

ORDINANCE NO. 839

AN ORDINANCE AMENDING SECTION 3, CHAPTER 25 OF ARTICLE I OF THE CODE OF THE CITY OF ROSWELL, NEW MEXICO 1962; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith AND, DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL,

NEW MEXICO:

1. That Section 3, Chapter 25 of Article I of the Code of the City of Roswell, New Mexico be, and the same hereby is, amended to read as follows, to-wit:

Sec. 25-3. Retirement age for city employees performing manual labor, criteria for retention, appeal.

1 Any employee then employed in a position requiring skilled, semi-
2 skilled or unskilled manual labor, except city officers, department
3 heads, supervisors, employees performing executive, administra-
4 tive or clerical duties or such other employees not performing duties
5 requiring manual labor, shall be terminated from such employment
6 with the city upon attaining their sixty-fifth birthday, provided, how-
7 ever, that such termination of employment at age sixty-five shall not
8 in any wise be construed to be mandatory in any event, but shall be
9 based in each case upon the ability of such employee to perform fully
10 all the duties of the position, considering age, infirmities, if any,
11 and physical and mental requirements and provided further, that any
12 such employee so terminated by reason of age, may within ten days
13 from the effective date of such termination of employment file his
14 written notice of appeal therein directed to the City Council. The
15 City Council, sitting as a board of appeals, shall hear and consider
16 such appeal at its next regular meeting and the appellants shall be
17 entitled to be heard in person or by attorney at any such hearing.
18 The decision of the city council shall be final.

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 That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

3. That this ordinance is necessary for the preservation of the public health, peace, safety and general welfare of the inhabitants of the City of Roswell, Chaves County, New Mexico, and is hereby declared to be an emergency measure on the ground of urgent public need; and therefore, immediately upon

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

PASSED, ADOPTED, SIGNED AND APPROVED this 11th day of August, 1964.

CITY SEAL

Gail Harris, Mayor

ATTEST:

City Clerk

First Reading August 11, 1964. Tabled, no further action.