

SANTA FE COUNTY

451485

ORDINANCE NO. 1982- 8

Introduced By

SAMUEL J. GARCIA

AN ORDINANCE

IMPOSING A BUSINESS REGISTRATION FEE PURSUANT TO SECTIONS 3-38-3 THROUGH 3-38-6, N.M.S.A., 1978 COMP. (BEING LAWS 1982, CHAPTER 37, SECTIONS 3,4,5 AND 6); AND SECTION 4-37-1, N.M.S.A., 1978 COMP. AND PROVIDING A MEANS OF ENFORCEMENT AND PENALTY.

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

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

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

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

B. "Business Transacted Outside the County" means all business transactions in which the contract was made and the goods were delivered, or

1 where services were performed outside of the County of Santa Fe, or within
2 the incorporated limits of any municipality.

3 C. "Engaging in Business or Doing Business" means operating, conduct-
4 ing, doing, carrying on, causing to be carried on, or pursuing any business,
5 profession, occupation, trade, or pursuit for the purposes of profit in
6 Santa Fe County and outside any municipality.

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

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

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

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

13 **Section 3. BUSINESS REGISTRATION FEE - IMPOSITION.--**

14 A. There is imposed on each place of business conducted within the
15 County of Santa Fe, but outside the corporate limits of any municipality,
16 which business is not licensed pursuant to Section 3-38-1, N.M.S.A., 1978
17 Comp., as amended, and the County Business License Ordinance Number 1982-8 ,
18 an annual business registration fee in the amount of twenty-five dollars
19 (\$25.00) per year. This fee is imposed pursuant to the provisions of
20 Section 3-38-3, N.M.S.A., 1978 Comp., as amended, and shall be known as the
21 "Business Registration Fee." The business registration fee shall not be
22 pro-rated for businesses conducted for any portion of any year.

23 B. Prior to engaging in any business, any person not otherwise
24 required to pay for and obtain a business license, shall apply to the County Clerk
25 and pay a business registration fee of twenty five dollars (\$25.00) for each
26 outlet, branch, location, or person doing business within the County and
27 outside the corporate limits of any municipality.

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

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1 **INFORMATION.**--After the effective date of this Ordinance, any person pro-
2 posing to engage in business must comply with the provisions set forth in
3 this Ordinance. In addition, any person filing an application for the issuance
4 or renewal of a business registration shall include in the application his
5 current revenue division taxpayer identification number or evidence of
6 application for a current revenue division taxpayer number. The County
7 shall not issue or renew a business registration for any person who has not
8 furnished to the County Clerk the information required in this section.

9 **Section 5. BUSINESS REGISTRATION FEE - RENEWAL.**--Prior to March 16 of
10 each year, any person engaging in a business within the County and outside
11 the corporate limits of any municipality which is subject to the business
12 registration fee shall apply for renewal of his or her business registration
13 with the County Clerk of Santa Fe County.

14 **Section 6. PENALTY.**--In addition to other remedies provided by law and
15 those set forth herein, any person who violates the provisions of the
16 Business Registration Ordinance or fails to comply with any of its require-
17 ments shall be subject to a penalty of 10% plus interest at a rate of 11/2 %
18 per month of the amount due until paid in full.

19 **Section 7. NOTICE OF VIOLATION - PROCEDURES.**--

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

23 (1) specifically stating the nature of the violation; and
24 (2) ordering that the past due fee, plus a penalty of 10% plus
25 interest at a rate of 11/2 % per month of the amount due be paid immediately.

26 B. The notice shall further state that the County will order the per-
27 son to appear before the Board to show cause why the business should not be
28 closed if the fee and penalty are not paid within the fifteen (15) days

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1 after the receipt of the notice.

2 **Section 8. COLLECTION - ENFORCEMENT.--**

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

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

14 C. If the Board rules that the person has not complied with the provi-
15 sions of the business registration ordinance, the person must comply within
16 five (5) days from the date of the Board's decision. If the person has not
17 complied by that time, the Board shall issue a cease and desist order which
18 shall be served by the Sheriff or his authorized deputy. Such cease and
19 desist order shall prevent the owner or operator of the business from con-
20 ducting any business whatsoever in the building structure, or on the land,
21 where the business structure is located, until the terms of the business
22 registration ordinance have been complied with.

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

28 **Section 10. BUSINESS REGISTRATION RECORDS.--**The County Clerk, in con-

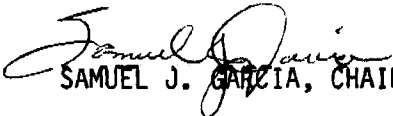
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SFC CLERK RECORDED 12/06/2006

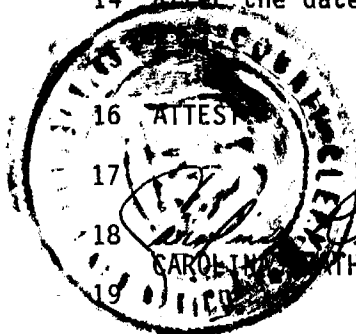
1 junction with the County Manager or his designee, shall keep a record of all
2 businesses registered within Santa Fe County and outside the corporate
3 limits of any municipality, including the names of the owners of the busi-
4 nesses, the date the registration was issued, and the amount paid.

5 PASSED, APPROVED AND ADOPTED this 5th day of November
6 1982.

7 SANTA FE COUNTY
8 BOARD OF COUNTY COMMISSIONERS

9 
10 SAMUEL J. GARCIA, CHAIRMAN

11 This Ordinance was recorded in the Santa Fe County Ordinance Book on
12 November 12, 1982, in Book No. 451, pages 485
13 through 489. This ordinance shall take effect thirty (30) days
14 after the date of recording.



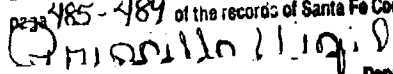
16 ATTEST
17 
18 CAROLIN T. LEATHERMAN, COUNTY CLERK
19

20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
21 MONTOYA, MURPHY & KAUFFMAN

22 BY: 
23
24
25



26 STATE OF NEW MEXICO)
27 COUNTY OF SANTA FE) SS
28 Witness my Hand and Seal of Office
CAROLIN T. LEATHERMAN
County Clerk, Santa Fe County, N.M.

505 751
I hereby certify that this instrument was filed for
record on the 12 day of Nov A.D.
1982 at 1:21 o'clock P.M.
and was duly recorded in book 451
pages 485 - 489 of the records of Santa Fe County.

Deputy