TOWN OF SILVER CITY, NEW MEXICO
ORDINANCE NO. 1181

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 722 PASSED, ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY, NEW MEXICO ON AUGUST 30, 1984, RELATING TO THE IMPOSITION OF AN INCREMENT OF MUNICIPAL GROSS RECEIPTS TAX.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SILVER CITY, NEW MEXICO:

Section 1. Ratification. All action heretofore taken (not inconsistent with the provisions of this Amendment to Ordinance) by the Governing Body of the Town of Silver City, New Mexico, related to an increment of Municipal Gross Receipts Tax imposed pursuant to Sections 7-19D-9 NMSA 1978, hereby is ratified, approved and confirmed.

Section 2. Authorization of Amendment. Sections 1 and 4 of Town Ordinance No. 722, adopted and approved on August 30, 1984, relating to an increment of Municipal Gross Receipts Tax, are hereby amended to read as follows:

“Section 1. Imposition of Tax. There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to 0.25% of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as amended. The 0.25% gross receipts tax shall be divided into two increments of 0.125% each. The tax imposed under this ordinance is pursuant to the Municipal Gross Receipts Tax Act as it now exists or as amended and shall be known as the “municipal gross receipts tax.”

“Section 4. Dedication. The revenue derived from the Town’s municipal gross receipts tax imposed by this ordinance shall be used for the purposes provided by statute, specifically the first 0.125% increment shall be used for water system repairs, improvements and additions, and the second 0.125% increment shall be used to pay debt service on or to redeem gross receipts tax revenue bonds issued for acquiring, constructing, purchasing, furnishing, equipping, rehabilitating, beautifying, making additions to or making improvements to capital projects in the Town, or to pay costs directly associated with the Town’s capital projects consistent with the Municipal Code, Chapter 3 NMSA 1978, and the Municipal Local Option Gross Receipts Taxes Act, Chapter 7 Article 19D NMSA 1978.”

Section 3. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.
Section 4. **Repealer Clause.** All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 5. **Effective Date.** Upon due adoption of this Ordinance, it shall be authenticated by the signature of the Mayor and the Clerk, and the title and general summary of the subject matter contained in this Ordinance shall be published in accordance with law, and shall be in full force and effect thereafter.

**PASSED, APPROVED AND ADOPTED THIS 15th DAY OF AUGUST, 2011.**

SILVER CITY, NEW MEXICO

/s/  
[SEAL]  
By______________________________

James R. Marshall, Mayor

**ATTEST:**

/s/  
By______________________________

Ann L. Mackie, Town Clerk