

ORDINANCE 21-04

AN ORDINANCE AMENDING CHAPTER 8 OF THE ROSWELL CITY CODE REGULATING CAMPING

WHEREAS, Chapter 8 of the Roswell City Code regulates camping and campsites within the city limits; and

WHEREAS, The City Council wishes to update and reorganize Chapter 8 of the Roswell City Code in order to promote clarity and improve implementation.

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

SECTION 1. Chapter 8 of the Roswell City Code is hereby amended as follows:

Chapter 8 - CAMPING AND CAMPGROUNDS

ARTICLE I. - IN GENERAL

Sec. 8-1. - Erection of tents in non-permitted locations prohibited.

- (a) Unpermitted campsites are prohibited within city limits.
- (b) No owner, agent or occupant of any lot, piece or parcel of land shall permit any third party to construct, erect or use tents upon private property within the city in violation of this section.
- (c) Sleeping on public benches, sidewalks, and bus stops, is prohibited.

Sec. 8 - 2. – Removal of Nuisances on Public Property

- (a) For purposes of this Section, the following definitions shall apply:
 - (1) Public Premise: any public building, facility, structure, enclosure, park, roadway, sidewalk, water way, right of way, or other real property used for a public purpose or as a place of public gathering, owned or under the control of the City, the State of New Mexico, or any agency or political subdivision thereof.
 - (2) Unlawful Structure: any fixture constructed, erected, installed, maintained, kept, or operated on or over any Public Premise, without authorization of the owner of the Public Premise, including but not limited to structures, stalls, stands, tents, and containers, and any of their contents or attachments.

- (3) Personal Property: any tangible movable thing, including, without limitation, items, goods, materials, merchandise, furniture, equipment, clothing, and household items, but excluding motor vehicles.
- (4) Stored Personal Property: any Personal Property placed on, at or about Public Premise for more than 24 hours without authorization of the owner of the Public Property.
- (b) Unlawful Structures and Stored Personal Property not removed by the owner within 24 hours of written notice, as described below, shall be subject to summary removal and impoundment by the City, provided that moving such property to another location on Public Property shall not constitute removal by the owner.
- (c) The City shall serve a written notice requiring removal by the owner of Unlawful Structures or Stored Personal Property, not later than 24 hours prior to removal and impoundment by the City. Notice shall be deemed served on the owner of any Unlawful Structure or Stored Personal Property upon actual delivery of the notice to the person storing Personal Property or occupying an Unlawful Structure or upon posting prominently and conspicuously on the property.
- (d) Written notice of removal and impoundment shall contain, at a minimum, the following information:
 - (1) A description of the property to be removed (such description may refer to an attached photograph).
 - (2) The location of the property.
 - (3) The date and time the notice was posted.
 - (4) A statement that the property will be removed by the City and impounded if not removed within 24 hours.
 - (5) The location where the removed property will be stored.
 - (6) A statement that impounded property will be sold or otherwise disposed of if not claimed within 15 days after impoundment.
 - (7) A statement that the property owner shall be responsible for all costs of removal, storage and disposal.
- (e) Upon removal and impoundment, the City shall post the written notice in a prominent place for fifteen consecutive days on or at the Public Property where the property was stored or seized.

- (f) In the event that impoundment by the City is impracticable as a result of the size, extent or amount of Unlawful Structures or Stored Personal Property, the City may, as an alternative to immediate removal and impoundment, provide 15 days for removal by the owner of such property from the Public Premises, after which time, the City may remove the Unlawful Structures and/or Stored Personal Property and immediately dispose of such property, as provided for below. In such event, the City shall serve written notice, as described above, stating that property not removed within 15 days shall be removed by the City and immediately disposed of, and shall state the date of such removal by the City. The written notice shall be further posted in a prominent place on or at the Public Premises where the property is located for the 15 days prior to removal and disposal under this subsection.
- (g) Property impounded under this Section shall be stored by the City at the location stated in the written notice for a period of no less than 15 days, during which time the owner thereof may reclaim such property, provided that the City may require satisfactory proof of ownership or entitlement. The property owner may be assessed moving, storage, and other related fees and costs incurred by the City. Additionally, the owner of impounded property shall bear the responsibility for the risk of any loss or damage to the impounded property.
- (h) The foregoing notwithstanding, the City shall not be required to provide advance notice of removal of any property constituting an imminent threat to the public health, safety and welfare, nor shall the City be required to impound perishable materials or materials deemed hazardous, dangerous or noxious, which materials may be disposed of immediately and without further recourse by the owner thereof.
- (i) The City may sell or otherwise dispose of impounded property unclaimed 15 days after seizure. All fees and unpaid rent, debts and charges owing and all expenses of handling, storage, appraisal, advertising, and other sale expenses incurred by the City shall be deducted from the proceeds of any sale of the impounded property. Any amount remaining shall be held in trust for the owner of the property for 30 days after sale, after which time the proceeds shall be transferred into the Code Enforcement budget. The City, its officers, employees, and agents shall not be liable to the owner of impounded property because of any disposal of the property made pursuant to this Section. The remedies available to the owner of impounded property are limited to those provided in this article.
- (j) The City shall maintain a record of the date and method of disposal of the impounded property, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such record shall be kept as a public record for a period of not less than one year from the date of disposal of the property.

ARTICLE II. - CAMPGROUNDS

Sec. 8-6. - Enforcement.

It shall be the duty of the building inspector to inspect all campgrounds and to enforce this article.

Sec. 8-7. - Use required.

It shall be unlawful for any person to camp within the city, including in any right of way, flood control or drainage areas, or other bodies of water, unless within a properly permitted and registered campground.

Sec. 8-8. - Sanitary regulations.

- (a) Any person owning, operating or maintaining any campground in the city shall comply with the following provisions:
 - (1) Water flush toilets shall be provided, and shall be maintained in a clean and sanitary condition.
 - (2) Equipment sufficient to prevent littering of the campground with rubbish, garbage or other refuse shall be provided, maintained and supervised, and flytight depositories for such materials shall be provided and conspicuously located.
 - (3) A thorough clean-up shall be made of the campground every 24 hours.
- (b) Each person owning, operating or maintaining a campground shall be held responsible for compliance with this section.

Sec. 8-9. - Owner's register.

The owner or operator of any campground shall keep a register in which they shall require all persons using their grounds to register their names, home address and number of their car.

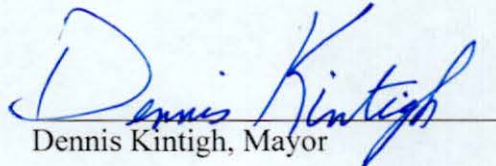
SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.


SECTION 3. If any section, paragraph, clause or provisions 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. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED on this 10th day of June, 2021




Dennis Kintigh, Mayor


Sharon Coll, City Clerk