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Cross references: Alcoholic beverages, Ch. 4; Alarm systems, § 20-5 1 et seq.; Minimum standards for collection of trash by businesses, § 30-28; Responsibilities for collection of trash by contractors, § 30-32. State law reference: Municipal authority to license or regulate businesses, NMSA 1978, § 3-38-1.

ARTICLE I. IN GENERAL

Sections 10-1 to 10-25. Reserved.

ARTICLE II. BUSINESS REGISTRATION**Section 10-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Engaging in business means persons operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade or pursuit for the purpose of profit and who are required to obtain a State taxpayer identification number.

Person means any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity engaging in a business, profession, occupation, trade, pursuit or commercial activity.

Place of business means the premises within the Village, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, where a person is engaging in business. Unless a construction contractor has at least one permanent business location within the Village, "place of business" includes a construction site located therein.

Separate business means a business located or conducted at the same address as another registered business, whether or not owned by the same person, that is additional to and different from the other registered business. A business will be considered a separate business if it has a different name and it is

not so related to the other business as to be a component part of the other business.
History: Ord. No. 246, § 2, adopted 5-12-92; Cross reference: Definitions generally, § 1-2.

Section 10-27. Penalty for violation of article.

Any person convicted of a violation of any provision of this article shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-6. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
History: Ord. No. 246, § 10, adopted 5-12-92.

Section 10-28. Application to do business.

(a) All persons proposing to engage in business within the municipal limits of the Village shall apply for and pay a business registration fee for each outlet, branch, or location within the municipal limits of the Village prior to engaging in business, unless exempted.

(b) Any person filing an application for issuance or renewal of any business registration shall include in the application his current revenue division taxpayer identification number or evidence of application for current revenue division taxpayer identification number.
History: Ord. No. 246, § 5, § 8, adopted 5-12-92.

Section 10-29. Imposition of fee.

There is imposed on each place of business located within the Village, an annual business registration fee of \$35.00 for each calendar year. The fee is imposed pursuant to NMSA 1978, § 3-38-3, and shall be known as the "business registration fee." The business registration fee may not be prorated for business conducted for a portion of the year.
History: Ord. No. 246, § 3, adopted 5-12-92; Ord. No. 336, adopted 7-24-01.

Section 10-30. Exemption from fee.

No business registration fee shall be imposed on any business which is licensed under Village ordinances or otherwise exempted by law.
History: Ord. No. 246, § 4, adopted 5-12-92.

Section 10-31. Late fee.

There shall be imposed upon each delinquent registration fee a late fee in the amount of \$10.00 if a new business does not pay the registration fee before it commences business, or the annual renewal fee is not paid prior to March 16.
History: Ord. No. 246, § 7, adopted 5-12-92.

Section 10-32. Renewal.

Prior to March 16 of each year, any person with a place of business in the Village, and subject to this article shall apply for renewal of business registration with the Village Clerk's office. Business owners whose businesses are still in operation and have not renewed their business registration by April 1 of the current year will be cited into municipal court.
History: Ord. No. 246, § 6, adopted 5-12-92.

Section 10-33. Enforcement.

This article may be enforced by appropriate legal or administrative action brought to prevent the conduct of business, restraining, correcting, or abating the violation of this article or to prevent the

occupancy of a building, structure or land on which the business is located, or to withhold the issuance of permits or inspections, as appropriate.

History: Ord. No. 246, § 9, adopted 5-12-92.

Sections 10-34 to 10-55. Reserved.

ARTICLE III. VENDORS

Division 1. Generally

Section 10-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public street or sidewalk means and includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

Stand means any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the department of motor vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

Vendor means any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle or from his person, or one who travels by foot, wagon, motor vehicle, pushcart or any other method of transportation from house to house or street to street selling or offering to sell food, beverages, goods or merchandise.

History: Ord. No. 187, § 2, (7-2-22), adopted 3-28-88; Cross reference: Definitions generally, § 1-2.

Section 10-57. Restrictions applicable to all vendors.

(a) *Stands.* Vendor stands shall not:

- (1) Impede motor vehicle traffic, pedestrian traffic or create any hazard by obstructing the view of motor vehicle traffic, even if the merchandise is totally upon the property being used by the permittee.
- (2) Have any apparatus connected to or attached to a building or stand which hangs over any public right-of-way or is less than seven feet above ground level.
- (3) Exceed a total area of 100 square feet.
- (4) Impede access to the entrance of any adjacent building or driveway.
- (5) Be located within 100 feet of a fire station or police station.

(b) *Hours of operation.* Vendors shall be allowed to engage in the business of vending only between 8:00 a.m. and dusk, except that those vendors who conduct their business by going door-to-door shall be allowed to operate only between 9:00 a.m. and 9:00 p.m. All vending stands must be removed from public property during non-vending hours.

(c) *Removal of trash.* All trash and debris accumulating on the lot or within 50 feet of the lot of any vending stand shall be collected by the vendor and removed from the vicinity

History: Ord. No. 187, § 2 (7-2-28), adopted 3-28-88.

Section 10-58. Penalty for violation of article.

Any person operating as a vendor without first obtaining a license as required by this article or otherwise violating any provisions of this article shall, upon conviction, be punished in accordance with Section 1-6.

History: Ord. No. 187, § 2 (7-2-3 1), adopted 3-28-88.

Sections 10-59 to 10-70. Reserved.

Division 2. License

Section 10-71. License required.

It shall be unlawful for any temporary merchant to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a license from the Village.

History: Ord. No. 187, § 2 (7-2-21), adopted 3-28-88.

Section 10-72. Application.

The application for a vendor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

- (1) Proof of the identity and business address of the applicant;
- (2) A brief description of the nature and character of the food, beverages, goods or merchandise to be sold;
- (3) If employed by another, the name and business address of the employing person, firm, association, organization, company or corporation;
- (4) If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number;
- (5) A description of the proposed location of the vending business;
- (6) Written permission of the property owner upon which the goods, wares or merchandise are to be sold;
- (7) Written certification of availability of at least two off-street parking spots;
- (8) Proof of a valid State gross receipts tax identification number;
- (9) A signed copy of an agreement which will indemnify and hold the Village harmless from and against all claims, liabilities, damages, losses and expenses, including attorney's fees, arising out of any bodily injury, illness or death or any other injury or for property damage, caused by the negligent act or omission of the temporary vendor.

History: Ord. No. 187, § 2 (7-2-23), adopted 3-28-88.

Section 10-73. Fees; exemptions.

(a) Before conducting business or operating within the village limits, a permit fee shall be paid in advance for each location, in the following respective amounts:

- (1) Fruit, vegetable and other agricultural produce peddlers doing business at a temporary location with produce purchased for that purpose, \$100.00 per day.
- (2) Itinerant peddlers. Vendors and hawkers who shall temporarily bring into the Village stocks or samples of goods, wares or merchandise and offer the same for sale at public auction or private sale, either at the present or future, shall first purchase a permit from the Village office in the amount of \$100.00 per day.

(b) Exemptions from permit fees shall be as follows:

- (1) Residents within the Village limits may hold garage sales on their lots or property no more than twice yearly for a maximum of three days each time, so long as the merchandise is from their home or property.
- (2) Church and civic clubs that hold events to raise money to be used in the Village or traditional fiestas shall be exempt from paying a vendor's permit fee; provided, that such events be no more than semiannual and shall not last for more than three consecutive days.

History: Ord. No. 187, § 2 (7-2-24), adopted 3-28-88.

Section 10-74. License to be carried; transfer prohibited.

(a) The license issued to a vendor under this article shall be carried with the vendor while he is engaged in the business of vending.

(b) Vendor's licenses shall be used only by the person to whom they were issued and may not be transferred to any other person.

History: Ord. No. 187, § 2 (7-2-26), adopted 3-28-88.

Section 10-75. Suspension or revocation.

(a) Any license issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for the license;
- (2) Fraud or misrepresentation in the course of conducting the business of vending;
- (3) Conducting the business of vending contrary to the conditions of the license;
- (4) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

(b) Upon suspension or revocation of a license under this article, the Village shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

History: Ord. No. 187, §2 (7-2-29), adopted 3-28-88.

Section 10-76. Appeals.

Persons who are denied licenses under this article or whose licenses have been suspended or revoked may appeal such decision by filing a written notice of appeal with the Governing Body. The appeal must be filed within three working days after receipt of the notice of denial, suspension or revocation. The Governing Body shall hear and determine the appeal and the decision of the Governing Body thereon shall be final.

History: Ord. No. 187, § 2 (7-2-30), adopted 3-28-88.

Sections 10-77 to 10-100. Reserved.**ARTICLE IV. REALTOR, CONTRACTOR AND DEVELOPER PERMITS****Section 10-101. 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.

History: Ord. No. 09-008, § 1, adopted 6-23-09.

Section 10-102. 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.

(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.

History: Ord. No. 09-008, § 2, adopted 6-23-09; Ord. No. 12-002, adopted 5-8-12.

Section 10-103. 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.

History: Ord. No. 09-008, § 3, adopted 6-23-09.

Section 10-104. 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.

History: Ord. No. 09-008, § 4, adopted 6-23-09.

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