

Opinion No. 37-1748

September 3, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Paul A. Roach U. S. General Land Office Las Cruces, New Mexico

{*154} I have your letter of September 2nd in regard to power of municipalities to limit the number of saloons within such municipality.

Section 1102, Chapter 130 of the Session Laws of 1937, provides that municipal corporations are vested with power and authority to provide by ordinance for the full and complete regulation of the sale by retailers, dispensers, and clubs of alcoholic liquors, and such municipalities are given power and authority to prescribe the terms under which such licenses may be issued and the amounts of license fees.

If municipalities have the power to limit the number of saloons, such power must be implied from the language granting authority to provide for "full and complete regulation of the sale."

It is my belief that no such implied power can be read into this language and that there is nothing in the statute which in any way gives a municipality the power to limit the number of saloons.

I am forwarding a copy of this letter to the State Board of Liquor Control, Santa Fe, New Mexico.