

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-60 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brad Winter

1 **ORDINANCE**

2 **AMENDING CHAPTER 8, ARTICLE 2, PART 4, SECTION 6 OF THE REVISED**  
3 **ORDINANCES OF ALBUQUERQUE (THE "TRAFFIC CODE") RELATING TO**  
4 **RACING ON STREETS AND DRAG RACING; PROHIBITING RACING OR DRAG**  
5 **RACING ON CITY STREETS; PROHIBITING SPECTATING OF RACING OR**  
6 **DRAG RACING OR SPECTATING PREPARATIONS FOR THE SAME**

7 **WHEREAS, the City Council finds that there is a significant risk to the**  
8 **health and safety of the community caused by drivers who abuse their**  
9 **privilege to operate vehicles on the public streets and thoroughfares of**  
10 **Albuquerque by engaging in racing, drag racing; and**

11 **WHEREAS, illegal motor vehicle speed contests and illegal exhibitions of**  
12 **speed (more commonly known as street races or drag races) on City streets**  
13 **threatens the health and safety of the public, interferes with pedestrian and**  
14 **vehicular traffic, creates a public nuisance, and interferes with the right of**  
15 **private property owners to enjoy the use of their property; and**

16 **WHEREAS, racers and spectators gather on City streets late at night and in**  
17 **the early morning hours, blocking the streets and sidewalks to traffic, forming**  
18 **a race track area, and otherwise encouraging, aiding and abetting the racing**  
19 **process; and**

20 **WHEREAS, illegal street racers accelerate to high speeds without regard to**  
21 **speed limits, pedestrians, or vehicles parked or moving nearby. The racers**  
22 **drive quickly from street to street, race for a period of time, and then move to**  
23 **other locations upon the arrival of the police which makes the safety threat**  
24 **more pervasive throughout the City and at the same time harder to abate by**  
25 **law enforcement; and**

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1 WHEREAS, participants in these activities can often use cell phones, police  
2 scanners, and other electronic devices to communicate with each other,  
3 including through social media, to evade citation and prosecution by law  
4 enforcement; and

5 WHEREAS, In some cases, illegal street races can attract dozens of  
6 spectators which instigates and enables the illegal street racing and creates  
7 an environment in which these illegal activities can flourish and jeopardize the  
8 safety of participants and spectators alike, as well as the general public; and

9 WHEREAS, this chapter is adopted to prohibit racing and drag racing, as  
10 well as spectators at illegal street races with the aim of significantly curbing  
11 this activity and promoting the health, safety and welfare of the City and its  
12 residents.

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

15 SECTION 1. Section 8-2-4-6 of the Revised Ordinances of Albuquerque is  
16 hereby amended as follows:

17 “§ 8-2-4-6 RACING ON STREETS, DRAG RACING.

18 ~~[(A) Unless written permission setting out pertinent conditions is~~  
19 ~~obtained from the Chief of Police, and then only in accordance with such~~  
20 ~~conditions, no person shall drive a vehicle on a street in any race, speed~~  
21 ~~competition or contest, drag race or acceleration contest, test of physical~~  
22 ~~endurance, exhibition of speed or acceleration for the purpose of making a~~  
23 ~~speed record, whether or not the speed is in excess of the maximum speed~~  
24 ~~prescribed by law, and no person shall in any manner participate in any such~~  
25 ~~race, drag race, competition, contest, test or exhibition.~~

26 ~~—(B) No official or agency of the municipality shall be held liable in any~~  
27 ~~civil action in connection with the permission which is authorized in this~~  
28 ~~section.~~

29 [(A) Racing and Drag Racing Prohibited. It is unlawful for any person to  
30 engage or participate in a race or drag race on any city street.

31 (B) Spectating a Race or Drag Race, or Spectating Preparations for a  
32 Race or Drag Race Prohibited. It is unlawful for any person to knowingly be a  
33 spectator of a race or drag race occurring on any city street, or to knowingly

1 be a spectator at a location where preparations are being made for such  
2 activities.

3 (1) Spectator Defined. For purposes of this Section, a “spectator”  
4 includes any individual within 200 feet of the location of the race or drag race,  
5 or within 200 feet of the location where preparations for a race or drag race are  
6 being made, for the purpose of viewing, observing, watching, or witnessing  
7 the event as it progresses. Spectator includes any individual without regard  
8 to whether the individual arrived at the event by driving a vehicle, riding as a  
9 passenger in a vehicle, walking, or arriving by some other means.

10 (2) Preparations for a Race or Drag Race Defined. For purposes  
11 of this Section, preparations for a race or drag race include, but are not limited  
12 to, situations in which: (1) a group of motor vehicles or individuals has arrived  
13 at a location for the purpose of participating in or being spectators at the  
14 event; (2) a group of individuals has lined one or both sides of a public street  
15 or highway for the purpose of participating in or being a spectator at the  
16 event; (3) a group of individuals has gathered on private property open to the  
17 general public without the consent of the owner, operator, or agent thereof for  
18 the purpose of participating in or being a spectator at the event; (4) one or  
19 more individuals has impeded the free public use of a public street or highway  
20 by actions, words, or physical barriers for the purpose of conducting the  
21 event; (5) two or more vehicles have lined up with motors running for an illegal  
22 motor vehicle speed contest or exhibition of speed; (6) one or more drivers is  
23 revving his engine or spinning his tires in preparation for the event; or (7) an  
24 individual is stationed at or near one or more motor vehicles serving as a race  
25 starter.

26 (C) Exemptions. The provisions of this section shall not apply to  
27 authorized or licensed race courses, or other areas which are specifically set  
28 aside and supervised by the police department for police training. Nothing  
29 herein prohibits law enforcement officers or their agents from being  
30 spectators at a race or drag race in the course of their official duties.]”

31 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, word or  
32 phrase of this ordinance is for any reason held to be invalid or unenforceable  
33 by any court of competent jurisdiction, such decision shall not affect the

1 validity of the remaining provisions of this ordinance. The Council hereby  
2 declares that it would have passed this ordinance and each section,  
3 paragraph, sentence, clause, word or phrase thereof irrespective of any  
4 provision being declared unconstitutional or otherwise invalid.

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

8 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
9 after publication by title and general summary.

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