



**BOARD OF COUNTY COMMISSIONERS
ORDINANCE 2019-002**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF
LOCAL BUSINESS REGISTRATION; PROHIBITING OPERATING AN
UNREGISTERED BUSINESS; AND PROVIDING PENALTIES FOR VIOLATION**

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-38-3 provides that municipalities have the authority to charge a business registration fee on each place of business conducted within a municipality.

WHEREAS, NMSA 1978, Section 4-37-1 grants Counties the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties.

NOW THEREFORE, BE IT ORDAINED that the Board of County Commissioners of the County of Cibola adopts the following Ordinance establishing registration requirements for business conducted within unincorporated areas of the County.

Section 1. SHORT TITLE

This Ordinance shall be known as the Cibola County Business Registration Ordinance.

Section 2. JURISDICTION

This Ordinance shall apply to all unincorporated areas of Cibola County but not to areas within a federally created Indian Reservation.

Section 3. DEFINITIONS

201901975 Page 1of4B: 027 P: 00740 09/27/2019 08:26 AM
Michelle E. Dominguez, Cibola County, NM Clerk and Recorder



Combined Reporting System ("CRS") Tax Identification Number. A tax identification number used to report and pay tax collected on gross receipts from business conducted in New Mexico.

Engaging in Business. Persons or entities operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade, pursuit or activity for the purpose of profit and who are required to obtain a CRS Identification Number pursuant to New Mexico law and pay or should pay Gross Receipts and Compensating Tax (GRT) pursuant to NMSA 1978, Section 7-9-1, *et. seq.* to the State of New Mexico, then the business must be registered. Specifically excepted are athletic officials who officiate for any association or organization that regulates any public school activity and whose rules and regulations are approved by the State Board of Education.

Place of Business. The premises, whether it be a personal residence, mail business location, or an outlet, branch or other location thereof, temporary or otherwise, to which the public is expressly or impliedly invited for the purpose of transacting business. In the event there is no such location, but the business is transacted at the location of the buyer, then the general sales area shall be considered a place of business.


Section 4. REGISTRATION/RENEWAL/FEES REQUIRED

- A. Any person or entity engaged in business must complete a County Business Registration Form for each place of business within the jurisdiction of the County between January 1 and March 1, 2020 and must renew each subsequent year by March 1.
- B. The Business Registration Form is due thirty (30) days after new business is commenced or place of business added.
- C. The County Clerk, with the input of the Planning Coordinator, is authorized to promulgate application forms and to create and maintain records of registration. A current CRS number must be provided on each registration and renewal form.
- D. Registration and renewal forms must be signed by the County Clerk, the Planning Coordinator, and a representative from the County Assessor's Office before registration is complete.
- E. Yearly fees are assessed at thirty-five dollars (\$35.00). Fees will not be prorated.

Section 5. UNLAWFUL CONDUCT

- 1. It shall be unlawful for any person who is required by New Mexico law to obtain a CRS Identification Number and/or to pay GRT to engage in business within the County's jurisdiction without registering the business and complying with the terms of this Ordinance.

201901975 Page 2 of 48: 027 P: 00741 09/27/2019 08:26 AM
Michelle E. Dominguez, Cibola County, NM Clerk and Recorder



2. It shall be unlawful for any person to knowingly file an application for issuance or renewal of any business registration on which any of the information required has been falsified.

Section 6. PENALTIES and ENFORCEMENT

1. A fine of up to three hundred dollars (\$300.00) may be imposed pursuant to NMSA 1978, Section 3-17-1(C)(1).
2. In addition to a fine, the County may institute at any time up to four (4) years following the violation any appropriate judicial action or proceeding to:
 - a. Prevent the conduct of the business;
 - b. Prevent the occupancy of the building, structure or land on which the business is located;
 - c. Collect fees by suit in court; or
 - d. Charge a late fee of ten dollars (\$10.00) per year for registration renewal payments made after the due date of March 15.
3. Unpaid registration fees constitute a lien in favor of the County and may be enforced according to any available legal provisions.
4. The Sheriff's Office and the Planning Coordinator are authorized to issue citations pursuant to Paragraph 1 of this Section; and, the County Attorneys are authorized to carry out enforcement activities pursuant to Paragraphs 2 and 3 of this Section.

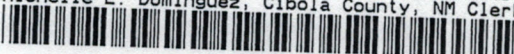
Section 7. REPEALER

Ordinance 91-02 is hereby repealed.

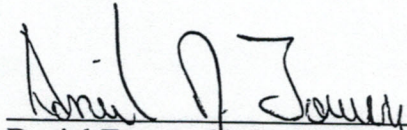
Section 8. SEVERABILITY

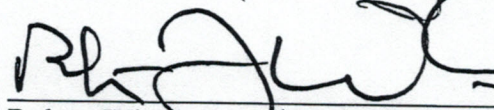
If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of the fact that any one or more section, sub-section, sentence, clause, word or phrase thereof be held unconstitutional or otherwise invalid.

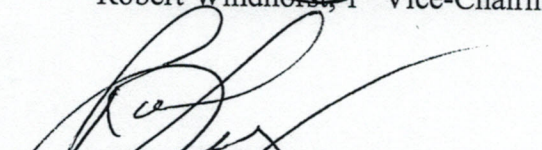
201901975 Page 3 of 4B: 027 P: 00742 09/27/2019 08:26 AM
Michelle E. Dominguez, Cibola County, NM Clerk and Recorder




PASSED, APPROVED, and ADOPTED this 26 day of Sept 2019.


Daniel Torrez, Chairman

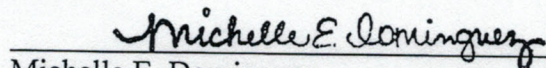

Robert Windhorst, 1st Vice-Chairman

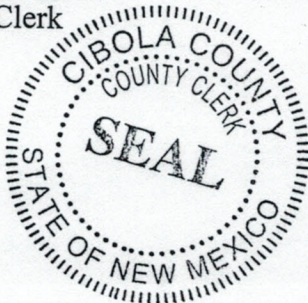

Ralph Lucero, 2nd Vice-Chairman


Martha Garcia, Commissioner


Christine Lowery, Commissioner

ATTEST:


Michelle E. Dominguez
Cibola County Clerk



201901975 Page 4 of 48: 027 P: 00743 09/27/2019 08:26 AM
Michelle E. Dominguez, Cibola County, NM Clerk and Recorder
