

ORDINANCE NO. 57

AN ORDINANCE PROVIDING FOR THE LICENSING
OF HOME OCCUPATIONS; AND FOR THE REPEAL
OF ORDINANCE #29 AND #46

WHEREAS, IT HAS BEEN DETERMINED TO REGULATE THE USE OF RESIDENCES WITHIN THE VILLAGE OF LOS RANCHOS FOR HOME OCCUPATIONS, IN ORDER TO PROVIDE FOR THE SAFETY, PRESERVE THE HEALTH, PROMOTE THE PROSPERITY, AND IMPROVE THE MORALS, ORDER, COMFORT, AND CONVENIENCE OF THE VILLAGE AND ITS INHABITANTS, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO:

1. DEFINITIONS: For the purposes of this Ordinance, the following words and phrases shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- 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.

"Home Occupation" means an activity carried on for profit or for philanthropic purposes, where all or part of the activity takes place in a residence or on a residential lot and which is incidental to the permitted or conditional use of the residence.

2. APPLICATION OF ORDINANCE: It shall be unlawful for any person, either directly or indirectly, to conduct any home occupation without a license being first procured and kept in effect according to the provisions of this ordinance.

3. PROCEDURE FOR ISSUANCE OF LICENSE:

(a) Every person required to procure a license under the provisions of this Ordinance shall submit an application for such license to the governing body of the Village of Los Ranchos de Albuquerque, or to such person as the governing body shall designate. 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 or Village Clerk. The applicant is responsible for removing such signs within five 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 governing body proof of compliance with paragraph 3(b) above. Failure to comply with the public notice requirements as listed in paragraph 3(b) is grounds for deferral or denial of the application.

4. CONDITIONS OF APPROVAL. If approved, a license for home occupation shall be subject to the following conditions:

- (a) It shall be carried on 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 the dwelling and six hundred square feet of an accessory building shall be used in the conduct of 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.
- (f) Any sales shall be limited to produce, 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 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) On site advertising shall be limited to one small non-illuminated sign of not more than four square feet that blends with the aesthetic quality of the neighborhood.
- (k) 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.

(1) Such other conditions as the governing body deems reasonable under the circumstances.

5. DURATION AND RENEWAL. It is the intention of the governing body that any license for home occupation shall be valid and effective for not more than one year from the date of issue and shall be subject to annual review and approval thereafter.

(a) Any license approved by the governing body shall be valid and effective through December 31 of the year in which it was issued.

(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.

6. LICENSE FEE. The annual license fee shall be \$10.00.

7. DUTIES OF LICENSEE. Every home occupation licensee shall comply with all federal, state, and municipal laws and regulations applicable to such licensed occupation and the failure to do so shall constitute grounds for revocation of any license issued pursuant to the provisions of this Ordinance. Every licensee under this Ordinance shall post and maintain such license upon the licensed premises in a place where it may be seen at all times.

8. NON-APPROVAL OF LICENSE. Whenever the governing body determines, in its discretion, that in order to provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort or convenience of the Village and its inhabitants, an application or an application for renewal of license should be denied, or if the governing body determines that an applicant is not acting in

good faith, then the applications for license or applications for renewal shall be denied, but the license fee submitted with the application shall be retained by the Village to cover administrative costs.

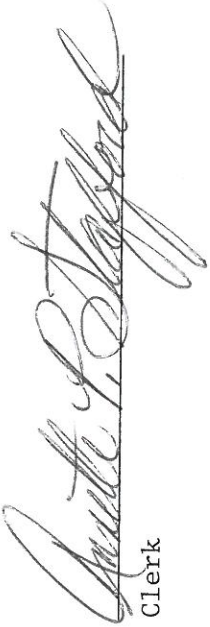
When any application for license or application for renewal is denied, the applicant shall not engage in the home occupation for which the license was refused.

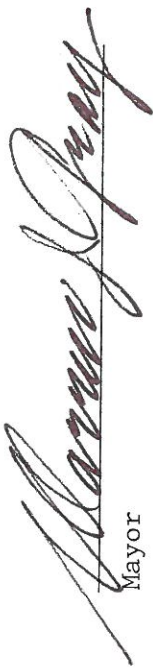
9. PENALTIES. Any person violating any provision of this Ordinance shall be fined not more than three hundred dollars (\$300.00) or imprisoned in such place provided for such purpose for not more than ninety (90) days or by both such fine and imprisonment for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

10. EFFECTIVE DATE: This Ordinance shall take effect five days after newspaper publication.

APPROVED THIS 14th day of November, 1984.

ATTEST:


Clerk


Mayor