

**CHAPTER 1**  
**MUNICIPAL ORGANIZATION**

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**SECTION 1.1**  
**OFFICIAL CODE**

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**1.1.1 MUNICIPAL CODE OF THE TOWN OF CARRIZOZO:**

**This 2018 compilation, revision and codification of the General Ordinances of the Town of Carrizozo is hereby declared to be and shall hereafter constitute the Official Code of General Ordinances of the Town of Carrizozo.**

**Said Code shall hereafter be known and cited as the “Official Code of the Town of Carrizozo” and a copy or copies of such Code in printed or electronic form shall be received without further proof as the ordinances of permanent and general effect of the Town of Carrizozo, in all courts and administrative tribunals of the State of New Mexico.**

Any ordinance amending this Code shall set forth in full the section or sections of the Code being amended, and this shall constitute a sufficient compliance with any statutory requirement.

#### **1.1.2 EFFECT OF CHANGES TO CODE:**

The enactment, amendment or repeal of any ordinance shall have prospective effect only. The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceedings as commenced under or by virtue of the ordinances repealed, nor the tenure of office of any person holding office at the time when such ordinances take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

When a new ordinance, an amended ordinance or the repeal of an ordinance is approved by the governing body, the previously enacted language will be removed and/or replaced by the newly adopted language, and shall be effective after five days of posting the Notice of Adoption.

#### **1.1.3 RULES FOR CONSTRUCTION:**

In the construction of the Official Code and all ordinances amendatory thereof or supplementary thereto the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context.

**A. Title of Section and Sub-Section:** The title of any Section or Sub-Section of this Official Code shall be deemed in no way to restrict, qualify or to limit the effect of the provisions set forth and contained in such Section or Sub-Section.

**B. Constitutionality (Severability): Effect of:** Should any portion of this Official Code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this Code.

**C. Plain Meaning:** The meanings of words, phrases and descriptions shall be derived from a common sense reading of the words, phrases or descriptions, and their interpretation shall be construed to reflect the intent of the drafters, without reference to extrinsic evidence of the authors' intent.

**D. Non-Waiver.** Town officials and law enforcement officers shall endeavor to see to the enforcement of all ordinances, equally, as to all citizens. However, suspension, cessation or interruption of the consistent enforcement by the Town of Carrizozo of any individual or collective ordinances, whether deliberate or inadvertent, shall not constitute a waiver of enforcement of such individual or collective ordinances, nor shall it be grounds for any future non-enforcement,

and shall not affect the validity of the individual or collective ordinances themselves.

#### **1.1.4 DEFINITIONS**

The singular number includes the plural.

Terms used in the present include the future.

Terms used in the masculine gender comprehend as well, the feminine and neuter.

The term “day” shall be any twenty-four (24) hour period from midnight to midnight: and the term “month” shall mean a calendar month unless otherwise expressed: and the term “quarter” shall mean any three (3) month period, ending with the last day of March, June, September and December: the term “year” shall mean any one (1) calendar year unless otherwise expressed.

The term “knowingly” imports only a knowledge that the facts exist which brings the act or omission within the provisions of these Sections. It does not require any knowledge of the unlawfulness of such act or omission.

The term “land”, “real estate” and “real property” includes lands, tenements, hereditaments, water rights, mineral rights, possessory rights and claims.

The terms “neglect”, “negligence”, “negligent” and “negligently” imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in action in his own concern.

The term “oath” includes “affirmation” and the word “affirm”. Every mode of oral statement under oath or affirmation is embraced in the term “testify” and every written one in the term “depose”.

The term “official time” whenever used shall mean Mountain Standard Time or Daylight Saving Time as may be in current use within the Municipality.

The term “officer” shall include appointed officers in charge of departments, and stand-alone officials.

The term “owner “ applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

The term “person” includes bodies politic and corporate, partnerships, associations and corporations.

**The term “personal property” includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.**

**The term “prohibiting” anything being done, except in accordance with a license or permit or authority from a board or officers, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.**

**The term “property” includes both real and personal property.**

**The term “public thoroughfare” shall include streets, alleys, lanes, courts, boulevards, public ways, public square, public places and sidewalks.**

**The term “shall” is mandatory, “may” is discretionary.**

**The term “signature” includes any name, mark or sign written with the intent to authenticate any instrument of writing.**

**The term “tenant” or “occupant” applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.**

**The term “willfully” when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire an advantage.**

**The term “writing” includes printing, writing and typewriting including electronic equivalents.**

**Whenever in the Code it is provided that anything must be done, to the approval of or subject to the direction of the enforcing officer, this shall be construed to give such officer only the power to determine whether the rules or regulations established in this Code have been complied with and shall not be construed as giving such officer discretionary powers.**

## SECTION 1.2 CORPORATE SEAL

### 1.2.1 CORPORATE SEAL: DESIGN

The Corporate Seal of the Town of Carrizozo, New Mexico shall be circular in form with inner and outer circles. The outer circle shall be of rope design and one and five-eighths inches (1-5/8") in diameter. The inner circle shall be of dot design and one and one-eighth inches (1-1/8") in diameter. It shall bear upon the upper portion of the space between the inner and outer circles the words, "Town of Carrizozo" and upon the lower portion of said space the words "Lincoln County, New Mexico". Upon the upper portion of the space within the inner circle shall be the word "Incorporated" and upon the lower portion of said space the date "1917". All the foregoing words of said seal shall be of Gothic style type. Across the Center of the space shall be the word "Seal" in Roman style type.

A facsimile is as follows:

**SECTION 1.3  
CORPORATE LIMITS**

**1.3.1 Corporate Limits:**

**Beginning at a point forty feet (40') west of the northwest corner of SE/4 of the SE/4 of Section Thirty-four (34), Township Seven (7) South, Range Ten(10) East, N.M.P.M.**

**Thence east to the northeast corner of the SE/4 of the SE/4 of Section Thirty-five (35), Township Seven (7) South, Range Ten (10) East;**

**Thence south to the southeast corner of the SE/4 of the SE/4 of Section Thirty-five (35), Township Seven (7) South, Range Ten (10) East;**

**Thence east along the southern line of Township Seven (7) South, Range Ten (10) East to a point on the east railway right-of-way line;**

**Thence north along said east railway right-of-way line to the north line of the SW/4 of the SW/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence east to the southwest corner of the NE/4 of the SE/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence north to the northwest corner of the NE/4 of the SW/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence east to the northeast corner of the NE/4 of the SW/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence north to the northwest corner of the SW/4 of the NE/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence east to the southwest corner of the NE/4 of the NE/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence north to the northwest corner of the NE/4 of the NE/4 of Section Thirty-Six (36), Township Seven (7) South, Range Ten (10) East;**

**Thence east to the northeast corner of Lot 1, Section Thirty-One (31), Township Seven (7) South, Range Eleven (11) East;**

**Thence south to the northeast corner of Lot 4, Section Thirty-One (31), Township Seven (7) South, Range Eleven (11) East;**

**Thence east to the northeast corner of the SE/4 of the SE/4 of Section Thirty-Two (32), Township Seven (7) South, Range Eleven (11) East;**

**Thence south to the southeast corner of the SE/4 of the SE/4 of Section Thirty-Two (32), Township Seven (7) South, Range Eleven (11) East;**

**Thence east to the northeast corner of Lot 3, Section Three (3), Township Eight (8) South, Range Eleven (11) East;**

**Thence south to the northwest corner of the SW/4 of the SE/4 of Section Three (3), Township Eight (8) South, Range Eleven (11) East;**

**Thence east to the northeast corner of the SE/4 of the SE/4 of Section Three (3), Township Eight (8) South, Range Eleven (11) East;**

**Thence south to the southeast corner of Section Three (3), Township Eight (8) South, Range Eleven (11) East;**

**Thence west to the southwest corner of Section Three (3), Township Eight (8) South, Range Eleven (11) East;**

**Thence south to the southeast corner of the SE/4 of the NE/4 of Section Nine (9), Township Eight (8) South, Range Eleven (11) East;**

**Thence west to a point along the N/2 line of Section Nine (9) where that line intersects the north right-of-way line of State Highway 380;**

**Thence northwest along said northern highway right-of-way line to the point where said right-of-way line intersects the eastern edge of Section One (1), Township Eight (8) South, Range Ten (10) East;**

**Thence south to the southeast corner of Section One (1), Township Eight (8) South, Range Ten (10) East;**

**Thence west to the southwest corner of Section One (1), Township Eight (8) South, Range Ten (10) East;**

**Thence south to the southeast corner of the NE/4 of the NE/4 of Section Eleven (11), Township Eight (8) South, Range Ten (10) East;**

**Thence west to the southwest corner of the NW/4 of the NE/4 of Section Eleven (11), Township Eight (8) South, Range Ten (10) East;**  
**Thence south to the southeast corner of the SE/4 of the NW/4 of Section Eleven (11), Township Eight (8) South, Range Ten (10) East;**

Thence west to the southwest corner of the SE/4 of the NW/4 of Section Eleven (11), Township Eight (8) South, Range Ten (10) East;

Thence north to the northwest corner of the SE/4 of the NW/4 of Section Eleven (11), Township Eight (8) South, Range Ten (10) East;

Thence west to a point forty feet (40') west of the southwest corner of the NE/4 of the NE/4 of Section Ten (10), Township Eight (8) South, Range Ten (10) East;

Thence north to the northwest corner of the SE/4 of the NE/4 of Section Three (3), Township Eight (8) South, Range Ten (10) East;

Thence west to the northwest corner of the SW/4 of the NW/4 of Section Three (3), Township Eight (8) South, Range Ten (10) East, and continuing along the same line to the point where said line intersects with the Carrizozo Airport fenceline;

Thence continuing around the Carrizozo airport fence as it circumscribes the airport, to the point of beginning, containing within the limits of said boundaries all of the original town site of Carrizozo, together with its platted additions, and other lands, but exclusive of the following:

The S/2 of the NE/4 of Section Six (6), Township Eight (8) South, Range Eleven (11) East;

The SE/4 of Section Six (6), Township Eight (8) South, Range Eleven (11) East;

The NW/4 of Section Eight (8), Township Eight (8) South, Range Eleven (11) East;

The SE/4 of the NE/4 of Section Eight (8), Township Eight (8) South, Range Eleven (11) East;

The SW/4 of the NW/4 of Section One (1), Township Eight (8) South, Range Ten (10) East;

The NW/4 of the SW/4 of Section One (1), Township Eight (8) South, Range Ten (10) East;



### **1.3.2 ANNEXATION**

**There are three methods of annexing territory to The Town of Carrizozo:**

- (1) the arbitration method as provided in Sections 3-7-5 through 3-7-10 NMSA 1978;**
- (2) the boundary committee method as provided in Sections 3-7-11 through 3-7-16 NMSA 1978; and**
- (3) the petition method as provided in Section 3-7-17 NMSA 1978.**

**SECTION 1.4  
TYPE OF GOVERNMENT**

**1.4.1 TYPE OF GOVERNMENT**

**The Town of Carrizozo is a municipality, governed under the mayor-council form of government, as defined in NMSA § 3-11-1 to 3-11-7.**

**SECTION 1.5  
BOARD OF TRUSTEES**

- 1.5.1 Term**
- 1.5.2 Qualifications**
- 1.5.3 Vacancy**
- 1.5.4 Duties**
- 1.5.5 Time and Meeting Place**
- 1.5.6 Compensation**
- 1.5.7 Removal**

**1.5.1 TERM:** There shall be four (4) Trustees elected to represent the town. A Municipal election will be held in even-numbered years. At each municipal election, two (2) of the four Trustees shall be elected for a term of four (4) years, and at the subsequent election, the other two (2) Trustees shall be elected.

**1.5.2 QUALIFICATIONS:** No person shall be eligible to run for or serve as a member of the Board of Trustees unless they are registered to vote and reside within the corporate limits of the Town.

**1.5.3 VACANCY:** In the event a Trustee position shall become vacant, through death, removal of residence, or for any other cause, the Mayor shall appoint, with the approval of the Board of Trustees, a qualified elector to fill the unexpired portion of the term to serve until the next regular election.

**1.5.4 DUTIES:** Members of the Board of Trustees, the legislative and policy making branch of the town, shall devote so much of their time to the duties of the Town, as an efficient and faithful discharge of those duties may require. Members of the Board of Trustees shall not perform any executive functions, such as the administrative, operational and personnel-related functions performed by the Mayor, except those specific functions assigned to it by law. They shall endeavor to attend all meetings of the Board, and perform all duties which by the nature of their office they should reasonably perform, such as giving appropriate consideration to the grants, ordinances and resolutions to be adopted by the Board.

**1.5.5 TIME AND MEETING PLACE:** The Board of Trustees shall hold regular sessions in the Town Hall at 400 9<sup>th</sup> Street, Carrizozo, NM, on the second Tuesday of each month at 6:00 p.m. Three (3) members of the Board shall constitute a quorum for the purpose of taking any affirmative action which requires a vote.

Two (2) members of the Board, plus the Mayor, shall constitute a quorum for the purpose of non-binding business and the conduct of public hearings.

**1.5.6 COMPENSATION:** The compensations paid to the governing body of the Town of Carrizozo will be as follows:

(A) The Mayor shall be paid at the rate of Four Hundred (\$400.00) Dollars per month and Trustees shall be paid at a rate of One Hundred (\$100.00) Dollars per month.

**1.5.7 REMOVAL:** Members of the Board of Trustees may be removed for malfeasance in office by the district court upon complaint of the mayor or the remaining members of the governing body of the municipality. Any such trustee is entitled to a hearing at a time fixed by the court after not less than ten days' notice of such proceedings by service, as in the case of summons in civil actions, with a copy of the complaint filed in the proceedings.

**SECTION 1.6  
MAYOR**

- 1.6.1 Term**
- 1.6.2 Qualifications**
- 1.6.3 Vacancy**
- 1.6.4 Duties**
- 1.6.5 Contract**
- 1.6.6 Pardons**
- 1.6.7 Veto Power**
- 1.6.8 Appointive Officers**
- 1.6.9 Accounts of Officers**
- 1.6.10 May Require Aid**
- 1.6.11 Other Powers**
- 1.6.12 Removal**

**1.6.1 TERM:** The Mayor shall be an elective official and shall hold office for a term of four (4) years.

**1.6.2 QUALIFICATIONS:** No person shall be eligible to run for or serve as Mayor unless they are registered to vote and reside within the corporate limits of the Town.

**1.6.3 VACANCY:** In case of death, disability, removal, removal of residence or resignation of the Mayor, the Board of Trustees shall appoint any qualified elector to act as Mayor, by a majority vote, to fill the vacancy for the unexpired term of office, and who shall serve until a successor is elected and qualified.

**1.6.4 DUTIES:** The Mayor, the chief executive and administrative officer of the Town, shall devote so much of his time to the duties of his office as an efficient and faithful discharge of those duties may require.

He shall preside at all meetings of the Board of Trustees and shall vote only when there is a tie vote, and call special meetings of the Board when necessary. He shall appoint and recommend termination of all officers and employees of the Town, subject to the majority vote of the Board of Trustees.

He shall supervise and discipline the officers and employees of the Town to ensure their productivity, their compliance with Town ordinances and their adherence to personnel policies and procedures.

He shall always seek to comply with Open Meetings Laws and laws relating to public access to information, and shall demand adherence to such laws from the Board and municipal employees.

He shall from time to time provide for the Board such information and recommend such measures as the Board may lawfully request, or as he may deem beneficial to the Town.

He shall examine the grounds of all complaints against any officer or employee of the Town to determine the existence of a violation or neglect of duty and report to the Board the evidence thereof, if the Mayor deems the issue sufficient for the removal of said officer or employee.

He shall require that every officer, on the expiration of his term of office or resignation or removal, deliver to his successor all assets and the means of access to information belonging to such office.

He shall sign all committees, licenses and permits granted by the governing body and other acts that the law or ordinances may require.

He shall perform all other duties required and necessary for the efficient operation of the business of the Town.

**1.6.5 CONTRACT:** The Mayor is authorized and empowered to sign his name officially for and in behalf of the Town on all contracts, documents and papers to which the Town is a party, and to require that the conditions in any instrument are faithfully performed.

**1.6.6 PARDONS:** The Mayor is empowered to grant a pardon to any person imprisoned for a violation of any of the provisions of this Code, and to remit so much of any fine or forfeiture as in his judgment he may deem just and reasonable, and he shall report such remittance or pardon to the Board at its next meeting.

**1.6.7 VETO POWER:** The Mayor shall have power to veto or sign any ordinance passed by the Board, provided, that any ordinance vetoed by the Mayor may be passed over his veto by a vote of at least two-thirds (2/3) of the members of the Board, and should the Mayor neglect to sign or veto any ordinance, the same shall become law without his signature after the next regular meeting of the Board.

**1.6.8 APPOINTIVE OFFICERS:** The Mayor shall appoint, subject to approval of the Board a Clerk/Treasurer, Attorney and Police Chief. The Mayor may appoint and/or remove, subject to approval by a majority of the Board, such other officers as may be deemed necessary for the efficient operation of the business of the Municipality. **Terms of Office:** All appointments shall be made for a specified term. **Removal from Office:** Any appointed officer may be removed from office by the same authority and in the same manner as he was originally appointed.

**1.6.9 ACCOUNTS OF OFFICERS:** The Mayor shall have the power to require any officer of the Town to exhibit his accounts or other papers and to make reports to the Board in writing on any subject or matter pertaining to the office.

**1.6.10 MAY REQUIRE AID:** The Mayor is hereby authorized to call on every inhabitant of the Town over the age of eighteen (18) and under the age of fifty (50) to aid in enforcing the law.

**1.6.11 OTHER POWERS:** The Mayor shall have all other powers provided by State Statute or by specific provisions of this Code.

**1.6.12 REMOVAL:** The Mayor may be removed for malfeasance in office by the district court upon complaint of the governing body of the municipality. The accused is entitled to a hearing at a time fixed by the court after not less than ten days' notice of such proceedings by service, as in the case of summons in civil actions, with a copy of the complaint filed in the proceedings.

**SECTION 1.7  
CLERK**

- 1.7.1 Appointed Officer**
- 1.7.2 Duties**
- 1.7.3 Records of the governing body**
- 1.7.4 Election Records**
- 1.7.5 Official Seal**
- 1.7.6 Licenses, Permits and Registrations**
- 1.7.7 Claims**
- 1.7.8 Tort Claims**

**1.7.1 APPOINTED OFFICER:** The clerk shall be appointed by the Mayor subject to the approval of the Board. He shall hold office for the duration of his appointment unless sooner removed by the Mayor with the approval of the Board. The Clerk shall also be known as Recorder and shall serve as Clerk of the corporation without the right of voting on any matter.

**1.7.2 DUTIES:** In all cases where the duty is not expressly charged to any other department or office the Clerk shall have supervision, control and responsibility of all of the records of the municipality. He shall serve as Clerk and Treasurer of the governing body and perform such other duties of a like nature as shall be required. The Clerk must attend all meetings of the governing body.

**1.7.3 RECORDS OF GOVERNING BODY:** The Clerk shall be responsible for the recording, filing, indexing, authenticating and safekeeping of all proceedings, legal notices, ordinances and resolutions that are required to be published by this Code or by State Statute. The Clerk shall timely respond to requests to inspect municipal records pursuant to NMSA § 14-2-1 to 14-2-12. The Clerk may charge a reasonable fee for furnishing copies of municipal records.

**1.7.4 ELECTION RECORDS:** The Clerk shall keep and maintain all election records during their appropriate retention period.

**1.7.5 OFFICIAL SEAL:** The Clerk shall be the custodian of the official seal of the Municipality.

**1.7.6 LICENSES, PERMITS AND REGISTRATIONS:** In all cases where the duty is not expressly charged to any other department or office the Clerk shall issue all permits, registrations and licenses in accordance with the provisions of the Code. A record of all permits, registrations and licenses issued, including the name of the person to whom issued, the amount of the permit, registration or



license fee, and the purpose of the permit, registration or license shall be kept by the Clerk.

**1.7.7 CLAIMS:** All claims against the Municipality must be filed in writing with the Clerk. Claims must present a full account of the claimed injuries and must contain a verification under oath by the claimant to the effect that the claim is correct, reasonable and just and that no part of said claim has been paid. All such claims must be approved by the governing body before payment can be made.

**1.7.8 TORT CLAIMS:** Pursuant to NMSA § 41-4-16, Notice of all claims for injury to person or property under the New Mexico Tort Claims Act must be served upon the Mayor of the Town within 90 days after an occurrence giving rise to a claim for which immunity has been waived under the Tort Claims Act.

## **SECTION 1.8 TREASURER**

- 1.8.1 Appointment**
- 1.8.2 Duties**
- 1.8.3 Accounts**
- 1.8.4 Moneys**
- 1.8.5 Collections**
- 1.8.6 Monthly Reports**

**1.8.1 APPOINTMENT:** The Clerk shall also hold the office of Treasurer and perform the duties of that office subject to the approval of the Mayor and the Board.

**1.8.2 DUTIES:** In all cases where the duty is not expressly charged to any other department or office the Treasurer shall act to promote, secure and preserve the financial and property interests of the Municipality. It shall be the duty of the Town treasurer to see to the procurement of available funding through grants, via applications either developed by the Treasurer, or with the Treasurer's efforts or oversight. The Treasurer shall also be responsible to safely keep all funds belonging to the Municipality, and all other securities, in an approved institution designated by the governing body. The Treasurer shall be responsible for seeing to the satisfaction of municipal debts and financial obligations from available municipal funds.

**1.8.3 ACCOUNTS:** The Treasurer or the Treasurer's delegate shall keep in proper books a full and accurate account of all the moneys received and disbursed by him on behalf of the Municipality, specifying the time of the receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed, and how paid.

**1.8.4 MONEYS:** The Treasurer or the Treasurer's delegate shall receive and have custody of all moneys paid to the Municipality and shall disburse moneys upon the official warrant of the Municipality when so ordered by the governing body.

**1.8.5 COLLECTIONS:** The Treasurer or the Treasurer's delegate shall demand and receive all moneys and fees owing to the Municipality whenever any person is indebted to the Municipality in any manner, and the means of collection of such debt is not otherwise provided for by law. When any claim shall not be collectible by other methods he shall report the same to the Attorney for prosecution.

**1.8.6 MONTHLY REPORTS:** The Treasurer shall make detailed reports to the governing body during the second week of each month showing the business of the office during the month preceding and year-to-date, showing the balance on hand to the credit of the different funds, the amounts received and expended during the month and year-to-date, and on what account, together with such other information as may be required by the governing body.

**SECTION 1.9  
TOWN ATTORNEY**

- 1.9.1 Appointment**
- 1.9.2 Suits and Actions**
- 1.9.3 Judgments**
- 1.9.4 Advice**
- 1.9.5 Special Assessments & Condemnation**
- 1.9.6 Ordinances and Documents**

**1.9.1 APPOINTMENT:** The Attorney shall be appointed by the Mayor subject to the approval of the Board. He shall hold office for the duration of his appointment unless sooner removed by the Mayor with the concurrence of the Board.

**1.9.2 SUITS AND ACTIONS:** The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Municipality may be party, or in which it may be interested, or which may be brought against, or by, any officer of the Municipality on behalf of the Municipality or in the capacity of such person as an officer of the Municipality, but shall defer the prosecution or defense of any case to the New Mexico Self Insurer's Fund when the NMSIF accepts Municipal representation.

The Attorney may accept representation of any elected official, officer or employee of the Municipality in any private matter, provided that the represented party privately engages and retains the Attorney, and provided that the interests of the Municipality and the represented party do not conflict, in which case the Attorney must represent the Municipal interest.

**1.9.3 JUDGMENTS:** It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the Municipality, and of all similar interlocutory orders, in those cases in which the Attorney has represented the Municipality.

**1.9.4 ADVICE:** The Attorney shall be the legal advisor of the Municipality, and shall render advice on all legal questions affecting the Municipality, whenever requested to do so by any Municipal official. Upon request by the Mayor or by the Board he shall reduce any such opinion to writing.

**1.9.5 SPECIAL ASSESSMENTS AND CONDEMNATION:** It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

**1.9.6 ORDINANCES AND WRITTEN INSTRUMENTS:** It shall be the duty of the Attorney to draft or supervise the phraseology of any contract, lease or other legal documents or instruments, to which the Municipality may be a party; and upon request of the Board, to draft ordinances or resolutions for consideration by the Board, covering any subjects within the power of the Municipality.

**SECTION 1.10  
CHIEF OF POLICE**

- 1.10.1 Appointment**
- 1.10.2 Rank**
- 1.10.3 Duties of Chief**
- 1.10.4 Property**

**1.10.1 APPOINTMENT:** The Chief of Police shall be appointed by the Mayor subject to the approval of the Board. He shall hold office for the duration of his appointment unless sooner removed by the Mayor with approval of the Board.

**1.10.2 RANK:** The Chief of Police shall be the head of the Department and have supervision over all the officers and members thereof.

**1.10.3 DUTIES OF CHIEF:** The Chief of Police shall keep such records and make such reports concerning the activities of his Department as may be required by the statute or by the Mayor. He shall be responsible for the performance of the Police Department and of its functions and all persons who are members of the Police Department shall serve subject to his orders. The Chief of Police may recommend the hire and/or termination of any Department officer or employee to the Mayor and subject to the consent of the Board.

It shall be the duty of the Chief of Police to see to the enforcement of all provisions of the Code and all applicable statutes and to preserve order and prevent infractions of the law and warn, or cite and /or arrest violators thereof. He shall have authority to call upon any citizen or bystander to temporarily assist him in the execution of his duty during an emergency situation. He shall serve all process issued to him and enforce all orders and judgments of the issuing Court.

**1.10.4 PROPERTY:** The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered within the Municipality. The Chief is responsible for the inventorying and secure storage of property seized relative to any criminal charge. The Chief shall see to the return of property seized relative to any criminal charge at no less than 30 days, but within 45 days, of the entry of an Order disposing of the criminal charge.

## **SECTION 1.11 FIRE CHIEF**

**1.11.1 Appointment**

**1.11.2 Rank**

**1.11.3 Duties of Chief**

**1.11.1 APPOINTMENT:** The Fire Chief shall be elected by the members of the Volunteer Fire Department, subject to the approval of a majority of the Board. The Fire Chief shall hold office for the duration of his term unless sooner removed by the Mayor with approval of the Board.

**1.11.2 RANK:** The Fire Chief shall be the head of the Department and shall have supervisory responsibility over all the officers, members and volunteers thereof. The Fire Chief and members of the department shall develop criteria for the qualification of prospective volunteers, and for internal promotion and discipline, which is fair and non-discriminatory toward any group or faction.

**1.11.3 DUTIES OF CHIEF:** The Fire Chief shall keep such records and make such reports concerning the activities of the Fire Department as may be required by statute or by the Mayor. The Fire Chief shall conduct himself in a manner befitting his responsibilities, and shall demonstrate loyalty to the Town, the Fire Department and the people of Carrizozo. He shall be responsible for the performance of the Fire Department, and of its functions and all persons who are members of the Fire Department shall serve subject to his orders. The Fire Chief shall see to the training, qualification and certification of all members who will use Town of Carrizozo equipment requiring such training, qualification and certification.

It shall be the duty of the Fire Chief to adhere to all provisions of the Code and all applicable statutes, and to take all reasonable efforts to preserve the health, safety and welfare of the Town and its citizens. The Fire Chief may be removed by the Mayor, upon the approval of a majority of the Board, for dereliction of duties, professional misconduct or a criminal conviction.