



Legislation Text

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CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-58 ENACTMENT NO. _____

SPONSORED BY: Renée Grout

ORDINANCE

Adopting A New Article 25 Of Chapter 9 Of The Revised Ordinances Of Albuquerque: Public Camping (Grout)

WHEREAS, public spaces are intended for the use and enjoyment of all community members; and

WHEREAS, establishing encampments can prevent others from enjoying parks and open spaces; and

WHEREAS, camping in non-designated areas can damage natural habitats, increase waste management challenges, and disturb wildlife; and

WHEREAS, the proliferation of unauthorized encampments strains local resources, creates unhealthy conditions for both campers and nearby residents, and decreases the quality of life for Albuquerque residents; and

WHEREAS, unauthorized encampments in public rights of way pose a danger to the campers and the traveling public; and

WHEREAS, limiting public camping to designated campgrounds ensures that all citizens have equitable access to public spaces.

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

SECTION 1. Adding Chapter 9, Article 25, as follows:

§ 9-25-1 SHORT TITLE.

This article may be cited as “The Public Camping Ordinance.”

§ 9-25-2 PURPOSE

It is the purpose of this article to prevent harm to the health and safety of the public and to promote the health, safety and welfare of the City by keeping streets, sidewalks and other public property clear of encampments and to prevent the use of public property in a manner that interferes with the rights of others to use the areas for their intended purposes.

§ 9-25-3 DEFINITIONS

[CAMP. To occupy an area for the purpose of establishing or maintaining a permanent or temporary place to live, or to occupy an area with an apparent intent to remain in that location for 24 hours or more.

CAMP FACILITIES. Tents, huts and any other temporary structures or shelters.

CAMP PARAPHERNALIA. Tarpaulins, cots, beds, sleeping bags, hammocks, carts/shopping carts, cooking facilities and similar equipment.

ENCAMPMENT. An area where an individual or individuals have erected one or more tent or structures or placed personal items on public property with the apparent intent to remain in that location for 24 hours or more. An area will not be deemed an encampment merely because any individuals are present on public property or because individuals have temporarily placed personal items on public property.

PERSONAL PROPERTY. An item that is reasonably recognizable as belonging to a person.

§ 9-25-4 UNLAWFUL CAMPING

Except as otherwise authorized by ordinance or by rules issued by the Department of Parks and Recreation, it shall be unlawful for any person to camp, or maintain an encampment, in any publicly owned area, including any street, sidewalk, right of way, park, or open space. It shall further be unlawful for any person to refuse to remove an encampment from public land after receiving a notice instructing them to remove the encampment, or to set up an encampment after being ordered to remove one from a particular location. A person does not violate this ordinance if the person is merely sitting, sleeping or lying on public property on a temporary basis.

§ 9-25-5 UNLAWFUL STORAGE OF PERSONAL PROPERTY

It shall be unlawful for any person to maintain personal property, including camp facilities or camp paraphernalia, on public property after that person has received a notice instructing them to remove the items.

§ 9-25-6 PROMULGATION OF RULES

The Mayor may promulgate rules necessary for the prevention, abatement and removal of encampments from public property within the City.

§ 9-25-7 PENALTY FOR VIOLATIONS

Any person who violates § 9-25-4 or 9-25-5 shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances.]

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 provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. SECTION 1 of this Ordinance is to be compiled as a new Article 25 in Chapter 9 of the Revised Ordinances of Albuquerque, New Mexico, 1994, Chapter 9, titled "The Public Camping Ordinance."

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