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**TOWN OF EDGEWOOD  
ORDINANCE NO. 2003-8  
AN ORDINANCE**

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**PROHIBITING WRONGFUL USE OF TOWN PROPERTY; PROVIDING PERMITS AND PENALTIES**

A. Definitions. As used in this Ordinance:

- (1) "Town property" means any public building, facility, structure or enclosure used for a public purpose or as a place of public gathering, owned or under the control of the Town of Edgewood;
- (2) "Lawful custodian" means the mayor or any individual authorized by the governing body of the Town to issue permits or make decisions regarding the permitted uses and conditions of use of Town property by members of the public;
- (3) "Contraband" means any item whose possession is prohibited by State law or Town Ordinance and specifically includes illegal drugs, drug paraphernalia, explosives or other destructive devices, or obscene or pornographic materials whose possession is prohibited by law.

B. Wrongful use of Town property consists of:

- (1) Knowingly entering any Town property without permission of the lawful custodian or the custodian's duly authorized representative at a time when the property is not open to the public;
- (2) Remaining in or occupying any Town property after having been requested to leave by the lawful custodian, or the custodian's duly authorized representative, who has determined either that:
  - (a) The property is being used or occupied contrary to its intended or customary use; or
  - (b) The property may be damaged or destroyed by the use;
- (3) Depriving the general public of the intended or customary use of Town property without a permit from the lawful custodian or the custodian's duly authorized representative;
- (4) Injuring, damaging or destroying any part of the realty or its improvements, including buildings, structures, trees, shrubs or other natural features;
- (5) Committing a violation of State Law or a Town Ordinance while on Town

property;

Or

- (6) Possessing while on Town property any alcoholic beverages, contraband, or materials that reasonably might be used to damage or deface the property, except that these provisions shall not apply to any peace officer in the lawful discharge of the officer's duty, nor to Town employees who have taken lawful possession of prohibited items pursuant to this Ordinance or are otherwise engaged in the proper discharge of their duties.

C. Permits to occupy or use Town property may be obtained from the lawful custodian or the custodian's duly authorized representative upon written application which:

- (1) Describes the public property to be occupied or used; and
- (2) States the period of time during which the property will be occupied or used. The applicant shall pay in advance any reasonable fee or charge for the use of the property required by the Town. Any such fee or charge shall be prescribed by a duly adopted resolution and posted at the Town's offices.

D. The lawful custodian or the custodian's duly authorized representative may issue a permit if it is determined that the use or occupation of the Town property will not unreasonably interfere with the intended or customary use of the property by the general public and that the use will not damage or destroy the property.

E. Persons shall also be authorized to occupy or use Town property if they are not otherwise disqualified to do so under this Ordinance and said occupancy or use complies with times, conditions, and requirements posted at or upon said property by the lawful custodian or the custodian's duly authorized representative. Use at times, in manners, or under circumstances other than allowed by such posting shall be prohibited unless authorized by a specific permit issued by the lawful custodian or the duly authorized representative of the custodian.

F. Any person who commits wrongful use of Town property is guilty of a petty misdemeanor and shall be subject to punishment as provided by law.

G. A member of the public who is convicted of wrongful use of Town property or wrongful use of public property under State law, NMSA 1978, § 30-14-4, may be at the discretion of the lawful custodian of the property or the custodian's duly authorized representative excluded from use of Town property in the future if it is determined that a reasonable possibility exists that the person will commit further acts prohibited by this Ordinance, even if the proposed use of Town property otherwise would be allowed or permitted by the terms of this Ordinance.

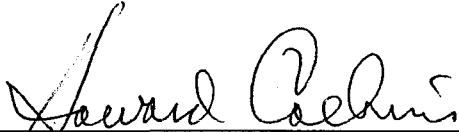
**ARTICLE 6: ADOPTION OF ORDINANCE**

**SECTION 6-1: EFFECTIVE DATE**

This ordinance shall be in full force and effect five (5) days after its publication as provided by State law.

**SECTION 6-2: ATTESTATION**

**PASSED, APPROVED, and ADOPTED this 17<sup>th</sup> day of September 2003.**



Howard Calkins, Mayor

ATTEST:   
Karen Alarid, Clerk-Treasurer

