

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2016-38

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5 AN ORDINANCE

6 AMENDING SUBSECTION 18-1.4 TO INCLUDE BUSINESSES SELLING GOODS  
7 REPRESENTED AS NATIVE AMERICAN WITHIN THE NATIVE AMERICAN ARTS  
8 OR CRAFTS DISTRICT; AND CREATING A NEW SUBSECTION 18-5.29 TO  
9 ESTABLISH THE NATIVE AMERICAN ARTS OR CRAFTS DISTRICT, AND  
10 ESTABLISHING REGULATIONS FOR SALE OF NATIVE AMERICAN ARTS OR  
11 CRAFTS WITHIN THE DISTRICT.

12  
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. Section 18-1 SFCC 1987 (being Ord. #1981-64 (as amended)) is  
15 amended to read:

16 18-1 BUSINESS LICENSES.

17 18-1.4 License Application; Information Required.

18 A. Applicants for licenses under this section shall file with the city a sworn  
19 application in writing, on a form to be furnished by the city, which shall include, but is not  
20 limited to the following:

21 (1) Name;

22 (2) Address;

23 (3) Current state revenue division taxpayer identification number or  
24 evidence of application for a current state revenue division taxpayer identification  
25 number;

- 1 (4) A brief description of the nature of the business;
- 2 (5) Proof of insurance coverage, when applicable;
- 3 (6) Proof of bond, when applicable; and
- 4 (7) An attestation clause that states that the business shall comply with the
- 5 requirements of the Living Wage Ordinance, 28-1 SFCC 1987.

6 B. In addition to the information required in paragraph A, the following businesses  
7 shall also include the following information with their applications:

8 (1) Carnival operators shall submit a copy of their special use permit, as  
9 required by subsection 18-7.2 SFCC 1987;

10 (2) Circus operators shall submit a copy of their special use permit, as  
11 required by subsection 18-7.2 SFCC 1987;

12 (3) Itinerant vendors seeking to conduct sales as defined under subsection  
13 18-5.1 SFCC 1987 shall submit a copy of their petition as approved by the governing  
14 body, as required in subsection 18-5.1 SFCC 1987;

15 (4) Jewelry auction operators, as defined in subsections 18-5.1 through 18-  
16 5.23 SFCC 1987, shall provide information required by subsections 18-5.12 and 18-5.14  
17 SFCC 1987, including a notarization of the application;

18 (5) Mobile home park operators shall submit a copy of their certificate of  
19 occupancy;

20 (6) Private day-care nurseries, facilities and kindergarten operators, when  
21 approval is required by the board of adjustment, as per the provisions of Table 14-6.1-1  
22 SFCC 1987, shall include a sworn affidavit stating that they have received such approval;  
23 and

24 (7) Septic tank cleaners shall submit a sworn affidavit stating that they have  
25 conformed to the requirements set forth in subsection 22-4.9 SFCC 1987.

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(8) Flea market operators shall submit:

(a) A copy of a current certificate of occupancy. The certificate of occupancy shall be reissued annually; and

(b) A sworn affidavit stating that they have conformed to the requirements set forth in subsection 14-6.2(C) SFCC1987.

(9) Alarm installation companies and monitoring companies, as defined in subsection 20-5.4 SFCC 1987, shall submit the following documents as required by subsection 20-5.8 SFCC 1987;

(a) A copy of a valid license issued by the construction industries division of the regulation and licensing department of the state of New Mexico; and

(b) Proof of bonding.

(10) Businesses who sell any item advertised as Native American arts or crafts in the Native American Arts or Crafts district, as defined in subsection 18-5.29(A), shall abide by the provisions set forth in subsection 18-5.29.

**Section 2. A new subsection 18-5.29 SFCC 1987 is ordained to read:**

**18-5.29 Native American Arts or Crafts District**

A. The Native American arts or crafts district (“district”) covers all businesses within an area bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de Peralta on the east, and Marcy Street on the north and incorporates an additional area bounded by Paseo de Peralta on the west, East Palace Avenue on the north, East Alameda Street and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south. This area is shown in Exhibit A, which may be found at the end of this Chapter.

(1) The term “Indian tribe” and “Indian” as defined in Section 30-33-4 NMSA 1978 shall, for the purpose for this subsection, refer to Native American, and means any

1 person who is an enrolled member of a Native American tribe as evidenced by tribal  
2 enrollment card or certified tribal records; or any person who can meet the minimum  
3 qualifications for services offered by the United States government to Native Americans:

4 (a) any person who is an enrolled member of a Native American tribe  
5 as evidenced by a tribal enrollment card or certified tribal records; or

6 (b) any person who can meet the minimum qualifications for services  
7 offered by the United States government to Native Americans because of their  
8 special status as Native Americans as evidenced by a certificate of degree of  
9 Native American blood card;

10 (2) The term “authentic Indian arts or crafts” shall, for the purpose for this  
11 subsection, refer to Native American arts or crafts, and means any products, including  
12 traditional or contemporary Native American arts, that:

13 (a) are Native American handmade; and

14 (b) were produced after 1935; and

15 (b) are not made by machine; and

16 (c) are not imported replicas of Native American arts or crafts from  
17 overseas/foreign countries.

18 (3) Businesses shall provide to the city the following information in order to  
19 be permitted to sell Native American arts or crafts within the district:

20 (a) Business name, address and owner; and

21 (b) Written certification that the business shall comply with the  
22 requirements of this subsection.

23 (4) Businesses shall be required:

24 (a) To display a Native American arts or crafts vendor sticker,  
25 provided by the city, at the public entrance to the business; and

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(b) Clearly display a disclosure for each article offered for sale a statement that the article is “authentic Native American arts item” or “authentic Native American crafts item”, or otherwise claimed to be Native American handmade, however phrased.

(c) At point of sale, clearly display, in the manner set forth by policy and procedures established by the city manager, signage informing buyers of their rights under both federal and state laws as it pertains to authentic Native American arts or crafts items.

B. *Businesses Outside the Native American Arts and Crafts District.* Businesses may voluntarily participate in the regulations for sale of Native American Arts and Crafts as set forth in Subsection 18-5.29.

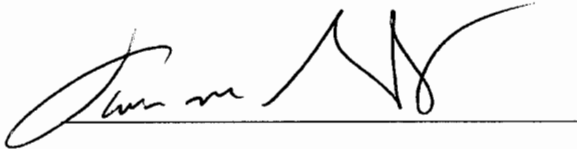
C. *Revocation of Permit.* The Native American arts or crafts vendor sticker shall be revoked if the city manager finds the following:

(1) Violations of subsection 18-5.29(A)(2) above relating to authentic Native American arts or crafts; or

(2) Failure to clearly display a disclosure of a statement that the article is “authentic Native American arts item” or “authentic Native American crafts item”, and display signage informing buyers of their rights pursuant to Subsection 18-5.29(A)(3)(b) above.

**Section 3. Effective Date.** This ordinance shall become effective immediately upon adoption.

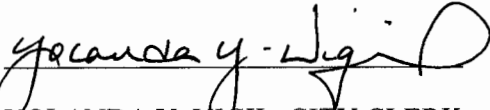
PASSED, APPROVED and ADOPTED, this 26<sup>th</sup> day of October, 2016.



JAVIER M. GONZALES, MAYOR

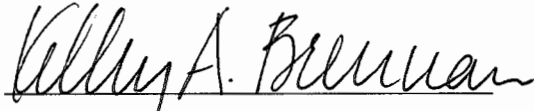
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ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

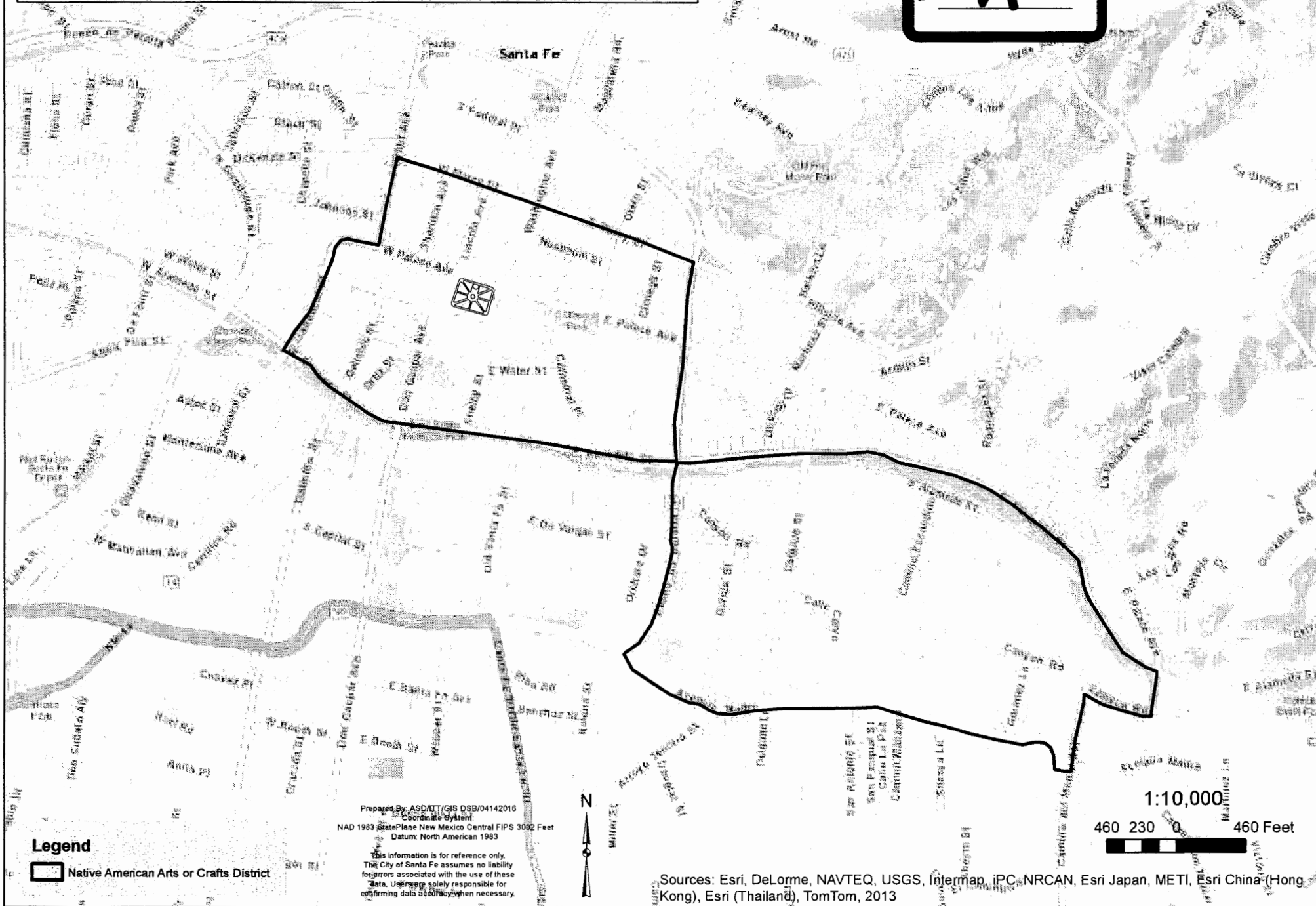


KELLEY A. BRENNAN, CITY ATTORNEY



# City of Santa Fe Native American Arts or Crafts District

tabbles' **EXHIBIT**  
**A**



**Legend**  
 Native American Arts or Crafts District

Prepared By: ASD/IT/GIS DSB/04142016  
 Coordinate System:  
 NAD 1983 StatePlane New Mexico Central FIPS 3002 Feet  
 Datum: North American 1983

This information is for reference only.  
 The City of Santa Fe assumes no liability  
 for errors associated with the use of these  
 data. Users are solely responsible for  
 confirming data accuracy when necessary.



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 460 230 0 460 Feet

Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013