp or] construct or erect any [tent,] building or [other] structure [for the
16 apparent purpose of staying in that location overnight.] ~~[of whatever kind,~~
17 ~~whether permanent or temporary in character, or run or string any public~~
18 ~~service utility into, upon, or across such lands, except by written permission~~
19 ~~of the Mayor.]~~ [Exceptions to (A)(3) are made for youth organizations camping
20 with adult supervision and with written permission from the Mayor and the
21 Director of the Parks & Recreation Department. In such cases, the group shall
22 not camp for more than one night, and the adult leader in charge shall have
23 their permit available for inspection by City authorities.]

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

29 [(5) Wrongful Use of Playground Equipment. Unless otherwise posted, the
30 use of playground equipment is reserved for children. Adults are allowed in
31 playground areas or within 50 feet of playground areas only when
32 accompanied by a child under the age of 12, unless the 50-foot buffer extends
33 beyond the Park boundary. This buffer may include gazebos, benches, tables,

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1 and other permanent structures within the park. In addition, the Mayor may
2 designate certain parks, such as Trumbull Children’s Park and Jack and Jill
3 Park, as “Children’s Parks” and restrict access by adults unless they are
4 accompanied by a child under the age of 12. Users must follow playground
5 guidelines and restrictions. During park operating hours, no person shall
6 engage in any conduct that deprives park visitors of the intended use of the
7 playground equipment.]

8 (B) Trees, Shrubbery, Lawn.

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

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

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

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

27 (1) Hunting. No person in a park shall hunt, molest, harm, frighten,
28 tease, shoot or throw missiles at any animal, reptile or bird; nor shall he
29 remove or have in his possession the young of any wild animals, or the eggs
30 or nest, or young of any reptile or bird. Exception ~~[to the foregoing]~~ is made
31 ~~[in that snakes known to be deadly] [for] poisonous [reptiles],~~ such as
32 rattlesnakes, ~~[or other deadly reptiles,] [which]~~ may be killed on sight.

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

5 § 10-1-1-4 SANITATION.

6 No person in a park shall:

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

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

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

21 § 10-1-1-5 ANIMALS PROHIBITED IN CIVIC PLAZA DURING A SPECIAL EVENT.

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

24 (B) This section shall not apply to any service animal which is being
25 used to assist a blind, deaf, or mobility-impaired person, provided that the
26 service animal has adequate identification that it is a service animal, as
27 defined by §§ 9-2-1-1 et seq., Humane and Ethical Animal Rules and
28 Treatment. Further, this section shall not apply to any animal used by the city
29 or its agents, or any animals specifically allowed by the Mayor.

30 § 10-1-1-6 TRAFFIC.

31 (A) Bicycles.

32 (1) Confined to Roads. No person in a park shall ride a bicycle on other
33 than paved vehicular road or path designated for the purposes. A bicyclist

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1 shall be permitted to wheel or push a bicycle by hand over any grassy area or
2 wooded trail or on any paved area reserved for pedestrian use.

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

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

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

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

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

18 (B) Picnic Areas and Use.

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

23 (2) Duty of Picnicker. Fires are only allowed in permanent grills
24 provided by the City for cooking. No person in a park shall leave a picnic area
25 before the fire is completely extinguished and before all trash ~~[in the nature of]~~
26 [such as] boxes, papers, cans, bottles, garbage and other refuse is placed in
27 the disposal receptacles where provided. If no such trash receptacles are
28 available, ~~[then]~~ refuse and trash shall be carried away from the park area by
29 the picnicker to be properly disposed of elsewhere.

30 (3) Horseback Riding. Rid[e][ing] a horse or any other animal except
31 on designated bridle trails [is prohibited]. Where permitted, horses or any
32 other animal shall be thoroughly broken and properly restrained, and ridden

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1 with due care, and shall not be allowed to graze or go unattended, or be
2 hitched to any rock, tree or shrub.

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

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

8 (2) Roller skate except in those areas specifically designated for such
9 pastime.

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

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

20 (B) Advertising. ~~[No person in a park shall announce, advertise, or call~~
21 ~~the public attention in any way to any article or service for sale or hire.~~
22 ~~Exception is here made to any regularly licensed concessionaire acting by and~~
23 ~~under the authority and regulation of the Mayor.]~~ [Advertising signs and
24 banners may be allowed only on outfield fences in baseball and softball parks.
25 The “batter’s eye” portion of all outfield fences, defined as the area directly
26 behind the pitcher from the batter’s perspective, shall be kept clear of all
27 signs, banners, and other visual distractions.]

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

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1 § 10-1-1-9 DOG EXERCISE GROUNDS.

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

10 § 10-1-1-10 PARK OPERATING POLICY.

11 (A) Hours. Except for unusual and unforeseen emergencies, parks shall
12 be open to the public every day of the year[~~during designated hours. The~~
13 ~~Mayor may designate and may from time to time change the opening and~~
14 ~~closing hours of any park. If such opening and closing hours are not~~
15 ~~respectively 6:00 a.m. and 12:00 midnight, they shall be posted within the park~~
16 ~~for public information. Thereafter the posted hours shall determine when the~~
17 ~~park is closed to public use. If the Mayor posts no opening and closing hours~~
18 ~~in a park, that park shall be open to public use from 6:00 a.m. to 12:00~~
19 ~~midnight and shall be closed to public use from 12:00 midnight to 6:00 a.m.]~~
20 [from 6:00 a.m. until 10 p.m. unless otherwise posted.] [Any facility in a park,
21 including restrooms, may be closed by the Mayor at any time and for any
22 interval of time, and the Mayor may designate opening and closing hours for
23 such a facility which are different from the opening and closing hours of the
24 park in which the facility is located.] No person shall remain in, occupy, or use
25 any park in the city [~~which~~] [~~that~~] is closed to public use unless that person
26 has been authorized to be present by the Mayor or unless that person is
27 present to enforce this ordinance or other laws or ordinances or to irrigate
28 park lands or service and maintain facilities.

29 § 10-1-1-99 PENALTY.

30 Any person who violates any provision of §§ 10-1-1-1 et seq. shall be
31 subject 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.

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