

**ORDINANCE NO. 3817**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO: (1) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-89 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PERTAINING TO THE PREPARATION OF FORMS RELATIVE TO THE ISSUANCE OF CERTAIN LICENSES IN ORDER TO REFLECT NEW PRACTICE IN THAT THE CHIEF OF POLICE WILL NO LONGER BE INVOLVED IN THE LICENSING PROCESS; (2) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-90 OF THE SAID CODE PERTAINING TO MAKING CERTAIN APPLICATIONS IN ORDER TO ADOPT CURRENT PRACTICE; (3) REPEAL SECTION 10-91 OF THE SAID CODE PERTAINING TO AFFIDAVITS OF INTENTION TO CONDUCT PERMANENT BUSINESS AND THE REQUIREMENTS OF BONDS THEREFOR; (4) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-92 OF THE SAID CODE FOR THE PURPOSE OF ABROGATING THE REQUIREMENT THAT A LICENSE BE ISSUED IN ORDER TO CONDUCT CERTAIN COMMERCIAL ACTIVITIES AND RETAIN THE LICENSE REQUIREMENT FOR TEMPORARY BUSINESSES; (5) REPEAL SECTION 10-93 OF THE SAID CODE PERTAINING TO THE DURATION OF LICENSES AND THE PRORATION OF THE LICENSING FEES; (6) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-94 OF SAID CODE PERTAINING TO THE DISPLAY OF LICENSE TAGS IN ORDER TO ADOPT CURRENT PRACTICE; AND (7) REPEAL CHAPTER 10, ARTICLE IV (SECTIONS 10-111 TO 10-159) PERTAINING TO AUTOMATIC AMUSEMENT DEVICES AND ARCADES"

WHEREAS, Section 10-89 of the Code of the City of Cumberland (1991 Edition) provides that either the city clerk or chief of police shall prepare certain forms relative to the issuance of certain licenses and, since the chief of police will no longer be involved in the licensing process as provided for by the changes to the Code effected

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by this ordinance, it is appropriate to relieve the chief of those obligations;

WHEREAS, Section 10-90 of the said Code provides that certain applications shall be made to the city clerk who shall present them to the city council and, in that this procedure is inconsistent with current protocols, the requirement that they be submitted to the city council is being eliminated;

WHEREAS, Section 10-92 of the said Code provides that business licenses are required for parking lots, shooting galleries, pawnbrokers, junk dealers, clairvoyants, palmists, fortune tellers, phrenologists and similar businesses, sound trucks, hotels, used car lots, and temporary businesses;

WHEREAS, similarly Sections 10-111 and 10-159 impose licensing fees and other regulations on automatic amusement devices and arcades;

WHEREAS, the revenue realized from the issuance of such licenses ranged from \$900.00 to \$2,500.00 per year in the five (5) full fiscal years preceding the passage of this Ordinance;

WHEREAS, factoring in the costs of advertising public notice and staff time devoted to the processing of the paperwork required for the issuance of the licenses, the collection of the fees and the follow-up required to collect from tardy payors, the benefit realized by the City in charging and collecting these fees is negligible;

WHEREAS, notwithstanding the foregoing, retaining the license requirement for temporary businesses will enable the City to continue its oversight of temporary commercial ventures, such as holiday-time fireworks stands, as the

Mayor and City Council deem the regulation of such businesses to be in the best interests of the City;

WHEREAS, Section 10-91 is an antiquated provision that is not enforced and is inconsistent with the changes being made to Section 10-92;

WHEREAS, Section 10-93, pertaining to the duration of licenses and the proration of license fees, is no longer required because temporary business licenses will be the only licenses issued under Article III of Chapter 10 of the City Code after the passage of this Ordinance and Section 10-93 is inconsistent with those provisions and the manner in which they have been applied to temporary business licenses;

WHEREAS, Section 10-94, pertaining to the display or license tags, no longer reflects current practice and is being amended accordingly; and

WHEREAS, since Sections 10-111 through 10-159 are antiquated in that there are no arcades in the City and automatic amusement devices are largely located in casinos outside of the City, those provisions need to be repealed.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 10-89 of the Code of the City of Cumberland (1991 Edition) is hereby repealed and reenacted with amendments to read as follows:

**Sec. 10-89. - Preparation of forms.**

The city clerk shall prepare suitable applications, permit blanks, license certificates or other forms in order to provide for the practical application and enforcement of this article at the expense of the city.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 2: AND BE IT FURTHER ORDAINED, that Section 10-90 of the said City Code is hereby repealed and reenacted with amendments to read as follows:

**Sec. 10-90. - Application.**

Any person desiring to engage in or conduct any of the businesses or occupations licensed under this article shall make application to the city clerk.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 3: AND BE IT FURTHER ORDAINED, that Sections 10-91 and 10-93 of the said City Code are hereby repealed. Sections 10-92 and 10-94 of the said Code are hereby renumbered as Sections 10-91 and 10-93.

SECTION 4: AND BE IT FURTHER ORDAINED, that Section 10-92 (being renumbered as Section 10-91) of the said City Code is repealed and reenacted with amendments to read as follows:

**Sec. 10-91. - Fees.**

Upon approval of an application for a license required by this article by the city council, the city clerk shall issue licenses upon payment of the following fees:

- (1) *Temporary business license.* For temporary businesses for the sale of goods, wares, or merchandise, either wholesale or retail, the fee shall be three hundred seventy-five dollars (\$375.00). Such licenses shall be effective for a period of two (2) months from the date of their issuance and may be renewed for two (2) like periods thereafter upon payment of an additional fee of three hundred seventy-five dollars (\$375.00) per period, said licenses to be effective for a total duration of no more than six (6) months. For

the purposes of this subsection, a temporary business is a business wherein the proprietor is not the owner of the building or premises upon which such business is conducted and has a lease for a term of less than one (1) year.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 5: AND BE IT FURTHER ORDAINED, that Section 10-94 (being renumbered as Section 10-92) of the said City Code is repealed and reenacted with amendments to read as follows:

**Sec. 10-92. - Display of license tags.**

Any person who is required to pay a license fee to the city and who has received from the city a license as evidence of such payment shall display such license at all times in a prominent place.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 6: AND BE IT FURTHER ORDAINED, that Chapter 10, Article IV (Sections 10-111 TO 10-159) of the said City Code is hereby repealed.

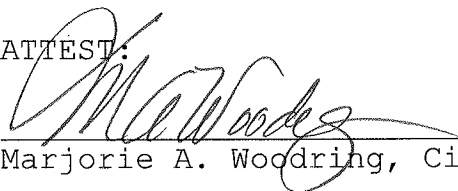
SECTION 7: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 21st day of February, 2017.

  
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~~Brian K. Grim, Mayor~~

**David Caporale, Mayor pro tem**

ATTEST:

  
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Marjorie A. Woodring, City Clerk

**1st reading: 2/7/17**  
**2nd reading: 2/21/17**  
**3rd reading: 2/21/17**

**EXHIBIT 1**

**Sec. 10-89. - Preparation of forms.**

The city clerk ~~or the chief of police~~ shall prepare suitable applications, permit blanks, license certificates or other forms in order to provide for the practical application and enforcement of this article at the expense of the city.

**Sec. 10-90. - Application.**

Any person desiring to engage in or conduct any of the businesses or occupations licensed under this article shall make application to the city clerk, ~~who shall submit such application at the earliest possible time to the city council.~~

**Sec. ~~10-92~~10-91. - Fees.**

Upon approval of an application for a license required by this article by the city council, the city clerk shall issue licenses upon payment of the following fees:

- ~~(1) Parking lots.
  - a. To conduct an open-air commercial parking lot having a capacity of twenty (20) cars or less, the license fee per year shall be fifteen dollars (\$15.00).
  - b. For each open-air parking lot having a capacity of twenty-one (21) cars and not more than fifty (50) cars, the license fee per year shall be thirty dollars (\$30.00).
  - c. For each open-air parking lot having a capacity of fifty-one (51) cars or more, the license fee per year shall be forty-five dollars (\$45.00).~~
- ~~(2) Shooting galleries. To operate any shooting gallery or set up any room wherein rifle or pistol shooting is practiced upon a commercial basis, the license fee per year shall be one hundred twenty-five dollars (\$125.00).~~
- ~~(3) Pawnbrokers. To engage in the business of a pawnbroker, the license fee per year shall be two hundred fifty dollars (\$250.00).~~
- ~~(4) Junk dealers. To buy or sell scrap metals, including the purchase of secondhand motor vehicles and the wrecking thereof, and of rubber, the license fee per year shall be two hundred fifty dollars (\$250.00).~~
- ~~(5) Fortunetellers, palmists, etc. To act as a clairvoyant, palmist, fortuneteller, phrenologist or similar business, and make a charge for the business, or to sell books pertaining to any of such things and demonstrate the application thereof, the license fee per week shall be one hundred fifty dollars (\$150.00).~~
- ~~(6) Sound trucks. To operate any sound truck, the license fee per hour shall be one dollar (\$1.00).~~
- ~~(7) Hotels. To operate any hotel which is unlicensed under the provisions of state law pertaining to intoxicating beverages, the license fee per room per year shall be five dollars (\$5.00). A hotel shall be construed, for the purpose of this subsection, to be any place offering accommodation to transients and containing five (5) or more guest rooms.~~

- (8) ~~Used car lot. To operate any used car lot, the license fee per year shall be seventy-five dollars (\$75.00).~~
- (19) *Temporary business license.* For temporary businesses for the sale of goods, wares, or merchandise, either wholesale or retail, the fee shall be three hundred seventy-five dollars (\$375.00). Such licenses shall be effective for a period of two (2) months from the date of their issuance and may be renewed for two (2) like periods thereafter upon payment of an additional fee of three hundred seventy-five dollars (\$375.00) per period, said licenses to be effective for a total duration of no more than six (6) months. For the purposes of this subsection, a temporary business is a business wherein the proprietor is not the owner of the building or premises upon which such business is conducted and has a lease for a term of less than one (1) year.

**Sec. 10-924. - Display of license tags.**

~~Any person who is required to pay a license fee or occupational tax to the city and who has received from the city a metal plate or tag license as evidence of such payment shall display such metal tag license at all times in a prominent place upon the vehicle for which the tag or plate was issued.~~