



VILLAGE OF CORRALES

ORDINANCE NO. 12-002

AN ORDINANCE AMENDING ORDINANCE NO. 09-008, ADOPTED JUNE 23, 2009, ESTABLISHING A PERMIT FOR SALE OF REAL PROPERTY WITHIN THE VILLAGE OF CORRALES, TO REQUIRE PAYMENT OF THE PERMIT FEE AT THE TIME OF LISTING OF THE PROPERTY FOR SALE

Whereas, the Governing Body adopted Ordinance No. 09-008 on June 23, 2009 to establish a Real Estate Transactions Permit system to allow for better tracking of transactions for the sale, construction and remodeling of real property within the Village of Corrales effective September 1 of that year; and

Whereas, Section 2, "Permit and affidavit required", of Ordinance No. 09-008 provides that realtors and agents obtain a Real Property Transaction Permit for property to be sold, and further that: "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" (emphasis supplied); and

Whereas, though the Ordinance has been in force for more than two years, fewer than fifty permits have been applied for and issued to realtors and agents while real estate sales activity records indicate more than two hundred properties have been sold in the Village in the same period, suggesting that collections of the \$35 permit fee following sale is not an effective means to achieve compliance with Ordinance No. 09-008; and

Whereas, payment of the Real Estate Transactions Permit fee at the time of listing for sale, rather than following sale, will improve the administration of Ordinance No. 09-008; and

Whereas, efficient administration of the permit system improves the likelihood that real estate commissions will be properly reported to Locator No. 29-504 and credited as Gross Receipts Tax collections to the Village of Corrales,

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

The Section 2(a) of Ordinance 09-008 is amended to read as follows:

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 at the time of listing for sale or the initiation of construction. Upon application by a realtor and a showing that the listing has expired and the property did not sell, the fee paid by the realtor will be refunded by the Village.

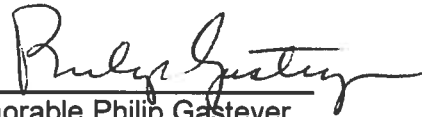
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing 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: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 8th day of May, 2012.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk