

ORDINANCE NO. 842

AN ORDINANCE AMENDING SECTION 37, CHAPTER 22 OF THE CODE OF THE CITY OF ROSWELL, NEW MEXICO 1962; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY AND, DECLARING AN EMERGENCY.

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

1. That Section 37, Chapter 22 of the Code of the City of Roswell, New Mexico 1962 be, and the same hereby is amended to read as follows:

a. Deadly weapon. Definition. Within the meaning of this section, deadly weapons shall be construed to mean and include, without being limited to, all classes of guns, pistols, revolvers and firearms, slingshots, loaded or sword canes or sandbags, and all kinds and classes of weapons and instruments by whatever name they may be called by which a dangerous wound can be inflicted.

b. Carrying a deadly weapon. Definition. "Carrying a deadly weapon" means being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use.

c. Unlawful carrying of a deadly weapon. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon anywhere, except in the following cases:

- (1) In the owner's residence or on real property belonging to him as owner, lessee, tenant or licensee;
- (2) In a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property, while traveling; or
- (3) By a peace officer in the lawful discharge of his duties.

Nothing in this section shall be construed to prevent the carrying of any unloaded firearm.

Whoever commits unlawful carrying of a deadly weapon is guilty of a petty misdemeanor.

d. Negligent use of a weapon. Negligent use of a weapon shall consist of:

- (1) Unlawfully discharging a firearm in the proximity of a building, or into any building or vehicle so as to knowingly endanger a person or his property;
- (2) Carrying a firearm while under the influence of an intoxicant or narcotic; or
- (3) Endangering the safety of another or his property by handling or using a firearm or other deadly weapon in a negligent manner.

Whoever commits negligent use of a weapon is guilty of a petty misdemeanor.

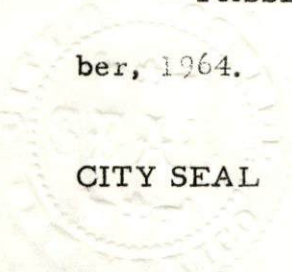
2. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

3. That if any section, paragraph, clause or provisions 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.

4. 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 8th day of September, 1964.

CITY SEAL


Gail Harris
Gail Harris, Mayor

ATTEST:

W. M. Foster
W. M. Foster, City Clerk