

HOUSE BILL 1044

C2, L2
HB 1653/20 – HRU

11r2100

By: **Washington County Delegation**

Introduced and read first time: February 5, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Business Licenses – Zoning Certification Requirement**

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

9 BY repealing and reenacting, with amendments,
10 Article – Business Regulation
11 Section 17–302 and 17–307
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2020 Supplement)

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

16 **Article – Business Regulation**

17 17–302.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (3) Except as otherwise provided in this title, an applicant for a license
9 shall submit to the clerk:

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

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

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

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

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

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

23 (d) (1) This subsection applies only in Calvert County.

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

28 (3) The certification must be issued from:

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

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

1 **(E) (1) IN WASHINGTON COUNTY, THE CLERK MAY NOT ISSUE A LICENSE**
2 **UNDER THIS TITLE FOR THE FIRST TIME UNLESS THE APPLICANT SUBMITS TO THE**
3 **CLERK A CERTIFICATION THAT THE LOCATION OF THE BUSINESS FOR WHICH THE**
4 **LICENSE IS SOUGHT HAS PROPER ZONING.**

5 **(2) THE CERTIFICATION SUBMITTED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION MUST BE FROM THE COUNTY PLANNING COMMISSION OR, IF THE**
7 **BUSINESS IS LOCATED IN A MUNICIPAL CORPORATION, FROM THE MUNICIPAL**
8 **CORPORATION.**

9 17-307.

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2021.