

SANTA FE COUNTY

Ordinance No. 1989-11

667737

1 AN ORDINANCE IMPOSING A BUSINESS REGISTRATION FEE PURSUANT TO
2 SECTIONS 3-38-3 THROUGH 3-38-6, N.M.S.A., 1978 COMP. (AS
3 AMENDED); AND SECTION 4-37-1, N.M.S.A., 1978 COMP. AS AMENDED
4 AND PROVIDING A MEANS OF ENFORCEMENT AND PENALTY.

5 BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF SANTA
6 FE:

7 Section 1. SHORT TITLE.-- This ordinance may be cited
8 as the "County Business Registration Ordinance."

9 Section 2. DEFINITIONS.-- As used in this Ordinance:

10 A. "Person" means any individual, male or female,
11 estate, trust, receiver, cooperative association, club,
12 corporation, company, firm, partnership, joint venture,
13 syndicate, or other entity engaging or wishing to engage in a
14 business, profession, occupation, trade, or pursuit in Santa
15 Fe County, and outside any incorporated municipality.

16 B. "Business Transacted Outside the County" means all
17 business transactions in which the contract was made and the
18 goods were delivered, or where services performed outside of
19 the County of Santa Fe, or within the incorporated limits of
20 any municipality.

21 C. "Engaging in Business or Doing Business" means
22 operating, conducting, doing, carrying on, causing to be
23 carried on, or pursuing any business, profession, occupation,
24 trade, or pursuit for the purposes of profit in Santa Fe
25 County and outside any municipality.

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D. "Board" means the Board of County Commissioners of Santa Fe County.

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E. "County" means the County of Santa Fe, State of New Mexico;

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F. "County Manager" means the County Manager for Santa Fe County, or his or her designee.

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G. "County Clerk" means the County Clerk for Santa Fe County or his or her designee.

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Section 3. BUSINESS REGISTRATION FEE - IMPOSITION.--

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A. There is imposed on each place of business conducted within the County of Santa Fe, but outside the corporate limits of any municipality, which business is not licensed pursuant to Section 3-38-1, N.M.S.A., 1978 Comp., as amended an annual business registration fee in the amount of thirty five (\$35.00) dollars per year for each business registration allowing operation for any portion of calendar year 1990 or subsequent calendar years. This fee is imposed pursuant to the provisions of Section 3-38-3, N.M.S.A., 1978 Comp., as amended, and shall be known as the "Business Registration Fee." The business registration fee shall not be pro-rated for businesses conducted for any portion of any year.

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B. Prior to engaging in any business, any person not otherwise required to pay for and obtain in a business

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2 license, shall apply to the County Clerk and pay a business
3 registration fee of thirty five (\$35.00) dollars for each
4 outlet, branch, location, or person doing business within the
5 County and outside the corporate limits of any municipality.

6 **Section 4. BUSINESS REGISTRATION FEE - APPLICATION**
7 **PROCEDURE, REQUIRED**

8 **INFORMATION.--** After the effective date of this Ordinance, any
9 person imposing to engage in business must comply with the
10 provisions set forth in this Ordinance. In addition, any
11 person filing an application for the issuance or renewal of a
12 business registration shall include in the application his
13 current revenue division taxpayer identification number of
14 evidence of application for a current revenue division
15 taxpayer number. The County shall not issue or renew a
16 business registration for any person who has not furnished to
17 the County Clerk the information required in this section.

18 **Section 5. BUSINESS REGISTRATION FEE - RENEWAL.--** Prior
19 to March 16 of each year, any person engaging in a business
20 within the County and outside the corporate limits of any
21 municipality which is subject to the business registration fee
22 shall apply for renewal of his or her business registration
23 with the County Clerk of Santa Fe County. Any person seeking
24 to renew his or her business registration after March 16 shall
25 pay an additional late fee of ten (\$10.00) dollars.

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Section 6. CRIMINAL PENALTY - Any person who intentionally and knowingly operates a business which is required to be registered without first complying with the requirements of this Ordinance shall be guilty of a misdemeanor and punished by a fine not to exceed three hundred (\$300.00) dollars pursuant to Section 4-37-3 N.M.S.A. 1978 Comp., as amended. The fine shall be the lesser of:

- (1) \$300.00, or
- (2) An amount equal to the registration fee of \$35.00 plus the late fee of \$10.00 plus interest thereon at the rate of 1-1/2 per cent per month on the unpaid balance plus a late penalty of \$100.00.

Section 7. NOTICE OF VIOLATION - PROCEDURES.--

A. If a person who is required to pay a business registration fee and register the business, fails to register or pay the required fee, the County Clerk shall send the person a notice of violation:

- (1) specifically stating the nature of the violation;
- and
- (2) ordering that the past due fee, plus a late penalty of ten (\$10.00) dollars shall be paid immediately.

B. The notice shall further state that the County will order the person to appear before the Board to show cause why

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2 the business should not be closed if the fee and penalty are
3 not paid within the fifteen (15) days after the receipt of the
4 notice.

5 Section 8. COLLECTION - ENFORCEMENT.--

6 A. If the business is not registered or if the
7 registration fee is not paid by the deadline set forth in the
8 notice of violation, then the County shall send notice to the
9 owner or operator ordering them to appear before the Board to
10 show cause why the County should not issue a cease and desist
11 order closing the business.

12 B. The hearing before the Board shall not be less than
13 thirty (30) days after the notice is mailed, and the notice
14 shall include the date of the hearing. Appearance may be made
15 by counsel, and the person charged with the violation of the
16 business registration ordinance may be present evidence and
17 call witnesses to establish no violation of the terms and
18 conditions of this ordinance.

19 C. If the Board rules that the person has not complied
20 with the provisions of the business registration ordinance,
21 the person must comply within five (5) days from the date of
22 the Board's decision. If the person has not complied by that
23 time, the Board shall issue a cease and desist order which
24 shall be served by the Sheriff or his authorized deputy or
25 other authorized County employee. Such cease and desist order

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shall prevent the owner or operator of the business from
conducting any business whatsoever in the building structure,
or on the land, where the business structure is located, until
the terms of the business registration ordinance have been
complied with.

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Section 9. COURT ACTION.-- Should any person, business
or entity fail to cease and desist after the service of the
order, the County may utilize those procedures authorized by
law including those set forth in Section 3-38-5, N.M.S.A.,
1978 Comp., as amended, to judicially enforce compliance.

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Section 10. BUSINESS REGISTRATION RECORDS.-- The County
Clerk, in conjunction with the County Manager or his designee,
shall keep a record of all businesses registered within Santa
Fe County and outside the corporate limits of any
municipality, including the names of the owners of the
businesses, the date the registration was issued, and the
amount paid.

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Section 11. REPEAL.-- As of the effective date of this
Ordinance, Santa Fe County Ordinance 1982-8, together with any
amendments thereto, is repealed in its entirety.

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PASSED, APPROVED AND ADOPTED THIS 19th DAY OF

December, 1989.

SANTA FE BOARD OF COUNTY COMMISSIONERS

Raymond M. Chavez
Raymond M. Chavez, Chairman

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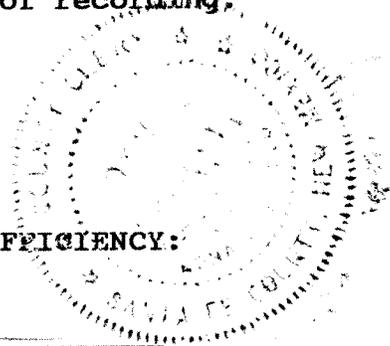
This Ordinance was recorded in the Santa Fe County Ordinance Book on December 21, 1989, in Book No. 667, pages 737 through 743. This ordinance shall take effect thirty (30) days after the date of recording.

A T T E S T:

Jona G. Armijo
Jona G. Armijo, County Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Norman Osborne
Norman Osborne
County Attorney



695,327

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 21 day of DEC, A.D.
1989 at 9:07 o'clock A.m.
and the same is indexed in book 667,
pages 737-743 of the records of
Santa Fe County.

Witness my hand and seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Joyce Medina
Deputy