



## VILLAGE OF CORRALES

### ORDINANCE NO. 15-17

**AN ORDINANCE RELATING TO TRANSACTION PERMITS FOR SALE OF REAL PROPERTY WITHIN THE VILLAGE OF CORRALES; AMENDING ORDINANCE NO. 09-008 TO REMOVE REQUIREMENTS FOR TRANSACTION PERMITS IN CONNECTION WITH SALE OF REAL PROPERTY; AND REPEALING ORDINANCE NO. 12-002 REQUIRING ADVANCE PAYMENT OF TRANSACTION PERMIT FEES.**

**WHEREAS**, by Ordinance No. 09-008, adopted June 23, 2009, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”) established a requirement for transaction-related permits in connection with the sale, construction or remodeling of real properties within the Village; and

**WHEREAS**, by Ordinance No. 12-002, adopted May 8, 2012, the Governing Body amended Ordinance No. 09-008 to require advance payment of real estate transaction fees; and

**WHEREAS**, it has proven difficult to enforce the provisions of Ordinance No. 09-008 and Ordinance No. 12-002 as they relate to real estate transaction fees,, and in practice they have been little enforced by the Village insofar as they apply to sales of real property; and

**WHEREAS**, the Governing Body finds that the original purpose of Ordinance No. 09-008 and Ordinance No. 12-002, which was to ensure that gross receipts taxes for goods delivered and services performed in the Village are properly reported to the Taxation and Revenue Department of the State of New Mexico so that tax revenues for such transactions flow to the Village, can be better addressed by education and voluntary compliance of realtors providing services in the Village; and

**WHEREAS**, the Governing Body therefore finds that Ordinance No. 09-008 should be amended to remove requirements relating to real property transactions and Ordinance No. 12-002 should be repealed.

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

1. **Section 1 (Definitions)** of Ordinance No. 09-008 is amended by changing the definition of “Permit or Real property transactions permit” to read, in its entirety, as follows:

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

The remaining provision of Section 1 of Ordinance No. 09-008 remain unchanged by this amendment.

2. **Section 2** of Ordinance No. 09-008 is amended to read, in its entirety, as follows:

**Section 2. Permit and affidavit required.**

(a) Every contractor or developer intending to construct or remodel any real property in the Village shall, prior to commencing the performance of such construction or remodeling, obtain from the Village a real property transaction permit for each parcel of land 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 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 goods delivered or services performed within the Village in connection with the construction or remodeling described in the permit.

3. **Section 3** of Ordinance No. 09-008 is amended to read, in its entirety, as follows:

**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 on which the permitted construction or remodeling is taking place, and shall not be removed until (a) the construction or remodeling has been completed or (b) the anticipated 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.

4. **Section 4** of Ordinance No. 09-008 is amended to read, in its entirety, as follows:

**Section 4. Penalties for violation.**

(a) Any developer or contractor found to be in violation of this article shall be prohibited from engaging in the construction or remodeling of real property in the Village of Corrales until such time as the developer or contractor comes into compliance. The Village may suspend or revoke the business registration 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 developer's or contractor's violation of this article, the Village may require the developer or contractor to make the Village whole for the loss of tax revenues resolution 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.

5. Ordinance No. 12-002, adopted May 8, 2012, is hereby **REPEALED**.

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 28th day of April, 2015.

APPROVED:

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The Honorable Scott Kominiak  
Mayor

ATTEST:

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Jennifer A. Hise  
Village Clerk