VILLAGE OF CORRALES

RESOLUTION NO. 20-025

A RESOLUTION DIRECTING THE PUBLICATION OF A NOTICE OF MEETING AND INTENT TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ORDINANCE 19-006 REGARDING SHORT-TERM RENTALS, TO CLARIFY PARKING REQUIREMENTS, AND OCCUPANCY. APPEAL PROCESS AND PENALTIES ARE FURTHER REFINED.

WHEREAS, the Governing Body of the Village of Corrales (the "Governmental Unit") met upon notice of meeting duly published telephonically through Zoom (Meeting ID: 828 4990 1174, Password: 699124), on August 18, 2020, at 6:30 p.m. as required by law; and

WHEREAS, the Governing Body has considered a first reading of Ordinance 2020-005 (the "Amended Short Term Rental Ordinance") related to the proposed amendments at a duly called meeting on August 18, 2020, and intends to consider a second reading and final approval of the Amended Short Term Rental Ordinance at a duly called meeting on September 8, 2020; and

WHEREAS, NMSA 1978, Section 3-17-3 (1973) provides that "[n]otice by publication of the title and subject matter of any ordinance proposed for adoption by the governing body of any municipality must take place at least two weeks prior to consideration of final action upon the ordinance in open session of the governing body . . . [and] [n]otice of the proposed ordinance shall be published one time as a legal advertisement in a newspaper of general circulation in the municipality . . . [and] [c]opies of a proposed ordinance shall be available to interested persons during normal and regular business hours of the municipal clerk upon request and payment of a reasonable charge beginning with the date of publication and continuing to the date of consideration by the municipality's elected commission."

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL, THE GOVERNING BODY OF THE VILLAGE OF CORRALES, NEW MEXICO:

Section 1. All action not inconsistent with this resolution (the "Resolution") heretofore taken by the Governing Body of the Governmental Unit, and the officers, employees and agents of the Governmental Unit, directed toward the authorization of this Resolution be, and the same is hereby ratified, approved and confirmed.

Section 2. The publication, in accordance with Section 3-17-3, in The Albuquerque Journal, a newspaper of general circulation within the Governmental Unit, or any other newspaper of general circulation within the Governmental Unit in which such publication is required by law or ordinance, of the following notice at least two weeks prior to the meeting at which the Governing Body of the Governmental Unit will consider the Ordinance, is hereby authorized.

[Form of Notice]

1
Village of Corrales, New Mexico
Notice of Meeting and Intent to Consider Adoption of Ordinance

The Village Council of the Village of Corrales, New Mexico, hereby gives notice of a regular Village Council meeting for Tuesday, September 8, 2020, at 6:30 p.m., telephonically through Zoom (Meeting ID: 815 7416 9208, Password: 697376). At such meeting, the Village Council will hold a public hearing concerning, and will consider for adoption, the proposed ordinance (the “Ordinance”) described below. Complete copies of the proposed Ordinance are available for public inspection during the normal and regular business hours of the Village Clerk (agiullin@corrales-nm.org), located at 4324 Corrales Road, in Corrales, New Mexico 87048. Or can be found online at https://www.corrales-nm.org under “Latest News”.

The title (subject to amendment or substitution) of the proposed Ordinance is:

VILLAGE OF CORRALES
ORDINANCE NO. 20-005

AN ORDINANCE AMENDING ORDINANCE 19-006 REGARDING SHORT-TERM RENTALS, TO CLARIFY PARKING REQUIREMENTS, AND OCCUPANCY. APPEAL PROCESS AND PENALTIES ARE FURTHER REFINED.

A general summary of the subject matter of the Ordinance is contained in its title. This Notice constitutes compliance with NMSA 1978, Section 3-17-3 (1973).

THE VILLAGE COUNCIL OF
THE VILLAGE OF CORRALES, NEW MEXICO

Jo Anne D. Roake, Mayor

By: /s/ Aaron Gjullin
    Aaron Gjullin, Village Clerk

[End of Form of Notice]

Section 3. The Ordinance shall be filed with the Village Clerk, and shall be considered by the City Council at a regular meeting of the Village Council on Tuesday, September 8, 2020, at 6:30 p.m., or as soon thereafter as the matter may be heard telephonically through Zoom (Meeting ID: 815 7416 9208, Password: 697376)

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.
Section 5. All acts, orders and resolutions of the Village Council, and parts thereof, inconsistent with this Resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 6. This Resolution shall be in full force and effect upon its passage and approval.

PASSED, APPROVED AND ADOPTED THIS 18th day of August, 2020.

VILLAGE OF CORRALES, NEW MEXICO

JoAnne D. Roake, Mayor

Kevin Lucero, Councilor, District 1

Bill Woldman, Councilor, District 2

Mel Knight, Councilor, District 3

David Dornburg, Councilor, District 4

Zachary Burket, Councilor, District 5

Stuart Murray, Councilor, District 6

ATTEST:

Aaron Gjullin,
Village Clerk
VILLAGE OF CORRALES
ORDINANCE NO. 20-005

AN ORDINANCE AMENDING ORDINANCE 19-006 REGARDING SHORT-TERM RENTALS, TO CLARIFY PARKING REQUIREMENTS, AND OCCUPANCY. APPEAL PROCESS AND PENALTIES ARE FURTHER REFINED.

WHEREAS, the Village of Corrales Governing Body approved, passed and adopted Ordinance 19-006 on December 10, 2019 which amended Sections 18-29, 32-2 and 32-6 and created a new subsection “Short Term Rentals” within Section 18-45; and

WHEREAS, it has come to the attention of staff that the amendments in Ordinance 19-006 require further clarification;

NOW, THEREFORE, BE IT ORDAINED by the Village Council, the governing body of the Village of Corrales, that:

Section 1. Amendment to Section 5 (2) of Ordinance 19-006.

Section 5 of Ordinance 19-006 is hereby amended to read as follows;

(2) Application and Fee. Anyone wishing to engage in short-term rentals must submit a completed application. The application shall be returned to the Administrator accompanied by the appropriate application fee and must show, at a minimum:

(a) The maximum number of occupants and vehicles that the dwelling unit and any accessory structures can accommodate. There can be no more than six guest rooms on a residential short-term rental property and no more than two total occupants per bedroom being used as a short term rental.

(b) A Google map or similar map showing the entire property, all roads which abut the property and at least 25 feet of adjacent properties, showing on-site parking and areas subject to the short-term rental business.

(c) Floorplan showing all bedrooms within the dwelling unit and any accessory structure(s) on the property.

(d) Off-street parking as required by Section 18-39 (3) Short term rental lodging establishments. Off-street parking required, with at least one parking space per bedroom on the property.

(e) A valid septic permit for the property, showing the number of bedrooms permitted by the State to the septic system on the property.
(f) The name, mailing address, email address, and contact phone numbers (including 24-hour emergency contact numbers) of the owner of the property for which the permit will be issued.

(g) The name, mailing address, email address, and contact phone numbers (including 24-hour emergency contact numbers) of the operator and the local contact person for the owner of the residential rental.

(h) A valid New Mexico gross receipts tax number for the operator.

(i) Short-term rental permit application fee.

Section 2. Amendment to Section 5 (6) of Ordinance 19-006, Appeal Process.

Section 5 (6) is hereby amended to read:

(6) Appeal Process.
An applicant or person who is aggrieved by the decision of the Planning and Zoning Commission may appeal the decision to the Governing Body by written notice to the Village Clerk of such appeal, to be made within ten (10) days of the date of the decision by the Planning and Zoning Commission. The matter shall be referred to the Governing Body for hearing at a regular or special meeting in the usual course of business. The decision of the Governing Body made thereof shall be expressed in writing; and the action of the Governing Body shall be deemed final.

Section 3. Amendment to Section 5 (7) of Ordinance 19-006, Penalties for violation of requirements of subsection (g) of Section 18-45.

Section 5 (7) is hereby amended to add (e):

(a) Any person who violates any provision of subsection (g) of Section 18-45 shall, upon a first conviction, be subject to a fine of not less than $250 nor more than $500, or imprisonment of not more than 90 days, or both such fine and imprisonment.

(b) Any person who violates any provision of subsection (g) of Section 18-45 shall, upon a second or subsequent conviction, be subject to a fine of $500 or imprisonment of not more than 90 days, or both such fine and imprisonment.

(c) Each day that a violation occurs constitutes a separate violation of Village of Corrales Municipal Code as provided for in this subsection.

(d) The Village Code Enforcement Officer or other designated Village employee shall take action to correct the violation as provided for in the Code.

(e) Possible Revocation of short term rental permit.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof
irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

**COMPILING CLAUSE:** This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

**EFFECTIVE DATE AND PUBLICATION:** This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this xx day of xxxxxxxx, 2020.

**PROPOSED CHANGES ARE SHOWN AS FOLLOWS:**
New language indicated by *underscoring* and red text.
Existing language to be deleted indicated by *strikethrough*.

**APPROVED:**

The Honorable Jo Anne Roake
Mayor

**ATTEST:**

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Aaron Gjullin
Village Clerk