

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2019-OR-02

Introduced By: CM Marsha Dixon

Date Introduced: March 4, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

An Ordinance concerning

GENERAL BUSINESS LICENSING

FOR the purpose of repealing existing provisions of the Town Code relating to Town business licenses and enacting new provisions for licensing businesses in the Town of Riverdale Park; comprehensively revising regulations and procedures regarding applications for, and the approvals, suspension and revocation of licenses for, the operation of trades and businesses within the Town of Riverdale Park; providing for the scope of this Ordinance; defining certain terms; establishing and revising certain application and license fees, penalties and enforcement procedures; providing for the duration of certain licenses; specifying certain operational regulations, including special regulations for mobile vendors; providing for appeals from certain decisions; providing for the applicability of the terms of this Ordinance to existing Town business licenses; providing for the severability of the provisions of this Ordinance; and matters generally relating to preserving the public health, safety and welfare by licensing the operation of trades and businesses in the Town.

* * * * *

BY repealing in its entirety
Chapter 42 – LICENSES
Sections 42-1 through 42-13, inclusive
Code of the Town of Riverdale Park
(January 2008 Revision, as amended)

27 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
28 **RIVERDALE PARK**, That Chapter 42 – LICENSES, of the Code of the Town of
29 Riverdale Park (January 2008 Revision, as amended), consisting of Sections 42-1
30 through 42-13, inclusive, be and it is hereby repealed in its entirety, and new Sections
31 42-1 through 42-12, inclusive, to be under the new Chapter 42 – BUSINESS LICENSES, are
32 hereby added to the Code of the Town of Riverdale Park (January 2008 Revision, as
33 amended), to stand in the place of the Chapter and Sections repealed and to read as follows:
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35 **CHAPTER 42 – BUSINESS LICENSES**

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37 **§ 42-1. Purpose.**

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39 (a) The Town Council has adopted a vision and commitment for business and economic
40 development, and for housing and neighborhoods. As part of the Town’s efforts to
41 ensure these vision and commitment statements are realized, the Town administers
42 various programs and initiatives through the adopted Town Code. This Chapter
43 supports business, economic development, housing and neighborhoods through the
44 licensing and inspection of businesses throughout the Town. This Chapter is
45 intended to ensure that defined businesses are properly located, improved,
46 maintained, licensed, and operated so that the businesses add value to the Town.
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48 (b) A further purpose of this Chapter is to protect and promote the public health, safety
49 and welfare of the residents of the Town, to establish obligations and rights of
50 business owners; to maintain and improve the quality of businesses; and improve the
51 business climate within the Town. This Chapter also ensures compliance with laws,
52 ordinances, and regulations applicable to businesses within the Town; and prevents
53 deterioration of business real property, supports property values, and encourages
54 responsible business management.
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56 **§ 42-2. Matters Covered.**

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58 This Chapter shall apply to businesses operating in the Town of Riverdale Park as defined
59 herein. Compliance with Town and other applicable codes and regulations for locating,
60 improving, maintaining, and operating businesses is required.
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62 **§ 42-3. Definitions.**

- 63
64 (a) Business. A business includes any person, corporation, or other legal entity that
65 engages in the selling of goods or services. A business includes for-profit and non-
66 profit entities. A business also includes certain home-based businesses not otherwise
67 excluded in this Chapter, coin-operated vending businesses, mobile vendor
68 businesses, peddlers, and seasonal or temporary businesses. The following
69 businesses are not businesses within the meaning of this Chapter:

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(1) Leasing of residential rental units as defined and licensed under Chapter 55 of this Code is not the operation of business.

(2) Home-occupations permitted under the Prince George’s County Zoning ordinance, at which no more than two (2) of the home-owners or residential tenants are the only employees and which provide onsite services to no more than two (2) customers at any time.

(b) License year. A license year is the period for which a license, other than a temporary license, is issued under this Chapter. A license issued under this Chapter for a license year:

(1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30; and

(2) May be renewed for successive terms of one year each upon compliance with the requirements of this Chapter.

(c) Mobile Vendor. A person who sells or offers to sell goods, wares, or food from a vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.

(d) Peddler. A person who sells or offers to sell goods, wares, food, or solicits orders for future sales or services, from house-to-house or place-to-place, and who is not a mobile vendor.

§ 42-4. License Required.

(a) A person may not operate a business in the Town without first obtaining a license as required by this Chapter.

(b) A license shall be applied for and issued to the owner or other person responsible for operating the business in the Town. If the owner of, or other person responsible for operating, the business is a legal business entity, the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity.

§ 42-5. Application; forms; and required documentation.

Any person seeking a license, or the renewal of a license, under this Chapter shall file with the Town Manager or the Town Manager’s designee a written application, under penalty of perjury, on a form prescribed by the Town. The application for an initial license or the

113 renewal of a license shall include or be accompanied by the following to the extent
114 reasonably available:

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116 (1) The address of the premises at which the business will be operated.
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- 118 (2) The zoning classification of the premises at or from which the business will be
119 operated.
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- 121 (3) The name, telephone number, e-mail address, and postal mailing address of
122 the owner of the premises.
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- 124 (4) The name, telephone number, e-mail address, and postal mailing address of
125 the applicant.
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- 127 (5) The name, telephone number, e-mail address, and postal mailing address of
128 an emergency contact.
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- 130 (6) The name, telephone number, e-mail address, and postal mailing address of
131 an individual who is designated to accept notices and citations from the Town
132 with respect to the operation of the business.
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- 134 (7) A copy of the current use and occupancy permit for the premises that shows
135 that the business is authorized at the premises if another regulatory authority
136 requires a use and occupancy certificate.
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- 138 (8) A copy of the current alcoholic beverage license for the premises if the service
139 of alcoholic beverages is allowed at the premises.
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- 141 (9) Evidence that the premises satisfies all applicable property maintenance code,
142 business licensing, and safety regulations for the operation of business.
143
- 144 (10) A statement by the applicant and the owner of the premises that the filing of
145 the application and the acceptance of the license issued by the Town
146 constitutes consent to and authority for Town-designated regulatory officials
147 to enter the premises of the business with prior notice during regular
148 business hours before approval of the license for the limited purpose of
149 determining whether representations contained in the application are
150 accurate, and, after a license has been issued, investigating, based upon
151 probable cause, possible violations of this Chapter and the license. Where
152 entry to a premise is refused, Town regulatory officials, may obtain a warrant
153 to authorize entry.
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155 **42-6. License fees.**

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- (a) The amount of the annual license fee for a license year is \$150, except that for the following types of businesses the amount of the annual license fee for a license year is the amount specified:
 - (1) Coin-Operated Vending: The amount of the annual license fee is \$20 per machine in addition to the license fee for the business in which the machine is located.
 - (2) Mobile Vendor: The amount of the annual license fee is \$50 per mobile vending unit.
 - (3) Peddler: The amount of the annual license fee is \$50 per person.
 - (4) Alcoholic Beverage: For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$200 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsite sale of beer and wine.
 - II. \$100 for a business holding a County alcoholic beverage license for offsite sale of beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsite sale of beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for onsite sale of beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for onsite and offsite of sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for onsite and offsite sale of beer, wine and liquor.
 - (5) There is no license fee for non-profit businesses.
- (b) The fee for a license issued after July 1 shall not be prorated for the remainder of the license year for which the license is issued.
- (c) A late fee in the amount of \$20 may be imposed on any license renewal application filed after the due date on the application or any authorized extensions.

199 **§ 42-7. License issuance; denial.**
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201 (a) When the Town receives a completed application for a license under this Chapter, the
202 Town shall conduct a review of the application.
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204 (b) After the Town completes the review, the Town Manager or the Town Manager's
205 designee shall determine whether the license should be granted and whether any
206 terms, conditions and restrictions should be attached to the granting of the license,
207 including providing the applicant with a reasonable time to come into compliance with
208 the requirements of this Chapter. Any terms, conditions and restrictions shall be
209 based on the then current applicable codes, laws and regulations.
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211 (c) The Town Manager or the Town Manager's designee shall grant the license, with or
212 without terms, conditions and restrictions, except that the Town Manager or the Town
213 Manager's designee shall deny the application if:
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215 (1) The Town Manager or the Town Manager's designee determines that the
216 business for which the license is sought does not and reasonably cannot be
217 expected to comply with applicable codes, laws, and regulations; or
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219 (2) The business for which the license has been applied has any unpaid town fees
220 or taxes, or any other unsatisfied obligations to the Town, unless the business
221 has submitted a payment plan that is satisfactory to the Town Manager or the
222 Town Manager's designee to pay the fees or taxes or to satisfy other
223 obligations.
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225 (d) A license issued under this Chapter:
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227 (1) Shall state the license year for which the license is issued.
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229 (2) Shall identify each business for which the license is issued.
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231 (3) Shall identify the person to whom the license is issued.
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233 (4) Shall identify the location at which the business will be conducted, except that
234 a license issued to a mobile vendor shall identify the business as a mobile
235 vendor.
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237 (5) Shall list all terms, conditions and restrictions imposed upon the granting of the
238 license.
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240 (6) Is not assignable or transferrable to another person, business or location.
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242 (e) If the Town Manager or the Town Manager’s designee denies an application for a
243 license under this Chapter, a written notification detailing the reasons for the denial
244 shall promptly be provided to the applicant by hand delivery, by first class U.S. Mail, or
245 by e-mail to the e-mail address provided in the application.
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247 **§ 42-8. Specialty License Provisions.**
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249 (a) Mobile Vending License: A mobile vendor may not remain standing in a fixed or
250 permanent location to service customers. All mobile vendors’ vehicles must be clearly
251 marked as to identify the name of the business and its phone number, and shall
252 display all required permits and licenses.
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254 (b) Temporary License:
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256 (1) Any person, corporation, or other legal entity issued a temporary business use
257 and occupancy permit, or temporary business license, from Prince George’s
258 County must apply for a temporary license to conduct business in the Town.
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260 (2) Application. All applications for a temporary license must include the following:
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- 262 I. County issued permit copies.
- 263
- 264 II. Description of services to be offered.
- 265
- 266 III. Location of temporary business.
- 267
- 268 IV. Written authorization by Owner/Manager of any commercial property to
269 be used for operation of the temporary business.
- 270
- 271 V. Listing those Saturdays, Sundays and legal holidays as defined by the
272 Federal Government, including hours of operations on each day, that
273 the temporary business will operate.
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275 (3) Restrictions on temporary businesses.
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- 277 I. No trailer, tent, motor vehicle or vehicle canopy may be used for sales.
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- 279 II. All displays or sales must be conducted on commercially zoned
280 property no more than fifteen (15) feet from the main entrance door to
281 the commercially operated business.
282
- 283 III. All display and sales areas shall be located at least twenty-five (25) feet
284 from an existing street line and from any adjacent lot lines.

285
286 IV. The temporary license shall be issued for not more than three (3)
287 consecutive months.

288
289 V. The temporary license shall be used only on Saturday, Sunday and
290 legal holidays.

291
292 VI. Services offered must comply with location's zoning for sale of goods.

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294 **§ 42-8. Operational regulations.**

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296 (a) The regulations in this section govern the operation of a business licensed under this
297 Chapter and are conditions of the license.

298
299 (b) The holder of the license promptly shall notify the Town Manager or the Town
300 Manager's designee of any changes to any of the information submitted as part of the
301 application for the license.

302
303 (c) The operation of the business and premises shall comply with all applicable property
304 maintenance code, building code, business licensing, zoning, alcoholic beverage and
305 liquor licensing, and life safety and occupancy regulations.

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307 (d) The business shall be operated within the times allowed by zoning and alcoholic
308 beverage regulations, except to the extent that more limiting hours of operation are
309 established by the Town as a condition of the issuance of the license.

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311 (e) Where the sale or consumption of alcoholic beverages otherwise is permitted,
312 alcoholic beverages may not be sold or served to any individual under 21 years of age
313 or to any individual who reasonable observation demonstrates is intoxicated or under
314 the influence of alcohol.

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316 (f) No disorderly conduct or public nuisance shall be permitted to occur or continue in or
317 within in close proximity to the premises of the licensed business.

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319 (g) The business shall be operated in accordance with all applicable laws including, but
320 not limited to, those described in subsection (c) of this section.

321
322 (h) The individuals in charge of the operation of the business shall not allow patrons or
323 guests to engage in conduct on the premises that violates applicable laws including,
324 but not limited to, laws relating to consumption of alcoholic beverages and public
325 decency.

326
327 (i) The operators of the business shall not allow loitering to occur outside the premises of

328 the business.

329
330 (j) The business shall be operated in a manner that does not result in the business being
331 a public nuisance or result in the repeated response by the law enforcement
332 authorities for conduct in or about the premises where the business is being operated.
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334 **§ 42-10. Suspension and revocation.**

335
336 (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties
337 and enforcement).
338

339 (b) If a Town regulatory official observes that a business for which a license has been
340 issued under this Chapter is being operated in violation of this Chapter or in violation
341 of the license, the officer may issue a written notice to the business to cease and
342 desist, or to correct, the unauthorized activity immediately or such longer time
343 specified in the notice. If the violation is not corrected as required, the Town Manager
344 or Town Manager’s designee may suspend or revoke the license after giving written
345 notice to the holder of the license and affording the holder of the license an
346 opportunity to be heard.
347

348 (c) If any other government regulatory agency suspends or revokes a license or permit
349 issued by that agency for operation of the business in the Town, licenses under this
350 Chapter shall automatically be suspended or revoked until such time as the other
351 government regulatory agency removes such suspension or revocation.
352

353 **§ 42-11. Appeals.**

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355 Any person aggrieved by a decision to deny the granting of a license under this Chapter, or
356 to impose any terms, conditions and restrictions upon the granting of a license, or to suspend
357 or revoke a license, may appeal the decision to the Board of Code Appeals as established in
358 Chapter 56 of this Code. An appeal shall be filed by delivering a written notice of appeal to
359 the Town Manager on such form as may be prescribed by the Town Manager within ten (10)
360 days after the decision or action from which the appeal is taken.
361

362 **§ 42-12. Penalties and enforcement.**

363
364 (a) A person may not violate this Chapter, or the terms, conditions or restrictions of a
365 license issued under this Chapter. Each day that a person continues to violate this
366 Chapter, or the terms, conditions or restrictions of a license issued under this Chapter,
367 is a separate offense.
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369 (b) A person who violates this Chapter, or the terms, conditions or restrictions of any
370 license issued under this Chapter, is guilty of a municipal infraction and subject to a

371 fine in the amount of \$200 for the violation, except that the amount of the fine for each
372 day that a violation continues is \$400.

373
374 (c) Except as otherwise specifically provided in this chapter, this Chapter may be
375 enforced by any Town staff designated by the Town Manager.

376
377 (d) In the case of a business operating without a required license, in addition to the
378 issuance of municipal infraction citations, after notice to the manager or other
379 individual on the premises in charge of the operation of the business, the Town may
380 order the premises to be vacated and post on the exterior of the premises notice that
381 the business is unlicensed and operating in violation of the Town Code.

382
383 (e) In addition to the other remedies provided in this section, the Town may institute a
384 judicial proceeding to enforce or restrain violations of the provisions of this Chapter or
385 of a license issued under this Chapter.

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387 (f) The enforcement of the Mobile Vendor License and Peddler License requirements
388 shall be a joint operation between the Town's Police Department and regulatory
389 officials designated by the Town Manager. The Police Department shall identify
390 mobile vendors operating without or in violation of a Town issued license. The Town's
391 regulatory staff shall then act upon that information to gain compliance and where
392 appropriate take enforcement action.

393
394 **SECTION 2: AND BE IT FURTHER ENACTED** that the provisions of Sections 42-1
395 through 42-12 of the Code of the Town of Riverdale Park (January 2008 Revision, as
396 amended), Article 42 – BUSINESS LICENSES, as enacted by this Ordinance, except those
397 provisions governing the initial issuance of a business license, shall apply to all existing
398 business licenses issued by the Town on or before the effective date of this Ordinance.
399 Such existing business licenses shall continue in effect until June 30, 2019, or until sooner
400 revoked under the provisions of Sections 42-1 through 42-12 as enacted by this Ordinance.

401
402 **SECTION 3: AND BE IT FURTHER ENACTED** that if any provision of this
403 Ordinance, or the application thereof to any person or circumstance, is held invalid for any
404 reason, such invalidity shall not affect the other provisions or any other application of this
405 Ordinance which can be given effect without the invalid provisions or application, and to
406 this end, all the provisions of this Ordinance are hereby declared to be severable.

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408 **SECTION 4: AND BE IT FURTHER ENACTED** that this Ordinance shall become
409 effective twenty (20) days after its passage by the Council.

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ATTEST:

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from the law.

* * * indicates omissions from existing law where no changes are made by this Ordinance

Chapter 42 LICENSES

§ 42-1. Scope.

§ 42-2. License required.

§ 42-3. Duration of license.

§ 42-4. Application.

§ 42-5. Application review and consideration.

§ 42-6. License fees.

§ 42-7. Licenses.

§ 42-8. Operational regulations.

§ 42-9. Special regulations for mobile vendors.

§ 42-10. Suspension and revocation of license.

§ 42-11. Appeals.

§ 42-12. Penalties and enforcement

§ 42-13. Temporary License [Added 3-05-04]

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.

Camping fees -- See Chapter 17.

Carnival and show permits -- See Chapter 19.

Club permits -- See Chapter 22.

Dance hall permits -- See Chapter 25.

Municipal Infractions -- See Chapter 46.

Rental licensing -- See Chapter 55.

§ 42-1. Scope. [Amended 9-2-14, effective 9-22-14]

- (a) This chapter applies to the operation of a trade or business in the Town of Riverdale Park.
- (b) For purposes of this chapter a trade or business includes commercial trades or businesses, not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) For purposes of this chapter the operation of one or more single-family dwellings or dwelling units for rent and for which licenses have been issued under Chapter 55 of this Code is not the operation of a trade or business with respect to such rentals.

§ 42-2. License required.

- (a) A person may not operate a trade or business in the Town of Riverdale Park without obtaining a license from the Town under this chapter and paying the required license fee.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the trade or business in the Town. If the owner of, or other person responsible for operating, the trade or business is a business entity the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity. The licensee is personally liable for complying with this chapter and all terms and conditions of the license.
- (c) A license issued under this chapter is in addition to a license required under this code.
- (d) A person who is eligible for and obtains a temporary license under § 42-13 of this code is exempt from obtaining a license under this chapter.

§ 42-3. Duration of license.

A license issued under this chapter:

- (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
- (2) May be renewed for successive terms of one year each upon compliance with the requirements of this chapter.

§ 42-4. Application. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

Any person seeking a license, or the renewal of a license, under this chapter shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing license shall be filed not later than the May 1 before the license is scheduled to expire, unless otherwise authorized by the Town Administrator. An application that is filed later than the May 15 before the license is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises at which the trade or business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the owner of the business entity for whose use and benefit the license is sought.
- (6) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the trade or business when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the trade or business.
- (7) A copy of any current fire inspection or occupancy limitation certificates, or both, for the use of the premises for the trade or business if another regulatory authority requires a fire inspection or occupancy limitation certificate, or both.
- (8) A copy of the current use and occupancy permit for the premises that shows that the trade or business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.

- (9) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.
- (10) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of trade or business.
- (11) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this chapter and the license. Where entry to a premises is refused, Town code enforcement officers and police officers, and other regulatory officials, shall obtain a warrant to authorize entry unless other lawful grounds exist to enter the premises without a warrant.

§ 42-5. Application review and consideration. [Amended 9-2-14, effective 9-22-14]

- (a) When the Town Administrator receives a completed application for a license under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons and Town departments in conducting the review and investigation.
- (b) After the Town Administrator completes the investigation, the Town Administrator shall determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this chapter. Any terms, conditions and restrictions shall be based upon any impacts that the operation of the trade or business reasonably may be expected to have on the surrounding community and the public health, safety or welfare.
- (c) The Town Administrator shall grant the license, with or without terms, conditions and restrictions, except that the Town Administrator shall deny the application if:
 - (1) The Town Administrator determines that the trade or business for which the license has been applied reasonably can be expected to have an adverse impact on the surrounding community and the public health, safety or welfare that cannot be mitigated by terms, conditions and restrictions on the license;
or

- (2) The trade or business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the trade or business had made arrangements approved by the Town Administrator to pay the fees or taxes or to satisfy other obligations.
- (d) If the Town Administrator denies an application for a license under this chapter, the Town Administrator shall prepare a written report of the reasons for the denial and shall provide that report promptly to the applicant by hand delivery or by certified mail, return receipt requested, to the applicant's address as set forth on the application.

§ 42-6. License fees. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

- (a) If an application for a new license or renewal of an existing license is approved, the applicant shall pay the Town a non-refundable license fee before the Town issues the license.
- (b) The amount of the annual license fee is \$150, except that for the following types of trades or business the amount of the annual license fee is the amount specified:
 - (1) For the operation of an apartment house the amount of the annual license fee is \$115 multiplied by the number of apartment units, except that there is no license fee if a license is issued and licensing fee is paid under Chapter 56 of this code.
 - (2) For the operation of a rooming house or boarding house the amount of the annual license fee is \$20 multiplied by the number of rooming units, except that there is no license fee if a license is issued and licensing fees are paid under Chapter 55 of this code.
 - (3) For the operation of one or more coin operated vending machine the amount of the annual license fee is \$20 per machine in addition to the license fee for the trade or business in which the machine is located.
 - (4) For the operation of a mobile vending business the amount of the annual license fee is \$50 per mobile vending unit.
 - (5) For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$150 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsale beer and wine.

- II. \$100 for a business holding a County alcoholic beverage license for off-sale beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for on-sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and off-sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and off-sale beer, wine and liquor.
- (6) There is no license fee for any trade or business operated by not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.
- (d) A late fee in the amount of \$20 shall be imposed on any license renewal application filed between May 16 and June 30. Any licensed trade or business for which a license is not renewed by June 30 shall be deemed to be unlicensed and subject to penalties and enforcement for an unlicensed business until a license is issued.

§ 42-7. Licenses.

A license issued under this chapter:

- (1) Shall identify each trade or business for which the license is issued.
- (2) Shall identify the person to whom the license is issued.
- (3) Shall identify the location at which the trade or business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.
- (4) Shall list all terms, conditions and restrictions imposed upon the grant of the license.

- (5) Is not assignable or transferrable to another person, trade or business or location.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of trade or business licensed under this chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the license.
- (c) A manager or other individual responsible for the operation of the trade or business shall be on the premises at all times when the trade or business is open for business. This manager or other individual responsible for the operation of the trade or business and the holder of the license shall be jointly responsible for the operation of the trade or business and for all violations of this chapter and the terms and conditions of the license, and shall accept notices and citations issued under this chapter.
- (d) The operation of the trade or business and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (e) The operator of the trade or business shall maintain on file records as required by law for all employees who work at the premises. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.
- (f) The trade or business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Mayor and Council as a condition of the issuance of the license.
- (g) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (h) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of the licensed trade or business.
- (i) The trade or business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection 4 of this section.

- (j) The individuals in charge of the operation of the trade or business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.
- (k) The operators of the trade or business shall not allow loitering to occur outside the premises of the trade or business.
- (l) The trade or business shall be operated in a manner that does not result in the trade or business being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the trade or business is being operated.

§ 42-9. Special regulations for mobile vendors.

- (a) For purposes of this chapter a “mobile vendor” means a person who sells or offers to sell goods, wares or food from a vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.
- (b) A mobile vendor may not remain standing in a fixed or permanent location to service customers.
- (c) All mobile vendors’ vehicles must be clearly marked as to identify the name of business and phone number, and display all required permits and licenses.

§ 42-10. Suspension and revocation of license.

- (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).
- (b) If a Town code enforcement officer or police officer observes that a trade or business for which a license has been issued under this chapter is being operated in violation of this chapter or in violation of the license, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the trade or business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the trade or business a written notice that the mayor and council will hold a hearing to determine whether the license should be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the trade or business until the Mayor and Council can hold a hearing on suspension or revocation of the license will result in an immediate and substantial threat to the public health, safety or welfare, the officer may take the same

action as is authorized under § 42-12 (penalties and enforcement) for a trade or business that is operating without a license. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the trade or business or suspend or revoke the license.

- (c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the trade or business in the Town, the Mayor and Council shall hold a hearing to determine whether the Town license also should be suspended or revoked.
- (d) If the Mayor and Council hold a hearing to determine whether a license should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the license will be considered. The notice shall be sent to the license holder, to the business entity for whose use and benefit the license was issued, and to the owner of the premises at which the trade or business is located. The notice shall be sent by certified and first class mail to the addresses of such persons as listed on the license application. Where action is taken under § 42-10.2 (should be 42-10(b)), the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing.
 - (1) At a hearing the Mayor and Council shall consider testimony and evidence from the Town, from the holder of the license, and from other interested persons.
 - (2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the license or permit issued by another government regulatory agency has been revoked or suspended, the Mayor and Council may suspend or revoke the license, or take such other action with respect to the license, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the license.
 - (3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.
- (e) If the Mayor and Council revoke a license, the holder of the license and the operator of the trade or business may not apply for or receive another license for one year following the date of the revocation except with the consent of the Mayor and Council

upon a showing of a material change in the the circumstances and conditions that led to the revocation of the license.

Sec. 42-11. Appeals.

- (a) Any person aggrieved by a decision of the Town Administrator to deny the granting of a license under this chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town Administrator's decision to the Mayor and Council within ten (10) days following the Town Administrator's decision by delivering a written notice of appeal to the Town Administrator on such form as may be prescribed by the Town Administrator.
 - (1) The Mayor and Council shall give the appellant notice of the date, time and place of a hearing before the Mayor and Council to hear and consideration of the appeal.
 - (2) At the hearing the Mayor and Council shall hear from the appellant and the Town Administrator and such other Town personnel and other individuals as the Mayor and Council deems appropriate. The Town Administrator shall present the record that formed the basis of the Administrator's decision. At the hearing the appellant shall have the burden of demonstrating to the Mayor and Council that the decision of the Town Administrator was arbitrary, capricious or contrary to law.
 - (3) After the Mayor and Council hears and considers the appeal, upon a finding that the decision of the Town Administrator was arbitrary, capricious or contrary to law the Mayor and Council shall affirm, modify or reverse the Town Administrator's decision and may take any action that the Town Administrator may have taken. The Mayor and Council shall make written findings to support and document its decision.
- (b) Any person aggrieved by any decision of the Mayor and Council under this section or § 42-10 may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as allowed by law.

Sec. 42-12. Penalties and enforcement.

- (a) A person may not violate this chapter or the terms, conditions or restrictions of a license issued under this chapter. Each day that a person continues to violate this chapter or the terms, conditions or restrictions of a license issued under this chapter is a separate offense.

- (b) A person who violates this chapter or the terms, conditions or restrictions of any license issued under this chapter is guilty of a municipal infraction and subject to a fine in the amount of \$150 for the violation, except that the amount of the fine for each day that a violation continues is \$300.
- (c) This chapter may be enforced by any Town code enforcement officer and sworn officers of the Town's police department. Any of these individuals may issue municipal infraction citations for violations.
- (d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the trade or business, Town code enforcement officers and officers of the Town police department may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a trade or business that a code enforcement officer or police officer observes is being operated without the license required by this chapter. Such measures include:
 - (1) Locking or securing the premises or otherwise denying entry into the premises; or
 - (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the trade or business is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until such time as the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the trade or business will not be resumed without a license.

- (e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a license issued under this chapter.

§ 42-13. Temporary License [Adopted 3-5-04, effective 3-5-04.]

Any person, firm, partnership, association or cooperation issued a temporary business use of occupancy permit, or license from Prince George's County shall apply for a temporary license to do business in the Town of Riverdale Park.

- (a) Application.

All applications for a temporary license must include the following:

- (1) County issued permit copies.

- (2) Description of services to be offered.
 - (3) Location of temporary business.
 - (4) Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
 - (5) Check, cash, money order in the amount of seventy-five dollars (\$75).
 - (6) Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.
- (b) Restrictions.
- (1) No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
 - (2) All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
 - (3) All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
 - (4) The temporary permit shall be issued for not more than three (3) consecutive

months.

(5) The temporary permit shall be used only on Saturday, Sunday and legal holidays.

(6) Services offered must comply with site/location zoning for sale of goods.

(c) Enforcement.

The Code Enforcement Department and when required the Riverdale Park Police Department shall have the duty of enforcing the requirement of the subtitle to assure continuing compliance with this ordinance and to respond to all complaints, and to provide inspections of such licensed operations.

(d) The Enforcement against an unlicensed temporary business shall be provided by the Enforcement Officer with the assistance of the Police Department which is necessary to effect the closing of otherwise prevent the unlawful operation of any business or operation requiring a temporary license that within seven (7) days of an initial written notice fails to require the necessary license.

Such measurers include:

(e) To remove to a designated facilities the goods and equipment of the vendor, who shall have up to fifteen (15) business days to claim such goods upon payment of any assessed storage fees and fines which have been levied against the vendor. Failure to comply with this schedule such goods shall be deemed abandoned and shall become the property of the Town to be disposed of in accordance with applicable law. The Town shall have no responsibility to protect or preserve any perishable or nonperishable goods or equipment acquired under this section.

(f) Penalties.

The fine for this section of this chapter shall be equivalent of the cost of the temporary license as set forth in section 42-14 (a) (5) Required for a business that is operating without a license. Each day that a business continues operation without acquiring the license shall constitute a separate offense.

**TOWN OF RIVERDALE PARK
FAIR SUMMARY OF
ORDINANCE 2019-OR-02**

This is to give notice that the Riverdale Park Town Council has introduced and intends to take action on Ordinance 2019-OR-02.

Ordinance 2019-OR-02 would repeal existing provisions of the Town Code relating to Town business licenses and enact new provisions for licensing businesses in the Town of Riverdale Park; comprehensively revise regulations and procedures regarding applications for, and the approvals, suspension and revocation of licenses for, the operation of businesses within the Town of Riverdale Park; provide for the scope of this Ordinance; define certain terms; establish and revise certain application and license fees, penalties and enforcement procedures; provide for the duration of certain licenses; specify certain operational regulations, including special regulations for mobile vendors; provide for appeals from certain decisions; provide for the applicability of the terms of this Ordinance to existing Town business licenses; provide for the severability of the provisions of this Ordinance; and matters generally related to preserving the public health, safety and welfare by licensing the operation of businesses in the Town.

Ordinance 2019-OR-02 is available for inspection by the public at Town Hall during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday.

RIVERDALE PARK TOWN COUNCIL

BY: JESSICA BARNES, TOWN CLERK