



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

June 18, 2019

To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-19-60; ENACTMENT NO. O-2019-011

I hereby certify that on June 18, 2019, the Office of the City Clerk received Bill No. O-19-60 as signed by the president of the City Council, Klarissa J. Pena. Enactment No. O-2019-011 was passed at the June 3, 2019 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-19-60.

Sincerely,

Katy Duhigg
City Clerk

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Stephanie M. Yara, Director of Council Services *SMY 6/11*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-19-60 Amending Chapter 8, Article 2, Part 4, Section 6 Of The Revised Ordinances Of Albuquerque (The "Traffic Code") Relating To Racing On Streets And Drag Racing; Prohibiting Racing Or Drag Racing On City Streets; Prohibiting Spectating Of Racing Or Drag Racing Or Spectating Preparations For The Same (Winter), which was passed at the Council meeting of June 3, 2019 by a vote of 6 FOR AND 3 AGAINST.

Against: Borrego, Peña, Sanchez

In accordance with the provisions of the City Charter, your action is respectfully requested.

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-60 ENACTMENT NO. O-2019-011

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**

[Bracketed/Underscored Material] - New
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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) Racing and Drag Racing Prohibited. It is unlawful for any person to
19 engage or participate in a race or drag race on any city street.

20 (B) Spectating a Race or Drag Race, or Spectating Preparations for a
21 Race or Drag Race Prohibited. It is unlawful for any person to knowingly be a
22 spectator of a race or drag race occurring on any city street, or to knowingly
23 be a spectator at a location where preparations are being made for such
24 activities.

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

32 (2) Preparations for a Race or Drag Race Defined. For purposes
33 of this Section, preparations for a race or drag race include, but are not limited

1 to, situations in which: (1) a group of motor vehicles or individuals has arrived
2 at a location for the purpose of participating in or being spectators at the
3 event; (2) a group of individuals has lined one or both sides of a public street
4 or highway for the purpose of participating in or being a spectator at the
5 event; (3) a group of individuals has gathered on private property open to the
6 general public without the consent of the owner, operator, or agent thereof for
7 the purpose of participating in or being a spectator at the event; (4) one or
8 more individuals has impeded the free public use of a public street or highway
9 by actions, words, or physical barriers for the purpose of conducting the
10 event; (5) two or more vehicles have lined up with motors running for an illegal
11 motor vehicle speed contest or exhibition of speed; (6) one or more drivers is
12 revving his engine or spinning his tires in preparation for the event; or (7) an
13 individual is stationed at or near one or more motor vehicles serving as a race
14 starter.

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

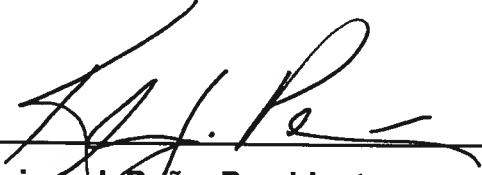
20 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, word or
21 phrase of this ordinance is for any reason held to be invalid or unenforceable
22 by any court of competent jurisdiction, such decision shall not affect the
23 validity of the remaining provisions of this ordinance. The Council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

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

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

1 PASSED AND ADOPTED THIS 3rd DAY OF June, 2019
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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4 Against: Borrego, Peña, Sanchez

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9 Klarisa J. Peña, President
10 City Council
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14 APPROVED THIS _____ DAY OF _____, 2019
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18 Bill No. O-19-60
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23 _____
24 Timothy M. Keller, Mayor
25 City of Albuquerque
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27 ATTEST:

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30 Katy Duhigg, City Clerk
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