

TOWN OF NORTH BEACH

ORDINANCE 23-04

AN ORDINANCE OF THE COUNCIL OF NORTH BEACH AMENDING THE CODE OF THE TOWN OF NORTH BEACH, CHAPTER 69, "LICENSING," ARTICLE I, "GENERAL PROVISIONS", TO CLARIFY THE TOWN'S BUSINESS LICENSE REQUIREMENTS AND PROCEDURES, INCLUDING REQUIREMENTS RELATING TO THE TRANSFER OF A LICENSE, TO REPEAL PROVISIONS REQUIRING LICENSES FOR ENTERTAINMENT AND TO STAY OPEN BETWEEN THE HOURS OF 2 A.M. AND 6 A.M., TO REQUIRE THAT BUSINESS PREMISES ARE MAINTAINED IN ACCORDANCE WITH THE TOWN'S PROPERTY MAINTENANCE STANDARDS, TO REPEAL SEC. 69-5, "HOURS OF BUSINESS", AND TO AMEND SEC. 69-13, "VIOLATIONS", TO PROVIDE THAT EACH DAY A VIOLATION OF ARTICLE I EXISTS IS A SEPARATE OFFENSE

WHEREAS, pursuant to the Local Gov't Art., of the Maryland Annotated Code, the Town of North Beach ("the Town") has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, pursuant to this authority, the Council of the Town of North Beach enacted Town Code, Chapter 69 "Licensing," Article I "General Provisions" ("Article I"); and

WHEREAS, the Mayor and Town Council have determined that it is in the best interest of the health, safety, and welfare of the Town of North Beach to amend Article I to incorporate various revisions to better protect the public and for the efficient operation of Town government, including the establishment of penalties for violations of Article I, as well as to correct grammar and style irregularities,

Section 1. NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of North Beach, Maryland that the Code of the Town of North Beach, Chapter 69 "Licensing", Article 1, "General Provisions", be and is hereby amended to read as follows:

§ 69-1. Licenses required.

A. ~~No person, owner, operator, corporation, company, firm, partnership, association and/ or establishment, ENTITY either directly or indirectly, shall conduct any business or enterprise for profit or nonprofit, or to engage in any profession or vocation, occupation, OR enterprise, or to engage in business activities or operate or maintain a business establishment or a business space or place indoors or outdoors, without first having obtained~~**OBTAINING** a license and ~~paid~~**PAYING** the required license fee.

B. ~~Any and every person, owner, operator, corporation, company, firm, partnership,~~

~~association and/or establishment, either directly or indirectly, indoors or outdoors, for profit or nonprofit, who shall entertain, employ or acquire the services of any entertainer, serve as entertainer, and/or conduct entertainment and/or parties where an admission fee is being charged and/or the event is being advertised to the public at large and/or over 100 people are expected, shall first apply for and obtain the required license in accordance with methods prescribed in § 69-1. For the intent and purposes of this article and sections thereof, "entertain," "entertainer" and/or "entertainment" shall be defined as but not limited to the following: dancing, dancer, dancers, bands, band, instrumentalist, instrumentalists, singer, singers, vocalist, vocalists, disc jockey, disc jockeys, wrestler, wrestlers, boxer, boxers, boxing, magic shows, magician, magicians, comedy, comedian, comedians, any type of show or performances, any type or party, i.e., beer party, beer bust, keg party, etc. Licenses issued will be valid during the dates, times and places as noted on the face of the licenses. Any application for an entertainment license may be denied issuance of license and/or any entertainment license issued may be revoked by the Mayor and Town Council for violation by the licensee of any provisions of this article, and its amendments, if any, or if the affair being held and conducted is shown to be a nuisance or a menace to the neighborhood, to the health, safety, welfare and morals of the general public and/or within the neighborhood and/or the Town of North Beach, Maryland.~~

~~C. Any and every person, owner, operator, corporation, company, firm, partnership, association and/or establishment, either directly or indirectly, for profit or nonprofit, who qualifies to remain open between the hours of 2:00 a.m. to 6:00 a.m. as defined in § 69-5, must apply for and obtain separate licenses for conducting business during such hours. Such application for said license shall be as stated in Subsection D~~

~~D. Any such person, corporation, company, etc. ANY PERSON OR BUSINESS ENTITY desiring to obtain a license to engage in and conduct any business within the corporate limits of the town shall first file AN application with the Town Clerk on forms provided by the town. Such application shall be accompanied by a filing fee. The prescribed license fee shall be payable at such time as license is issued.~~

~~E.C. Upon payment RECEIPT of AN APPLICATION AND THE required fees FEE, the Town Clerk shall INSPECT THE PROPOSED BUSINESS, AND, IF THE PROPOSED BUSINESS PASSES INSPECTION, issue a license to the applicant after approval by the Committee on Licenses. The Town Clerk shall pay over monthly to the Treasurer all moneys collected by virtue of this article.~~

§ 69-2. Condition of premises.

~~A. Before the issuance of any business license within the town, and at all times when the license is in effect, the exterior of the business establishment designated by the said business license shall conform hereinafter to those standards usually considered attractive; including but not limited to clean, painted or otherwise finished exterior walls; windows intact; signs, when used, to be finished, and lighted, shall be complete; pavement in areas of the premises shall be clean with the grass cut; hedges shall be trimmed and all trash and refuse removed.~~

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~~B. Any and all~~ **ALL** premises, buildings, establishments, appurtenances, ~~yard areas, paved and/or~~ **UNPAVED AREAS OF THE PROPERTY, AND** parking areas shall, ~~where applicable,~~ conform to all zoning, building, plumbing, electrical, fire and health **LAWS AND** regulations as ~~adopted and enforced by~~ **OF** the Town of North Beach, Calvert County and/or the State of Maryland. ~~Any and all premises, building, appurtenances, yard areas, paved and/or parking areas, including vehicles, containers, appliances and appurtenances and street vendors, shall before licenses are issued and at~~ **PRIOR TO THE ISSUANCE OF ANY BUSINESS LICENSE, AND AT SUCH** any other times after ~~the~~ issuance of licenses ~~be~~ **THE LICENSE AS MAY BE REQUIRED, THE PREMISES AND ALL BUILDINGS AND STRUCTURES LOCATED THEREON SHALL BE** inspected by ~~any and/or all of the above mentioned agencies and/or departments, namely~~ **APPROPRIATE** zoning, building, plumbing, electrical, fire **OFFICIALS** and ~~THE~~ health **DEPARTMENT**. Upon inspection, should any ~~nonconforming~~ conditions be found to exist, ~~or any other conditions~~ **which THAT DO NOT CONFORM TO ANY APPLICABLE CODE PROVISION OR THAT** may be dangerous or injurious to the public health, **SAFETY, OR** welfare ~~and morals are disclosed,~~ the same shall be ordered to be corrected in a timely manner as may be set forth by the appropriate ~~office of such agency and/or department as may conduct such investigations.~~ **OFFICIAL**. Failure to comply with such order may be just cause for revocation of any and/or all licenses issued to such premises or establishments.

B. FOOD SERVICE ESTABLISHMENTS SHALL PROVIDE AND MAINTAIN GREASE AND OIL INTERCEPTORS AS REQUIRED BY APPLICABLE STATE, COUNTY AND TOWN LAWS AND REGULATIONS.

§ 69-3. Street vendors.

A: No street vendor shall be permitted to sell any article or thing upon any street or public place within the town, except at such places **AND AT SUCH EVENTS** as may be ~~designated~~ **APPROVED** by the Mayor and Town Council.

B. Every vehicle and every ~~thing pertaining thereto~~ **ITEM** used by a licensed street vendor **in PROVIDING ITS SERVICES** shall ~~at all times~~ be maintained **AT ALL TIMES** in a clean and orderly condition and no portion of the contents thereof shall be thrown, spilled or deposited upon the street or other public place.

C. ~~This section~~ **STREET VENDORS** shall be subject to all ~~provisions, where applicable,~~ as **REGULATIONS AND INSPECTIONS REFERENCED** in § 69-2 **OF THIS CHAPTER.**

§ 69-4 **CONTENT OF License shall designate kind and/or place of business LICENSE; TRANSFER OF LICENSE.**

A. Every license issued for the conduct of any business shall designate the place of such business, the kind of business to be engaged in, and the name of the licensee.

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~~B. —Such A TOWN BUSINESS license may be transferable~~**TRANSFERRED** only upon approval of the Mayor and Town Council and the licensee and upon ~~THE~~ filing of ~~AN~~ application, acquiring approval from the appropriate inspection authorities as described in § 69-2, and upon ~~FOR THE TRANSFER OF THE LICENSE AND~~ payment of required fees. ~~Such transfer fee shall be as established by the Mayor and Council on an annual basis and/or~~ **AND APPROVAL OF THE CODE ENFORCEMENT OFFICER** or at such other times as may be deemed necessary or feasible ~~PERSON DESIGNATED~~ by the Mayor and Council.

§ 69-5. Hours of business. ~~[RESERVED]~~

~~A. —No business establishment within the corporate limits of the Town of North Beach shall remain open to the public between the hours of 2:00 a.m. and 6:00 a.m., with the following exceptions.~~

~~B. —Business establishments providing public lodging may remain open 24 hours a day in order to provide those services generally required of such establishments for lodging purposes only. For all intents and purposes of this article, the definitions of public lodging for a period of time that could establish a permanent residence. Occupancy of or the rental of any unit for a period of 180 days or more shall constitute permanent residency.~~

~~C. —Business establishments which serve food and beverages, and which do not have alcohol beverage licenses, may remain open 24 hours a day for the purpose of providing food services to the general public. Such establishments shall have capacity for seating patrons as well as having necessary facilities for the proper preparation and serving of food and beverages so as to be classified as a restaurant. This article does not include businesses defined as a snack bar, drive in, pass through openings or carry outs, whether they be licensed as separate businesses or are a part of any other businesses. Snack bars may be included in conditions applying to food establishments as above, if such snack bars are within and licensed as a part of a restaurant; other businesses, as excluded above, are also excluded from this article even though they may be a part of a restaurant.~~

~~D. —No business establishment, regardless of its classification, may remain open between the hours of 2:00 a.m. and 6:00 a.m. if such establishment has been either directly or indirectly issued an alcohol beverage license.~~

§ 69-6. Business license fees. **LICENSE FEES.**

A. Annual **BUSINESS** license fees for fiscal year beginning July 1 of each and every year in the amount as hereinafter set forth shall be due and payable ~~on or before July~~ **UPON THE FILING** of the current year. Any new business commencing after July 1 must obtain the required ~~AN APPLICATION FOR A BUSINESS~~ license prior to the opening of said business to the general public for its intended purpose and use or any other purpose or use. **OR RENEWAL THEREOF.** All licenses acquired must be posted on the premises in a conspicuous place at all times.

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B. ~~All license~~ **LICENSE** fees shall be ~~as set forth~~ **ESTABLISHED** by the Mayor and Council annually and/or at such other times as may be deemed necessary or feasible by the Mayor and Council.

~~§-69-7. Conditions and inspections.~~ **INSPECTIONS**

A. It shall be a condition ~~to~~ **OF** the issuance of any ~~and all licenses~~ **LICENSE** under this chapter that the business licensed shall be used and operated only for lawful purposes. ~~The right is reserved to the Mayor and Council to~~ **THE TOWN MAY** refuse to grant any license and to suspend or revoke any license previously granted ~~which~~ **FOR ANY BUSINESS THAT** is determined by the Mayor and Council to adversely affect the health, safety, morals ~~or~~, general welfare of the public and/or for any noncompliance with or violation of any ~~or all sections as may be contained in this chapter and its amendments, if any~~ **PROVISION OF THE TOWN CODE**, and for any conviction of a ~~felony to~~ the person or persons who may be requesting the issuance of a license or has previously been issued a license **OF A FELONY**.

B. The owner(s) of ~~title~~ **A RENTAL HOUSNG UNIT** or a ~~legally~~ **AN AGENT FOR SUCH OWNER designated agent** (~~designation must be in writing~~) of said business shall, upon application for license or for license renewal, schedule an ~~appointment of~~ inspection with North Beach Code Enforcement Officer, **AND** accompany the North Beach Code Enforcement Officer into the premises for the purpose of conducting the ~~required and/or mandated inspections~~ **INSPECTION**. Inspections for business licenses shall be scheduled annually. ~~Scheduling for~~ **THE TOWN SHALL SCHEDULE ALL INSPECTIONS** is made by North Beach Town Hall personnel.

C. **IF A CALVERT COUNTY USE AND OCCUPANCY PERMIT AND/OR CALVERT COUNTY HEALTH DEPARTMENT APPROVAL IS REQUIRED, SUCH PERMIT AND/OR APPROVAL SHALL BE SUBMITTED TO THE TOWN AT THE TIME OF APPLICATION FOR A BUSINESS LICENSE.**

§ 69-8. Conflict with other chapters or other licensing governments, agencies and/or departments.

A. If this chapter permits the licensing of a business or activity that is prohibited by another ~~chapter or section thereof~~ **PROVISION** of the ~~TOWN Codes~~ **CODE** and/or ANY ordinances of the Town of North Beach, Maryland, such other ~~chapter or section thereof~~ **PROVISION** so prohibiting that business or activity shall control, ~~whether or not provisions are made in this chapter to license the same.~~

B. If this chapter prohibits a business or activity that is permitted by another chapter or section thereof of the codes and/or ordinances of the Town of North Beach, Maryland, this chapter so prohibiting shall control. Should a business or activity be licensed by another licensing government, agency and/or department other than the Town of North Beach, Maryland without having obtained the proper license from the Town of North Beach, Maryland, or should a license as required by this chapter be suspended or revoked by the Mayor and council, such other licenses

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as issued by any other licensing government, agency and/or department shall not authorize the conducting of business or opening of business to the general public for its intended purposes or use or any other purpose or use.

§-69-9. License a personal privilege.

Every license ~~shall be held to confer~~**confers** a personal privilege **ON THE LICENSEE** to transact **ONLY** the business specified therein **AT THE LOCATION IDENTIFIED THEREIN** and shall not be exercised, except by the person, ~~firm, company or corporation~~**BUSINESS ENTITY** licensed, or ~~his, her, or its~~**THE** duly authorized agents, executors, **EMPLOYEES**, or administrators **OF SUCH PERSON OR ENTITY FOR THE BUSINESS IDENTIFIED AND AT THE LOCATION IDENTIFIED.**

§ 69-11. Tattoo parlors.

~~A.~~ It shall be unlawful for any person to engage in the business of operating a tattoo parlor or an establishment that does tattoos within the Town of North Beach. The term "tattoo" refers to any method of placing designs, letters, scrolls, figures, symbols or any other marking upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

~~B. A violation of this article shall be a misdemeanor, punishable as provided in Chapter 1, General Provisions, Article III, Penalties. Each day of operation of such establishment shall be considered to be a separate infraction.~~

§ 69-13 Violations.

~~A.~~ A violation of ~~§§ 69-1 through 69-8, 69-11 and 69-12~~ **ARTICLE I OF THIS CHAPTER** shall be a misdemeanor, punishable as provided in Chapter 1, General Provisions, Article III, Penalties. **EACH DAY A BUSINESS OPERATES IN VIOLATION OF THIS ARTICLE SHALL CONSTITUTE A SEPARATE OFFENSE.** Any overdue license shall be subjected to a ~~penalty of \$50.00~~ for each day delinquent.

Section 2. BE IT FURTHER ORDAINED by the Council of the Town of North Beach, that this Ordinance shall become effective twenty (20) days after approval by the Mayor or passage by the Council over the Mayor's veto, provided that a fair summary shall be posted in the Town Hall and the Town's webpage and sent out via the Town's LISTSERV, and a message shall be sent by text message to residents subscribing to the Town's text message alert system, if any, that the ordinance is available for review on the Town's webpage.

Section 3. BE IT FURTHER ORDAINED by the Council of the Town of North Beach, that this Ordinance shall become effective on the 31st day of May, 2023 after having been read at two successive Town Council meetings pursuant to 19-311 of the Town Charter.

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Read and adopted this day 11th of May 2023

By order of the Mayor and Council

DocuSigned by:
Mike Benton
BA48EC7ED321455...
Mike Benton, Mayor

ATTEST:

DocuSigned by:
Stacy Milor
C27B36186BC34BC...
Stacy Milor, Town Clerk

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