

ORDINANCE NO. 1175

AN ORDINANCE OF THE CITY OF ROSWELL ADDING SECTION 18-7.1 TO THE ROSWELL CITY CODE; PROVIDING FOR THE IMPOSITION OF COMMUNITY SERVICE BY THE MUNICIPAL COURT; ESTABLISHING LIMITS ON LIABILITY; CLARIFYING STATUS OF INDIVIDUALS PERFORMING COMMUNITY SERVICE; PROVIDING FOR A DEFINITION OF COMMUNITY SERVICE; PROVIDING FOR REPEAL OF ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, THAT:

Section 1. There is hereby added to the Roswell City Code Section 18-7.1 which shall read as follows:

Section 18-7.1. When the municipal court has invoked its authority to place a defendant on probation, the municipal court may as a condition of probation require the defendant to serve a period of time in voluntary labor to be known as community service. The type of labor and period of service shall be at the sole discretion of the municipal court; provided that any person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and any person who performs community service pursuant to court order or any criminal diversion program shall not be entitled to any wages, shall not be considered an employee for any purpose and shall not be entitled to workmen's compensation, unemployment benefits or any other benefits otherwise provided by law. Community service means any labor that benefits the public at large or any public, charitable or educational entity or institution.

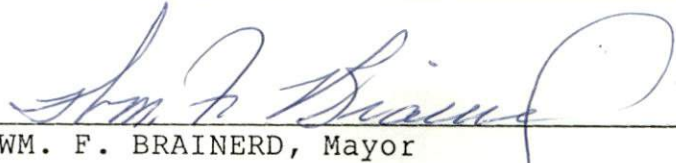
Section 2. Repealer. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

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.

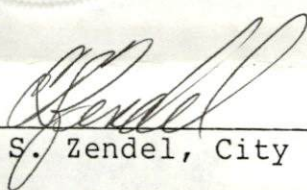
Section 4. Effective date. This ordinance shall take effect on August 1, 1987.

PASSED, ADOPTED, SIGNED AND APPROVED ON July 14, 1987

CITY SEAL

  
WM. F. BRAINERD, Mayor

ATTEST:

  
E. S. Zendel, City Clerk