

CITY of ALBUQUERQUE

FIFTEENTH COUNCIL

COUNCIL BILL NO. O-02-34 ENACTMENT NO. _____

SPONSORED BY:

1 **ORDINANCE**

2 **AMENDING CHAPTER 8, ARTICLE 2, PART 2 ROA 1994, A PORTION OF THE**
3 **TRAFFIC CODE, TO INSERT A NEW SUBPART TO PROHIBIT CRUISING**
4 **DURING CERTAIN HOURS IN AREAS DESIGNATED AS “NO CRUISE ZONES”;**
5 **DEFINING “CRUISING”; CREATING EXCEPTIONS; PROVIDING A PENALTY.**
6 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
7 **ALBUQUERQUE:**

8 **Section 1. Findings. The Council finds that the repetitive driving through**
9 **an area, or “cruising,” threatens the public health, safety, and welfare. The**
10 **Council further finds that the heightened traffic congestion caused by cruising**
11 **and associated secondary activities resulting from cruising result in a need**
12 **for an increased demand for police service in the areas of the City where**
13 **cruising occurs. The Council finds that the following illegal activities are**
14 **associated with cruising: driving while intoxicated, public drunkenness,**
15 **alcohol consumption by minors, speeding, reckless driving, assault,**
16 **disorderly conduct, trespassing, vandalism, and excessive noise from**
17 **vehicles and amplifiers. The Council further finds that cruising has resulted in**
18 **an increased number of vehicular accidents in certain areas of the City.**

19 **Section 2. Chapter 8, Article 2, Part 2 ROA 1994 is amended by inserting**
20 **the following new subpart to read:**

21 **[+ (A) No person shall cruise, or permit a motor vehicle under that person’s**
22 **care, custody or control, to cruise in an area that has been posted as “no**
23 **cruise zone” or “no cruising”.**

24 **(B) For the purpose of this subpart, the following definitions shall apply:**

25 **(1) CRUISE. To operate or occupy any motor vehicle which has**
26 **been driven past a traffic control point on a public way three or more times in**

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

either direction within a two-hour period between 8:00 p.m. and 4:00 a.m. in a no cruise zone.

(2) TRAFFIC CONTROL POINT. A location along a public way used by the city in a “no cruise zone” as an observation point to monitor traffic conditions for potential violations of this subpart.

(3) NO CRUISE ZONE. Those public ways so posted by the city traffic engineer in areas designated by the Mayor or the Mayor’s designee.

(C) Every “no cruise zone” shall be posted with sufficient signs to provide notice that cruising is prohibited in that zone.

(D) This subpart shall not apply to:

(1) Any government vehicle or ambulance operated in an official capacity; or

(2) Any licensed public transportation vehicle or common carrier and any business courtesy, commercial or other vehicle when operated for commercial or business purposes. +]

Section 3. Any person who violates this subpart shall be subject to the general penalty provisions for this article pursuant to Section 8-2-1-99(A).

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 5. COMPILATION. Sections 2 and 3 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

legislation\ordinances\8cruising.

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