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1 SECTION 1. The "Business Registration Ordinance," ROA 1994, Chapter 13,  
2 Article 1, Sections 1-10 and Section 99 are repealed in their entirety and the  
3 following is enacted in its place:

4 "ARTICLE 1: BUSINESS LICENSE ORDINANCE.

5 § 13-1-1 SHORT TITLE.

6 This article may be cited as the "Business License Ordinance."

7 § 13-1-2 DEFINITIONS.

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

10 INITIAL LICENSE DURATION ADJUSTMENT PERIOD. A 12-month period of  
11 time during which the City of Albuquerque may prorate the business license  
12 fee by monthly increments for the purpose of developing a staggered system  
13 of business licensing.

14 MAYOR. The Mayor or his designated representative.

15 PERSON. Any individual, estate, trust, receiver, cooperative association,  
16 club, corporation, company, firm, partnership, joint venture, syndicate, or  
17 other entity engaging in a business, profession, occupation, trade, pursuit, or  
18 activity within the City of Albuquerque. For the purposes of this ordinance, the  
19 term person does not include governmental entities.

20 PLACE OF BUSINESS. The premises, whether it be a personal residence,  
21 main business location, or an outlet, branch, or other location thereof,  
22 temporary or otherwise, to which the public is expressly or impliedly invited  
23 for the purpose of transacting business. In the event there is no such location,  
24 but the business is transacted at the location of the buyer, then the general  
25 sales area shall be considered a "Place of Business". Unless a construction  
26 contractor has at least one permanent location within the City of Albuquerque,  
27 "Place of Business" includes each construction site located within the City of  
28 Albuquerque.

29 § 13-1-3 BUSINESS LICENSE REQUIRED.

30 (A) Beginning on July 1, 2025, all persons are required to obtain a  
31 Business License in order to operate a Place of Business within the City's  
32 municipal boundaries.

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1 (B) A separate license must be obtained for each branch establishment or  
2 separate Place of Business. Each license granted under this article shall  
3 authorize only the person obtaining the license to practice, transact, or carry  
4 on the business or service licensed under this article and shall authorize that  
5 person to conduct business only at the location or Place of Business  
6 designated in the license.

7 **§ 13-1-4 BUSINESS LICENSE FEE.**

8 (A) Each Place of Business located in the City shall pay an annual  
9 Business License Fee imposed on the following schedule pursuant to Section  
10 3-38-1 NMSA 1978 as it now exists or is amended:

11 (1) Fees beginning on July 1, 2025 shall be \$35 per license.

12 (B) The City may prorate the business license fee by monthly increments  
13 during the initial license duration adjustment period.

14 (C) After the initial license duration adjustment period, renewals of  
15 Business Licenses shall be for a full 12-month period. Other than during the  
16 initial license duration adjustment period, the Business License Fee shall not  
17 be prorated for business conducted for a portion of the year.

18 (D) The Business License Fee can be increased by the administration to  
19 cover increased regulatory costs for administering the Business License  
20 program in an amount that does not exceed 5% within any fiscal year.

21 **§ 13-1-5 EXEMPTION.**

22 No Business License shall be required for any business explicitly exempted  
23 by law. No Business License Fee shall be imposed on any sanctioned and  
24 registered athletic official who officiates for any association or organization  
25 that regulates any public-school activity and whose rules and regulations are  
26 approved by the State Board of Education.

27 **§ 13-1-6 BUSINESS LICENSE APPLICATION.**

28 (A) All persons proposing to engage in business within the municipal  
29 limits of the City shall apply for a Business License for each proposed Place  
30 of Business.

31 (B) The City may charge an application fee for all person applying for a  
32 Business License.

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1 (C) Any person applying for a Business License shall include in the  
2 application a current Taxpayer Identification Number and current dated  
3 evidence of the registration certificate for such current Taxpayer Identification  
4 Number as issued by the New Mexico Taxation and Revenue Department and  
5 any other information required by the City.

6 (D) Applicants have an affirmative duty to ensure that their application is  
7 complete and that they may engage in business at the proposed Place of  
8 Business, including ensuring compliance with relevant zoning codes.

9 **§ 13-1-7 PLACE OF BUSINESS; LICENSE NONTRANSFERABLE.**

10 (A) A licensee shall conduct business only at the address shown on the  
11 Business License. Each additional Place of Business shall require a separate  
12 Business License.

13 (B) All licenses issued under this article shall be nontransferable to  
14 another person or Place of Business.

15 (C) No licensee shall in any manner advertise its services as endorsed or  
16 bonded by the City.

17 **§ 13-1-8 BUSINESS LICENSES TO BE DISPLAYED; EXHIBITION UPON  
18 DEMAND.**

19 Every person having a license under the provisions of this article and  
20 engaging in business at a fixed Place of Business shall keep such license  
21 posted and exhibited, while in force, in some conspicuous part of such Place  
22 of Business. Every person having such a license and not having a fixed Place  
23 of Business shall carry such license with them at all times while engaging in  
24 business for which the license was granted. Every person having a license  
25 under the provisions of this article shall produce and exhibit such license  
26 when applying for a renewal thereof, and whenever requested to do so by any  
27 City official authorized to issue, inspect, or collect licenses.

28 **§ 13-1-9 BUSINESS LICENSE RENEWAL.**

29 Within 10 days prior to the expiration of the Business License, any person  
30 operating a Place of Business in the City shall apply to renew the Business  
31 License and shall pay an annual Business License.

32 **§ 13-1-10 BUSINESS LICENSE LATE FEE.**

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1 The City may impose a late fee in the amount of \$10.00 per calendar day upon  
2 each delinquent license fee in the event a new business does not pay the  
3 license fee before it commences business or in the event the annual renewal  
4 fee is not paid prior to expiration.

5 **§ 13-1-11 FEES NONREFUNDABLE.**

6 All established fees charged and collected by the City pursuant to this article  
7 shall be nonrefundable unless otherwise specified.

8 **§ 13-1-12 ZONING REVIEW.**

9 (A) After any person has submitted a business license application or  
10 application for renewal, the Zoning Enforcement Officer shall review the  
11 applicable zoning regulations of the activity proposed to be conducted at the  
12 given address and determine whether the activity complies with the  
13 requirements of the Integrated Development Ordinance. The Zoning  
14 Enforcement Officer may request additional information or documentation as  
15 necessary to make a determination. The Zoning Enforcement Officer shall  
16 issue a written determination, which shall be provided to the applicant.

17 (B) The Zoning Enforcement Officer's determination does not constitute a  
18 waiver of any requirement or provision contained in any law.

19 **§ 13-1-13 NOTICE OF TERMINATION OF BUSINESS REQUIRED.**

20 The holder of a Business License shall notify the City, in writing, of the  
21 termination of business, occupational, or professional activity at the Place of  
22 Business either before the termination date or within fifteen (15) calendar days  
23 thereafter. Any person who fails to provide notice of termination of business  
24 shall be deemed as engaging in business and subject to enforcement for  
25 failing to renew the business license and any associated late fees.

26 **§ 13-1-14 REVOCATION.**

27 (A) Any Business License issued under this article may be revoked at any  
28 time by action of the Mayor if the business or service conducted under such  
29 license is being or has been conducted in violation of any local, state, or  
30 federal regulation or law. Revocation of the Business License shall be for a  
31 period of up to 180 days from the date of revocation.

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1 (B) If the 180-day revocation period is ongoing when a Business License  
2 expires, the remainder of the 180-day revocation period shall be applied to the  
3 following year's Business License for that Place of Business.

4 § 13-1-15 ENFORCEMENT AND PENALTY.

5 (A) It shall be unlawful for any person to engage in business in the City of  
6 Albuquerque without first obtaining a business license. Any violation of the  
7 Business License Ordinance shall constitute a separate violation for each and  
8 every day or portion thereof that the violation is continued, committed or  
9 permitted.

10 (B) The Mayor may, for any violation of this article, take one or more of  
11 the following actions:

- 12 (1) Revoke the Business License;
- 13 (2) Prevent the person from engaging in business at the Place of  
14 Business until the Business License is obtained;
- 15 (3) Withhold the issuance of any City permits or inspections until a  
16 valid Business License is obtained;
- 17 (4) Prevent the occupancy of the building, structure, or land on  
18 which the business is located; or
- 19 (5) Assess a civil fine.

20 (C) In addition to the remedies provided above, this article may be  
21 enforced by the City by suit in District Court.

22 § 13-1-16 CIVIL FINE.

23 (A) The Mayor may impose a civil fine of \$100 per day for the failure to  
24 comply with the Business License Ordinance.

25 (B) General. Whenever the Mayor imposes a civil fine for violations of the  
26 Business License Ordinance, the Mayor shall issue a notice of civil fine  
27 directed to the person engaging in business. The notice of civil fine shall  
28 contain:

- 29 (1) Sufficient information for identification of the Place of Business  
30 where the violation occurred.
- 31 (2) A statement that the Mayor has found the person to be in  
32 violation of the Business License Ordinance.

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1                   (3) A description of the activity conducted by the person engaging  
2 in business without a business license as required by the Business License  
3 Ordinance.

4                   (4) The amount of the fine assessed.

5                   (5) A statement that the fine must be paid in full within 15 days of  
6 the date of the notice.

7                   (6) Instructions for paying the fine; and

8                   (7) A statement advising that the person engaging in business  
9 without a license may appeal from the notice of civil fine. The request for  
10 appeal and the hearing shall comply with the procedures outlined in the IHO  
11 Ordinance.

12                (C) Method of service.

13                   (1) Service of the notice of civil fine shall be made upon all persons  
14 entitled thereto either personally or by mailing a copy of such notice of civil  
15 fine by certified mail, postage prepaid, return receipt requested, to each such  
16 person, or identified agent at their address as shown on the records of the  
17 Bernalillo County Assessor or as known to the Mayor. If no address of any  
18 such person so appears or is known to the Mayor, then a copy of the notice of  
19 civil fine shall be so mailed, addressed to such person, at the address of the  
20 Place of Business involved in the proceedings and posted thereon.

21                   (2) The failure of any such person to receive such notice shall not  
22 affect the validity of any proceedings taken under this section. Service by  
23 certified mail in the manner herein provided shall be effective on the date of  
24 mailing.

25                § 13-1-17 APPEALS.

26                   (A) The person engaged in business may appeal a civil fine or revocation  
27 issued pursuant to this article. The request for appeal and the hearing shall  
28 comply with the procedures outlined in the Independent Office of Hearings  
29 Ordinance, ROA 1994, §§ 2-7-8-1 to 2-7-8-9.

30                   (B) If the Mayor has revoked a Business License issued under this article  
31 due to the business or service being or having been conducted in violation of  
32 any local, state, or federal regulation or law and the Hearing Officer

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1 determines that such a violation of law is or has occurred, the Hearing Officer  
2 shall uphold the Mayor’s decision to revoke the Business License and order  
3 the business or service to be closed for the 180-day revocation period.

4 § 13-1-18 LIENS.

5 Failure to pay, appeal, or prevail at an administrative hearing will allow the City  
6 to place a lien on the real property where the business is located or any other  
7 asset owned by the property owner or business owner. In addition, the  
8 Business License Fee or civil fines may be collected through any avenue  
9 provided by law.”

10 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word  
11 or phrase of this Ordinance is for any reason held to be invalid or  
12 unenforceable by any court of competent jurisdiction, such decision shall not  
13 affect the validity of the remaining provisions of this Ordinance. The Council  
14 hereby declares that it would have passed this Ordinance and each section,  
15 paragraph, sentence, clause, word or phrase thereof irrespective of any  
16 provision being declared unconstitutional or otherwise invalid.

17 SECTION 3. COMPILATION. Section ‘1’ of this Ordinance amends, is  
18 incorporated in, and is to be compiled as part of the Revised Ordinances of  
19 Albuquerque, New Mexico, 1994.

20 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect January 1, 2025.

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1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF December, 2024  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

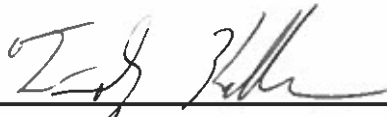
3  
4 For: Baca, Bassan, Fiebelkorn, Grout, Peña, Rogers, Sanchez  
5 Against: Champine, Lewis  
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10 Dan Lewis, President  
11 City Council  
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14 APPROVED THIS 29 DAY OF December, 2022<sup>4</sup>  
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18 Bill No. O-24-60  
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23 Timothy M. Keller, Mayor  
24 City of Albuquerque  
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26 ATTEST:

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30 Ethan Watson, City Clerk  
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