

**CHAPTER 2**  
**DEPARTMENTS**

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**SECTION 2.1**  
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**2.1.1 DEPARTMENT CREATED:** There is hereby created a Police Department which shall consist of the Chief of Police and such other personnel as may be employed by the Municipality.

**2.1.2 DUTIES:** It shall be the duty of the members of the Police Department to see to the fair enforcement of all of the laws of the Municipality and all statutes applicable therein; and to seek to preserve order and prevent infraction of the law by the most ethical means practical..

**2.1.3 APPEARANCE AS WITNESS:** Every member of the Police department shall appear as a witness whenever subpoenaed or requested by the Chief of Police or the Town attorney, in prosecution of a case for violation of any law or of any state or federal law. Such member will be paid their regular rate of pay or overtime as applicable to that work week. No member shall retain any

witness fee for service as witness in any action or suit to which the Municipality is a party; and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Treasurer.

**2.1.4 GRIEVANCE PROCEDURE:** Citizen complaints regarding members of the Police Department or regarding service rendered by the Police Department should be submitted to the Mayor's office within ten days of the conduct complained of on a form approved for such use by the Governing Body. The Mayor's office shall render a recommendation in writing to the complaining party within 30 days of receipt of the complaint form. Additional time to respond may be gained by a writing from the Mayor's office delivered within the thirty-day period, and extending time no more than 90 days.

**2.1.5 ANIMAL CONTROL**

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**2.1.5 (A) Definitions**

- 1. “Abandon” means to give up possession of, to neglect, to forsake an animal entirely, or to refuse to provide or perform the legal obligations for the care and support of an animal, by its owner.**
- 2. “Animal” means any vertebrate member of the animal kingdom, excluding man.**
- 3. “Animal at large” means any animal that is seen or seized off the premises of the owner and not under the direct control, custody, charge or possession of the Owner.**
- 4. “Animal Control Officer” means any person(s) designated by the municipality as responsible for the execution of this ordinance, which may include the Chief of Police or his designated representative.**
- 5. “Animal destroyed” means the administration of an agent which shall cause the death of an animal. Such method shall not destroy brain tissue necessary for laboratory examination for rabies.**
- 6. “Animal Shelter” means the establishment authorized by the municipality for the care and custody of impounded animals.**
- 7. “Bite” means the puncture or tear of the skin inflicted by the teeth of an animal.**

8. **“Confined”** means the restriction of an animal at all times by an owner or owner to an escape-proof building or other enclosure away from other animals and the public.
9. **“Department”** means the police department of the Town of Carrizozo, and its animal control officers.
10. **“Domesticated animal”** means an animal which is commonly kept as a pet, and which bears the appearance and mannerism of one which has, or has had, an owner in the past.
11. **“Exotic animal”** means an animal which is rare or unique and different from ordinarily domesticated animals.
12. **“Impound”** means the assertion of authority in the name of the Town of Carrizozo to seize, detain and dispose of animals running at large, or pursuant to the authority of the Town to take measures to protect the health, safety and welfare of the Town.
13. **“Impounding facilities”** means any animal control center, pound, animal shelter, kennel, veterinary hospital, lot premise or building maintained or contracted by a municipality or county for the care and custody of animals.
14. **“Incident”** means a single occasion, involving a single animal, which amounts to a violation of this ordinance, and which creates a nuisance or threatens or causes injury to a person or another animal, or which causes damage to property.
15. **“Isolation”** means the confinement of an animal in an escape proof run or cage so that there is no possibility of direct contact with other animals or humans.
16. **“Kennel”** means any establishment or premises where five or more mature (6-months old or older) animals are kept or boarded for others.
17. **“Livestock”** means all domestic animals of the following genera: equine, bovine, ovine, caprine and porcine.
18. **“Loose”** means an animal off the premises of its owner, identified either by citizen reports or law enforcement investigation. See also “animal at large”.
19. **“Owner”** means a person who owns, harbors, keeps, or knowingly permits an animal to be harbored or kept, anywhere, or who knowingly permits an animal to remain on his premises, or, if that person is under the age of eighteen, that person's parent or guardian.

20. **“Person”** means any individual, household, firm, partnership, corporation, society, association and every officer, agent or employee thereof.
21. **“Premises”** means any individually taxed parcel of land and the structure(s) thereon, or any individual residential rental unit, within the Town of Carrizozo.
22. **“Proper Enclosure”** means secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object.
23. **“Quarantine”** means the strict containment of all animals specified in the order of the Chief of Police, upon the private premises of the owner, or under restraint by leash, or within a proper enclosure, and shall include other measures ordered by the Chief of Police to control the spread of rabies.
24. **“Running at large”** means to be free of physical restraint beyond the premises of the owner.
25. **“Service Animal”** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
26. **“Shelter”** means any condition of confinement that provides adequate space for an animal, is safe and provides each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat and cold, prevents physical suffering and impairment of health: it is properly cleaned and provides each animal to be clean and dry and provides for a solid surface on which animals can freely access food and water.
27. **“Stray animal”** means any animal running at large.
28. **“Vaccination”** means the injection of an approved rabies vaccine or other vaccines by or under the supervision of a licensed veterinarian.
29. **“Veterinarian”** means a person with a doctor of veterinary medicine degree licensed to practice veterinary medicine in the state of New Mexico.
30. **“Vicious animal”** means any animal which at any time without provocation shall bite, attack or injure any person who was peacefully conducting himself where he lawfully may be, or which attacked another animal, or which damaged personal or public property, whether under an owner’s care and control, or not.
31. **“Wild animal”** means any animal which is wild by nature and is not normally domesticated or controlled.

## **2.1.5 (B) ADMINISTRATION OF ORDINANCE**

- 1. Responsibility: The Chief of Police is primarily responsible for the administration of this Ordinance. The Chief of Police may delegate some responsibilities to a designated animal control officer or officers. Rules, Regulations, Policies and Procedures as prescribed by the Governing Body may further delineate the intent and purpose of the Ordinance.**
- 2. Enforcement: The Chief of Police or his/her designated agent(s) shall have the authority to issue citations for violations of this Ordinance, to record images of, or impound animals running at large and which pose danger to the Town, and to perform such other duties as may be prescribed by the Governing Body.**
- 3. The Town of Carrizozo is not responsible for making a definitive determination of the ownership of an animal, and has no affirmative duty to pursue nor seize an animal known to be running at large. The Town of Carrizozo is not responsible for the disposition of an animal which is transferred to the Humane Society, to another similarly-suitable shelter, or to a licensed veterinarian.**

## **2.1.5 (C) ANIMAL LICENSING:**

- 1. Licensing: An Animal License must be obtained from the Police Department by any animal owner for each animal in his/her possession which is six (6) months of age or older. The License shall be issued reflecting the name and address of the owner(s), the animal's Rabies Vaccination Expiration Date and a description of the animal. No animal shall be licensed without proof of current Rabies Vaccination. Owners shall be given a copy of this Ordinance at the time of licensing.**
- 2. License Fees: The License Fee shall be based on the duration of the Rabies Vaccination of the animal being licensed. A One Year Rabies Vaccination carries a Fee of \$6.00 for spayed or neutered animals, and \$10.00 for animals not spayed or neutered. A Three Year Rabies Vaccination carries a Fee of \$15.00 for spayed or neutered animals, and \$25.00 for animals not spayed or neutered. License Fees are due and payable on March 1<sup>st</sup> of each calendar year with no proration of any fraction of the licensing period.**
- 3. Tags: A current Rabies Tag issued by a veterinarian, and a current Town Tag issued by the Police Department upon licensing the animal, shall be affixed to the collar of the licensed animal at all times, except when an animal is being kept in an approved kennel, veterinary hospital, or training class. The original current License, Rabies Certificate, and Tags shall be maintained by the animal's owner and shall be made available for inspection upon request by any person charged with the enforcement of this Ordinance.**

**4. Lost Tag:** In the event the original License and/or Tag is lost, the owner may obtain a duplicate License and/or Tag from the Police Department at a cost of \$5.00 each.

#### **2.1.5 (D) PROHIBITED ACTIVITIES**

**1. Unlicensed animals.** It is unlawful for any person to keep any animal within the Town limits unless the animal has been vaccinated for rabies and properly licensed.

**2. False and/or Stolen Documents:** It is unlawful for any person to transfer any license or rabies tag from one animal to another, or to make use of a stolen, counterfeit, or forged license, certificate, or tag.

**3. Excess of Dogs.** It is unlawful for any person to keep more than four mature dogs on any one premises, commercial or residential. Kennels are not authorized.

**4. Animals running at large.** It is unlawful for any owner to have an animal under his/her care run at large in the Town of Carrizozo.

**5. Nuisance:** It is unlawful for an owner to allow any animal to persistently bark, howl, or make other noises, or for an owner to keep or maintain any animal in such a manner as to disturb or otherwise jeopardize the mental or emotional health and general welfare of the human inhabitants of the Town. It is further unlawful for an animal to defecate upon public property or upon any private property other than the property of the owner of the animal, without the owner of that animal thoroughly and immediately removing and disposing of the feces. It is also unlawful for an owner of an animal to allow that animal's fecal and urinary wastes to accumulate on the owner's property to such an extent that they jeopardize the health or general welfare of the human inhabitants of the Town.

No owner or keeper shall have a dog or cat stray, or in any manner to run at large in or upon any public property or the property of another without the permission of the property owner, unless the animal is leashed or otherwise under the direct control of the owner or keeper. Any animal found running at large is declared to be a nuisance and a menace to public health and safety and the owner(s) of such animals may be cited accordingly and such animals may be taken up and/or impounded.

**6. Cruelty to Animals:**

**a. Physical Abuse:** It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work or otherwise cause physical or emotional pain or agony to any animal, except when such force may be required by the Animal Control Department to subdue or control a vicious or wild animal.

**b. Abandonment:** It is unlawful to abandon any animal.

**c. Poisoning:** It is unlawful to poison animals or to distribute poison or toxins in any manner with the intent of poisoning any animal, except as may be required in the authorized administration of lawful euthanasia.

**d. Care and Maintenance:** It is unlawful for any owner to fail to provide an animal with proper food, drink, and shelter. Any tethered animal must have a chain, rope or cable of at least sufficient length to allow the animal access to food, water, shelter and shade, but not of such length as to enable the animal to harm itself.

**e. Animal restraint:** Any rope, chain or cable affixed to an animal must be done in a way that it is non-abrasive to the animal via a comfortably fitted collar or harness. In addition, the material affixed to the animal must be done so in a way that it will prevent the animal from being tangled in the line or rope. The rope, chain or cable must be at least 12 feet and must be free from other objects of obstruction in so that the animal has easy and constant access to adequate shelter, food and potable water. No owner or operator shall confine an animal in an unattended vehicle without adequate ventilation, or under such conditions or for such period of time as may endanger the health or safety of the animal.

**f. Animal Fighting:** It is unlawful to cause, instigate, promote or in any way participate in, any fighting in which animals are intentionally engaged for the purpose of injuring, maiming, or destroying themselves or another animal.

**g. Premiums/Novelties:** It is unlawful to sell, offer for sale, barter, or give away any live animal as a premium, prize, award, novelty, or incentive to purchase merchandise; it is unlawful to color, stain or dye any chicken, duckling or fowl.

**7. Vicious Animals:** It is unlawful for any person to keep or harbor any vicious animal(s).



**8. Service Animals:** It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the public is invited for any purpose, to debar or exclude therefrom a service animal which has been trained to assist the handicapped, provided that such animal be in the company of the handicapped person whom it was trained to assist, in conformity with State Statute.

#### **2.1.5 (E) IMPOUNDMENT**

**1. Right to Impound:** Carrizozo Police and Animal Control officers are authorized to pursue, apprehend and impound any animal running at large, animals subject to cruelty, or which animals otherwise pose a clear and present danger to the health, safety or welfare of the Town of Carrizozo. Animals impounded by the Carrizozo Police and Animal Control officers will be sheltered with the Carrizozo Animal Shelter.

**2. Right of Entry:** Carrizozo Police and Animal Control Officers in lawful performance of their duties and/or in lawful pursuit of an animal may enter upon private property for the purpose of apprehending the animal. A private residence building may not be entered without the express consent of the owner. A closed or locked vehicle may be entered by the use of reasonable force if an officer deems it necessary to protect the life of an animal.

**3. Registry:** Data relating to each animal apprehended for placement in the Carrizozo Animal Shelter shall be entered on a standard registration form, by noting the breed, description, date and location of the animal's seizure. The Animal Control Officer shall retain one copy of the form, and shall deliver a second copy to the Carrizozo Police Department.

**4. Notice to Owner:** If the owner of an impounded animal is known, the owner shall be notified within 24 hours of the animal's impoundment by giving notice at the address designated on the animal's licensing application, or by posting notice at the purported owner's last known address. In the event the owner is unknown or cannot be located, a picture of the impounded animal will be publicized locally, primarily at Town Hall, for a period of at least three (3) business days after notice is served or posted.

**5. Right to Redeem:** The owner of an impounded animal shall have the right to redeem the animal at any time up to 72 hours after impoundment, and prior to a third impound, provided that the animal is still impounded, upon the payment of fees set forth in Section 2.1.2 (I) of this Ordinance, and upon proof that the animal has been vaccinated as required by this Ordinance.

**6. Protective Care:** If an Animal Control Officer or Police Officer finds that any animal is or will be without proper care because of its caretaker's injury, illness,

incarceration, or other absence of the owner, or other reason that leaves the animal without adequate care, the Animal Control Officer or Police Officer may remove the animal for Protective Care. Animal Control will make reasonable efforts to contact the presumed owner or other person responsible for the animal to give notice that the animal is in Protective Care. While in Protective Care, the Animal Control Officer may take such action as a licensed veterinarian advises is necessary to prevent undue pain and suffering to the animal. If the animal is in Protective Care for seven (7) days after notice without contact from its owner, or the person responsible for the care of the animal, the animal may be declared impounded, and subject to appropriate disposition, according to the provisions of this Ordinance. All expenses involved in providing Protective Care/or disposition of the animal are chargeable to the owner or owner's representative in charge of caring for the animal.

7. **Inability to Care for An Animal.** An owner who, for whatever reason, is unable to care for a domesticated animal may remit the animal to the Carrizozo Animal Shelter along with a non-refundable payment of \$200.00. Any animal remitted under this provision may not be redeemed.

#### **2.1.5 (F) CARRIZOZO ANIMAL SHELTER**

1. The Carrizozo Animal Shelter is a facility operated by the Carrizozo Police Department which provides a clean and healthy environment for stray animals, animals running at large, and animals placed in protective care, which are picked up by Animal Control or by law enforcement agencies with whom Carrizozo has an active agreement. Animals are retained/detained until final disposition in compliance with this Ordinance. Animal control officers may designate "foster" facilities from time to time in order to shelter animals impounded, but which cannot be accommodated by the Animal Shelter.

2. The hours of operation of the Shelter shall be from 8:00 A.M. to 4:00 P.M. Monday through Friday, by prior appointment only, set through the Carrizozo Police Department.

3. After 72 hours of impoundment, an impounded animal shall be removed by the Carrizozo Police Department from the Carrizozo Animal Shelter to the Ruidoso Humane Society Facilities.

#### **2.1.5 (G) WILD AND EXOTIC ANIMALS**

1. **Keeping Wild Animals Under Certain Circumstances Prohibited:** Wild animals kept in such numbers or in such a manner as to constitute likelihood of harm to the animals themselves, to others animals, to human beings, or to the

property of human beings, or keeping wild animals in a fashion which constitutes a public or private nuisance is prohibited. It is unlawful for any person to possess exotic or wild animals whose possession is specifically prohibited by federal or New Mexico law, or without obtaining the appropriate license.

2. **Permit required:** No person shall receive, purchase, own, or keep wild or exotic animals without first applying for and receiving from the State of New Mexico Department of Game and Fish any required permit to do so, and by thereafter gaining a separate permit from the Governing Body. In order to receive a permit from the Governing Body to keep wild or exotic animals, the applicant must provide evidence of his/her State permit, demonstrate knowledge of the care and feeding required for the animals(s) involved, and must show proof that they have the appropriate facilities for such care and feeding.

3. The Chief of Police is permitted to enter the premises of any permittee hereunder at any reasonable time with appropriate notice, for the purpose of inspection or re-inspection to determine compliance with this Ordinance. The Governing Body or the Department of Game and Fish may deny, revoke, or suspend a permit for a failure to comply with the terms of any required permit, or with this Ordinance.

4. **Permit Fee:** The fee for a permit from the Governing Body shall be two hundred (\$200.00) dollars and shall be renewed annually. A separate permit shall be required for each wild or exotic animal.

#### 2.1.5 (H) RABIES CONTROL

1. **Vaccination:** Dogs and cats over the age of three (3) months shall be vaccinated against Rabies. The animal shall be revaccinated against rabies every one (1) year following initial vaccination if a One Year vaccine is used; or every three (3) years if a Three Year vaccine is used; Rabies Vaccines shall be licensed by the United States Department of Agriculture and administered according to label recommendation. The "Compendium of Animal Rabies Control (CARC)" published by the National Association of Public Health Veterinarians, Inc. shall be the reference for the route of inoculation and type of vaccine.

2. **Vaccination Certificate:** Every person who keeps a vaccinated animal must be able to present a current rabies certificate upon the request of any person charged with the enforcement of this Ordinance.

3. **Harboring Unvaccinated Animals:** It is unlawful and in violation of this Ordinance for any person to keep a dog, cat or any animal capable of contracting rabies which has not received a vaccination against rabies.

**4. Reporting Rabies Suspects:** Any veterinarian who makes a clinical diagnosis of rabies and/or any person who suspects rabies in a domestic or wild animal shall immediately report an accurate description of the animal, precisely when and where such animal was seen, and if possible, where it may be found to the Chief of Police, who shall then report the animal's information to the Local District Health Office.

**5. Human Exposure to Rabies:** Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the Chief of Police, or to the Local District Health Office. Any physician or other health care professional who treats a person for such bite shall report such treatment to the Local District Health Office within twelve (12) hours of such treatment. Such treatment report must specify the name of the victim and exact location where the incident occurred.

**6. Quarantine of Potential Rabies Carriers:** Any dog, cat, or any animal capable of contracting Rabies which has bitten a person shall be confined and observed for a period of ten (10) days from the date of bite at the Animal Shelter, a veterinary hospital or an approved kennel facility; provided, however, that if the animal has proof of current rabies vaccination, and the area involved is not under quarantine for rabies, the Animal Control Officer may permit home-quarantine of such animal. Home quarantine shall not be permitted unless the premises has been previously inspected and approved for containment by the Animal Control Officer.

**7. Enforcement of Quarantine:** It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without the express written consent of an Animal Control Officer, or without proof of current rabies vaccination.

**8. Animals Exposed to Rabies:** When circumstances indicate an animal has been bitten by a known rabid animal, the procedures outlined in NMAC 7.4.2.11 shall be followed.

**2.1.5 (I) PENALTIES / FEES**

**1. ANIMALS FOUND RUNNING AT LARGE / "LOOSE" FINE:**

a. Owners of animals found running at large, shall be subject to fines as follows:

- i. First "loose" offense: \$50 fine / court costs
- ii. Second "loose" offense: \$150 fine / court costs
- iii. Third "loose" offense: \$300 fine / court costs
- iv. Fourth "loose" Offense: Animal shall become a ward of the Town. All such animals may thereafter immediately be impounded and transferred to a third-party facility such as the Ruidoso Humane Society, and may not be redeemed.

**2. IMPOUNDED ANIMALS FOUND RUNNING AT LARGE (non-vicious):**

- a. If an animal found running at large is then caught and impounded, the following fines apply, in addition to the "loose" fine:
- b. All impounded animals may be redeemed by their owner per Section 2.1.2 (E)(5). Owners are responsible for any veterinary costs that may have necessarily been incurred while the animal was impounded. Owners retrieving animals from the first impound shall be given a copy of this Ordinance along with any citation issued.
- c. First-time impounded animals may be redeemed by their owner per Section 2.1.2 (E)(5) by payment of an Impound Fee of \$35.00, and \$40.00 per day fee for Care and Feeding, and any veterinary costs that may have necessarily been incurred.
- d. Second-time impounded animals may be redeemed by their owner per Section 2.1.2 (E)(5) by payment of an Impound Fee of \$100.00, and \$40.00 per day fee for Care and Feeding, and any veterinary costs that may have necessarily been incurred.
- e. A Third-time impounded animal shall immediately become a ward of the Town. All animals impounded after a third impound may thereafter immediately be transferred to a third-party facility such as the Ruidoso Humane Society.

- f. **Animals left in the care of the Carrizozo Animal Shelter for three (3) business days or more shall become wards of the Town. In no case shall an owner or alleged owner of an abandoned animal be entitled to redeem an animal which has been impounded more than three times.**
- g. **The Chief of Police has the discretion to release to an owner an animal that has become a ward of the Town pursuant to the above subsections, only after a showing of extraordinary circumstances and after the full satisfaction of all fees or fines.**

**3. Violations of all other specific provisions:**

	<u>1<sup>ST</sup> Offense</u>	<u>Subsequent Offenses</u>
<b>Unlicensed animal / false / expired license or permit</b>	<b>\$25 PER INCIDENT Plus Impound Fees if any</b>	<b>\$100 PER INCIDENT Plus Loose and Impound Fees, if any</b>
<b>Nuisance</b>	<b>Written warning/Citation \$50 PER INCIDENT Instruction to correct</b>	
<b>Cruelty to Animals</b>	<b>Up to \$500 fine and/or up to 90 days in jail, and/or seizure of the animal</b>	
<b>Exclusion of Service Animal</b>	<b>Up to \$500 fine and/or up to 90 days in jail.</b>	
<b>Vicious Animal</b>	<b>Up to \$500 fine and/or 90 days in jail, restitution of the victim's demonstrable costs, and the animal may be ordered destroyed by the judge.</b>	
<b>All other violations of this Ordinance:</b>	<b>Up to \$500 fine and/or up to 90 days in jail.</b>	

**SECTION 2.2  
FIRE DEPARTMENT**

- 2.2.1 Department Created**
- 2.2.2 Duties**
- 2.2.3 Fire Prevention**
- 2.2.4 Volunteer Members**
- 2.2.5 Adoption of the Fire Prevention Code**
- 2.2.6 Grievance Procedure**

**2.2.1 DEPARTMENT CREATED:** There is hereby created a Fire Department which shall consist of a Fire Chief and such other personnel as may be approved by the Governing Body of the Municipality.

**2.2.2 DUTIES:** Members of the Fire Department are expected to carry out the orders of the Fire Chief and their immediate supervisor. It shall be the duty of the members of the Fire Department to answer all fire calls and to fight all fires occurring within the corporate limits. It shall be the duty of the members of the Fire Department 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. Members shall see to the care and maintenance of all firefighting equipment and have such equipment in workable condition at all times. Members shall conduct themselves in a manner befitting their responsibilities, and shall demonstrate loyalty to the Town, the Fire Department and the people of Carrizozo. Volunteer members 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.

Nothing in this subsection shall be construed as restricting the actions of the Fire Department to just the corporate limits, nor as prohibiting mutual aid agreements between the Town of Carrizozo and other municipalities or counties, to provide fire protection services across jurisdictional lines.

**2.2.3 FIRE PREVENTION:** Every possible action shall be taken by the members of the Fire Department to eliminate fire hazards and to provide for fire prevention methods and operations within the Municipality.

**2.2.4 VOLUNTEER MEMBERS.** All volunteer members of the Fire Department while on duty shall conduct themselves in a manner consistent with the ethics and morals of the community, being sober, courteous to the public and respectful of municipal authorities. They shall respond to all fire calls according

to a schedule prescribed by the Chief of the Fire Department and they shall attend all meetings and drills called by the Chief.

**2.2.5 ADOPTION OF THE FIRE PREVENTION CODE:** For the purpose of regulating and governing conditions hazardous to life and property from fire, the Fire Prevention Code, NFPA 1, the 2015 Edition, as recommended by the National Board of Fire Underwriters, is hereby adopted. Said Fire Prevention Code, is available online at the NFPA website ([nfpa.org](http://nfpa.org)), and shall be made a part of this Code as if set out in length herein.

**2.2.6 GRIEVANCE PROCEDURE:** Citizen complaints regarding members of the Fire Department or regarding service rendered by the Fire Department should be submitted to the Mayor's office within ten days of the conduct complained of on a form approved for such use by the Governing Body. The Mayor's office shall render a recommendation in writing to the complaining party within 30 days of receipt of the complaint form. Additional time to respond may be gained by a writing from the Mayor's office delivered within the thirty-day period, and extending time no more than 90 days.



**SECTION 2.3  
PUBLIC WORKS DEPARTMENT**

- 2.3.1 Department Created**
- 2.3.2 Duties**
- 2.3.3 Water Utility Established**
- 2.3.4 Foreman**
- 2.3.5 Management, Rules, Regulations and Specifications**
- 2.3.6 Grievance Procedure**

**2.3.1 DEPARTMENT CREATED:** The Public Works Department is hereby created and declared for the health, safety and welfare of the residents of the Town of Carrizozo, and shall consist of the operation of the municipal water system, the municipal wastewater system, the municipal streets and parks. This ordinance shall govern the production, supply and use of potable water in the Town of Carrizozo, New Mexico for domestic, commercial or industrial purposes, and the transmission and removal of liquid and semi-liquid wastes through municipal systems.

**COMPOSITION:** The Public Works Department may consist of 1) the Working Foreman, 2) the Water/Wastewater Operator, 3) general laborers, 4) grounds maintenance.

**2.3.2 DUTIES OF DEPARTMENT: WATER:** The Public Works Department is charged with the design, installation, inspection, testing, maintenance, repair, upgrade and operation of the municipal water distribution system. All work performed on the municipal water distribution system shall comply with all applicable state and national codes, regarding construction techniques, public safety, potability, and any other criteria adopted by the municipality.

**DUTIES OF DEPARTMENT: SEWER:** The Public Works Department is charged with the design, installation, inspection, testing, maintenance, repair, upgrade and operation of the municipal wastewater transmission system. All work performed on the municipal wastewater transmission system shall comply with all applicable state and national codes, regarding construction techniques, public safety, and any other criteria adopted by the municipality.

**DUTIES OF DEPARTMENT: STREETS & PARKS:** The Public Works Department is charged with the design, installation, inspection, testing, maintenance, repair, upgrade and operation of the municipal street system and municipal parks. All work performed on the municipal streets and parks shall

comply with all applicable state and national codes, regarding construction techniques, public safety, and any other criteria adopted by the municipality. The department shall submit timely reports of its activities, as required by the governing body.

**2.3.3 WATER UTILITY ESTABLISHED:** The Town of Carrizozo water system is hereby declared to exist for the health, safety and welfare of the residents of the Town of Carrizozo.

**2.3.4 FOREMAN.** The Mayor and Board of Trustees can employ a Water Department Foreman. It shall be the duty of the Foreman to supervise and manage the water and wastewater Systems, as well as the streets and parks. The Foreman shall be empowered with the enforcement of this ordinance and with the operation, construction, maintenance, testing, repair, and replacement of the municipal water and wastewater Systems and municipal streets and parks. The Foreman shall be responsible for all connections to the water and wastewater systems. The Foreman shall perform such duties in connection with the operation of the water and wastewater systems and maintenance of the streets and parks as the governing body may prescribe. The Foreman shall propose for approval such regulations that may be responsible and necessary to implement this ordinance.

**2.3.5 MANAGEMENT, RULES, REGULATIONS AND SPECIFICATIONS.** The Town of Carrizozo shall adopt and enforce rules and regulations, for the safe, efficient, and economical management of the System. Any construction and connection to the water system shall be in compliance with applicable statutes, ordinances, regulations and codes.

**2.3.6 GRIEVANCE PROCEDURE:** Citizen complaints regarding members of the Public Works Department or regarding service rendered by the Public Works Department should be submitted to the Mayor's office within ten days of the conduct complained of on a form approved for such use by the Governing Body. The Mayor's office shall render a recommendation in writing to the complaining party within 30 days of receipt of the complaint form. Additional time to respond may be gained by a writing from the Mayor's office delivered within the thirty-day period, and extending time no more than 90 days.

**SECTION 2.4  
TOWN ADMINISTRATION**

- 2.4.1 Department Created**
- 2.4.2 Duties**
- 2.4.3 Motor Vehicle Department**
- 2.4.4 Grievance Procedure**

**2.4.1 DEPARTMENT CREATED.** There is hereby created a Town Administration Department which shall consist of the Clerk/Treasurer, a Deputy Clerk, and such other personnel as may be employed by the Municipality.

**2.4.2 DUTIES.** Members of the Town Administration are expected to carry out the orders of the Town Clerk and the Mayor. It shall be the duty of the members of the Town Administration to respond to requests from the public for engaging, terminating, repairing or modifying municipal services, for information relating to Town administration, for requests for inspection of public records, and any other requests. It shall also be the duty of the members of the Town Administration to carry out the day to day operations of the Town of Carrizozo, and to adhere to all provisions of the Code and all applicable statutes. Members of the Town Administration shall conduct themselves in a manner befitting their responsibilities, and shall demonstrate loyalty to the Town, the Town Administration Department and the people of Carrizozo.

**2.4.3 MOTOR VEHICLE DEPARTMENT.** The Town of Carrizozo will maintain and operate a field office of the New Mexico Motor Vehicle Department, which shall operate Wednesdays, Thursdays and Fridays between the hours of 8:00 a.m. to 11:30 a.m., and 12:15 p.m. to 3:15 p.m.

**2.4.4 GRIEVANCE PROCEDURE:** Citizen complaints regarding members of the Town Administration Department or regarding service rendered by the Town Administration Department should be submitted to the Mayor's office within ten days of the conduct complained of on a form approved for such use by the governing body. The Mayor's office shall render a recommendation in writing to the complaining party within 30 days of receipt of the complaint form. Additional time to respond may be gained by a writing from the Mayor's office delivered within the thirty-day period, and extending time no more than 90 days.

**SECTION 2.5  
LIBRARY DEPARTMENT**

- 2.5.1 Establishment of a Library**
- 2.5.2 Creation of Board**
- 2.5.3 Appointment of Board**
- 2.5.4 Term of Office**
- 2.5.5 Duties and Functions of Board**
- 2.5.6 Vacancies**
- 2.5.7 Title to Property**
- 2.5.8 Library Fund**
- 2.5.9 Personnel**
- 2.5.10 Duties of the Librarian**
- 2.5.11 Organization of the Board**
- 2.5.12 Duties of Officers**
- 2.5.13 Meetings**
- 2.5.14 Invalidity of Portion of Ordinance**

**2.5.1 ESTABLISHMENT OF A LIBRARY.** There is hereby established in the Town of Carrizozo a free Public Library to be hereafter known as the Carrizozo Community Public Library and Archive. Such library is hereby declared to be a proper and legitimate object of expenditure and operation of the Town of Carrizozo and is intended to qualify as a proper and legitimate object of expenditure of by the County of Lincoln.

**2.5.2 CREATION OF BOARD.** There is hereby created the Carrizozo Community Public Library and Archive Board (hereinafter referred to as the "Library Board"), as an administrative agency of the Town of Carrizozo. There is hereby established a free Public Library to be hereafter known as the Carrizozo Community Public Library and Archive. The Library Board shall act in an advisory and policy development capacity and shall advise and assist the Town of Carrizozo Mayor and Board of Trustees in every possible way to insure the efficient and economical management and operation of the Carrizozo Community Public Library and Archive.

**2.5.3 APPOINTMENT OF BOARD.** The Library Board shall consist of at least five (5) members who shall be residents of the community served by said

library. The members of the Board shall be appointed by the Mayor and approved by the Town of Carrizozo Board of Trustees. The Mayor or his/her designee of the Town of Carrizozo shall serve as an ex-officio member of the Board but shall have no vote.

**2.5.4 TERM OF OFFICE.** Library Board members shall be appointed for three (3) years. When any vacancy shall occur for any cause, a member shall be appointed for the unexpired term.

**2.5.5 DUTIES AND FUNCTIONS OF BOARD.** The Library Board shall be the Community representative for the Carrizozo Community Public Library and Archive and shall have the responsibility and obligation to:

1. Establish policies for the administration of the Carrizozo Community Public Library and Archive, not in conflict with the ordinances of the Town of Carrizozo nor with the laws of the State of New Mexico.
2. Post rules and regulations for public use of the library in appropriate places in the library for public inspection and information.
3. Assist the Librarian in developing an annual library budget in sufficient time for the library budget to be included in the total budget for the Town of Carrizozo.
4. Notify the Mayor of any vacancies on the Board and recommend persons to fill vacancies.
5. Establish qualifications for library personnel and make recommendations to the Library Director, Mayor and Town of Carrizozo Board of Trustees relative to such appointment.
6. Advise the librarian(s) in all matters pertaining to the management and operation of the library.
7. Recommend to the Town of Carrizozo Board of Trustees any action to maintain or administer the Carrizozo Community Public Library and Archive.

**2.5.6 VACANCIES.** On the Death, removal, resignation, change of residence to a place outside the Carrizozo Public School District, or other inability to act as a member of the Library Board, such vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term.

**2.5.7 TITLE TO PROPERTY.** Town of Carrizozo shall hold title to all real and personal property which has been acquired or may be acquired by the Library Board as trustees of the library.

**2.5.8 LIBRARY FUND.** There is hereby created within the municipal budget of the Town of Carrizozo a library fund supported by the Town of Carrizozo with any funds allocated by the County of Lincoln Board of Commissioners. Such library fund is to be administered by the Treasurer of the Town of Carrizozo.

**2.5.9 PERSONNEL.** A duly qualified Librarian and such other personnel necessary for the operation and maintenance of the library shall be appointed by the Mayor on the recommendation of the Library. The Mayor shall appoint a volunteer Library Director to serve as a Librarian.

**2.5.10 DUTIES OF THE LIBRARIAN.** The duties of the Librarian(s) shall be such as are usually imposed on like persons in like employment and the librarian shall be solely responsible for the administration of the Carrizozo Community Public Library and Archive under the direction and review of the Library Board. The Librarian(s) shall be held responsible for the care of the room and equipment, for the direction of the staff, for the efficiency of the library service to the public, for the operation of the library under the financial condition set forth in the annual budget, and for the formulation, with the Library Board, of the library budget. The Librarian(s) shall attend all Library Board meetings.

**2.5.11 ORGANIZATION OF THE BOARD.** At the first meeting of the Library Board and annually thereafter at the regular anniversary meeting, the members shall elect from its membership a president, a secretary, and such other officers as may be necessary to carry out the functions of the Carrizozo Community Public Library and Archive. Each officer shall serve for a term of one year. The Board shall be governed in the conduct of its affairs by by-laws to be adopted upon its organization and amended from time to time as necessary.

**2.5.12 DUTIES OF OFFICERS.** The president of the Library board shall preside at all meetings, appoint all committees, call special meetings when necessary, and generally perform the duties of a presiding officer. The secretary of the Library board shall keep a complete record of all the proceedings of the Library Board meetings, shall insure notices of all regular and special meetings are posted, shall have a custody of the minutes and other records of the Library Board and shall notify the Mayor of any vacancies on the Library Board.

**2.5.13 MEETINGS.** The Library Board shall hold regular monthly meetings and such other special meetings as may be called by the president. The time and place of such meetings shall be fixed by the Library Board at its first

meeting, at which time the Board shall also adopt rules to govern its proceedings. A majority of the members of the Board constitutes a quorum for the transaction of business. The act of a majority of the Board shall be the act of the board. All Library Board meetings shall be open to the public.

**2.5.14**        **INVALIDITY OF PORTION OF ORDINANCE.** If any part of this ordinance is for any reason declared invalid, such part shall not affect the validity of the remaining portions thereof.

**SECTION 2.6  
PARKS & RECREATION DEPARTMENT  
[RESERVED]**



## **SECTION 2.7 MUNICIPAL AIRPORT**

**2.7.1 DEPARTMENT CREATED.** There is hereby created a Municipal Airport which shall consist of the Airport Manager, and such other personnel as may be employed by the Municipality.

**2.7.2 DUTIES.** Employees of the Municipal Airport are expected to maintain the airport's compliance with all applicable FAA regulations, to stock and maintain aircraft fuels, to maintain the physical appearance and safety of the airport, and to draft and deliver regular periodic reports of the airport's activities to the governing body at or before each regular council meeting.

The airport manager and all staff shall conduct themselves in a manner befitting their responsibilities, and shall demonstrate loyalty to the Town, the Municipal Airport and the people of Carrizozo.

**2.7.3 GRIEVANCE PROCEDURE:** Citizen complaints regarding members of the Municipal Airport regarding service rendered by the Municipal Airport should be submitted to the Mayor's office within ten days of the conduct complained of on a form approved for such use by the Governing Body. The Mayor's office shall render a recommendation in writing to the complaining party within 30 days of receipt of the complaint form. Additional time to respond may be gained by a writing from the Mayor's office delivered within the thirty-day period, and extending time no more than 90 days.

**SECTION 2.8  
PERSONNEL POLICY MAKING**

**2.8.1 TOWN PERSONNEL POLICY.** By Ordinance, the Town of Carrizozo has authorized and established a Personnel Policy Manual, which shall be modified from time to time by the governing body as needs and laws change.

The Personnel Policy Manual shall govern the internal administration of personnel recruitment, selection, appointment, pay, leave, discipline, termination, promotion, hours of work, and general conditions of employment for all regular full-time, regular part-time, classified and unclassified employees, appointees and volunteers of the Town of Carrizozo.