

**ORDINANCE NO. 1664**

**AN ORDINANCE AMENDING CHAPTERS  
OF THE ALAMOGORDO CODE OF ORDINANCES  
CONCERNING LICENSES AND FEES**

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, acknowledges that a municipality may impose a license fee and require a separate license or each place of business; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the State of New Mexico regulates Alcohol and Cannabis licenses; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, recognizes alcohol is sold at a place of business in the city that already has a business registration; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, recognizes Cannabis licenses are more appropriate under business registrations; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to repeal Chapter 5 concerning Alcohol Beverages, and remove sections of Chapter 17 concerning Business Regulations and Licenses and Chapter 34 concerning Marijuana of the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Alamogordo, New Mexico, that Chapter 5 be repealed, the following section of Chapter 17 and the following sections of Chapter 34 be removed of the Code of Ordinances.

~~**CHAPTER 5 ALCOHOLIC BEVERAGES**~~

~~**ARTICLE 5-01. ALCOHOLIC BEVERAGE DISPENSERS LICENSE**~~

~~**5-01-010. Required.**~~

~~The sale and possession for the purpose of selling, and the offering for sale of alcoholic beverages is hereby prohibited except by persons licensed within the area and upon the conditions specified in this chapter and other applicable provisions of this Code. Licenses with the City of Alamogordo are required to maintain any applicable Local, State, Federal, and other licensing to do business in the city.~~

~~**5-01-020. Prerequisite for application.**~~

~~A. Upon receipt of the state alcohol application, the city clerk shall determine if preliminary approval of the issuance or transfer of the license has been made pursuant to section 60-6B-4, N.M.S.A., 1978. Upon determining that such preliminary approval has been made, the city clerk shall set the application for hearing as provided in section 60-6B-4.~~

~~B. Applicant shall provide a copy the Alamogordo Fire Department's approved form.~~

~~**5-01-030. Application.**~~

~~Applications for a license to sell alcoholic beverages for a location within the city shall be made to the city clerk on a form prescribed by the city clerk. Each application shall be accompanied by an~~

~~application fee of seventy five dollars (\$75) to cover the expense of publications. A copy of the state alcoholic beverage license, approved Fire Department form, and the applicable tax fee shall be submitted with the city application. Upon receipt of an application for a city license, the city clerk shall review the application, and if approved, within 2 (two) business days a license certificate will be issued. The license shall be conspicuously displayed at the place of business.~~

~~If, as a result of the review, it is determined that the issuance of the license is not in the interest of the health, safety and general welfare of the public, the applicant shall be given notice of denial. The applicant may present to the city manager reason for obtaining a license. If the city manager determines that issuance of the license is not in the best interest of the public health, safety, or welfare, the denial shall stand.~~

~~**5-01-040. Tax.**~~

~~The tax for licenses to sell alcoholic beverages are as follows:~~

~~Club, per annum \$250~~

~~Dispenser, per annum \$250~~

~~Restaurant, per annum \$250~~

~~Retailer, per annum \$250~~

~~Small Brewer, per annum \$250~~

~~Winegrower, per annum \$250~~

~~All licenses shall be issued annually pursuant to the Alcoholic Beverage Control Division dates. The license tax shall not be refunded or prorated. The above does not include any other fees.~~

~~**5-01-050. Late renewal and expiration of a license.**~~

~~Any licensee who fails to submit a properly completed renewal application, including applicable fees, and a copy of the current alcoholic beverage state license by the expiration date of the license, must pay a late renewal fee in the amount of ten dollars (\$10) per month for up to three months. The license shall be inactivated after three months of non compliance of renewal. A license will be deemed expired upon default of renewal of the license expiration date.~~

~~**5-01-060. Revocation.**~~

~~The city manager or their designee may revoke a license issued pursuant to this chapter, where the license holder has been adjudged guilty of a violation of this chapter, or whenever the public health, safety or welfare requires revocation. Before revocation, the city clerk shall notify the holder of the license, in writing, of the proposed revocation, specifying the nature of the charges for which revocation is sought. The licensee shall have the right to appeal to the city manager as to why the license should not be revoked. If, the city manager determines that revocation of the license is in the best interest of the public health, safety and welfare, the license shall be revoked, and an order shall be entered revoking the license and stating the reasons to the applicant.~~

~~**ARTICLE 5-02. TEMPORARY ALCOHOLIC BEVERAGE DISPENSERS**~~

~~**5-02-010. Required.**~~

~~A. Applicant must present the State of New Mexico's Public Celebration Permit application or the Special Dispensers Permit application to the City Clerk's department.~~

~~B. The City Clerk's department will approve or disapprove within one (1) business day.~~

~~C. It is the responsibility of the applicant to follow Alcoholic Beverage Control Division guidelines and State Statutes.~~

**ARTICLE 5-03. PENALTIES**

~~Violation of any of the sections in this chapter shall be a misdemeanor punishable by up to five hundred dollars (\$500.00) per day and up to six (6) months in jail per day of each violation.~~

**CHAPTER 34 MARIJUANA**

**ARTICLE 34-02. MARIJUANA LICENSES**

**~~34-02-010. Required.~~**

~~The sale and possession for the purpose of selling, and the offering for sale of marijuana is hereby prohibited except by persons duly licensed within the area and upon the conditions specified in this chapter and other applicable provisions of this Code.~~

**~~34-02-020. Application.~~**

~~Applications for a license to sell marijuana within the city shall be made to the city clerk on a form prescribed by the clerk. Each application shall include a copy of the cannabis license for the location from the New Mexico Cannabis Control Division and shall be accompanied by a fee of fifty dollars (\$50.00) to cover the expense of investigations. An investigation shall be made of the applicant, the matters stated in the application, and for compliance by the applicant and the proposed location of the licensed premises for compliance with all applicable codes.~~

**~~34-02-030. License Fee.~~**

~~The fee for licenses per location is as follows:~~

~~Retailer license, per annum: — \$250.00~~

~~Producer license, per annum: — \$250.00~~

~~Manufacturer license, per annum: \$500.00~~

~~All licenses shall be issued for the period January 1 to December 31. The license fee shall not be refunded or prorated. The above does not include business registration fees.~~

**~~34-02-040. Revocation.~~**

~~The city commission may, by a majority vote of all members elected, revoke any and all licenses for the sale of marijuana for the violation of any of the provisions of this chapter, after a public hearing and upon five (5) days' notice thereof.~~

**CHAPTER 17 BUSINESS REGULATIONS AND LICENSES**

**ARTICLE 17-01A. BUSINESSES TO BE LICENSED**

**17-01A-050. License fees for certain businesses.**

All persons, firms, corporations, or associations engaged in any of the following pursuits, businesses and occupations shall, before commencing business, and before the expiration of the license each year thereafter, secure a license from the city clerk and pay the listed fee instead of the business registration required by this chapter:

~~Alcohol regulated by Chapter 5, per year \$250~~

Food vendors, per year \$35.00

Marijuana regulated by Chapter 34, per year \$250 and \$500

PASSED, APPROVED AND ADOPTED this 10<sup>th</sup> day of January, 2023.



CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: Susan L. Payne  
Susan L. Payne, Mayor

ATTEST:

Rachel Hughes  
Rachel Hughes, City Clerk

APPROVED AS TO FORM:

Ashley Smith  
Ashley Smith, City Attorney

First publication approval: 12/6/2022  
First publication: 12/11/2022  
Final publication approval: 1/10/2023  
Final publication: 1/15/2023  
Effective date: 1/20/2023