

Opinion No. 63-24

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BY: OPINION of EARL E. HARTLEY, Attorney General

TO: Mr. Cipriano Vigil Mayor of Espanola Espanola, New Mexico

QUESTION

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Is it permissible for a municipality to publish its ordinances in some newspaper of general circulation in the municipal corporation?

CONCLUSION

Yes.

OPINION

{*49} ANALYSIS

The controlling statute relative to the publication of municipal ordinances is Section 14-25-7, N.M.S.A., 1953 Compilation. This Section sets out the general requirement as follows:

". . . all by-laws of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation in the municipal corporation."

The confusion that has arisen concerning the publication of municipal ordinances is due to an exception which is also contained in Section 14-25-7, *supra*. This exception proviso states as follows:

"Provided, however, that if no such newspaper is published within the limits of the corporation, then, and in that case, such by-laws may be published by posting copies thereof in three public places, within the limits of the corporation. . . ."

The question then arises whether the municipality which **has** a newspaper published within the corporate limits is required to publish ordinances in that newspaper or whether it can publish them in any newspaper of general circulation in the municipal corporation.

Since the various provisions of a statute must be read together, giving effect to each provision where possible, we conclude that a municipal corporation can publish its

ordinances in any newspaper of general circulation in the municipal corporation. However, if no newspaper is published within the corporate limits then the municipality is exempt from the requirements of newspaper publication and may use the alternative method of informing the public, namely posting.

By: Oliver E. Payne

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