



# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

### Interoffice Memorandum

December 4, 2018

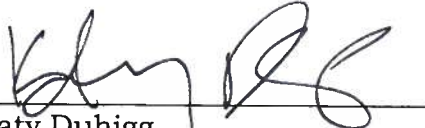
To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-18-28; ENACTMENT NO. O-2018-027

I hereby certify that on November 30, 2018, the Office of the City Clerk received Bill No. O-18-28 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2018-027 was passed at the November 5, 2018 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-18-28.

Sincerely,

  
Katy Duhigg  
City Clerk

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-18-28 ENACTMENT NO. O-2018-027

SPONSORED BY: Klarissa J. Peña

1 **ORDINANCE**

2 **REPEALING THE CRUISING ON PUBLIC STREETS ORDINANCE (§ 8-2-10-1).**

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**  
13 **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16 **repealed; and**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,**  
19 **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 Prohibited; Certain**  
26 **Pedestrian Interactions with Vehicles Prohibited.’ As such, the Council finds**

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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

4 WHEREAS, the Cruising On Public Streets Ordinance contains sections  
5 that discriminate against particular types of special interest vehicle drivers;  
6 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

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

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

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

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

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

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

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

4       **WHEREAS, special interest vehicle clubs should be encouraged to go**  
5 **through the special event permitting process when organizing larger cruising**  
6 **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**

12       **WHEREAS, the Cruising Task Force made the recommendation of**  
13 **establishing a Special Interest Vehicle Club Recognition Program because it**  
14 **could help implement previously listed clauses related to communication and**  
15 **coordination across the for-profit, non-profit, and public sectors.**

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

18       **Section 1. THE ENTIRETY OF CHAPTER 8, ARTICLE 2, PART 10 OF THE**  
19 **REVISED ORDINANCES OF ALBUQUERQUE, THE “CRUISING ON PUBLIC**  
20 **STREETS ORDINANCE”, IS HEREBY REPEALED. CHAPTER 8, ARTICLE 2,**  
21 **PART 10 SHALL BE RE-LABELED AS “REPEALED”.**

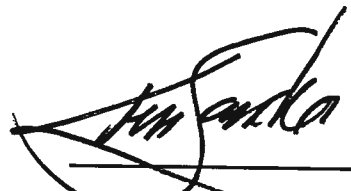
22       **Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
23 **clause, word or phrase of this ordinance is for any reason held to be invalid or**  
24 **unenforceable by any court of competent jurisdiction, such decision shall not**  
25 **affect the validity of the remaining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

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

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

1 PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF November, 2018  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3  
4 Excused: Davis

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7  
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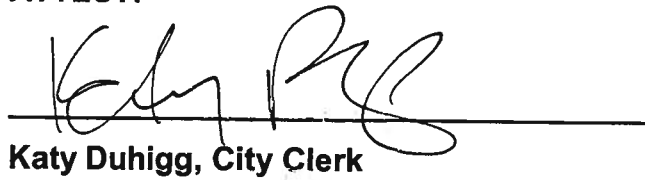
9 \_\_\_\_\_  
10 Ken Sanchez, President  
11 City Council

12  
13  
14 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

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16  
17 Bill No. O-18-28

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20 \_\_\_\_\_  
21 Timothy M. Keller, Mayor  
22 City of Albuquerque

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24  
25  
26 ATTEST:

27   
28 \_\_\_\_\_  
29 Katy Duhigg, City Clerk

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