

ORDINANCE NO. 1179

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING FOR IMPOSITION OF A \$25.00 FEE TO BE PAID BY PERSONS CONVICTED OF POSSESSION OF MARIJUANA CONTRARY TO SECTION 16-28 OF THE ROSWELL CITY CODE; PROVIDING FOR COLLECTION AND DISTRIBUTION OF SUCH FEES; AMENDING SECTION 16-28 OF THE ROSWELL CITY CODE BY ADDITION OF PARAGRAPHS (c) AND (d); PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 31-12-8 NMSA 1978 provides that municipalities enacting ordinances making possession of a controlled substance illegal shall collect a fee of \$25.00 and transmit such fee to the administrative office of the courts, and

WHEREAS, the City of Roswell has heretofore enacted an ordinance making possession of marijuana, a controlled substance, illegal but has no ordinance imposing the required \$25.00 fee;

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

Section 1. The provisions of Section 16-28, "Possession of Marijuana" in the Roswell City Code (1984) are hereby amended by addition of the following new paragraphs:

(c) A person convicted for violation of paragraph (b) of this section shall be assessed, in addition to any other fine or fee, a fee of \$25.00 to defray the costs of chemical or other analyses of controlled substances.

(d) Fees collected hereunder shall be transmitted to the administrative office of the courts as provided by Section 31-12-9 NMSA 1978.

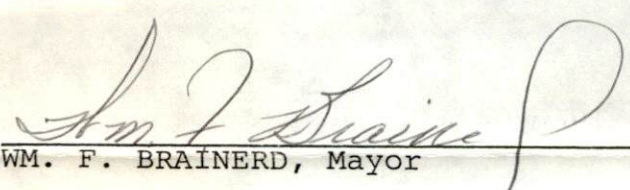
Section 2. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 3. 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.

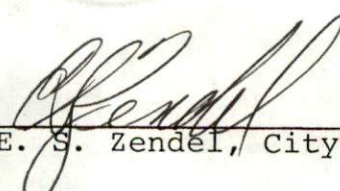
Section 4. This ordinance shall be and become effective on and after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED AND APPROVED the 10th day of May, 1988.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


E. S. ZENDEL, City Clerk