

SENATE BILL 164

C2, L2

71r1780
CF HB 158

By: **Senators Miller and Dyson**

Introduced and read first time: January 25, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2007

CHAPTER _____

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 for the first time to a business that will be located in
5 Calvert County unless the applicant submits to the clerk a certain certification
6 that the location of the business is zoned for the type of business for which the
7 applicant is seeking the license; requiring that the certification be issued by a
8 certain department or municipal corporation under certain circumstances;
9 prohibiting the clerk of the circuit court for Calvert County from endorsing a
10 certain change in a place of business until the licensee meets certain zoning
11 requirements; and generally relating to the issuance of licenses in Calvert
12 County.

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 17–302 and 17–307
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Business Regulation

1

2 17–302.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (d) In Washington County, the clerk may not issue a license under this title
4 for the first time unless the applicant submits to the clerk a certification that the
5 location of the business for which the license is sought has proper zoning. The
6 certification must be from the county planning commission or, if the business is
7 located in a municipal corporation, from the municipal corporation.

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

9 (2) **THE CLERK MAY NOT ISSUE A LICENSE UNDER THIS ~~SECTION~~**
10 **TITLE FOR THE FIRST TIME TO A BUSINESS THAT WILL BE LOCATED IN CALVERT**
11 **COUNTY UNLESS THE APPLICANT SUBMITS TO THE CLERK A CERTIFICATION**
12 **THAT THE LOCATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT IS**
13 **ZONED FOR THE TYPE OF BUSINESS FOR WHICH THE APPLICANT IS SEEKING A**
14 **LICENSE.**

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

16 (I) **THE CALVERT COUNTY DEPARTMENT OF PLANNING**
17 **AND ZONING; OR**

18 (II) **THE APPROPRIATE MUNICIPAL CORPORATION, IF THE**
19 **LOCATION OF THE PROPOSED BUSINESS IS WITHIN THE BOUNDARIES OF A**
20 **MUNICIPAL CORPORATION.**

21 17-307.

22 (a) (1) If a specific place for doing business is stated in a license, the
23 licensee may change the place of business only if the clerk endorses the change on the
24 license.

25 (2) Subject to subsections [(b) and (c)] (B), (C), AND (D) of this
26 section, on application of the licensee, the clerk shall endorse the change on the
27 license.

28 (b) In Baltimore County, the clerk may not endorse a change in the place of
29 business until the zoning commissioner approves the new place.

1 (c) In Washington County, the clerk may not endorse a change in the place of
2 business until the licensee meets the zoning requirements of § 17-302(d) of this
3 subtitle for a license issued for the first time.

4 **(D) IN CALVERT COUNTY, THE CLERK MAY NOT ENDORSE A CHANGE IN**
5 **THE PLACE OF BUSINESS UNTIL THE LICENSEE MEETS THE ZONING**
6 **REQUIREMENTS OF § 17-302(E) OF THIS SUBTITLE FOR A LICENSE ISSUED FOR**
7 **THE FIRST TIME.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.