



Legislation Details (With Text)

File #: O-18-28
Type: Ordinance
File created: 9/5/2018
Status: Enacted
In control: City Council
Final action: 11/5/2018
Enactment date: 12/3/2018
Enactment #: O-2018-027
Title: Repealing The Cruising On Public Streets Ordinance (§ 8-2-1) (Peña)
Sponsors:
Indexes:
Code sections:
Attachments: 1. O-28.pdf, 2. O-28Enacted

Date	Ver.	Action By	Action	Result
12/3/2018	2	Mayor	Not Signed by the Mayor	
12/3/2018	2	City Clerk	Published	
11/15/2018	1	City Council	Sent to Mayor for Signature	
11/5/2018	1	City Council	Passed	Pass
10/15/2018	1	City Council	Accepted with a Recommendation Do Pass	
10/8/2018	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass	Pass
9/5/2018	1	President	Referred	
9/5/2018	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-18-28 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

ORDINANCE

Repealing The Cruising On Public Streets Ordinance (§ 8-2-1) (Peña)

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

WHEREAS, the City Council finds that cruising is a deeply ingrained part of Albuquerque's history and an indispensable part of our cultural heritage. As such,

responsible cruising should be celebrated and encouraged; and

WHEREAS, the Council also finds that the actions of irresponsible drivers sometimes define cruising in the public's mind, but that the actions of irresponsible drivers can be sufficiently addressed by focused enforcement of existing portions of the City's Code and, therefore, there is no need for a specific section of the Code dealing with cruising as a threat to the public health, safety and welfare of Albuquerque's citizens; and

WHEREAS, the Council created a Cruising Task Force in 2017 that found the Revised Ordinances of Albuquerque 1994 contained prohibitions against irresponsible driving behaviors that were duplicated in the Cruising on Public Streets Ordinance that was passed in 2005 and that the Ordinance could be repealed; and

WHEREAS, the Revised Ordinances of Albuquerque 1994 contains prohibitions against irresponsible behaviors exhibited by drivers, including, but not limited to, '§ 7-10-3(A) Drag Racing and Other Competitive Racing,' '§ 7-10-3(B) Exhibition Driving,' '§ 7-10-3(D) Excessively Loud Electronic Sound or Music,' '§ 7-10-3(E) Modification of Exhaust Systems,' '§ 8-1-2-31 Stopping, Standing, or Parking Near Hazardous or Congested Places,' '§ 8-2-1-12 Reckless Driving,' '§ 8-2-1-13 Careless Driving,' '§ 8-2-1-15 Driving While License is Suspended, Revoked, Canceled, or Denied,' '§ 8-2-7-2 Occupying Roadways, Certain Medians and Roadside Areas Prohibited; Certain Pedestrian Interactions with Vehicles Prohibited.' As such, the Council finds there is no need for any additional criminal regulation of otherwise responsible cruising that is conducted in conformance with this ordinance; and

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

WHEREAS, the Albuquerque Police Department should regulate irresponsible behavior exhibited by drivers regardless of what type of vehicle 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

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

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

Section 1. THE ENTIRETY OF CHAPTER 8, ARTICLE 2, PART 10 OF THE REVISED ORDINANCES OF ALBUQUERQUE, 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.

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