

Opinion No. 54-5910

February 26, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Edward M. Hartman State Comptroller Santa Fe, New Mexico

{*352} In your letter dated February 19, 1954, you enclosed a request from the Village of Central, New Mexico for an opinion relative to payment of fire hydrant rental from the Fire Protection Fund to the Village Water Works System.

Section 60-402, 1941 Compilation, pocket supplement, provides that the money distributed to municipalities from the Fire Protection Fund shall be expended only for the maintenance of such fire departments, the purchase, maintenance, repair and operation of fire apparatus and equipment, and other purposes.

In Opinion No. 5153 this office held that since an adequate water system is necessarily an integral part of a fire department, a village may properly spend fire protection money for such purposes. Since fire hydrants are also necessary to the proper functioning of a fire department, it is our opinion that the Fire Protection Fund can legally be spent for the payment of rentals of fire hydrants.