

SAN JUAN COUNTY, NEW MEXICO  
BUSINESS REGISTRATION ORDINANCE  
ORDINANCE NO. 95

AN ORDINANCE DEFINING ENGAGING IN BUSINESS AND RELATED TERMS; PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF LOCAL BUSINESS REGISTRATION; PROVIDING FOR FIRE INSPECTIONS; PROHIBITING OPERATING AN UNREGISTERED BUSINESS; AND PROVIDING FOR A FINE FOR VIOLATION.

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the San Juan County Business Registration Ordinance.

**SECTION 2. PURPOSE**

The Board of County Commissioners finds and declares that the registration of businesses is conducive to the promotion of the health, general welfare and safety of the public and that registering businesses enhances efficiency and economy in furnishing public services, tax collection, and information to the public.

**SECTION 3. AUTHORITY**

This Ordinance is adopted under the authority of the following provisions of New Mexico law: NMSA 1978, Section 4-37-1 (County Ordinances); NMSA 1978, Section 4-37-3 (Enforcing County Ordinances); and NMSA 1978, Sections 3-38-1 through 3-38-6 (Business Registration and Licensing).

**SECTION 4. JURISDICTION**

This Ordinance shall apply to all unincorporated areas of San Juan County, but not to the area within a federally created American Indian reservation.

**SECTION 5. DEFINITIONS**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Agricultural Exemption.** Receipts from selling livestock and the receipts of growers, producers, trappers or nonprofit associations from selling livestock, live poultry, hides, pelts, or unprocessed agricultural products (e.g. bales of hay, heads of lettuce, unroasted bags of green chile).



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**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 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.

**Occasional Sale of Property or Services Exemption.** Receipts from the isolated or occasional sale of or leasing of property or a service by a person who is neither regularly engaged nor holding himself out as engaged in the business of selling or leasing the same or similar property or service.

**Person.** Any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity engaging in a business, profession, occupation, trade, pursuit or activity.

**Place of Business.** The premises, whether it be a personal residence, main 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 of 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 6. REGISTRATION REQUIRED; UNLAWFUL CONDUCT**

1. It shall be unlawful for any person who is required by New Mexico law to obtain a CRS Identification Number to engage in, conduct or carry on any business or occupation within the County without registering the business and complying with the terms of this Ordinance.
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.
3. Any person violating this Ordinance shall be penalized as provided in Section 15.
4. No registration fee shall be charged to any person or business required to be licensed by San Juan County (i.e. kennels, junkyard/recycling centers, adult entertainment businesses, and businesses licensed to sell liquor).
5. Exempted from this ordinance are persons not required by New Mexico law to obtain a CRS number, garage and yard sales less than 3 consecutive days in duration, vendors at flea markets and farmers markets (but not operators of flea markets and farmers markets), roadside sellers of fruits and vegetables, and persons whose sole income is derived from the sale of items entitled to an agricultural exemption or an occasional sale exemption.



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## **SECTION 7. APPLICATION TO DO BUSINESS**

Any person engaging in business after March 1, 2016 must complete a County Business Registration form for each outlet, branch, location, or place of business within the unincorporated areas of the County. For new business owners after transfers of business and for persons commencing business after March 1 of any year, the Business Registration form is due thirty (30) days after the day such person commences business in the County. The application forms are available from the Community Development department of the County. No illegal or unlicensed businesses required under Federal, state, or County law to have a license may be registered. Any person engaging in business with San Juan County government shall be registered to do business in San Juan County.

## **SECTION 8. RENEWAL**

Prior to March 1 of each year, a person engaging in a business within the County and subject to this Ordinance shall apply to renew the business registration for each place of business to the Community Development department. The Fire Department may conduct an inspection prior to renewal, and renewal shall be contingent upon passing the inspection if an inspection is deemed necessary. A new owner of a registered business must update the business registration application on file with the Community Development department.

## **SECTION 9. LATE FEE**

In the event a person or business does not register before it commences business or renew its registration prior to March 1 each year, a late fee of \$10 shall be imposed.

## **SECTION 10. COMPLIANCE WITH FIRE CODES AND REGULATIONS**

Upon acceptance of an initial business registration application for a given business, the Community Development Administrator or designee shall convey the application to the San Juan County Fire Department. The Fire Department may conduct a fire inspection if it deems it necessary for the safety, health and welfare of the general public. No registration shall be issued unless the Fire Department determines that the facilities and buildings at the location either do not require inspection, or that the facilities and buildings meet all applicable fire code restrictions in use within the County. The Community Development Administrator or designee, after consulting with the Fire Department, may issue a temporary registration to a business while the applicant is bringing the location up to fire code requirements. In the event that a business receiving a temporary registration fails to bring its location up to fire code, the business registration may be suspended or canceled. An additional fee may be charged for a fire inspection as provided in Fire Department regulations.

## **SECTION 11. TRANSFERABILITY**

No registration issued pursuant to this Ordinance shall be transferable from one business to another, or from one person conducting a business to a succeeding person conducting the same business.



**SECTION 12. DISPLAY**

The Community Development Administrator or designee shall provide a suitable certificate of registration to be furnished to each place of business coming within the terms of this Ordinance, and such certificate of registration shall be prominently displayed at the place of business for which such registration is issued.

**SECTION 13. DUPLICATES**

A duplicate certificate of registration may be issued by the Community Development Administrator or designee to replace any such registration issued under this Ordinance which has been lost or destroyed if the person to whom it was issued files a sworn statement attesting to the fact of such loss or destruction and pays a duplicate fee of \$5.00.

**SECTION 14. CRS TAXPAYER IDENTIFICATION NUMBER**

Any person filing for issuance or renewal of any business registration shall include in the application his current CRS Taxpayer Identification Number or evidence of application for such current CRS Taxpayer Identification Number as issued by the New Mexico Taxation and Revenue Department and any other information required by the County.

**SECTION 15. PENALTY**

Any person convicted of a violation of this Ordinance shall be subject to a penalty not to exceed \$25. The Code Compliance Officer for San Juan County is authorized to issue citations for violation of this Ordinance. Each day such violation is committed or permitted to continue after issuance of a citation shall constitute a separate offense and shall be punishable as such hereunder.

**SECTION 16. WARNING BEFORE CITATION ISSUED**

In the event the Code Compliance Officer believes that a person is engaging in business without registration, the County shall deliver a notice of violation to that person. If after thirty (30) days from receipt of the notice the person to whom the notice is sent fails to register the business or shows that he or she is not required to register, the Code Compliance Officer may issue a citation or file a complaint in a court of competent jurisdiction alleging a violation of this section.

**SECTION 17. ENFORCEMENT**

Appropriate legal or administrative action may be taken to prevent conduct of business, restrain, correct, or abate the violation of this article, to prevent the occupancy of a building, structure or land on which the business is located, or to withhold the issuance of permits or inspections as appropriate. The County may institute any appropriate action or proceeding as provided for herein any time up to four years after the violation. The remedies provided in this section are not exclusive, and if any person engages in business in the County without obtaining the required registration for such business, the County may proceed in any manner authorized by law,



including specifically but not limited to the procedures set forth by state law in NMSA 1978, §3-38-5 and §3-38-6.

**SECTION 18. SEVERABILITY**

The provisions of this Ordinance are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the intent of the County that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable, had been specifically exempted therefrom.

**PASSED, APPROVED AND ADOPTED** this 5th day of January, 2016.

**BOARD OF COUNTY COMMISSIONERS  
OF SAN JUAN COUNTY, NEW MEXICO**

By: *[Signature]*  
Chairman

**ATTEST:**

*Debbie Holmes*  
Debbie Holmes, County Clerk  
By: *Laura Shelby, deputy*



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