



Home Based Businesses in Los Alamos County



LOS ALAMOS

Contacts in Los Alamos County - Small Business Matters

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License# _____

Application for Business License Registration

Los Alamos County - Office of the Community Development Department
1000 Central Ave Suite 150, Los Alamos, NM 87544 Phone: (505)
662-8120 Email: andrea.fresquez@lacnm.us

Please fill out all the information on this form

SECTION 1 - Business Information

Type of Business ☐ Commercial ☐ Home Occupation ☐ Out of Town

Business Name: _____

DBA: _____

Ownership(check): Corporation: ____ LLC: ____ Partnership: ____ Sole Proprietor: ____ Non-profit: ____

Physical Address of Business: _____
City/State

Mailing Address: _____
City/State

List Hazardous materials:

Phone #: _____ Email: _____

SECTION 2 - Tax Information

NM BTIN # (Tax ID): - -

MUST obtain a GRT # from the NM Taxation & Revenue Department.

NAICS Code _____ Search NAICS Codes at: <https://www.naics.com/search/>, or find it on page 3

Nature of Business _____
Provide a brief description of your business.

SECTION 3 - Owner/Co-Owner/CEO/President/Office Manager etc.

Name: _____

Mailing Address: _____
City/State Zip

Phone: _____ Email: _____

SECTION 4 – Home Occupation Business License Registration ONLY.

A resident that plans to operate out of their home or apartment in a residential district, please answer questions below.

1. Please describe, in detail, the nature of your

business: _____

2. What are the hours of operation: _____

3. Will you have any customers at the residence? Is so, how many _____

How many parking spots do you have available? _____

4. List any hazardous materials that you plan on using/ storing along with
quantities _____

5. Are you the homeowner?

If you are not, a letter from the homeowner will be required stating that you are allowed to conduct your business from residence.

6. In accordance with the International Residential Code 14.7.3.9- A home office or is allowed up to 300 sq feet.

Please specify what part of the home you will be utilizing for your business, please include
dimensions _____

SECTION 5 - Signature of Applicant

By signing this form, I attest that the information I have provided herein is true and accurate to the best of my knowledge. I certify that I am authorized to sign the same as an agent on behalf of the above stated business. I agree to pay all associated fees including: the annual business registration fee, fire inspection fees, and other permit fees as required by Los Alamos County.

The payment of the business registration fee or the business license fee, and the issuance of a registration or license by the County shall not entitle the holder thereof to carry on any business unless he or she has complied with all requirements of this Code and all applicable laws, nor to carry on any business in any building or any premises designated ins such registration or license in the event that such building or premises are situated in a zoning district or locality in which the conduct of such business is in violation of any law. I agree to comply with Los Alamos County Code Chapter 12 "Businesses" and other County, State, and federal regulations. I have obtained all licenses and inspections required by the State of New Mexico and I certify the information I have included on this application is correct.

Printed Name: _____ Date: _____

Signature: _____

Owner, Partner, or Corporate Owner



Please choose the code that closest suits your business and
place the number on the NAICS code section of the Business Registration Application.

North American Industrial Classification Systems (NAICS Codes)

11 Agriculture, Forestry, Fishing & Hunting

- 111 Crop Production
- 112 Animal Production & Agriculture
- 113 Forestry and Logging
- 114 Fishing, Hunting, and Trapping
- 115 Support Activities for Ag and Forestry

21 Mining, Quarrying, and Oil and Gas Extraction

- 211 Oil and Gas Extraction
- 212 Mining (except Oil & Gas)
- 213 Support Activities for Mining

22 Utilities

- 221 Utilities

23 Construction

- 236 Construction of Buildings
- 237 Heavy and Civil Engineering Construction
- 238 Specialty Trade Contractors

31-33 Manufacturing

- 313 Textile Mills
- 314 Fabric Mills
- 315 Apparel Manufacturing
- 316 Leather and Allied Product Manufacturing
- 321 Wood Product Manufacturing
- 322 Paper Manufacturing
- 323 Printing and Related Support Activities
- 324 Petroleum and Coal Products Mfg
- 325 Chemical Manufacturing
- 326 Plastics and Rubber Products Mfg
- 327 Nonmetallic Mineral Product Mfg
- 331 Primary Metal Manufacturing
- 332 Fabricated Metal Product Manufacturing
- 333 Machinery Manufacturing
- 334 Computer and Electronic Product Mfg
- 335 Electrical Equipment, Appliance & Component Mfg
- 336 Transportation Equipment Mfg Furniture and Related Product Mfg
- 339 Miscellaneous Mfg

42 Wholesale Trade

- 423 Merchant Wholesalers, Durable Goods
- 424 Merchant Wholesalers, Nondurable Goods
- 425 Wholesale Electronic Markets & Agents and Brokers

44-45 Retail Trade

- 441 Motor Vehicle and Parts Dealers
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 444 Bldg Material & Garden Eqmpt & Supplies Dealers
- 445 Food and Beverage Stores
- 446 Health & Personal Care Stores
- 447 Gasoline Stations
- 448 Clothing and Clothing Accessories
- 451 Sporting Goods, Hobby, Musical Instrument & Book Stores
- 452 General Merchandise Stores
- 453 Miscellaneous Store Retailers
- 454 Non-store Retailers

48-49 Transportation and Warehousing

- 481 Air Transportation
- 482 Rail Transportation
- 483 Water Transportation
- 484 Truck Transportation
- 485 Transit & Ground Passenger Transp
- 486 Pipeline Transportation
- 487 Scenic and Sightseeing Transportation
- 488 Support Activities for Transportation
- 491 Postal Service
- 492 Couriers and Messengers
- 493 Warehousing and Storage

51 Information

- 511 Publishing Industries (Except Internet)
- 512 Motion Picture & Sound Recording Industries
- 515 Broadcasting (except internet)
- 517 Telecommunications
- 518 Data Processing, Hosting & Related Svcs
- 519 Other Information Services

52 Finance and Insurance

- 521 Monetary Authorities - Central Bank
- 522 Credit Intermediation & Related Activities
- 523 Securities, Commodities & Other Financial Investment Related Activities
- 524 Insurance Carriers and Related Activities
- 525 Funds, Trusts & Other Financial Vehicles

53 Real Estate & Rental & Leasing

- 531 Real Estate
- 532 Rental & Leasing Services
- 533 Lessors of Non-financial Intangible Assets (except Copyrighted Works)

54 Professional, Scientific & Technical Services

- 541 Professional, Scientific & Technical Svcs.

55 Management of Companies and Enterprises

- 551 Management Companies and Enterprises

56 Admin & Support & Waste Mgmt & Remed. Svcs

- 561 Administrative & Support Services
- 562 Waste Mgmt and Remed. Services

61 Educational Services

- 611 Educational Services

62 Health Care & Social Assistance

- 621 Ambulatory Health Care Services
- 622 Hospitals
- 623 Nursing & Residential Care Facilities
- 624 Social Assistance

71 Arts, Entertainment & Recreation

- 711 Performing Arts, Spectator Sports & Related Industries
- 712 Museums, Historical Sites & Similar Inst.
- 713 Amusement, Gambling & Rec. Ind.

72 Accommodations & Food Services

- 721 Accommodation
- 722 Food Services & Drinking Places

81 Other Services (except Public Administrator)

- 811 Repair & Maintenance
- 812 Personal & Laundry Services
- 813 Religious, Grant making, Civic, Professional & Similar Organizations
- 814 Private Households

92 Public Administration

- 921 Executive, Legislative & Other Gen. Govt. Support
- 922 Justice, Public Order, and Safety Activities
- 923 Administration of Human Resource Programs
- 924 Admin of Environmental Quality
- 925 Admin of Hsng Prgms, Urban Planning & Community Development
- 926 Admin of Economic Programs
- 927 Space Research & Technology
- 928 National Security & International Affairs



LOS ALAMOS

Signage FAQ for Home Businesses in Los Alamos County

Do I need a permit to install a sign?

Yes, permanent signs require a permit under Section 16-73(k). Temporary signs – displayed no longer than 60 consecutive days – do not require a permit but must meet the standards within Sec. 16-65(f).

What types of signs are prohibited?

A full list can be found in Section 16-64, and includes the following:

- Billboards
- Roof-mounted signs
- Signs with flashing or moving parts
- Signs in sight visibility triangles
- Reflective or animated signs
- Signs that project into the public right-of-way without a permit

Can my home business / occupation have a sign?

Signs in residential zones are allowed to be a maximum of 4 sq. ft., and 4' in height. Signs in multi-family zones are limited to 2 sq. ft. per unit and 8' in height, max.

Can my sign have lighting?

Illuminated signs are allowed in non-residential, mixed use, and multi-family zones.

What are the rules for Electronic Message Centers (EMCs)?

- Allowed only in non-residential or mixed-use zones:

What about temporary signs?

- They must be non-permanent and installed in a way that is easy to remove.
- They cannot exceed the sign area allowed by Zone District, see Section 16-65(b), Table 48.
- They cannot be displayed for more than 60 consecutive days at one time.
- When located in the public right-of-way, it must not block, impede, or limit the use of ADA access points, prevent entry or exit from any door, window, or

fire escape, or extend over and into any street, alley, sidewalk, or other public thoroughfare.

- They cannot be located or posted on streetlights, stop signs, utility poles, or other utility structures located in the public right-of-way.
- They cannot be illuminated when located in the public right-of-way.

See

Can my sign project over sidewalks or public spaces?

Yes, but they must maintain a minimum clearance of 10 ft. above finished grade and are required to obtain an Encroachment Permit as outlined in Section 16-73(d).

Can I put up a mural or artistic display?

Yes, murals, paintings, and sculptures that do not convey a commercial message are allowed and are exempt from Signage development standards.

Who approves signs on county property?

Only the County Manager (or Utilities Manager for utility infrastructure) can approve permanent signs on county buildings or land.

Los Alamos County - Single-family Residential Districts SFR
List of Permitted Uses

Single-family residential zone districts (SFR-1-6). The single-family residential (SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, SFR-6) zone districts are intended to accommodate single-family dwellings with a variety of lots sizes and dimensions in established neighborhoods to maintain and protect their character.

- Dwellings, single-family, detached
- Dwelling, Manufactured homes
- Group care facility
- Group residential facility
- Private School
- Religious institutions
- Community garden
- Park or playground
- Accessory Dwelling Units are permitted in the SFR-1, SFR-2, and SFR-3 Zone Districts and prohibited in the SFR-4 and SFR-5 Zone Districts.

In addition, the following uses are permitted with a **Conditional Use Permit** in SFR Districts, which requires review and approval by the Planning and Zoning Commission at a public hearing:

- Dwelling, Cottage Development
- Assisted Care Facility
- Golf Course or Country Club
- Bed and Breakfast
- Personal Services
- Public utilities
- Wireless telecommunication facility
- Day care facilities
- Home business
- Schools, private

The following uses are permitted as **Accessory** Uses, incidental and subordinate to the permitted or special use, in R-1 Districts:

- Accessory Dwelling units
- Accessory structures
- Day care homes
- Servant quarters, guestroom
- Greenhouse
- Home Occupation
- Recreational Vehicle Storage
- Residential Community Amenity
- Satellite Dish antenna
- Solar Collection System
- Swimming Pool



The following uses are permitted as Temporary Uses

- Construction staging areas
- Dwelling, Temporary
- Film production
- Real Estate office or model home
- Special event
- Temporary Storage

Note: This information is for reference purposes only. Other regulations, including the provision of sufficient parking, will apply. All new or changed uses may be subject to inspection, licensing and issuance of Certificates of Occupancy. You are advised to contact the Community Development Department (662-8120) for current and specific information.



Los Alamos County Mixed-Use (MU)

Mixed-use zone district (MU). The mixed-use (MU) zone district is intended to accommodate a vertical or horizontal mix of low- to medium-density residential, office, and commercial land uses outside of the DTLA and WRTC zone districts characterized by more walkable development patterns that are compatible in scale and character with surrounding neighborhoods.

The following uses are permitted in the MU District:

- Dwelling, Cottage Development
- Dwelling, multiple family
- Dwellings, Duplex, triplex, fourplex, townhouse
- Dwellings, live/work
- Dwelling, Manufactured Home
- Dwellings, co-house development
- Assisted Care Facility
- Dormitories
- Group Care Facility
- Group Residential Facility
- Art gallery, Museums, or library
- Funeral homes, mortuaries
- Institutional and Civic Buildings
- Medical or dental clinic
- Private club or lodge
- Religious institutions
- Schools, private or public
- Community Garden
- Plant Nursery or greenhouse
- Greenhouse for Cannabis cultivation
- Indoor entertainment facility
- Park or Playground
- Sports field
- Office, business or professional
- Research and Development
- Financial institutions
- Bed and Breakfast
- Campground or RV Park
- Hotel, Motel
- Bar lounge or tavern
- Restaurant



Office, Business or professional
Research and Development

Retail sales

Daycare Center

Fitness Center

Liquor retail

Nicotine retail

Meeting, Banquet, or Event Facility

Personal services

Veterinary Hospital

Parking facility

Artisan manufacturing

Cannabis cultivation or manufacturing facility

Radio and TV Studio or station

Financial institutions

Uses allowed with a Conditional Use Permit in the MU District, which requires review and approval by the Planning and Zoning Commission at a public hearing:

Outdoor Recreation Facility

Microbrewery, Distillery, or Winery

Laboratory

Kennel

Light vehicle and equipment sales, rental and repair

Vehicle storage

Transit terminal or station

Light Manufacturing

Outdoor storage

Public utilities

Recycling stations

Wireless telecommunication facility

Daycare facility

Microwave dish

Satellite dish antenna

The following uses are permitted as Accessory Uses, incidental and subordinate to the permitted or special use, in the MU District:

Small wireless telecommunication facility

Cannabis Retail

Accessory structure

Caretaker unit

Daycare home



Home business
Home occupation
Outdoor dining
Outdoor storage
Residential community amenity
Solar collection system
Swimming pool

The following uses are permitted as Temporary Uses

Construction staging areas
Film production
Open air market
Mobile food vending
Parklet
Seasonal outdoor sales
Special event

Note: This information is for reference purposes only. Other regulations, including the provision of sufficient parking, will apply. All new or changed uses may be subject to inspection, licensing and issuance of Certificates of Occupancy. You are advised to contact the Community Development Department (662-8120) for current and specific information.

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Chapter 16 - DEVELOPMENT CODE
ARTICLE VI. - DEFINITIONS
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DIVISION 2. DEFINED TERMS

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign which, for a period of at least 60 consecutive days or longer, no longer advertises or identifies a legal business establishment, product, or activity. See division 8, Signage.

Abut means to touch or share a common property line.

Access means a way or means of approach to provide vehicular or pedestrian physical ingress and egress to a property or use.

Accessory dwelling unit means a dwelling unit that is accessory to a primary single-family or two-family detached dwelling or non-residential use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached accessory structure and contain a separate kitchen.

Accessory structure means a structure detached from and located on the same lot as a primary building, clearly incidental and subordinate to the primary building or use. Accessory structures include but are not limited to shade structures such as covered patios, gazebos, pergolas, ramadas, or similar roofed structures. A structure attached by wall or roof to the main building is not an accessory structure but is a part of the main building. See also building and structure.

Accessory use means a use incidental and subordinate in use, area, or purpose to the primary use of the premises or lot.

Addition means an extension or increase in floor area or height of an existing building or structure.

Adjacent means those properties that are abutting or separated only by a street, alley, or trail. For example, an industrial zone district across the street from a residential zone district is adjacent to that zone district.

Adult entertainment means an establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment featuring live entertainment, audio and/or video displays or other graphic representations that are intended to provide sexual stimulation or sexual gratification and is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.

Adult retail means an establishment where 50 percent or more of its gross area is devoted to sell or rent the following adult material that include, but are not limited to, books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not accessory to any other use.

Agent means a person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person. Also see "owner."

Alley means a public right-of-way or private way providing secondary access to abutting property or primary vehicular access to residential properties, minimizing or eliminating the need for driveway access to the street.

Alteration means any construction or renovation to an existing structure other than a repair or addition.

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Antenna means the same as defined by the FCC in 47 C.F.R. § 1.6002(b).

Applicant means any person who submits a development application requesting a development permit or approval authorized by this Code.

Application means a formal request made by an applicant and/or agent to initiate any action as provided in this chapter, using forms provided by the community development department for this purpose.

Architectural lighting means lighting designed to reveal architectural beauty, shape, or form and for which lighting for any other purpose is incidental.

Area, floor means the area of all floors, including a basement, in a building, exclusive of exterior courts, garages and carports. All horizontal dimensions are taken from the exterior faces of walls, including enclosed porches.

Area, gross means the area of a horizontal plane within the property lines of a lot before the area of public streets, easements or other land to be designated for public use is deducted.

Area, net building means the area of a horizontal plane within the property lines of a lot, less the area of all land designated for public use and less the area of all required yards.

Art gallery means a building, room, or series of rooms where works of art are exhibited for display or sale.

Artisan manufacturing means an establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting, as well as incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers. Also see "light manufacturing and heavy manufacturing".

Assisted care facility means a facility that provides a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. The use does not include a "hospital" or a "group residential facility".

Backlight means light emitted in the quarter-sphere below horizontal and in the opposite direction from the intended orientation of the luminaire. For example, light visible from a property behind a curb-mounted streetlight is backlight. See illustration under BUG.

Balcony means an unenclosed platform projected from a wall of a building or structure above the first floor level and gaining sole access from said building or structure.

Banner means any sign of lightweight fabric or similar material with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Bar means an establishment having as its primary or predominant uses the serving of beer, wine, or liquor for consumption on the premises, but that does not meet the definition for tap room or tasting room.

Bed and breakfast means a low-density residential development with a permanent resident and up to five guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only. See also "hotel or motel".

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Bedroom means any room in a dwelling that is partitioned by walls and doors, other than the following: kitchens, living rooms, dining rooms, family rooms, baths, foyers, corridors and closets (all as defined in articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code)).

Billboard means an off-premise, freestanding sign which advertises or directs attention to a business, product, service, or event. None of the products or services may be conducted, sold, or offered on the premises where the billboard is located.

Block means a unit of land bounded by streets or by a combination of streets and public land or any other barrier to the continuity of development. See figure "block and block-face".

Breezeway means a roofed, open-sided passageway which provides direct access between buildings.

Buffer means open spaces, strips of land, landscaped areas, fences, walls or any combination of the same, used to physically separate and screen one use or property from another to visually shield or block noise or lights.

BUG means the IES TM-15 luminaire classification system describing the amount and location of light being emitted from a luminaire.



Building means an independent, fully-enclosed structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

Building height means the vertical distance above finished grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.

Building, main means a building within which is conducted one or more permitted or conditional uses. There may be more than one main building on a lot depending on the zone district designation.

Business means a legal entity operating an enterprise in a space separate from any other enterprise.

Caliper means the diameter of the main stem of a tree or shrub measured eight inches above the ground.

Campground or RV park means a lot developed or used for the temporary occupancy of recreational vehicles (RV) or shelters such as motor homes, travel trailers, camper vehicles, tent shelters and the like.

Cannabis means all parts of the plant genus Cannabis as defined by the Cannabis Regulation Act ("Act").

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Cannabis cultivation and manufacturing facility means a facility in which cannabis is grown, harvested, dried, cured, or trimmed for consumption by smoking or inhalation, or cannabis is processed into products intended for use or consumption other than by smoking or inhalation, including but not limited to, edible products, ointments, and tinctures.

Cannabis retail means a retail sales establishment licensed by the state to sell cannabis products to qualified patients, primary caregivers, and reciprocal participants as defined by the Act, or directly to consumers.

Canopy means a covered structure with at least one side open for pedestrian or vehicular access for automobile service stations or similar uses.

Caretaker unit means a dwelling unit for a person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision, or security of the real or personal property of the employer which is located on the same lot.

Carport means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile storage.

Cemetery means a place dedicated to the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Character means those attributes, qualities, and features that make up and distinguish a development or neighborhood and give such development or neighborhood a sense of purpose, function, definition, and uniqueness.

Club means an association of persons, whether or not incorporated, for social or recreational purposes and for purposes and activities generally not for personal gain and not elsewhere defined as a commercial or professional purpose or activity; it does not mean a group organized solely or primarily to render a service as a business for profit.

Collocate means the same as defined by the FCC in 47 C.F.R. § 1.6002(g).

Color rendering index (CRI) means a quantitative measure, on a scale of 0 to 100, of artificial light's ability to render an object's natural color, with 100 being a good match for natural light.

Commercial means any activity involving the provision of services carried out for profit, including but not limited to the purchase, sale or other financial transaction involving the handling or disposition of any article, substance or commodity; or the management of office buildings, offices, recreational, or amusement enterprises; or the maintenance and use of offices, structures, and premises by professions and trades rendering services; by for profit or not-for-profit uses.

Commercial message means a message related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Community development director means the director of the County of Los Alamos Community Development Department or their designee.

Community garden means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by individuals or collectively by members of a group or organization.

Common open space means outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space

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may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least two sides; walkways; landscaped buffers or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; canyon areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, private ways, parking lots, off-street parking, driveways, drive aisles other private vehicular surfaces, or buildings other than swimming pool rooms.

Compact parking space means a parking space designed by reducing the depth of the stall to 18 feet meeting the requirements of section 16-33.

Comprehensive plan means the plan adopted by the county to guide overall growth and development and capital improvement planning in the county including amendments to that plan.

Conditional use means a use which has been determined to be compatible with the purposes of the zone district, but which has one or more characteristics that could make it incompatible with other uses in the zone district; and as further described by this chapter. Conditional uses are allowable in a particular zone district subject to conditional approval by the planning and zoning commission based on a review of potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties.

Conditional use permit means a permit for a use classified as a conditional use, as detailed elsewhere in this chapter.

Condominium means an estate in real property consisting of an individual interest in common in a parcel of real property, together with separate ownership of space within such real property. A condominium is not a cooperative.

Conforming sign means a sign that is in compliance with all prevailing jurisdictional laws and ordinances.

Contiguous means in contact with or sharing a common border, boundary, or property line.

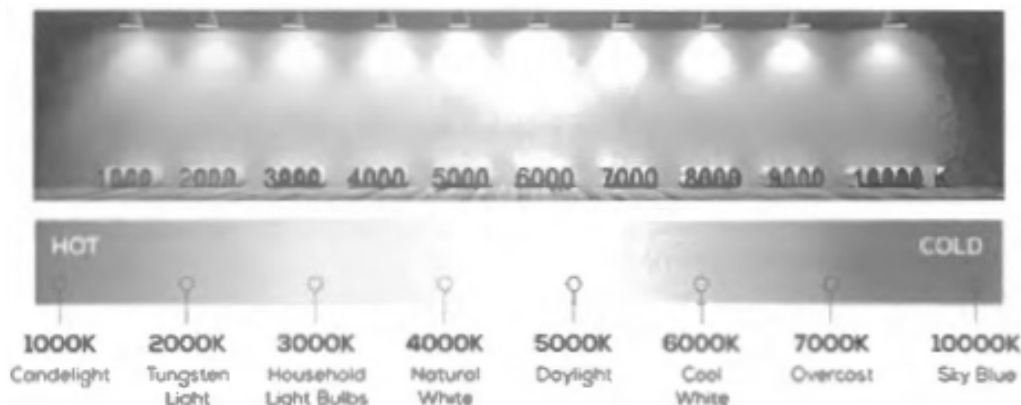
Continuous lighting means a street lighting system made up of regularly spaced luminaires along the street. Criteria typically defines minimum and maximum illuminance values and overall uniformity along the lighted area.

Contractor facility or yard means a building and related outdoor area used to store and maintain construction equipment and materials including but not limited to plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor.

Corner lot means a lot located at the intersection of and having frontage on two or more streets.

Correlated color temperature (CCT) means measured in degrees Kelvin (K). A specification for the color appearance of the light emitted by a lamp.

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Cottage development means see "dwelling, cottage development".

County means the incorporated County of Los Alamos, New Mexico.

County attorney means the attorney for the County of Los Alamos.

County clerk means the elected clerk of the County of Los Alamos or his agent.

County council means the elected county council for the County of Los Alamos.

County engineer means the engineer for the County of Los Alamos or their designee.

County manager means the manager for the County of Los Alamos or their designee.

County public works director means the public works director for the county or their designee.

County surveyor means the surveyor of the county or their agent.

County utilities manager means the utilities manager for the county or their agent.

Court and courtyard means an open, structurally unoccupied space, other than an open yard, on the same lot with a main building, and bounded on two or more sides by such building or exterior walls or fences.

Crosswalk means the portion of a pedestrian walkway which intersects and crosses a street.

Cul-de-sac means a street with one end open for vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Daycare center means a business in a non-residential setting that is licensed by the county and state to provide care, service, and supervision for less than 24 hours per day to children or adults, and meetings the applicable state and local building and safety codes.

Daycare facility means a private dwelling that provides care, services and supervision for a period of less than 24 hours of any day for at least five but no more than seven children at one time who do not normally reside in the home, provided that such center is licensed by the county and state and conducted in accordance with county requirements.

Daycare home means a business in a private residence which provides care, services, and supervision for not more than four children at one time who do not normally reside in the home, for less than 24 hours per day; provided, however, that such center is licensed by the county and conducted in accordance with county requirements.

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Deck means a roofless outdoor space built as an above-ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

Decision-making authority means the community development director, the planning and zoning commission, or the county council, as appropriate, given the authority to take the action in question under this County of Los Alamos Development Code.

Density means the ratio of dwelling units permitted to gross land area.

Developer means any individual, corporation, company, firm, partnership, joint venture, or other entity responsible for land platting or construction or placement of any structures or infrastructure on a lot.

Development means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings, any use or change in use of any buildings or land, any extension of any use of land or any clearing, grading, or movement of land, subdivision of land, or activities to prepare land for construction or installation, such as grading.

Development code means this chapter 16 of the Los Alamos County Code of Ordinances.

Development plan means the master schematic layout prepared as part of a planned development overlay (PD-O) zone district submittal for an individual site or subdivision which summarizes the general project concept, allowable land uses, densities and development standards, and which shows developable and undevelopable areas, major streets, utilities, drainage ways, recreation and open space areas, buffers to adjacent land uses, and proposed general development areas.

Diffusion means the scattering of light by reflection or transmission when light strikes an irregular surface, such as a frosted lens.

Direct light means the portion of light from a luminaire that arrives without being reflected.

Dissolve or fade means a mode of message transition on an electronic message center sign in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dormitory means a residential building providing rooms for individuals or groups, with common spaces for living and cooking, related to an educational or research institution.

Drainage facility means a system of structures for collecting, conveying, and storing surface and stormwater runoff. These include but are not limited to streams, natural swales, pipelines, channels, ditches, arroyos, acequias, wetlands, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade.

Drive-in or drive-through facility means the portion of a commercial establishment which is designed and operated for the purpose of serving a motorist in a vehicle.

Driveway means an unobstructed area with a stabilized surface which provides access along a public street for the purpose of vehicular ingress and egress between the public right-of-way and an adjoining property. Also referred to as accessways, curb cuts, and turnouts.

Dwelling means a building or portion of a building designed and intended to be used by a person or family for private residential occupancy. A dwelling has its own separate entrance, permanent plumbing, and is equipped with facilities for sleeping, bathing, and cooking.

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Dwelling, co-housing development means a medium to high-density residential development in which multi-family dwellings may share access, parking, common spaces, kitchens, and dining rooms.

Dwelling, cottage development means a low-density residential development in which multiple attached or detached single-family dwellings share access, parking, and common spaces, and sometimes community buildings including a larger community kitchen and dining room. Cottage development can include homes on individual lots, homes owned as condominiums, or leased homes.

Dwelling, duplex means a single residential building containing two dwelling units, each of which is designed for or occupied by one family only, with kitchens for each. Each unit in a duplex is completely separated from the other.

Dwelling, fourplex means a single residential building on a single lot containing four dwelling units, each of which is designed for or occupied by one family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other.

Dwelling, live/work means a residential dwelling unit containing a dedicated working space reserved for and regularly used by one or more residents of the dwelling unit, and in which the type or size of the work performed is larger or more extensive than that allowed as a home occupation. See also "home occupation".

Dwelling, mobile home means a transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974.

Dwelling, multiple-family means a residential building, multiple buildings, or a portion of a building located on a single lot, containing five or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.

Dwelling, single-family means a residential building used for occupancy by one household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

Dwelling, townhouse means an individually owned, single-family dwelling constructed as a group of three or more attached single-family dwellings, each of which is situated on an individually owned, subdivided lot.

Dwelling, triplex means a single residential building located on a single lot containing three dwelling units, each of which is designed for or occupied by one family only, with kitchens for each. Each unit in a triplex is completely separated from the other.

Dwelling unit means one or more rooms designed for or used as a residence by one family and constituting a separate and independent housekeeping unit, with a single kitchen; it does not mean quarters for transients in a club, hotel, or motel.

Dynamic frame effect means a visual effect on a frame in which the illusion of motion and/or animation is used on an electronic message center sign or a digital multiple message sign.

Easement means a legal right to use another's land for a specific purpose. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, and other infrastructure improvements. Easements may also be granted for access, open space, view protection, or other specific uses.

Efficacy means measured in lumens per watt (lm/w), luminous efficacy is a measure of how well a light source produces visible light for the amount of energy consumed.

Electric vehicle charging station means a facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

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Electronic message center sign (EMC) means an on-premises permanent sign on which the message is changed by electronic process. Messages displayed include, but are not limited to, copy, art, graphics, time and temperature, public service announcements, and advertising of products or services.

Equestrian trail means a trail or pathway intended for use by persons on horseback or pedestrians.

Establishment means a place of business, industry, institutional, or philanthropic activity, with its furnishings and staff.

FAA means the Federal Aviation Administration, or its duly designated and authorized successor agency.

Façade means that portion of any exterior elevation of a building extending vertically from normal grade to the top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.

Façade, front means the street-facing principal façade that is parallel to and closest to the front lot line and that typically contains the front door or primary pedestrian entrance. Also see lot line, front and yard, front.

Façade, side means any façade that faces a side lot line that abuts another lot. A façade that faces a side lot line that abuts a street is considered a street-facing façade for the purposes of this Code.

Façade, street-facing means any façade that faces and is within 20 feet of a property line abutting a street, not including alleys. A building may have more than one street-facing façade.

Façade variation means shifts in the plane of walls, setbacks, reveals, overhangs, in order to create variations within a building's façade.

Fair means an organized event or set of events, including but not limited to musical performances and plays, usually happening in one place for a designated period of time with its own social activities, food, or ceremonies, and accessory sales of retail goods.

Family. "See household".

FCC means the "Federal Communications Commission", as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. § 151 et seq. or its duly appointed successor agency.

Fence means any man-made structural device forming a physical barrier to enclose, screen, or separate areas.

Financial institution means an establishment that provides retail banking, mortgage lending, and financial services or administration by a commercial enterprise or offices or the conduct of professional or business service to individuals and businesses, including check-cashing facilities chartered under federal or state law.

Finished grade means the final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

Fitness center means a non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Fixture height means height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

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Floor area, gross means the sum of the total horizontal areas of the several floors of all structures on a lot, measured from the outside faces of exterior walls. Basements, elevator shafts, hallways, and stairwells at each story, floor space used for mechanical equipment with structural headroom of six feet six inches or more, penthouses, attic space whether or not a floor has actually been laid that provides structural headroom of six feet six inches or more, interior balconies, and mezzanines are all included.

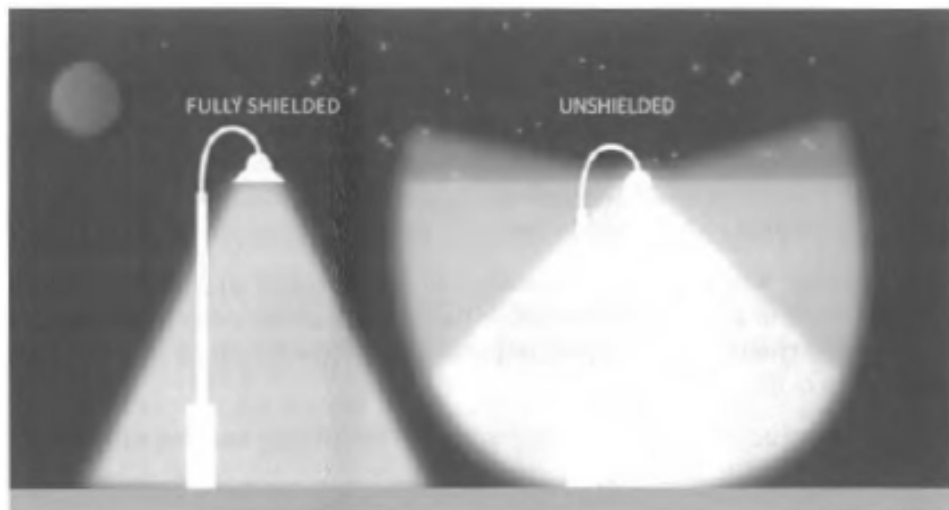
Footcandles means a unit of illumination equal to one lumen per square foot.

Frame means a complete, static display screen on an electronic message center sign.

Frontage means the side of a lot abutting a public right-of-way.

Fully shielded means light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform with the definition.

Examples of fully shielded light fixtures:



Funeral home or mortuary means a building or part thereof used for human funeral services. Services may include embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles, and facilities for cremation. A funeral chapel is permitted as an accessory use.

Garage means a portion of a main building or a detached accessory building, having a roof and enclosed by walls on not less than three sides, and designed or used for the housing of vehicles, but not including a parking structure.

Garage or yard sale means the occasional sale of household goods from a residential premise to the public, but not including the sale of new or used commercial goods not previously used as household goods by the individuals conducting the sale or goods purchased by the household specifically for resale.

Gate means an opening of part of a wall or fence that permits ingress and egress.

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Glare means the visual sensation created by luminance (or brightness) that is significantly higher than the surrounding luminance that the eyes are adapted to, causing annoyance, discomfort, or loss in visual performance and visibility (disability glare).

Golf course means a tract of land laid out with a course for playing the game of golf, including any fairways, accessory clubhouses, driving range, office, restaurant, concession stand, pro shop, maintenance building, or similar accessory uses or structure.

Grade means the average elevation of the finished ground surfaces immediately adjacent to each façade of a building. When applying to a street or other area, the term "grade" means the slope in percentage terms.

Greenhouse means a building or structure constructed chiefly of glass, plastic or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other tender plants.

Ground cover means any landscaping material other than permanent hard surfaces (i.e., sidewalks, driveways, structures) which covers the natural earth. The definition includes living matter (plants) and non-living materials (rock outcroppings).

Ground-mounted mechanical equipment means any mechanical equipment, appliance, device, ducting, or similar features located at finished grade.

Group care facility means any congregate residence or facility which provides room and board, programmatic services, care, or assistance for persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended). This use does not include halfway houses for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system, nor does it include facilities for persons who require such services by reason of the effects of current alcohol or drug abuse.

Group residential facility means any congregate residence or facility which provides room and board, programmatic services, care, or assistance for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system or persons who require such services by reason of the effects of current alcohol or drug abuse.

Guest means a social visitor or any person hiring or occupying a room for living or sleeping purposes.

Guest house means a separate, independent accessory structure located on the same lot as a primary single-family residential dwelling that does not contain a kitchen as defined by this Code.

Guestroom means a room in a residential dwelling, having no kitchen, for the occupation by one or more guests.

Heavy manufacturing means industrial operations relying on the assembly, fabrication, or processing of goods and materials using processes that may include outdoor activities and ordinarily have greater impacts on the environment on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of light manufacturing. Examples of this use include beverage bottling plants, tool and die shops, motor vehicle or heavy machinery assembly, carpet or furniture manufacturing, dairy works, ice works, metal fabrication, stonecutting, and food processing. Also see artisan manufacturing and light manufacturing.

Heavy vehicle and equipment sales, rental, and repair means an establishment primarily engaged in the sale, rental, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including paint, upholstery, muffler, transmission work and major engine and engine part overhaul.

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Hedge means a plant or series of plants or other landscape material arranged to form a physical barrier or enclosure.

Height, structure means the vertical distance between the highest point of any part of the structure and the natural grade or finish cut grade directly below that point, whichever is greater. If a structure is placed on fill, the depth of the fill is included in the height of the structure. If the natural grade is lowered in a cut, the depth of the cut is included in the height of the structure.

High intensity discharge light source (HID) means light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards.

Historic district means an area within Los Alamos County that has been so designated by ordinance pursuant to the procedures outlined in this article and section 16-9 historic protection overlay zone district {HP-O) and mapped as an overlay zone district on the county's official zoning map.

Historic landmark means an individual building, structure, or site within Los Alamos County that has been so designated by ordinance pursuant to this article and mapped as an overlay zone district on the county's official zoning map.

Historic preservation advisory board (HPAB) means the board established by chapter 8 of the county code and authorized by this article to make recommendations to the planning and zoning commission and to county council on proposed historic designations and projects affecting historic properties within the county.

Historic property means a historic landmark or any property located within a historic district, including all structures or improvements thereon.

Historic property alteration certificate means the official form issued under this article stating that proposed work on a historic property is compatible with the historic character of the property and therefore:

- (1) Has been recommended for approval as appropriate and may be completed as specified in the certificate subject to compliance with all local, state and federal laws, as applicable; and
- (2) Any building permits or other construction-related permits regarding work specified in the certificate may be issued by the community development department or other regulatory department upon satisfaction of all requirements for such permits.

Holiday lighting means temporary seasonal lighting installed and operated in connection with holidays or traditions.

Home business means a home occupation that employs more than one non-family member. Also see "home occupation".

Home occupation means an activity that is carried on for commercial or philanthropic purposes in a residential dwelling unit by the resident, that employs no more than one person outside of the residents of the dwelling, and that is clearly secondary to the use of the structure as a residential dwelling. See also dwelling, live-work and home business.

Hospital means an institution providing health services and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel or motel means a premises in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast.

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Household means one or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel, assisted care facility, dormitory, group care facility or group residential facility house.

IDA means the International Dark-Sky Association.

IES means the Illuminating Engineering Society.

Illuminance is measured in footcandle (Fc). The density of light falling onto a surface. Commonly measured in the horizontal and vertical planes.

Illuminated sign means a sign characterized by the use of artificial light, including:

Externally or indirectly illuminated sign means a sign that emits light from a source(s) located outside of the actual sign.

Internally or directly illuminated sign means a sign that emits artificial light directly through any transparent or translucent material from a source located within or on the sign. This includes electronic message center signs.

Improvement means any construction made on property and intended to enhance its value, utility, or beauty, or to adapt it to new or further uses.

Indoor entertainment facility means a commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.

Inoperable vehicle means any vehicle meeting at least three of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; (d) is on blocks or similar devices; (e) is partially or wholly dismantled; or (f) has an approximate fair market value equal only to the approximate value of the scrap in it. Also see chapter 18.

Institutional and civic buildings means a building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Interdepartmental review committee means a technical advisory committee composed of the county engineer, traffic engineer, utilities manager, parks division manager, police chief, fire chief, and the community development director, or as appointed by the county manager. The purpose of the interdepartmental review committee is to review development applications and to advise the planning and zoning commission, other boards and commissions, and the county council.

Kennel means a premises on which five or more domesticated house pets over six months of age are kept, maintained, or boarded for profit, personal use or institutional keeping, except guard dog sites, state inspected veterinary hospitals, pet shops, refuges, and shelters.

Kitchen means an area where there is a sink of adequate size and shape for washing dishes and good items (as opposed to washing hands) and a cooking stove, range, or oven. The presence of a sink and a hot plate or microwave does not constitute a kitchen.

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Laboratory means a facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Lamp means the generic term for a source of optical radiation (light), sometimes called "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID), high-pressure sodium (HPS) lamps, and light-emitting diode (LED) modules and arrays.

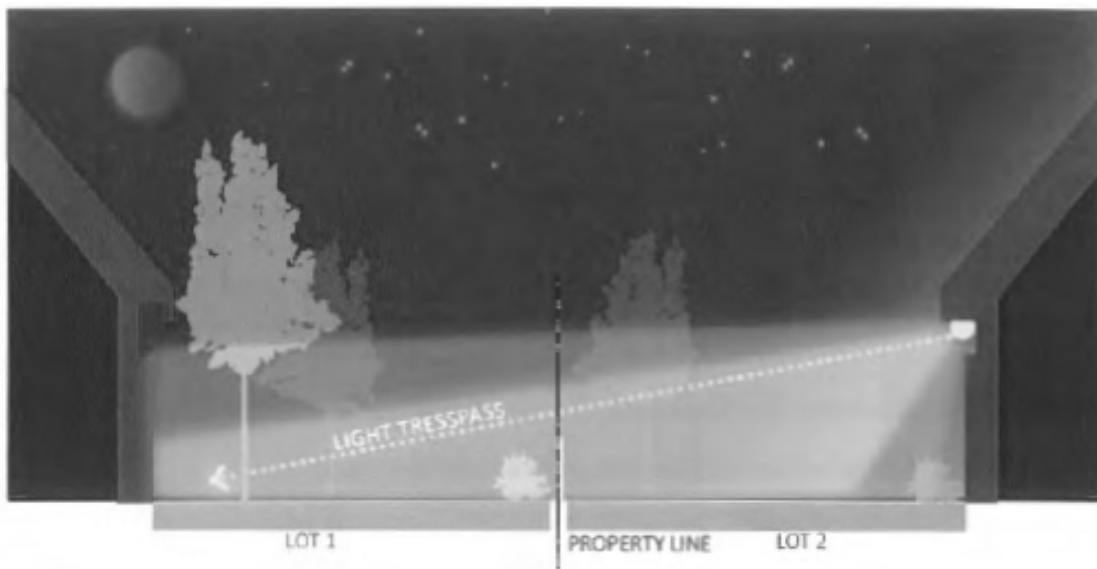
Landscape lighting means lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

Landscaping means the planting and maintenance of various forms of vegetation and/or the use of non-vegetative materials as ornamental features to enhance aesthetically and complement structures and the sites on which they are located.

Library means public facility for the use and loan, but not sale, of literary, musical, artistic, or reference material.

Light manufacturing means industrial operations relying on the assembly, fabricating, processing, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material primarily conducted within an enclosed building. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place. This use does not include any use that meets the definition of heavy manufacturing. Also see "artisan manufacturing and heavy manufacturing".

Light pollution means stray and uncontrolled light, directly from a luminaire or reflected from a surface, that missed its target. Light emitted upward increasing skyglow is a popular example.



Light shielding means a method of directing the light emitted from a luminaire with a solid barrier. See illustration for examples of shielded luminaires.

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Light trespass means measurable light extending beyond the boundary of its intended use without permission.

Light vehicle and equipment sales, rental, and repair means an establishment primarily engaged in the sale, rental, repair, or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, and tune ups, provided it is conducted within a completely enclosed building. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains is prohibited. See also heavy vehicle and equipment sales, rental, and repair.

Liquor retail means establishment that is licensed by the state for the sale of beer, wine, or other alcoholic beverages for off-premise consumption. Establishments that operate under a small brewer's, winegrower's, or craft distiller's license are not considered liquor retail.

Livestock husbandry means the raising, practice of breeding, farming, and care of farm animals including, but not limited to, cattle, horses, sheep, and chickens for non-commercial purposes and as a secondary land use.

Lot means a parcel or tract of land as established by a survey, plat, or deed.

Lot area means the area of a horizontal plane bounded by a vertical projection of the property lines of a lot.

Lot, corner means a lot located at the intersection or interception of two or more streets.

Lot coverage means the percentage of the lot area covered by structures, including accessory buildings, main buildings and detached buildings as defined elsewhere in this chapter. Lot coverage includes all above-ground structures that exceed 30 inches above grade.

Lot, double frontage means any lot having frontage on two parallel or approximately parallel streets.

Lot line means the boundary of a deeded or platted lot.

Lot line, front means the legal boundary of a lot that abuts a street. On a corner lot or a double frontage lot, the side with the street number address is the front lot line.

Lot line, rear means the legal boundary of a lot which is opposite and most distant from the front lot line, or in the case of an irregular lot, a line a minimum of ten feet in length within the lot and farthest removed from the front lot line, and at or near right angles to the line comprising the depth of such lot.

Lot line, side means the legal boundary of a lot which are not the front or rear lot lines.

Lot, nonconforming means a lot which does not conform to the provisions of this chapter.

Lounge means a premises where alcoholic beverages are sold to the public for consumption on the premises. Also see "bar".

Low-density residential development means low-density development is considered any lot in the RA, RE, SFR, or RM zone districts.

Lumen means the measure of visible light (luminous flux) emitted from a light source.

Luminance means the light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area. Expressed in English units as foot lamberts and in SI units as cd/m². Also referred to as "nits." Measured from 0.5 feet above grade on another premises or public right-of-way, but no closer than 20 horizontal feet from the object measured.

Luminaire means the SI measurement of illuminance. One lux is equal to one lumen per square meter (lm/m²).

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Lux means the international unit of illuminance, measuring luminous flux per unit area. One lux is one lumen per square meter. Full moonlight averages about 0.1 lux and public outdoor areas in large cities have illuminances between 20 and 50 lux at night. One hundred thousand lumens per net acre is approximately 25 lux if the light is uniformly distributed.

Maximum extent possible means no feasible or prudent alternative exists, as determined by the relevant decision-making body, after the applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts. Constraints to compliance that are self-imposed, such as through a particular platting proposal when other options are feasible, shall not be considered sufficient justification. Economic considerations may be taken into account but shall not be the overriding factor.

Medical or dental clinic means an establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Meeting, banquet, or event facility means a building and related facilities catering exclusively to guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit.

Microbrewery, distillery, or winery means a small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant. The beer, wine, or liquor may be sold for consumption on-site or off-premises to other drinking establishments, restaurants, or wholesalers.

Mixed-use zone district means any zone district categorized as mixed-use in part 16-1 Zone Districts of this Code.

Mobile home means a portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet overall height, designed for and occupied by no more than one family for living and sleeping purposes. It does not include structures built to the standards of the New Mexico Building Code and National Manufactured Home Construction and Safety Standards Act.

Mobile vending means the sale, lease, or rent of new or used goods or food and beverages out of any portable vehicle, including trucks, carts, trailers, kiosks, and stands.

Motel. See hotel, motel.

Mural means a picture or work of art on an exterior surface of a structure and which covers all or a major portion of a wall, building, or structure. A mural is a sign if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Museum means a facility open to the public, with or without charge, for the collection and display of paintings, sculptures, textiles, antiquities, other works of art, or similar items.

Native or regionally adapted plant materials means plants which are appropriate to the ecological setting, have noninvasive growth habits, are tolerant of the hydrological conditions of the site, and require little maintenance upon maturity.

Natural resource extraction means on-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives.

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Nicotine retail means any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in NM 2020 Senate Bill 131 (Tobacco Products Act). This use does not include the sale of cannabis. See also "cannabis retail and general retail".

Nonconforming sign means a sign that was legally installed under all county sign regulations and ordinances in effect at that time, but which may no longer comply with subsequently enacted regulations and ordinances having jurisdiction over the sign.

Nonconforming use means a use existing on the date of adoption of this chapter which does not conform to the uses permitted in the zone district in which it is located.

Non-continuous lighting means a non-continuous street lighting system, lighting only conflict areas such as intersections, crosswalks, and other hazards.

Non-residential zone district means any zone district categorized as non-residential in section 16-1 zone districts of this Code.

Non-shielded luminaires means examples of non-shielded light fixtures.

Obtrusive means noticeable or prominent in an unwelcome or intrusive way.

Office, business or professional means a premises where professional, clerical, business management or public administration work is carried on and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on.

Official zoning map means the map adopted by the county council in conjunction with this Code showing the location of the various zone districts within the county and may be amended from time to time.

Off-premises means any place not within the boundary of the property to be developed, subdivided, or improved, whether or not in the ownership of the developer or subdivider.

Off-premises sign means any sign used to direct attention to a specific business, product, service, event, or activity, or other commercial or non-commercial activity on the premises upon which the sign is not located.

One-hundred year flood or 100-year frequency rainstorm means the flood having a one percent chance of being equaled or exceeded in any given year and as defined elsewhere in this chapter; a 100-year frequency rainstorm means total accumulation of 5.24 inches of rain at the end of a 1-hour period.

Open-air vending means any commercial activity which is conducted without the shelter of a building.

Open space means land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Open space, active means open space that may be improved and set aside, dedicated, designated, or reserved for active recreational uses and limited development.

Open space, passive means open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or for the use and enjoyment of owners or occupants intended for passive recreational uses.

Ornamental lighting means lighting that does not affect the function and safety of an area but is purely decorated and included for aesthetic effect or for holiday celebration.

Outdoor recreation facility means recreation and entertainment activities operated by a commercial enterprise that are mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools,

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skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheaters, outdoor arenas and/or stables, and drive-in theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.

Outdoor storage means the keeping of any goods, material, or merchandise outside of a building in the same place for more than 24 hours, but not including any storage activity or use of land listed separately in Table 2-11: Permitted Use Table.

Outdoor vehicle storage means the keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of one week or more, whether or not the motor vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.

Overlay zone district means a set of zoning requirements that are mapped and are imposed in addition to those of the underlying base zone district. Development within the overlay zone districts must conform to the requirements of both zone districts or to the more restrictive of the two. The planned residential development overlay (PRD-O) zone district, the planned development overlay (PD-O) zone district, and the historic protection overlay (HP-O) zone district are overlay zone districts. Also see section 16-9, historic protection overlay zone district (HP-O).

Owner means the person, corporation, or other legal entity listed as owner on the records of the county clerk and recorder. Also see "agent."

Park or playground means public open space that is designed to serve public needs for recreation, and areas that serve to satisfy public needs for visual and/or psychologically pleasing spaces.

Parking, off-street means a storage area for the parking of motor vehicles located on a lot.

Parking, on-street means a storage area for the parking of motor vehicles located on a public or private roadway.

Parking space means an on-street or off-street storage area for the parking of one motor vehicle.

Parking structure means a structure or part of a building designed to accommodate motor vehicle parking spaces that are partially or completely enclosed.

Partly shielded luminaire means a luminaire with opaque top and translucent or perforated sides, designed to emit most light downward, but unlike fully shielded luminaires, emits part of the light above the horizontal plane.

Patio means a roofed or unroofed outdoor space at finished grade on a lot; if patio is roofed, at least 50 percent of the side surface is unscreened or unenclosed with a solid material.

Pedestrian walkway means an accessway intended for pedestrian use and either publicly or privately owned.

Permanent sign means a sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind and snow as required in chapter 10 of the county code or other regulations, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Permitted use means a land use that is allowed by-right in a particular zone district, either as a primary or accessory use.

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Personal services means establishment that provides repair, care, maintenance, or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, laundry or dry cleaning services, alterations, spas, tanning salons, photography studios, house cleaning services, small appliance repair, locksmiths, bicycle sales and repair, florist, pet grooming shops, massage, or yoga.

Photopic vision means vision mediated essentially or exclusively by the cone receptors. Generally associated with adaptation to a luminance of at least five cd/m².

Planning and zoning commission means the planning and zoning commission of the county and as further described in this chapter and in section 16-69, Planning and Zoning Commission of this chapter.

Plant nursery means a primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed structure or greenhouse. Also see "greenhouse".

Plat means a graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, re-subdivision (sometimes called a replat), or consolidation of land.

Point light source means the exact place from which illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

Porch means an open platform above ground level typically attached to the wall or foundation of a building or structure and primarily supported in some structural manner from the ground; it may be roofed or unroofed.

Private club or lodge means an organization and its premises operating on a membership basis for the promotion of interests of the members including facilities for business organizations, facilities or spaces for physical exercise and recreational activities, civic, social, and fraternal organizations, and other similar organizations.

Professional engineer means an engineer registered by the state board of registered engineers and surveyors.

Projecting sign means an attached sign that projects more than 18 inches from the façade of a wall or building.

Public right-of-way means land deeded, reserved by plat or otherwise acquired or occupied, used or intended to be used by the county or state, primarily for the public movement of people, goods, and vehicles or the conveyance of public utility services and drainage. Public right-of-way may be used for other public purposes pursuant to this chapter.

Real property means land and generally whatever is erected, growing upon, or affixed to land.

Recreation, active means recreational activities that are of a more structured nature often requiring equipment and taking place at prescribed places, sites or fields.

Recreation equipment means equipment whose primary function or design is for recreational purposes, whether originally so designed or subsequently modified, and is not capable of being self-propelled on land, and shall include the following or similar types of equipment: boats, boat trailers, camper when dismounted from a truck bed or chassis, horse trailer, houseboats, house trailers, rafts, tent trailers, travel trailers, and utility trailers when converted to recreational purposes.

Recreation, passive means recreational activities that are commonly unorganized and noncompetitive, including, but not limited to, hiking, running, mountain biking, dog walking, equestrian uses, rock climbing, off-trail exploring on foot, orienteering, geocaching, flood control, nature study, wildlife habitat improvements, picnicking,

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bird watching, kite flying, bicycling, and walking. Site amenities for such activities include, but are not limited to, picnic tables, photo stands, open play areas where substantial clearing is not required, rest rooms, paved paths, pathways, benches, and pedestrian bridges and appurtenant structures.

Recreational vehicle (RV) means a motor vehicle or trailer equipped with living space and amenities, including but not limited to bus campers, camper trailers, pickup campers, travel trailers, motor homes, park model trailers, and tiny houses.

Recreational vehicle (RV) park or campground means a lot developed or used for occupancy by recreational vehicles or tents for transient dwelling purposes. A campground/recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide extended livability options. See also "recreational vehicle (RV)".

Recycling station means a premise where recyclable solid waste materials, including aluminum, glass, paper, metal, and similar materials are purchased or procured and temporarily stored.

Religious institution means a structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational, recreational, philanthropic, or humanitarian activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, daycare, parking, caretaker housing, religious leader's housing, and group living facilities such as convents or monasteries.

Research and development means uses for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of the investigations with the objective of creating end products. A research and development use may include pilot plant operations.

Residential community amenity means a use provided for the comfort and convenience of residents of more than one unit in a low-density or multi-family residential development, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, or laundry facility.

Residential zone district means any zone district classified as residential in section 16-5, Residential Zone Districts in which residential uses are allowed.

Restaurant means a business establishment that serves prepared food or beverages primarily for the consumption by customers within the principal building, in an outdoor seating area on the premises, or off the premises as carry-out orders.

Retail sales means uses involving the sale, lease, or rent of new or used goods directly to the final consumer for direct use but not for the purpose of resale; including but not limited to the sale of general merchandise, clothing and other apparel, building materials, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 26: Permitted Use Table.

Right-of-way. See public right-of-way.

Roof-mounted sign means an attached sign mounted on or extending above the uppermost edge of a wall or parapet of a building.

Rooftop appurtenances means the visible, functional, or ornamental objects accessory to and part of a building's roof-top including, but not limited to, chimneys; parapets or other ornamental features; and elevator equipment and mechanical utility equipment, enclosed rooftop access and any associated screening or enclosures.

Runoff means the water from natural precipitation which flows over the surface of the land and does not percolate into the soil.

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Salvage yard means a premise, whether inside or outside a building, which is used for the storage, keeping, dismantling, demolition, or sale of used or scrap materials, mechanical parts, equipment, vehicles and the like.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, cone, horn, or cornucopia and is greater than 24 inches in diameter. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, television-reception-only satellite dish antennas (TVROs) and satellite microwave antennas.

Schools, private means a school, academy, or institution, which conducts academic instruction at kindergarten, elementary, secondary, or collegiate levels. This use may include trade, technical, or vocational schools.

Schools, public means schools under the jurisdiction of the county school board or, in the case of a post high school institution, under the jurisdiction of a board of regents established by the state.

Scroll means a mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.

Seasonal outdoor sales means the temporary outdoor display and sale of goods or products associated with a season or a cultural event and typically occurring at a location not devoted to such sales for the remainder of the year, such as the sale of Christmas trees, fireworks, pumpkins, or seasonal produce.

Self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such spaces for the purpose of storing and removing personal property.

Setback means the least horizontal distance between a lot line and a building or structure exclusive of projections. Front setbacks are measured from the front lot line. Rear setbacks are measured from the rear lot line. Side setbacks are measured from side lot lines. See also setback area, yard and lot definitions for front lot line, rear lot line, and side lot line.

Setback area means required setback areas are the portions of a lot lying between the lot lines and the minimum required structural setback lines.

Short term rental means a residential dwelling rented by the owner or party responsible for the property for the purpose of transient lodging for a period of time not to exceed 30 consecutive days.

Sidewalk means a pedestrian way with permanent hard-surfacing, generally paralleling the side of streets.

Sign means any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. A sign includes the sign faces as well as any sign supporting structure.

Sign area means the total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See section 3-1(F)(I) for standards for measuring sign area.

Sign face means the surface of a sign upon or through which the copy of the sign is displayed exclusive of the supporting structure.

Sign height means a measure of the vertical distance from normal grade to the highest attached component of the sign structure using the standards in section 3-1(F)(I).

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Sign structure means the area of all sign faces, structural supports, decorative trim, and architectural features of the complete sign.

Site plan means a graphic depiction showing the development of commercial property on an individual lot with or without a planned development overlay (PD-O) zone district. The site plan includes, but is not limited to, the location and footprint of structures, building height and exterior façades, architectural design standards, location and dimension of off-street parking and traffic circulation, method of exterior lighting, landscape treatment, location and size of signs, easements, drainage, utilities, and other improvements. In addition, the planned development overlay (PD-O) zone district site plan defines land uses, gross floor area, site development standards, and such other factors as may address the site plan approval criteria in section 16-74(i)(4).

Sky glow means the brightening of the nighttime sky that results from artificial light emitted upwards or sideways, or scattered and reflected upwards by the ground, dust, water, or other particles suspended in the atmosphere. Sky glow reduces one's ability to view the night sky and is frequently visible as a dome of light above a distant city.

Solar energy collection system, active means a mechanical or electrical system for heating or cooling a structure by collecting, storing and transporting solar energy.

Solar energy collection system, passive means a system that employs siting and orientation, structural materials, and landscaping to take advantage of solar energy for structural heating.

Special use means a use which has been determined to be compatible with the purposes of the zone district, but which has one or more characteristics that could make it incompatible with other uses in the zone district; and as further described by this chapter. Special uses are allowable in a particular zone district subject to conditional approval by the planning and zoning commission based on a review of potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties.

Special use permit means a permit for a use classified as a special use, as detailed elsewhere in this chapter.

Spectrum means a range of electromagnetic radiation that includes visible wavelengths between 380 and 700 nanometers (violet to red). Research indicates wavelengths between 460 and 480 nm can be harmful to humans at night if the dosage is too high for too long.

Sports field means a facility designed for youth, amateur or professional sporting events, exhibitions, or shows.

Storage means an area or space, either indoors or outdoors, where something is kept, housed or located for future use.

Storage, contractor's yard means an area where heavy equipment, materials, machinery, aggregates, and other objects used for the development of land or structures are stored.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

Street means a portion of the public or private right-of-way, from curb to curb (or from edge of paving to edge of paving if there is no curb, or from edge of visible travel way edge to edge of visible travel way, if there is no paving), that is primarily devoted to vehicular use.

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Street, arterial means a street which is or will, because of its design, location, or intensity of use with reference to other streets and other sources of traffic, be used primarily for larger volumes of traffic.

Street, centerline means the center of a street or right-of-way as established by official surveys and shall normally be the midpoint of a street cross section.

Street frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting such street to the furthest distant lot line intersecting the same street.

Structure means anything constructed or built which requires location on or in the ground or is attached to something having a location on or in the ground. Underground storage tanks, patio slabs, paved areas, walks, tennis courts and similar facilities, the tops of which are not more than 30 inches above ground, are not structures.

Structure, non-conforming means a structure lawfully existing on the date of adoption of this chapter, which was designed, erected or structurally altered for a use which is not a permitted use in the district in which it is located, or which is not in compliance with the site development requirements of the district in which it is located. A nonconforming structure does not mean a structure that was developed between January 31, 1977, and January 31, 1991, in violation of this chapter.

Subdivision means the division of any tract of land into two or more lots as provided in this chapter.

Summary plat means a plat which subdivides a lot into no more than two lots in any zone district or for adjustment of a lot line, consolidation of no more than two lots, or a technical surveying correction.

Temporary, construction activities means construction activities, such as asphalt batching and cement making operations, that occur on a temporary basis for a specific construction project.

Temporary, dwelling means a portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

Temporary sign means a type of non-permanent sign that can be displayed for no more than 60 consecutive days at one time and is installed in a way that is easy to remove.

Temporary, storage means non-permanent storage structures, such as moving PODS, or temporary storage activities that occur on a temporary basis for no more than 60 consecutive days at one time and is easy to remove.

Temporary, structure means temporary use of a structure, including a mobile office, as a construction site.

Temporary use means a use established for a fixed period of time, with the intent to discontinue such use upon the expiration of a period of time as defined in section 16-72(i), Permit and Approval Expirations, that does not involve the construction or alteration of any permanent structure.

Chapter 12 BUSINESSES¹

ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. REGISTRATION AND LICENSES

Sec. 12-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business means any commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in, conducted or carried on by any person, his agent or employee, or by the use of automatic machines, except newsracks, for the purpose of gain, benefit or advantage, either direct or indirect, on which state gross receipts tax is paid or payable. A charitable organization shall be deemed to be a business if it is required to pay gross receipt taxes on a business conducted in the county.

Food means any solid or liquid substance intended for human consumption.

Food service establishment means:

- (1) Any fixed or mobile place, temporary or permanent, where food is served and sold for consumption on or off the premises;
- (2) Any fixed or mobile place, temporary or permanent, where food is prepared for sale to or consumption by the general public either on or off the premises, but the term "prepared," as used in this subsection, does not include food processing in which food is processed for ultimate sale in a sealed original package, nor does it include the preparation of raw fruits and vegetables for display and sale in a grocery store or similar operation; and the term "general public," as used in this subsection, includes, but is not limited to, residents and employees of institutions that provide meals or food to their residents or employees, either with or without direct payment to the institution by the residents or employees; and
- (3) Meat markets, whether or not operated in conjunction with a grocery store.

Home occupation means a business, profession or service operated on a residential lot.

Per annum means for each calendar year.

¹Cross reference(s)—Business activities in airport, § 4-101 et seq.; home occupations, § 16-277; day care, § 16-282; financial assistance to businesses, § 20-261 et seq.; taxation, ch. 36; soliciting rides or business, § 38-457; utilities, ch. 40.

State law reference(s)—Business licenses, NMSA 1978, ch. 60.

Place of business means each individual business location where the business is maintained or conducted. A separate business license or registration shall be obtained for each branch establishment or location of the business transacted and for each separate type of business under the same ownership at the same location if each such business requires a license and not a registration; provided, however, that the owner of any machines that dispense goods, services or entertainment at the request of the vendee shall only be required to obtain a single business license or registration which shall suffice for such machines wherever located within the county; and provided further that any machine located on the premises owned by the owner of the machine shall not require a separate license.

Solicitation means selling, offering for sale, delivering, bartering, exchanging, peddling or hawking any goods, wares, merchandise, property (either real or personal), tangible or intangible, or services, or the making of personal appointments, attempting to procure or the procuring of interviews, or arranging for demonstrations or explanations preliminary to selling, offering for sale, selling and delivering, bartering, exchanging, peddling or hawking of any of the same.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 1, 1988; Code 1985, § 6.04.010)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 12-32. Policy.

The regulation of all businesses under this article is declared to be conducive to the promotion of the health, safety and general welfare of the county.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 2, 1988; Code 1985, § 6.04.020)

Sec. 12-33. Business registration or license required.

- (a) Any person, group, organization, business or entity proposing to engage or engaging in business within the county after January 1, 1982, and that is required by the state to pay gross receipts taxes on its business in the county shall be required to apply for a business registration or business license and pay the applicable fee, as prescribed in sections 12-34 or 12-35.
- (b) Any person filing an application for issuance or renewal of any business registration or business license shall include in the application his current taxation and revenue department taxpayer identification number or evidence of application for a current taxation and revenue department taxpayer identification number.
- (c) In case a license or permit is required by any commission or licensing agency of the state before a person may lawfully engage in such business in the state, it shall also be required that such person shall have obtained such license or permit and exhibited proper evidence thereof to the county prior to issuance of registration or license under this chapter.
- (d) The payment of the business registration fee or the business license fee, and the issuance of a registration or license by the county shall not entitle the holder thereof to carry on any business unless he has complied with all requirements of this code and all other applicable laws, nor to carry on any business in any building or any premises designated in such registration or license in the event that such building or premises are situated in a zoning district or locality in which the conduct of such business is in violation of any law.
- (e) Every person having a license or registration shall keep such license or registration posted or exhibited in a conspicuous part of the place of business accessible to the public, except that in the case of any machine that dispenses goods, services or entertainment, the name, address and telephone number of the owner and the person responsible for the operation of the machine, if different, shall be located on the machine in a place

easily visible to the public. Any person holding a license or registration shall produce and exhibit the same, whenever requested to do so by any person.

- (f) Any business license or business registration issued shall not be transferable to any other person or entity or to any other location.
- (g) For the purposes of enforcing the provisions of this chapter the authorized agents of the county are empowered, and the registrant or licensee or applicant for a license or registration shall be deemed to have given permission, to enter upon the place of business of any person or entity that has applied for or obtained a business registration or business license during business hours to make the inspections and investigations required under this code. The authorized agents of the county shall perform inspections and tests in a manner that will not unduly interfere with the performance of the business. This authority to enter shall not include the interiors of private parties' dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the parties responsible therefor in the event the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire or like emergency. In the event that an inspection or investigation reveals that false or misleading information has been filed by the present or prospective licensee or registrant, or the licensee or registrant or applicant therefor unreasonably refuses permission for inspection, the license or registration may be refused or revoked. The authorized agents of the county include the manager, the police chief, the fire chief, the building official, community development director and their designees.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 3, 1988; Code 1985, § 6.04.030; Ord. No. 85-304, § 1, 1-8-2002; Ord. No. 02-256, § 22, 7-7-2015)

Sec. 12-34. Business registration fee.

- (a) There is imposed on each place of business not specifically enumerated in section 12-35 including home occupations a business registration fee of \$35.00 per annum. The county may prorate fees at the discretion of the community development department director to allow for a staggered system of business license and registration renewal.
- (b) Each place of business shall secure a business license under section 12-35 if the business includes, in whole or in part, a food service establishment.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 4, 1988; Code 1985, § 6.04.040; Ord. No. 85-304, § 2, 1-8-2002; Ord. No. 02-235, § 1, 8-27-2013)

Sec. 12-35. Business license fees.

Any person, firm, corporation, entity or association of any kind or character engaged in any of the various pursuits and businesses hereinafter mentioned shall, before commencing business at each place of business and as appropriate thereafter, secure a license from the county therefor, and shall pay a business license fee according to the following schedule of rates:

- (a) Junk dealers: \$50.00 per annum.
- (b) Pawnbrokers and pawn shops (\$5,000.00 bond required): \$50.00 per annum; licenses for pawnbrokers and licenses shall be issued for one year.
- (c) Masseurs: \$35.00 per annum.
- (d) Itinerant peddlers, vendors, or hawkers, who shall temporarily bring into the county stocks or samples of goods, wares or merchandise and offer the same for sale at public auction or private sale, either

present or future: \$50.00 per annum, except that no business registration or license application and fee shall be required for:

1. Itinerant peddlers, vendors or hawkers, (hereinafter sometimes "vendors") who temporarily bring goods, wares, merchandise or samples into the county for display or sale at traditional art shows and fiestas and at special events of county-wide interest, which are sponsored by civic organizations, provided that:
 - a. Solicitations at the event have been authorized by the manager and the sponsoring organization in advance of the event; and
 - b. The sponsoring organization has paid a fee of \$100.00; and
 - c. The sponsoring organization has obtained a temporary use or event permit from the county, paid a deposit for cleanup and other county services and has obtained liability insurance in an amount determined by the manager; and
 - d. The sponsoring organization agrees to notify all vendors and persons making solicitations that the waiver of license fees is not a waiver of the obligation of the vendor or solicitor to report and pay gross receipts taxes; and
 - e. Any one event shall be no more frequent than twice a year and shall last for no more than four consecutive days.
 2. Sale by residents of New Mexico of wood, fruits, farm or garden produce of their own raising, or personal harvesting.
 3. Solicitations on behalf of governmental or political subdivisions of the state and of the United States.
 4. A business license application shall be required for solicitations by student vendors. So long as they do not gross more than \$2,000.00 in a calendar year no fee shall be required. Student vendor solicitations are limited to persons currently enrolled in an elementary, middle or junior high school, high school, college or university, and proof of enrollment may be required at the time of the application for the license.
 5. Itinerant peddlers, vendors or hawkers of food shall be required to obtain a food service establishment license.
- (e) Swimming pools: \$50.00 per annum.
- (f) Auto camps, tourist camps, recreation vehicle camps, cottage camps and campgrounds: \$50.00 per annum.
- (g) Boardinghouses, rooming houses, motels, hotels and bed and breakfasts: \$50.00 per annum.
- (h) Auctions: \$25.00 per day per auction (bond required).
- (i) Automatic selling machines or devices, including all machines that dispense goods or services to vendees for which a fee is charged to some or all vendees: \$50.00 per annum, except as provided in section 12-31(b)(6).
- (j) Taxis, each: \$25.00 per annum.
- (k) Pinball, video, jukebox and other coin or token operated game or entertainment machines, each: \$50.00 per annum, except as provided in section 12-31(b)(6).
- (l) Food service establishments: \$50.00 per annum.

(Ord. No. 74-57, § 1, 1981; Ord. No. 74-66, § 1, 1982; Ord. No. 85-80, § 5, 1988; Code 1985, § 6.04.050; Ord. No. 85-304, § 3, 1-8-2002; Ord. No. 02-256, § 23, 7-7-2015)

Sec. 12-36. Separate registration or license required.

A separate registration or license is required for each place of business, outlet, branch or location within the county prior to engaging in business.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 6, 1988; Code 1985, § 6.04.060)

Sec. 12-37. Fees.

- (a) *When due.* The annual fee shall be due and payable once a year to the county by any person conducting business on or before the date the license or registration expires. Any person engaging in a new business during a calendar year shall make an application to the county.
- (b) *Collection and payment.* Business registration fees and business license fees shall be collected by the county and shall be paid to the county annually upon issuance of the renewal of the business license or registration.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, §§ 7, 8, 1988; Code 1985, §§ 6.04.070, 6.04.080; Ord. No. 85-304, § 4, 1-8-2002)

Sec. 12-38. Deficiency; penalty.

Any person violating this article shall be subject to a penalty of \$10.00 for each month or portion thereof the payment remains unpaid after it is due, and a late charge of \$10.00. In the event of any civil suit for any collection of any business licensee fee or business registration fee past due, the county shall be entitled to recover the fee with penalties, interest, costs and reasonable attorneys' fees, which fees shall be fixed by the court when trying the case. The county may also bring suit to restrain, correct or abate the operation of a business in violation of the Code.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 9, 1988; Code 1985, § 6.04.090; Ord. No. 85-304, § 6, 1-8-2002)

Sec. 12-39. Refusal or revocation of a license or registration.

- (a) The manager shall refuse to issue a license or registration when he judges it to be in the best interest of the county, or the health, safety or general welfare of the residents of the county so requires, or when the applicant files false or misleading information. Prior to final refusal to issue a license or registration, the manager shall, by certified or registered mail or by hand delivery, send to the applicant a notice of intent to refuse, stating the reasons for the proposed refusal. If the applicant does not appeal the decision by delivering a notice of appeal to the manager within ten days, the refusal to issue the license or registration shall be final. If the applicant timely appeals, the council shall hold a public hearing within 60 days, and no refusal shall be final until and unless the council so decides.
- (b) The manager may revoke a license or registration when he judges it in the best interest of the county, or when the public health, safety or general welfare requires, or when a licensee or registrant has filed an application containing false or misleading information, or when the licensee or registrant has been convicted of violating this article, or when the operation of the business violates any other provisions of this Code or any state or federal law or regulation pertaining to the existence of, location of, or operation of the business. The manager shall send a notice of proposed revocation by certified or registered mail, or cause it to be hand-delivered, to the licensee or registrant stating the reasons for the proposed revocation. If the registrant

or licensee does not deliver a notice of appeal to the manager within ten days, the revocation shall be final. If the licensee or registrant appeals, the council shall hold a public hearing within 60 days, and no revocation shall be final until and unless the council so decides.

- (c) If any application is received that is incomplete or which is not accompanied by the appropriate fee, or is otherwise not final, the county may refuse to accept it or may return it without taking any action on the application.

(Ord. No. 85-80, § 10, 1988; Code 1985, § 6.04.100; Ord. No. 02-256, § 24, 7-7-2015)

Sec. 12-40. Fee shall constitute a lien.

The business license fee or business registration fee, and any penalties, interest and late charges, shall be and constitute a lien in favor of the county upon the real or personal property used in connection with such business, from the time that such business license fee or business registration fee is due. Such lien shall have priority over any lien or encumbrance whatsoever, except the lien for state and county taxes.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 11, 1988; Code 1985, § 6.04.110)

Sec. 12-41. Lien enforcement.

The lien authorized in section 12-40 may be foreclosed either by a suit in the district or municipal court in the same manner as security agreements are foreclosed, or the county may issue a distraint warrant against one or more persons who are delinquent. Such warrant shall be directed to the county sheriff and shall order him to seize and sell such property of such person in an amount sufficient to pay the delinquent business license fees or business registration fees, penalties, late charges and interest. Such warrant when issued shall be delivered to the sheriff, who shall execute the same within five days of receipt, by seizing the real or personal property used in the business of such persons named therein, in such an amount that the proceeds of the sale shall be sufficient to pay such business license fee or business registration fee, penalties, interest and late charges and attorneys' fees as may be named in such warrant, together with all costs of levy, seizure, preservation of property and sale, unless the person whose property is to be seized shall pay the sums named in the warrant and all expenses and costs incurred before the time of sale. Property seized under such distraint warrant shall be sold at public auction to the highest and best bidder for cash after advertising the time and place for such sale. A legal notice shall be published at least twice, with the last notice appearing not less than ten days prior to the sale. From the proceeds arising from such sale, the business license fee or business registration fee, penalties, late charges and attorneys' fees, interest, or any outstanding state or county obligations shall be paid after the costs of levying the warrant, seizure, preserving the property, advertising and conducting the sale are paid. The surplus, if any, shall be paid over to the person or business owing such business license fee or business registration fee.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 12, 1988; Code 1985, § 6.04.120)

Sec. 12-42. Payment of proceeds of sale.

No person or entity shall sell or purchase the property of any person or business subject to a business license fee or business registration fee, under process or order of the court, without first ascertaining from the county the amount of any business license fee or business registration fee, penalty, interest or any outstanding state or county obligations due and payable to the county or state and if there is such obligation due, owing or unpaid, it shall be the duty of such person or entity first to pay the amount out of the proceeds of such sale before making payment of money to the judgment creditor or other persons at whose instances such sale is had.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 13, 1988; Code 1985, § 6.04.130)

Sec. 12-43. Records.

The county shall keep a full and complete record of all registrations or licenses issued with the names of the parties in whose favor they are drawn, including dates, amounts, numbers and purposes for which given.

(Ord. No. 74-57, § 1, 1981; Ord. No. 85-80, § 14, 1988; Code 1985, § 6.04.140)

Secs. 12-44—12-70. Reserved.***ARTICLE III. LIQUOR*****Sec. 12-71. Policy.**

The sale of all alcoholic liquors within the county shall be licensed, regulated and controlled so as to protect the public health and safety of the county.

(Code 1985, § 6.08.010)

Sec. 12-72. County liquor license; eligibility.

County licenses shall be issued only to persons holding a valid retailer's, dispenser's, club, craft distiller's, small brewer's or restaurant license issued by the state under the provisions of the Liquor Control Act, NMSA 1978, § 60-3A-1 et seq.

(Ord. No. 74-58, § 1, 1981; Code 1985, § 6.08.020; Ord. No. 02-235, § 2, 8-27-2013)

Sec. 12-73. Applications; expiration.

Applications for a county license shall be made to the county. County licenses shall be issued for a one-year period except for new licenses issued after the beginning of the license year. License fees for licenses issued after the beginning of the license year shall be prorated in the manner set out in the Liquor Control Act, NMSA 1978, § 60-3A-1, et seq. The license year shall be in accordance with the license year for licenses issued by the state under the provisions of the Liquor Control Act.

- (a) License renewal fees for restaurant and club licenses due on June 30, 2016 shall be one-third of the annual license fee and shall be in effect for the period from July 1, 2016 to October 31, 2016.
- (b) License renewal fees for craft distiller's and small brewer's licenses due on June 30, 2016 shall be two-thirds of the annual license fee and shall be in effect for the period from July 1, 2016 to February 28, 2017.
- (c) License renewal fees for retailer's and dispenser's licenses due on June 30, 2016 shall be for the full annual license fee and shall be in effect for the period from July 1, 2016 to June 30, 2017.

(Ord. No. 74-58, § 1, 1981; Code 1985, § 6.08.030; Ord. No. 02-263, § 1, 5-3-2016)

Sec. 12-74. County license tax.

- (a) The county license tax provided for in this section shall be payable in advance for the license tax year, and such tax shall not be prorated except in the manner and for the period set out in state statutes.
- (b) No person who has been issued a state license from the department of alcoholic beverage control shall be given possession of the state or county license by the county until the person has paid the appropriate county license tax.
- (c) The county license tax rates shall be as follows:

Type of State License	County License Tax Amount
Retailer's	\$275.00 per year
Dispenser's	275.00 per year
Craft distiller's	275.00 per year
Club	275.00 per year
Restaurant	275.00 per year
Small brewer's license	275.00 per year.

(Ord. No. 74-58, § 1, 1981; Ord. No. 85-174, § 1, 1993; Code 1985, § 6.08.040; Ord. No. 02-235, § 3, 8-27-2013)

Sec. 12-75. County special dispenser's permit.

Any person applying to the state for a special dispenser's permit shall be required to pay to the county a \$25.00 fee for each 24-hour period the permittee dispenses alcoholic beverages.

(Ord. No. 74-58, § 1, 1981; Code 1985, § 6.08.050; Ord. No. 02-235, § 3, 8-27-2013)

Sec. 12-76. Delinquency charge.

Any person delinquent in the payment of the annual license tax will be charged ten percent per delinquent month or part thereof.

(Code 1985, § 6.08.060)