

# SENATE BILL 164

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71r1780  
CF HB 158

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By: **Senators Miller and Dyson**

Introduced and read first time: January 25, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Licenses – Application – Calvert County**

3 FOR the purpose of prohibiting the clerk of the circuit court for Calvert County from  
4 issuing a certain license to a business that will be located in Calvert County  
5 unless the applicant submits to the clerk a certain certification that the location  
6 of the business is zoned for the type of business for which the applicant is  
7 seeking the license; requiring that the certification be issued by a certain  
8 department or municipal corporation under certain circumstances; and  
9 generally relating to the issuance of licenses in Calvert County.

10 BY repealing and reenacting, with amendments,  
11 Article – Business Regulation  
12 Section 17–302  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Business Regulation**

18 17–302.

19 (a) Except as otherwise provided in this title, an applicant for a license under  
20 this title shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1)   submit to the clerk, in duplicate, an application on the form that  
2 the clerk provides;

3           (2)   submit to the clerk a receipt or certificate for taxes in accordance  
4 with subsection (c) of this section; and

5           (3)   pay to the clerk the appropriate license fee required by this title.

6           (b)   Each application for a license shall be verified in the way and contain the  
7 information that the Comptroller requires by regulation.

8           (c)   (1)   In this subsection, “county treasurer” includes the Director of  
9 Finance or other chief fiscal officer of a county that does not have a county treasurer.

10           (2)   This subsection does not apply to a domestic corporation that has  
11 shares subject to taxation under State law.

12           (3)   An applicant for a license shall submit to the clerk:

13                   (i)   a certification by the State Department of Assessments and  
14 Taxation of the value of the goods, fixtures, and stock in trade in each county where  
15 the business is located for the applicant’s business for the valuation year;

16                   (ii)   a certification by the county treasurer of that county that  
17 there are no unpaid taxes due to the State or county on the goods, fixtures, or stock in  
18 trade; and

19                   (iii)   a certification by the municipal corporation, if any, where  
20 the business is located that there are no unpaid taxes due to the municipal corporation  
21 on the goods, fixtures, or stock in trade.

22           (4)   In this subsection, the valuation year:

23                   (i)   in Washington County, is the fiscal year that includes May 1  
24 of the calendar year when the license is issued; or

25                   (ii)   in each other county, is the last calendar year before the  
26 year for which the license is sought.

27           (d)   In Washington County, the clerk may not issue a license under this title  
28 for the first time unless the applicant submits to the clerk a certification that the  
29 location of the business for which the license is sought has proper zoning. The

1 certification must be from the county planning commission or, if the business is  
2 located in a municipal corporation, from the municipal corporation.

3           **(E) (1) THIS SUBSECTION APPLIES ONLY IN CALVERT COUNTY.**

4           **(2) THE CLERK MAY NOT ISSUE A LICENSE UNDER THIS SECTION**  
5 **TO A BUSINESS THAT WILL BE LOCATED IN CALVERT COUNTY UNLESS THE**  
6 **APPLICANT SUBMITS TO THE CLERK A CERTIFICATION THAT THE LOCATION OF**  
7 **THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT IS ZONED FOR THE TYPE OF**  
8 **BUSINESS FOR WHICH THE APPLICANT IS SEEKING A LICENSE.**

9           **(3) THE CERTIFICATION MUST BE ISSUED FROM:**

10                   **(I) THE CALVERT COUNTY DEPARTMENT OF PLANNING**  
11 **AND ZONING; OR**

12                   **(II) THE APPROPRIATE MUNICIPAL CORPORATION, IF THE**  
13 **LOCATION OF THE PROPOSED BUSINESS IS WITHIN THE BOUNDARIES OF A**  
14 **MUNICIPAL CORPORATION.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2007.