

Introduced and Read for the First Time: February 15, 2017
Introduced and Read for the Second Time: March 15, 2017
Passed as Amended: March 15, 2017



**TOWN OF BRENTWOOD
ORDINANCE 2017-02**

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

An Ordinance of the Mayor and Council of the Town of Brentwood, Maryland adopted pursuant to the authority Local Government Article § 5-205(d)(i) of the Annotated Code of Maryland .

THIS ORDINANCE REPEALS AND REPLACES ORDINANCE 2013-07

WHEREAS the Mayor and Town Council of the Town of Brentwood desires to repeal and replace Ordinance 2013-07; and

WHEREAS Section 401.0 (“General powers”) of the Brentwood Code 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 Code, which will delineate regulations effecting Brentwood businesses; and

WHEREAS the Mayor and Council is proposing the adoption or an annual business license fee to be adopted and amended from time to time by resolution;

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Council of the Town of Brentwood repeals and replaces the Brentwood Code 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. Temporary certificate; inspection; violations; correction.
- § 45-4. Expiration; renewal; reapplication.
- § 45-5. Periodic inspection; revocation.
- § 45-6. Appeals; fee.
- § 45-7. Violations and penalties.
- § 45-8. Display of licenses.

§ 45-1. License required; definition(s).

- A. The legal owner of any business located within the Town of Brentwood shall not operate such business without first having obtained a business license.
- 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 shall include the feminine and neuter.
- C. In this chapter, the following word(s) 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.

§ 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. 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 Town Treasurer has certified that the applicant's Town taxes are not in arrears.

- 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 with the Prince George's County Code. The Town 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, he 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 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.

§ 45-4. 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.

§ 45-5. 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 for good cause shown, or his license shall be revoked.

§ 45-6. 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 fifty dollar (\$50.00) 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 designate for such purpose. The hearing shall be open to the public, records and minutes maintained and the person aggrieved and the Town official(s) provided 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

§ 45-7. Violations and penalties.

Violations of this chapter shall be punishable as a municipal infraction. The fine for any single initial violation shall be an additional 10 percent of the fee if paid after the due date and before the 30th day past due, 15 percent if paid between the 31st and 60th day past due, and 20 percent if paid after the 60th day past due. On the 90th day past due (or October 1st) any license holder, owner or occupant who permits or allows a business to continue after his 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 current business license.

§ 45-8. 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 shall be established at rates determined from time by the Mayor and Council and established by resolution.

BE IT FURTHER RESOLVED that this Ordinance shall become effective 30 days following its enactment.

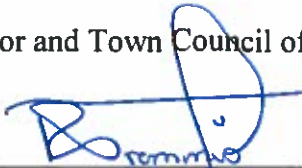
READ AND ADOPTED THIS 15th day of March, 2017.

ATTEST/WITNESS:



Magdalena Rojas, Town Clerk


Mayor and Town Council of Brentwood, Maryland



Rocio Treminio-Lopez, Mayor



Jeffrey Clark, Vice Mayor



Tonya Y. Harrison, Council Member



Regina M. Morlan, Council Member



Victor R. Olano, Council Member



