

**ORDINANCE NO. 2010-**

**AN ORDINANCE OF THE COMMISSIONERS OF RIDGELY  
AMENDING THE CODE OF THE TOWN BY ADDING A NEW  
CHAPTER 79, BUSINESS LICENSES REQUIRING THAT BUSINESSES  
WITHIN THE TOWN OBTAIN A LICENSE TO OPERATE AND  
PROVIDING FOR THE REVOCATION OF SUCH LICENSE  
FOR CERTAIN OFFENSES**

**BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF RIDGELY:**

**SECTION 1.** That the Code of the Town of Ridgely is hereby amended by the additional of a new Chapter 77, Business Licenses, to read as follows:

**79.1 License required.**

Prior to operating any business within the Town of Ridgely, the owner or owners thereof, or the chief executive officers in the case of a corporation, must obtain a business license from the Town of Ridgely. This license is in addition to any business licenses required by the county, state or federal governments.

**79.2 License fees.**

The Commissioners of Ridgely are hereby authorized to enact a resolution establishing a fee schedule for fees pertaining to the administration of this Chapter. Any unpaid license fee shall be subject to interest and penalties as periodically established by the Commissioners of Ridgely for unpaid sums due to the Town of Ridgely and suspension of license until all fines and penalties have been paid.

**79.3 License application; Board of Licenses.**

- A. In applying for a license, in addition to paying the necessary fee as set by the Commissioners of Ridgely, the business shall provide such detail as the Clerk/Treasurer and/or Board of Licenses of the Town shall deem necessary, in order to determine whether the business may have an unreasonable adverse effect upon the peace, health, safety or convenience of the residents of Ridgely or may conflict with other laws, ordinances or regulations of Ridgely, the county, the state, and federal governments. All applicants must be present at the Board of Licenses meeting for review of the application; failure for any and all owners to appear shall require the Board to table the application.
- B. There shall be a Board of Licenses, consisting of the Chief of Police for the Town of Ridgely, the Chairperson of the Planning Commission for the Town of Ridgely and the President of the Commissioners of Ridgely or the President's designated representative, whose function shall be to review applications for licenses and receive complaints regarding violations and/or conduct of licensees. Members of the Board of Licenses shall serve without compensation. An alternate member shall be appointed by the Commissioners of Ridgely in case of conflict of interest, any question of ethical conflict, or illness.

**79.4 Issuance of license.**

The issuance of the license shall be conditioned upon obedience to all applicable laws and regulations, town, county, state and federal, and the absence of any unreasonable adverse

effect upon the peace, health, safety, privacy or welfare of the citizens of Ridgely. No license or temporary license shall be issued until the required fee has been paid in full and the complete application has been reviewed and approved by the Board of Licenses at a regularly scheduled meeting. All applications missing any information requested by the Clerk/Treasurer and/or Board shall be deemed incomplete and shall be tabled until a complete application is received and fully reviewed by the Board.

#### **79.5 Duration of license.**

All licenses issued under this chapter are not transferable, must be displayed in a visible manner with all other licenses and shall expire on June 30 of each year after the date of issuance. The renewal date is July 1 of each year thereafter. Application for renewals shall be made at least sixty (60) days prior to the expiration date.

#### **79.6 Revocation of license.**

Whenever a licensee shall operate his business in violation of any law (Town, county, state or federal) or in such a way to create an unreasonable adverse effect of the peace, health, safety, welfare and privacy of the citizens of Ridgely, the Town shall deliver notice to the individuals who applied for the license, in person or by certified mail, advising such person that a hearing before the Board will be scheduled in order to determine whether the license should be revoked and the notice shall contain an order for correction of the violation and a time period within which the violation is to be corrected. Noncompliance shall result in penalties. The Board may at any time before, during or after the hearing appoint its own investigator to investigate a complaint or complaints and report back to the Board. Any fee for any unexpired portion of the term of a license revoked by the Board shall be forfeited to the Town of Ridgely.

#### **79.7 Decisions of Board.**

Following the conclusion of such a hearing, the Board may either:

- A. Refuse to revoke the license,
- B. Revoke the license,
- C. Revoke the license and issue a temporary license of such duration as the Board may find appropriate, provided that the licensee is held responsible for:
  1. Damages and penalties that occur as a result of noncompliance with any of the provisions of this chapter; and
  2. Such attorney, administrative, and investigative fees incurred by the town for enforcement of this chapter.
- D. Place additional restrictions upon the license, with or without the consent of the licensee,
- E. Require the licensee to post security in the form of a bond (secured or unsecured), money or property, with penalty in favor of the Town, with such security as the Board may deem appropriate, to insure the payment of fines or damages or otherwise compliance with the conditions and restrictions imposed by the Board,
- F. Issue additional penalties and require the licensee to pay in full, any and all penalties in accordance with **Section 77.9 below**. ~~\_\_\_\_\_ of the Ridgely Town Code~~. All penalties must

be paid in full within 7 days of the Boards decision. Any penalties not paid in full shall automatically deem the license invalid and shall incur additional penalties. The Board may not reduce or eliminate any penalties issued prior to the decision of the Board.

**79.8 Exemptions.**

The Board may waive the license fee for organizations which qualify under Section 501(c) of the Internal Revenue Code, municipal, state, or federally sponsored programs. ~~The above~~ Such organizations must still comply with all the other provisions of this chapter.

**79.9 Violations and penalties.**

Violations of this chapter shall constitute a municipal infraction and shall be subject to a fine in such amounts as may be established by a resolution of the Commissioners of Ridgely. ~~to the penalties set forth by the Commissioners of Ridgely in Section \_\_\_\_ of the Ridgely Town Code.~~ Each and every day the violation continues after due notice has been served shall be deemed a separate offense. The imposition of penalties shall not preclude the Commissioners of Ridgely from instituting appropriate action; to restrain, correct or abate the violation, or to stop an illegal act, conduct, or business, or to prevent illegal occupancy or utilization of a building, structure or premises.

**SECTION 2** That if any section, subsection, sentence, calls or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commissioners of Ridgely hereby declares it would have passed this ordinance, any section, subsection, calls or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 3.** That this ordinance shall take effect and be in full force and effect from and after the date of its final passage and adoption or \_\_\_\_\_, 2010 whichever is later.

Yea or Nay

Linda Jo Epperly-Glover, Commissioner

Dale R. Mumford, Commissioner

Louis E. Hayes, Commissioner

Read and enacted by the Commissioners \_\_\_\_\_, 2010