

CITY OF RIO COMMUNITIES

ORDINANCE NUMBER 2013-10

DATE

SECTION 5-4

BUSINESS LICENSE

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5-4-1 LICENSE REQUIRED.

Pursuant to Sections 3-38-1 through 3-38-6 N.M.S.A. (1978 Comp.), all persons, firms, corporations or associations of any character engaged in any of the various pursuits, businesses or occupations listed in Section 5-4-2 and not otherwise exempt by law shall, before commencing business, and annually thereafter before the sixteenth day of March, secure a license from the Municipality under the procedures hereinafter set forth, and shall pay a license fee, in advance, at the rate set in Section 5-4-2 for each location where such business is conducted. 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.

5-4-2 BUSINESS REGULATED - FEES.

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

- A. Itinerant or traveling shows, circuses, carnivals, wrestling or boxing exhibitions, operatic and theatrical or other public exhibitions, at the rate of

\$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 with the Municipality to be refunded if the City Office certifies that such temporary location has been satisfactorily cleaned of refuse and debris deposited there as result of such performance.

- B. Fortune tellers, clairvoyants, palmists, and similar trades, whether the same be a principle business or pursuit, or incidental to another at the rate of \$25.00 for the first day and at the rate of \$10.00 each succeeding day.
- C. Itinerant vendors of all kinds, who sell merchandise or services or any character, whether delivery be 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 sale, or who shall offer to perform services for a period of time less than 2 weeks, at the 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 which prohibits certain door-to-door sales.
- D. Street stands, except where conducted for charity, at the rate of \$50.00 per year; provided, however, that this Section shall not apply to garage sales.

5-4-3 APPLICATION - LICENSE PROCEDURE.

It shall be the duty of all persons prior to engaging in any business described in Section 5-4-2 herein, to obtain an application therefore from the Municipal Clerk-treasurer of the Municipality which application shall contain information concerning the name of the person, firm, corporation or association undertaking the business, a complete address, both in the Municipality and elsewhere, of such person, firm, corporation or association, together with a description of the nature of the business to be conducted, which application shall also comply with Section 5-4-7 hereof, and contain information sufficient to show compliance with all other ordinances of the Municipality, and return said application with all information and payment of the fee imposed in Section 5-4-2 herein.

5-4-4 MUNICIPAL CLERK TO PROVIDE LICENSE.

It shall be the duty of the Municipal Clerk to provide suitable licenses to be furnished, all

licensees, and each license shall be prominently displayed at the place of business for which it is issued.

5-4-5 LICENSEE SHALL PROVIDE INFORMATION.

No license permit shall be issued hereunder unless the applicant for a license shall furnish to the Municipal Clerk a current New Mexico Taxpayer Identification Number or evidence of application for a current taxpayer identification number pursuant to Section 3-38-4(c), N.M.S.A. (1978 Comp.)

5-4-6 LICENSE MAY BE DENIED OR REVOKED.

No license shall be issued without a properly filled in application as hereinbefore set forth, and without compliance with Section 5-4-4 of this Code, where applicable. Any license applied for may be denied or any license issued may be revoked upon a finding by the Governing Body of the Municipality, after the person seeking or holding the license has been heard, that it is in the public interest that the license be denied or revoked.

5-4-7 FALSE STATEMENT, PENALTY.

No person, firm, agent or corporation, shall make a materially false statement for a business license. 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 provided for in the Code of the City of Rio Communities or New Mexico Statutes.

5-4-8 SEPARATE LICENSE FEES.

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

5-4-9 TRANSFER OF LICENSE.

Licenses issued shall not be transferable without the consent of the municipal 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 Municipality. A proposed transferee must meet all the requirements set forth herein for a licensee.

5-4-10 LICENSE FEES REFUNDED - EXCEPTION.

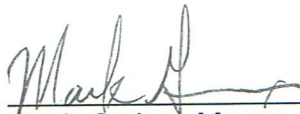
No license fees paid hereunder shall be refunded except in cases where the license issued is revoked by the City of Rio Communities in furtherance of the public interest and only those daily fees which were paid in advance and which were unused at the time of revocation shall be refunded.

5-4-11 LIEN AND PRIORITY.

The license fee fixed as hereinbefore provided shall be and constitute a lien in favor of the Municipality upon the personal property of the person, firm, corporation or business used in connection with said business, from the time that such license fee is fixed. The lien may be enforced as provided in Sections 3-38-1 through 3-38-6 N.M.S.A. (1978).

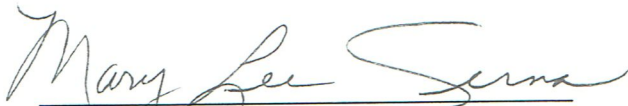
Such lien shall have priority over any lien or encumbrance what so ever, except the lien of state and county taxes, and no property of any person, firm, corporation or business shall be exempt from levy and sale or execution issued for the collection a judgment for any such fee. No sheriff, receiver, assignee, master or other officer shall sell the property of any person, firm, corporation or business subject to such license fee, under process for order of court, without first ascertaining from the Municipal Clerk of the Municipality 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.

APPROVED, ADOPTED AND SIGNED this 10th day of September, 2013 by the Governing Body of the City of Rio Communities.



Mark Gwinn, Mayor, City of Rio Communities

ATTEST:



Mary Lee Serna, Mayor Pro Tem