

CHAPTER 7A

COMMERCIAL DISTRICT MANAGEMENT AUTHORITY

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Sec. 7A-100. Establishment.

- A. Pursuant to Article 23A, Section 2(b)(35) of the Annotated Code of Maryland, there is hereby established a Commercial District Management Authority, as an independent entity.
(Ord. 11-94, 9/20/94)
- B. The Commercial District Management Authority shall incorporate under the laws of Maryland, shall obtain liability insurance and shall file a copy of its By-laws with the City of Mount Rainier.

Section 7A-101. Purposes.

The purposes of the Commercial District Management Authority shall be to promote and market the District, and to provide security, maintenance and amenities within the District.

Section 7A-102. Definitions.

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

"AT-LARGE" shall mean elected by all voting members of the Authority.

"AUTHORITY" shall mean the Commercial District Management Authority.

"BUSINESS" shall mean any person or organization, irrespective of its location in Mount Rainier, (1) which operates or conducts a trade, business, or profession in Mount Rainier either for profit or not for profit and (2) which is required by any level of federal, state, county, or local jurisdiction to have a license or other related legal document (such as a county use and occupancy permit) to operate, except those operations that meet the following three criteria: (i) they are conducted from residences, and (ii) their employees, if any, never travel to work in the residence in Mount Rainier, and (iii) their customers never visit the residence in Mount Rainier.

"DISTRICT" shall mean the geographical area described by the District boundaries, in which the Authority shall operate and perform its responsibilities.

"ENABLING ACT" shall mean Article 23A, Section 2(b)(35) of the Annotated Code of Maryland, 1987 Replacement Volume, as amended. (Ord. 11-94, 9/20/94)

"EXEMPT BUSINESS" shall mean a business within the District, which is not subject to the assessment of fees by the Authority. Exempt businesses shall include:

1. federal, state, county, or local governments or their agencies; and
2. property used solely for residential purposes.

"FEES" shall mean the Commercial District Management Authority fees of the members of the Authority used to finance the programs and accomplish the purposes of the Authority.

"MEMBERSHIP" shall mean those obligated to pay a Commercial District Management Authority fee to the Authority.

Section 7A-103. District Boundaries.

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

Section 7A-104. Limitations on the Powers of Authority.

The Authority shall not:

- A. be able to exercise the power of eminent domain;

- B. purchase, sell, construct, or, as a landlord, lease office or retail space;
- C. except as otherwise authorized by law, engage in competition with the private sector;
or
- D. enter into any contract, agreement, undertaking, or obligation, which could result in any pecuniary liability to the City or a charge against the general credit and taxing powers of the City.

Section 7A-105. Composition of the Authority.

- A. Every business in the District is a member of the Authority and may participate in the activities of the Authority.
- B. Every business may vote on matters before the Authority except:
 - 1. exempt businesses;
 - 2. businesses that have not paid the Commercial District Management Authority membership fee that is due;
 - 3. any other business that is not in good standing under the by-laws.

Section 7A-106. By-Laws of the Authority.

- A. The first meeting of the members of the Authority must be announced fourteen (14) days in advance. At that meeting, a majority of the voting members present shall adopt By-laws consistent with the requirements of the Enabling Act and this Ordinance.
- B. An amendment of the By-laws cannot be adopted at the same meeting at which the amendment was introduced. The By-laws may be amended by a two-thirds (2/3) vote of the members present.

Section 7A-107. Board of Directors and Officers.

- A. The authority shall be directed and administered by a Board of Directors made up of an odd number, not less than 5 or greater than 11, of members of the District elected at-large by the voting members of the Authority in accordance with the By-laws.

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- B. The Board shall also include one (1) member of the Mount Rainier City Council, appointed by the Mayor of Mount Rainier, who shall serve in a non-voting capacity.
- C. The Board shall elect a minimum of four (4) officers: President, Vice-President, Treasurer and Secretary.
- D. The Board of Directors and officers shall serve without compensation and shall be elected to terms as defined in the By-laws.

Section 7A-108. Budget.

- A. The Board of Directors shall submit a proposed annual budget to the members of the Authority. The Board of Directors shall adopt a budget at the first meeting of the Authority that is at least thirty (30) days after the proposed budget is submitted to the members. All expenditures shall be in accordance with the budget.
- B. The Board of Directors may amend the budget without thirty (30) days notice if the amendment involves less than an amount of money specified in the By-laws.
- C. The Authority shall submit to the Mayor and Council of the City of Mount Rainier a copy of its approved annual budget and a statement of all funds expended in its budget year. These shall be submitted within one (1) month of budget approval and the budget year's end, respectively.

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

- A. The annual Commercial District Management Authority fee shall be one hundred dollars (\$100) from each business and, from the owner of the property where businesses are or would be located, one hundred dollars (\$100) per parcel having a tax account number, except:
 - 1. If a property owner owns multiple parcels associated with one storefront, the fee for the associated properties may be capped at one hundred fifty dollars (\$150); and
 - 2. If business property is owner-occupied, the fee for both the business and the property may be capped at one hundred fifty dollars (\$150).

The property owners who believe they are entitled to one of these two exceptions 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 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 five percent (5%) of the amount collected. The City may sue to collect fees as necessary, at the request of the Authority.
(Ord. 2-2003, 1/21/03)
- C. The Board shall appoint a hardship panel as provided in the By-laws. The hardship panel shall hear all objections to the membership fee. The only issue before the hardship panel shall be the businesses' ability to pay the Commercial District Management Authority fee.
- D. The Commercial District Management Authority fee shall be due and payable in full each year.
 - 1. So long as the City of Mount Rainier collects Commercial District Management Authority fees from each business, the business will pay its fee in conjunction with the City of Mount Rainier Business Occupancy License. Any member failing to pay the Commercial District Management Authority fee within thirty (30) days after it is due and payable shall be subject to an interest charge at the rate of two percent (2%) per month and a civil penalty of fifty percent (50%) of the total fee. The City shall retain any and all interest and civil penalties collected, so long as the City of Mount Rainier collects Commercial District Management Authority fees from each business
 - 2. Each owner of the properties where businesses are or would be located will pay its fee on the date established by the Commercial District Management Authority. Any member failing to pay the Commercial District Management Authority fee within thirty (30) days after it is due and payable shall be subject to an interest charge at the rate of two percent (2%) per month and a civil penalty of fifty percent (50%) of the total fee.
 - 3. A lien may be created on real property for fees and charges not paid, where the responsible party refuses or fails to comply with the lawful order of the City after due notice thereof. The amount of such lien shall be collected and enforced by the Prince George's County Director of Finance in the same manner as other City taxes on real property.

(Ord 1-2001, 5/2/2001)

Section 7A-110. Meetings.

- A. The Board shall meet at least quarterly. The Authority shall meet at least once a year. The budget 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 executive sessions as provided for in the By-laws.

Section 7A-111. Termination.

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.

(Ord. 2-2003, 1/21/03)