

**Ordinance No. 417**

***An Ordinance to Repeal and Replace Ordinance No. 235 and Ordinance No. 240***

**Section 1 - Imposition of Business Registration Fee**

Pursuant to section 3-38-3, N.M.S.A., 1978, as it now exists, or as amended, the governing body of the Village of Fort Sumner imposes an annual, calendar-year "Business Registration Fee" in the amount of twenty-five dollars (\$25.00) that shall be imposed upon each place of business conducted in this Municipality that is not otherwise licensed by the Municipality under Ordinance No. 144 and Ordinance No. 185.

A separate registration is required for each outlet, branch, or location of business conducted within the municipal limits.

New businesses established after March 31st of each year shall pay a registration fee as follows:

- Start up during April ..... \$23.00
- Start up during May ..... \$22.00
- Start up during June ..... \$20.00
- Start up during July ..... \$19.00
- Start up during August ..... \$18.00
- Start up during September ..... \$17.00
- Start up during October ..... \$16.00
- Start up during November ..... \$15.00
- Start up during December ..... \$14.00

All Business Registration Fees are nonrefundable and nontransferable.

The annual Business Registration Fee shall be imposed on contractors and subcontractors for one (1) time only each year and not for each construction or contracted work site. A Business Registration Fee is required of all contractors and subcontractors that engage in business within the city limits even though the business "home base" may be located outside the city limits. Resident contractors/subcontractors are subject to the full annual fee.

## **Section 2 - Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

*Engaging in business.* Carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit.

*Person.* Any person, firm, corporation, partnership, association, company, or organization of whatever kind or nature engaged in the conduct of a trade, profession, or business pursuit.

*Place of business.* Each and every outlet, branch, or separate location within the municipal limits, regardless of zoning, and regardless of ownership where business is conducted or from which business transactions are initiated.

## **Section 3 - Exemption.**

No Business Registration Fee shall be imposed on any business which is licensed under Ordinance No. 144 and Ordinance No. 185 pursuant to 3-38-1, N.M.S.A., 1978.

## **Section 4 - Application to do business.**

Prior to engaging in any business, any person proposing to engage in business within the municipal limits shall apply for and pay to the Municipality any applicable Business Registration Fee for each separate place of business. All applications shall be in writing and shall be prepared on a form authorized by the Municipal Clerk.

Any person filing an application for issuance or renewal of any business registration as authorized in this article shall include on the application the current state revenue division taxpayer identification number, or evidence of application for same, together with such other information as the Clerk may require, including evidence that necessary state licenses have been issued to the applicant.

The Municipality shall not issue or renew a business registration to any person who has not furnished the information required in this section.

If a person relocates the business or significantly changes the type of business being conducted before the current business registration expires, a new business registration application form shall be completed.

## **Section 5 - Renewal of Business Registration.**

Prior to March 16th of each year, any person with a place of business in the Village of Fort Sumner and subject to this article shall apply for renewal of this business registration with the Municipal Clerk and shall pay any applicable Business Registration Fee.

### **Section 6 - Late Fee.**

Business Registrations that are not filed prior to engaging in business and renewals not filed prior to March 16th shall be charged an additional ten dollars (\$10.00) as penalty for late filing before a Business Registration is issued by the Municipal Clerk.

### **Section 7 - Collection and Enforcement.**

Pursuant to 3-38-5 NMSA 1978 the above sections may be enforced by the Municipality having jurisdiction as Municipal Ordinances are enforced;

(a) If any person conducts business in violation of this article, the Municipality may institute any appropriate action or proceedings to:

- (1) Prevent the conduct of the business;
- (2) Restrain, correct, or abate the violation; or
- (3) Prevent the occupancy of the building, structure, or land on which the business is located.

(b) In addition to the remedies provided in subsection (a) of this section, the Business Registration Fee may be collected and may be enforced by the Municipality by suit in municipal and/or district court, and in addition, a separate penalty may be imposed as allowed by Section 8 of this Ordinance. The Business Registration Fee shall constitute a lien in favor of the Village of Fort Sumner upon the personal and real property of the business and the lien shall have priority over any lien or encumbrance, except a lien for general taxes.

(c) Under process or order of the court, no person shall sell the property of any business without first ascertaining from the Clerk the amount of any Business Registration Fee due and owing to the city. Any such Business Registration Fee as shall be due and owing to the Village of Fort Sumner shall be paid from the proceeds of sale and before payment is made to any judgment creditor or any other person with a claim on the sale proceeds.

(d) The Municipal Clerk shall furnish to any person applying for such a certificate, a certificate showing the amount of all liens in the records of the Municipality against any vendor pursuant to this article.

(e) The Municipality may initiate any appropriate action or proceeding as provided in subsection (a) of this section any time up to four (4) years after the violation.

### **Section 8 - Penalty.**

Any person who is cited for failure to comply with the above Section 1 through 6; fails to pay late fees, to make application to do business, to pay the Business Registration Fee imposed, or who violates any other provision of this article

shall, upon conviction in the Fort Sumner Municipal Court, be subject to a penalty of not to exceed ninety (90) days in jail nor five hundred dollars (\$500.00) fine, or both, for each violation. Each day in which a person violates this article or fails to comply with any of its requirements shall constitute a separate offense.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

DRAFT