

LUNA COUNTY-NM  
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BY PAULAG



**LUNA COUNTY, NEW MEXICO  
ORDINANCE 5, SIXTH AMENDMENT**

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

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA  
COUNTY, NEW MEXICO:**

**Section 1 - Title.** -- This Ordinance shall be referred to as the "Business Registration Fee Ordinance," and amends Amendment #5 to Ordinance #5; passed, adopted and approved on September 29, 1987, and effective October 29, 1987.

**Section 2 - Definitions.** -- As used in the Business Registration Fee Ordinance:

- 2.1 "County" means Luna County.
- 2.2 "Board" means the Board of County Commissioners of Luna County.
- 2.3 "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.
- 2.4 "Person" means any person or other legal entity subject to the Business Registration Fee Ordinance.
- 2.5 "Business Registration Fee" means the fees imposed by this Ordinance.

**Section 3 - Exemptions.** -- This Business Registration Fee Ordinance shall not apply to those persons:

- 3.1 Engaged solely in farming and ranching;
- 3.2 Who have annual gross sales, trades, or exchanges of less than \$500.00 in Luna County;
- 3.3 Engaging in charitable, educational, religious, benevolent, civic, patriotic, political, social, fraternal, literary, cultural or athletic fund-raising purposes;
- 3.4 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.
- 3.5 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.**

4.1 A fee is imposed on all persons engaging in business in the County as defined in this Ordinance except for those persons exempt in Section 3 herein. The fee applies to businesses located within the boundaries of Luna County but outside the boundaries of an incorporated municipality. It also applies to businesses located within a municipality who also conduct business within County jurisdiction.

**Section 5 - Rate of Fee.**

5.1 All persons engaging in business shall pay an annual license fee of thirty-five dollars (\$35.00) per business except as provided in Section 3 hereof.

**Section 6 – Payment of Fee: Penalty Notice.**

6.1 Each person having a business subject to the Business Registration Fee shall pay the Business Registration Fee to the Planning Department 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 by July 11th is delinquent.

**Section 7 – Enforcement**

7.1 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 Two hundred fifty dollars (\$250.00) and all costs incurred by the Planning Department in the enforcement of this Ordinance; made payable to the Planning Department.

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

7.3 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 Planning Department may bring an action in law or equity in Magistrate 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.**

8.1 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


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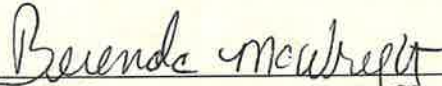
**EFFECTIVE DATE.** The effective date of this Ordinance shall be thirty (30) days after adoption and recording.


**PASSED, ADOPTED AND APPROVED** this 14<sup>th</sup> day of December, 2023.

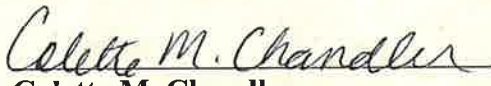
**LUNA COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

  
\_\_\_\_\_  
**John S. Sweetser, Chairperson  
Commissioner, District 3**

  
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**Berenda McWright, County Clerk**

  
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**Ray J. Trejo,  
Commissioner, District 2**

  
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**Colette M. Chandler,  
Commissioner, District 3**

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