

CITY OF GRANTS

ORDINANCE NO. 23-1275

AN ORDINANCE REGULATING THE USES AND ACTIVITIES FOR THE CITY OF GRANTS PARKS; REPEALING AND REPLACING ORDINANCE NOS. 402 AND 23-1271.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Grants, New Mexico as follows:

Section 1. PURPOSE AND TITLE.

The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in all City of Grants Parks located within the City of Grants. This Ordinance shall be known as the City of Grants Parks Ordinance.

Section 2. APPLICABILITY.

This Ordinance shall apply to all existing and future City Parks located within the City of Grants. For the issuance of permits, authorizations, granting of approval, and other actions, governing agency shall be the Code Enforcement Office of the City of Grants or its designee. The existing City of Grants Parks include the following:

City Hall Park
Dog Park
Elm Park
Fire and Ice
Friendship Park
Grants Memorial Park
Kiwanis Park
Mesa Park #1
Mesa Park #2
Mirabal Park
River Walk Park
Rouse Park
San Jose Park & Football Field
Truman Park
Wells Park/Candelaria Complex

Section 3. CONSTRUCTION.

In the interpretation of this ordinance, the provisions shall be construed as follows:

Any term in the singular shall include the plural.

Any term in the masculine shall include the feminine and the neuter.

Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.

No provision hereof shall make unlawful any act necessarily performed by any city employee, by any private contractor hired by the city to perform work in or at any City Park, by any city employee in line

of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the City of Grants.

Any act otherwise prohibited by law or local Ordinance shall be lawfully performed, under, by virtue of, and strictly within the provisions of a permit to do so, and to the extent authorized thereby.

Section 4. DEFINITIONS.

Animals: includes cats, dogs, horses, any fowl or birds, and any living creatures within the jurisdiction of the park.

Approving Governing Agency: the Code Enforcement Officer of the City of Grants or his designee.

Cannabis: (1) all parts of the plant genus Cannabis containing a delta-9- tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and (2) does not include: (a) the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or (b) the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink or another product.

Code Enforcement Officer: an individual assigned other than the Code Enforcement Officer.

Crossing: any crossing whether marked by pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street, or highway.

Curb: any boundary of any street, road, avenue, boulevard, or drive, whether parked by a curb.

E-cigarette: (1) means any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and (2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor.

Park Attendant: any person employed by the City of Grants or under contract with the City of Grants to perform duties or tasks within the Park.

Path: any footpath, walk, or any path maintained for pedestrians.

Pedestrian: a person afoot.

Permit: any written license issued by or under the authority of the approving governing agency permitting a special event or activity in the park or on park facilities.

Person: any natural person, corporation, company, association, joint stock association, firm, or partnership.

Soliciting: persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payments for the goods. Persons seeking any form of contributions.

Stopping or Standing: when prohibited, means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic including horses and bicycles.

Traffic: means pedestrians, ridden or herded animals and vehicles, either singly or together.

Vehicle: any conveyance (except baby carriages), including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, skateboards, sleighs, pushcarts, or vehicles propelled by other than muscular power. Also, any horse-drawn conveyance.

Vending: selling or trading any item or service.

Section 5. Structures, Plants, Trees, Earth, Rubbish.

It shall be unlawful for any person in any city park to:

1. Mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving materials, waterlines or other public utilities or parts of appurtenances thereof, signs public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, gazebo or other structures or equipment, facilities, ponds, lakes, fountains or park property or appurtenances whatsoever, either real or personal.
2. Dig or remove any soil, rock, sand, stones, trees, shrubs, flowers, bushes, plants, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.
3. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on specific written permit issued hereunder.
4. Damage, cut, carve, mark, transplant, or remove any plant, bush, flowers, or injure the bark, or pick flowers or seed of any tree or land, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any areas.
5. Climb any tree or walk; climb, stand or sit upon monuments, bases, planters, fountains, railings, fences, or any other property not designated or customarily used for such purpose.
6. Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.
7. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, or portion of the Rio San Jose or any other body of water in or adjacent to the park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.
8. Take into, carry through, or put into the park, any rubbish, refuse, garbage, or other material, such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not 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.
9. Cause or permit to run loose any animal.
10. Tie or hitch an animal to any tree or plant.
11. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall remove or have in his possession the young of any wild animal, or the egg or nest, or the young of any reptile or bird. An exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

12. Walk a dog without a leash, said leash to be no longer than 6 feet.
13. Ride a horse or allow a horse to graze or go unattended.
14. Walk a domestic animal without a leash, said leash to be no longer than 6 feet. Further, the owner or person having custody of said domestic animal shall be responsible for the removal of any animal solid waste.
15. Fish or catch fish by any means or method in any fountain, pond, lake, stream, or other body of water in or adjacent to the park unless said person is in compliance with the New Mexico Department of Game and Fish Licensing regulations.

Section 6. VEHICLES

It shall be unlawful for any person in any city park to:

1. Drive any vehicle on any area except the paved park roads or parking areas, or such areas as may be on occasion specifically designated as temporary areas.
2. Park a vehicle anywhere except on a designated parking area.
3. Leave a vehicle standing or parked in established parking areas or elsewhere in the park during hours when the park is closed.
4. Leave a bicycle any place other than a bicycle rack when such is provided and there is space available.
5. Bicycle riding is prohibited except in designated areas.
6. Leave a bicycle on the ground or paving or set against trees, or in any place or position where other persons may trip over and be injured by it.
7. Wash any vehicle.
8. Use the Park, Park drives, parking places, or other areas of the Parks to demonstrate any vehicles, or the sale of any vehicle, nor shall any person use any park area, including parking places, for the repairing or cleaning of any vehicle, except in an emergency.
9. In the case of an emergency law enforcement, fire and safety, and first responder vehicles are permitted to drive any vehicle in a non-designated driving or parking area.

Section 7. EXPLOSIVES AND FIREWORKS.

It shall be unlawful for any person to have in his possession or set off any fireworks or other explosives. Permits may be given for conducting properly supervised fireworks in the park.

Section 8. ADVERTISING, ASSEMBLAGES, ENTERTAINMENT.

1. No person shall pose, paint, affix, distribute, deliver, place, cast, or leave about any billboard, placard, ticket, handbill, circular, or advertisement in the park.

2. No person shall do any of the following without a permit provided that no permit shall be required for any action or even sponsored by the City.
 - a. Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle is not prohibited.
 - b. Operate for advertising purposes any musical instrument, soundtrack, radio, or loud speaker.

Section 9. MERCHANDISE, SALE PROHIBITED.

No person shall expose or offer for sale any article of New Goods and Services in the designated Park area without a license as a concessionaire with said license being obtained from the Code Enforcement Officer of the City of Grants or its designee.

Section 10. IGNITABLE AND COMBUSTIBLE MATERIALS.

No person shall kindle, build, maintain or use a fire except in places provided for such purpose if any. Any fires shall be continuously under the care and direction of a competent person from the time it is kindled until the time it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper, or other material within or against any building, boat, or other material within or against any building, boat, or vehicle, or under any tree or in any underbrush within the park.

Section 11. ALCOHOLIC BEVERAGES, SMOKING, CONTROLLED SUBSTANCES, SOLICITATION, AND GAMBLING.

While in the park, all persons shall conduct themselves in a proper and orderly manner. No person shall:

1. Bring or consume alcoholic beverages at any time, without meeting all statutes and regulations of the State of New Mexico pertaining to the consumption and/or sale of alcoholic beverages. Alcoholic beverages shall only be permitted to be brought into a park during special events upon express approval from the City Manager's Office subject to its discretion.
2. Bring or smoke any tobacco or cannabis from E-cigarette devices, pipes, or in any way or form, at any time.
3. Bring controlled substances or use the same at any time or shall any person be under the influence of an intoxicant in the park.
4. Solicit money or contributions for any purpose, whether public or private, at any time.
5. Play any game of chance or have possession of any instrument or device for gambling, at any time.
6. Play, engage, or take part in any game of competitive sport for money, or other valuable things at any time.

Section 12. MISCELLANEOUS CONDUCT.

It shall be unlawful for any person in the Park area to:

1. Camp or stay overnight.
2. Roller skate or use skateboards except in those areas specifically designated for such past times.

3. Enter an area posted as "Closed to the Public."
4. Engage in threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
5. Failure to produce and exhibit any permit claimed to have, upon request of any authorized person or police officer who shall desire to inspect the same to enforce compliance with any ordinance or rule.
6. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
7. Erect or occupy any tent, stand or other structure in the park or sell or give away from any such tent, stand, or other structure any food, drink, or other thing, without a permit.
8. Operated any musical instrument, soundtrack, radio, car radio, car stereo, cassette player, CD, or loud speaker which disturbs or unreasonably interferes with any person or party occupying any area of the City Park.
9. Swim, wade, stand, bathe or otherwise immerse oneself in any body of water located within any City Park.

Section 13. PICNICS.

A permit must be secured for any picnic with more than 50 participants.

Section 14. BOATING.

No boats, with or without a motor, or any type of flotation device in which a person can ride shall be permitted in fountains, ponds, lakes, streams, or other bodies of water in the park.

Section 15. PARK HOURS

The parks shall be open daily to the public during the hours of 5:00 A.M. to 11:00 P.M except as otherwise approved by the City Manager and it shall be unlawful for any person, or persons (other than city personnel or other persons conducting city business therein) to occupy or be present in the park during any hours in which the park is not open to the public. Any section or part of the park may be declared closed to the public by the City at any time for any interval of time, either temporarily or at regular or stated intervals.

Section 16. PERMITS

Permits for special events in the park shall be obtained at least 20 working days before the scheduled activity by application together with a \$25.00 per day non-refundable fee to the City Code Enforcement Officer or its designee. Whenever any person, group, association, or organization desires to use the park facilities for a particular purpose, such as but not limited to picnics, parties or theatrical or entertainment performances, social events, sporting events, charitable events, political events, or any other event of a similar or like nature, a representative of the person, group, association or organization shall first obtain a permit in accordance with the following procedure:

1. A person seeking issuance of a permit hereunder shall file an application stating:
 - (a). The name and address of the applicant.
 - (b). The name and address of the person, persons, corporation, or association sponsoring the activity; if any

- (c). The day and hours for which the permit is desired.
 - (d). The type of utilities (i.e. water, electricity, gas) planned on being used during the event.
 - (e). Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.
 - (f). An applicant for a permit must submit evidence of liability insurance covering injuries to a member of the general public arising out of such permitted activities in such amounts as may be from time to time determined before the commencement of any activity or issuance of any permit. Liability insurance shall hold the City harmless and the City shall be named as an additional insured on such liability insurance.
2. Standards for issuance of a use permit shall include the following findings:
- (a). The proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
 - (b). The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
 - (c). That the proposed activity or use that is reasonably anticipated will not include violence, crime, or disorderly conduct.
 - (d). That the proposed activity will not entail extraordinary or burdensome expense or police operation by the city. The Police Department will review applications for large gatherings or activities for security cost determination.
 - (e). That the facilities desired have not been reserved for other users on the date and hour requested in the application.
 - (f). A permit will not be issued to any person, or representative of a person, group, association, or organization for any two consecutive days or more. Further, a permit will not be issued within two consecutive weeks to any person, group, association, or organization. It is the intent of the governing body that the use of the park premises will not be monopolized by any person, or representative of a person, group, association, or organization. Exception to this policy will be city-sponsored activities.
3. A person seeking water usage at any City park must pay a fee of \$20.00 per day unless otherwise agreed upon by the City Manager's office
4. A person seeking electric hookup for a 220 outlet and above must pay a fee of \$40.00 per day unless otherwise agreed upon by the City Manager's Office.

Section 17. APPEAL PROCESS

- A. Within 10 business days after the receipt of an application, the City Manager's office, or its designee shall inform an applicant in writing of his decision to grant or deny a permit. In the event of a denial, the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the City Council by serving written notice thereof with the City Clerk within five working days of said refusal. The City Council shall decide within ten working days from the receipt of the appeal by the Code Enforcement Officer, or its designee, or at its next regularly scheduled City Council meeting after the appeal, whichever is later. The decision of the City Council shall be final.

B. A permittee shall be bound by all park rules and regulations and all applicable city ordinances fully as though the same were inserted in said permits.

Section 18. ENFORCEMENT

The City Police Department, the City Code Enforcement Officer, or its designed, and City Park Attendant shall, in connection with their duties imposed by law, diligently enforce the provisions of the Ordinance. Said persons shall have the authority to order any person or persons acting in violation of this ordinance to leave the park.

Section 19. PENALTIES

Any person, firm, or corporation violating any provision of this Ordinance shall be fined a fine of not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than ninety days or both.

Section 20. SEVERABILITY.

If any section, subsection, paragraph, phrase, or other portion of this ordinance shall be declared invalid for any reason whatsoever by any Court of Competent jurisdiction, then such decisions shall not affect the validity or enforceability of the remaining sections of this ordinance.

Section 21. REPEAL OF ORDINANCE NOS. 402 AND 23-1271

Ordinance Nos. 402 and 23-1271 are hereby repealed.

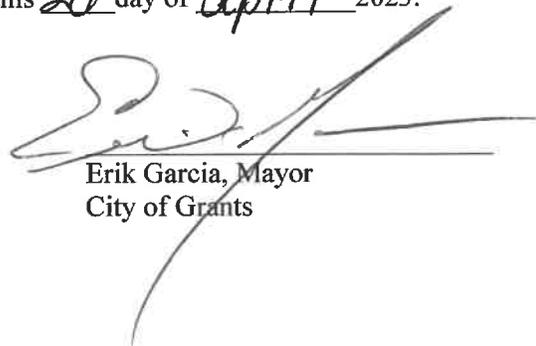
Section 21. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage.

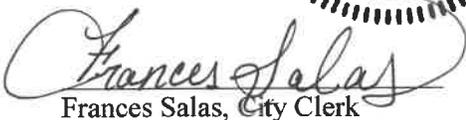
Effective Date. This Ordinance shall become effective on the 1st day of May, 2023.

SIGNED, PASSED, APPROVED, and ADOPTED on this 26th day of April 2023.




Erik Garcia, Mayor
City of Grants

ATTEST:


Frances Salas, City Clerk