

CITY OF ELEPHANT BUTTE
ORDINANCE NO. 148

AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
AMENDING SECTIONS 96.04-05 AND 155.033 OF THE ELEPHANT BUTTE CODE
OF ORDINANCES, REGARDING TEMPORARY OVERNIGHT USES OF PUBLIC
FACILITIES.

WHEREAS, the code of ordinances currently significantly restricts the overnight usage of public facilities; and

WHEREAS, there has been an interest by the City and other organizations in utilizing overnight usage of public facilities for bona fide special activities; and

WHEREAS, the City has determined that it would be in the best interest of the economic development, increasing tourism and protecting public safety that the current restrictions be clarified and relaxed in order to promote desirable temporary, overnight special activities; and

WHEREAS, amendments to the zoning code may be authorized upon review of the proposed amendments by the Planning & Zoning Commission and after the governing body has conducted a public hearing on the proposed amendments; and

WHEREAS, the proposed amendments were reviewed and favorably recommended by the Planning & Zoning Commission on October 7, 2014 and the governing body did conduct a duly advertised public hearing on December 3, 2014.

NOW THEREFORE, BE IT ORDAINED By The Governing Body Of The City Of Elephant Butte, that Sections 96 and 155.033 of the Code of Ordinances of the City of Elephant Butte be amended as follows with **BOLD CAPITAL** lettering indicating new material:

Section one. Section 96 is amended as follows:

§ 96.04 HOURS OF USE.

Use of public parks **OR CITY-OWNED PROPERTY** shall be limited to those hours between sunrise and three hours after sunset.

§ 96.05 CAMPING PROHIBITED.

Overnight camping in any public park OR CITY-OWNED PROPERTY is prohibited EXCEPT DURING SPECIAL ACTIVITIES DESIGNATED IN ADVANCE BY THE CITY COUNCIL OR THE CITY MANAGER.

(A) IN ALL CASES, THE SPECIAL ACTIVITY/ACTIVITIES DESIGNATED BY THE CITY SHALL EITHER BE CITY-SPONSORED OR HAVE AN EXECUTED USE OR RENTAL AGREEMENT WITH THE CITY AS APPROVED BY THE CITY COUNCIL OR CITY MANAGER.

(B) THE CITY MANAGER, ZONING ADMINISTRATOR AND OTHER RELEVANT CITY STAFF SHOULD REVIEW ALL SPECIAL ACTIVITIES TO ENSURE CONSISTENCY WITH ALL OTHER APPLICABLE SECTIONS OF THE CITY CODE, INCLUDING PUBLIC SAFETY, PARKING, PROVISIONS FOR UTILITIES AND ZONING.

(C) IT IS UNLAWFUL FOR ANY PERSON TO CAMP OVERNIGHT ON ANY CITY-OWNED PROPERTY AND THEN FAIL TO CLEAN THE AREA WHERE THE VEHICLE WAS PARKED OR CAMPSITE ERECTED.

(D) IT IS UNLAWFUL FOR ANY PERSON TO CAMP OVERNIGHT ON ANY CITY-OWNED PROPERTY AND FOR THAT PERSON TO START ANY FIRE EXCEPT IN PERMISSIBLE AREAS DESIGNATED BY THE CITY, SUCH AS BARBECUE STANDS.

Section two. Section 155.033 is amended as follows:

(F) *Permitted uses.* By right the following uses are permitted in C-2 Districts.

(13) Public parks, PUBLIC FACILITIES and accessory uses customarily incidental to that use;

(a) SPECIAL ACTIVITIES AS DESIGNATED BY THE CITY COUNCIL OR CITY MANAGER SHALL BE CONSIDERED INCIDENTAL USES, PROVIDING THEY MEET ALL OTHER APPLICABLE PROVISIONS IN THE CITY CODE, INCLUDING THE REGULATIONS SET FORTH HEREIN.


(b) SPECIAL ACTIVITIES SHALL ALSO MEET THE REQUIREMENTS FOR TEMPORARY USES AND SHALL OBTAIN A TEMPORARY USE PERMIT FROM THE ZONING ADMINISTRATOR UPON SATISFACTORILY MEETING ALL PROVISIONS OF THE CITY ZONING CODE.

Section three. All other provisions of Sections 96 and 155.033 not specifically amended in section one herein, shall remain unchanged and in full force and effect as written.

Section four. Effective date. This ordinance shall become effective five days following publication.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this 3rd day of December, 2014.

BY:



Eunice Kent, Mayor

Attest:



Karen Rieth, City Clerk