CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

СО	UNCI	L BILL NO. <u>O-18-28</u> ENACTMENT NO
SPONSORED BY: Klarissa J. Peña		
	1	ORDINANCE
[<u>Bracketed/Underscored Material]</u> - New [Bracketed/Strikethrough Material] - Deletion	2	REPEALING THE CRUISING ON PUBLIC STREETS ORDINANCE (§ 8-2-1)
	3	WHEREAS, the City Council finds that cruising is a deeply ingrained part of
	4	Albuquerque's history and an indispensable part of our cultural heritage. As
	5	such, responsible cruising should be celebrated and encouraged; and
	6	WHEREAS, the Council also finds that the actions of irresponsible drivers
	7	sometimes define cruising in the public's mind, but that the actions of
	8	irresponsible drivers can be sufficiently addressed by focused enforcement of
	9	existing portions of the City's Code and, therefore, there is no need for a
	10	specific section of the Code dealing with cruising as a threat to the public
	11	health, safety and welfare of Albuquerque's citizens; and
	12	WHEREAS, the Council created a Cruising Task Force in 2017 that found
		the Revised Ordinances of Albuquerque 1994 contained prohibitions against
	14	irresponsible driving behaviors that were duplicated in the Cruising on Public
	15	Streets Ordinance that was passed in 2005 and that the Ordinance could be
	16	repealed; and
	17	WHEREAS, the Revised Ordinances of Albuquerque 1994 contains
	18	prohibitions against irresponsible behaviors exhibited by drivers, including,
		but not limited to, '§ 7-10-3(A) Drag Racing and Other Competitive Racing,' '§
	20	7-10-3(B) Exhibition Driving,' '§ 7-10-3(D) Excessively Loud Electronic Sound
	21	or Music,' '§ 7-10-3(E) Modification of Exhaust Systems,' '§ 8-1-2-31 Stopping,
	. 22	Standing, or Parking Near Hazardous or Congested Places,' '§ 8-2-1-12
	23	Reckless Driving,' '§ 8-2-1-13 Careless Driving,' '§ 8-2-1-15 Driving While
	24	License is Suspended, Revoked, Canceled, or Denied,' '§ 8-2-7-2 Occupying
	25	Roadways, Certain Medians and Roadside Areas,' and '§ 8-2-7-2 Certain

26 Pedestrian Interactions with Vehicles Prohibited.' As such, the Council finds

1 there is no need for any additional criminal regulation of otherwise

2 responsible cruising that is conducted in conformance with this ordinance;3 and

WHEREAS, the Cruising On Public Streets Ordinance contains sections
that discriminate against particular types of special interest vehicle drivers;
and

7 WHEREAS, the Albuquerque Police Department should regulate
8 irresponsible behavior exhibited by drivers regardless of what type of vehicle
9 is being operated; and

WHEREAS, it is difficult to properly regulate cruising according to its
definition in the Cruising On Public Streets Ordinance; and

WHEREAS, it is difficult to appropriately regulate cruising based upon the
ancillary circumstances that are associated with cruising in the Cruising On
Public Streets Ordinance; and

WHEREAS, establishing effective means and lines of communication
between the Albuquerque Police Department, affected residents and business
owners, and drivers is essential for adequately regulating irresponsible
behaviors exhibited by drivers; and

WHEREAS, one strategy for regulating irresponsible behaviors exhibited by drivers is to develop a standard code of conduct for special interest vehicle clubs that identifies and defines specific forms of behavior that are neither tolerated at events nor at any other location within City limits and at any time; and

WHEREAS, requiring special interest vehicle clubs to display a standardized dashboard placard in a highly visible location on their vehicle would make it easier for the Albuquerque Police Department to regulate irresponsible driving behavior and allow responsible driving behavior to take place; and

WHEREAS, special interest vehicle clubs should be encouraged to partner
with private business owners and parking lot owners to coordinate cruising
events that do not obstruct the public right-of-way and that make their
neighborhoods more vibrant; and

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WHEREAS, special interest vehicle clubs contribute to local community
 development by bringing together the for-profit, non-profit, and public sectors
 for fundraising charity events; and

WHEREAS, special interest vehicle clubs should be encouraged to go
through the special event permitting process when organizing larger cruising
events that have larger economic impacts on the community-at-large; and

7 WHEREAS, monthly and annual events have the opportunity to attract
8 special interest vehicle clubs from throughout the state of New Mexico, the
9 United States, and the world who would contribute to a wide variety of local
10 industries, including lodging, food services, automotive services, and
11 security; and

WHEREAS, the Cruising Task Force made the recommendation of
establishing a Special Interest Vehicle Club Recognition Program because it
could help implement previously listed clauses related to communication and
coordination across the for-profit, non-profit, and public sectors.
BE IT ORDAINED BY THE COUNCIL. THE GOVERNING BODY OF THE CITY OF

16 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF17 ALBUQUERQUE:

Section 1. THE ENTIRETY OF CHAPTER 8, ARTICLE 2, PART 10 OF THE
 REVISED ORDINANCES OF ALBUQUERUE, THE "CRUISING ON PUBLIC
 STREETS ORDINANCE", IS HEREBY REPEALED. CHAPTER 8, ARTICLE 2,
 PART 10 SHALL BE RE-LABELED AS "REPEALED".

Section 2. 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 provisions being declared unconstitutional or otherwise invalid.

Section 3. COMPILATION. The amendments set forth in Section 1
above shall amend, be incorporated in and made part of the Revised
Ordinances of Albuquerque, New Mexico, 1994.

32 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days33 after publication by title and general summary.