

Chapter 42 LICENSES

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§ 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 Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]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
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- (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 off-sale 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 on-sale 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.