

ORDINANCE NO. 876

AN ORDINANCE PROHIBITING THE SALE, OFFERING FOR SALE AND/OR DISPENSING OF REFRESHMENTS, FOOD, BEVERAGES OR GOODS, WARES AND MERCHANDISE OF ANY DESCRIPTION IN AND UPON PREMISES OWNED, LEASED OR USED BY THE CITY OF ROSWELL; PROVIDED THAT THIS ORDINANCE SHALL HAVE NO APPLICATION TO STREETS, ALLEYS OR THOROUGHFARES FOR PUBLIC USE; PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH AND, PROVIDING FOR SEVERABILITY.

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

1. That it shall be unlawful for any person, firm, corporation, partnership, association, company or organization of whatever kind or nature to sell, offer for sale, dispense or purvey refreshments, food, beverages or goods, wares and merchandise of whatever description in and upon premises owned, leased or used by the City of Roswell, either in its governmental or private proprietary capacity, except under and by virtue of a duly granted franchise or concession agreement therefor first had and obtained from the City Council, approving and permitting the conduct of such private enterprise in and upon public property, provided, however, that the provisions hereof shall not be and become applicable to streets, alleys or thoroughfares for public use, insofar as such streets, alleys and public thoroughfares are hereby declared to be within the purview of regulation under other subsisting city ordinances.

2. Any person who shall be found guilty of a violation of this ordinance upon conviction shall be punished by fine or imprisonment in the city jail or by both such fine and imprisonment, all as provided in Section 6, Chapter 1 of the Code of the City of Roswell, New Mexico 1962.

3. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

4. That if any section, paragraph, clause or provisions 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.

PASSED, ADOPTED, SIGNED AND APPROVED on this the 11<sup>th</sup> day of July, 1967.

CITY SEAL

Gail Harris  
GAIL HARRIS, Mayor

ATTEST:

W. M. Foster  
W. M. FOSTER, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_