

**Opinion No. 52-5491**

February 15, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Elfego G. Baca Chief of Liquor Control Division Bureau of Revenue Santa Fe, New Mexico

{\*207} This is in reply to your inquiry of November 5th as to whether or not you might legally issue a liquor license in the municipality of Columbus, New Mexico.

You advise that Columbus is an incorporated municipality having according to the last census a population of 251 people. You advise also that at the present time there is no liquor license in force within the municipal limits of Columbus.

Chapter 30 of the Laws of 1951 relating to limitations on the issuance of liquor licenses states:

". . . . in incorporated municipalities, not more than one dispensers or one retailers or one club license for each fifteen hundred or major fraction thereof population in such municipality. . . ."

It is my opinion that by this language the Legislature intended to establish a ratio of one intoxicating liquor outlet per fifteen hundred people or fraction thereof. While the language of Section 1 (a) states "for each fifteen hundred or major fraction thereof population" it is my opinion that the Legislature did not intend to require that major fraction to exist as a condition for the issuance of any liquor license at all. Such a construction would be only compatible with an intent to impose in practical effect a state of prohibition upon small communities.

It is my opinion that you have adequate authority under the circumstances to issue a liquor license in the community of Columbus.

I trust that will will answer your inquiry fully.