

## Chapter 5.05

# BUSINESS REGISTRATION

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**5.05.010 Definitions.**

A. "Business" means any person or entity engaging in any occupation, profession, trade or other pursuit for the purpose of making a profit; provided, however, that "business" does not include the following: an employee; a person selling his own used consumer goods as defined by Section 55-9-109(1), NMSA 1978; a person making isolated or occasional sales when he does not regularly engage in such transactions nor hold himself out as being engaged in a practice of making such transactions for a profit; a person who leases or rents residential dwelling units; any nonprofit organization which is exempt from paying taxes under Section 7-2-4, NMSA 1978; original growers and producers of agricultural products such as farmers, ranchers, and beekeepers who sell their products to wholesalers, distributors, warehousemen, and processors. Growers who sell such products directly to consumers in locations within the municipality shall be considered to be businesses for the purposes of this chapter.

B. "Place of business" means any location, office address, shop, stall, stand, building, [online](#), or other site where a person engages in business.

C. "Engaging in business" means carrying on or causing to be carried on any trade with the purpose of direct or indirect benefits. [Ord. 90-06 § 2; prior code § 7-6-1]

#### **5.05.020 Imposition of business registration fee.**

There is hereby imposed a business registration fee on all persons doing business within the town. Such fee shall be \$35.00 per annum for each business location and shall not be prorated. [Ord. 90-06 § 2; prior code § 7-6-2]

#### **5.05.030 Application to do business.**

A. Any person or entity, [to include vendors, services and contractors](#), proposing to do business within the limits of the town of Mesilla shall apply to the town clerk-treasurer and pay a business registration fee for each place of business within the town prior to engaging in business. It is presumed that all businesses within the limits of the town of Mesilla are subject to the business registration fee, unless specifically exempt under provisions of state law or under the provisions of this chapter. Each application shall be made on forms supplied by the town clerk-treasurer for that purpose. The town clerk-treasurer shall refer each application to the planning, zoning and historical appropriateness commission of the town for approval that the proposed business conforms to the applicable zoning ordinance or historical appropriateness. The town clerk-treasurer shall inform each applicant of the time and place of the next succeeding meeting of the planning commission. At that meeting, the planning commission shall hear the matter and determine whether to approve the proposed business as a conforming use under the zoning ordinances of the town. [Ord. 2005-04 § 1; Ord. 90-06 § 2; prior code § 7-6-3]

[B. A business license is required for each location of business and also if it falls under a different class such as; retail, restaurant, STR, construction, service etc.](#)

#### **5.05.031 Effective date – Time for appeal.**

The decision of the planning commission shall become final and effective after approving or denying the application unless by the end of the third business day an appeal in writing is filed with the board of trustees. The filing of an appeal within the time limit shall stay the effective date of the order until the board of trustees has acted on the appeal. [Ord. 2005-04 § 2]

#### **5.05.032 Transmission of records to board of trustees.**

Upon filing of a written appeal to the board of trustees, the town clerk-treasurer shall transmit to the board of trustees copies of all pertinent material on record. [Ord. 2005-04 § 3]

#### **5.05.033 Board of trustees to hold public hearing and decision.**

Within 30 days following the receipt of the written appeal, the board of trustees shall conduct a public <sup>2/4</sup>

persons may appear and present evidence. The board of trustees shall announce its findings and decision following the hearing. [Ord. 2005-04 § 4]

#### **5.05.040 Collection and payment.**

A. Prior to engaging in business and receiving a business registration certificate, any person or entity proposing to engage in business shall pay to the town the \$35.00 business registration fee for the calendar year, together with a penalty for delinquent payments. This fee will not be prorated for any reason.

B. Prior to March 16th of each year any person or entity engaging in a business within the town shall file a statement, under oath, containing the name, address and type of business. It shall also include the current Revenue Division taxpayer identification number or evidence of application for a current taxpayer identification number from the Revenue Division of the State of New Mexico. This statement shall constitute an application for renewal of business registration for the current calendar year. Payment of the renewal fee of \$35.00 and any delinquent fees shall be made at the time the statement is submitted. The town clerk-treasurer shall issue a renewal of the business registration certificate after receiving the statement and fee from the business; provided, that no significant changes have occurred. [Ord. 90-06 § 2; prior code § 7-6-4]

#### **5.05.050 No authorization.**

No action taken under the provisions of this chapter shall be construed as authorizing either the conduct or continuation of any business in an unlawful manner or in an unlawful location. [Ord. 90-06 § 2; prior code § 7-6-5]

#### **5.05.060 Penalties.**

If any person shall engage in business within the limits of the town of Mesilla without paying the business registration fee required by this chapter, [or any fees in other chapters](#), when the same shall become due and payable, such person shall, in addition to the required fee, pay a penalty of ~~\$10.00 per annum~~ [\\$50 per month](#). If the required business registration fee and any penalty are not paid within ~~30~~ [90](#) days of the date, the amount of such business registration fee and any penalty shall become a lien upon all personal property of the person or entity engaging in business, located within the limits of the town of Mesilla, in favor of the town of Mesilla, which lien may be foreclosed in the manner provided by law for the foreclosure of municipal liens. In addition to the foregoing, the town of Mesilla may bring an appropriate action in any court of competent jurisdiction for an order enjoining such person or entity from engaging in business within the limits of the town until such person or entity has paid the entire amount of business registration fees and penalties due and owing. [If fees and penalties not paid 90 days after expiration due date, license shall be revoked and a new business license application would be necessary for reconsideration.](#) [Ord. 90-06 § 2; prior

#### **7-6-5**

#### **5.05.070 Remedies.**

Nothing in this chapter shall prevent the institution of a criminal action to prosecute for any violation of the provisions of this title. The conviction and punishment of any person for a violation of this chapter shall not operate to excuse or exempt such person or entity from payment of any fee due or unpaid at the time of such conviction. All remedies prescribed or liens created hereunder or under the provisions of any state laws for collection and enforcement of the business registration fee shall be cumulative and the use of one or more remedies by the town shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter or any liens created by any laws of the state of New Mexico. [Ord. 90-06 § 2; prior code § 7-6-7]

#### **5.05.080 Delinquent fees.**

No business registration fee certificate shall be issued until the person or entity applying for such certificate has paid all prior fees and penalties due the town. [Ord. 90-06 § 2; prior code § 7-6-8]

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The Mesilla Town Code is current through Ordinance 2021-03, passed December 30, 2021.

Disclaimer: The town clerk's office has the official version of the Mesilla Town Code. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

Town Website: <http://www.mesillanm.gov/>

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