



Legislation Text

File #: O-15-1, Version: 1

**CITY of ALBUQUERQUE**  
**TWENTY SECOND COUNCIL**

COUNCIL BILL NO. O-15-1 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Don Harris

**ORDINANCE**

Amending The Safety In Public Places Ordinance (Harris)

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

Section 1. SECTION 12-2-28(D) OF THE SAFETY IN PUBLIC PLACES ORDINANCE IS  
AMENDED FOLLOWS:

“§ 12-2-28 SAFETY IN PUBLIC PLACES.

(D) Limitations on panhandling.

(1) Time. It shall be unlawful to engage in an act of panhandling in a public  
place on any day from after sunset until sunrise in the Arts and Entertainment District and in  
the Nob Hill District.

(2) Specific places. It shall be unlawful to engage in an act of panhandling  
at any time when either the panhandler or the person being solicited is located at any of the  
following locations or under the following circumstances:

(a) In any public transportation vehicle or public transportation  
facility;

(b) From people waiting at any public transportation stop that is  
identified by signage;

(c) Within 15 feet of any entrance or exit of a public transportation  
facility;

- (d) In off-street public parking lots or public parking structures;
  - (e) From customers at any sidewalk café;
  - (f) Within 15 feet in any direction from an automatic teller machine;
  - (g) An entrance to a bank during normal business hours; and/or
  - (h) On private property or residential property, without permission from the owner or occupant[ ;
  - (i) From or within any street median;
  - (j) Within any traffic lane or within 10 feet from a traffic lane where there is no sidewalk or other access intended for pedestrians;
  - (k) Along any roadway with a speed limit in excess of 35 miles per hour.
  - (l) Within a hundred feet of any Interstate entrance or exit ramp.]
- (3) Vehicles and vehicular traffic. It shall be unlawful to engage in an act of panhandling at any time of any day:
- (a) Involving any operator or occupant of a motor vehicle that is in traffic on or entering any street, street intersection, alley or other public passageway in any manner that obstructs the operation of any vehicle by any motorist;
  - (b) Involving any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space;
  - (c) In exchange for cleaning motor vehicle windows while the vehicle is in traffic on or entering any street, a street intersection, alley or other public passageway; and/or
  - (d) In exchange for protecting, watching, washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public street.
- (4) Aggressive panhandling. It shall be unlawful to engage in an act of aggressive panhandling at any time of any day in any place within the city.”

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.

