

Introduced and Read for the First Time: December 3rd, 2013  
Introduced and Read for the Second Time: December 17, 2013  
Ordinance Passed X, Passed As Amended    , or Rejected    : December 17, 2013

**TOWN OF BRENTWOOD  
ORDINANCE 2013 – 07**

**AN ORDINANCE TO ESTABLISH BUSINESS LICENSING  
WITHIN THE TOWN OF BRENTWOOD**

A Charter Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (2005 Replacement Volume).

**WHEREAS** Section 401.0 (“General powers”) of the Brentwood Charter states that “The Council shall have the general power to pass all such ordinances ... as it may deem necessary for the good government of the Town”; and

**WHEREAS** the Mayor and Council of the Town of Brentwood desires to regulate the establishment of commercial and other for-profit establishments and practices within the Town boundaries; and

**WHEREAS** the Mayor and Council desire to add Chapter 45 (“BUSINESS LICENSES”) to the Brentwood Charter, which will delineate regulations effecting Brentwood businesses; and

**WHEREAS** the Mayor and Council is proposing the adoption of an annual business license fee according to the schedule adopted as part of this ordinance;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Brentwood amends the Brentwood Charter to add Chapter 45 (“BUSINESS LICENSES”) which shall read as follows:

**Chapter 45  
BUSINESS LICENSES**

- § 45-1. License required; definitions.
- § 45-2. Application; fee.
- § 45-3. Requirements for All Businesses.
- § 45-4. Temporary certificate; inspection; violations; correction.
- § 45-5. Expiration; renewal; reapplication.
- § 45-6. Periodic inspection; revocation.
- § 45-7. Appeals; fee.
- § 45-8. Violations and penalties.
- § 45-9. Display of licenses.

§ 45-1. License required; definitions.

A. No business or legal owner of any business may operate in the Town of Brentwood without a license from the Town of Brentwood, except a home occupation whose customers do not regularly come to the residence, whose employees do not

come to the home, which is permitted by the Prince George's County zoning ordinance without a special exception, and which does not require a use and occupancy permit under Prince George's County zoning ordinances or is a visual arts studio as defined in paragraph C.

B. Where terms are not defined, they shall have their ordinarily accepted meanings such as the context may imply. Words used in the present tense shall include the future; words used in the masculine gender include the feminine and neuter.

C. In this chapter, the following terms shall have the meanings indicated:

**BUSINESS** - Any commercial, industrial or retail establishment operated for profit, including but not limited to all establishments regulated by Title 17, Subtitle 5, of the Prince George's County Code, and all hackers, peddlers, magazine salesmen, book salesmen and individuals soliciting the sale of services.

**VISUAL ARTS STUDIO OR ARTIST**-A studio or artist that engages in art forms that create works which are primarily visual in nature, such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, modern visual arts and photography.

#### **§ 45-2. Application; fee.**

The owner of the business shall make written application to the Town for a business license upon such form or forms as the Town shall from time to time designate. Such application shall be submitted together with the license fee, the amount of such fee to be established by the Mayor and Town Council. There shall be a continuing obligation on the part of the applicant to update the information on the application and/or to supply information not previously submitted.

#### **§ 45-3. Requirements for All Business.**

All businesses must comply with the following:

- A. Must not seek to obtain a license by fraud, misrepresentation, or concealment of facts.
- B. Must comply with all applicable Town codes.
- C. Must have an occupancy license, must have a County Use and Occupancy permit and must be in compliance with the terms of that County permit
- D. Must be in compliance with all applicable County, State, and Federal regulations.
- E. Must not conduct itself in a manner that is obnoxious or disruptive to the public, or that constitutes a public nuisance.
- F. Must not use its premises for any illegal purpose.
- G. Must not create excessive noise or unduly burden the peace and tranquility of the residents of the Town.
- H. Must not cause or excessively increase pedestrian congestion or loitering in the Town.
- I. Must not cause or increase any threat to life, safety or health of any person.

#### **§ 45-4. Temporary certificate; inspection; violations; correction.**

- A. Upon receipt of a completed application for a license with submission of the license fee, the Town shall issue a temporary certificate indicating that a license has been duly applied for, which will be issued or denied after the business has been inspected and the Treasurer has certified that the applicant's Town taxes are not in arrears.

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- B. A temporary certificate, as issued, shall authorize continuation, without penalty, of the business, pending the issuance or denial of a license.
- C. An inspection of the business shall be conducted by the Town's Code Enforcement Officer, who shall certify that the business is in compliance with the Town Code and the Prince George's County Code. The Treasurer shall inspect Town records and certify that the applicant's Town taxes are not in arrears. Upon such certifications, a business license shall be issued immediately.
- D. Should the inspection reveal violations of any of the Code provisions set forth in subsection C, then the Code Enforcement Officer shall notify the applicant, in writing, within fifteen (15) days, identifying each violation and the Code section it violates. Should the Treasurer find that any of the applicant's Town taxes are in arrears, the Treasurer shall notify the applicant and the Code Enforcement Officer in writing, within fifteen (15) days, of the amount of Town taxes in arrears plus any interest and penalty payable in addition thereto, indicating the total amount the applicant must pay to resolve the arrearage. The applicant shall then have not more than sixty (60) days to correct such violations or pay such arrearage. Within such period, the Town Administrator, in consultation with the Code Enforcement Officer, shall have the authority to extend the time for correcting such violations or paying such arrearage at the request of the applicant upon a showing that good faith efforts have been made to correct such violations or pay such arrearage and that they cannot be corrected or paid within the time period established in this section.
- E. Failure of an applicant to correct all violations or pay such arrearage in full within the sixty (60) day period or the time allowed by the Town Administrator if it has been extended shall result in the application for license being denied.

**§ 45-5. Expiration; renewal; reapplication.**

- A. Each license issued pursuant to this chapter shall expire on the 30th day of June and will be prorated for the time unused.
- B. Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date.
- C. Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for a business license within ninety (90) days from such denial or revocation.

**§ 45-6. Periodic inspection; revocation.**

The Town's Code Enforcement Officer shall have the authority to conduct periodic inspections of any licensed property to determine if it continues to be in compliance with the requirements for a business license. If additional violations are found, he or she shall notify the license holder in writing, within fifteen (15) days, specifying each violation and the Code section it violates. The license holder shall then have not more than sixty (60) days to correct such violations, unless otherwise extended by the Town Administrator in consultation with the Town Code Enforcement Officer for good cause shown, or his license shall be revoked.

**§ 45-7. Appeals; fee**

Any person aggrieved by an action of the Code Enforcement Officer or Town Administrator under this chapter may appeal such action by filing a written notice thereof with the Mayor and Town Council and payment of a \$50 appeals fee. An appeal shall not operate to stay any of the provisions or requirements of this chapter absent unusual circumstances. Within fifteen (15) days of such filing, a hearing shall be conducted before such person or persons as the Mayor and Council shall from time to time designate for such purpose. The hearing shall be open to the public, records and minutes maintained and the person aggrieved and the Code Enforcement Officer given an opportunity to present evidence. The persons hearing the appeal shall,

within ten (10) days, either reverse, modify or affirm the action complained of and cause a copy of their decision to be sent to the person aggrieved. The decision of the Mayor and Council's designee shall be final.

**§ 45-8. Violations and penalties.**

Violations of this chapter shall be punishable as a municipal infraction. The fine for any single initial violation shall be two hundred and fifty dollars (\$250.00) per day for each day that application is not made, and the fine for any license holder who permits or allows a business to continue after the license has expired, been denied or revoked shall be subject to a fine of five hundred dollars (\$500.) per day for each day that such occupancy continues without application for a new business license.

**§ 45-9. Display of license.**

Licenses issued under this chapter shall be predominately and publicly displayed on the premises and shall be available at reasonable times for inspection by the Code Enforcement Officer.

**BE IT FURTHER RESOLVED** that a Brentwood business license fee is hereby established at the following amounts per annum which can be modified as part of a fee schedule adopted as part of the budget ordinance; and

<b>TIER BUSINESS</b>	<b>FEE</b>
<b>TIER I BUSINESSES</b>	<b>\$1,500</b>
After hour clubs/Junkyards/Storage facilities/ Gun Retailers/Fortune tellers, clairvoyants & phrenologists	
<b>TIER II BUSINESSES</b>	<b>\$300</b>
Banks, trust companies and building associations, mortgage companies and small loan companies	
Drug Stores/Retail Merchandise Stores/Home Improvement including general contractors, fabricators, electricians, plumbers	
New and/or Used Car Sales/ Garage and automobile repair shops/ Parts and Distributors/Gasoline or Service Stations/Parking lots for occupancy of trailers, trucks or buses	
Restaurants	
Real estate and insurance sales and service	
Trades or businesses for which annual fees are not set forth in the above schedule shall pay annual business license fee	
<b>TIER III BUSINESSES</b>	<b>\$200</b>
Barbers/Salons/Beauty Parlors; Cleaning, pressing, tailoring, cobblers & shoe repair shops/Rug cleaners, Upholsterers, Uniform Shops	
Merchants, including general stores, bakeries, dairies, coal & ice dealers, fruit & vegetable dealers & soft drink merchants	
Job printing and publishing	
<b>TIER IV BUSINESS</b>	<b>\$100</b>
Hackers and peddlers (e.g food trucks and ice cream vendors)/ Magazines, book salesmen/ Individuals soliciting the sale of services (e.g., roofing, security)	

**BE IT FURTHER RESOLVED** that the aforementioned increase shall become effective 30 days following its enactment.

READ AND ADOPTED THIS 17 day of December, 2013.

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ATTEST/WITNESS:

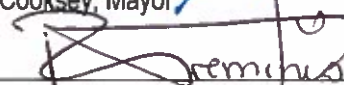
\_\_\_\_\_  
Melora Anderson, Town Clerk

ATTEST/WITNESS

  
\_\_\_\_\_  
Brian Holland, Town Administrator

Mayor and Town Council of Brentwood, Maryland

  
\_\_\_\_\_  
E James Cooksey, Mayor

  
\_\_\_\_\_  
Rocio Treminio-Lopez, Vice Mayor

  
\_\_\_\_\_  
Jason Barnett, Council Member

  
\_\_\_\_\_  
Jennifer Kravassi, Council Member

  
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Jennifer Murphy, Council Member

