

## AMENDMENT #5 TO ORDINANCE #5

AN ORDINANCE IMPOSING A BUSINESS REGISTRATION FEE; SETTING FORTH DEFINITIONS; PROVIDING FOR EXEMPTIONS; ESTABLISHING ADMINISTRATIVE PROCEDURES AND ESTABLISHING AN EFFECTIVE DATE.

SECTION 1. TITLE. -- This Ordinance shall be referred to as the "Business Registration Fee Ordinance," and amends Ordinance No. 5 passed, adopted and approved on June 6, 1980, and effective July 1, 1980, and subsequent amendments thereto.

SECTION 2. DEFINITIONS. -- As used in the Business Registration Fee Ordinance:

- A. "COUNTY" means Luna County.
- B. "BOARD" means the Board of County Commissioners of Luna County.
- C. "ENGAGING IN BUSINESS" means operating, conducting, doing, carrying on, or causing to be carried on or pursuing any business including any profession, occupation or trade located within the boundaries of Luna County but outside the boundaries of an incorporated municipality.
- D. "PERSON" means any person or other legal entity subject to the Business Registration Fee Ordinance.
- E. "BUSINESS REGISTRATION FEE" means the fee imposed by this Ordinance.

SECTION 3. EXEMPTIONS. -- This Business Registration Fee Ordinance shall not apply to those persons:

- 1) engaged solely in farming and ranching;
- 2) who have annual gross sales, trades, or exchanges of less than \$500.00 in Luna County;

STATE OF NEW MEXICO - COUNTY OF LUNA  
 I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT 4:06 P. M. ON  
 September 30, 1987 AND RECORDED IN BOOK 18, PAGE 57-60, OF Miss  
 KAREN E. PAULK, Luna County Clerk BY Natalie Pacheco, chief DEPUTY CLERK  
 RECEPTION NO. 87-04416

3) engaging in charitable, educational, religious, benevolent, eleemosynary, civic, patriotic, political, social, fraternal, literary, cultural or athletic fund raising purposes;

4) who are vendors registered with a duly organized and active club, society, organization or association within Luna County which sponsors annual community events in the County open to the general public.

In such cases, said vendors shall not be required to pay the Business Registration Fee, but the sponsor shall pay a fixed fee, called a canopy fee, of \$125.00 annually.

SECTION 4. IMPOSITION OF FEE. -- A fee is imposed on all persons engaging in businesses in Luna County, New Mexico as defined in this Ordinance except for those persons exempt in Section 3 herein. The fee applies only to the entities and persons named above whose business is located within the boundaries of Luna County but outside the boundaries of an incorporated municipality.

SECTION 5. RATE OF FEE. -- All persons engaging in business shall pay an annual license fee of twenty-five dollars (\$25.00) per business except as provided in Section 3 hereof.

SECTION 6. PAYMENT OF FEE: PENALTY NOTICE. -- Each person having a business subject to the Business Registration Fee shall pay the Business Registration Fee to the County Clerk by July 1st of each year for the fiscal year ending June 30th of the following year. Any portion of the Business Registration Fee that remains unpaid on July 31st is delinquent.

## SECTION 7. ENFORCEMENT.

A. If any person engaging in business fails to pay the Business Registration Fee as required by this Ordinance, they shall be liable for the fee and a penalty of Twenty-five dollars (\$25.00) per month or any fraction thereof, and all costs incurred by the County Clerk in the enforcement of this Ordinance.

B. If a person engaging in business fails to pay the Business Registration Fee required by this Ordinance, the County Clerk shall mail the person notice of the amount owed by certified mail, return receipt requested.

C. If the fees, along with penalty payments, are not made by the business within fifteen (15) days of receipt of such notice by the person engaging in business, the County Clerk may bring an action in law or equity in the District Court for the collection of any amounts due, including without limitation, any penalties thereon, the costs of collection and reasonable attorney's fees incurred in connection therewith.

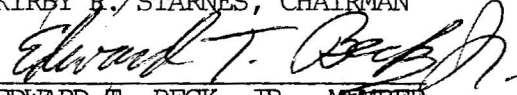
SECTION 8. PENALTY CLAUSE. -- Any business violating the provisions of this Ordinance shall be subject to penalties of not to exceed ninety (90) days in jail or Three Hundred Dollars (\$300) fine for each violation.


SECTION 9. EFFECTIVE DATE. -- Effective date of this Ordinance shall be thirty (30) days after adoption and recording.

PASSED, ADOPTED, AND APPROVED this 29<sup>th</sup> day of September, 1987.


LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
KIRBY R. STARNES, CHAIRMAN

  
EDWARD T. BECK, JR., MEMBER

  
PETE G. ACOSTA, MEMBER

ATTEST:

  
KAREN E. PAULK  
LUNA COUNTY CLERK