



City of Rio Communities Planning and Zoning Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Thursday, March 03, 2022 5:30 PM
Agenda

Please silence all electronic devices.

ATTENTION: In an abundance of caution, due to a COVID issue the Planning and Zoning on Thursday March 3, 2022 may be virtual and/or limited to in-person attendance by the Commission, Administrative Staff, City Attorney, and credentialed members of the press. you can participate in the Planning and Zoning Meeting from the comfort and safety of your own home by entering the following link: @ <https://www.facebook.com/riocommunities>

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Actions Items

- 1. Decision – Business License and Business Registration Ordinance**
- 2. Discussion, Consideration, and Decision – Planning and Zoning 2022 Meeting Schedule**

Public Comment: The Commission will take public comments on *this meeting's specific agenda items*. These should be in written form via email through 4:45 PM on Thursday MONTH XX, 2021 to info@riocommunities.net. These comments will be distributed to all Commissioners for review. ***If you wish to speak during the public comment session in person:*** The Commission will allow each member of the public three (3) minutes to address the Commission. Both the public and Planning & Zoning Commission will follow rules of decorum. Give your name and where you live. The public will direct comments to the Commission. Comment(s) will not be disruptive or derogatory.

General Commission Discussion/Future Agenda Items

3.

Adjourn

Public We will be streaming live on Facebook Live @ <https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

Draft: April 8, 2014**CITY OF RIO COMMUNITIES, NM****Ordinance No: 2014-09****CHAPTER 8 BUSINESS LICENSES****ARTICLE 1 BUSINESS LICENSE REGISTRATION**

- 8-1-1 AUTHORITY**
- 8-1-2 IMPOSITION OF BUSINESS REGISTRATION FEE**
- 8-1-3 EXEMPTION**
- 8-1-4 APPLICATION TO DO BUSINESS**
- 8-1-5 RENEWAL**
- 8-1-6 APPLICATION**
- 8-1-7 PENALTY**

8-1-1 AUTHORITY

Pursuant to NMSA 1978, Sections 3-38-1 and 3-38-3(A), the City shall, by ordinance, charge a business registration fee on each person, firm, corporation, association or place of business conducted within the City.

8-1-2 IMPOSITION OF BUSINESS REGISTRATION FEE

There is imposed on each place of business conducted in the City a business registration fee of thirty-five dollars (\$35.00). Such fee is imposed pursuant to NMSA 1978, § 3-38-3(A) as it now exists or shall be amended and shall be known as the "Business Registration Fee." Moreover, the business registration fee may not be prorated for business conducted for a portion of the year.

8-1-3 EXEMPTION

Pursuant to NMSA 1978, § 3-38-1, no business registration fee shall be imposed on any business that is licensed under Sections 8-2-3 or 8-2-4 of the Code of the City of Rio Communities.

8-1-4 APPLICATION TO DO BUSINESS

Any person who proposes to engage in business within the City limits after July 1, 2013 shall, before engaging in business, apply for and pay a business registration fee for each outlet, branch or location within the City limits, unless such person is required to obtain a license under Section 8-2-3 of this Code.

8-1-5 RENEWAL

Before March 16th of each year, any person with a place of business within the City limits and subject to this Ordinance shall apply for a renewal of business registration with the City Clerk.

8-1-6 APPLICATION

Any person filing an application for issuance or renewal of any business registration shall include in the application, their current revenue division taxpayer identification number or evidence of application for a current revenue number or evidence of application for a current revenue division taxpayer identification number. The applicant shall also produce and maintain, if applicable, State Licensing and Certificates to the type of business conducted.

8-1-7 PENALTY

Notice shall be mailed to any person or business within ten (10) days after due date, who fails to pay the annual registration fee. Notice shall be registered letter return receipt requested. If within seven (7) days of receiving the letter, the fee has not been paid, then the business and or person shall be subject to a penalty of ten dollars (\$10.00) in addition to the registration fee.

History: 2013 Comp., ch. date.

End of Document

Draft: April 8, 2014

City of Rio Communities, NM

Ordinance No: 2014-10

CHAPTER 8 BUSINESS LICENSES

ARTICLE 2 BUSINESS LICENSE

- 8-2-1 LICENSE REQUIREMENTS**
- 8-2-2 BUSINESS REGULATION FEE**
- 8-2-3 APPLICATION LICENSE PROCEDURES**
- 8-2-4 CITY CLERK**
- 8-2-5 LICENSEE INFORMATION**
- 8-2-6 LICENSE DENIAL OR REVOCATION**
- 8-2-7 PENALTY FOR FALSE STATEMENT**
- 8-2-8 SEPARATE LICENSE FEE**
- 8-2-9 TRANSFER OF LICENSE**
- 8-2-10 LICENSE FEE REFUND**
- 8-2-11 LIENS AND PRIORITY**

8-2-1 LICENSE REQUIREMENTS

- A. Pursuant to NMSA 1978, Sections 3-38-1 through 3-38-6, all persons, firms, corporations or associations of any character engaged in any of the various pursuits, business or occupations listed in Section 8-2-2 and not otherwise exempt by law shall, before commencing business and annually thereafter before the sixteenth day of March, secure a license from the City under the procedures herein set forth and shall pay a license fee in advance at the rate set in Section 8-2-2 for each location where such business is conducted.
- B. In the event that any license fee due here under for renewal shall not be paid by the fifteenth day of March or any applicable license fee is not paid before commencement of business, a penalty in the amount of \$10.00 shall be added in addition to the registration fee.

8-2-2 BUSINESS REGULATION FEE

The following pursuits, businesses or occupations are hereby required to be licensed and the fees set forth are required to be paid to the City for each place of business conducted by the same person, firm, corporation or association.

- A. Itinerant or travel shows, circuses, carnivals, wrestling or boxing exhibitions, operatic and theatrical or other public exhibitions at a rate \$25.00 per day, provided however, that if any 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 to the City to be refunded if the City certifies that such temporary location has been satisfactorily cleaned of refuse and debris deposited there as a result of such performance.
- B. Fortune tellers clairvoyants, palmists and similar trades whether the same is a principle business pursuit or incidental to another, at a rate of \$25.00 for the first day and at a rate of \$10.00 for each succeeding day.
- C. Itinerant vendors of all kinds who sell merchandise or services or any character, whether delivery is made by them or not, or who shall temporarily bring into the City, stocks of goods, wares or merchandise and offer the same at public auction or private sell, or who shall offer to perform services for a period of time less than 2 weeks, at a rate of \$25.00 for the first day and for each succeeding day to: 1) traveling salesmen or drummers taking orders for merchandise to be delivered to retail dealers only; 2) any person selling fruits, farm or garden produce of his own raising; 3) sales of merchandise or services within markets or flea markets having a single location used as a market or flea market for 3 or more vendors on a regular basis and providing further however, that nothing herein shall be construed to be a repeal of Section 7-3-5 of the Code of the City of Rio Communities that prohibits certain door-to-door sales.
- D. Street stands, except where conducted for charity, at a rate of \$50.00 per year provided however, that this Section shall not apply to garage sales

8-2-3 APPLICATION LICENSE PROCEDURE

- A. It shall be the duty of all persons prior to engaging in any business described in Section 8-2-2 herein to obtain an application from the City Clerk or Treasurer. Such application shall contain information concerning the name of the person, firm, corporation or association undertaking the business; a complete address, both in the City and elsewhere of such person firm, corporation or association, together with a description of the nature of the business to be conducted.

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- B. Such application shall also comply with Section 8-2-7 hereof and contain information sufficient to show compliance with all other ordinances of the City.
- C. The completed application shall be returned to the City Clerk or Treasurer with all information and payment of the fee imposed in Section 8-2-2.

8-2-4 CITY CLERK

It shall be the duty of the City Clerk to provide suitable licenses to be furnished; all licenses and each license shall be prominently displayed at the place of business for which it is issued.

8-2-5 LICENSEE INFORMATION

No license permit shall be issued hereunder unless the applicant for a license shall furnish to the City Clerk a current New Mexico Taxpayer Identification Number or evidence of application for a current taxpayer identification number pursuant to NMSA 1978, Section 3-38-4(C).

8-2-6 LICENSE DENIAL OR REVOCATION

- A. No license shall be issued without a properly completed application as herein before set forth, and without compliance with Section 8-2-5 of this Code as applicable.
- B. Any license applied for may be denied or any license issued may be revoked upon a finding by the City, after a person seeking or holding a license has been heard, that it is in the public interest that the license be denied or revoke

8-2-7 PENALTY FOR FALSE STATEMENT

- A. No person, firm, agent or corporation shall make a materially false statement for a business license.
- B. A materially false statement on any application for a business license shall be cause for denial or revocation of the license plus other penalties as shall be provided in the Code of the City or Rio Communities or New Mexico Statutes.

8-2-8 SEPARATE LICENSE FEE

Separate license fees shall be imposed upon and a separate license issued for each place of business that is conducted by the same person, firm, corporation or association.

8-2-9 TRANSFER OF LICENSE

Licenses shall not be transferable without the consent of the City Council by resolution duly adopted and shall not be transferable in any event unless the stock of merchandise covered thereby shall remain intact and in the same location within the City. A proposed transferee must meet all the requirements as set forth herein for a license.

8-2-10 LICENSE FEE REFUND

No license fees paid hereunder shall be refunded except in cases where the license issued is revoked by the City in furtherance of the public interest and then, only those daily fees that were paid in advance and that were unused at the time of the revocation shall be refunded.

8-2-11 LIENS AND PRIORITY

- A. The license fee fixed as herein before provided shall be and constitute a lien in favor of the City upon personal property of the person, firm, business or corporation used in connection with said business, from the time that such license fee is fixed. The lien may be enforced as provided in NMSA 1978, § § 3-38-1 through 3-38-6.
- B. Such a lien shall have priority over any lien or encumbrance what so ever, except the lien of state and county taxes, and no property of any person, firm, business or corporation shall be exempt from levy and sale or execution issued for the collection of judgment for any such fee.
- C. No sheriff, receiver, assignee, master or other officer shall sell the property of any person, firm, business or corporation subject to such license fee under process for order of court without first ascertaining from the City Clerk, the amount of any license due, owing or unpaid; it shall be the duty of such officer first to pay the amount thereof out of the proceeds of such sale before making payment of money to the judgment creditor or other person at whose instance such sale is had.

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