

Opinion No. 15-1445

February 27, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. H. C. Barron, Hagerman, New Mexico.

Town or village cannot pass an ordinance prohibiting minors from frequenting pool rooms, there being a statute upon that subject.

OPINION

{*35} I have just received your letter of the 24th inst. asking if there is any law in this state now in force authorizing or permitting a town or village to pass an ordinance forbidding the proprietor of a {*36} pool-room allowing minors under the age of twenty-one years from entering or remaining in said place, or if you could only pass such an ordinance as to minors below eighteen years of age.

The legislature, by an act which became a law March 7, 1913, and which is printed as Chapter 15 of the Laws of 1913, has legislated upon this subject and has provided that minors under the age of eighteen years are prohibited from attending, frequenting or loitering in or about any pool-room in New Mexico, and by Section 2 it is made an offense for the owners or proprietors of any pool-room to permit minors under eighteen to attend, frequent or loiter in or about the pool-room. The legislature having enacted a statute on this subject, it is no longer within the power of a town to pass any ordinance which would be different from the statute. When the legislature acted, the subject was thereafter excluded from the legislative power of incorporated cities and towns.