

ORDINANCE NO. 03-10

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT THE CODE OF ORDINANCES, CITY OF ROSWELL, NEW MEXICO, BE AMENDED BY REVISING SECTION 16-36 IN THE ROSWELL CITY CODE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, New Mexico Uniform Traffic Code section 12-6-6.1(A)(16) permits the police department to enforce no parking in public right of way; and

WHEREAS, there are numerous abandoned, wrecked, dismantled, inoperative or partially dismantled vehicles parked in the public right of way; and

WHEREAS, it would be more efficient to allow other authorized city employees to enforce this type of violation; and

WHEREAS, the City Council has determined that the public interest will best be served by allowing other authorized city employees to enforce this prohibited activity.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO, that:

Section 1. The Roswell City Code Section 16-36 is hereby amended to read as follows:

Article III. STORAGE OR ABANDONED, WRECKED, DISMANTLED
OR INOPERATIVE MOTOR VEHICLES

Section 16-36. Violation; nuisance; exceptions

No person shall park, store, leave or permit parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative or partially dismantled condition, whether attended or not, upon any private property or between a curb and sidewalk or between a curb or lateral line of a roadway, and the adjacent property line within the city for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative or partially dismantled vehicle or parts thereof (except such parts which have been reconstructed or converted for practical use) on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this chapter. This section shall not apply to:

(1) Any vehicle within an enclosed area and out of public view on private property or to any vehicle held in connection with a business enterprise lawfully licensed by the city and properly operated in the appropriate business zone pursuant to the zoning laws of the city;

(2) Any person who has obtained a permit for the restoration of a motor vehicle pursuant to this chapter while the vehicle is being restored or after restoration is complete. Proof of operable condition after restoration is required.

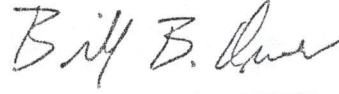
Section 2. Repealer. All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not be affected any other part of this Ordinance.

Section 4. This Ordinance shall be effective five (5) days following its publication.

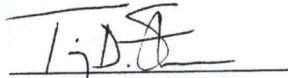
PASSED, ADOPTED, SIGNED AND APPROVED the 14 day of August, 2003.

CITY SEAL



Bill B. Owen, Mayor

ATTEST:


Tim Stoessel, City Clerk