

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2022-17

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4
5 AN ORDINANCE

6 AMENDING SFCC 1987 SECTION 23-5.1 TO ADD DEFINITONS FOR “CULTURAL
7 EVENT” AND “SMALL COMMERCIAL EVENT”; AND AMENDING SFCC 1987
8 SECTION 23-5.2 TO ALLOW THREE (3) SMALL COMMERCIAL PERMITS FOR THE
9 FOLLOWING CULTURAL EVENTS ON THE PLAZA: JUNETEENTH, PRIDE, AND
10 INDIGENOUS PEOPLE’S DAY, AND AUTHORIZING LIMITED COMMERCIAL
11 ACTIVITY AT OTHER CULTURAL EVENTS IN THE PLAZA PARK.

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

14 Section 1. Section 23-5.2 of SFCC 1987 (being Ord. No. 1981-39, § 1, as
15 amended) is amended to read:

16 23-5.1 Definitions.

17 As used in this chapter:

- 18 A. *Artist/artisan* means a person who designs and creates arts or crafts.
- 19 B. *Artwork* means an object for sale by an artist/artisan.
- 20 C. *Bicycle* means a vehicle with two (2) wheels tandem, a steering handle, a saddle
21 seat, and pedals by which it is propelled.
- 22 D. *Canyon Road periphery area* means an area bounded by Paseo de Peralta on the
23 west, the southern right-of-way line of East Alameda Street on the north, East Palace Avenue
24 and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south.
25 This area includes both sides of the boundary streets, except along the southern right-of-way line

1 of East Alameda Street. (**Editor's Note:** A copy of the Canyon Road periphery area can be found
2 at the end of this chapter.)

3 E. *Collective* means a nonprofit organization that shares the use of the license
4 among three (3) to seven (7) nonrelated artists/artisans.

5 F. *Collective license* means a Plaza Park artist/artisan license issued to a collective.

6 G. *Commercial use* means any function or event at which goods, artwork,
7 foodstuffs, merchandise of any kind are offered for sale.

8 H. *Community Days Festival* means a city sponsored event promoting the programs
9 and services offered by local nonprofit organizations, performances by multicultural, youth, and
10 school groups and celebrating the diversity of Santa Fe.

11 I. *Cultural event* means an event that celebrates or promotes heritage, customs,
12 traditions, or artistic expression, or that is educational.

13 J. *Findings* mean mechanical fittings in a great variety, either commercially
14 available or handmade, used to hold jewelry to the clothing or the person, i.e., ear wires, screw
15 backs, broach pins, chains, gallery bezel wire or hollow beads.

16 K. *Handmade* means the design and creation of the artwork from raw materials and
17 its finishing and decoration were accomplished by hand labor and by manually controlled
18 methods that permit the maker to control and vary the construction shape, design and/or finish of
19 each individual piece, but does not exclude the use of findings, hand tools and equipment nor
20 does it exclude the hand assembly of premanufactured components in a creative manner.

21 L. *Immediate family* means the spouse, children, and stepchildren of a Plaza Park
22 artist/artisan. The city may require proof of relationship for family members.

23 M. *Individual license* means a Plaza Park artist/artisan license issued to an
24 individual artist/artisan licensee pursuant to the provisions of subsection 23-5.3 SFCC 1987.

1 N. *Machine made* means the producing or reproducing of artwork in mass
2 production by mechanical processes such as stamping, blanking, weaving, molds or offset
3 printing and other printing methods that allow mass production except as allowed by these
4 regulations.

5 O. *Major commercial event* means any commercial use for which the entire Plaza is
6 used.

7 P. *Minor rework* means taking a machine made or mass-produced item and making
8 only minor additions or changes to the item.

9 Q. *Noncommercial use* means any function or event at which nothing is offered for
10 sale and at which no money or other valuable consideration is exchanged for goods or services.
11 This use includes, but is not limited to, patriotic observances, political rallies, televised news
12 media events and motion picture filming activities.

13 R. *Nonprofit organization* means an organization that is registered as a New Mexico
14 nonprofit organization with the New Mexico Public Regulatory Commission.

15 S. *Original* means the single, one (1) of a kind, master that can be used as the model
16 for a reproduction.

17 T. *Plaza* means that inclusive area bounded on the north by the north curb line of
18 Palace Avenue running in front of the Palace of the Governors, and on all other sides by the
19 facades of the buildings, excluding portals, or property lines lying to the east, south and west of
20 the Plaza Park as outlined in the map prepared by the city, labeled "Plaza Park Map." (**Editor's**
21 **Note:** The Plaza Park Map may be found at the end of this chapter.)

22 U. *Plaza Park* means that inclusive area bounded by the inside back of the curb
23 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map."
24 (**Editor's Note:** The Plaza Park Map may be found at the end of this chapter.)

25 V. *Plaza Park artist/artisan* means an artist/artisan or an artist/artisan represented

1 by a collective issued a Plaza Park artist/artisan license.

2 W. *Plaza Park artist/artisan license* means a license issued to an artist/artisan by the
3 city for the purpose of commercial sales on the Plaza Park.

4 X. *Plaza periphery area* means an area outside the Plaza Park, not including the
5 Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south,
6 Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the
7 boundary streets.

8 Y. *Plaza pushcart vendor* means a vendor who uses a non-permanent, non-
9 motorized cart, barrow or unit that can be pushed by hand for the purpose of selling food products
10 and is authorized by the city to be located in the Plaza Park, the Plaza, excluding the Plaza Park,
11 or at any location in the Plaza periphery area.

12 Z. *Portrait artist* means a person who creates portraits, cartoons, caricatures, or
13 silhouettes.

14 AA. *Portrait artist license* means a Plaza Park artist/artisan license issued to a portrait
15 artist.

16 BB. *Pushcart* means a non-permanent, non-motorized cart, barrow or unit that can be
17 pushed by hand.

18 CC. *Raw materials* mean any material that can be converted by manufacture or
19 processing or a combination of manufacture and processing into a new and useful product.

20 DD. *Recreational object* means any object that can be thrown, kicked or struck,
21 including, but not limited to, balls, frisbees or any object used in game or sport.

22 EE. *Reproduction* means the production of multiples of a single piece, the original or
23 master, applicable to each medium.

24 FF. *Resident of Santa Fe County* means a person whose primary residence is in Santa
25 Fe County. Residency shall be established by any standard identification that proves residency

1 such as a driver's license, passport or voter registration, utility bills or other documentation.

2 GG. *Roller skates or in-line skates* means a shoe with a set of wheels attached for
3 skating over a flat surface.

4 HH. *Rotating license* means a Plaza Park artist/artisan license issued to seven (7)
5 artists/artisans to be used on a rotating basis.

6 II. *Service animal* means any animal trained to assist mobility of impaired, blind, or
7 deaf people or trained for and actively employed by a police department.

8 JJ. *Skateboard* means a narrow board about two feet (2') long mounted on roller
9 skate wheels.

10 KK. *Small commercial event* means a cultural event with a commercial use that is
11 limited to the Plaza Park and does not require street closures for the commercial use.

12 LL. *Special event* means an event that is permitted by the city pursuant to
13 subsection 18-8.9 SFCC 1987, Section 23-4 SFCC 1987, subsection 23-5.2 SFCC 1987 or
14 resolution of the governing body.

15 **Section 2. Section 23-5.2 of SFCC 1987 (being Ord. No. 1981-39, § 1, as**
16 **amended) is amended to read:**

17 **23-5.2 Plaza uses; commercial events; allowed uses.**

18 A. Major Commercial Events.

19 (1) No more than eight (8) permits per calendar year shall be issued by the
20 city for major commercial events held in the Plaza. The events permitted are as follows:

- 21 (a) Challenge New Mexico Arts and Crafts Show;
- 22 (b) Fourth of July Pancake Breakfast;
- 23 (c) Spanish Market;
- 24 (d) Contemporary Hispanic Market;
- 25 (e) Santa Fe Girls' Inc. Arts and Crafts Show;

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- (f) Indian Market;
- (g) Santa Fe Fiesta Labor Day Arts and Crafts Market; and
- (h) Santa Fe Fiesta.

(2). Each of the major commercial events noted in paragraph A above shall continue their assigned locations, and the Contemporary Hispanic Market shall be allocated the space along Lincoln Avenue between Palace Avenue and Federal Place.

(3). In order to accommodate the Spanish Market's growth requirements, this subsection will allow the Spanish Colonial Arts Society use of East San Francisco Street from Don Gaspar Avenue to Cathedral Place and Palace Avenue from Grant Avenue to Cathedral Place. The Spanish Market will also extend thirty-three feet, six inches (33' 6") onto the east side of Lincoln Avenue. This will allow the Spanish Colonial Arts Society the similar configuration as the Southwest Indian Arts' annual Indian Market.

(4) This subsection will allow the Contemporary Hispanic Market use of Lincoln Avenue from Palace Avenue intersection starting at thirty-three feet six inches (33' 6") on the east side and twenty feet (20') from the fire hydrant on the west side all the way to Federal Place. This will allow the Contemporary Hispanic Market the ability to provide for their immediate and future growth needs. Depending upon the number of booths, as an alternative to using Lincoln Avenue between Marcy Street and Federal Place, the city may require booths to be located on Marcy Street between Lincoln Avenue and Sheridan Street.

B. Small Commercial Events.

(1) Three (3) small commercial permits per calendar year shall be issued by the city for the following one-day cultural events held in the Plaza Park:

- a) Juneteenth;
- b) Pride; and

1 c) Indigenous People's Day.

2 (2) Plaza artists/artisans licensed pursuant to SFCC 1987 Section 23-5.3 and
3 Plaza pushcart vendors licensed pursuant to SFCC 1987 Section 23-5.5 shall retain the
4 right to sell in their designated spaces during small commercial events and shall not be
5 charged additional fees to sell during the events.

6 C. Each of the major and small commercial permitted events noted in paragraphs
7 A(1) and B(1) and (2) above shall submit a preliminary site plan for their event to city staff for
8 their review and approval no less than three (3) months prior to the event. Adequate access for
9 public health, safety and welfare shall be maintained. Access to existing businesses shall be
10 considered. The city may require specific table and booth layouts. The city shall provide written
11 comments to the event sponsor on the preliminary site plan within thirty (30) days of receipt of
12 the plan. A final site plan shall be submitted to city staff no less than one (1) month prior to the
13 event for their review and approval. City staff shall conduct inspections at the time of event setup.

14 D. Community Days Festival may occur on the Plaza the Friday, Saturday, and
15 Sunday preceding the Memorial Day Weekend.

16 E. Events other than those noted in paragraphs A and B above shall not occur on
17 the Plaza unless they qualify as a noncommercial use except that cultural events permitted to take
18 place in the Plaza Park may include one display for commercial sales not to exceed one hundred
19 (100) uninterrupted square feet. Sponsoring organizations shall comply with the fees as
20 authorized in subsection 23-4.7 SFCC 1987 and established by resolution, unless the event is
21 sponsored by the city.

22 F. Except for the authority to issue Plaza Park artist/artisan licenses for sales
23 activity on the Plaza Park pursuant to subsection 23-5.3 SFCC 1987, a permit or authority to use
24 the Plaza Park for major and small commercial events shall be granted only to a nonprofit
25 organization and not to for-profit organizations or to an individual.

1 G. The governing body shall, by resolution, authorize either a committee or city
2 staff to receive, review and approve or deny requests for any function of a commercial or
3 noncommercial use on the Plaza or Plaza Park.

4 H. Applicants for use of the Plaza or Plaza Park shall follow and be subject to the
5 procedures, requirements, and restrictions adopted by the governing body.

6 I. Any decision by the city manager or the city manager's designee may be appealed
7 to the governing body within thirty (30) days of the decision. This provision does not apply to
8 Plaza Park artist/artisan licenses that shall comply with subsection 23-5.3 SFCC 1987.

9 J. The city shall appoint a staff liaison for all major and small commercial events
10 or noncommercial uses on the Plaza to oversee the administration of city regulations as they
11 apply to each event.

12 K. Fees for the major and small commercial events shall be established by the
13 governing body by adoption of a resolution. Fees shall not be waived.

14 L. Sponsors of special events for both major and small commercial events shall be
15 responsible for ensuring that all participants in their event have special event vendor licenses.
16 Special event sponsor license applications and special event vendor license applications shall
17 include a statement signed by the applicant that the applicant agrees to file and pay applicable
18 gross receipts taxes on receipts from the special event. Sponsors shall file with the city the
19 informational material they distribute to the vendors regarding the vendor's responsibility to file
20 and pay gross receipts taxes on their sales at the special event.

21 PASSED, APPROVED, and ADOPTED this 3rd day of October, 2022.

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23 _____
24 ALAN WEBBER, MAYOR
25

1 ATTEST:

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Kristine Mihelcic

4 KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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Erin K. McSherry

8 ERIN K. McSHERRY, CITY ATTORNEY

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Bill No. 2022-17

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Legislation/2022/Ordinances/Small Commercial Events on The Plaza

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2022-17
Small Commercial Events on the Plaza

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2022-17:

1. On page 1, line 14 after “JUNETEENTH,” *insert* “PRIDE,”.
 2. On page 1, line 15 *strike* “SIX” and *insert* in lieu thereof “FIVE”.
 3. On page 7, line 4 *strike* “two (2)” and *insert* in lieu thereof “three (3)”.
 4. On page 7, line 5 *strike* “and”.
 5. On page 7, line 6 *insert* “b) Pride; and”.
- * **Editor’s note: reletter the succeeding paragraph accordingly.**
6. On page 7, line 6 *strike* “; and” and *insert* in lieu thereof a period.
 7. On page 7, line 7 *strike* “six (6)” and *insert* in lieu thereof “five (5)”.
 8. On page 7, line 13 after “events” *insert* “and shall not be charged additional fees to sell during the events”

Respectfully submitted,



Renee Villarreal, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: _____ X _____

NOT ADOPTED: _____

DATE: _____ 10/3/22 _____



Kristine Mihelcic, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2022-17
Small Commercial Events on the Plaza

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2022-17:

1. On page 5, line 16 after “closures” *insert* “for the commercial use”
2. On page 7, line 18 after “specific” *insert* “table and”

Respectfully submitted,



Renee Villarreal, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: _____ X _____

NOT ADOPTED: _____

DATE: _____ 10/3/22 _____



Kristine Mihelcic, City Clerk

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2022-17
Small Commercial Events on the Plaza**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2022-17:

1. Rescind amendment No. 2 from amendment sheet (B), returning the language on page 1, line 15 to “SIX” instead of “FIVE”.
2. On page 1, line 15 after “AND” *strike* the remainder of the sentence and *insert* in lieu thereof “**AUTHORIZING LIMITED COMMERCIAL ACTIVITY AT OTHER CULTURAL EVENTS IN THE PLAZA PARK.**”
3. Rescind amendment No. 7 from amendment sheet (B), returning the language on page 7, line 7 to “six (6)” instead of “five (5)””
4. On page 7, *strike* lines 7-10 in their entirety.
* **Editor’s note: reletter the succeeding paragraph accordingly.**
5. On page 7, line 25 after “use” *insert* “except that cultural events permitted to take place in the Plaza Park may include one display for commercial sales not to exceed one hundred (100) uninterrupted square feet.”

Respectfully submitted,



Jamie Cassutt (Oct 12, 2022 06:46 MDT)

Jamie Cassutt, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: X

NOT ADOPTED:

DATE: 10-3-2022



Kristine Mihelcic, City Clerk