

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-58 ENACTMENT NO. O.2024.049  
SPONSORED BY: Renée Grout

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### ORDINANCE

ADOPTING A NEW ARTICLE 25 OF CHAPTER 9 OF THE REVISED  
ORDINANCES OF ALBUQUERQUE: PUBLIC CAMPING.

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

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1 prevent the use of public property in a manner that interferes with the rights of  
2 others to use the areas for their intended purposes.

3 **§ 9-25-3 DEFINITIONS.**

4 **CAMP.** To occupy an area for the purpose of establishing or maintaining a  
5 permanent or temporary place to live, or to occupy an area for 24 hours or  
6 more.

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

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

11 **ENCAMPMENT.** An area where an individual or individuals have erected  
12 one or more tent or structures or placed personal items on public property for  
13 24 hours or more. An area will not be deemed an encampment merely because  
14 any individuals are present on public property or because individuals have  
15 temporarily placed personal items on public property.

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

18 **§ 9-25-4 UNLAWFUL CAMPING.**

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

28 **§ 9-25-5 UNLAWFUL STORAGE OF PERSONAL PROPERTY.**

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

32 **§ 9-25-6 PROMULGATION OF RULES.**

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

3       **§ 9-25-7 PENALTY FOR VIOLATIONS.**

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

7       **SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
8       **clause, word or phrase of this ordinance is for any reason held to be invalid or**  
9       **unenforceable by any court of competent jurisdiction, such decision shall not**  
10       **affect the validity of the remaining provisions of this ordinance. The Council**  
11       **hereby declares that it would have passed this ordinance and each section,**  
12       **paragraph, sentence, clause, word or phrase thereof irrespective of any**  
13       **provision being declared unconstitutional or otherwise invalid.**

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

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

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1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF December, 2024  
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Bassan, Champine, Grout, Lewis, Sanchez  
5 Against: Baca, Fiebelkorn, Peña, Rogers  
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9 Dan Lewis, President  
10 City Council  
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14 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
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18 Bill No. O-24-58  
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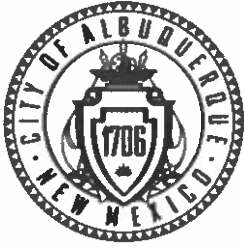
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22 Timothy M. Keller, Mayor  
23 City of Albuquerque  
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26 ATTEST:

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29 Ethan Watson, City Clerk  
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# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

### Interoffice Memorandum

January 6, 2025

To: CITY COUNCIL

From: Ashley Santistevan, Records Center Manager

Subject: BILL NO. O-24-58; ENACTMENT NO. O-2024-049

I hereby certify that on December 5, 2024, the Office of the City Clerk received Bill No. O-24-58 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2024-049 was passed at the December 16, 2024 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 beginning December 26, 2024 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-24-58.

Sincerely,

Ethan Watson  
City Clerk