

CHAPTER 5
PUBLIC WAY & PROPERTY

SECTION

- 5.1 Parks**
- 5.2 Sidewalks & Curbs**
- 5.3 Trees & Shrubbery**
- 5.4 Excavations**
- 5.5 Drones and Use of Public Airspace**

SECTION 5.1
PARKS

5.1 PARKS

General Use: The parks and other municipal premises are established and maintained for the use of the citizens of the Town of Carrizozo, and our visitors.

SPECIFIC USE / EVENTS

Anyone wishing to use municipal property for events to which the public is invited is required to submit an application for such event to the Trustees of the Town, which application must first be approved by the Trustees.

ALCOHOL OR DRUGS

(See drinking in public Ordinance)

**RESTRICTED HOURS FOR MUNICIPAL PARKS AND FOR OTHER
MUNICIPALLY OWNED PREMISES**

It shall be unlawful for any person to be upon or in any Town Park, Town Golf Course, or other municipally-owned facility after 11:00 P.M., until 6:00 A.M. unless first obtaining written permission from the governing body.

Any Town employee whose official duties require them to be present on said facilities during the prohibited hours shall be exempt.

SECTION 5.2 SIDEWALKS & CURBS

5.2.1 Ownership of Sidewalks and Curbs

5.2.2 Consent Required

5.2.3 Specifications

5.2.4 Maintenance of Sidewalk

5.2.1 OWNERSHIP OF SIDEWALKS AND CURBS

Each individual property owner, owns their property to its boundaries, which may extend to the municipal rights of way. The municipality claims easements on private property for the installation of sidewalks and for public foot traffic.

Each individual property owner is responsible for maintaining existing sidewalks free from accumulated ice, dirt, debris, plant growth, etc. Trees or shrubs growing anywhere in the municipal easement must be maintained or removed by the property owner, when the trees or shrubs become diseased or hazardous, or when the roots of such trees or shrubs create cracks in the sidewalks. Each property owner is responsible for keeping their portion of sidewalk safe and passable by the public.

5.2.2 CONSENT REQUIRED:

Any person desiring to repair or construct sidewalks within the Municipality shall, before commencing such work, gain approval for such work from the Trustees of the Town.

5.2.3 SPECIFICATIONS:

Specifications for the construction or repair of all sidewalks and curbs within the Municipality shall be on file in the office of the Clerk and any person repairing or construction sidewalks and or curbs shall comply in all respects to the specifications on file.

5.2.4 MAINTENANCE OF SIDEWALK:

The Town of Carrizozo may elect to maintain a portion of sidewalk which is not actively maintained by the owner of the associated parcel, and to invoice the owner of the parcel for such reasonable associated costs.

**SECTION 5.3
TREES & SHRUBBERY**

5.3.1 TREES, HEDGES AND SHRUBS TO BE TRIMMED:

It shall be unlawful for any owner or occupant of real property to permit branches of trees, hedges or shrubbery growing on that property to extend over any public sidewalk, in such a way as to interfere with public travel or with public utilities. The Town Utility Department may undertake such maintenance, after reasonable notice to an owner, and its costs shall be borne by the owner, by billing to the property owner.

5.3.2 INJURY TO TREES OR SHRUBBERY:

It shall be unlawful for any person, not the owner thereof or without lawful authority so to do, willfully to remove, injure, deface or disfigure any tree or shrub, or to injure, destroy, cut or pick any flower or plant located either on private property or on any public place or thoroughfare.

SECTION 5.4 EXCAVATIONS

5.4.1 EXCAVATION; CONSENT REQUIRED:

It shall be unlawful for any person to excavate, dig or produce in any manner or cause to be made any opening, displacement, depression or impairment of the surface of any public place or public thoroughfare without first gaining approval for such work from the Trustees of the Town.

5.4.2 CUTTING AND PATCHING ASPHALT PAVING:

- A. General:** When it is necessary to cut existing asphalt paving for any reason whatever, consent shall first be obtained from the Town Trustees. The cut shall be made in a neat and workmanlike manner, and shall be done only after proper traffic control signs and road blocks have been installed. After the cut has been made, work shall progress as rapidly as possible, so that the cut section will not be open any longer than absolutely necessary.
- B. Cutting:** Cutting of asphaltic paving shall be done in such manner as to maintain straight, smooth lines the full length of the cut. The edges of the cut shall be vertical, and the cut shall extend through the full depth of the paving to prevent "Breakouts" into the paving which is intended to be undisturbed.
- C. Method of Cutting:** Asphalt paving shall be cut with a power saw, pneumatic chisel or by alternate methods or approved by the Town Foreman.
- D. Patching Asphalt Paving:** The entire backfilling and patching operation where trenching is done on paved streets will be done under the supervision of the Town Foreman.

5.4.3 MUNICIPALITY NOT LIABLE:

The applicant shall be liable for all damages to persons or property caused by such excavating and shall hold the Municipality harmless for any damages incurred in performance of the work specified.

**SECTION 5.5
DRONES AND USE OF PUBLIC AIRSPACE**

5.5.1 RESTRICTIONS:

The use of unmanned, or remote-piloted, private or commercial drones shall be restricted in the Town of Carrizozo to only those users who are licensed and currently compliant with all State and federal regulations.