

ORDINANCE NO. 1125

AN ORDINANCE OF THE CITY OF ROSWELL  
REQUIRING THAT MOTOR CARRIERS OPERATING  
WITHIN THE CITY POSSESS A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
ISSUED BY THE STATE OF NEW MEXICO;  
PROVIDING FOR REPEAL OF ALL ORDINANCES  
OR PARTS THEREOF IN CONFLICT HERewith;  
PROVIDING FOR SEVERABILITY AND FIXING  
AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the State of New Mexico has provided regulations regarding the transportation of persons and property by motor vehicle in the Motor Carrier Act, Section 65-2-80 et seq., N.M.S.A. (1978), and

WHEREAS, the Motor Carrier Act applies throughout the state, excepting certain areas within 5 miles of municipalities, and

WHEREAS, the City of Roswell desires to have the same standards apply within the City that apply outside the City in the interest of the public welfare,

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

Section 1(A). On and after the effective date of this ordinance all persons, corporations, or organizations engaging in the transportation of persons and property by motor vehicle for hire upon the streets of the City of Roswell shall possess a certificate of public convenience and necessity issued by the State of New Mexico pursuant to the Motor Carrier Act, Section 65-2-80 et seq., N.M.S.A. (1978). The exemptions in said subparagraph are hereby expressly declared inapplicable within the City and activities subject to obtaining a certificate of convenience and necessity but for such exemptions shall be required to have a certificate.

(B). No business subject to this ordinance and subject to the business registration requirements of the City shall be allowed to register without presenting its certificate or satisfactory evidence that it possesses the required certificate of public convenience and necessity.

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 All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

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 affect any other part of this ordinance.

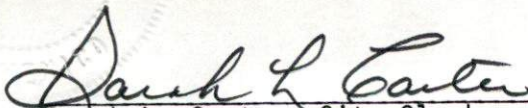
Section 4. Effective Date. This ordinance shall be and become effective on or after five days following publication of this ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED on this 10th day of April, 1984.

CITY SEAL

  
PETER R. YORK, Mayor

ATTEST:

  
Sarah L. Carter, City Clerk