

Opinion No. 40-3638

October 8, 1940

BY: ANTONIO M. FERNANDEZ, Asst. Atty. Gen

TO: Mr. Jas. J. Connelly, State Administrator Work Projects Administration, Santa Fe, New Mexico. Attention: P. G. Moore, Administrative Assistant

{*150} In your letter of October 2nd, you state that in the early part of 1938 a rifle range near Alamogordo was constructed by your administration on a project sponsored by the Town of Alamogordo, pursuant to an agreement by the Town and the Alamogordo Rifle and Pistol Club, whereby the Club would provide the sponsor's contribution and maintain the rifle range upon completion. You ask whether the Town of Alamogordo, under the laws of the state, is vested with authority to construct and maintain a rifle range.

There is no statute specifically authorizing municipalities to construct and maintain rifle ranges. However, Section 90-402 (7), 1929 Compilation, gives the municipality broad powers to lay out, establish, and improve parks and public grounds. A park is a pleasure ground for the recreation of the public to promote its health and enjoyment. I understand that a rifle range is for the enjoyment of the public, and it is my opinion that under said section of the statute a municipality may construct a rifle range provided it is for the use of the general public. Cf: Booth vs. City of Minneapolis (Minn.) 203 N.W. 625, where the construction of a golf course was held to be proper.