



Town of Berwyn Heights

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ORDINANCE 105 – BUSINESS LICENSES

AN ORDINANCE PROVIDING FOR THE LICENSING OF ASSOCIATIONS, BANKS AND FINANCIAL INSTITUTIONS, BUSINESS ESTABLISHMENTS, CORPORATIONS, PROFESSIONS AND OTHER BUSINESS ENTITIES DOING BUSINESS IN THE TOWN OF BERWYN HEIGHTS

Section 1. Purpose and Authority.

A. Purpose – The purpose of this Ordinance is to license any and all associations, corporations, industrial, institutional, rental, research, retail or service business establishments, limited liability corporations or partnerships, and professional associations or corporations doing business in the Town of Berwyn Heights.

B. Authority – The authority to license business entities operating within the Town of Berwyn Heights is provided for in Section 401 of the Town of Berwyn Heights Charter.

Section 2. Business Licenses Required.

No association, business entity, commercial or residential property management association, corporation, entity, industrial, institutional, rental, retail, or service business establishment, limited liability association, corporation or partnership, organization, person or professional association, corporation or partnership shall sell, offer for sale, or otherwise dispose of for any valuable consideration any goods or services or engage in the dispensation of professional services within the Town without first obtaining a business license for such purpose. Excepted are activities conducted by Town organizations for fund-raising, exclusively religious, charitable or educational fund-raising organizations, yard sales, and home businesses operating in compliance with municipal, county and state laws.

Section 3. Annual Renewal of Licenses.

Business Licenses shall be valid for one year, from July 1 through June 30, and must be renewed annually. The Town shall notify all business establishments operating within the Town of the business license application requirement and fee in writing. An application not filed and/or fees

not paid within 30 days from the date of the letter sent to the business establishment will be subject to a penalty of \$50.00 and will be subject to an additional penalty of \$25.00 for each month or partial month the business license application is not filed and/or fee is not paid after 60 days from the date of the letter sent to the business establishment. Any business establishment that fails to file an application or pay the business license fee can be reported to the Maryland Office of the Comptroller, Maryland State Department of Assessment & Taxation Personal Property Tax Division, and the Clerk of the Circuit Court in Prince George's County. A business license is not transferable to a new owner or operator of an existing business. Licenses granted for a period after December 31 will be prorated at one-half the scheduled rate.

Section 4. Fees.

The fee schedule for this Ordinance will be set from time to time by resolution of Mayor and Town Council.

The business license fee for all other business entities or establishments, associations, commercial or residential property management associations, corporations or partnerships, industrial, institutional, rental, retail or services establishments, limited liability associations, corporations or partnerships including professional associations or corporations shall be based on the Gross Receipts Fee Schedule.

The fee schedule shall become effective July 1, 2006 for the business licensing year beginning July 1, 2006.

Section 5. Business License Application.

Each business establishment subject to the provisions of this Ordinance shall file a Business License Application as part of the licensing procedure and shall provide on the application its Maryland State Department of Assessment & Taxation (SDAT) number and its Federal Employer Identification Number. Failure to provide this information shall be considered a violation of this Ordinance.

Each business establishment subject to the provisions of this Ordinance that owns the property from which the business is operated and fails to file a business license application and/or pay business license fees, fines or penalties imposed will result in the amount of any fee, fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

Section 6. Property Owner, Property Manager and/or Rental Agent Notification.

The property owner or duly authorized property manager or agent shall be required to notify the Town of the name, address, telephone number, and date a new tenant moves in or an existing tenant relocates to another location owned by the property owner or of the date when a tenant ceases to be a tenant. Failure of the property owner to provide this information within thirty (30) days of the event will be in default and subject to a reasonable penalty as provided in Section 8 and failure to pay any fine or penalty imposed will result in the amount of any fine or penalty imposed being recorded as a lien against the property and collected in the same manner as delinquent taxes.

Section 7. Annual Gross Receipts Statement Required.

Any business whose license fee is based on annual gross receipts shall furnish the Town Administrator a financial statement or such other proof of gross receipts as the Council may require at the time of filing application for a license. In the event of failure or inability to furnish proof of gross receipts within 15 days after application for license has been filed, the fee shall be based on the highest gross receipts level or a mutually agreed upon level.

Section 8. Violation.

Violation of any provision of this Ordinance shall be a municipal infraction. The penalty for violation shall be \$50.00 for each initial offense and \$50.00 for each repeat offense. Failure to apply for this license and pay the required fees within the specified time frame as indicated in this Ordinance shall constitute a violation. Such violation shall not be considered corrected until the required application is filed and proper fee paid. If an application has not been filed, nor the proper fees paid after the elapse of a 30-day period following the initial due date as stated in the letter of notification, this shall constitute a separate offense. The Mayor and Town Council reserve the authority to change the penalties of this ordinance from time to time by resolution.

Adopted: 12/10/1980
Effective: 12/30/1980
Amended: 5/10/2006
Effective: 5/30/2006