

ORDINANCE NO. 1046

AN ORDINANCE PROVIDING FOR MUNICIPAL REGULATION OF ACCESS ROADS USED AS ACCESS TO THE CITY OPERATED LANDFILL SITE; PROVIDING FOR RESTRICTIONS ON DUMPING ON OR ALONG SAID ROADS; PROVIDING FOR RESTRICTIONS ON THE MANNER OF TRANSPORTING SOLID WASTE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, persons traveling to the City's landfill facility have been depositing significant amounts of refuse along the roadways used as access to the landfill, and

WHEREAS, the depositing of refuse along the roadways has resulted in injury to surrounding properties and attendant problems for the property owners, and

WHEREAS, such refuse material should be deposited at the landfill site, and

WHEREAS, the City has been given authority to operate the landfill and to prohibit deposit of refuse upon public or private property, and

WHEREAS, it is necessary that controls be enacted to minimize the accidental deposition of solid waste on City streets while in transit,

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

Section 1. Section 16-13 of the Roswell City Code, as adopted from Ordinance No. 973, Section 12, as amended by Ordinance No. 1038, referring to unlawful acts in connection with accumulation or deposit of solid waste, is hereby amended to read:

Section 16-13. Same -- On Public ways or unoccupied premises.
(A.) It shall be unlawful for any reason for any person to sweep, place or throw solid waste or other waste materials in or upon any sidewalk, street, alley or unoccupied premises. Included in the prohibited locations for deposit of solid waste are the streets and roadways providing access to the municipal landfill in the area of the corner of Brasher Road and Eisenhower Road and the properties adjoining such streets, specifically, but not limited to, Brasher Road from the City limits to the landfill and Eisenhower Road from the City limits to the landfill. (B.) No solid waste shall be transported upon the City's sidewalks, streets, or alleys except in such manner that the waste is confined and bound to the transporting vehicle so as to prevent its blowing, falling, or otherwise being accidently separated from the vehicle during transit.

Section 2. Repealer. All ordinances, parts of ordinances or fee schedules in conflict or 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.

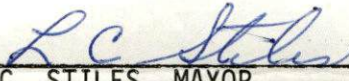
Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any other part of this ordinance.

Section 4. Effective Date. This ordinance shall be and become effective five days after its publication.

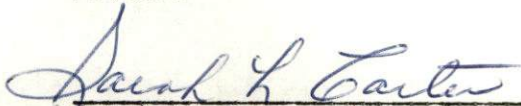
PASSED, ADOPTED, SIGNED AND APPROVED on November 13, 1980.



CITY SEAL


L. C. STILES, MAYOR

ATTEST:


Sarah L. Carter, City Clerk