



VILLAGE OF CORRALES
ORDINANCE NO. 09-008

AN ORDINANCE REQUIRING A PERMIT FOR SALE, CONSTRUCTION OR REMODELING OF REAL PROPERTY WITHIN THE VILLAGE OF CORRALES; PROVIDING FOR A PERMIT FEE TO COVER ADMINISTRATIVE COSTS; PROVIDING FOR ENFORCEMENT.

WHEREAS, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”), finds that it is in the public interest to provide for a permit system that will allow for the better tracking of transactions for the sale, construction or remodeling of real property in the Village; and

WHEREAS, the introduction and enforcement of such a permit system will make it easier for the Village to ensure that it receives all gross receipts taxes due to the Village for sale, construction or remodeling of real property located within the Village, including gross receipts taxes due on the sale of real estate within the Village as provided in Section 7-1-14, NMSA 1978; and

WHEREAS, the costs of Village administration of the permit system should be defrayed by a reasonable permit fee; and

WHEREAS, the Governing Body finds that the permit system should be enforced by appropriate penalties for violation.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, as follows:

Section 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning indicated, unless a different meaning is clearly indicated by the context.

Construction means the building, altering, repairing, remodeling, or demolishing of any building or structure.

Gross receipts means the total amount of money or the value of other consideration received from the sale of real property or from construction or remodeling of real property within the Village of Corrales.

Permit or Real property transactions permit means a permit issued by the Village of Corrales for the sale of real property or for construction or remodeling of real property within the Village pursuant to this article.

Section 2. Permit and affidavit required.

(a) Every realtor, contractor or developer intending to sell, construct or remodel any real property in the Village shall, prior to commencing the performance of such sale, construction or remodeling, obtain from the Village a real property transactions permit for each parcel of land to be sold or upon which construction or remodeling will take place. The governing body by resolution shall establish and may from time to time modify the amount of a fee for each permit issued, which fee shall be payable to the Village upon sale of the property or the initiation of construction.

(b) As a condition for any permit issued under this section, the applicant (or an officer of the applicant if the applicant is a corporation or other organization) must submit an affidavit, in a form satisfactory to the Village, affirming under oath that the applicant will report on applicant's CRS-1 reports, under the tax location code number 29-504, all gross receipts accruing from sale of property within the Village or from goods delivered or services performed within the Village in connection with the construction or remodeling described in the permit.

Section 3. Posting of permit.

Any permit issued pursuant to this article shall be promptly displayed in a clear and prominent manner on the real property to be sold or on which the permitted construction or remodeling is taking place, and shall not be removed until (a) the property is sold; (b) the construction or remodeling has been completed; or (c) the anticipated sale, construction or remodeling is abandoned and will not be renewed by the permittee. The permittee may at permittee's option display the permit on permittee's sign posted on the premises, or may post the permit separately in a prominent location on the property where the permit is clearly visible from the street or road.

Section 4. Penalties for violation.

(a) Any realtor, developer or contractor found to be in violation of this article shall be prohibited from engaging in the sale, construction or remodeling of real property in the Village of Corrales until such time as the realtor, developer or contractor comes into compliance. The Village may suspend or revoke the business license or home occupation permit (if applicable) of any person found to be in violation of this article. If gross receipts taxes due to the Village were not paid to the Village as a consequence of the realtor's, developer's or contractor's violation of this article, the Village may require that the realtor, developer or contractor make the Village whole for the loss of tax revenues resulting from such non-compliance.

(b) In addition to the penalties specifically set forth in this section, any person in violation of this article shall be subject to any other penalties, whether administrative, criminal or civil, that are imposed or permitted under applicable law.

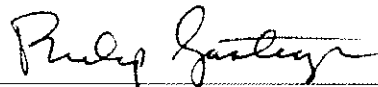
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as Chapter 10, Article IV of the Code of Ordinances of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from September 1, 2009 and shall be published and posted, prior to that date, according to law.

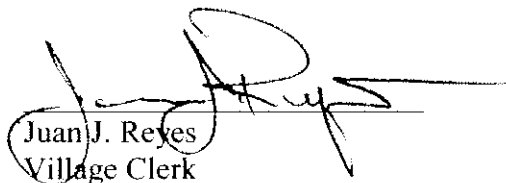
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 23rd day of June, 2009.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk