

ORDINANCE NO. 1203

AN ORDINANCE OF THE CITY OF ROSWELL AMENDING THE ROSWELL CITY CODE AND THE 1983 NEW MEXICO UNIFORM TRAFFIC CODE TO ALLOW FOR IMPOSITION OF FINES BY THE MUNICIPAL COURT IN AN AMOUNT OF UP TO FIVE HUNDRED DOLLARS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, changes in state law have allowed municipalities to increase the maximum fine that may be levied by their respective municipal courts, and

WHEREAS, the City Council of Roswell, New Mexico desires to amend its code and ordinances to provide that the maximum fine that may be imposed by the Municipal Court of Roswell, New Mexico to the statutory maximum,

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

Section 1. In the Roswell City Code, 1984, Ordinance No. 1126 appearing on page vii is hereby amended by changing Section 4 in said ordinance to read as follows:

Section 4. Whenever in such Code or in any other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or other ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor the violation of any such provisions of such Code or any other ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment. Each day any violation of any provision of such Code or of any other ordinance shall continue shall constitute a separate offense.

Section 2. In the Roswell City Code, 1984, Section 1-8 is hereby amended to read as follows:

Whenever in this Code or in any other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or other ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provisions of this Code or any other ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety days or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any other ordinance shall continue shall constitute a separate offense.

Section 3. In the Roswell City Code Section 29 is amended by adoption of the following new subsection: Sec. 29-6 Penalty Amounts. In the 1983 New Mexico Uniform Traffic Ordinance as adopted by the City of Roswell in Section 29-1 of the Roswell City Code and amended by the various provisions of Section 29 of the Roswell City Code maximum penalty amounts that have heretofore been fixed at three hundred dollars (\$300.00) are hereby amended to provide a maximum penalty amount of five hundred dollars (\$500.00). Maximum penalty amounts fixed at other amounts shall remain unchanged.

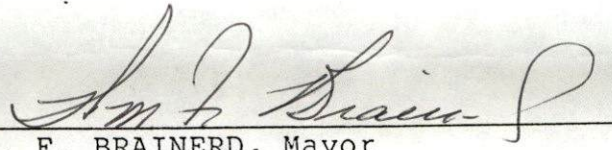
Section 4. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 5. 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.

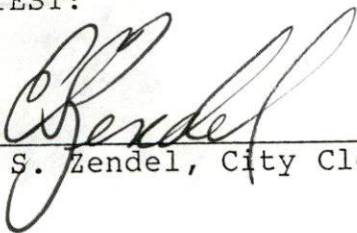
Section 6. This ordinance shall be and become effective on and after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED AND APPROVED the 12th day of Sept., 1989.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


E. S. Zendel, City Clerk