

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-92 ENACTMENT NO. 0.2025.026

SPONSORED BY: Tammy Fiebelkorn

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ORDINANCE

2 AMENDING § 5-8-6 "PROHIBITED ACTIVITIES" OF THE ALBUQUERQUE OPEN
3 SPACE MANAGEMENT ORDINANCE TO INCLUDE OVERLOOKED ANIMALS.

4 WHEREAS, all wildlife within Albuquerque's Open Space Lands and
5 Regional Preserves should be protected to preserve the ecological integrity
6 and natural balance of these environments; and

7 WHEREAS, the current Albuquerque Open Space Management Ordinance
8 does not explicitly list fish as protected wildlife, creating ambiguity in
9 enforcement and interpretation; and

10 WHEREAS, several ponds and aquatic habitats exist within Open Space
11 Lands, and the City Council has received reports of prohibited activities such
12 as fishing, indicating a need to clarify the ordinance to ensure consistent
13 protection of all wildlife species.

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

16 SECTION 1. § 5-8-6 PROHIBITED ACTIVITIES of the Albuquerque Open
17 Space Management Ordinance is amended as follows:

18 (F) *Wildlife*. No person shall intentionally feed, harm, hunt, pursue, molest,
19 harass, trap, collect, or remove any mammal, bird, reptile, fish, invertebrate, or
20 amphibian animals or eggs or young of said animals on/from Open Space
21 Lands or Regional Preserves where prohibited without an authorized scientific
22 research permit from the Open Space Division, with the exception of activities
23 conducted by approved government entities. Species that are deemed a public
24 health concern are exempted from the protections of this prohibition.

25 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,
26 word or phrase of this Ordinance is for any reason held to be invalid or

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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 3. COMPILATION. SECTION 1 of this Ordinance amends, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 3rd DAY OF September, 2025
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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9 Brook Bassan, President
10 City Council

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13 APPROVED THIS 11 DAY OF September, 2025

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18 Bill No. O-25-92

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23 Timothy M. Keller, Mayor
24 City of Albuquerque

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27 ATTEST:

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30 Ethan Watson, City Clerk