

ORDINANCE NO. 1259
AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II (BUSINESS REGISTRATION) TITLE AND SECTIONS 10-20 THROUGH 10-22; ARTICLE III (BUSINESS LICENSE), SECTIONS 10-44 THROUGH 10-64 OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO

Sponsored by: Councilor Lynda D. Aiman-Smith

WHEREAS, Chapter 10, Articles II and III of the Town of Silver City Municipal Code contain provisions of law regulating the licensing and registration of businesses within the Town; and

WHEREAS, the staff of the Community Development Department has recommended to the Town Council certain modifications of provisions within those mentioned Articles; and

WHEREAS, the Town Council of Silver City finds that modification of those certain provisions of the aforementioned Articles is required to clarify the obligations of businesses to register and license their businesses and make such provisions more user friendly; and

WHEREAS, the Town Council finds that such modifications to the existing provisions regulating the licensing and registration of businesses doing business within the Town is necessary for the health, safety and welfare of the Town and its inhabitants;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CTY, GRANT COUNTY, NEW MEXICO THAT :

The title of Chapter 10, Article II is changed from Business Registration to:

ARTICLE II. BUSINESS REGISTRATION AND LICENSING

Existing Section 10-20 is deleted in its entirety and replaced with:

Section 10-20. Duty to register businesses and obtain business license.

Any person, natural or otherwise, who does business within the Town of Silver City shall obtain a business license from the Department of Community Development prior to engaging in said business. Further, any person, natural or otherwise, who maintains a fixed business location

within the Town shall, in addition to obtaining a business license, register its business on form(s) provided by the Director of Community Development, except that no fees additional to the fees paid for the issuance of the business license shall be paid for business registration. Once issued, the business license and business registration shall be prominently displayed on the premises of the business and any branches thereof.

Existing Section 10-21 is deleted in its entirety and replaced with:

Section 10-21. Required information in applications for business licenses and the registration of in-town businesses.

(a) Business license applications and renewal applications shall include:

- (1) The name of the business and the complete name and address of the person undertaking said business (“Business Owner”);
- (2) The complete address of the principal place of business and any other branches and locations of the primary business;
- (3) A brief description of the type of business to be conducted;
- (4) The State of New Mexico taxpayer identification number (“CRS”);
- (5) A certification by the Business Owner that he/she is aware of the codes and ordinances of the Town, including the Land Use Code and Zoning Code, with regard to the conduct of business within the Town, including those provisions dealing with noise, trash, and maintenance of business locations;
- (6) Proof of issuance of proper operational permits as required by the Town’s fire codes for businesses using or storing hazardous materials; and
- (7) The signature of the applicant made under oath.

(b) Registration of in-town businesses shall include information pertaining to:

- (1) The name of the business;
- (2) The address of the primary location of the business within the Town;
- (3) The addresses of any branch locations of the business if located within the Town;
- (4) The name, home address and contact telephone number of the Business Owner, supported by a copy of a government issued photo identification;
- (5) The State of New Mexico taxpayer identification number (“CRS”);
- (6) A brief description of the type of business to be conducted;
- (7) Proof of issuance of proper operational permits as required by the Town’s fire codes for businesses using or storing hazardous materials; and
- (8) The signature of the registrant under oath.

Existing Section 10-22 is deleted in its entirety and replaced with:

Section 10-22 False statements; Penalty; Revocation.

Any person who shall file a materially false statement of the nature of the business, the identity of the owner(s) thereof, or any other false statement or misrepresentation of fact in any application or application for renewal of a business license or business registration, shall be in violation of the Town’s Municipal Code and be subject to the penalties provided for therein.

Further, upon a finding that such false statements have been made, the Director of the Community Development Department may revoke any licenses issued on the basis of such false statements.

Any such revocation may be appealed to the Town Manager within five days of such revocation, who shall issue a decision within three business days.

Add a new section 10-23 which shall read:

Section 10-23 Fees.

(a) Except as otherwise noted herein, the fee for a business license shall be thirty-five dollars (\$35) annually and shall not be prorated and must be renewed annually prior to January 31 of each succeeding year. Late payment shall include an administrative fee of \$25.00 in addition to the prescribed license fee.

(b) Business license fees for particular businesses are:

(1) *Auctioneers* shall pay at the rate of \$10.00 per day while engaging in auctioneering. Auctioneers may purchase an annual license at the rate of \$100.00 annually for unlimited auctioneering.

(2) *Gasoline/diesel/propane filling stations* shall pay at the rate of \$25.00 per annum, plus \$20.00 per pump in excess of two.

(3) *Circuses and carnivals*. Such shows shall pay at the rate of \$100.00 per day; however that upon a showing to the authorized representative of the Town that the applicant is identified as a non-profit entity and that the performance is of public benefit or for fund raising, such payment may be waived.

(a) If any such 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 authorized representative of the Town. Said deposit shall be refunded upon a finding by the Town's Code Enforcement Officer that such temporary location has been satisfactorily cleaned of refuse and debris deposited there as a result of the performance.

(4) *Pawnbrokers* shall pay at the rate of \$75.00 per annum.

(5) *Wholesale gasoline, propane and oil dealers* shall pay at the rate of \$250.00 per

annum.

(c) In addition to any license fees mentioned herein this section, the fee for any inspection provided for by this chapter shall be \$25.00 per inspection.

(d) License fees fixed by this article may be changed at any time by Council resolution duly passed and published once in a newspaper authorized for that purpose. A schedule of the current license fees is available for public inspection in the office of the Community Development Department during regular business hours.

Add a new section 10-24 which shall read:

Section 10-24 Inspections.

(a) The Chief of Police or his/her designate, Code Enforcement Officers of the Town, and the Town Fire Marshal, in their respective roles of responsibility, are authorized to make inspections of all in-town facilities of businesses licensed or required to be licensed under the provisions of this article, with a view to minimizing fire and other safety hazards and to ascertain whether public order and decency are being maintained.

Delete Section 10-54. Certain businesses requiring supervision, and replace with:

Section 10-54. Certain businesses requiring supervision and inspection.

It is recognized by the Town Council that certain businesses concern the health, safety and general welfare of the citizens more than others, and that certain businesses require a greater degree of supervision, including but not limited to inspections and monitoring by the municipal authorities.

The following businesses are deemed to require such greater degree of supervision:

- (1) Businesses tending to attract crowds or children; and

(2) Businesses operated temporarily or for short periods of time by persons not residents of the Town; and

(3) Businesses engaged in the use and storage of hazardous materials in their trade which require an operational permit under the provisions of Section 105 of the International Fire Code, which the Town has adopted as its fire code.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 11th day of July, 2017.

(Seal)

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk