

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 158
Economic Matters

(Calvert County Delegation)

Education, Health, and Environmental Affairs

Business Regulation - Licenses - Calvert County

This bill prohibits the Calvert County Circuit Court Clerk from issuing a business license to a business for the first time if the license applicant does not submit certification that the business location is zoned for the type of business for which the license is being sought. Such certification must be issued from either the Calvert County Department of Planning or a municipality (if the business is to be located in the municipality). In addition, the clerk may not endorse a change in the place of business until the licensee meets the zoning requirements.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill codifies current practice in Calvert County.

Small Business Effect: None.

Analysis

Current Law: Before a person engages in certain business activities in the State, he/she is required to obtain a license for the business from the circuit court clerk of the appropriate county. Statute provides for a number of licenses to be issued to businesses by the clerk, including licenses for console machines, billiard tables, garages, magazine sellers, junk dealers or scrap metal processors, promoters, plumbers, restaurants, and chain stores. Generally, the Comptroller has the authority to enforce statutory provisions related to the issuance of such licenses, including license inspections and investigations.

Statute requires that an applicant for a license must submit to the clerk a certification by the State Department of Assessments and Taxation of the value of goods, fixtures, and stock in trade in each county where the business is located for the applicant's business for the valuation year. In addition, an applicant must submit a certification by the county treasurer that there are no unpaid State or county taxes on such goods, fixtures, or stock in trade. If the business is located in a municipality, an applicant must submit a certification by the municipality that there are no unpaid municipal taxes.

Background: In Calvert County, an applicant for a business license must submit certain information to the circuit court clerk, including the owner's name, type of license being sought, business location address, mailing address, and federal tax identification number or Social Security number. In addition to the required information, an applicant must obtain a signature of approval from the county department of planning and zoning, which must approve all new licenses and any changes of business location address.

A provision in State law for Washington County is similar to the one proposed in the bill. There, the clerk may not issue a license for the first time, unless the applicant submits to the clerk proper certification that the business location for which the license is being sought has proper zoning. This certification must be from the county's planning commission, or (if applicable) from a municipal corporation. Similarly, the clerk may not endorse a change in the place of business until the licensee meets the zoning requirements.

Additional Information

Prior Introductions: None.

Cross File: SB 164 (Senators Miller and Dyson) – Education, Health, and Environmental Affairs.

Information Source(s): Calvert County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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Analysis by: Joshua A. Watters

Direct Inquiries to:
(410) 946-5510
(301) 970-5510