

ARTICLE XI

COMMERCIAL REGULATIONS

Section 1. Beverage Container Deposits

1.1 Deposit Required. It shall be unlawful and an offense for any person in a commercial zone to sell, offer for sale or attempt to sell any beverage in a container on which a deposit of at least twenty five cents (25 cents) is not charged at the retail level and on which the deposit is not returned when the container is returned to the retail outlet.

1.2 Definitions. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them below:

Beverage: Any drink, liquid, or combination of liquid and ice, containing any non-dairy products, and fit for human consumption.

Container: Any device made of glass, metal, plastic, paper, or other material which directly holds or contains beverages except containers which hold by volume one liter or more.

Mayor: The Mayor of the Town of Washington Grove.

Sale: A commercial transaction by any person, firm, individual corporation, partnership or vendor whereby beverages are sold directly to the public for a monetary consideration for the purposes of consumption.

1.3 Inspections. The Mayor, or Mayor's designee, shall have the authority to enter upon the premises of any firm, individual, corporation, partnership, or vendor selling beverages for the purpose of performing an inspection to determine if such firm, individual, corporation, partnership or vendor is in compliance with the provisions of this section.

1.4 Article IX Applies. Article IX of the Code of Ordinances of the Town of Washington Grove shall apply to this Section.

1.5 Additional Enforcement. In addition, the Town or any person may institute an action for injunction, mandamus or other appropriate action to cause the violation to cease.

Section 2. Business License

2.1 Purpose. This Ordinance is adopted for the purpose of providing for the systematic and reasonable regulation of commercial activity in the Town of Washington Grove and to protect the residential character of the community as well as the health, safety, morals, comfort, and general welfare of the residents of the Town.

2.2 Applications. Applications for all licenses hereinafter required by this Ordinance shall be made in writing to the Mayor of the Town of Washington Grove or his designee. Each application shall state the name of the applicant, the license desired, the kind of business or endeavor to be undertaken, the location to be used, if any, the time covered and the fee to

be paid; and each application shall contain such additional information as may be needed for the proper guidance of Town officials in the issuing of the license applied for.

2.3 Definition-Conduct of Business. Whenever in this Ordinance a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any commercial activity or occupation, any person or corporation shall be subject to the requirements if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the Town of Washington Grove.

2.4 License Forms. Forms for all licenses, and applications therefore, shall be prepared and kept and filed by the Mayor of the Town of Washington Grove or his designee.

2.5 Issuance of License. The Mayor of the Town of Washington Grove or the Mayor's designee shall issue a license, which shall bear the signature of the Mayor of the Town of Washington Grove upon ascertaining that the applicant has complied with all of the provisions of this Business License ordinance.

2.6 License Fees. Application for Business License. An application for a Business License or renewal of the same for any calendar year or part of a calendar year shall be filed with the Town Clerk and be accompanied by the filing fee required as set forth in Article XVI of the Code of Ordinances.

2.7 Term of License. All licenses shall terminate on the 31st day of December of each year. The licensee shall be responsible for applying for a new license at least thirty days before the termination of the current license.

2.8 Licensee's Premises Shall Conform To Town Ordinances. No licensee shall conduct any business if the land and building to be used for the purpose do not fully comply with the requirements of the Code of Ordinances of the Town of Washington Grove, including but not limited to the Zoning Ordinance (Article VII) of the Town of Washington Grove.

2.9 Licensee Shall Obey All Laws. No business, licensed or not, shall be conducted or operated so as to amount to a violation of any requirements or any Federal, State, County, or Ordinance of the Town of Washington Grove or to amount to a nuisance in fact.

2.10 Revocation of License. Any license may be revoked by the Town Council of Washington Grove at any time during the life of such license for any violation by the licensee of this Ordinance. Complaints concerning alleged violations of this Ordinance shall be made by any person, group, association, or public agency or official. Such complaints shall be in writing, stating fully the nature of the alleged violation, and shall be directed to the Mayor. The Mayor or his designee shall investigate all such complaints, and, if he or she finds that any provisions of this Ordinance have been or are being violated, shall notify the alleged violator and the complainant in writing of his findings along with a copy of the complaint and

then refer the matter to the Town Council for a hearing. At such hearing all parties will have the right to be represented by counsel and may present such evidence to the Town Council as may be relevant. If the Town Council finds that a violation of this Ordinance has occurred, the license of the violator shall be revoked for five days for a first violation. A finding by the Town Council of a second violation of this Ordinance within twelve months of the first violation shall require a revocation of a license permanently. A permanently revoked license may not thereafter be renewed.

2.11 License Required. No business person or establishment shall engage in any commercial activity or occupation or conduct any business within the local commercial zone C-L as set out in Article VII of the Code of Ordinance of the Town of Washington Grove without a valid business license issued under this Ordinance.

2.12 Business Hours. No licensee shall be open for business to the public between the hours of 9:00 p.m. and 6:00 a.m.

2.13 Article IX Applies. Article IX of the Code of Ordinances of the Town of Washington Grove shall apply to this Ordinance.

2.14 Thirty-Day Grace Period. A business already in existence at the time of enactment of this Ordinance shall have thirty days from the date of enactment to apply for a business license.

2.15 Additional Enforcement. In addition, the Town or any person may institute an action for injunction, mandamus or other appropriate action to cause the violation to cease.