

## ORDINANCES

**Editor's note: Cities and Counties effect the will of the governing body through the use of an ordinance. This is provided to help the fire officer understand the use and implementation process of ordinances. Consult with your local elected officials for further assistance.**

Section

3-17-1. Ordinances; purposes.

3-17-2. Ordinances; style.

3-17-3. Notice by publication of certain proposed ordinances.

3-17-4. Ordinances; roll call vote; adoption.

3-17-5. Proof of ordinance; authentication; publication; effective date; codification.

3-17-6. Codes adopted and enforced by reference; availability.

### **3-17-5. Proof of ordinance; authentication; publication; effective date; codification.**

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.

B. An ordinance shall not become effective until five days after it has been published, unless otherwise provided by law.

C. If the ordinances of the municipality are codified or codified and revised, it is not necessary to publish the entire codification or codification and revision. An ordinance, referring to the codification or codification and revision by title only and specifying one place in the municipality where the codification or codification and revision may be inspected during the normal and regular business hours of the municipal clerk, may be published instead of the codification or codification and revision.

D. Any court shall accept the following as prima facie evidence that an ordinance has been published:

- (1) the book in which the ordinances of the municipality are recorded;
  - (2) any copy of an ordinance certified by the municipal clerk or his duly authorized deputy;
  - (3) any ordinance published in book or pamphlet form under the authority of the municipality;
- or
- (4) any codification of ordinances prepared under the authority of the municipality. It is sufficient defense to any suit or prosecution to show that no publication was made.

**History:** 1953 Comp., § 14-16-4, enacted by Laws 1965, ch. 300.

**3-17-6. Codes adopted and enforced by reference; availability.**

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; or

(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.

**History:** 1953 Comp., § 14-16-5, enacted by Laws 1965, ch. 300.