

Chapter 10

ALCOHOLIC BEVERAGES

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Liquor Licenses

[Adopted by Ord. No. 42; amended in its entirety by Ord. No. 102 (Ch. 3 of the 1996 Village Code)]

§ 10-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLUB — Any nonprofit group, including an auxiliary or subsidiary group, organized and operated under the laws of this state, with a membership of not less than 50 members who pay membership dues at the rate of not less than \$5 per year and who under the constitution and bylaws of the club have all voting rights and full membership privileges, and which group is the owner, lessee, or occupant of premises used exclusively for club purposes and which group the Director finds is operated solely for recreation, social, patriotic, political, benevolent, or athletic purposes.

DEPARTMENT — The Department of Alcoholic Beverage Control.

DIRECTOR — The Director of the Department.

DISPENSER — Any person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in his possession with the intent to sell alcoholic beverages by the drink for consumption on the licensed premises and in unbroken packages for consumption and not for resale off the licensed premises.

GOVERNING BODY — The Mayor and Board of Trustees of the Village.¹

PERSON — Any individual, corporation, firm, partnership, copartnership, association or legal entity.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

RESTAURANT — Any establishment having a New Mexico resident as a proprietor or manager which is held out to the public as a place where meals are prepared and served primarily for on-premises consumption to the general public in consideration of payment and which has a dining room, a kitchen, and the employees necessary for preparing, cooking, and serving meals, provided that "restaurant" does not include establishments defined in regulations promulgated by the Director as serving only hamburgers, sandwiches, salads, and other fast foods.

RETAILER — Any person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in his possession with intent to sell any alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises.

§ 10-2. Imposition of liquor license tax/fee.

- A. Pursuant to the provisions of NMSA 1978, § 7-24-1, on or after the effective date of this article, no person who has been issued a state license from the Department shall be given possession of the license by the municipality until the person has paid the municipal license tax as follows: payment in full on or before June 1 of each year.
- B. The tax rates shall be:

Type of License	Tax Amount
Retailer's license	\$250
Dispenser's license	\$250
Club license	\$200
Restaurant license	\$250

§ 10-3. Violations and penalties.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code.

§ 10-4. Failure to pay tax.

Failure of any person holding a retailer's, dispenser's canopy, club or restaurant license tax on the date and in the manner imposed by this article shall be subject to appropriate action by the governing body of the Village, as provided by NMSA 1978, § 7-24-3, relating to the closing of establishments.

ARTICLE II

Public Consumption**[Adopted by Ord. No. 91 (Ch. 15, Art. 1, of the 1996 Village Code)]****§ 10-5. Permission required.**

It shall be unlawful to drink alcoholic beverages in public places unless a special permit is obtained from the governing body. A special permit may issued by the governing body for consuming alcoholic beverages in the park for special functions such as fiestas, weddings and charity events. The special permit must be applied for 30 days in advance and must be approved or rejected by the governing body within five days after the application is submitted.

§ 10-6. Violations and penalties.

Any person found guilty of violating any provision of this article shall be guilty of a misdemeanor, punishable as provided in § 1-22 of this Code. Every day any violation of this article continues shall constitute a separate offense.