

NOTICE OF INTENT

NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE II, BUSINESS REGISTRATION AND LICENSING, SECTION 10-21, PARAGRAPHS (a) (6) AND (b) (7), AND SECTIONS 10-24 THROUGH 10-28, AND ARTICLE III, BUSINESS LICENSE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to its Ordinances pursuant to the Town of Silver City Code of Ordinances. This notice is given the title as follows:

ORDINANCE NO. 1323

AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE II, BUSINESS REGISTRATION AND LICENSING, SECTION 10-21, PARAGRAPHS (a) (6) AND (b) (7), AND SECTIONS 10-24 THROUGH 10-28, AND ARTICLE III, BUSINESS LICENSE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.

Sponsored by Councilor Guadalupe E. Cano.

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 modification of provisions within those mentioned Articles; and

WHEREAS, the modification will eliminate duplications and inconsistencies between Articles II and III, and provide overall clarity regarding the registration and licensing of businesses within the Town; 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 are 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:

1. Paragraph (a) (6) of Section 10-21, Article II, Chapter 10, Businesses, is hereby amended to include proof of any permit required by the New Mexico Environment Department, and shall now read as follows:

(6) Proof of issuance of proper operational permits as required by the town's fire codes and the

New Mexico Environment Department for businesses using or storing hazardous materials;
and

2. Paragraph (b) (7) of Section 10-21, Article II, Chapter 10, Businesses, is hereby amended to include proof of any permit required by the New Mexico Environment Department, and shall now read, as follows:

(7) Proof of issuance of proper operational permits as required by the town's fire codes and the New Mexico Environment Department for businesses using or storing hazardous materials;
and

3. Section 10-24 of Article II, Chapter 10, Businesses, is amended to add the requirement that inspections shall ensure that the licensee observe all applicable town ordinances and state laws, and shall now read as follows:

Sec. 10-24. – Inspections.

The chief of police, or designate, the code enforcement officers of the town, and the town fire chief, or designate, 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, and to ensure all applicable town ordinances and state laws and regulations are being observed by the licensee.

4. A new Section 10-25 is added to Article II, Chapter 10, Businesses, which shall read as follows:

Sec. 10-25. - Certain businesses requiring supervision and inspection.

(a) 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, as amended, which the town has adopted as its fire code, or any permit required by the New Mexico Environment Department.

5. A new Section 10-26 is added to Article II, Chapter 10, Businesses, which shall read as follows:

Sec. 10-26. - Denial; hearing

The town manager may, through the monitoring of applications received by the community development director, and for the purpose of regulation, refuse to issue licenses when he may deem it in the public's best interest and general welfare; provided, however, that no license shall be refused without first giving the person applying therefor, an opportunity to be heard by the council. If, upon such hearing, a majority present and voting is of the opinion that a refusal to issue a license is for the public's best interest, the decision shall be affirmed; otherwise, a license shall be issued.

6. A new Section 10-27 is added to Article II, Chapter 10, Businesses, which shall read as follows:

Sec. 10-27. - Separate license fees.

Separate license fees will be imposed upon each distinct business possessing a separate CRS number although operated by the same person.

7. A new Section 10-28 is added to Article II, Chapter 10, Businesses, which shall read as follows:

Sec. 10-28. - Revocation

Any license, permit or business registration issued under the provisions of this article may be revoked by the director of community development for the violation by the licensee, registrant, or permittee as the case may be, of any applicable provision of this article, or town ordinance, rule or regulation, or any state law, rule or regulation, and which violation shall subject the violator to the specified penalties therein. A violation of any section of this article shall subject the violator to the general penalty provisions specified in Section 1-9 of the municipal code. A material misrepresentation of any fact included in the license, permit or registration application will be grounds for immediate revocation. A licensee may appeal in writing the revocation to the town manager within five days of the license revocation, who

shall render a decision within three days. An appeal does not stay the effective date of revocation. No license fee paid under this article shall be refunded.

8. Sections reserved for Article II shall now read as follows:

Sec. 10-29—10-43. – Reserved.

9. Article III, Business License, of Chapter 10, is deleted in its entirety.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this ____ day of _____, 2023.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to September 12, 2023.

/s/ _____
Alfred Sedillo, Town Clerk

Date

