

ORDINANCE NO. ~~10~~-1188

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND RENEWAL OF BUSINESS REGISTRATION, THE IMPOSITION OF BUSINESS REGISTRATION FEES, AND PROCEDURES, AND REPEALING ORDINANCE NO. 384 AND ANY CONFLICTING ORDINANCE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GRANTS:

Section 1. Short Title. This ordinance may be cited as the "Business Registration Ordinance."

Section 2. Definitions. For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

a. "person" means any individual, 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 activity;

b. "engaging in business" means person operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade, pursuit or activity for the purpose of profit and who are required to obtain a New Mexico Taxpayer Identification Number;

c. "place of business" means the premises, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, to which the public is expressly or impliedly invited for the purpose of transacting of business. In the event there is no such location, but the business is transacted at the location of the buyer, then the general sales area shall be considered a "place of business". Unless a construction contractor has at least one permanent location within the City of Grants, "place of business" includes a construction site, located therein.

Section 3. Imposition of Fee. For a person engaging in business, there is imposed on each place of business located in the City of Grants, an annual business registration fee of \$25, for the initial and each consecutive 12-month calendar year. The fee is imposed pursuant to Section 3-38-3 NMSA 1978, as it now exists or is amended and shall be known as the "Business Registration Fee". The Business Registration Fee shall not be prorated for business conducted for a portion of the year.

Section 4. Exemption. No Business Registration Fee shall be imposed on any business which is licensed under City ordinance (such as Ordinance No. 355, 210, and 385) or otherwise exempted by law. No Business Registration Fee shall be imposed on any sanctioned and registered athletic official who officiates for any association or organization which regulates any public school activity and whose rules and regulations are approved by the State Board of Education.

Section 5. Application To Do Business. All persons proposing to engage in business within the municipal limits of the City of Grants shall apply for and pay the Business Registration Fee to the City Clerk, for each outlet, branch, location, or place of business within the municipal limits of the City of Grants prior to engaging in business, unless otherwise exempt.

Section 6. Renewal of Business Registration. Prior to the expiration of the business registration, any person with a place of business in the City of Grants and subject to this Ordinance shall apply to renew the business registration and shall pay an annual Business Registration Fee of \$25 for renewal for each place of business to the City Clerk.

Section 7. Late Fee. There shall be imposed upon each delinquent Business Registration Fee, a late fee in the amount of \$10, in the event a new business does not pay the Business Registration Fee, before it commences business or the annual Business Registration Fee for renewal is not paid prior to expiration.

Section 8. Application. Any person filing for issuance or renewal of any business registration shall include in the application a current Taxpayer Identification Number or evidence of application for such current Taxpayer Identification Number as issued by the New Mexico Taxation and Revenue Department.

Section 9. Zoning Notification. Upon acceptance of a business registration application for a given business, the City Clerk shall send the application to the Code Enforcement Officer. Upon review and approval of the application by the Code Enforcement Officer for compliance under the City Zoning Ordinance, of the activity proposed to be conducted at the given address, a Certificate shall be issued by the City Clerk.

Section 10. Enforcement. This Ordinance may be enforced by appropriate legal or administrative action brought to prevent the conduct of business; restrain, correct, or abate the violation of this Ordinance; 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. In addition, the Business Registration Fee may be collected by suit in Metropolitan or District Court. The City may institute any appropriate action or proceeding as provided for herein any time up to four years after the violation.

Section 11. Penalty. Any person convicted of a violation of any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to the penalty of a fine of not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

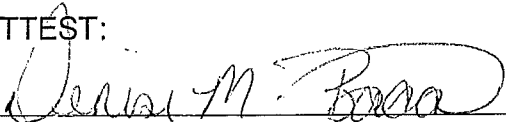
Section 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 13. Repeal. This Ordinance hereby repeals all prior actions and ordinances inconsistent with this Ordinance.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF GRANTS, THIS 31<sup>st</sup> DAY OF ~~JANUARY~~, 2011.  
March

  
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Mayor

ATTEST:  
  
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City Clerk