CITY of ALBUQUERQUE TWENTIETH COUNCIL

COUNCIL BILL NO. <u>0-12-42</u> ENACTMENT NO.

SPONSORED BY: Isaac Benton

1 ORDINANCE 2 AMENDING SECTION 7-3-3 ROA 1994, A PORTION OF THE ALBUQUERQUE 3 FREE EXPRESSION AND PARADE ORDINANCE; AND AMENDING SECTIONS 10-1-1-1 AND 10-1-1-5 ROA 1994 REGARDING PARKS; REMOVING THE 4 CROSSROADS PEDESTRIAN MALL FROM THE DEFINITION OF CIVIC PLAZA. 5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 6 7 ALBUQUERQUE: 8 SECTION 1. Section 7-3-3 ROA 1994 is amended to read as follows: 9 "§ 7-3-3 DEFINITIONS. 10 For purposes of this article, the following terms shall have the stated meaning unless the context clearly requires a different meaning: ADMINISTRATIVE HEARING OFFICER. The City Hearing Officer, as defined by the Independent Office of Hearings Ordinance (§§ 2-7-8-1 et seq. ROA 1994), who shall conduct an examination and hearing of the propriety of a denial of an application for a permit or other issues under this article. APPLICANT. Any person who submits an application for a permit. CHIEF OF POLICE. The Mayor's appointee in charge of the Albuquerque Police Department.

CITY. The City of Albuquerque.

Bracketed/Underscored Material] - New

CIVIC PLAZA. The park more particularly described as the city property within the area bounded on the east by Third Street, on the north by Marguette Avenue, on the west by Fifth Street, and on the south by Tijeras Avenue.

23 MAYOR. The Mayor of the City of Albuquerque or any city official with 24 delegated authority from the Mayor.

25 PARADE. Any march, demonstration, procession or motorcade consisting 26 of persons, animals, motorized vehicles or bicycles or a combination thereof

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1 upon the streets, parks or other public grounds within the city that could

2 interfere with the normal flow or regulation of traffic upon the streets, parks or3 other public grounds.

4 PARADE OR PUBLIC ASSEMBLY PERMIT. A permit as required by this 5 article.

6 PERSON. Any person, firm, partnership, association, corporation,7 company or organization of any kind.

8 PROCESSION. Any assembly of three or more persons whose gathering is9 for the purpose of parading from one location to any other.

PUBLIC ASSEMBLY. Any meeting, demonstration, picket line, rally or
gathering of more than 25 persons for a common purpose as a result of prior
planning that interferes with the normal flow or regulation of vehicular traffic
or occupies any public area in a place open to the general public.

SIDEWALK. Any area or way set aside or open to the general public forpurposes of pedestrian traffic.

STREET. Any place or way set aside or open to the general public for
purposes of vehicular traffic, including any berm or shoulder parkway, rightof-way, or median strip thereof.

TRADITIONAL PUBLIC FORUM. Public places historically associated with the free exercise of expressive activities including but not limited to streets, sidewalks and parks."

SECTION 2. Section 10-1-1-1 ROA 1994 is amended to read as follows: "§ 10-1-1-1 DEFINITIONS.

For the purpose of §§ 10-1-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any vertebrate member of the animal kingdom other than humans.

28 CIVIC PLAZA. The park more particularly described as the city property
29 within the area bounded on the east by Third Street, on the north by Marquette
30 Avenue, on the west by Fifth Street, and on the south by Tijeras Avenue.

MAYOR. The Mayor or his duly designated representative or agent.

32 PARK. Any area of land so designated and maintained by the city as a33 place of beauty or recreation or both.

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SPECIAL EVENT. Any privately or publicly sponsored advertised activity at
 a city park or other facility operated by the Parks and Recreation Department,
 to which the general public is invited for the purpose of recreation, culture or
 entertainment, and at which food or beverages may be available."

5 SECTION 3. Section 10-1-1-5 ROA 1994 is amended to read as follows:
6 "§ 10-1-1-5 ANIMALS PROHIBITED IN CIVIC PLAZA DURING A SPECIAL
7 EVENT.

8 (A) No person shall cause or allow any animal to enter onto the Civic9 Plaza during a special event.

10 (B) This section shall not apply to any service animal which is being 11 used to assist a blind, deaf; or mobility-impaired person, provided that the 12 service animal has adequate identification that it is a service animal, as 13 defined by §§ 9-2-1-1 et seq., Humane and Ethical Animal Rules and 14 Treatment. Further, this section shall not apply to any animal used by the city 15 or its agents, or any animals specifically allowed by the Mayor."

SECTION 4. 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 5. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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