

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-58 ENACTMENT NO. _____

SPONSORED BY: Renée Grout

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE

**ADOPTING A NEW ARTICLE 25 OF CHAPTER 9 OF THE REVISED
ORDINANCES OF ALBUQUERQUE: PUBLIC CAMPING**

**WHEREAS, public spaces are intended for the use and enjoyment of all
community members; and**

**WHEREAS, establishing encampments can prevent others from enjoying
parks and open spaces; and**

**WHEREAS, camping in non-designated areas can damage natural habitats,
increase waste management challenges, and disturb wildlife; and**

**WHEREAS, the proliferation of unauthorized encampments strains local
resources, creates unhealthy conditions for both campers and nearby
residents, and decreases the quality of life for Albuquerque residents; and**

**WHEREAS, unauthorized encampments in public rights of way pose a
danger to the campers and the traveling public; and**

**WHEREAS, limiting public camping to designated campgrounds ensures
that all citizens have equitable access to public spaces.**

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

SECTION 1. Adding Chapter 9, Article 25, as follows:

§ 9-25-1 SHORT TITLE.

This article may be cited as “The Public Camping Ordinance.”

§ 9-25-2 PURPOSE

**It is the purpose of this article to prevent harm to the health and safety of
the public and to promote the health, safety and welfare of the City by keeping
streets, sidewalks and other public property clear of encampments and to**

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

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
15 present on public property or because individuals have temporarily placed
16 personal items on public property.

17 PERSONAL PROPERTY. An item that is reasonably recognizable as
18 belonging to a person.

19 **§ 9-25-4 UNLAWFUL CAMPING**

20 Except as otherwise authorized by ordinance or by rules issued by the
21 Department of Parks and Recreation, it shall be unlawful for any person to
22 camp, or maintain an encampment, in any publicly owned area, including any
23 street, sidewalk, right of way, park, or open space. It shall further be unlawful
24 for any person to refuse to remove an encampment from public land after
25 receiving a notice instructing them to remove the encampment, or to set up an
26 encampment after being ordered to remove one from a particular location. A
27 person does not violate this ordinance if the person is merely sitting, sleeping
28 or lying on public property on a temporary basis.

29 **§ 9-25-5 UNLAWFUL STORAGE OF PERSONAL PROPERTY**

30 It shall be unlawful for any person to maintain personal property, including
31 camp facilities or camp paraphernalia, on public property after that person has
32 received a notice instructing them to remove the items.

33 **§ 9-25-6 PROMULGATION OF RULES**

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

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
15 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

20

21

22

23

24

25

26

27

28

29

30

31

32

33

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