

**Luna County, NM**

**Ordinance 99**

**Ordinance: Process for Adoption of All Ordinances and Resolutions**

**Title 3: Administration Officers**

**Chapter 4: Process for Adoption of All Ordinances and Resolutions**

**Process for Adoption of All Ordinances and Resolutions**

**Whereas:** The Luna County Code of Ordinances is frequently amended, corrected, revised, updated, and expanded. This Chapter is intended to formalize the procedure for adding any and all new language to the Luna County Code of Ordinance.

**Whereas:** Section 3-17-5A, NMSA 1978 provides a municipality must show proof of ordinance and the ordinance shall be kept in a book for that purpose and 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.

**Whereas:** Section 3-17-5C, NMSA 1978 If the ordinances and resolutions 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.

**Therefore:** The Board of County Commission of Luna County establishes the designation of County Code Reviser and the compilation of ordinances and resolutions as the Luna County Code of Ordinances.

**3.04.010 County Code Reviser**

The Luna County Commission shall designate the County Code Reviser. The County Code Reviser shall compile the ordinances and resolutions and of the County into titles, chapters and sections without substantial change or alteration of purpose or intent.

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### **3.04.020 Codification and revision of ordinances and resolutions**

Subject to such general policies as may be promulgated by the Board of County Commission of Luna County and to the general supervision of the Board of County Commission of Luna County, the reviser shall:

A. Codify for consolidation into the County Code all ordinances and resolutions of a general and permanent nature from and after the passage of this ordinance, resolved or adopted by the Board of County Commission of Luna County and assign permanent numbers to all new titles, chapters and sections so added to the code;

B. Edit and revise such ordinances and resolutions for such consolidation to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such ordinance, in the following respects only:

1. Make capitalization uniform with that generally followed in the code,
2. Make chapter or section division and subdivision designations uniform with that followed in the code,
3. Substitute for the term “this ordinance,” where necessary, the term “section,” “article,” “chapter,” “title” or “code,” or reference to specific section or chapter numbers, as the code may require,
4. Substitute for reference to a section of an ordinance the proper code section number reference,
5. Substitute for “as provided for in the preceding section” and other phrases of similar import the proper code section number references,
6. Substitute the proper calendar date for “effective date of this act” and other phrases of similar import,

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7. Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures,
8. Rearrange the order of sections of ordinances and resolutions, incorporate any omitted material as well as correct manifest errors in spelling and manifest clerical or typographical errors or errors by way of additions or omissions,
9. Correct obvious and apparent errors that are not substantive in references by chapter or section number to other laws,
10. Correct obvious and apparent errors in numbering or renumbering sections of the code,
11. Divide long sections into two or more sections and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the code when to do so will not change the meaning or effect of such sections,
12. Change the wording of the section captions, if any, and provide captions to new sections and chapters,
13. Strike provisions apparently obsolete;

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C. Create new code titles, chapters and sections of the County code, or otherwise revise the title, chapter and sectional organization of the code, as may be required from time to time, to effectuate the orderly and logical arrangement of the code.

**2.04.030 Omission of certain sections of ordinances and resolutions.**

The reviser may omit from the code all titles to ordinances and resolutions, enacting and repealing clauses, preambles, declarations of emergency, and validity and construction sections unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not

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intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing ordinances of which such validity or construction were a part. Any section so omitted, other than repealing, emergency or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the ordinance as codified.

**2.04.040 Code index.**

The reviser shall compile and thereafter maintain a comprehensive index and from time to time prepare for publication supplements thereto.

**2.04.050 Code tables.**

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The reviser shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession and repeal of the various sections of the code.

**2.04.060 Inclusion of local rules of the Luna County Magistrate Court.**

The reviser may provide for inclusion in the code of the local rules of the Luna County Magistrate Court.

**2.04.070 Improvement of statutes.**

A. The Code Reviser shall from time to time make written recommendations to the Board of County Commission of Luna County concerning deficiencies, conflicts or obsolete provisions in, and need for reorganization or revision of the ordinances and resolutions, and shall prepare for submission to the Board of County Commission of Luna County ordinances and resolutions for the correction or removal of such deficiencies, conflicts or obsolete provisions, or to otherwise improve the form or substance of any ordinance of the County as the public interest or the administration of the subject may require.

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B. Such or similar projects may be undertaken at the request of the Board of County Commission of Luna County or other County agencies and departments if such undertaking will not impede the other functions of the reviser.

**2.04.080 Ordinances and resolutions provided to the reviser.**

All ordinances and resolutions submitted to the Board of County Commission of Luna County shall, in addition to any other requirements, contain:

- A. A title reflecting the subject matter of the ordinance;
- B. The date at which the ordinance shall become effective if passed;
- C. ~~A final paragraph next below the Commission members' signatures reading as follows:~~

This ordinance/resolution has/has not been codified as Luna County Code of Ordinances on the 10 day of Sept., 2020..

Immediately following this paragraph there shall be a signature line under which shall be the title "County Code Reviser."

**2.04.090 Ordinances and Resolutions – Copies to be provided to the reviser.**

The Board of County Commission of Luna County shall cause to be made two duplicate originals of all ordinances and resolutions passed. One of the two such duplicate originals shall be immediately forwarded to the code reviser and the second would be recorded with the County Clerk of Luna County and subsequently forwarded to the County Code Reviser.

**2.04.10 Specifications for code publication – Certificate of compliance.**

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A. The Code Reviser shall formulate specifications relative to the format, size, contents, indexing and general scope and character of footnotes and annotations, if any, for any publication for general use of the code and supplements. No such publication or the contents thereof, other than such temporary edition as may be authorized by the Board of County Commission of Luna County, shall be received as evidence of the ordinances and resolutions of this County unless it complies with the specifications of the Code Reviser as are current at the time of publication, including compliance with the section numbering adopted by the reviser. If a publication complies with such specifications, the Code Reviser shall furnish a Certificate of Compliance to the publisher.

B. Upon request of any publisher in good faith interested in publishing the code, the Code Reviser shall furnish a copy of the current specifications and shall not during the process of any bona fide publication of said code or supplement thereto modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher.

**2.04.11 Code deemed official if certified.**

The County Code and any supplement or addition thereto or reprint edition thereof which contains the certificate of the Code Reviser referred will be deemed official and shall be prima facie evidence of the ordinances and resolutions contained therein.

**2.04.12 Severability.**

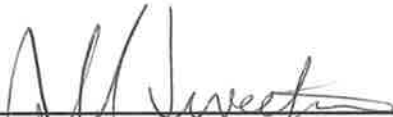
If any section, subsection, sentence, clause, phrase, portion or part of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this code. The Board of County Commission of Luna County hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

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Done at Deming, New Mexico this 10<sup>th</sup> day of September, 2020


**Board of County Commissioners  
of Luna County**

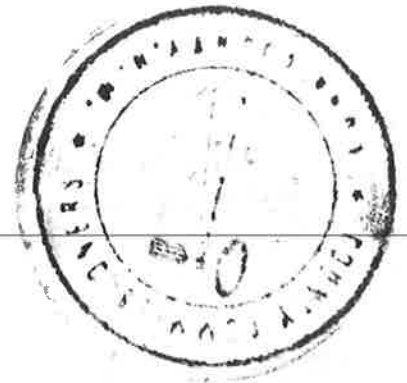
  
\_\_\_\_\_  
John S. Sweetser, Chairperson  
Commissioner, District 3

ATTEST:


  
\_\_\_\_\_  
Andrea Rodriguez, County Clerk

  
\_\_\_\_\_  
Barbara L. Reedy,  
Commissioner, District 1

  
\_\_\_\_\_  
Linda M. Smrkovsky,  
Commissioner, District 2



This ordinance has/not been codified as Luna County Code of Ordinances on  
the 10<sup>th</sup> day of Sept; 2020.

  
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Interim Code Reviser

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