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## **City of Rio Communities, NM**

### **Ordinance No: 2014-10**

#### **CHAPTER 8 BUSINESS LICENSES**

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##### **8-2-1 LICENSE REQUIREMENTS**

- A. Pursuant to NMSA 1978, Sections 3-38-1 through 3-38-6, all persons, firms, corporations or associations of any character engaged in any of the various pursuits, business or occupations listed in Section 8-2-2 and not otherwise exempt by law shall, before commencing business and annually thereafter before the sixteenth day of March, secure a license from the City under the procedures herein set forth and shall pay a license fee in advance at the rate set in Section 8-2-2 for each location where such business is conducted.
- B. In the event that any license fee due here under for renewal shall not be paid by the fifteenth day of March or any applicable license fee is not paid before commencement of business, a penalty in the amount of \$10.00 shall be added in addition to the registration fee.

### **8-2-2 BUSINESS REGULATION FEE**

The following pursuits, businesses or occupations are hereby required to be licensed and the fees set forth are required to be paid to the City for each place of business conducted by the same person, firm, corporation or association.

- A. Itinerant or travel shows, circuses, carnivals, wrestling or boxing exhibitions, operatic and theatrical or other public exhibitions at a rate \$25.00 per day, provided however, that if any shows shall not be operated in a permanent building and shall use locations requiring cleaning after the conclusion thereof, a deposit of \$100.00 shall be made to the City to be refunded if the City certifies that such temporary location has been satisfactorily cleaned of refuse and debris deposited there as a result of such performance.
- B. Fortune tellers clairvoyants, palmists and similar trades whether the same is a principle business pursuit or incidental to another, at a rate of \$25.00 for the first day and at a rate of \$10.00 for each succeeding day.
- C. Itinerant vendors of all kinds who sell merchandise or services or any character, whether delivery is made by them or not, or who shall temporarily bring into the City, stocks of goods, wares or merchandise and offer the same at public auction or private sell, or who shall offer to perform services for a period of time less than 2 weeks, at a rate of \$25.00 for the first day and for each succeeding day to: 1) traveling salesmen or drummers taking orders for merchandise to be delivered to retail dealers only; 2) any person selling fruits, farm or garden produce of his own raising; 3) sales of merchandise or services within markets or flea markets having a single location used as a market or flea market for 3 or more vendors on a regular basis and providing further however, that nothing herein shall be construed to be a repeal of Section 7-3-5 of the Code of the City of Rio Communities that prohibits certain door-to-door sales.
- D. Street stands, except where conducted for charity, at a rate of \$50.00 per year provided however, that this Section shall not apply to garage sales

### **8-2-3 APPLICATION LICENSE PROCEDURE**

- A. It shall be the duty of all persons prior to engaging in any business described in Section 8-2-2 herein to obtain an application from the City Clerk or Treasurer. Such application shall contain information concerning the name of the person, firm, corporation or association undertaking the business; a complete address, both in the City and elsewhere of such person firm, corporation or association, together with a description of the nature of the business to be conducted.

- B. Such application shall also comply with Section 8-2-7 hereof and contain information sufficient to show compliance with all other ordinances of the City.
- C. The completed application shall be returned to the City Clerk or Treasurer with all information and payment of the fee imposed in Section 8-2-2.

**8-2-4 CITY CLERK**

It shall be the duty of the City Clerk to provide suitable licenses to be furnished; all licenses and each license shall be prominently displayed at the place of business for which it is issued.

**8-2-5 LICENSEE INFORMATION**

No license permit shall be issued hereunder unless the applicant for a license shall furnish to the City Clerk a current New Mexico Taxpayer Identification Number or evidence of application for a current taxpayer identification number pursuant to NMSA 1978, Section 3-38-4(C).

**8-2-6 LICENSE DENIAL OR REVOCATION**

- A. No license shall be issued without a properly completed application as herein before set forth, and without compliance with Section 8-2-5 of this Code as applicable.
- B. Any license applied for may be denied or any license issued may be revoked upon a finding by the City, after a person seeking or holding a license has been heard, that it is in the public interest that the license be denied or revoke

**8-2-7 PENALTY FOR FALSE STATEMENT**

- A. No person, firm, agent or corporation shall make a materially false statement for a business license.
- B. A materially false statement on any application for a business license shall be cause for denial or revocation of the license plus other penalties as shall be provided in the Code of the City or Rio Communities or New Mexico Statutes.

**8-2-8 SEPARATE LICENSE FEE**

Separate license fees shall be imposed upon and a separate license issued for each place of business that is conducted by the same person, firm, corporation or association.

**8-2-9 TRANSFER OF LICENSE**

Licenses shall not be transferable without the consent of the City Council by resolution duly adopted and shall not be transferable in any event unless the stock of merchandise covered thereby shall remain intact and in the same location within the City. A proposed transferee must meet all the requirements as set forth herein for a license.

**8-2-10 LICENSE FEE REFUND**

No license fees paid hereunder shall be refunded except in cases where the license issued is revoked by the City in furtherance of the public interest and then, only those daily fees that were paid in advance and that were unused at the time of the revocation shall be refunded.

**8-2-11 LIENS AND PRIORITY**

- A. The license fee fixed as herein before provided shall be and constitute a lien in favor of the City upon personal property of the person, firm, business or corporation used in connection with said business, from the time that such license fee is fixed. The lien may be enforced as provided in NMSA 1978, § § 3-38-1 through 3-38-6.
- B. Such a lien shall have priority over any lien or encumbrance what so ever, except the lien of state and county taxes, and no property of any person, firm, business or corporation shall be exempt from levy and sale or execution issued for the collection of judgment for any such fee.
- C. No sheriff, receiver, assignee, master or other officer shall sell the property of any person, firm, business or corporation subject to such license fee under process for order of court without first ascertaining from the City Clerk, the amount of any license due, owing or unpaid; it shall be the duty of such officer first to pay the amount thereof out of the proceeds of such sale before making payment of money to the judgment creditor or other person at whose instance such sale is had.

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