

STATE OF NEW MEXICO

VILLAGE OF LOS RANCHOS  
DE ALBUQUERQUE

ORDINANCE NO. 109

AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF A MUNICIPAL LICENSE TAX FOR THE SALE, DISTRIBUTION, SERVICE AND PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES, BEER AND WINE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ORDINANCES NOS. 44 AND 72 AND ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO, IN SPECIAL MEETING ASSEMBLED THIS 27TH DAY OF MAY, 1993:

ARTICLE I

SECTION 1. DEFINITIONS AS USED IN THE ORDINANCE.

A. Club means any non-profit group, including an auxiliary or subsidiary group, organized and operated under the laws of this state, with a membership of not less than fifty (50) members who pay membership dues at the rate of not less than five dollars (\$5.00) per year and who under the constitution and by-laws of the club have all voting rights and full membership privileges, and which group is the owner, lessee, or occupant of premises used exclusively for club purposes and which group the director finds is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes.

B. Department means the department of alcoholic beverage control.

C. Director means the director of the department.

D. Dispenser means any person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in his possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in broken packages for consumption and not for resale off the licensed premises.

E. Governing Body means the mayor and elected municipal trustees.

F. Person means an individual, corporation, firm, partnership, co-partnership, association or other legal entity.

G. Restaurant means any establishment having a New Mexico resident as a proprietor or manager which is held out to the public as a place where meals are prepared and served

primarily for on premises consumption to the general public in consideration of payment and which has a dining room, a kitchen, and the employees necessary for preparing, cooking and serving meals; provided that "restaurant" does not include establishments as defined in regulations promulgated by the director serving only hamburgers, sandwiches, salads and other fast food.

H. Retailer means any person licensed under the provision of the Liquor Control Act selling, offering for sale or having in his possession with the intent to sell any alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises.

SECTION 2.

A. Pursuant to the provisions of 7-24-1, NMSA 1978, on or after the effective date of this ordinance, no person who has been issued a State license from the department shall be given possession of the license by the municipality until the person has paid the municipal license as follows:

1. Payment in full by July 1st, or
2. Payment in two installments of equal amounts, the first of which is due and payable by July 1st and the second of which shall be payable on or before January 1st.

B. The tax rates shall be:

<u>TYPE OF LICENSE</u>	<u>TAX AMOUNT</u>
Retailer's License	\$250.00
Dispenser's License	\$250.00
Club License	\$250.00
Restaurant License	\$250.00

SECTION 3. PENALTY: Any person violating any of the provisions of this Ordinance shall be subject to punishment by fine or by imprisonment in jail or by both such fine and imprisonment as provided in Village Ordinance NO. 100, penalties for violations of Village ordinances, or its successor ordinances. Any such penalties shall not affect the right of the Village to pursue injunctive relief or other remedies authorized by law.

SECTION 4. Failure of any persons holding a retailer's, dispenser's, club, or restaurant license to pay such license tax on the date(s) and in the manner imposed by this Ordinance shall be subject to appropriate action by the Governing Body of the municipality of the Village of Los Ranchos de Albuquerque, as provided by Section 7-24-3, NMSA 1978, relating to the closing of establishments.


SECTION 5. Should any section, paragraph, clause or provision of this Ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. All Ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive

any ordinance or resolution, or part thereof, heretofore repealed.

SECTION 7. This ordinance shall be in full force and effect five (5) days after its adoption, approval, and publication as provided by law.

APPROVED this 27th day of May, 1993 by the Board of Trustees of the VILLAGE OF LOS RANCHOS DE ALBUQUERQUE

BY   
Mayor

ATTEST:

  
Village Clerk