

CHAPTER 14

HOME OCCUPATIONS

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SECTION 1. DEFINITIONS

A. USE is the purpose for which a building is arranged, designed or intended, or for which a dwelling is or may be occupied or maintained.

B. RESIDENCE is a single family dwelling and its associated lot zoned for use as rural residential or rural agricultural and includes the dwelling, garages, and other structures incidental to the permitted use.

C. HOME OCCUPATION means any occupation or activity clearly incidental and secondary to use of the premises for a dwelling.

SECTION 2. LICENSE REQUIRED

It shall be unlawful for any person, either directly or indirectly, to conduct any home occupation without a current license.

SECTION 3. PROCEDURE FOR ISSUANCE OF LICENSE

A. Every person required to procure a license under the provisions of this ordinance shall submit an application to the Village. The application shall be in such form and require such information as the governing body shall determine.

B. Public Notice. Fifteen (15) days prior to the date that the governing body will consider the application, the applicant shall:

- (1) Notify adjoining neighbors of the nature of the proposed home occupation and the date of the meeting when the governing body will consider the application. This notice is to be by certified mail, return receipt requested, or by personal delivery, with receipt acknowledged.
- (2) Post and maintain one or more signs on the premises involved, as

provided and where instructed by the Mayor, Village clerk or Planning and Zoning Officer. The applicant is responsible for removing such signs within five (5) days after the governing body issues its decision.

C. The application shall be accompanied by the first year's license fee.

D. On or before the date of the meeting of the governing body at which the application is to be considered, the applicant shall present to the Zoning Enforcement Officer proof of compliance with Section 3.B. above. Failure to comply with the public notice requirements as listed in Section 3.B. is grounds for deferral or denial of the application.

E. The zoning enforcement officer shall Review all applications and renewals of licenses and recommend approval or denial to the Board. The zoning enforcement officer's recommendation shall be placed upon the consent agenda of the next regular meeting of the governing body for summary affirmance. If any trustee wishes to discuss a recommendation or if any person opposes a recommendation and expresses such opposition in writing, the application shall be transferred to the public hearing agenda for Review and determination by the Board.

F. Whenever the zoning enforcement officer determines, in his or her discretion, that an application for a license or renewal of license is contrary to Village law, detrimental to the health, safety, morals, welfare, order, prosperity, comfort or convenience of the Village or its inhabitants, or that the applicant is not acting in good faith, then the zoning enforcement officer shall recommend denial of the application to the governing body.

SECTION 4. CONDITIONS OF APPROVAL

If approved, a license for home occupation shall be subject to the following conditions:

A. It shall be conducted entirely within the residence or accessory buildings and only by persons living at the residence.

B. No more than twenty-five percent (25%) of the floor area of a dwelling and six hundred square feet of an accessory building shall be used to conduct a home occupation.

C. It shall not generate vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling.

D. Any heavy equipment, trucks, or vehicles not normally associated with residential use which may be used directly or indirectly in the home occupation shall not be stored or parked on public streets or property.

E. There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation except that a small non-illuminated sign of not more than four square feet that blends with the aesthetic quality of the neighborhood.

F. Any sales shall be limited to products or services generated or provided by the residents and must not disrupt the residential nature of the neighborhood.

G. There shall be no storage of materials or displays of merchandise visible from outside the lot lines of the residence.

H. There shall be no storage of materials or products which are explosive, flammable, toxic, or otherwise hazardous to persons living within the residence or to the public.

I. No activity shall be performed outside of the dwelling or accessory buildings which is not normally associated with the use of the residence as a dwelling.

J. The conduct of the business shall not produce offensive noise, vibration, fumes, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects beyond the exterior walls of the dwelling or accessory building.

K. The Board may impose such other conditions as it deems reasonable under the circumstances.

SECTION 5. DURATION AND RENEWAL.

Any home occupation license shall be valid for one year from the date of issue.

A. Any license approved by the governing body shall be valid and effective through December 31 of the year in which it was issued and shall be subject to annual Review and approval thereafter. The Home Occupations annual license fee may not be prorated for home occupations conducted for a portion of the year.

B. Any application for renewal of an existing license shall be filed on or before December 1 of each year. The application shall be in such form as the governing body shall determine and shall be accompanied by the annual license fee.

C. Renewal of each existing license is subject to the approval of the governing body and, if approved, shall be subject to such different or additional conditions as the governing body deems reasonable.

SECTION LICENSE FEE

The annual license fee shall be \$15.00.

SECTION DUTIES OF LICENSEE.

Every home occupation licensee shall comply with all federal, state, county, and municipal laws and Regulations applicable to such licensed occupation and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.

Ordinances and State Law References Regarding Chapter 14:

Ordinance #57, November 14, 1984.

Ordinance #74 increased license fee from \$10 to \$15. July 13, 1988.

Ordinance #95, August 8 1990, amended:

Section 3(d) (proof of compliance shall be given to the Zoning Enforcement officer instead of the governing board), added Sections 3(E) & (F), and deleted previous section 8 relating to non-approval of license.

Ordinance #144, March 12, 1997, clarified that license fees are not prorated for partial years.

State Law Reference: Business Registration § 3-38-1, *et seq.*, NMSA 1978