



Legislation Text

File #: O-19-60, Version: 2

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-60 ENACTMENT NO. _____

SPONSORED BY: Brad Winter

ORDINANCE

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)

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.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Spectator Defined. For purposes of this Section, a “spectator” includes any individual within 200 feet of the location of the race or drag race, or within 200 feet of the location where preparations for a race or drag race are being made, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual without regard to whether the individual arrived at the event by driving a

vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

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

(C) **Exemptions.** The provisions of this section 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. Nothing herein prohibits law enforcement officers or their agents from being spectators at a race or drag race in the course of their official duties.”

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, 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 provision 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.

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