

Read and Passed 11-10-60
Published 11-16-60

ORDINANCE NO. 779

AN ORDINANCE DEFINING A MOTORIZED "KART": PROHIBITING THE USE AND OPERATION THEREOF ON PUBLIC STREETS, ALLEYS, SIDEWALKS, OTHER PUBLIC PLACES, AND/OR PROPERTY OWNED OR CONTROLLED BY THE CITY OF ROSWELL, PROVIDED HOWEVER, SUCH "KARTS" MAY BE USED AND/OR OPERATED UPON PROPERTY OWNED OR CONTROLLED BY THE CITY, OTHER THAN UPON PUBLIC STREETS OR WAYS, AFTER PERMIT FIRST HAD AND OBTAINED, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND, DECLARING AN EMERGENCY.

WHEREAS, the use and operation of motorized "Karts" is becoming more widespread as a racing sport and recreational pastime, wherefore, in the interest of public safety, it is hereby declared that the use and operation of such "Karts" within the City of Roswell should be regulated.

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

Section 1: Definition of Motorized "Karts."

A motorized "Kart" is hereby defined to include all 4-wheel vehicles which are motor driven and no more than 76 inches in overall length and no more than 26 inches in height. For the purpose of this ordinance, the terms "Karts", "Carts", "Go-Karts", "Go-Karts", and motorized cars coming within the above specifications, shall be included and are intended to be included in the definition of a "Kart".

Section 2: "Karts" Prohibited.

It shall be unlawful for any person, firm or corporation, whether he, she or it, be he owner, driver or operation of any "Kart", as the same is herein defined, to use, operate, drive or race the same within the City upon any public street, public alley, public sidewalk, other public places, and/or property owned or controlled by the City of Roswell; provided however, such "Karts" may be used and/or operated after a permit in writing therefor, approved by the City Council, be first had and obtained for such use upon property owned or controlled by the City, other than upon the public streets or other public ways and, not otherwise.

Section 3: Penalty.

Any person, firm or corporation violating any of the provisions of this ordinance, upon conviction thereof, shall be punished for each such violation or separate offense by fine or imprisonment in the City Jail or, by both such fine and imprisonment, as provided in Section 4, Chapter 1 of The Code of the City of Roswell, New Mexico, 1952.

Section 4: Liability of Parent or Guardian.

Any parent or guardian who knowingly allows or permits his minor child, or any adult who knowingly permits or allows any minor child to use, operate, drive or race a "Kart" as above defined, in violation of the provisions of this ordinance, shall be punished for each such violation or separate offense by fine or imprisonment in the City Jail or, by both such fine and imprisonment, as provided in Section 4, Chapter 1 of The Code of the City of Roswell, New Mexico 1952.

Section 5. That if any section, paragraph, clause of provision 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.

Section 6. 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 part of any ordinance heretofore repealed.


Section 7. That this ordinance is necessary for the preservation of the public health, peace, safety and 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 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 10th DAY OF November,

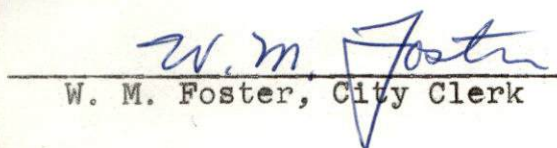
1960.

SEAL

ATTEST:



Lake J. Frazier, Mayor



W. M. Foster, City Clerk