

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

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

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

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

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

17 **“§ 8-2-4-6 RACING ON STREETS, DRAG RACING.**

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

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

25 **(1) Spectator Defined. For purposes of this Section, a “spectator”**
26 **includes any individual within 200 feet of the location of the race or drag race,**
27 **or within 200 feet of the location where preparations for a race or drag race are**
28 **being made, for the purpose of viewing, observing, watching, or witnessing**
29 **the event as it progresses. Spectator includes any individual without regard**
30 **to whether the individual arrived at the event by driving a vehicle, riding as a**
31 **passenger in a vehicle, walking, or arriving by some other means.**

32 **(2) Preparations for a Race or Drag Race Defined. For purposes**
33 **of this Section, preparations for a race or drag race include, but are not limited**

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1 to, situations in which: (1) a group of motor vehicles or individuals has arrived
2 at a location for the purpose of participating in or being spectators at the
3 event; (2) a group of individuals has lined one or both sides of a public street
4 or highway for the purpose of participating in or being a spectator at the
5 event; (3) a group of individuals has gathered on private property open to the
6 general public without the consent of the owner, operator, or agent thereof for
7 the purpose of participating in or being a spectator at the event; (4) one or
8 more individuals has impeded the free public use of a public street or highway
9 by actions, words, or physical barriers for the purpose of conducting the
10 event; (5) two or more vehicles have lined up with motors running for an illegal
11 motor vehicle speed contest or exhibition of speed; (6) one or more drivers is
12 revving his engine or spinning his tires in preparation for the event; or (7) an
13 individual is stationed at or near one or more motor vehicles serving as a race
14 starter.

15 (C) Exemptions. The provisions of this section shall not apply to
16 authorized or licensed race courses, or other areas which are specifically set
17 aside and supervised by the police department for police training. Nothing
18 herein prohibits law enforcement officers or their agents from being
19 spectators at a race or drag race in the course of their official duties.”

20 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, word or
21 phrase of this ordinance is for any reason held to be invalid or unenforceable
22 by any court of competent jurisdiction, such decision shall not affect the
23 validity of the remaining provisions of this ordinance. The Council hereby
24 declares that it would have passed this ordinance and each section,
25 paragraph, sentence, clause, word or phrase thereof irrespective of any
26 provision being declared unconstitutional or otherwise invalid.

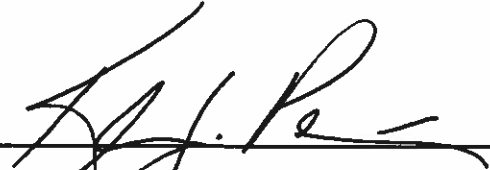
27 SECTION 3. COMPILATION. The amendments set forth in Section 1 above
28 shall amend, be incorporated in and made part of the Revised Ordinances of
29 Albuquerque, New Mexico, 1994.

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

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1 PASSED AND ADOPTED THIS 3rd DAY OF June, 2019
2 BY A VOTE OF: 6 FOR 3 AGAINST.

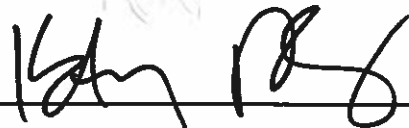
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4 Against: Borrego, Peña, Sanchez

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8 _____
9 Klarisa J. Peña, President
10 City Council

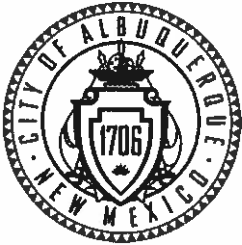
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14 APPROVED THIS _____ DAY OF _____, 2019

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18 Bill No. O-19-60

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23 _____
24 Timothy M. Keller, Mayor
25 City of Albuquerque

26
27 ATTEST:
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29 _____
30 Katy Duhigg, City Clerk

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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

June 18, 2019

To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-19-60; ENACTMENT NO. O-2019-011

I hereby certify that on June 18, 2019, the Office of the City Clerk received Bill No. O-19-60 as signed by the president of the City Council, Klarissa J. Pena. Enactment No. O-2019-011 was passed at the June 3, 2019 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-19-60.

Sincerely,

Katy Duhigg
City Clerk