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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-26

INTRODUCED BY:

- Mayor Javier M. Gonzales
- Councilor Signe Lindell
- Councilor Peter Ives

AN ORDINANCE

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

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

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

18-1 BUSINESS LICENSES.

18-1.4 License Application; Information Required.

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

- 1 (1) Name;
- 2 (2) Address;
- 3 (3) Current state revenue division taxpayer identification number or
- 4 evidence of application for a current state revenue division taxpayer identification
- 5 number;
- 6 (4) A brief description of the nature of the business;
- 7 (5) Proof of insurance coverage, when applicable;
- 8 (6) Proof of bond, when applicable; and
- 9 (7) An attestation clause that states that the business shall comply with the
- 10 requirements of the Living Wage Ordinance, 28-1 SFCC 1987.

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

- 13 (1) Carnival operators shall submit a copy of their special use permit, as
- 14 required by subsection 18-7.2 SFCC 1987;
- 15 (2) Circus operators shall submit a copy of their special use permit, as
- 16 required by subsection 18-7.2 SFCC 1987;
- 17 (3) Itinerant vendors seeking to conduct sales as defined under subsection
- 18 18-5.1 SFCC 1987 shall submit a copy of their petition as approved by the governing
- 19 body, as required in subsection 18-5.1 SFCC 1987;
- 20 (4) Jewelry auction operators, as defined in subsections 18-5.1 through 18-
- 21 5.23 SFCC 1987, shall provide information required by subsections 18-5.12 and 18-5.14
- 22 SFCC 1987, including a notarization of the application;
- 23 (5) Mobile home park operators shall submit a copy of their certificate of
- 24 occupancy;
- 25 (6) Private day-care nurseries, facilities and kindergarten operators, when

1 approval is required by the board of adjustment, as per the provisions of Table 14-6.1-1
2 SFCC 1987, shall include a sworn affidavit stating that they have received such approval;
3 and

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

6 (8) Flea market operators shall submit:

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

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

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

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

17 (b) Proof of bonding.

18 (10) Businesses who sell any item advertised as Native American arts or
19 crafts in the Native American Arts and Crafts district, as defined in subsection 18-
20 5.29(A), shall abide by the provisions set forth in subsection 18-5.29.

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

22 **18-5.29[NEW MATERIAL] Native American Arts or Crafts District**

23 A. The Native American arts or crafts district (“district”) covers all businesses
24 within an area bounded by Sandoval and Grant Streets on the west, Alameda Street on the south,
25 Paseo de Peralta on the east, and Marcy Street on the north and incorporates an additional area

1 bounded by Paseo de Peralta on the west, East Alameda Street on the north, East Alameda Street
2 and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south.
3 This area is shown in exhibit B at the end of this section.

4 (1) The term "Indian tribe" and "Indian" as defined in Section 30-33-4 NMSA
5 1978 shall, for the purpose for this subsection, refer to Native American, and means any
6 person who is an enrolled member of a Native American tribe as evidenced by tribal
7 enrollment card or certified tribal records; or any person who can meet the minimum
8 qualifications for services offered by the United States government to Native Americans:

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

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

15 (2) The term "authentic Indian arts or crafts" shall, for the purpose for this
16 subsection, refer to Native American arts or crafts, and means any products, including
17 traditional or contemporary Native American arts, that:

18 (a) are Native American handmade; and

19 (b) were produced after 1935; and

20 (b) are not made by machine; and

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

23 (2) Businesses shall provide to the city the following information in order to
24 be permitted to sell Native American arts or crafts within the district:

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

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

(3) Businesses shall be required:

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

(b) At point of sale, clearly disclose in the manner set forth by policy and procedures established by Resolution, for each article offered for sale a statement that the article is “authentic Native American arts item” or “authentic Native American crafts item”, along with the name(s) of the artist(s), artist’s(s’) tribal affiliation(s), and materials used.

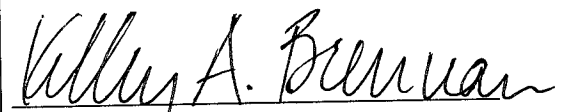
B. *Revocation of Permit.* The Native American arts or crafts vendor sticker shall be revoked if the city manager finds the following:

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

(2) Failure to provide the required statement of name(s) of the artist(s), artist’s(s’) tribal affiliation(s), and materials used pursuant to subsection 18-5.29(A)(3)(b) above.

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

APPROVED AS TO FORM:


KELLEY A/BRENNAN, CITY ATTORNEY