

037113

1-4-2

ORDINANCE NO. 91-2  
AN ORDINANCE RELATING TO  
COUNTY OCCUPATION LICENSES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CIBOLA COUNTY, its governing board, that:

1. LICENSE REQUIRED. All persons engaged in any business or occupation within Cibola County, and not within the boundaries of any incorporated municipality, shall, before commencing business, and annually thereafter, before the First (1st) day of Jan, <sup>1992</sup> secure a license from the County under the procedures hereinafter set forth, and shall pay an annual fee therefor of Thirty-Five Dollars (\$35.00) in connection with each pursuit, business or occupation. In the event that any license fee due hereunder shall not be paid by the fifteenth (15th) day of March, a penalty in the amount of ten percent (10%) of the license fee shall be added for late filing; PROVIDED, HOWEVER, that such penalty shall not be added if such license fee is not then due and payable.

2. APPLICATION - LICENSE PROCEDURE. It shall be the duty of all persons, prior to engaging in any business or occupation, described in Paragraph 1, to obtain an application therefor from the County Clerk, which application shall contain information concerning the name of the person undertaking the business, a complete address, both in the County and elsewhere, of such person together with a description of the nature of the business to be conducted, and shall contain information sufficient to show compliance

NB-10

with all other State laws and County ordinances, and return the application with all information and payment of the licensing fee imposed above.

3. COUNTY CLERK TO PROVIDE LICENSE. It shall be the duty of the County Clerk to provide suitable licenses to be furnished all licensees, and such licenses shall be prominently displayed at the place of business therein concerned.

4. LICENSEE SHALL PROVIDE INFORMATION. No license permit shall be issued hereunder unless the applicant for a license shall furnish to the County Clerk a current New Mexico Taxpayer Identification Number.

5. LICENSE MAY BE REFUSED OR REVOKED. No license shall be issued without a properly filled in application as herein before set forth. Any license issued may be revoked upon a finding by the County Commission after the person seeking license has been heard, that it is in the public interest that the license be revoked or refused.

6. COUNTY CLERK MAY REFUSE LICENSE. The County Clerk may, for the purpose of regulation, refuse to issue licenses when he may deem it in the best interest of the public; PROVIDED, HOWEVER, that no license shall be refused without first giving the person applying therefor, an opportunity to be heard by the County Commission. If upon such hearing a majority present and voting be of the opinion that such decision be for the best interest of the public welfare, the decision shall be affirmed; otherwise a license shall be

issued.

7. FALSE STATEMENT. If any person shall file a materially false statement of the nature of the business to be conducted or of the interested parties therein, where required thereunder, or as to any other inquiry upon the application, as hereinbefore required, the County Clerk, on ascertaining such fact, shall notify such people and shall assess and collect from such person the amount found to be properly due, together with twenty-five percent (25%) of the amount thereof, as a penalty for making such false statement, and the facts shall be reported to the District Attorney for criminal prosecution as provided by law, or no license shall be issued.

8. COUNTY SHERIFF TO MAKE INSPECTIONS. The County Sheriff is hereby directed and authorized to make periodic inspections of all businesses licensed hereunder, to determine whether all laws of the State of New Mexico and the ordinances of the County are being observed, to ascertain whether public order and decency are being maintained, and to investigate complaints arising from the operation thereof.

9. LICENSING CONDUCIVE TO GENERAL WELFARE. It is hereby declared that the licensing and regulation of the businesses herein concerned is conducive to the health and general welfare of the citizens of the County.

10. SEPARATE LICENSE FEES. Separate license fees may be imposed upon each place of business conducted by the same person.

11. CHANGE OF LICENSE FEES - ADDITIONAL NEW BUSINESSES.

In the event application be made for license after the first of any year for the operation of any such business or occupation, fees shall be collected in proportion to the number of months remaining in the year, but in no case shall a license be issued to any person for any period of time for less than Five Dollars (\$5.00).

12. TRANSFER OF LICENSE. Licenses issued under this part shall not be transferable.

13. LICENSE FEES REFUNDED - EXCEPTION. No license fees paid hereunder shall be refunded except in cases where the license issued is cancelled by the County Commission of its own motion, in furtherance of the public interest as hereinbefore provided.

14. COUNTY CLERK TO COLLECT. The license fee herein provided for shall be collected by the County Clerk, and shall be paid to that officer by each person owning such license, and before engaging in any business or occupation.

15. SUIT FOR COLLECTION - ATTORNEY'S FEE. In the event of any civil suit for collection of any license fee past due, the County shall be entitled to recover the fee, with interest and costs, and a reasonable attorney's fee to be fixed by the Court trying the case.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
1991.