

CHAPTER 522

(Senate Bill 164)

AN ACT concerning

Business Regulation – Licenses – ~~Application~~ – Calvert County

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

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

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

Article – Business Regulation

17–302.

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

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

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

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

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

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

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

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

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

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

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

(4) In this subsection, the valuation year:

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

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

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

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

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

(3) THE CERTIFICATION MUST BE ISSUED FROM:

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

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

17-307.

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.