

AGENDA

**GALLUP CITY COUNCIL
WORK SESSION
TUESDAY, AUGUST 8, 2023; 4:00 P.M.
CITY COUNCIL CHAMBERS
GALLUP CITY HALL, 110 WEST AZTEC AVENUE**



Louie Bonaguidi, Mayor
Linda Garcia, Councilor, Dist. 1 Michael Schaaf, Councilor, Dist. 2
Sarah Piano, Councilor, Dist. 3 Vacant, Councilor, Dist. 4

Jon DeYoung, Interim City Manager
David Eason, City Attorney

The meeting will be accessible through the City of Gallup's Facebook Page:

[City of Gallup, New Mexico Government - Home | Facebook](#)

Members of the public may submit comment either in person or by telephone. To submit comment by telephone, please call 505-863-1254 to leave your name and a return phone number.

A. Roll Call

B. Work Session

1. City Of Gallup Vendor Ordinance

At the May 23, 2023 Regular City Council Meeting, William Newton, owner of Wacky Waffles, addressed the City Council during public comment to express his concerns regarding regulations pertaining to food vendors in the City's Vendor Ordinance. A suggestion was made to hold a work session to discuss the matter. Attached is an email from Mr. Newton regarding his concerns and a copy of the City's current Vendor Ordinance.

Fiscal Impact: None - discussion only.
Recommendation: None - discussion only.
Speaker's Name Alfred Abeita II, City Clerk

Documents:

[AGENDA ITEM REQUEST - BILLY NEWTON.PDF](#)
[CITY OF GALLUP VENDOR ORDINANCE.PDF](#)

C. Motion To Adjourn

Pursuant to the “Open Meetings Act”, NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.



Alfred Abeita <aabeita@gallupnm.gov>

REQUEST FOR ADDING TO THE AGENDA FOR ACTION, CITY COUNCIL MEETING 5/23

1 message

William Newton <billy@wackywaffles.org>
To: "aabeita@gallupnm.gov" <aabeita@gallupnm.gov>

Tue, May 16, 2023 at 8:18 AM

Hello,

I would like to formally request to be added to the agenda for action on several vendor codes along with support from several other local food truck owners. Here is a list for some of the codes that I believe need to be updated or omitted.

3-4-2

I believe there needs to be added a Definition for a food truck or more clarity where food trucks will be listed in current definitions.

3-4-13

I believe that hours of operation for food trucks should not be relegated to certain hours if only permitted to be on private property and this should be omitted as it pertains to food trucks as we are self contained units.

3-4-15

I believe that it is detrimental to the community businesses to restrict them from having agreements and give permission to multiple food trucks/ vendors on their own private property. (ie Amigo Toyota having to only have one vendor on their property even for small sales events) This should be checked via permission to park and or trespassing laws.

Also along with this 3) restricted to be outside 50" ft from another vendor. I understand the safety factor but I feel this should be omitted as well as if a business wants to have multiple vendors and is on private and permitted property this is of no consequence.

Also in this section it states in section F that food vendors should not stay in one location for more than 4 hours. I believe this should be omitted as we are to be set on private property. (maybe if 4 hours is allowed on public property that would be understandable)

I also believe that the city of Gallup and its Counsel can further look at the vending section for any other potential changes or updates.

I also would like to open a discussion for starting a City Sponsored event for the spring/ summer/ fall months of something like a " Food truck Fridays" where the city can provide a park or some other location to park several of our local food trucks and work with local event companies to bring in music and other amenities required to have a family friendly events to help brighten up the community. This is an idea for the future and would just like to open discussion on this as I know there are several more things that would need to happen for something like this to happen. Think Arts Crawl type of environment on a weekly/ semi monthly basis.

Thank You for your consideration,

--

Billy Newton- Owner Wacky Waffles
Cell- (505)977-6549

CHAPTER 4

VENDORS

SECTION:

3-4-1: Purpose; Intent

3-4-2: Definitions

3-4-3: License Required

3-4-4: Application For License

3-4-5: Health Inspection Certificate

3-4-6: Issuance Of License

3-4-7: Special Events

3-4-8: License Fees

3-4-9: Display Of Identification Badges And Other Permits

3-4-10: Notification Of Name Or Address Change; Location Of Vendors

3-4-11: Exemptions

3-4-12: Exemptions And Claims Of Exemption

3-4-13: Hours Of Operation

3-4-14: Littering; Trash Removal

3-4-15: Vending Restrictions

3-4-16: New Mexico Tax Identification Number

3-4-17: Renewals

3-4-18: Prohibited Conduct

3-4-19: Suspension And Revocation Of License

3-4-20: Appeals

3-4-21: Construction

3-4-22: Penalty

3-4-1: PURPOSE; INTENT:

A. It is the intent of the Council in enacting this chapter to:

1. Serve and protect the health, safety and welfare of the general public;
2. Establish a uniform set of rules and regulations that is fair and equitable for mobile/nonpermanent, temporary, commercial, civic, charitable, and educational vendors;
3. Develop a vending system that will enhance the overall appearance and environment in the community on public property; on privately owned commercial property; and in private residential areas;
4. Provide economic development opportunities to small entrepreneurs in the City and to allow for temporary uses by local civic, charitable, and educational organizations for community fundraising;
5. Promote stable vendors who will enrich the City's ambiance and be assets to public security.

B. The regulations contained in this chapter are not intended to prohibit or hamper speech that is protected by the First Amendment of the United States Constitution, but merely to regulate specific commercial activities. (Ord. 2011-1, 3-9-2011)

3-4-2: DEFINITIONS:

When used in this chapter, the following words, terms, and phrases and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AUTHENTIC HANDCRAFTED NATIVE AMERICAN ARTS AND CRAFTS VENDOR: Any person who goes from place to place, selling or taking orders for or offering to sell or take orders for any authentic handcrafted, Native American arts and crafts items, crafted by the artisan/vendor selling the item or items.

CIVIC, CHARITABLE, EDUCATIONAL VENDOR: Any person engaged in the act of selling or taking orders for or offering to sell or take orders for any goods, wares or merchandise, going from house to house, or from place to place, or from a semipermanent fixed location located on private property within the City without a permanent structure within which to conduct business. The primary purpose of such temporary vending shall be to raise funds for local (McKinley County) civic, charitable, and educational

organizations whose principal function fulfills those aims, rather than to generate commercial profit. All civic, charitable, or educational vendors shall be limited to not more than two (2) licenses per year. Each license shall be valid for a maximum of fourteen (14) calendar days per license.

COMMERCIAL VENDOR: Any person engaged in the act of selling or taking orders for or offering to sell or take orders for any goods, wares or merchandise, from a semipermanent fixed location located on private property without a permanent structure within which to conduct business. All commercial vendors shall be limited to not more than two (2) licenses per year. Each license shall be valid for a maximum of fourteen (14) calendar days per license.

CONVEYANCE: Includes any public or privately owned vehicle, method or means of transporting people, bicycle, motorized or nonmotorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.

DEPARTMENT: The city clerk.

DIRECTOR OF LICENSING: The city clerk and includes the clerk's authorized representative.

GOODS, WARES, MERCHANDISE: Shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

MOBILE NONPERMANENT VENDOR: Any person who goes from house to house or from place to place within the city soliciting, selling or taking orders for or offering to sell or take orders for any merchandise, services, photographs, newspapers, magazines or subscriptions or a person engaged in such sales, without a permanent structure within which to conduct business. Each license shall be valid for a maximum of fourteen (14) calendar days per license.

MOTOR VEHICLE: Any vehicle used for displaying, storing or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state.

PREPARED FOOD VENDOR: Any person who holds a valid food handler's certificate and who goes from place to place selling prepared or precooked food for human consumption from a vehicle, pushcart or portable container.

PRODUCE VENDOR: Any person engaged in the act of selling or taking orders for or offering to sell or take orders for fruits, vegetables, farm products or provisions from a semipermanent location located on private property without a permanent structure within which to conduct business. All produce vendors shall be limited to not more than two (2) licenses per year. Each license shall be valid for a maximum of ninety (90) calendar days per license at a single location. Changes of location to qualify for new licenses shall be of a minimum distance of three hundred feet (300').

PUBLIC SPACE: Includes all city owned parks and city owned property within street rights of way, including any roadways and sidewalks.

PUBLIC WAY: All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

PUSHCART: Any wheeled vehicle approved by the department of licensing in accordance with this chapter designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

SIDEWALK: All that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

SPECIAL EVENT: Any occasion including, but not limited to, fairs, shows, exhibitions, citywide celebrations, and festivals taking place within a specifically defined area of the city for a period of time not to exceed seven (7) days.

STAND: Any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk.

STREET: All that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

TEMPORARY BUSINESS: Open not more than two (2) consecutive months for at least thirty (30) business days during such period.

TEMPORARY BUSINESS VENDOR: Any vendor conducting a temporary business in a permanent structure for a time specific not to exceed sixty (60) calendar days.

VEHICLE: Every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power. (Ord. 2011-1, 3-9-2011)

3-4-3: LICENSE REQUIRED:

It shall be unlawful for any person to engage in the business of vending unless he has first obtained a license from the department of licensing. All licenses shall be issued according to regulations established by the department. (Ord. 2011-1, 3-9-2011)

3-4-4: APPLICATION FOR LICENSE:

The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued including, but not limited to:

A. The applicant's full name, current address, telephone number and proof of identity, together with two (2) full face photographs of the applicant, not less than two inches (2") square, nor more than three inches (3") square;

B. A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;

- C. The period of time the applicant proposes to engage in business within the city;
- D. The specific location, if any, in which the vendor intends to conduct business;
- E. A letter from the property owner of the land where said sales are to be conducted, giving permission for use of said land by applicant. This requirement pertains only to commercial, civic, charitable or educational or produce vendors as defined in section 3-4-2 of this chapter;
- F. Where applicable, certificates of insurance and certificates of inspection issued by the New Mexico state environmental department;
- G. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- H. If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and license number;
- I. A complete listing of any other licenses or permits issued to the applicant by the city within the five (5) years immediately preceding the date of the application. (Ord. 2011-1, 3-9-2011)

3-4-5: HEALTH INSPECTION CERTIFICATE:

Any application for a vending license to engage in the sale of food or beverages shall also be referred to the state of New Mexico environment department for approval and issuance of a certificate in addition to the regular vending license. The applicant's equipment shall be subject to inspections by the state of New Mexico environment department at the time of application and at periodic intervals thereafter as required by state law. (Ord. 2011-1, 3-9-2011)

3-4-6: ISSUANCE OF LICENSE:

- A. Notice Of Issuance Or Denial: The applicant shall be notified, in writing, by the director of licensing of the city's decision to issue or deny the vending license not later than fourteen (14) days after the applicant has filed a completed application with the department.
- B. Contents Of License: Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle registration number and a photograph of the licensee not less than two inches (2") square nor more than three inches (3") square. Each license shall also show the expiration date of the license and the vendor's plate number which is issued by the city.
- C. Identification Badge: In addition to the vending license and any other permit required by this chapter, the director shall issue an identification badge to each vendor.
- D. Term Of License; Assignability; Transferability: All licenses, permits and identification badges issued under this section are valid for a time specific as determined by the director of licensing as set forth in this chapter unless suspended or revoked and shall be both nonassignable and nontransferable, unless hereinafter provided. (Ord. 2011-1, 3-9-2011)

3-4-7: SPECIAL EVENTS:

Any vendor wishing to conduct business at a special event shall apply to the department of licensing for a temporary vending permit. Application for such a permit must be made at least fourteen (14) days prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Fees for such permit shall be one hundred dollars (\$100.00) per day for commercial vendors and twenty five dollars (\$25.00) per day for civic, charitable, or educational vendors. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified. (Ord. 2011-1, 3-9-2011)

3-4-8: LICENSE FEES:

Any vendor granted a vending license under this chapter shall pay a fee as hereinafter set forth:

- A. Commercial, Civic, Charitable, Educational Vendors: Those vendors as defined in section 3-4-2 of this chapter, a fee of one hundred dollars (\$100.00) per day for commercial uses and twenty five dollars (\$25.00) per day for civic, charitable, or educational uses.
- B. Mobile Nonpermanent Vendors: Those mobile nonpermanent vendors as defined in section 3-4-2 of this chapter conducting business within the city and not located in a permanent structure, a fee of one hundred dollars (\$100.00) per fourteen (14) day license. This fee shall apply to the first four (4) employees of said mobile nonpermanent vendors. Each additional employee shall be assessed an added fee of five dollars (\$5.00) per license with a maximum of eight (8) employees.
- C. Temporary Business Vendor: Those temporary business vendors as defined in section 3-4-2 of this chapter conducting a temporary business in a permanent structure shall pay a fee of one hundred dollars (\$100.00) per day.
- D. Prepared Food Vendors: Those prepared food vendors as defined in section 3-4-2 of this chapter, without a fixed permanent licensed business in the city, a fee of twenty five dollars (\$25.00) per day, per vehicle.
- E. Produce Vendors: Those produce vendors as defined in section 3-4-2 of this chapter, with a semipermanent fixed location on private property in the city, a fee of twenty five dollars (\$25.00) per day.
- F. Pushcarts: A fee of one hundred dollars (\$100.00) for each twenty four (24) hour period per cart.
- G. Fixed Permanent Licensed Business: Vendors who have a fixed permanent licensed business in the city that also work out of such duly permitted and properly zoned permanent location shall pay a vendor's fee of one hundred dollars (\$100.00) per year. Vendors with permanent licensed businesses shall be permitted to operate year round provided the one hundred dollar (\$100.00) vendor fee is paid annually. (Ord. 2011-1, 3-9-2011)

3-4-9: DISPLAY OF IDENTIFICATION BADGES AND OTHER PERMITS:

A. Display Required: Any license or permit issued by the director shall be carried with the licensee whenever he is engaged in vending. Identification badges and certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

B. Proper Method Of Display: An identification badge shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials. (Ord. 2011-1, 3-9-2011)

3-4-10: NOTIFICATION OF NAME OR ADDRESS CHANGE; LOCATION OF VENDORS:

All vendors shall assure that a current and correct name; residence address and mailing address are on file with the department of licensing. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the director, in writing, within ten (10) days of such change and provide the same with the name change or address change. Vendor shall also list the street address, if a fixed location, or the general area of the city when in the public right of way where vendor will be conducting business, and notify the department of licensing of any changes in location. (Ord. 2011-1, 3-9-2011)

3-4-11: EXEMPTIONS:

The provisions of this chapter do not apply to:

- A. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer; or
- B. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paper bound books; or
- C. Agricultural produce grown by the vendor; or
- D. Authentic handcrafted Native American arts and crafts items, crafted by the artisan/vendor; or
- E. Charitable, civic or educational organizations which obtain a written waiver from the city manager for a specific activity on specific date(s). (Ord. 2011-1, 3-9-2011)

3-4-12: EXEMPTIONS AND CLAIMS OF EXEMPTION:

Any person claiming to be legally exempt from the regulations set forth in this chapter, or from the payment of a license fee, shall cite to the director the statute or other legal authority under which exemption is claimed and shall present to the director proof of qualification for such exemption. (Ord. 2011-1, 3-9-2011)

3-4-13: HOURS OF OPERATION:

Vendors shall be allowed to engage in the business of vending only between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. An extension to the hours of operation may be approved by the director of licensing for special events only. No vending station, conveyance or other item related to the operation of a vending business shall be located on any city sidewalk or other public way during nonvending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place. (Ord. 2011-1, 3-9-2011)

3-4-14: LITTERING; TRASH REMOVAL:

A. Responsibility Of Vendors: Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within twenty feet (20') of any vending stand shall be collected by the vendor and deposited in a trash container.

B. Receptacle For Litter Required: Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter. (Ord. 2011-1, 3-9-2011)

3-4-15: VENDING RESTRICTIONS:

A. No vendor shall be permitted to operate in the following areas of public space:

1. Within ten feet (10') of any street intersection or pedestrian crosswalk.
 2. Within ten feet (10') of any driveway, loading zone or bus stop.
 3. Within fifty feet (50') of another vending location assigned to another vendor on a public sidewalk.
 4. Within a minimum of ten feet (10') of unobstructed pedestrian space.
 5. In any area within twenty feet (20') of a building entrance or exit or, in the case of a hotel or motel, within ten feet (10') of building entrances or exits.
 6. On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.
 7. Against display windows of fixed location businesses.
 8. Any area within fifty feet (50') of a hospital, college, university, elementary school, middle school or high school, unless written permission is given by the location administrator.
 9. Within ten feet (10') of any fire hydrant or fire escape.
 10. Within ten feet (10') of any parking space or access ramp designated for persons with disabilities.
- B. Civic, charitable and educational vendors shall be permitted to go from house to house or from place to place or be located on

private property only and not on any public space or public way and shall be limited to one vendor per lot.

C. Commercial vendors and produce vendors shall be permitted on private property only and not on any public space or public way and shall be limited to one vendor per lot.

D. Commercial, civic, charitable, and educational vendors shall be limited to not more than two (2) licenses per year and each license shall be valid for a maximum of fourteen (14) days per license.

E. Mobile nonpermanent vendors shall be permitted on a public sidewalk or right of way for special events only provided the vendor remains mobile except when in the process of conducting a transaction.

F. Prepared food vendors shall not stay at any one location or site for more than four (4) hours at a time.

G. Produce vendors shall be limited to not more than two (2) licenses per year. Each license shall be valid for a maximum of ninety (90) calendar days per license at a single location. Changes of location to qualify for new licenses shall be of a minimum distance of three hundred feet (300').

H. Temporary business vendors shall be housed in permanent structures meeting current building and zoning code requirements for whatever type of business is taking place. (Ord. 2011-1, 3-9-2011)

3-4-16: NEW MEXICO TAX IDENTIFICATION NUMBER:

Prior to issuing any license, the city clerk shall obtain an application of such business license from the proposed business, and a signed application for a New Mexico tax identification number which shall contain information concerning the name of the person, firm, corporation, or association undertaking the business, a complete address, both in the city and elsewhere, of such person, firm, corporation or association, together with a description of the business to be conducted. (Ord. 2011-1, 3-9-2011)

3-4-17: RENEWALS:

A vending license may be renewed, provided an application for renewal and license fees are received by the city no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The director of licensing shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this chapter, shall issue a new license. (Ord. 2011-1, 3-9-2011)

3-4-18: PROHIBITED CONDUCT:

No person authorized to engage in the business of vending under this chapter shall do any of the following:

A. Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to ten (10) minutes to load and unload vending stations and/or vending merchandise.

B. Obstruct traffic signals or regulatory signs.

C. Stop, stand or park any vehicle, pushcart or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.

D. Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight.

E. Use a handcart or pushcart whose dimensions exceed four feet (4') in width, six feet (6') in length, and four feet (4') in height.

F. Use any stand or other fixed location conveyance whose dimensions exceed four feet (4') in width, six feet (6') in length, and three feet (3') in height.

G. Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.

H. Sell any goods, wares or merchandise within districts or on streets that have been or shall be hereafter so designated by the city council.

I. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

J. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles. (Ord. 2011-1, 3-9-2011)

3-4-19: SUSPENSION AND REVOCATION OF LICENSE:

A. Grounds For Suspension Or Revocation: In addition to the prohibited conduct contained in section 3-4-18 of this chapter, any license issued under this chapter may be suspended or revoked for any of the following reasons:

1. Fraud, misrepresentation or knowingly false statement contained in the application for the license;

2. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;

3. Conducting the business of vending in any manner contrary to the conditions of the license;

4. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or

5. Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.

B. Notice Of Suspension Or Revocation: The director of licensing shall provide written notice of the suspension or revocation and a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his

right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

C. Forfeiture Of Fee; Application For New License: If the city revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one year from the date that the revocation took effect. (Ord. 2011-1, 3-9-2011)

3-4-20: APPEALS:

A. Appeal To City Manager: If the director of licensing denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the director's decision to the city manager.

B. Stay Of Action: The filing of an appeal stays the action of the director of licensing in suspending or revoking a license or permit or any part of the business operation being conducted under such license or permit until the city manager makes a final decision, unless the director determines that continued operation of the vending business constitutes an imminent and serious threat to the public health or safety, in which case the director shall take or cause to be taken such action as is necessary to immediately enforce the suspension, revocation or order. (Ord. 2011-1, 3-9-2011)

3-4-21: CONSTRUCTION:

No part of this chapter or the chapter itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or the laws of the state of New Mexico shall be in addition to the remedies, rights, obligations or penalties provided hereunder. (Ord. 2011-1, 3-9-2011)

3-4-22: PENALTY:

The penalty for violating any provision of this chapter or any other applicable section of this code shall be, in addition to any other sanctions provided, subject to penalty as provided in section 1-4-1 of this code for each offense together with revocation or suspension of the vendor's license. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. A hearing on each violation shall be required before any fines, suspensions or revocations can occur. Each day of violation shall be deemed a separate offense. (Ord. 2011-1, 3-9-2011)