

Chapter 109

BUSINESS LICENSES

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 8-2-1976 as Ord. No. 244, approved 8-3-1976 (Ch. 19 of the 1968 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting -- See Ch. 180.

Transient merchants -- See Ch. 214.

§ 109-1. Title.

This chapter shall be known and may be cited and referred to as the "Pocomoke City Business License Ordinance."

§ 109-2. Word usage and definitions.

- A. Certain words or terms in this chapter are defined for the purpose thereof as follows: Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural, and the plural number the singular.
- B. The following terms, wherever used herein, shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context:

ESTABLISHMENT, ESTABLISHMENTS or PLACE OF BUSINESS -- A building or part thereof or each stand at or from which any merchandise or commodity is dispensed or facilities or services are provided to members of the general public or members of an association, club or other business or the like.

PERSON or PERSONS -- Individuals, partnerships, associations and corporations.

REGULARLY DOING BUSINESS WITHIN THE CITY--Providing or performing a service or carrying on a business or occupation for more than a total of thirty (30) days out of each calendar year.[Added 12-14-98 by Ord. No. 351]

§ 109-3. License required.

No person shall engage in or carry on or aid in or aid or assist, as employee, clerk or otherwise, in the City of Pocomoke City, Maryland, any business, occupation or activity hereinafter mentioned in this chapter, nor use therefor any wagon, vehicle, stand, store or other place or thing, without first having obtained from the City Clerk of Pocomoke City a license for such business, occupation or activity.

§ 109-4. Application procedure; display of license.

- A. The application for licenses required by § 109-3 hereof shall be made to the City Clerk at his or her office in the City Hall Building, and no license shall be granted until the license fee hereinafter specified shall have been paid in full.
- B. Each such license and each such application shall specify by name the person to whom it shall be issued, the business, occupation or activity for which it is granted and the location at which the business is to be carried on.
- C. Each license shall be conspicuously displayed on the licensed premises.

§ 109-5. Term of license; fee schedule.

- A. All license fees shall be due and payable to the Clerk as aforesaid on September 1 of each year, and all licenses shall expire on August 31 following.
- B. **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]** The nominal annual license fee, in the amount as shall be determined by the Council by resolution, shall be charged for the following types of businesses, with license fees to be paid annually, as provided above, to the City of Pocomoke City:
 - (1) Apartments, cottages, cabins, motor courts, hotels, motels, inns, boardinghouses or other establishments offering rooms for rental.
 - (2) Any establishment offering for public use three (3) or more of any form of game or apparatus operated by coins or slugs, but not including vending machines for food, soft drinks or tobacco.
 - (3) Arts and crafts dealers or galleries.
 - (4) Auction stores.
 - (5) Automobile rental or leasing agencies.
 - (6) Bake shops.
 - (7) Banks or other financial or lending associations, institutions or corporations.
 - (8) Barbershops.
 - (9) Beauty parlors or establishment.
 - (10) Bicycle sale, rental or repair centers.
 - (11) Bowling alleys.
 - (12) Bus terminals.
 - (13) Manufacturers.

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- (14) Mechanical car washes.
- (15) Weight scales.
- (16) Places of entertainment, including dance halls, barrooms, taverns and other places of entertainment.
- (17) Restaurants or hotel/motel dining rooms.
- (18) Dry-cleaning, laundry or pressing establishments.
- (19) Laundromats.
- (20) Exterminators.
- (21) Garages or lots for commercial storage or parking of vehicles.
- (22) Gasoline and oil service stations.
- (23) Ice storage boxes and/or dispensers located on the exterior of buildings.
- (24) Insurance agency with office in the city.
- (25) Mobile home or trailer sales.
- (26) Pawnbroker or petty loan establishments.
- (27) Photograph galleries or studios or any commercial photography business, including portrait studios.
- (28) Pool halls, except those operated by civic, charitable or fraternal organizations.
- (29) Shoe repair shops.
- (30) Shops, stands or retail sales stores.
- (31) Sign painters, self-employed.
- (32) Taxicabs or jitneys for the transportation of passengers, each vehicle.
- (33) Bail bondsman.
- (34) General contractors, sub contractors, and home improvement contractors.
[Amended 12-14-1998 by Ord. No. 351]
- (35) Television, furniture, crib or cot rentals or leases.
- (36) Family yard, garage or basement sales of goods not purchased for resale, except that no license shall be required for the first two (2) such sales during any calendar year. [Amended 6-15-1987 by Ord. No. 292]
- (37) Public utilities with a retail sales outlet.

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- (38) Oil or petroleum product distribution or storage.
 - (39) Professional offices, such as doctor, lawyer, dentist, accountant, etc.
 - (40) Theaters showing films or having live entertainment, including the right to sell confections by machine or over the counter.
 - (41) Junk dealers or secondhand shops.
 - (42) Flea markets, each stand or stall, daily license only, to be obtained by the promoter or organizer.
 - (43) Promotional advertising.
 - (44) Family day-care provider homes, nursery schools, day-care centers and dance schools. **[Amended 2-17-1992 by Ord. No. 318]**
 - (45) Electrical contractors, plumbing contractors, HVAC contractors, mechanical contractors, excavation contractors and sub-contractors and inspectors. **[Amended 12-14-1998 by Ord. 351]**
 - (46) Private clubs.
 - (47) Locksmiths.
 - (48) Taxidermists.
 - (49) Any other business not herein classified or enumerated and not prohibited herein or by another chapter of this Code and approved by the City Clerk of Pocomoke City.
- C. Notwithstanding the language above written, any owner or operator engaging in any two (2) or more of the businesses enumerated in Subsection B above at the same location will be required to obtain only one (1) license, which will list all businesses operated at that location.
- D. The license fee, in the amount as shall be determined by the Council by resolution, shall be charged for hawking, soliciting or peddling within Pocomoke City as specified in § 180-4, as amended, of the Code of Pocomoke City, Maryland. **[Amended 7-7-1980 by Ord. No. 262, approved 7-7-1980]**

§ 109-6. License conditions; action by Mayor and Council; applicability.

- A. It shall be a condition to the issuance of any and all licenses under this chapter that the business licensed shall be used and operated only for lawful purposes and that the licensee shall exercise sufficient control over the establishment so as to not allow the establishment to be used and operated in a manner that would be detrimental to or adversely affect the health, safety, morals, peace, comfort and general welfare of the surrounding properties and residents and/or the public in general. As a further condition

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to the issuance of a license, the licensee shall use and operate the business in accordance with all applicable federal, state and local laws, ordinances, rules and regulations.

[Amended 5-6-1985 by Ord. No. 285, approved 5-10-1985]

- B. [Amended 5-6-1985 by Ord. No. 285, approved 5-10-1985] The right is reserved to the Mayor and Council to refuse to grant any license, to suspend or revoke any license previously granted or to place appropriate restrictions on any license which is determined by the Mayor and City Council, after notice and opportunity for a hearing, to be detrimental to or to adversely affect the health, safety, morals, peace, comfort and general welfare of the surrounding properties and residents and/or the public in general. In making a determination as to what action to take regarding a license, the Mayor and Council may consider, in addition to any other relevant factors, the following types of problems or conditions:
- (1) Excessive noise emanating from the establishment or premises.
 - (2) Excessive traffic congestion.
 - (3) Excessive loitering outside the establishment during or after business hours.
 - (4) Trash accumulation, littering or allowing litter to go onto surrounding properties.
 - (5) Fighting and/or disorderly conduct on the premises.
 - (6) Premises being used for illegal activities, with or without the knowledge of the licensee.
 - (7) Any activities creating a common law nuisance.
- C. The terms of this chapter shall apply to businesses located within or regularly doing business within the corporate limits of Pocomoke City. [Amended 12-14-1998 by Ord. No. 351]
- D. No license shall be issued to any person for a business located in an area not zoned for that purpose or to any person for a business which may be in violation of any other city ordinance.
- E. No business license will be issued to any person who has not paid prior years' personal property taxes in Pocomoke City.
- F. No business license will be issued to any person or business required under State or County law to first have obtained a license or certificate for the profession or trade in which it is engaged unless a copy of a current license or certificate is on file with the City Clerk. [Added 12-14-1998 by Ord. No. 351]
- G. No general contractor, sub-contractor or home improvement contractor shall perform work on any property within the City or obtain a permit to perform work within the City without have first obtained a business license under this Chapter and complied with this Section 109-6. [Added 12-14- 1998 by Ord. No. 351]

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H. All general contractors, sub-contractors and home improvement contractors shall have available at their place of business and at each work site where they are performing any service within the City of Pocomoke City, Maryland, a copy of a current business license issued pursuant to this Chapter 109. [Added 12-14-1998 by Ord. No. 351]

I. This Chapter shall not apply to the delivery of property or materials within the City when the only service performed in connection with such delivery is unloading and placing the property or materials at the site or location. [Added 12-14-1998 by Ord. No. 351]

§ 109-7. Violations and penalties. [Amended 5-6-1985 by Ord. No. 285, approved 5-10-1985¹]

Any violator of this chapter shall be guilty of a municipal infraction, and said violation shall be governed by the provisions of Chapter 1, General Provisions, Article V, Municipal Infractions, and any person found to have committed said municipal infraction shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.² Each and every day that a person shall be in violation of this chapter shall constitute a separate offense.

§ 109-8. Conflict with other provisions.

If this chapter permits the licensing of a business or activity that is prohibited by some other chapter or section thereof of the Code of Pocomoke City, Maryland, such other chapter or section thereof so prohibiting that business or activity shall control, whether or not provisions are made in this chapter to license the same. If this chapter prohibits a business or activity that is permitted by some other chapter or section thereof, this chapter so prohibiting shall control.

¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.