

## Chapter 17

### COMMERCIAL DISTRICT MANAGEMENT AUTHORITY

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**[HISTORY: Adopted by the Mayor and Council of Pocomoke City 10-16-1989 as Ord. No. 304. Amendments noted where applicable.]**

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#### § 17-1. Downtown Business District.

The area located within the boundaries set forth herein is hereby declared to be a commercial district and may be referred to as the "Downtown Business District," described as follows: the geographic limits of the Authority shall be Market Street from the Pocomoke River to Third Street; Vine Street and Willow Street from Front Street to Second Street; and Front Street, Clarke Avenue and Second Street from Willow Street to Vine Street.

#### § 17-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BUSINESS ASSOCIATION** -- The incorporated organization of persons who operate retail, service, rental or professional businesses within the Downtown Business District which provides management and promotional services for the district.

**BUSINESS ESTABLISHMENT** -- Any retail, service, rental or professional business entity.

**DOWNTOWN BUSINESS DISTRICT** -- A designated geographic area in the City of Pocomoke City encompassing a concentration of retail and/or personal service business establishments.

**EXEMPT ESTABLISHMENT** -- Any business establishment which is:

- A. Operated solely by a federal, state or local government entity, except for city-owned farmers markets as described in ~ 17-4A;
- B. Operated by a nonprofit organization which is not engaged in a retail business;

- C. Operated primarily for the manufacture of products to be sold at wholesale in the district; or
- D. A parking lot.

LICENSABLE SPACE -- The number of square feet of space in a business establishment subject to the license fee in accordance with the fee calculation method as set forth in Exhibit AE Space used primarily for warehousing shall not be included for purposes of determining licensable square footage.

MAIN FLOOR -- The largest primary business floor of the retail establishment.

PERSON -- Includes any individual, firm, corporation, partnership or joint venture.

### **§17-3. Business association.**

- A. A business association of the district comprised of the licensees of the district shall be incorporated under the laws of Maryland and a copy of its charter and bylaws shall be filed with the City Clerk. The bylaws shall include, without limitation, membership requirements, voting rights and procedures for calling meetings and voting on rates, budgets and related matters. The bylaws shall provide that each licensee shall have one (1) vote per licensed business establishment. The business association shall be responsible for the conduct of a management program to provide promotional services for the district and for the administration of the funds provided through the license fee procedure set forth in this chapter. Voting on all budgetary matters shall be by the majority of the licensees, and no vote shall carry except by a majority of the votes cast.
- B. The business association created pursuant to this chapter shall provide in its bylaws that the business association cannot be dissolved except upon an affirmative vote of seventy-five percent (75%) of its members, which must be ratified by the Mayor and City Council by ordinance.
- C. On an annual basis, the business association representing the district shall file with the City Clerk:
  - (1) An annual budget setting forth projected expenditures for advertising, promotions and related activities and administrative expenses.
  - (2) Any amendments to the charter or bylaws made during the preceding year.
  - (3) A letter of intent of the business association to expend the funds transferred to the district in accordance with the annual budget.

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<sup>E</sup>editor's Note: Exhibit A is located at the end of this chapter.

- D. In the event that the business association representing the district intends to request from the City Council of the City of Pocomoke City additional funds, it shall comply with all procedures associated with the normal budget process, and a request for funds and a budget must be submitted to the City Manager no later than March 1 of each year in which it intends to request additional funds.

**§ 17-4. Annual license; fee.**

- A. No person shall operate any business establishment within the Downtown Business District without obtaining an annual license to be known as the "Downtown Business District license" from the Clerk of the City of Pocomoke City. The operator of any exempt establishment shall not be required to obtain a business district license and shall not be eligible to use the management services provided by the business association for the district. To the extent that the Downtown Business District includes within its boundaries a farmers market owned by the City of Pocomoke City, any business operated by any merchant in such market shall be included within the Downtown Business District and subject to this chapter.
- B. The fee for the Downtown Business District license shall be as set forth in Exhibit A attached hereto
- C. The business association shall certify to the Pocomoke City Clerk on a yearly basis the following:
- (1) The name, business address and mailing address of the person(s) responsible for payment of the Downtown Business District license fee for each business establishment.
  - (2) The fee due from each business establishment, other than an exempt establishment.
- D. The Downtown Business District license fee shall be in five (5) categories as follows:
- (1) Category 1: one (1) to one thousand (1,000) square feet.
  - (2) Category 2: one thousand one (1,001) to two thousand five hundred (2,500) square feet.
  - (3) Category 3: two thousand five hundred one (2,501) to four thousand (4,000) square feet.
  - (4) Category 4: four thousand one (4,001) square feet and above.
  - (5) Category 5: unoccupied buildings and non retail businesses.

- E. The Clerk shall collect the fee from the responsible person of each business establishment. The Downtown Business District license fee shall be due and payable on January 1 of each and every year, and the entire charge prescribed for the year shall be collected when the license is issued.
- F. Subject to all applicable provisions of other ordinances of the City of Pocomoke City, statutes of Maryland and laws of the federal government, the Downtown Business District license shall be transferable, upon written notice to the Clerk, and renewable from year to year during the continuous operation of the business by the Downtown Business District licensee within the Downtown Business District and so long as such area continues to be designated as a commercial district.
- G. In the event that any person commences business operations in the Business District subsequent to January 1 in any year, the Clerk may prorate the amount of the fee due and payable based on the number of full months of operation during the licensing year. There shall be no refund for any business that ceases operation during the licensing year.

**§ 17-5. Special fund.**

- A. The Clerk shall maintain a special fund account for the Downtown Business District, and said special fund shall be credited with the collections of the Downtown Business District license fees from the district.
- B. The Mayor and Council may set a reasonable fee to be charged to the district for the collection, accounting, legal and administrative services performed by the city, in an amount not to exceed the actual cost of the services.
- C. Each year, on a quarterly basis, the Clerk shall transfer to the business association for the district the license fees collected for the district, less any administrative fees charged.
- D. The fund comprised of the license fees collected for the district in accordance with this chapter shall be utilized solely for the purposes determined by the licensees.

**§ 17-6. Penalty for late payment; interest.**

Any person liable to pay the Downtown Business District license fee who fails to pay the same within thirty (30) days after billing date shall be subject to a civil penalty of ten percent (10%) of the fee and interest at the rate of one percent (1%) per month, or a fraction thereof, in addition to the annual license fee. The Appeals Board created herein is authorized for good and sufficient cause to waive the imposition of this penalty and interest in its entirety or a portion thereof prior to the institution of civil prosecution. Failure to pay said penalty and interest when due shall subject the violator to civil prosecution, including possible liens, payment of court costs and reasonable attorneys' fees.

### **§ 17-7. Appeals Board.**

There shall be an Appeals Board to hear and decide appeals arising under this chapter. The members of the Appeals Board shall be appointed by the Mayor and Council of the City of Pocomoke City. The Appeals Board, by a majority vote thereof, shall have the authority to reverse or affirm, wholly or partially, or modify the determination, decision, order or notice appealed from and may give or make such determination, decision, order or notice as ought to be made; provided, however, that nothing contained herein shall be construed as authorizing the Appeals Board to waive, set aside or in any manner change any provision or provisions of this chapter, other than as authorized in the penalty section<sup>E</sup> and as to any question arising as to the determination of square footage, or any decision made by the Mayor and the City Council pursuant to this chapter.

### **§ 17-8. Appeals.**

If any licensee or prospective licensee who is or will be liable for the payment of the Downtown Business District license fee disagrees with or is aggrieved by any determination, decision, order or notice of any kind which is made, rendered, issued or given under the provisions of this chapter, such licensee or prospective licensee, within thirty (30) days after written notice of such action or determination has been given or mailed to him or her, shall have the right to bring the matter in dispute before the Appeals Board by written request setting forth in full the reasons for said appeal.

### **§ 17-9. Applicability of other laws.**

Any person who owns or operates a business establishment in the Downtown Business District shall be subject to all applicable provisions of all other ordinances of the City of Pocomoke City, statutes of Maryland and the laws of the federal government.

### **§ 17-10. Rules and regulations.**

The Mayor and Council of Pocomoke City are hereby authorized and empowered to make, adopt, promulgate and amend, from time to time, such rules and regulations as the Mayor and Council deem necessary or proper to carry out and enforce the provisions of this chapter and to define or construe any of the terms or provisions of this chapter, including rules for the Appeals Board created herein. A copy of said rules and regulations, when created, shall be filed with the City Clerk of the City of Pocomoke City.

### **§ 17-11. Disposition of funds.**

Any fees imposed under this chapter shall be used only for the purposes stated in this chapter and may not revert to the general fund of the City of Pocomoke City.

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<sup>E</sup>editor's Note: See ~ 17-6, Penalty for late payment; interest.

**§ 17-12. Purpose; limitation of powers.**

- A. The purpose of the Commercial District Management Authority shall be promotion and marketing.
- B. The Authority established pursuant to this chapter may not exercise the power of eminent domain; purchase, sell, construct or, as a landlord, lease office or retail space; or, except as otherwise authorized by law, otherwise engage in competition with the private sector.

**§ 17-13. Licensing period.**

For the purposes of the Downtown Business District specified in this chapter, the initial licensing period shall begin January 1, 1990, and shall end December 31, 1990, and subsequent licensing periods shall begin January 1 of each year thereafter, with bills due and payable thirty (30) days from the date of billing.

**Exhibit A  
Pocomoke City, Maryland  
Commercial District Management Authority  
Licensing Fee Schedule**

An annual membership fee will be assessed on all businesses, professions and owners of vacant buildings in the above-described boundaries. The fee will be based on the square footage of the space occupied by that business or profession as follows, except that where a business or profession occupies two (2) or more floors, then only the first floor will be counted:

<b>Category</b>	<b>Occupied Space (square feet)</b>	<b>Fee</b>
1	1 to 1,000	\$50.00
2	1,001 to 2,500	\$75.00
3	2,501 to 4,000	\$100.00
4	4,001 and above	\$125.00
5	All unoccupied buildings and non retail businesses	A flat fee of \$50.00 per
year		

The fees will be levied on the first day of January each year.

Any business or profession starting in the described area will pay a prorated fee based on one-twelfth (1/12) of the fee due for each full month remaining in the fiscal year.