

## ORDINANCE NO. 1693

### AN ORDINANCE ADDING ARTICLE 11-06-330 TO CHAPTER 11 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING OBSTRUCTING, IMPEDING MOVEMENT, OR CAMPING IN PUBLIC RIGHTS-OF-WAY

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico deems it necessary to add Article 11-06-330 concerning obstructing, impeding movement, or camping in public rights-of-way.

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico recognizes that it is important for the flow of traffic and our citizens to protect the rights-of-way and keep them clean from obstructions.

**BE IT THEREFORE ORDAINED** by the City Commission of the City of Alamogordo, New Mexico, that Chapter 11, Article 11-06-330 of the Code of Ordinances is added in its entirety.

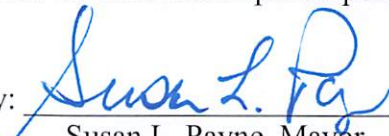
#### 11-06-330. - OBSTRUCTING, IMPEDING MOVEMENT, OR CAMPING IN PUBLIC RIGHTS-OF-WAY

- (a) *Definitions*. As used in this section, the following definitions shall apply:
- (1) *Camping* means the setting up of any tent, shack, or other permanent or temporary structure or shelter, or preparing a sleeping bag or other bedding material for use in a public right-of-way, including a setback area.
  - (2) *Impeding movement* means any act which interferes with or slows the progress of pedestrians in a public right-of-way.
  - (3) *Obstructing movement* means any act which blocks or prevents the progress of pedestrians in a public right-of-way.
  - (4) *Public right-of-way* includes all land owned, deeded, reserved by plat, defined by statute, declared by court order, or otherwise acquired by a public agency primarily for the use of the public for the purposes of vehicular and pedestrian traffic.
  - (5) *Setback area* means that part of a public right-of-way which is not occupied by a street, curb, gutter, or sidewalk.
- (b) *Obstructing or impeding movement prohibited*. It is unlawful for any person to obstruct or impede the movement of any person passing along any street, sidewalk, median, crosswalk, or any other public way, including a setback area, at any dangerous streets or intersections.
- (c) *Camping in right-of-way prohibited*. It is unlawful for any person to camp upon any part of a public right-of-way, including a setback area.
- (d) *Penalty*. Violations of subsections (b) through (c) shall be punishable as provided in §1-01-100; provided, however, that a law enforcement officer shall first verify that a warning has been given, otherwise, the officer shall issue a criminal trespass notification to a person for violating this section in lieu of a citation or conducting an arrest.
- (e) *Exemptions*. The provisions of this section shall not apply to:

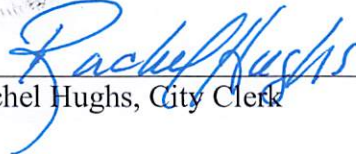
- (1) Law enforcement officers or to the employees of a public agency that owns, maintains, or operates a public right-of-way, or the persons authorized by such agency;
- (2) Any person using a public right-of-way, including for expressive speech or conduct, whose use does not obstruct or impede movement or constitute camping.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of February, 2024.

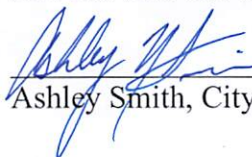
CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By:   
Susan L. Payne, Mayor

ATTEST:

  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

  
Ashley Smith, City Attorney

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