

Opinion No. 60-138

July 22, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Jess R. Nelson City Attorney 437 Main Street Truth or Consequences, New Mexico

QUESTION

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Did the repeal of Sec. 14-11-22, N.M.S.A., 1953 Comp., obviate the necessity of publication of ordinances by municipalities by Sec. 14-11-1 et seq., N.M.S.A., 1953 Comp.?

CONCLUSION

No.

OPINION

{*517} ANALYSIS

Section 14-11-22, N.M.S.A., 1953 Comp., provided in part as follows:

"No ordinances . . . shall be valid . . . until five (5) days after publication in some newspaper of general circulation in the city of notice of the passage and approval thereof by number and title."

This section was repealed in 1959 and the section repealing it is Sec. 14-11-34, N.M.S.A., 1953 Comp. (P.S.). The new section does not include any requirement that ordinances be published before they can become effective.

We must, however, consider Sec. 14-25-7, N.M.S.A., 1953 Comp. in arriving at the answer to your question. That section deals with ordinances of all municipalities and requires that all ordinances be published -- apparently in full -- before they can become effective.

While it might have been argued that Sec. 14-11-22, supra, excluded certain municipalities from the operation of Sec. 14-25-7 as being a specific enactment for those municipalities, such cannot be the case now since Sec. 14-11-22 is no longer in existence. In our view, this leaves Sec. 14-25-7, supra, as the sole statute controlling the publication of ordinances by municipalities and its requirements must be met in order to make ordinances effective.

By: Boston E. Witt

Assistant Attorney General