

SENATE BILL 1135

C2, L2

6lr3823

By: **Washington County Senators**

Introduced and read first time: March 1, 2016

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 10, 2016

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Business Licenses – Repeal of Zoning**
3 **Certification Requirement**

4 FOR the purpose of repealing the prohibition on the clerk of the Circuit Court for
5 Washington County from issuing a certain business license under certain
6 circumstances unless the applicant submits a certain zoning certification; repealing
7 a certain prohibition on the clerk of the Circuit Court for Washington County on
8 endorsing a change in a place of business in Washington County until certain zoning
9 requirements are met; and generally relating to business licenses in Washington
10 County.

11 BY repealing and reenacting, with amendments,
12 Article – Business Regulation
13 Section 17–302 and 17–307
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2015 Supplement)

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

18 **Article – Business Regulation**

19 17–302.

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.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (e)] (D) (1) This subsection applies only in Calvert County.

2 (2) The clerk may not issue a license under this title for the first time to a
3 business that will be located in Calvert County unless the applicant submits to the clerk a
4 certification that the location of the business for which the license is sought is zoned for the
5 type of business for which the applicant is seeking a license.

6 (3) The certification must be issued from:

7 (i) the Calvert County Department of Planning and Zoning; or

8 (ii) the appropriate municipal corporation, if the location of the
9 proposed business is within the boundaries of a municipal corporation.

10 17-307.

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

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

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

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

20 (d)] (C) In Calvert County, the clerk may not endorse a change in the place of
21 business until the licensee meets the zoning requirements of [§ 17-302(e)] § 17-302(D) of
22 this subtitle for a license issued for the first time.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.