



Legislation Text

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**CITY of ALBUQUERQUE**  
**EIGHTEENTH COUNCIL**

COUNCIL BILL NO. O-09-80

ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton by request

ORDINANCE

Amending Section 7-10-3 ROA 1994, The Vehicle Nuisance Ordinance To Expand Violations To Include Revving of Engines To Magnify Engine Noise (Benton, by request)

AMENDING SECTION 7-10-3 ROA 1994, THE VEHICLE NUISANCE ORDINANCE TO EXPAND VIOLATIONS TO INCLUDE REVVING OF ENGINES TO MAGNIFY ENGINE NOISE.

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

Section 1. Section 7-10-3 ROA 1994, is amended to read:

§ 7-10-3 VEHICLE NUISANCE - SPECIFIC VIOLATIONS.

A vehicle is hereby declared a nuisance subject to the penalty provisions of this Article if it is operated by a person or persons engaged in any of the following enumerated acts:

(A) Drag Racing and Other Competitive Racing. It shall be unlawful for any person or persons to engage or participate in a drag race or race for speed within the city limits unless otherwise accepted herein. For purposes of this section, a drag race or competitive race for speed shall be and the terms shall mean any situation or circumstance where two or more persons operate vehicles in such a manner as to cause such vehicles to be side by side on the roadway, or one slightly ahead of the other, and either from a stopped position or while moving, to accelerate such vehicles rapidly with the intent to race or otherwise out gain the other. The provisions of this sections shall not apply to authorized or licensed race courses, or other areas which are specifically set aside and supervised by the police department for police training. In any prosecution for a violation of this section, intent may be shown from the surrounding

circumstances, from admissions from the violators, from the observations of a law enforcement officer or in any other manner in which intent may be proven in any civil or criminal action under New Mexico law.

(B) Exhibition Driving. It shall be unlawful for any person to engage in exhibition driving of any vehicle within the city limits. For the purposes of this section, exhibition driving shall be and the term shall mean driving a vehicle in such a manner that it creates or causes unnecessary or excessive engine noise, tire squeal, skid or slide upon acceleration, braking or stopping or by operating a vehicle in a manner that willfully creates excessive engine noise by revving the engine. Exhibition driving shall also mean driving a vehicle in a manner that causes the vehicle to unnecessarily turn abruptly or sway and driving and executing or attempting one or a series of unnecessarily abrupt turns. Exhibition driving shall also mean carrying passengers on a part of the structure of the vehicle not designed for that purpose including but not limited to the hood. In any prosecution for a violation of this section, intent may be shown from the surrounding circumstances, from admissions from the violators, from the observations of a law enforcement officer or in any other manner in which intent may be proven in any civil or criminal action under New Mexico law.

(C) Using a Vehicle as an Instrument of Threat or Intimidation - Road Rage. It shall be unlawful for any person or persons to use a vehicle as an instrument of threat or intimidation in the city limits. For purposes of this section, use of a vehicle as an instrument of threat or intimidation, or so-called road rage driving, shall be and the terms shall mean driving a vehicle dangerously or conspicuously close to or behind or near another vehicle or suddenly stopping or accelerating and rapidly switching lanes or positions on the roadway with the intent to taunt or retaliate against another driver for any reason. The use of one or more vehicles to willfully prevent another vehicle from lawfully passing shall also be a violation of this section. In any prosecution for a violation of this section, intent may be shown from the surrounding circumstances, from admissions from the violators, from the observations of a law enforcement officer or in any other manner in which intent may be proven in any civil or criminal action under New Mexico law.

(D) Excessively Loud Electronic Sound or Music. It shall be unlawful for any person or persons to play or produce excessively loud sound or music in any vehicle operated on any public street in the city limits. For purposes of the section, excessively loud electronic sound or music

shall be and the terms shall mean the use of any machine or device for reproducing sound including any magnifying sound instrument used in the production or replication of music, spoken words or other sounds and designed to enlarge the volume of any instrument, voice or other sound including but not limited to radios, stereos, or so called "boom boxes." It shall be a violation of this section if any such sound is plainly audible twenty-five feet from the subject vehicle.

(E) Modification of Exhaust Systems. It shall be a violation of this section for any person to operate any vehicle in the city limits with a modified exhaust system. A modified exhaust system shall mean any change or alteration to the exhaust system found on the vehicle when it was originally manufactured when such change results in noise that exceeds the noise the vehicle made when manufactured. Any violation of ROA 1994 §§ 8-6-13 or 9-9-9(A) through (D) shall also be a violation of this paragraph.

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.

Section 3. COMPILATION. This ordinance shall be incorporated in and compiled as 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.

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