

ORDINANCE NO. 746

X 1202
AN ORDINANCE AMENDING SECTIONS 4 AND 5 OF CHAPTER 12 AND SECTION 8 OF CHAPTER 13 OF THE CODE OF THE CITY OF ROSWELL, NEW MEXICO 1952 AND, REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

1. That the following sections of the Code of the City of Roswell, New Mexico, 1952 be, and the same hereby are amended to read as follows, to-wit:

"Section 4, Chapter 12, Disposal of non-combustible waste Matter.

It shall be unlawful for any person to cause, allow or permit non-combustible waste matter of any kind or character to be deposited within any alley in the city unless such waste matter shall be deposited in a container sufficiently impervious to prevent the material so deposited from escaping through the sides or bottom of the container. It shall be the duty of the property owner or any occupant of the premises abutting upon a public alley to keep and maintain the part or portion of said alley contiguous to his premises, clean and free of refuse, waste material or trash of any kind or character, provided however, that such refuse, waste material or trash may be deposited in a container for collection. For purposes of prosecution under this section, the existence of such waste material in any alley, not deposited as herein required, shall be prima facie evidence that such waste material was so deposited by the occupant of the property immediately abutting upon that portion of the alley on which such waste matter shall be found."

"Section 5, Chapter 12: Disposal and burning of combustible waste matter.

It shall be unlawful for any person to deposit combustible waste matter in any alley of the city except for the purpose of immediate burning. No such combustible waste matter shall be burned in any alley except during the hours of daylight and in a container or other device sufficient to insure the fire so started against spreading to other material situated in the vicinity thereof, unless some person remain in constant attendance until such fire shall be entirely extinguished. It shall be the duty of the property owner or any occupant of the premises abutting upon a public alley to keep and maintain that part or portion of said alley contiguous to his premises, clean and free of refuse, waste material or trash of any kind or character, provided however, that such refuse, waste material or trash may be deposited in a container for collection. For purposes of prosecution under this section, the existence or burning of combustible waste matter in violation of this section shall be prima facie evidence that such waste material was so deposited or burned by the occupant of the property immediately abutting upon that portion of the alley on which such waste matter shall be found."

"Section 8, Chapter 13: Burning of certain material prohibited.

It shall be unlawful for any person to burn in or upon any public street, alley, highway or upon any lot within the City,

any vegetables, old clothing, mattresses, textile materials, waste lubricating oil or other waste petroleum products or garbage, as the word garbage is defined in Section 1, Chapter 12 of the Code.

2. That if any section, paragraph, clause of provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

3. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

4. That upon its final passage, this ordinance shall be recorded in the book of ordinances kept for that purpose, authenticated by the signatures of the Mayor and City Clerk, shall be published in the Roswell Daily Record, a newspaper published and of general circulation in said City, and shall be in full force and effect five days after such publication.

PASSED, ADOPTED AND SIGNED AND APPROVED THIS _____ DAY OF _____, 1958.

SEAL

Bert Ballard
Bert Ballard, Mayor

ATTEST:

W.M. Foster
Fayette Davidson, City Clerk