

**VILLAGE OF MOSQUERO  
STATE OF NEW MEXICO  
ORDINANCE 2025-02**

**AN ORDINANCE APPROVING ISSUANCE OF RESTAURANT ALCOHOL  
LICENSES FOR THE SALE OF BEER AND WINE WITHIN THE VILLAGE OF  
MOSQUERO**

**Whereas,** Pursuant to NMSA 1978, §7-24-1, no person shall operate a business as a retailer, restaurant, dispenser or club that dispense or sells alcoholic beverages, beer or wine, without having been issued a New Mexico state license and having paid the municipal license tax; and

**Whereas,** Resolution 2024-23 proposing a question be submitted to the voters of the Village of Mosquero to allow issuance of Restaurant Licenses for the sale of Beer and Wine within the Village of Mosquero was passed, approved and adopted the 27<sup>th</sup> of August, 2024; and

**Whereas,** The question was present on the 2024 General Ballot and received a vote of 49 for and 7 against as per the New Mexico General Result Summary Report from the New Mexico Secretary of State's Office.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MOSQUERO THAT:**

**Sections I: Type of Licensing**

The types of licensing are as follows in accordance with the State of New Mexico Regulating and Licensing Department and the Alcoholic Beverage Control Division.

- Restaurant A (Beer and Wine): Restaurants that want a Beer and Wine must be a full-service restaurant with staff to serve both food and beer/wine.
- Restaurant A +NM Spirits: Restaurants that want to serve beer, wine, and New Mexico-produced spirits only must be a full-service restaurant with staff to serve both food and alcohol. At least 60% of gross revenue must come from the sale of food. May not operate as a bar.
- Restaurant B (Beer, Wine & Spirits): Restaurants that want to serve beer, wine, and spirits only must be a full-service restaurant with staff to serve both food and alcohol. At least 60% gross revenue must come from sale of food. May not operate as a bar.

**Section II: Restaurant Alcohol License Tax**

There is hereby imposed an annual restaurant alcohol license tax upon the privilege of persons holding state license under the laws of the state of New Mexico to operate as restaurants carrying an active state alcohol

license type A, A+, or B. This restaurant alcohol license tax is hereby fixed at \$250.00 per year; this license shall begin July 1 of each year and continue through June 30 of the following year.

### **Section III: Payment of Licensing Tax**

The annual license tax is due in full upon issuance of the license and thereafter must be renewed annually and must be paid before July 1<sup>st</sup> of each year. The license issued shall not be prorated. All licenses shall be based on the yearly rate, regardless of the date of issuance.

### **Section IV: Alcoholic Beverage License Restrictions**

Pursuant to NMSA 1978, §60-6B-10, no license shall be approved for the sale of alcoholic beverages at premises that are located within 300 feet of any church or school unless a waiver is granted by the local governing body. The governing body may grant a waiver of the 300 foot distance requirement only under the following circumstances:

- 1) The proponent must fill out a duly established application form as provided by the Village Clerk's Office.
- 2) The applicant must notify all religious or educational entities within 300 feet of the proponent's establishment of their proposed waiver request through certified mail. The certified mail stubs shall be provided to the Village Clerk by the applicant to be included with the Proponents Waiver documentation.

The Village Council may grant a waiver if:

- 1) The applicant is asking for a reduction of the 300 foot distant to a distance of not less than 150 feet from the subject site;
- 2) The waiver is for the sale and consumption on-site of beer and wine in conjunction with restaurant service at the subject site; and
- 3) The restaurant shall not sell alcoholic beverages on Sundays with the exception of reserved and private parties not open to the general public.

In considering the waiver request, the Village Council may consider any protest made by a church(s) or school(s) within the 300 foot radius of the subject site.

The waiver may be revoked at any time at the discretion of the Governing Body if said waiver is deemed to cause problems related to crime that negatively affect the church(s) or the school(s) within the 300 foot subject site.

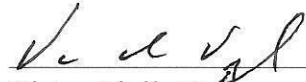
### **Section IV. Severability.**

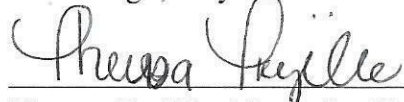
If any section, paragraph, sentence, clause, word, or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining provisions of this Ordinance.

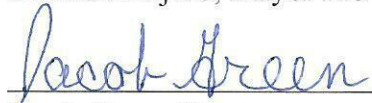
**Section V. Enactment and Effective Date.**

This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

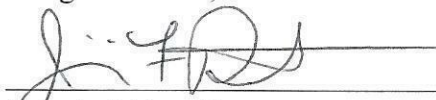
**SIGNED, PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Mosquero**  
**this \_\_\_\_ day of September 2025.**

  
\_\_\_\_\_  
Victor Vigil, Mayor

  
\_\_\_\_\_  
Theresa Trujillo, Mayor Pro Tem

  
\_\_\_\_\_  
Jacob Green, Trustee

  
\_\_\_\_\_  
Margaret Green, Trustee

  
\_\_\_\_\_  
Jimmie Ridge, Trustee

Attest:

  
\_\_\_\_\_

Dallas Baker, Village Clerk