

**CITY OF LAS VEGAS, NEW MEXICO**  
**Ordinance No. 20-14**

**AN ORDINANCE TO AMEND** the Code of the City of Las Vegas by adding a new Chapter 330, entitled “Riverwalk and Park Ordinance”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

**BE IT ENACTED** by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by adding thereto a new chapter, to be Chapter 330, Riverwalk and Park Ordinance, to read as follows:

Section 1.	Short Title
Section 2.	Purpose
Section 3.	Definitions
Section 4.	Prohibited Acts
Section 99.	Penalty

**§ 330-1. Short Title.**

This ordinance shall be known and cited as the "Riverwalk and Park Ordinance" and referred to herein as the “Ordinance”.

**§ 330-2. Purpose.**

(A) The Riverwalk and Park Ordinance is intended to promote the general health, safety and welfare of the residents and visitors of the City by prohibiting squatters and prohibiting the access and use of the Riverwalk and City parks or such other conduct which may present a hazard or nuisance to the City’s residents and visitors. Further, this Ordinance intends to promote the management of the Riverwalk in such a manner that is in the best interest of the City and its residents, and will protect the environment of the Riverwalk. It is also the intent of this Ordinance that by prohibiting certain access and use of the Riverwalk and City parks, the aforementioned purposes will be realized and accomplished.

(B) This Ordinance is also intended to promote the general health, safety and welfare of the residents and visitors of the City by creating safe and healthy City parks and Riverwalk.

**§ 330-3. Definitions.**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY shall mean the City of Las Vegas.

GARBAGE shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER shall mean "garbage," "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare.

PARK PLACE shall mean an area set aside for public use that is owned, controlled, or used by the City, with or without facilities, for recreational purposes, including without limitation all parks, playgrounds, recreation facilities, Riverwalk, golf courses, trails, or any other public area in the City devoted to recreation.

PERSON shall mean one or more persons, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind.

PUBLIC PLACE shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, sources, spaces, grounds and buildings.

REFUSE shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, inoperative vehicles and appliances, and solid market and industrial wastes.

RIVERWALK shall mean the entire area around the Gallinas River, including all portions owned by the City, or such parts as the City has an interest or otherwise is able to possess, use, occupy, access or control. Such area shall include without limitation "an area fifty (50) feet on either side of a line following the center of the Gallinas River along its meander downstream from Mills Avenue to the South limits of the City of Las Vegas" as deeded on June 19, 1972 to the City of Las Vegas, by the Board of Trustees of the Town of Las Vegas administering that certain land known as the Las Vegas Land Grant. Such area shall also include without limitation all property described in that certain deed from the Atchison, Topeka and Santa Fe Railway Company to the City of Las Vegas, recorded in the office of the San Miguel County Clerk on November 24, 1982.

RUBBISH shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, smoking products, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

#### **§ 330-4. Prohibited Acts.**

It shall be unlawful for any person, corporation, association, organization or any other entity whatsoever using or being located in any Park Place or other City-owned space to either perform or permit to be performed any of the following acts without express prior written authorization in law or by the City:

(a) To willfully mark, deface, litter upon, disfigure, injure, tamper with, displace or remove any building, bridge, table, fencing, bench, fireplace, railing, paving or paving material, water line (or other public utility or part or appurtenances thereof), sign, notice or placard, either temporary or permanent, monument, stake, post, boundary marker, structure, equipment, facility, park property or appurtenance of any nature, whether real or personal;

(b) To cut, dig, pull up, destroy or in any manner injure any tree, shrub, bush, vine, flower, grass or other plant or vegetation;

(c) To throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any Park Place, or within any tributary, stream, storm sewer, or drain flowing into such waters, any litter, substance, matter or thing, whether solid or liquid, which will or may result in the pollution of said waters;

(d) to bring in, dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, drug paraphernalia, cans, dirt, sleeping bags, tents, litter, camping equipment, furniture, waste, or other items, and such aforementioned things shall not be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where provided for or, where not provided, shall be carried away from the Park Place by the person responsible for its presence, and properly disposed of elsewhere.;

(e) To endanger the safety of any person by any conduct or act;

(f) To be located, sit, lie down or sleep between the hours of 10:00p.m. and 5:00a.m.;

(g) To prevent any person or entity from using any Park Place, or to interfere with such use in compliance with City code;

(h) To swim, bathe, or wade in any waters or waterways in or adjacent to any Park Place where such activity is prohibited by posting of signs prohibiting such conduct;

(i) To drive, operate or park any motor vehicle, trailer, camper or other such recreational vehicles on or in any Park Place or City owned or managed property except in areas maintained and marked as a public street, driveway or parking area. The term "motor vehicle" as used in this section shall include automobiles, motorcycles, powered scooters, electrical assisted bicycles, commercial vehicles and other powered equipment which may be used for transportation;

(j) To bring any dangerous animal into any Park Place or to permit any dog to be in any of such areas unless such dog is on a leash of not more than five (5) feet in length;

(k) To allow any dog or pet to defecate in any Park Place without immediate removal and disposal of such material by the owner or person having custody of such dog or pet;

(l) To vend, sell, peddle or offer for sale any commodity or article within any Park Place unless express prior written authorization from the City;

(m) To paste, glue, tack, post, erect or cause to be erected any sign, placard, advertisement or inscription of any nature on any public places, lands, streets, or roads which are part of, or adjacent to, a Park Place unless specifically authorized in writing by the City;

(n) To conduct any amusement for gain or for which a charge is made without the express prior written consent from the City;

(o) To possess, sell, give, receive or consume any alcohol, or other substance, that may physically or mentally impair the person consuming the alcohol or other substance to the slightest degree, in any Park Place, or other facility operated or maintained by the City except as may otherwise be provided in this Code;

(p) To kindle, use or maintain any fire, in or upon any Park Place other than at locations and in receptacles provided by the City for such purpose, or to possess, discharge, ignite or explode any firework in or upon any Park Place;

(q) To injure, destroy, molest, capture or interfere with birds, game, wildlife or other animals in or upon any Park Place, except as may otherwise be provided in this Code;

(r) To throw, cast or cause to move any stone or other missile within any Park Place, except in areas set aside for the playing of games in which missiles or other items are customarily thrown, and then only to the extent customary in playing such games;

(s) To operate a bicycle or any other mode of transportation in a careless or reckless manner;

(t) To use any Park Place, or to be on any roadway while under the influence of alcohol or under the influence of any substance that may physically or mentally impair the person consuming the alcohol or substance to the slightest degree;

(u) To encroach upon City-owned, leased or managed property used for a Park Place;

(v) To place or leave any obstruction of any kind or nature, or to dig or leave any excavation in any part of any Park Place;

(w) To camp, sleep or participate in squatting or adverse possession, which shall include without limitation vehicles located in a Park Place or other City-owned or City-managed property;

(x) The following exceptions shall apply to the prohibited acts in this section:

(1) For the use of maintenance, patrol, emergency response and other official vehicles as authorized by the City.

(2) For the use of motorized devices by disabled persons to gain access to City owned or managed public property under the provisions of the Americans with Disabilities Act.

**§ 330-99. Penalty.**

(A) Any person who violates one or more provisions of this Section 330, except those matters contained in 330-99(B), shall be guilty of criminal trespass. Every violation shall be a separate offense. Any person deemed guilty of more than one (1) violation of this paragraph may be barred from any Park Place by the City Manager for a period not to exceed one year.

(B) Any person who violates one or more provisions of this Section 330, regarding littering or disposal of any items prohibited by this Section 330, shall be subject to the littering penalty provisions set forth in Penalty Assessment Program of the City Code. Community service may be imposed in addition to any such fine, but not in lieu of such fine. Every violation shall be a separate offense.

(C) In the event that any person charged with a violation of any provision of this Section 330 is granted a deferral of any kind whatsoever, said charged person shall pay an administrative fee of \$200.00 for each violation charged under this Section 330.

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this \_\_\_\_\_ day of November, 2020.

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Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

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Casandra Fresquez, City Clerk

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Scott Aaron, City Attorney