

ORDINANCE NO. 63-89

BUSINESS REGISTRATION FEE ORDINANCE

WHEREAS, the Board of County Commissioners of Dona Ana County is acting through the powers vested in it by Section 4-37-1 and Section 3-38-3, N.M.S. 1978 as amended, and the Opinion of the Attorney General of the State of New Mexico, No. 79-9, dated February 23, 1979; and

WHEREAS, it is deemed to be in the public interest and in the interest of the health, welfare and morals of the county;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DONA ANA COUNTY, NEW MEXICO:

1. THAT Ordinance No. 18-82 of Dona Ana County, New Mexico, is hereby repealed in its entirety.
2. THAT this "Business Registration Fee Ordinance" is adopted in its place.
3. THAT the new ordinance adopted by the Board of County Commissioners of Dona Ana County, New Mexico, is enacted as follows:

Section 1. TITLE: This Ordinance may be cited as the Business Registration Fee Ordinance.

Section 2. PRESUMPTION OF LIABILITY: It is presumed that all businesses and occupations within the County area are subject to the Business Registration Fee, unless specifically exempt from such fee under the provisions of the Business Registrations Fee Ordinance, or applicable State Law.

Section 3. FEE IMPOSED: There is hereby imposed a Business Registration Fee on all persons doing business within the County, but outside the boundaries of any incorporated municipality.

Such Business Registration Fee shall be \$35.00 per annum, per business location, and may not be prorated for businesses conducted for a portion of the year.

Section 4. DEFINITIONS: As used in this Ordinance:

"County" means the County of Dona Ana, New Mexico.

"Commission" means the Board of County Commissioners of Dona Ana County.

"Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity including any gas, water or electric utility not owned by the U. S. Government, the State or any other political subdivision.

"Engaging in business" means carrying on or causing to be carried on an any trade with the purpose of direct or indirect benefit.

Section 5. EXEMPTIONS: Only those businesses which are exempt from a business registration fee by State Law are exempt from payment of this Business Registration Fee.

Section 6. COLLECTION AND PAYMENT: Prior to engaging in business and receiving a Business Registration Fee Certificate, any person proposing to engage in business shall pay to the County a \$35.00 Business Registration Fee for the calendar year. This fee may not be prorated for businesses conducted for a portion of the year. Upon payment of the fee to the County, a receipt will be issued which will allow the person to engage in business until such time as the County Clerk issues the proper Certificate of Registration.

Prior to March 16 of each year, any person engaging in a business within the County shall apply for the renewal of the Business Registration Fee Certificate with the County Clerk.

Any person filing an application for issuance or renewal of any Business Fee Certificate shall include on the application the person's current Revenue Division Taxpayer Identification Number as evidence of application for a current Revenue Division Taxpayer Identification Number from the New Mexico Taxation and Revenue Department. The application shall also contain the name, address, and type of business.

The County shall not issue or renew a Business Registration Fee Certificate authorizing the conduct of a business to any person who has not furnished to the County the information required in this section.

Section 7. MULTIPLE BUSINESS LOCATIONS: For the purpose of determining the fee imposed by this Ordinance, a person shall pay a fee on each of his business locations within the County, but outside the boundaries of any incorporated municipality.

Section 8. NOT A LICENSE: No action taken under the provisions of this Ordinance shall be construed as authorizing either the conduct or continuance of any business in an unlawful manner or in an unlawful location.

Section 9. PENALTY: Any person found guilty of violating any of the provisions of this Ordinance shall be fined not more than three hundred dollars (\$300.00) or imprisoned for a period of not more than ninety days (90) or both, the fine and imprisonment.

Section 10. COLLECTION; ENFORCEMENT: Any business conducted in violation of this ordinance shall be declared delinquent and the County may initiate any appropriate action to:

1. prevent the conduct of the business;
2. restrain, correct or abate the violation;
3. prevent the occupancy of the building, structure or land on which the business is located; or
4. charge a late fee of no more than ten dollars (10.00) per year.
5. any other action permitted by the laws of the State of New Mexico.

Section 11. REMEDIES: The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Ordinance. All remedies prescribed or liens created hereunder or under the provisions of the laws of New Mexico for collection and enforcement of the Business Registration Fee shall be cumulative and the use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Ordinance or any liens created by the laws of New Mexico. The fee fixed by this Ordinance shall be a lien in favor of the County upon the personal property of the person used in connection with such person's business from the time such fee is fixed and such lien shall be imposed, collected, enforced and paid as provided by the laws of New Mexico relating to the Business Registration Fee liens.

Section 12. PAYMENT OF PRIOR DELINQUENT FEES: No Business Registration Fee Certificate shall be issued until the person, firm, or corporation applying for such certificate has paid all prior fees due the County, plus penalty.

Section 13. SEVERABILITY: If any of the provisions, or part thereof, of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 14. EFFECTIVE DATE: This Business Registration Fee Ordinance shall become effective as provided by law.

ENACTED AND ADOPTED this 25 day of April 1989.

BOARD OF COUNTY COMMISSIONERS OF DONA ANA COUNTY,
NEW MEXICO

Jamie A. Stull
Jamie A. Stull, Chairman

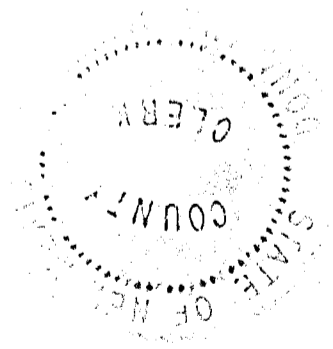
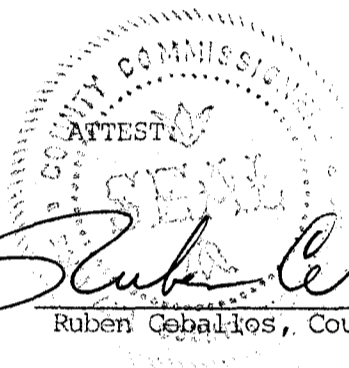
Everardo L. Chavez
Everardo L. Chavez, Member

Enrique S. Gonzalez, Jr.
Enrique S. Gonzalez, Jr., Member

Ray B. Luchini
Ray B. Luchini, Member

Ruben Ceballos
Ruben Ceballos, County Clerk

William H. Spaulding
William H. Spaulding, Member



State of N. Mex., Co. of Dona Ana; ss
RECEPTION NO. 7467 I Heretby
certify that this instrument was filed
for record and duly recorded on

APR 25 1989

1117 A ORDN
Book 1 Page 584 of the 586
Records of said County, Ruben Ceballos,
County Clerk
Justin DEPUTY