

# **CITY of ALBUQUERQUE**

## **SIXTEENTH COUNCIL**

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

### **ORDINANCE**

1 **ADOPTING RESTRICTIONS ON CRUISING IN A MOTOR VEHICLE IN PUBLIC**  
2 **RIGHTS OF WAY AND PROVIDING FOR PENALTIES.**

3 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
4 **ALBUQUERQUE;**

5 **Section 1. Add the following new section to the Traffic Code, Chapter 8**  
6 **ROA 1994.**

7 **“(A) SHORT TITLE. This Ordinance shall be known and may be cited as**  
8 **the “Cruising on Public Streets Ordinance.”**

9 **(B) FINDINGS, PURPOSE AND INTENT. The Council finds the**  
10 **following: A threat to the public health, safety and welfare exists from the**  
11 **congestion created by the repetitive, unnecessary driving of motor vehicles,**  
12 **also known as cruising, at certain times on certain streets within the City of**  
13 **Albuquerque. Cruising has and continues to hamper sufficient access for**  
14 **emergency vehicles; create dangerous traffic congestion, noise, air pollution,**  
15 **obstruction of streets, sidewalks and parking lots, impede access to and use**  
16 **of property and increase automobile accidents, traffic offenses and acts of**  
17 **disorderly conduct. Cruising areas change from time to time creating the**  
18 **need for the City Council to designate and re-designate the areas that shall be**  
19 **posted as no-cruising areas. The purpose and intent of this ordinance is to**  
20 **reduce the dangerous traffic congestion, as well as the noise, air pollution,**  
21 **obstruction of streets, sidewalks and parking lots, impediment of access to**  
22 **shopping or other commercial enterprises or other buildings open to the**  
23 **public, interference with the use of property or conduct of business resulting**  
24 **from cruising, and to insure access for emergency vehicles to and through**  
25 **said streets.**

1 (C) DEFINITIONS

2 (1) CARE, CUSTODY AND CONTROL. The person having care,  
3 custody or control of a motor vehicle means either the owner of the vehicle as  
4 stated on the vehicle registration if present in the vehicle at the time of the  
5 violation of this ordinance, or if the owner is not present in the vehicle, the  
6 person operating the vehicle at the time of the violation of this Ordinance.

7 (2) CRUISING means driving a motor vehicle past the same traffic  
8 control point three times within a two-hour period within the hours of the day  
9 cruising is prohibited by City Council resolution and doing so in a manner and  
10 under circumstances manifesting a purpose of unnecessary, repetitive driving  
11 at any location within the designated area.

12 (3) CRUISER. The person having the care, custody or control of  
13 a motor vehicle shall be considered the person cruising regardless of whether  
14 that person was actually driving the motor vehicle each time it passed the  
15 traffic control point.

16 (4) DESIGNATED AREA means the specific street or streets  
17 designated by Council Resolution in which cruising is not allowed.

18 (5) TRAFFIC CONTROL POINT means any location established by the  
19 Police Department within the posted designated area for the purpose of  
20 monitoring cruising.

21 (D) CRUISING PROHIBITED. No person shall intentionally cruise in a  
22 designated area at a time prohibited by City Council Resolution.  
23 Circumstances that may be considered in determining whether a person has  
24 been intentionally cruising include but are not limited to those where the  
25 cruiser or any other person present in the vehicle (1) attempts to gain the  
26 attention of other motorists or pedestrians or engages them in conversation,  
27 whether by hailing, arm waving, horn blowing, or another action or device, (2)  
28 enters or exits the vehicle directly from or to another vehicle driven in or  
29 parked in close proximity to the designated area, (3) violates state or  
30 municipal traffic regulations or municipal ordinances, (4) has declared his or  
31 her purpose for being in the vehicle to be that of cruising, (5) contributes  
32 knowingly to traffic congestion, obstruction of streets, sidewalks, or parking  
33 lots, impediment of access buildings open to the public, or interference with

1 the use of property or conduct of business in the designated area or (6) is in  
2 the vehicle for the purposes of soliciting an act of prostitution.

3 (E) EXCLUSIONS. The following conduct is not prohibited by this  
4 Ordinance: traveling to a specific destination by a person whose residence  
5 address is in the designated area or by a person whose business or  
6 employment requires driving in the designated area; operating a municipal,  
7 emergency, police, fire, ambulance or other governmental vehicle when  
8 operated in an official capacity or operating a duly licensed public  
9 transportation vehicle.

10 (F) SIGNAGE. Every no-cruising area shall be posted with signs at the  
11 entry and exit points of the designated area that shall state the following: "No-  
12 Cruising", the location of traffic control points and the days of the week, hours  
13 of the day and the area in which cruising is prohibited.

14 (G) DESIGNATION OF NO-CRUISE AREAS. No area shall be  
15 designated or posted as a no-cruising area except upon the passage of a  
16 resolution by the Council specifically mandating said designation and posting  
17 for a particular area, day or days of the week and time or times of day.

18 (H) PENALTY. Each act of cruising declared unlawful by this  
19 Ordinance shall constitute a public nuisance and a separate violation of this  
20 Ordinance. Each violation shall be punishable as provided in section 1-1-99  
21 ROA 1994 and the court shall enjoin any person convicted of violating this  
22 ordinance from committing further violations of this ordinance."

23 Section 2. Severability Clause. If any section, paragraph, word or phrase  
24 of this ordinance is for any reason held to be invalid or unenforceable by any  
25 court of competent jurisdiction, such decision shall not affect the validity of  
26 the remaining provisions of this ordinance. The Council hereby declares that  
27 it would have passed this ordinance and each section, paragraph, sentence,  
28 clause, word or phrase thereof irrespective of any provision being declared  
29 unconstitutional or otherwise invalid.

30 Section 3. Compilation. Section 1 of this Ordinance shall be incorporated  
31 in and made part of the Revised Ordinances of Albuquerque, New Mexico.

32 Section 4. Effective Date: This Ordinance shall take effect five days after  
33 publication by title and general summary.