

Chapter 36 - PARKS AND RECREATION ^[40]

⁽⁴⁰⁾ **State Law reference**— Regulation of parks, NMSA 1978, § 3-18-18.

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ARTICLE I. - IN GENERAL

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ARTICLE II. - PUBLIC CONDUCT IN PARKS

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Sec. 36-20. - Authority of town manager.

The town manager shall have the power to regulate the use of any and all parks, trails, and open spaces owned by the town with regard to reasonable hours of operation and permitted uses, including the regulation of animal owners accompanying their animals, skateboarders, bike riders, roller skaters and other recreational activities. Regulations regarding the use of public property shall be posted in conspicuous locations at or near the public property so regulated. Further, in applications submitted by persons desiring to use town property for special events, the town manager may impose such terms and conditions so as to ensure public safety and the protection of property.

(Ord. No. 1101, § 19-5, 12-14-2004)

Sec. 36-21. - Facilities to be left in neat and sanitary condition.

Each person, firm, group or organization using park facilities shall clean up their debris and leave the premises in good order and the facilities in a neat and sanitary condition.

(Code 1979, § 19-1; Code 2005, § 94.01; Ord. No. 667, § 1, 4-10-1981)

Sec. 36-22. - Prohibited acts.

It shall be unlawful for any person, firm, group or organization using park facilities to either perform or permit to be performed any of the following acts:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or pacing material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
- (2) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse; or other trash. No such refuse or trash shall 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 these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere;
- (3) Disturb the peace, or use any language that would qualify as fighting words. The term "fighting words" means written or spoken words, generally expressed to incite hatred or violence and to place the targets of the words in danger of harm;
- (4) Endanger the safety of any person by any conduct or act;
- (5) Commit assault, battery, or engage in fighting;
- (6) Carry, possess, or drink any alcoholic beverages in any park with the exception of the Scott Park Golf Course Complex;
- (7) Violate any rule for the use of the park, made or approved by the town council or town manager as the case may be;
- (8) Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this article and the rules applicable to such use;
- (9) Make or kindle any fire except in picnic stoves or fireplaces provided for that purpose or as may otherwise be specifically authorized in writing by the town manager;
- (10) Camp or lodge within park premises;
- (11) Vend, sell, peddle or offer for sale any commodity or article except when such vending, selling, peddling or offering is for the sole and only benefit of a charitable or nonprofit purpose, excepting however, vending, selling, peddling or offerings during limited periods and for specific purposes and benefits determined by the council to fulfill a public need and worthwhile purpose not primarily intended for individual or personal profit, even though personal gain may collaterally

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result from such park use;

(12) Drive or park any automobile or truck other than on a driveway or area established for public parking, except for permitted special events;

(13) Bring onto the premises any animal that by its nature in the wild is considered to be a predator or any other animal that, in the judgment of the police chief, presents a danger to person or property, or any dog designated as dangerous by a court;

(14) Any and all other acts prohibited by federal, state, county and municipal law or regulation; and

(15) The use of any wheeled vehicle or skateboard in violation of the rules and regulations promulgated by the town manager.

(Code 1979, § 19-2; Code 2005, § 94.02; Ord. No. 667, § 2, 4-10-1981; Ord. No. 669, 4-21-1981; Ord. No. 818, § 1, 11-6-1989)

Sec. 36-23. - Group activity.

(a) *Permit required.* Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a designated representative of the group, association or organization shall first obtain a permit from the town manager for such purposes. The town manager shall provide an application form to be used for such purpose.

(b) *Issuance of permit; bond.* The town manager shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the town from any liability of any kind or character and to protect town property from damage.

(Code 1979, § 19-3; Code 2005, § 94.03; Ord. No. 667, § 3, 4-10-1981)

Sec. 36-24. - Hours of operation.

(a) *Big Ditch and neighborhood parks.* No person shall enter, remain on, stay or loiter in any neighborhood public park between the period commencing at 10:00 p.m. on any day and ending one hour before sunrise the following day, except by special written permission authorized by the town council, and it shall be unlawful for any person to occupy or be present in any park during any hours in which the park is not open to the public. Any section or part of a park may be declared closed to the public by the town manager and for any interval of time as may be deemed appropriate for the protection of persons or public property.

(b) *Gough Memorial Park, Scott Memorial Park, Golf Course Complex, Penny Park, Skate Park, and Ben Altamirano Sports Complex.* No person shall enter, remain on, stay or loiter in Gough Memorial Park, Scott Memorial Park, Golf Course Complex, Penny Park, Skate Park, and Ben Altamirano Sports Complex between the period commencing at 11:00 p.m. on any day and ending one hour before sunrise the following day, except by special written permission authorized by the town manager, and it shall be unlawful for any person to occupy or be present in said parks during any hours in which the parks are not open to the public.

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(Code 1979, § 19-4; Code 2005, § 94.04; Ord. No. 667, § 4, 4-10-1981)

Secs. 36-25—36-43. - Reserved.

ARTICLE III. - PARKS AND RECREATION BOARD

[Sec. 36-44. - Created.](#)

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[Secs. 36-58—36-76. - Reserved.](#)

Sec. 36-44. - Created.

There is hereby created in and for the city a parks and recreation board.

(Code 1979, § 19-16; Code 2005, § 32.04; Ord. No. 524, § 1, 1-3-1972)

Sec. 36-45. - Composition.

The parks and recreation board shall be composed of up to nine members.

(Code 1979, § 19-17; Code 2005, § 32.04; Ord. No. 524, § 1, 1-3-1972; Ord. No. 735, 6-17-1985)

Sec. 36-46. - Qualifications.

Members of the parks and recreation board shall be residents of the county and at least five members shall be residents of the town, and all shall have a known active interest in the development, maintenance and administration of public parks and recreation facilities and programs for the benefit of persons of all ages in the community.

(Code 1979, § 19-18; Code 2005, § 32.04; Ord. No. 524, § 3, 1-3-1972)

Sec. 36-47. - Appointment.

The mayor, with the town council's advice and consent, shall appoint the members of the parks and recreation board.

(Code 1979, § 19-19; Code 2005, § 32.04; Ord. No. 524, § 1, 1-3-1972)

Sec. 36-48. - Terms.

Members of the parks and recreation board serve for three-year staggered terms.

(Code 1979, § 19-20; Code 2005, § 32.04; Ord. No. 524, § 2, 1-3-1972)

Sec. 36-49. - Ex officio members.

The duly appointed town manager or designee, together with one member of the town council designated and appointed by the mayor, shall serve as ex officio members of the parks and recreation board.

(Code 1979, § 19-21; Code 2005, § 32.04; Ord. No. 524, § 4, 1-3-1972)

Sec. 36-50. - Selection of officers.

Following the appointment and qualification of the parks and recreation board membership, the board shall meet for the purpose of selecting a chairperson, vice-chairperson and secretary.

(Code 1979, § 19-22; Code 2005, § 32.04; Ord. No. 524, § 5, 1-3-1972)

Sec. 36-51. - Conduct of meetings.

The chairperson shall preside at all meetings of the parks and recreation board and in his absence the vice-chairperson shall preside.

(Code 1979, § 19-23; Code 2005, § 32.04; Ord. No. 524, § 6, 1-3-1972)

Sec. 36-52. - Meetings.

(a) *Regular meetings.* The regular meetings of the parks and recreation board shall be held on a quarterly basis at such times, dates, and places to be determined by the presiding officer. Notice of special meetings shall be given at least 24 hours previously thereto by phone. The parks and recreation board shall meet at least once each calendar month at the public safety building at such times and on such dates as shall be determined by the presiding officer.

(b) *Removal; hearing.* The parks and recreation board is a working board; therefore, absences are discouraged. After three unexplained absences, a board member will be presumed to have resigned, and the chairperson will consult with the mayor for a replacement. Any board member aggrieved by the determination of a presumed resignation may request, within ten days from receipt of written notice that the resignation is effective, a public hearing before the council. If the council determines by a majority vote of the councilors present at the hearing, that the aggrieved board member did have three unexplained absences, or if no public hearing is requested within the ten-day period, the resignation shall be presumed and the mayor, with the advice and consent of the council, shall appoint a new member to complete the term of the resigning member.

(Code 1979, § 19-24; Code 2005, § 32.04; Ord. No. 524, § 7, 1-3-1972; Ord. No. 821, § 3, 2-5-1990; Ord. No. 841, § 4, 9-16-1991; Ord. No. 983, 6-10-1997)

Sec. 36-53. - Purpose.

The parks and recreation board is created as an advisory board and shall devote itself to the establishment and promotion of public parks and recreation facilities of all kinds, both within and without

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the town's municipal boundaries, owned or operated by the town, designed and created for the aesthetic appreciation and recreation of all persons without restriction, except as may be provided by duly promulgated, adopted and published rules and regulations by the town council.

(Code 1979, § 19-25; Code 2005, § 32.04; Ord. No. 524, § 8, 1-3-1972)

Sec. 36-54. - Duties.

The duties of the parks and recreation board shall include, but not be limited to:

- (1) Determination of parks and recreation facilities deemed needed for the benefit of the residents of the town and its visitors and to present to the town council, through the town manager, its determinations and recommendations;
- (2) Determination and recommendation to the council for adoption, through the town manager, rules and regulations deemed necessary to realize the fullest public use and enjoyment of said facilities;
- (3) Determination of the need for and recommendation to the council, through the town manager, the entering into of agreements deemed beneficial for the town with any club, organization or agency of the federal, state and county governments including, but not limited to, public school authorities and institutions; and
- (4) Doing all those things required by the Open Meetings Act (NMSA 1978, § 10-15-1 et seq.) and the Inspection of Public Records Act (NMSA 1978, § 14-2-1 et seq.).

(Code 1979, § 19-26; Code 2005, § 32.04; Ord. No. 524, § 9, 1-3-1972)

Sec. 36-55. - Financial responsibilities.

- (a) *Authority of council.* Only the town council shall have the authority to approve and incur any financial obligation on the town's behalf pertaining to the establishment, maintenance and operation of parks and recreation facilities.
- (b) *Records kept by town clerk.* All records and books of account involving the fiscal affairs of the parks and recreation facilities shall be kept and maintained by the town clerk.
- (c) *Warrants to be used.* All expenditures and payments made on behalf of such parks and recreation facilities, together with the programs and activities involved, shall be made only by duly approved warrants issued by the town.

(Code 1979, § 19-27; Code 2005, § 32.04; Ord. No. 524, § 10, 1-3-1972)

Sec. 36-56. - Secretary to maintain records and file copies of minutes with town clerk.

The secretary of the parks and recreation board is charged with the responsibility of keeping and maintaining the records and minutes of all board meetings and to file regularly following each meeting copies of said minutes with the town clerk.

(Code 1979, § 19-28; Code 2005, § 32.04; Ord. No. 524, § 11, 1-3-1972)

Sec. 36-57. - Authority to accept gifts.

The parks and recreation board shall have the authority to accept and receive on the town's behalf, gifts and donations for the benefit of the facilities and programs charged herein to its consideration.

(Code 1979, § 19-29; Code 2005, § 32.04; Ord. No. 524, § 12, 1-3-1972)

Secs. 36-58—36-76. - Reserved.

ARTICLE IV. - GOLF COURSE BOARD

[Sec. 36-77. - Created; composition.](#)

[Sec. 36-78. - Terms.](#)

[Sec. 36-79. - Qualifications.](#)

[Sec. 36-80. - Ex officio members.](#)

[Sec. 36-81. - Selection of officers.](#)

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[Sec. 36-86. - Financial responsibilities.](#)

[Sec. 36-87. - Secretary to maintain records and file copies of minutes with town clerk.](#)

[Sec. 36-88. - Authority to accept gifts.](#)

Sec. 36-77. - Created; composition.

There is hereby created a Golf Course Board composed of five members, who shall be appointed by the town mayor, with the council's advice and consent.

(Code 1979, § 19-40; Code 2005, § 32.05; Ord. No. 905, § 1, 10-17-1994)

Sec. 36-78. - Terms.

Appointment of the initial membership to the golf course board shall be made for the following terms of office:

- (1) One member for the term of one year;
- (2) Two members for the term of two years; and
- (3) Two members for the term of three years.

All subsequent appointments shall be for periods of three years.

(Code 1979, § 19-41; Code 2005, § 32.05; Ord. No. 905, § 2, 10-17-1994)

Sec. 36-79. - Qualifications.

Members of the golf course board shall be residents of the county and at least three members shall be

residents of the town, and all shall have a known active interest in the development, maintenance and administration of the Silver City Golf Course and programs for the benefit of persons of all ages in the community.

(Code 1979, § 19-42; Code 2005, § 32.05; Ord. No. 905, § 3, 10-17-1994)

Sec. 36-80. - Ex officio members.

The golf professional, together with one member of the town council designated and appointed by the mayor shall serve as ex officio members of the golf course board.

(Code 1979, § 19-43; Code 2005, § 32.05; Ord. No. 905, § 4, 10-17-1994)

Sec. 36-81. - Selection of officers.

Following the appointment and qualification of the golf course board membership, the board shall meet for the purpose of selecting a chairperson, vice-chairperson and secretary.

(Code 1979, § 19-44; Code 2005, § 32.05; Ord. No. 905, § 5, 10-17-1994)

Sec. 36-82. - Conduct of meetings.

The chairperson shall preside at all meetings of the golf course board and in his absence the vice-chairperson shall preside.

(Code 1979, § 19-45; Code 2005, § 32.05; Ord. No. 905, § 6, 10-17-1994)

Sec. 36-83. - Meetings.

The golf course board shall meet at least once each calendar month at the town's public safety building at such time and on such dates as shall be determined by the presiding officer.

(Code 1979, § 19-46; Code 2005, § 32.05; Ord. No. 905, § 7, 10-17-1994)

Sec. 36-84. - Purpose.

The golf course board is created as an advisory board and shall devote itself to the establishment and promotion of the Silver City Golf Course facility, owned and operated by the town, designed and created for the recreation of all persons without restriction, except as may be provided by duly promulgated, adopted and published rules and regulations by the town council.

(Code 1979, § 19-47; Code 2005, § 32.05; Ord. No. 905, § 8, 10-17-1994)

Sec. 36-85. - Duties.

The duties of the golf course board shall include, but not be limited to:

- (1) Determination of the Silver City Golf Course policy deemed needed for the benefit of the residents of the town and its visitors and to present to the council, through the town manager, its determinations and recommendations;
- (2) Determination and recommendation to the council for adoption, through the town manager, rules and regulations deemed necessary to realize the fullest public use and enjoyment of said

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facility;

(3) Determination of the need for and recommendation to the council, through the town manager, the entering into agreements deemed beneficial for the town with any club, organization or agency of the federal, state and county governments including, but not limited to, public school authorities and institutions; and

(4) Doing all those things required by the Open Meetings Act (NMSA 1978, § 10-15-1 et seq.) and the Inspection of Public Records Act (NMSA 1978, § 14-2-1 et seq.).

(Code 1979, § 19-48; Code 2005, § 32.05; Ord. No. 905, § 9, 10-17-1994)

Sec. 36-86. - Financial responsibilities.

(a) *Authority of council.* Only the town council shall have authority to approve and incur any financial obligation on behalf of the town pertaining to the establishment, maintenance and operation of said golf course facility.

(b) *Records kept by town clerk.* All records and books of account involving the fiscal affairs of the golf course facility shall be kept and maintained by the town clerk.

(c) *Warrants to be used.* All expenditures and payments made in behalf of such golf course facility together with the programs and activities involved, the same shall be made only by duly approved warrants issued by the town.

(Code 1979, § 19-49; Code 2005, § 32.05; Ord. No. 905, § 10, 10-17-1994)

Sec. 36-87. - Secretary to maintain records and file copies of minutes with town clerk.

The secretary of the golf course board is charged with the responsibility of keeping and maintaining records and minutes of all board meetings and to file regularly following each meeting copies of said minutes with the town clerk.

(Code 1979, § 19-50; Code 2005, § 32.05; Ord. No. 905, § 11, 10-17-1994)

Sec. 36-88. - Authority to accept gifts.

The golf course board shall have the authority to accept and receive on the town's behalf, gifts and donations for the benefit of the facility and programs charged herein to its consideration.

(Code 1979, § 19-51; Code 2005, § 32.05; Ord. No. 905, § 12, 10-17-1994)