



Introduced and Read: \_\_\_\_\_, 2013  
Second Reading and Adoption: \_\_\_\_\_, 2013  
Posted: \_\_\_\_\_ to \_\_\_\_\_, 2013  
Effective Date: \_\_\_\_\_, 2013

**CITY OF MOUNT RAINIER, MARYLAND  
ORDINANCE 6-2013**

(Drafted by City Attorney)

Introduced by: \_\_\_\_\_

**An Ordinance amending Chapter 7A, Commercial District Management Authority,  
of the *Mount Rainier Code* to increase the annual fees to businesses and business property  
owners and to increase the City’s collection fee.**

**WHEREAS**, the Mount Rainier Business Association is a Commercial District Management Authority (“CDMA”) established in accordance with Article 23A, Section 2(b)(35) of the *Annotated Code of Maryland* and Chapter 7A of the *Mount Rainier Code*; and

**WHEREAS**, each businesses and business property owner in the City is assessed an annual fee for membership in the CDMA; and

**WHEREAS**, the CDMA fees have not increased for a number of years and the Mount Rainier Business Association needs additional revenue to fund its programs and activities; and

**WHEREAS**, the City, as agent for the Mount Rainier Business Association, collects CDMA fees from businesses and business property owners in the City, in conjunction with the issuance of City Business Occupancy Licenses; and

**WHEREAS**, the City’s costs of billing and processing the annual CDMA fees have increased, and the Council desires to provide for a higher payment to the City for the expenses incurred by the City in collecting CDMA fees for the Mount Rainier Business Association.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND**, the *Mount Rainier Code* is amended as follows:

**MOUNT RAINIER CODE  
CHAPTER 7A  
COMMERCIAL DISTRICT MANAGEMENT AUTHORITY**

**Section 7A-10. Definitions.**

For purposes of this chapter, the following terms shall have the meanings indicated:

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“ENABLING ACT” shall mean Article 23A, Section 2(b)(35) of the *Annotated Code of Maryland, 1986 Replacement Volume*, as amended.

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**Section 7A-103. District Boundaries.**

The boundaries of the Commercial Management District ~~is described as the boundaries are the corporate limits of the City of Mount Rainier as described in this Municipal Charter of Mount Rainier, Sections 53-2 through 53-8.~~

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**Section 7A-109. Commercial District Management Authority Fee.**

A. The annual Commercial District Management Authority fee shall be One Hundred Fifty Dollars (\$150) ~~for from each business operating in the City and One Hundred Fifty Dollars (\$150) for from the each owner of real property in the City where a businesses are or would be located, one hundred dollars (\$100) per parcel having a tax account number, is located (“business property”)~~, except:

1. If a business property owner owns multiple parcels with separate tax account numbers associated with one storefront or other business, then the fee for the associated business properties is ~~may be capped at Two One Hundred Twenty-Five fifty Dollars (\$225+50)~~; and
2. If a business property is owner-occupied, then the fee for both the business and the property is ~~may be capped at Two One Hundred Twenty-Five fifty Dollars (\$225+50).~~

Any business The property owners who believes that he or she is they are entitled to an one of these two exceptions exception under Section 7A-109.A.1 or 2 above must appear before a committee established by the Board of Directors and demonstrate that he or she meets the criteria for granting an exception.

B. The City of Mount Rainier may shall collect and enforce Commercial District Management Authority fees on behalf of the Authority as its agent. The City may charge the Authority for the expense incurred in collecting fees up to ten five percent (10% 5%) of the amount collected. The City may sue to collect fees, as necessary, at the request of the Authority.

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**Section 7A-110. Meetings.**

A. The Board of Directors shall meet at least quarterly. The Authority shall meet at least once a year. The annual budget and selection of members of the Board of Directors shall be approved at a meeting of the Authority ~~as shall the selection of Board Members.~~

B. All meetings shall be open to the public except for closed ~~executive~~ sessions as provided for in the ~~By laws~~ state Open Meetings Act.

**~~Section 7A-111. Termination.~~<sup>1</sup>**

~~Unless amended or repealed by a majority vote of the Mayor and City Council of Mount Rainier, Chapter 7A, Commercial District Management Authority of the City of Mount Rainier Code of Ordinances, shall terminate and be repealed upon a signed agreement by duly authorized representatives of the members of the Commercial District Management Authority and a majority vote of the Mayor and City Council of the City of Mount Rainier.~~

**THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

Attest:

\_\_\_\_\_  
Jeannelle B. Wallace, City Manager

\_\_\_\_\_  
Malinda Miles, Mayor

\_\_\_\_\_  
Jimmy Tarlau, Councilmember Ward 1

\_\_\_\_\_  
William Updike, Councilmember Ward 1

\_\_\_\_\_  
Ivy R. Thompson, Councilmember Ward 2

\_\_\_\_\_  
Brent Bolin, Councilmember Ward 2

**Explanatory Note**

\*\*\* Indicates matter unchanged in existing law, but not set forth in this Ordinance.

Underlining indicates language added to existing law.

~~Strikethrough~~ indicates language that is deleted from existing law.

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<sup>1</sup> COMMENT: Section 7A-111 sets forth a procedure for repeal of the CDMA that does not comply with the Municipal Charter. The Council is the legislative body of the City and, by majority vote, the Council may amend or repeal Chapter 7A. Repeal of Chapter 7A by the Council should not first require a “signed agreement by duly authorized members of the Commercial District Management Authority ...”