

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2011-29

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5 AN ORDINANCE

6 AMENDING ARTICLE 18-4 SFCC 1987 TO REQUIRE CORE RECYCLERS, PRECIOUS  
7 METALS DEALERS AND TRANSIENT PRECIOUS METALS DEALERS TO OBTAIN A  
8 CITY BUSINESS LICENSE; AND TO REQUIRE PERSONS LICENSED UNDER ARTICLE  
9 18-4 SFCC 1987 TO COMPLY WITH REGULATIONS REGARDING THE SALE OR  
10 PLEDGE OF COPPER, CATALYTIC CONVERTERS, PRECIOUS METALS AND OTHER  
11 ITEMS AS MAY BE DESIGNATED BY RESOLUTION OF THE GOVERNING BODY.

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

14 Section 1. Article 18-4 SFCC 1987 (being SFCC 1981, §9-7-1, as amended) is  
15 amended to read:

16 18-4 SECONDHAND DEALERS, PAWNBROKERS, JUNK DEALERS, CORE  
17 RECYCLERS AND PRECIOUS METAL DEALERS.

18 Section 2. Section 18-4.1 SFCC 1987 (being SFCC 1981, §9-7-1, as amended) is  
19 amended to read:

20 18-4.1 Definitions.

21 As used in Article 18-4 SFCC 1987:

22 *Core recycler* means a person, including a junk dealer, that buys used individual catalytic  
23 converters, transmissions, or other parts previously removed from a vehicle. A person that buys a  
24 vehicle that may contain these parts is not a core recycler.

25 *Junk dealer* means a person engaged in the business of purchasing or selling secondhand or

1 cast-off material of any kind, which is commonly known as and is hereinafter designated and referred  
2 to as "junk" such as old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables,  
3 wires, ropes, cordage, bottles, bagging, rags, rubber, paper and other like materials.

4 *Pawnbroker* means a person engaged in the business of lending money on the deposit or  
5 pledge of personal property or who purchases personal property with an expressed or implied  
6 agreement or understanding to sell it back at a stipulated price. If a pawnbroker also purchases used  
7 merchandise for resale, he must do so in accordance with the provisions of this section.

8 *Person* means any individual, partnership, corporation, firm or association or any  
9 combination thereof.

10 *Precious metal* means any object comprised, in whole or in part, of gold, silver or platinum  
11 shall, for the purposes of this article, be deemed to be a precious metal. Aluminum, brass and other  
12 valuable metals shall not be deemed as precious metals.

13 *Precious metals dealer* means any person, who deals, in whole or in part, in the purchase,  
14 trade or pledge of precious metals.

15 *Secondhand dealer* means a person whose primary business is conducting a secondhand store  
16 or dealing in secondhand goods, other than used car dealers and merchants taking furniture,  
17 appliances and like items, whether or not such person, in addition to or in connection with such  
18 secondhand business keeps in stock for retail, goods, wares or merchandise.

19 *Transient precious metals dealer* means a precious metals dealer who maintains a place of  
20 business in the city for less than one calendar year.

21 **Editor's Note:** For state law regarding used merchandise generally, see the Used Merchandise Act,  
22 57-9-1 through 57-9-5 NMSA 1978. For state law regarding junk dealers, see 57-7-1 through 57-7-7  
23 NMSA 1978. For authority of city to license and regulate secondhand dealers and junk dealers or any  
24 person who accepts used merchandise for value, see 3-18-24 NMSA 1978.

25 **Section 3. Section 18-4.2 SFCC 1987 (being Ord. #1981-64, §33) is amended to**

1 read:

2 **18-4.2 License Required.**

3 It is unlawful for a person to engage in any business, as defined by Section 18-4.1 SFCC 1987, and  
4 coming under the provisions of Article 18-4 SFCC 1987, without first obtaining a business license, as  
5 required by Article 18-1 SFCC 1987.

6 **Editor's Note:** For state law as to authority of city to require licenses, see Sec. 3-18-24 NMSA 1978.

7 **Section 4. Section 18-4.9 SFCC 1987 (being Ord. #1968-13, §5) is amended to read:**

8 **18-4.9 Record of Business Transactions.**

9 A. Every person licensed under the provisions of Article 18-4 SFCC 1987 shall maintain  
10 a written record of all transactions made, except as provided in Paragraph B., below. The record shall  
11 contain:

12 (1) An accurate and complete description of every item purchased or pledged,  
13 including serial numbers, if any;

14 (2) An accurate and complete description of the person from whom the items  
15 were purchased or pledged; and

16 (3) The name and address of the person from whom the items were purchased or  
17 pledged, his date of birth, identification number and type of identification shown.

18 B. Every person licensed under the provisions of Article 18-4 SFCC 1987 shall maintain  
19 a written record of all transactions made for the purchase or pledge of copper, catalytic converters,  
20 precious metals or other items designated by resolution of the governing body. The record shall  
21 contain:

22 (1) The time, place and date of the transaction; and

23 (2) A brief description of each item, including any serial number or  
24 identification number; and the price paid therefore, the item traded for or the amount of the  
25 pledge accepted; and

1           (3)     The name of the person selling or pledging the object; date of birth of the  
2           seller or pledger, the address of the seller or pledger and a record of a form of valid  
3           identification containing a photograph of the individual presented by such person at the date  
4           of sale or pledge, such record to include the identifying number contained on such  
5           identification; and

6           (4)     A statement indicating either that the seller of the item is the owner, or the  
7           name of the person from whom he or she has obtained the item, including the business, if  
8           applicable, as shown on a signed transfer document; and

9           (5)     The name of the person who accepts the item for purchase or pledge on  
10          behalf of the licensed business.

11          C.     Any record made under the provisions of this Section shall not be damaged, altered  
12          or destroyed.

13          D.     All records required to be made and kept under the provisions of this section shall be  
14          maintained at the principal place of business within the city for a period of eighteen (18) months from  
15          the date a record is made. However, a transient precious metals dealer shall store all records at a  
16          location in the city of Santa Fe, designated by the dealer, during such times within the eighteen (18)  
17          month record-keeping period as the transient precious metals dealer is not maintaining a place of  
18          business within the city. The transient precious metals dealer shall notify the Santa Fe police  
19          department of the location of the stored records

20          E.     All records kept in compliance with the provisions of this section shall be available  
21          for inspection by law enforcement officers of Santa Fe county, the city of Santa Fe and state of New  
22          Mexico or the city business license administrator, during regular business hours, at the principal place  
23          of business. In the case of a transient precious metals dealer, all records shall be stored at location  
24          designated by the dealer where such records are open for inspection at least 40 hours each week.

25          F.     All records kept in compliance with the provisions of this section shall be the

1 property of the business and shall in no respects be considered public records.

2 **Editor's Note:** For state law requiring records of junk dealers, see 57-7-2 NMSA 1978. For state  
3 law providing for inspection of records for used merchandise, see 57-9-4 NMSA 1978. See also 3-  
4 18-24 NMSA 1978.

5 G. Only the following methods of payment may be used in accordance with the  
6 provisions of this Article:

7 (1) A catalytic converter shall be purchased by check, mailed to the address of  
8 the seller or pledger; or cash after the five (5) day period required by Section 18-4.10 has  
9 lapsed.

10 (2) All other items may be purchased with an immediate payment by check or  
11 cash.

12 **Section 5. Section 18-4.10 (being SFCC 1981, §9-7-10) is amended to read:**

13 **18-4.10 Time Period for Retaining Purchased Goods.**

14 A. A person licensed under the provisions of Article 18-4 SFCC 1987 shall not sell or  
15 remove from his place of business any item or secondhand goods other than furniture and household  
16 goods purchased by him until the same have been in his possession for a period of five (5) working  
17 days.

18 B. All copper, catalytic converters, precious metals or other items designated by  
19 resolution of the governing body shall be retained by persons licensed under the provisions of Article  
20 18-4 SFCC 1987, in the form in which such items were purchased, for a period of five (5) working  
21 days.

22 **Section 6. Section 18-4.11 SFCC 1987 (being Ord. #1968-13, §12) is amended to**  
23 **read:**

24 **18-4.11 Business Hours.** Persons licensed under the provisions of Article 18-4  
25 SFCC 1987 may operate their businesses only between the hours of 6:00 a.m. and 7:00 p.m. each day

1 and shall keep their businesses closed to the public at all other times.

2           **Section 7.       Section 18-4.12 SFCC 1987 (being Ord. #1968-13, §12) is amended to**  
3 **read:**

4           **18-4.12       Premises to be Kept in Sanitary Condition.**

5           A.       The place where articles are kept or stored by persons licensed under the provisions  
6 of Article 18-4 SFCC 1987 shall at all times be kept in a sanitary condition.

7           B.       The place of business of any person coming under the provisions of this Article shall  
8 at all reasonable times be open to inspection by the chief of police, the county sheriff or the public  
9 health officers of the state, district, county or city

10           **Section 8.       Section 18-4.14 SFCC 1987 (being Ord. #1968-13, §7) is amended to**  
11 **read:**

12           **18-4.14       Furnishing of False Information.**

13 It is unlawful for a person licensed under the provisions of this Article to falsify any record required  
14 under the provisions of Article 18-4 SFCC 1987 or for a licensee or any other person to furnish false  
15 information in connection with the sale, pledge or exchange of any goods.

16           **Section 9.       Section 18-4.15 SFCC 1987 (being Ord. #1968-13, §9) is amended to**  
17 **read:**

18           **18-4.15       Accepting Property from Minors or Other Persons Restricted.**

19 It is unlawful for any person licensed under the provisions of Article 18-4 SFCC 1987 to knowingly:

20           A.       Buy or accept property as a sale or pledge from any minor without the written  
21 consent of the parent or guardian of the minor to so deliver or dispose of the property; or

22           B.       Buy or accept property as a sale or pledge from any person who is at the time  
23 intoxicated, an habitual drunkard, under the influence of narcotic or other incapacitating drugs, a thief  
24 or an associate of thieves, a receiver of stolen property or a person convicted of a felony.

25           **Section 10.       Section 18-4.16 (being Ord. #1968-13, §10, as amended) is amended to**

1 read:

2 **18-4.16 Marked Property.**

3 A. A person licensed under the provisions of Article 18-4 SFCC 1987 shall not purchase  
4 any property or receive the same as a pledge, if the property is clearly marked as being the property of  
5 a person, other than the person offering to sell or pledge such property. However, if the person  
6 offering to sell or pledge the property shows satisfactory evidence in writing that he is the lawful  
7 owner of the property; or has been granted permission by the owner to sell or pledge the property,  
8 then the person licensed under the provisions of Article 18-4 SFCC 1987 may purchase the property.

9 B. Failure to require such written evidence, as prescribed in Paragraphs A, above shall  
10 be prima facie evidence of guilty knowledge on the part of the licensee, his agents or employees that  
11 the person offering to pledge or sell the property is not the rightful owner thereof and shall be  
12 sufficient cause for revocation of the license of the licensee by the city after notice and public hearing  
13 held before the governing body, as provided in Article 18-1 SFCC 1987, Business Licenses.

14 **Section 11. Section 18-4.17 SFCC 1987 (being Ord. #1968-13, §14) is amended to**

15 read:

16 **18-4.17 Applicability of Article to Existing Businesses.**

17 The provisions of this Article shall apply to any person presently licensed under the provisions of  
18 Article 18-4 SFCC 1987.

19 **Section 12. Section 18-4.20 SFCC 1987 (being Ord. #1968-13, §15) is amended to**

20 read:

21 **18-4.20 Violations of Section.**

22 A. Any person, or his agents or employees, who violates any provision of Article 18-4  
23 SFCC 1987, shall, on conviction, be punished as provided in Section 1-3, SFCC 1987.

24 B. Violation of this article shall constitute sufficient cause for revocation of a license  
25 issued under the provisions Article 18-4 SFCC 1987.

1           **Section 13.    Section 18-8.10 (being Ord. #1981-64, §3, as amended) is amended to**  
2 **read:**

3           **18-8.10            Business License - Fees.**

4           A.       Pursuant to Section 3-38-1 through 3-38-6 NMSA 1978, it is hereby declared by the  
5 governing body of the city of Santa Fe, that in order to protect the public health, general welfare and  
6 morals of the citizens of the city of Santa Fe, and for purposes of business regulation in the public  
7 interest, a business licensee fee shall be assessed as follows:

8                   (1)     Adult bookstores, as defined in Section 14-12 SFCC 1987\*, fifty dollars  
9                   (\$50.00) per year, for each place of business;

10                  (2)     Adult motion picture theaters, as defined in Section 14-12 SFCC 1987\*, fifty  
11                  dollars (\$50.00) per calendar year, for each place of business;

12                  (3)     Alarm installation companies and alarm monitoring companies, seventy-five  
13                  dollars (\$75.00) per calendar year, for each place of business.

14                  (4)     Antique dealers, ten dollars (\$10.00) per year, for each place of business;

15                  (5)     Artist/artisan, ten dollars (\$10.00) per calendar year;

16                  (6)     Auctions, one hundred dollars (\$100.) per day;

17                  (7)     Carnivals, under the conditions prescribed in Section 18-7 SFCC 1987, one  
18                  hundred fifty dollars (\$150.) per day;

19                  (8)     Circuses, under the conditions prescribed in Section 18-7 SFCC 1987, one  
20                  hundred fifty dollars (\$150.) per day;

21                  (9)     Core recyclers, as defined in Section 18-4.1 SFCC 1987, fifty dollars  
22                  (\$50.00) per calendar year for each place of business.

23                  (10)    Itinerant food vendors, as defined in subsection 18-1.2G, ten dollars (\$10.00)  
24                  for each vendor per calendar year, per location. Prior to applying for an itinerant food vendors  
25                  license, the applicant shall meet any applicable federal, state, and city requirements, and

1 furnish the city with a copy of a valid food purveyors certificate issued by the state  
2 environmental division, and a certificate of occupancy issued by the city code enforcement  
3 department;

4 (11) Itinerant vendors, ten dollars (\$10.00) per calendar year, per location;

5 (12) Jewelry auctions as defined by subsections 18-5.4 through 18-5.23 SFCC 1987,  
6 one hundred dollars (\$100.) per day. These auctions shall be licensed per the provisions of  
7 subsections 18-5.4 through 18-5.23 SFCC 1987 and the provisions of this section shall not  
8 apply if they conflict with Section 18-5 SFCC 1987;

9 (13) Junk dealers as defined in Section 18-4.1 SFCC 1987, fifty dollars (\$50.00)  
10 per year, for each place of business;

11 (14) Massage parlors, fifty dollars (\$50.00) per year, for each place of business;

12 (15) Mobile home parks, as defined by Section 14-12 SFCC 1987\*, two dollars  
13 (\$2.00) per space, with a minimum charge of fifty dollars (\$50.00) per park;

14 (16) Pawnbrokers, as defined in subsection 18-4.1 SFCC 1987, under the conditions  
15 prescribed by Section 18-4 SFCC 1987, two hundred fifty dollars (\$250.) per year, for each  
16 place of business;

17 (17) Precious metals dealers, as defined in Section 18-4.1 SFCC 1987, fifty  
18 dollars (\$50.00) per year, for each place of business;

19 (18) Private day-care nurseries, facilities and kindergartens, under the conditions  
20 prescribed in Section 14-6.2(B)(4) SFCC 1987\*, ten dollars (\$10.00) per year, for each place  
21 of business;

22 (19) Private detectives or private detective agencies, as defined in subsection 20-24.1  
23 SFCC 1987, and under the conditions prescribed by Section 20-24 SFCC 1987, fifty dollars  
24 (\$50.00) per year, for each place of business;

25 (20) Sales of goods brought into the city temporarily by itinerant vendors, as

1 described in Section 18-3 SFCC 1987, under the conditions prescribed in subsections 18-3.1  
2 through 18-3.3 SFCC 1987, two hundred dollars (\$200.) per occurrence;

3 (21) Secondhand dealers, as defined in subsection 18-4.1 SFCC 1987, under the  
4 conditions prescribed by Section 18-4 SFCC 1987, fifty dollars (\$50.00) per year, for each  
5 place of business;

6 (22) Special policemen or special police agencies as defined in subsection 20-24.1  
7 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars  
8 (\$50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall  
9 not be required to obtain a business license;

10 (23) Septic tank cleaners or septage haulers, under the conditions prescribed in  
11 Section 22-2 SFCC 1987, fifty dollars (\$50.00) per year, for each place of business.

12 (24) Street performers, as defined in subsection 23-8.3 SFCC 1987, thirty-five  
13 dollars (\$35.00) per year, unless a street performer will perform for no more than one thirty  
14 (30) day period per year, ten dollars (\$10.00).

15 (25) Transient precious metals dealer, as defined in Section 18-4.1 SFCC 1987,  
16 on hundred dollars (\$100.00) per separate event and location as described in the license  
17 application.

18 B. Before a license is granted, the following businesses shall execute and deliver a bond  
19 to the city clerk to be approved by the clerk and the city attorney with a corporate surety authorized  
20 by the laws of the state to write surety bonds and conditioned for the lawful conduct of the businesses  
21 and for the true and faithful observance of applicable provisions of the SFCC 1987; such bond shall  
22 be for the benefit of the city and every person damaged by breach of any condition thereof;

23 (1) Pawnbrokers, in the amount of five thousand dollars (\$5,000.); and

24 (2) Jewelry auctions, as defined in subsections 18-5.4 through 18-5.23 SFCC  
25 1987, in the amount of five thousand dollars (\$5,000.), as set forth in subsection 18-5.15

1 SFCC 1987.

2 C. It is unlawful for any person to engage in the businesses, professions or trades  
3 defined in this section as requiring a license, within the corporate limits of the city, without first  
4 obtaining a license as prescribed by this section and pursuant to Section 3-38-1 NMSA 1978.

5 D. The license fees established in this subsection are hereby declared to have been  
6 reviewed on a case-by-case basis by the governing body of the city of Santa Fe and are hereby found  
7 to bear a reasonable relationship to the costs of regulations of each business by the city of Santa Fe.

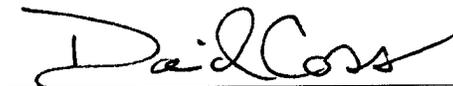
8 E. Prior to engaging in any business to which this section applies, there shall be paid to  
9 the city of Santa Fe the applicable license fee and in the event the fee is paid after the beginning of the  
10 calendar year, it shall not be prorated.

11 F. Any person filing an application for issuance or renewal of any business license shall  
12 include on the application his current revenue division taxpayer identification number or evidence of  
13 application for a current revenue division taxpayer identification number. No license shall be issued  
14 unless such number or application has been furnished.

15 **\*Editor's Note:** The reference numbers have been changed to agree with revised Chapter 14, adopted  
16 December 31, 2001. Requirements for adult bookstores and adult motion picture theaters may be  
17 found in Section 14-6.2(C)(1). Requirements for mobile home parks may be found in Section 14-  
18 6.2(A)(5).

19 **Section 14. Review.** This Ordinance shall be reviewed one (1) year from the date of  
20 adoption.

21 PASSED, APPROVED and ADOPTED this 30<sup>th</sup> day of August, 2011.

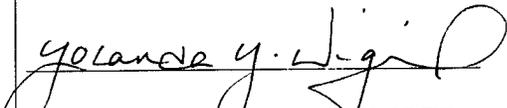
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24 DAVID COSS, MAYOR

1 ATTEST:

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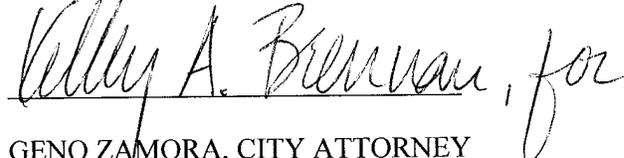
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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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*M/melissa/ordinances 2011/2011-29 Core Recycler- Precious Metals Dealers*