

## Opinion No. 65-85A

July 6, 1965

**BY:** OPINION OF BOSTON E. WITT, Attorney General Oliver E. Payne, Deputy Attorney General

**TO:** Mr. Monroe L. Fox, Village Attorney, Chama, New Mexico

{\*147} ADDENDUM TO OPINION NO. 65-85

In Opinion No. 65-85 this office dealt with publication and posting of ordinances pursuant to {\*148} Section 14-25-7, N.M.S.A., 1953 Compilation.

We now wish to point out that the Municipal Code (effective date, July 1, 1965) provides as follows in Section 14-16-4:

"A. An ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signature of the presiding officer of the governing body and the municipal clerk and shall bear the seal of the municipality. The ordinance shall be published one time either in its entirety or by title and a general summary of the subject matter contained in the ordinance, whichever the governing body elects to do."

Section 14-16-5 provides as follows:

"A. A municipality may adopt by ordinance the conditions, provisions, limitations and terms of an:

- (1) administrative code;
- (2) air pollution code;
- (3) building code;
- (4) elevator code;
- (5) electrical code;
- (6) fire prevention code;
- (7) health code;
- (8) housing code;
- (9) plumbing code;

(10) traffic code;

(11) any other code not in conflict with the laws of New Mexico or valid regulations issued by any board or agency of New Mexico authorized to issue regulations. Any code so adopted shall provide for minimum requirements at least equal to the state requirements on the same subject.

B. An ordinance adopting any such code need only refer to the proper title and date of the code only, without setting forth the code's conditions, provisions, limitations and terms, and may include any exception or deletion to the code by setting forth the exception or deletion to the code. The ordinance shall further specify at least one place within the municipality where the code, so adopted, is available for inspection during the normal and regular business hours of the municipal clerk. A copy of the code shall be available upon request and payment of a reasonable charge.

C. Any amendment to such a code may be adopted in the same manner as other ordinances are adopted."

Section 14-1-2 (J), N.M.S.A., 1953 Compilation now provides:

"J. 'Publish' or 'publication' means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality, or, if there is no newspaper which maintains an office in the municipality and is of general circulation within the municipality, 'publish' or 'publication' means posting in six public places within the municipality on the first day that publication is required in a newspaper of general circulation within the municipality. One of the public places where posting shall be made is the office of the municipal clerk who shall maintain the posting during the length of time necessary to comply with the provisions relating to the number of times publication is required in a newspaper of general circulation within the municipality;"

Therefore, if there is no newspaper {<sup>\*149</sup>} which maintains an office in the municipality, notice can be given by means of posting. By the term "office" we believe the legislature meant "the place where a particular kind of business, or service for others is transacted." **Webster's New Collegiate Dictionary**. In the case of a newspaper, "office" means a place where classified ads may be placed, where subscriptions may be placed, and where general information relative to the newspaper may be obtained.