

**CITY OF BALTIMORE
COUNCIL BILL 06-0444
(First Reader)**

Introduced by: Councilmembers Kraft, D'Adamo, Holton, Spector, President Dixon

Introduced and read first time: May 15, 2006

Assigned to: Taxation and Finance Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation,
Department of Finance, Department of Housing and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Retail Business Districts – Collection of License Fees**

3 FOR the purpose of authorizing the Business Association for a Retail Business District to bring a
4 civil action for the recovery of an unpaid license fee, penalty, interest, and reasonable
5 attorney's fees; correcting, conforming, and clarifying certain language; deleting certain
6 obsolete references; and generally relating to the operation of Retail Business Districts.

7 BY repealing and reordaining, with amendments

8 Article 14 - Special Benefits Districts

9 Section(s) 11-1(a) and (c), 11-5(a), 11-7(a), and 11-11

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, without amendment

13 Article 14 - Special Benefits Districts

14 Section(s) 11-1(b)

15 Baltimore City Code

16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Laws of Baltimore City read as follows:

19 **Baltimore City Code**

20 **Article 14. Special Benefits Districts**

21 **Subtitle 11. Retail Business Districts**

22 ***Part 1. General Provisions***

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **§ 11-1. Definitions.**

2 (a) *Business Association.*

3 “Business Association” means the incorporated organization THAT:

4 (1) [of] COMPRISES persons who operate [retail, service, rental, or professional
5 businesses] BUSINESS ESTABLISHMENTS within a particular Retail Business
6 District[,]; AND

7 (2) [which] provides management and promotional services for the District.

8 (b) *Business establishment.*

9 “Business establishment” means any retail, service, rental, or professional business
10 entity.

11 (c) *Commissioner.*

12 “Commissioner” means the Commissioner of [the Baltimore City Department of]
13 Housing and Community Development.

14 **§ 11-5. District license.**

15 (a) *In general.*

16 [No] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO person [shall] MAY operate
17 any business establishment within a designated Retail Business District without obtaining
18 FROM THE DIRECTOR OF FINANCE an annual license, to be known as the “Retail Business
19 District License”[, from the Director of Finance of Baltimore City].

20 **§ 11-7. Collection of fee.**

21 (a) *When due.*

22 (1) The Retail Business District License fee [shall be] IS due and payable on January 1 OF
23 each [and every] year, and the entire charge prescribed for the year [shall] MUST be
24 [collected] PAID when the license is issued.

25 (2) [In the event that] IF a person [commences] BEGINS business operations in a [district]
26 RETAIL BUSINESS DISTRICT [subsequent to] AFTER January 1 [in] OF any year, the
27 Commissioner may prorate the amount of the fee [due and payable] based on the
28 number of months of operation during [the] THAT licensing year.

29 **§ 11-11. Penalty for nonpayment; ACTION BY ASSOCIATION.**

30 (a) *In general.*

31 [(1)] Any person liable [to pay] FOR the Retail Business District License fee who fails to
32 pay [the same] IT within 30 days after it is due and payable [shall be] IS subject to, in
33 addition to the [annual license] fee:

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1 (i) a civil penalty of 10% of the fee; and

2 (ii) interest at the rate of 1% per month or [a] PER fraction [thereof] OF A MONTH.

3 [(2) The provisions of Article 15, §§ 46-2, 47-1, and 47-2 shall not apply.]

4 (b) *Waivers.*

5 [The] FOR GOOD AND SUFFICIENT CAUSE, THE Appeals Board [created in § 11-12 of this
6 subtitle is hereby authorized for good and sufficient cause to] MAY waive the [imposition
7 of this] penalty and interest, in [its entirety or a portion thereof] WHOLE OR IN PART, FOR
8 FEE PAYMENTS MADE IN FULL [prior to institution of] BEFORE civil [prosecution] ACTION
9 IS INSTITUTED.

10 (c) *ACTION BY ASSOCIATION.*

11 (1) IF A LICENSE FEE REMAINS UNPAID 60 DAYS AFTER IT IS DUE AND PAYABLE, THE
12 BUSINESS ASSOCIATION FOR THE DISTRICT MAY BRING A CIVIL ACTION, IN ITS OWN
13 NAME, TO COLLECT THE FEE AND ALL ACCRUED PENALTIES AND INTEREST.

14 (2) IF THE ASSOCIATION IS SUCCESSFUL IN ITS ACTION, IT IS ENTITLED TO AN AWARD OF
15 REASONABLE ATTORNEY'S FEES.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
17 are not law and may not be considered to have been enacted as a part of this or any prior
18 Ordinance.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
20 after the date it is enacted.