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**CITY OF ELEPHANT BUTTE  
ORDINANCE NO. 197**

**AN ORDINANCE AMENDING THE SIGN ORDINANCE OF THE CITY OF  
ELEPHANT BUTTE**

**WHEREAS**, the City has previous passed the Sign Ordinance of the City of Elephant Butte (City Code Section 152.01 et seq.) (“Sign Ordinance”);

**WHEREAS**, the City seeks to balance the community interests articulated in Section 152.02 of the Sign Ordinance with each individual’s interest in freedom of speech; and

**WHEREAS**, the City has authority under NMSA 1978, 3-17-1 and 3-21-1 to regulate signage within the city for the health, safety, morals and welfare of its inhabitants.

**NOW THEREFORE**, be it ordained by the City of Elephant Butte’s Governing Body:

1. The language “not offensive,” is hereby removed from City Code Section 152.02(C) and is replaced with the phrase “not obscene,”
2. The language “is a menace to the public;” is hereby removed from City Code Section 152.05(I).
3. City Code Section 152.07(C)(5) is repealed and replaced with the following language:  
“(5) Signs, displays, or other similar advertising structures which:
  - (a) display any obscene language or images;
  - (b) advertise activities that are illegal under federal, state, or local laws or regulations; or
  - (c) are intended to provoke and will likely lead to an immediate, violent breach of the peace.”
4. City Code Section 152.07(C)(12) is repealed.

**PASSED, APPROVED, AND ADOPTED** by the Governing Body of the City of Elephant Butte, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Edna Trager  
Mayor

ATTEST:

\_\_\_\_\_  
Rani Bush  
Clerk-Treasurer