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ORDINANCE NO. 965

AN ORDINANCE AMENDING SECTION 1, ARTICLE XIX, ORDINANCE NO. 807 OF THE CITY OF ROSWELL BY ADDING THERETO SUBPARAGRAPH a. ; PROVIDING THAT IN THE CASE WHERE WORK HAS BEEN COMMENCED WITHOUT THE REQUIRED PERMIT IN VIOLATION OF SECTION 1. , ARTICLE XIX, ORDINANCE NO. 807, THE RESPONSIBLE PERSON TO WHOM A PERMIT CAN BE ISSUED MAY ELECT TO PAY AS A PENALTY A PERMIT FEE IN DOUBLE THE AMOUNT OF THE LAWFUL FEE WHICH COULD HAVE BEEN ASSESSED FOR SUCH PERMIT IN THE EVENT APPLICATION THEREIN HAD BEEN TIMELY MADE PRIOR TO COMMENCEMENT OF WORK, OTHERWISE, THE CITY BUILDING INSPECTOR IS AUTHORIZED TO FILE COURT ACTION FOR FAILURE TO OBTAIN THE REQUIRED PERMIT PRIOR TO THE INCEPTION OF SUCH WORK; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HERewith; PROVIDING FOR SEVERABILITY AND, FIXING AN EFFECTIVE DATE OF THIS ORDINANCE.

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

1. That Section 1, Article XIX, Ordinance No. 807 of the City of Roswell be, and the same hereby is amended to read as follows:

ARTICLE XIX, Permits. Section 1. When required. It shall be unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure, without first filing with the Building Inspector an application in writing and obtaining a formal permit.

a. When work has been commenced without the required permit, the responsible person to whom a permit can be issued may elect to pay as a penalty, a permit fee in double the amount of the lawful fee, which could have been assessed for such permit in the event application therein had been timely made prior to commencement of work, otherwise, the City Building Inspector is authorized to file court action for failure to obtain the required permit prior to the inception of such work.

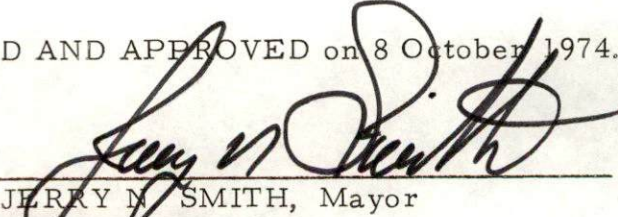
Section 2. Repealer. All other ordinances or parts of ordinances in conflict or inconsistent herewith be, and the same hereby are repealed.

3. Severability. 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.


4. Effective date. This Ordinance shall be and become effective on and after October 21, 1974.

PASSED, ADOPTED, SIGNED AND APPROVED on 8 October 1974.

CITY SEAL


JERRY N. SMITH, Mayor

ATTEST:


W. M. FOSTER, City Clerk