

PROPOSED ORDINANCE NO. 10-07

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT THE CODE OF ORDINANCES, FOR THE CITY OF ROSWELL, NEW MEXICO, BE AMENDED BY ADDING POSSESSION OF A CREDIT CARD STOLEN, LOST, MISLAID OR DELIVERED BY MISTAKE AS A MISDEMEANOR OFFENSE IN THE CITY OF ROSWELL.

WHEREAS, the Code of Ordinances for the City of Roswell does not have any offense for the offense of possession of a credit card stolen, lost, mislaid or delivered by mistake;

WHEREAS, the charge of possession of a credit card stolen, lost, mislaid or delivered by mistake is a recognized as a petty misdemeanor criminal offense by the State of New Mexico;

WHEREAS, adoption of an ordinance regarding the prohibition of possession o a credit card stolen, lost, mislaid or delivered by mistake would enhance the ability of the Municipal Court to serve the ends of justice and of the public.

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

Section 1. The Roswell City Code, is hereby amended to add Section 10-31 to read as follows:

Section 10-31. Possession of a credit card stolen, lost, mislaid or delivered by mistake.

It shall be unlawful for any person other than the issuer who receives or possesses a credit card that he knows or has reason to know it to have been stolen, lost, mislaid or delivered under a mistake as to the identity or address of the cardholder, and who retains possession thereof with the intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder.

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 All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

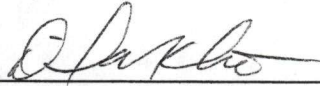
Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not be affected any other part of this Ordinance.

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

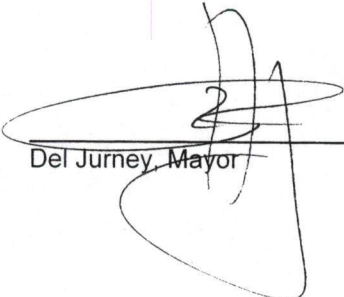
PASSED, ADOPTED, SIGNED AND APPROVED the 11th day of November, 2010.



ATTEST:



David Kunko, City Clerk



Del Journey, Mayor