



Effective: February 5, 2019

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON
REPEALING CHAPTER 75 “LICENSES AND PERMITS” OF THE CODE
OF THE CITY OF NEW CARROLLTON AND RE-ENACTING CHAPTER 75
“LICENSES” OF THE CODE OF THE CITY OF NEW CARROLLTON**

WHEREAS, pursuant to Md. Code, Local Government, §5-204 “Legislative authority – General powers of municipalities” the City of New Carrollton may exercise licensing authority granted by law, as in the Business Occupations and Professions and Business Regulation Articles of the Annotated Code of Maryland; and

WHEREAS, pursuant to this authority, the City Council of New Carrollton enacted City Code, Chapter 75 “Licenses and Permits” in 1975 and amended it in 1997 and 1998; and

WHEREAS, upon review of Chapter 75 and City licensing procedures, City staff recommends changes to City Code, Chapter 75 to clarify licensing requirements, processes and procedures in the City; and

WHEREAS, upon review of the proposed changes the City Council of New Carrollton concurs that the changes are necessary for the efficient operations of City.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of New Carrollton that City Code, Chapter 75 “Licenses”, be and hereby is repealed in its entirety and re-enacted with amendments as City Code, Chapter 75 “Licenses” to read as follows:

CHAPTER 75

LICENSES

§ 75-1. SCOPE AND PURPOSE.

§ 75-2. LICENSE REQUIRED.

§ 75-3. DURATION OF LICENSE.

§ 75-4. APPLICATION.

§ 75-5. APPLICATION REVIEW AND CONSIDERATION.

§ 75-6. LICENSE FEES.

§ 75-7. LICENSES.

§ 75-8. OPERATIONAL REGULATIONS.

§ 75-9. SPECIAL REGULATIONS FOR MOBILE VENDORS.

§ 75-10. SUSPENSION AND REVOCATION OF LICENSE.

§ 75-11. APPEALS.

§ 75-12. PENALTIES AND ENFORCEMENT

§ 75-13. TEMPORARY LICENSE

§ 75-1. SCOPE AND PURPOSE.

(A) THIS CHAPTER APPLIES TO THE OPERATION OF A TRADE, OCCUPATION OR BUSINESS (HEREINAFTER COLLECTIVELY REFERRED TO AS “BUSINESS”) IN THE CITY OF NEW CARROLLTON.

(B) PROVISIONS OF THIS CHAPTER SHALL NOT APPLY TO SUPPLIERS OF MERCHANDISE TO BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY OR TO PERSONS SELLING MERCHANDISE WHO ARE AT A RESIDENCE AT THE REQUEST OF THE OCCUPANT OR A PERSON WHO TAKES ORDERS FOR DELIVERY OF NEWSPAPERS.

(C) FOR PURPOSES OF THIS CHAPTER, A BUSINESS INCLUDES COMMERCIAL TRADES OR BUSINESSES, NOT-FOR PROFIT ENTERPRISES, RELIGIOUS INSTITUTIONS AND ENTERPRISES AFFILIATED WITH RELIGIOUS INSTITUTIONS.

(D) 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 89 OF THIS CODE IS NOT THE OPERATION OF A BUSINESS WITH RESPECT TO SUCH RENTALS.

(E) THE PURPOSE OF THIS CHAPTER IS TO REGULATE, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND MORALS OF THE CITY, ALL BUSINESSES SUBJECT TO THIS CHAPTER CONDUCTED IN THE CITY OF NEW CARROLLTON AND TO REQUIRE LICENSES FOR THEM.

§ 75-2. LICENSE REQUIRED.

(A) NO PERSON SHALL ENGAGE IN OR CARRY ON A BUSINESS IN THE CITY OF NEW CARROLLTON WITHOUT FIRST OBTAINING A LICENSE FROM THE CITY UNDER THIS CHAPTER AND PAYING THE REQUIRED LICENSE FEE IN FULL.

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(B) A LICENSE SHALL BE APPLIED FOR BY AND ISSUED TO THE OWNER OR OTHER PERSON RESPONSIBLE FOR OPERATING THE BUSINESS IN THE CITY. IF THE OWNER OF, OR OTHER PERSON RESPONSIBLE FOR OPERATING, THE 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.

(C) THE LICENSEE IS PERSONALLY LIABLE FOR COMPLYING WITH THIS CHAPTER AND ALL TERMS AND CONDITIONS OF THE LICENSE.

(D) EACH LICENSE SHALL BE CONSPICUOUSLY DISPLAYED IN THE LICENSED PREMISES.

(E) A LICENSE ISSUED UNDER THIS CHAPTER IS IN ADDITION TO ANY OTHER CERTIFICATE OR LICENSE REQUIRED BY THIS CODE.

(F) A PERSON WHO IS ELIGIBLE FOR AND OBTAINS A TEMPORARY LICENSE UNDER § 75-13 OF THIS CODE IS EXEMPT FROM OBTAINING A LICENSE UNDER THIS CHAPTER.

§ 75-3. DURATION OF LICENSE.

A LICENSE ISSUED UNDER THIS CHAPTER:

- (1) IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF ISSUANCE OF THE LICENSE, AND SHALL EXPIRE AT 11:59 P.M. ON THE 365TH DAY.**
- (2) MAY BE RENEWED FOR SUCCESSIVE TERMS OF ONE YEAR EACH UPON COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.**

§ 75-4. APPLICATION.

A. ANY PERSON SEEKING A LICENSE, OR THE RENEWAL OF A LICENSE, UNDER THIS CHAPTER SHALL FILE WITH THE MAYOR OR HIS OR HER DESIGNEE A WRITTEN APPLICATION, UNDER PENALTY OF PERJURY, IN A FORM PRESCRIBED BY THE CITY. AN APPLICATION FOR THE RENEWAL OF AN EXISTING LICENSE SHALL BE FILED NOT LATER THAN THIRTY- ONE (31) DAYS PRIOR TO THE DATE ON WHICH THE LICENSE IS SCHEDULED TO EXPIRE, UNLESS OTHERWISE AUTHORIZED BY THE MAYOR. AN APPLICATION THAT IS

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FILED LESS THAN THIRTY-ONE DAYS BEFORE THE LICENSE IS SCHEDULED TO EXPIRE, OR SUCH LATER DATE AS AUTHORIZED BY THE MAYOR, 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, AS WELL AS SUCH OTHER INFORMATION AND DOCUMENTATION AS THE CITY REASONABLY MAY REQUIRE:

- (1) THE ADDRESS OF THE PREMISES AT WHICH THE 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, E-MAIL ADDRESS AND POSTAL MAILING ADDRESSES OF THE OWNER OF THE PREMISES.**
- (4) THE NAME, TELEPHONE NUMBER, E-MAIL ADDRESS AND POSTAL MAILING ADDRESSES OF THE APPLICANT.**
- (5) THE NAME, TELEPHONE NUMBER, E-MAIL ADDRESS 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, E-MAIL ADDRESS AND POSTAL MAILING ADDRESSES OF ALL ON-SITE MANAGERS AND OTHER ON-SITE INDIVIDUALS WHO WILL BE RESPONSIBLE FOR THE OPERATION OF THE BUSINESS WHEN IT IS OPEN FOR BUSINESS, AND WHO WILL BE AUTHORIZED TO ACCEPT NOTICES AND CITATIONS FROM THE CITY WITH RESPECT TO THE OPERATION OF THE BUSINESS.**
- (7) A COPY OF ANY CURRENT FIRE INSPECTION OR OCCUPANCY LIMITATION CERTIFICATES, OR BOTH, FOR THE USE OF THE PREMISES FOR THE 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 BUSINESS IS AUTHORIZED AT THE PREMISES IF ANOTHER REGULATORY AUTHORITY REQUIRES A USE AND OCCUPANCY CERTIFICATE.**

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- (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 THE 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 CITY CONSTITUTES CONSENT TO AND AUTHORITY FOR CITY 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, CITY 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.

B. IN THE EVENT THAT ANY OF THE INFORMATION PROVIDED PURSUANT TO THIS SECTION CHANGES IN ANY WAY DURING THE APPLICABLE PERMIT PERIOD, THE APPLICANT SHALL, WITHIN SEVEN (7) DAYS OF ANY SUCH CHANGE, NOTIFY THE CITY IN WRITING OF THE CHANGE.

§ 75-5. APPLICATION REVIEW AND CONSIDERATION.

(A) WHEN THE CITY RECEIVES A COMPLETED APPLICATION FOR A LICENSE UNDER THIS CHAPTER, THE CITY CODE ENFORCEMENT DEPARTMENT SHALL CONDUCT A REVIEW AND INVESTIGATION OF THE APPLICATION. THE CODE ENFORCEMENT DEPARTMENT MAY REQUEST THE ASSISTANCE OF OTHER PERSONS AND CITY DEPARTMENTS IN CONDUCTING THE REVIEW AND INVESTIGATION.

(B) AFTER THE CODE ENFORCEMENT DEPARTMENT COMPLETES THE INVESTIGATION, THE CODE ENFORCEMENT MANAGER SHALL DETERMINE

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WHETHER THE LICENSE SHOULD BE GRANTED AND, IF SO, 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 BUSINESS REASONABLY MAY BE EXPECTED TO HAVE ON THE SURROUNDING COMMUNITY AND THE PUBLIC HEALTH, SAFETY OR WELFARE.

(C) THE CODE ENFORCEMENT MANAGER SHALL GRANT THE LICENSE, WITH OR WITHOUT TERMS, CONDITIONS AND RESTRICTIONS, EXCEPT THAT THE CODE ENFORCEMENT MANAGER SHALL DENY THE APPLICATION IF:

- (1) THE CODE ENFORCEMENT MANAGER DETERMINES THAT THE 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 BUSINESS FOR WHICH THE LICENSE HAS BEEN APPLIED HAS ANY UNPAID CITY FEES OR TAXES, OR ANY OTHER UNSATISFIED OBLIGATIONS TO THE CITY, UNLESS THE BUSINESS HAD MADE ARRANGEMENTS APPROVED BY THE MAYOR TO PAY THE FEES OR TAXES OR TO SATISFY OTHER OBLIGATIONS.**

(D) IF THE CODE ENFORCEMENT MANAGER DENIES AN APPLICATION FOR A LICENSE UNDER THIS CHAPTER, THE MANAGER 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.

§ 75-6. LICENSE FEES.

(A) IF AN APPLICATION FOR A NEW LICENSE OR RENEWAL OF AN EXISTING LICENSE IS APPROVED, THE APPLICANT SHALL PAY THE CITY A NON-REFUNDABLE LICENSE FEE, IN FULL, BEFORE THE CITY ISSUES THE LICENSE.

(B) A LATE FEE SHALL BE IMPOSED ON ANY LICENSE RENEWAL APPLICATION FILED LESS THAN THIRTY-ONE (31) DAYS PRIOR TO THE DATE OF EXPIRATION

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OF THE THEN EXISTING BUSINESS LICENSE. ANY LICENSED BUSINESS FOR WHICH A LICENSE IS NOT RENEWED IN A TIMELY FASHION IN ACCORDANCE WITH THIS CHAPTER SHALL BE DEEMED TO BE UNLICENSED AND SUBJECT TO PENALTIES AND ENFORCEMENT FOR AN UNLICENSED BUSINESS UNTIL A LICENSE IS ISSUED.

(C) THE AMOUNT OF THE ANNUAL LICENSE FEE AND ALL LATE FEES SHALL BE ESTABLISHED ANNUALLY IN A FEE SCHEDULE ADOPTED BY THE CITY COUNCIL.

§ 75-7. LICENSES.

A LICENSE ISSUED UNDER THIS CHAPTER:

- (1) SHALL IDENTIFY EACH 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 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, BUSINESS OR LOCATION.**

§ 75-8. OPERATIONAL REGULATIONS.

(A) THE PROVISIONS OF THIS SECTION GOVERN THE OPERATION OF BUSINESSES LICENSED UNDER THIS CHAPTER AND ARE CONDITIONS OF THE LICENSE.

(B) THE HOLDER OF A LICENSE PROMPTLY SHALL NOTIFY THE CITY OF ANY CHANGES TO ANY OF THE INFORMATION SUBMITTED AS PART OF THE APPLICATION FOR THE LICENSE, IN ACCORDANCE WITH §75-4.

(C) A MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE BUSINESS SHALL BE ON THE PREMISES AT ALL TIMES WHEN THE BUSINESS IS OPEN FOR BUSINESS. THIS MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE BUSINESS AND THE HOLDER OF

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THE LICENSE SHALL BE JOINTLY RESPONSIBLE FOR THE OPERATION OF THE 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 BUSINESS AND PREMISES SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES APPLICABLE TO THE BUSINESS CONDUCTED (INCLUDING, BUT NOT LIMITED TO SANITARY, BUILDING CODE, BUSINESS LICENSING, ZONING, ALCOHOLIC BEVERAGE AND LIQUOR LICENSING AND LIFE SAFETY AND OCCUPANCY REGULATIONS).

(E) THE OPERATOR OF THE 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 BUSINESS SHALL BE OPERATED WITHIN THE TIMES ALLOWED BY ZONING AND ALCOHOLIC BEVERAGE REGULATIONS, IF APPLICABLE.

(G) 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 BUSINESS. IT SHALL FURTHER BE UNLAWFUL FOR ANY LICENSEE HEREUNDER TO CONDUCT OR MAINTAIN HIS OR HER BUSINESS IN SUCH A MANNER THAT IT RESULTS IN EXCESSIVE LITTERING INSIDE OR DIRECTLY IN FRONT OF HIS OR HER PLACE OF BUSINESS, THE POSSIBLE SPREAD OF DISEASE, A VIOLATION OF THE FIRE CODE OR BUILDING CODE OR A GENERAL NUISANCE TO THE PUBLIC. FOR PURPOSES OF THIS CHAPTER, "NUISANCE" SHALL INCLUDE BUT NOT BE LIMITED TO EXCESSIVE LITTER AND/OR DEBRIS INSIDE OR DIRECTLY IN FRONT OF THE LICENSEE'S PLACE OF BUSINESS, EXCESSIVE VEHICLES OR TRAFFIC WHICH EXCEED PARKING OR TRAFFIC CAPACITY CURRENTLY PROVIDED FOR THAT PLACE OF BUSINESS OR THE CREATION OF OTHER CIRCUMSTANCES NORMALLY CONSIDERED A NUISANCE.

(H) THE BUSINESS SHALL BE OPERATED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES AND REGULATIONS

(I) THE INDIVIDUALS IN CHARGE OF THE OPERATION OF THE BUSINESS SHALL NOT ALLOW PATRONS OR GUESTS TO ENGAGE IN CONDUCT ON THE PREMISES THAT VIOLATES APPLICABLE LAWS INCLUDING, BUT NOT LIMITED TO, LAWS

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RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES AND PUBLIC DECENCY.

(J) THE OPERATORS OF THE BUSINESS SHALL NOT ALLOW LOITERING TO OCCUR OUTSIDE THE PREMISES OF THE BUSINESS.

(K) THE BUSINESS SHALL BE OPERATED IN A MANNER THAT DOES NOT RESULT IN THE BUSINESS BEING A PUBLIC NUISANCE OR RESULT IN THE REPEATED RESPONSE BY POLICE OFFICERS FOR CONDUCT IN OR ABOUT THE PREMISES WHERE THE BUSINESS IS BEING OPERATED.

(L) EVERY LICENSEE IS REQUIRED TO COMPLY WITH ALL REASONABLE REQUESTS OF THE CITY IN IMPROVING ANY SITUATION REGARDING WHICH THE CITY RECEIVES A COMPLAINT.

§ 75-9. 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, PUSH CART, STAND OR OTHER DEVICE DESIGNED TO BE PORTABLE, NOT PERMANENTLY ATTACHED TO THE GROUND AND OPERATING IN NO FIXED OR PERMANENT LOCATION.

(B) IT SHALL BE UNLAWFUL FOR ANY MOBILE VENDOR TO CONDUCT BUSINESS IN THE CITY UNLESS HE OR SHE COMPLIES WITH THE RULES AND REGULATIONS SET FORTH IN THIS SECTION.

(1) IN ADDITION TO THE INFORMATION OTHERWISE REQUIRED FOR A LICENSE, A MOBILE VENDOR SHALL PROVIDE TO THE CITY HIS OR HER WEIGHT, HEIGHT, AGE, COLOR OF HAIR AND EYES, OTHER DISTINGUISHING PHYSICAL CHARACTERISTICS, NAME AND ADDRESS OF EMPLOYER, LETTERS FROM TWO (2) PERSONS WHO HAVE KNOWN THE APPLICANT FOR AT LEAST TWO (2) YEARS ATTESTING TO HIS OR HER MORAL CHARACTER, THE NAMES OF TWO (2) PERSONS WHO CAN BE CONTACTED TO VERIFY THE FACTS STATED IN THE APPLICATION, TWO (2) PHOTOGRAPHS AT LEAST TWO BY TWO (2 X 2) INCHES IN SIZE SHOWING THE HEAD AND SHOULDERS OF THE APPLICANT IN A CLEAR AND DISTINGUISHING MANNER, A DESCRIPTION AND LICENSE NUMBER OF THE VEHICLE TO BE USED AND A STATEMENT AS TO WHETHER OR NOT THE APPLICANT HAS BEEN CONVICTED OF ANY CRIME, THE NATURE OF THE OFFENSE AND THE PUNISHMENT OR PENALTY ASSESSED.

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- (2) **THE CITY LICENSE AND ANY OTHER REQUIRED PERMITS AND LICENSES SHALL BE DISPLAYED SO IT IS VISIBLE TO ANY CUSTOMER.**
- (3) **GOODS MAY BE VENDED FROM BUT ONE (1) SIDE OF SAID MOBILE VENDOR AT ANY ONE (1) TIME, AND THE SIDE OF THE SAME FROM WHICH GOODS ARE VENDED SHALL BE LOCATED ADJACENT TO THE CURB OR SIDE OF THE ROAD NEAREST SAID VEHICLE.**
- (4) **NO MOBILE VENDOR SHALL OPERATE WITHIN THE CITY UNLESS THE MOBILE VENDORS' VEHICLES ARE CLEARLY MARKED AS TO IDENTIFY THE NAME OF THE BUSINESS AND PHONE NUMBER AND ARE EQUIPPED WITH FLASHING WARNING DEVICES ON BOTH THE FRONT AND REAR THEREOF SO LOCATED AS TO BE COMPLETELY VISIBLE TO OTHER VEHICLES APPROACHING FROM EITHER DIRECTION AT ANY TIME AND IN OPERATION AT ALL TIMES IN WHICH THE MOBILE VENDOR IS SERVING CUSTOMERS.**
- (5) **NO ICE CREAM VENDOR SHALL SELL ITS PRODUCTS WITHIN FIVE HUNDRED (500) FEET OF ANY SCHOOL PROPERTY.**
- (6) **NO MOBILE VENDOR SHALL SELL ITS PRODUCT WHERE THE SPEED LIMIT IS IN EXCESS OF TWENTY-FIVE (25) MILES PER HOUR.**
- (7) **NO MOBILE VENDOR SHALL OPERATE WITHIN THE CITY OF NEW CARROLLTON BETWEEN THE HOURS OF 9:00 P.M. AND 7:00 A.M.**
- (8) **NO MOBILE VENDOR SHALL UTILIZE ANY SOUND-MAKING DEVICE WHICH SHALL CONSTITUTE A NUISANCE TO ATTRACT CUSTOMERS.**
- (9) **ALL MOBILE VENDORS SHALL BE EQUIPPED WITH A SUITABLE RECEPTACLE IN A LOCATION CONVENIENT TO CUSTOMERS FOR DISPOSAL OF WRAPPERS AND OTHER DISPOSABLE PARTS OF PRODUCTS SOLD.**
- (10) **WHEREVER A MOBILE VENDOR IS STOPPED FOR THE PURPOSE OF SELLING HIS OR HER PRODUCTS, IT SHALL BE STOPPED ON THE EXTREME RIGHT-HAND EDGE OF THE STREET IN COMPLIANCE WITH ALL APPLICABLE PARKING REGULATIONS. NO SALES SHALL BE MADE TO A CUSTOMER UNLESS THE CUSTOMER IS STANDING OFF OF THE PAVED PORTION OF THE STREET. AT SUCH STOPS, ANY MOTORIZED VEHICLE SHALL HAVE ITS MOTOR TURNED OFF UNLESS ITS OPERATION IS ESSENTIAL TO PRODUCING THE PRODUCT SOLD.**

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(11) NO MOBILE VENDOR SHALL OPERATE OR SELL ITS PRODUCTS ON THE PAVED PARKING LOT OR ANY ACCESS ROAD THERETO, SURROUNDING THE NEW CARROLLTON CITY HALL, HANKO BUILDING, DEPARTMENT OF PUBLIC WORKS OR OTHER CITY-OWNED PROPRTY WITHOUT THE PERMISSION OF THE CITY.

(C) SOLICITORS FOR PROFIT. IT SHALL BE UNLAWFUL FOR A PERSON TO SOLICIT DOOR TO DOOR FOR PROFIT WITHIN THE CITY. FOR PURPOSES OF THIS CHAPTER, A "SOLICITOR FOR PROFIT" SHALL MEAN ANY PERSON WHO GOES FROM PLACE TO PLACE, HOUSE TO HOUSE OR DOOR TO DOOR VISITING ANY RESIDENTIAL DWELLING OR COMMERCIAL ESTABLISHMENT FOR THE PURPOSE OF SELLING, PROMOTING OR ACCEPTING SUBSCRIPTIONS OR ORDERS FOR ANY GOODS, WARES, MERCHANDISE OR SERVICES FOR PERSONAL USE, BENEFIT OR PLEASURE OF THE OWNER, RESIDENT OR EMPLOYEE. IN ACCORDANCE WITH POWERS GRANTED IN THE CHARTER, THE CITY COUNCIL MAY HAVE SIGNS PLACED WHICH CONVEY THE MESSAGE TO THE PUBLIC ABOUT THE CITY'S SOLICITING RESTRICTIONS. THE SIGNS MAY BE PLACED NEAR THE ENTRANCES TO THE CITY; NEAR MAJOR INTERSECTIONS IN NEW CARROLLTON; AND IN ANY OTHER LOCATION DEEMED ADVANTAGEOUS.

§ 75-10. SPECIAL EVENTS

IT SHALL BE UNLAWFUL TO HOST OR OPERATE A SPECIAL EVENT WITHIN THE CITY UNLESS A LICENSE IS GRANTED BY THE CITY AND THE APPLICANT COMPLIES WITH THE FOLLOWING RULES AND REGULATIONS:

(1) DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE BELOW LISTED WORDS AND PHRASES SHALL BE GIVEN THE FOLLOWING MEANINGS:

SPECIAL EVENT

INCLUDES ANY AND ALL AMUSEMENT RIDES, ATTRACTIONS, EXPOSITIONS, TRADE SHOWS, SALES SHOWS, PARADES, EXHIBITIONS, PERFORMANCES, CARNIVALS, CIRCUSES OR OTHER SIMILAR EVENTS. SUCH EVENTS ARE INCLUDED WITHOUT REGARD TO WHETHER THEY ARE HELD ON PUBLIC OR PRIVATE PROPERTY. "SPECIAL EVENT" DOES NOT INCLUDE DOOR TO DOOR SOLICITATION.

SPECIAL EVENT HOST

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INCLUDES ANY PERSON OR ENTITY WHO PERMITS A SPECIAL EVENT TO BE HELD ON PROPERTY OWNED OR UNDER THE CONTROL OF SUCH PERSON OR ENTITY.

SPECIAL EVENT OPERATOR

INCLUDES ANY PERSON OR ENTITY WHO MANAGES, OWNS OR OTHERWISE CONTROLS A SPECIAL EVENT.

THE PREMISES AND SURROUNDING AREAS

INCLUDES THE ACTUAL PROPERTY ON WHICH THE SPECIAL EVENT IS HELD AND ANY AREAS IN CLOSE PROXIMITY TO SUCH PROPERTY WHICH ARE AFFECTED BY THE HOSTING AND OPERATION OF THE SPECIAL EVENT.

(2) ALONG WITH APPLICATION FOR A LICENSE, THE SPECIAL EVENT OPERATOR AND THE SPECIAL EVENT HOST SHALL FURNISH SUITABLE EVIDENCE OF THEIR INTENTION AND ABILITY TO COMPLY WITH THE FOLLOWING CONDITIONS:

- (A) MAINTAIN ORDER ON THE PREMISES AND SURROUNDING AREAS;**
- (B) KEEP THE PREMISES AND SURROUNDING AREAS CLEAN AND FREE OF TRASH, PAPER AND OTHER DEBRIS;**
- (C) PLACE AN ADEQUATE NUMBER OF TRASH CONTAINERS IN CONVENIENT LOCATIONS FOR THE USE OF THE PUBLIC;**
- (D) PLACE NO AMUSEMENT RIDE IN OPERATION FOR PUBLIC USE UNTIL THE SAME HAS BEEN INSPECTED BY THE OPERATOR AND SPONSOR FOR MECHANICAL, STRUCTURAL, ELECTRICAL AND OTHER HAZARDS;**
- (E) PROVIDE ADEQUATE SAFEGUARDS TO PROTECT BOTH THE OPERATORS AND THE GENERAL PUBLIC FROM INADVERTENTLY COMING INTO CONTACT WITH MOVING PARTS, BELTS, MOTOR GEARS, ELECTRICAL SWITCHES AND OTHER POSSIBLE OR POTENTIAL HAZARDS; AND**
- (F) PROVIDE ADEQUATE PARKING FOR THE ESTIMATED NUMBER OF PEOPLE EXPECTED TO ATTEND THE SPECIAL EVENT AND PROVIDE ALTERNATIVE MEASURES FOR OVERFLOW PARKING IN ORDER TO COMPLY WITH SUBSECTION (8) BELOW.**

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(3) AFTER APPROVAL OF THE APPLICANT BY THE CODE ENFORCEMENT MANAGER, THE CITY SHALL ISSUE A LICENSE. THE FEE SHALL BE AS SET FORTH IN ADOPTED FEE SCHEDULE, PROVIDED THAT NO FEE SHALL BE CHARGED FOR ANY SPECIAL EVENT WHERE THE SAME IS OPERATED, HOSTED OR GIVEN FOR THE BENEFIT OF ANY RELIGIOUS, EDUCATIONAL, CHARITABLE OR NONPROFIT SOCIAL OR FRATERNAL ORGANIZATION.

(4) ANY LICENSE ISSUED FOR A SPECIAL EVENT SHALL BE ISSUED FOR THE DURATION OF THAT EVENT ONLY AND SHALL EXPIRE UPON THE END OF THE SPECIAL EVENT, PROVIDED THAT NO SPECIAL EVENT LICENSE SHALL BE ISSUED FOR A PERIOD GREATER THAN ONE (1) YEAR.

(5) NO LICENSE SHALL BE ISSUED FOR CONDUCTING A SPECIAL EVENT UNTIL THE APPLICANTS HAVE PLACED ON FILE WITH THE CITY A CERTIFICATE OF INSURANCE INDICATING THAT THERE IS IN EFFECT LIABILITY INSURANCE COVERING ANY DAMAGES ARISING OUT OF THE USE AND OPERATION OF ANY AND ALL DEVICES AND FACILITIES OPERATED IN CONNECTION WITH SUCH SPECIAL EVENT. SUCH INSURANCE SHALL BE IN THE MINIMUM AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.) FOR EACH PERSON AND ONE MILLION DOLLARS (\$1,000,000.) FOR EACH OCCURRENCE, NAMING THE CITY AS AN ADDITIONAL INSURED.

(6) THE SPECIAL EVENT HOST AND SPECIAL EVENT OPERATOR SHALL BE RESPONSIBLE FOR FURNISHING ADEQUATE SECURITY AT ANY SPECIAL EVENT. THE ADEQUACY OF THE SECURITY SHALL BE DETERMINED BASED UPON THE NUMBER OF PEOPLE EXPECTED TO ATTEND AND THE NATURE OF THE SPECIAL EVENT.

(7) THE CITY RESERVES THE RIGHT TO LIMIT THE NUMBER OF PERSONS ATTENDING A SPECIAL EVENT, INCLUDING THE AGGREGATE NUMBER ATTENDING A SPECIAL EVENT OR THE NUMBER ATTENDING A SPECIAL EVENT AT ANY ONE (1) TIME.

(8) THE SPECIAL EVENT HOST AND SPECIAL EVENT OPERATOR SHALL OBTAIN WRITTEN CONSENT FROM A PROPERTY OWNER, WHETHER PUBLIC OR PRIVATE, TO USE SUCH PROPERTY FOR PARKING ASSOCIATED WITH THE SPECIAL EVENT. PERSONS ASSOCIATED WITH OR ATTENDING THE SPECIAL EVENT SHALL PARK ONLY ON SUCH PROPERTY. IF PERSONS ASSOCIATED WITH OR ATTENDING THE SPECIAL EVENT ARE FOUND TO BE PARKING IN AREAS WHERE CONSENT FROM THE PROPERTY OWNER WAS NOT OBTAINED, THE SPECIAL EVENT HOST AND SPECIAL EVENT OPERATOR MAY LOSE THEIR SPECIAL EVENT LICENSE, BE SUBJECT TO A FINE NOT TO EXCEED FIFTY DOLLARS (\$50.) PER VEHICLE OR BE REQUIRED TO CEASE THE SPECIAL EVENT

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IMMEDIATELY ON RECEIVING NOTICE FROM THE CODE ENFORCEMENT OFFICER OR HIS OR HER DESIGNEE WHEN SUCH CODE ENFORCEMENT OFFICER OR HIS OR HER DESIGNEE FINDS VIOLATIONS OF THIS SUBSECTION.

(9) IF ANY OF THE REQUIREMENTS OF THIS § 75-10 ARE NOT SATISFIED, THE APPLICATION FOR SPECIAL EVENT LICENSE MAY BE DENIED.

(10) IF SUCH LICENSE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL SUCH DENIAL TO THE CITY ADMINISTRATIVE OFFICER. SUCH APPEAL SHALL BE IN WRITING AND SHALL STATE SPECIFICALLY, HOW EACH OF THE REQUIREMENTS OF THIS § 75-10 ARE MET AND ANY OTHER REASON WHY SUCH LICENSE SHOULD BE GRANTED. THE CITY ADMINISTRATIVE OFFICER MAY GRANT SUCH LICENSE OR DENY SUCH LICENSE WITH OR WITHOUT AN INFORMAL HEARING. ANY DENIAL SHALL BE IN WRITING AND STATE THE REASON THEREFOR.

§ 75-11. SUSPENSION AND REVOCATION OF LICENSE.

(A) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE PROVISIONS OF § 75-13 (PENALTIES AND ENFORCEMENT).

(B) IF A CITY CODE ENFORCEMENT OFFICER OR POLICE OFFICER OBSERVES THAT A 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 BUSINESS TO CEASE AND DESIST, OR TO CORRECT, THE UNAUTHORIZED ACTIVITY IMMEDIATELY OR WITHIN SUCH LONGER TIME AS IS SPECIFIED IN THE NOTICE. IF THE VIOLATION IS NOT CORRECTED IMMEDIATELY OR WITHIN SUCH LONGER TIME AS SPECIFIED IN THE NOTICE, THE OFFICER SHALL ISSUE TO THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE BUSINESS A WRITTEN NOTICE THAT THE CITY COUNCIL OF NEW CARROLLTON WILL HOLD A HEARING TO DETERMINE WHETHER THE LICENSE SHOULD BE SUSPENDED OR REVOKED. WHERE CITY CODE ENFORCEMENT OFFICERS OR CITY POLICE OFFICERS REASONABLY BELIEVE THAT CONTINUED OPERATION OF THE BUSINESS UNTIL THE CITY 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 § 75-13 (PENALTIES AND ENFORCEMENT) FOR A BUSINESS THAT IS OPERATING WITHOUT A LICENSE. SUCH ACTION SHALL REMAIN IN EFFECT

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UNTIL THE COUNCIL DETERMINES WHETHER TO ALLOW THE RESUMPTION OF THE 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 THAT IS REQUIRED BY THE CITY FOR THE OPERATION OF THE BUSINESS IN THE CITY, THE CITY LICENSE SHALL AUTOMATICALLY BE SUSPENDED UNTIL SUCH TIME AS THE LICENSE OR PERMIT REQUIRED BY THE OTHER GOVERNMENTAL AGENCY IS REINSTATED OR ISSUED, AT WHICH TIME THE CITY LICENSE SHALL AUTOMATICALLY BE REINSTATED.

(D) IF THE CITY COUNCIL HOLDS A HEARING TO DETERMINE WHETHER A LICENSE SHOULD BE SUSPENDED OR REVOKED, THE CITY ADMINISTRATIVE OFFICER 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 § 75-11(B), THE CITY COUNCIL SHALL CONDUCT THE HEARING WITHIN 15 DAYS AFTER THE DATE OF THE WRITTEN NOTICE OF HEARING.

- (1) AT A HEARING THE COUNCIL SHALL CONSIDER TESTIMONY AND EVIDENCE FROM THE CITY, FROM THE HOLDER OF THE LICENSE, AND FROM OTHER INTERESTED PERSONS.**
- (2) FOLLOWING THE HEARING, IF THE COUNCIL FINDS THAT THE VIOLATIONS AS ALLEGED SHOULD BE SUSTAINED, THE COUNCIL MAY SUSPEND OR REVOKE THE LICENSE, OR TAKE SUCH OTHER ACTION WITH RESPECT TO THE LICENSE AS THE COUNCIL REASONABLY SHALL DETERMINE APPROPRIATE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO ENSURE FUTURE COMPLIANCE WITH THIS CHAPTER AND THE LICENSE, INCLUDING IMPOSING NEW OR ADDITIONAL CONDITIONS.**
- (3) THE COUNCIL SHALL ISSUE A WRITTEN DECISION OF ITS FINDINGS AND ACTIONS WITH SUCH SUFFICIENCY AS WOULD BE REQUIRED FOR JUDICIAL REVIEW. THE CITY ADMINISTRATIVE OFFICER SHALL MAIL COPIES OF THE DECISION PROMPTLY TO THE SAME**

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PERSONS AND IN THE SAME MANNER AS THE NOTICE OF THE HEARING WAS SENT. THE CITY ADMINISTRATIVE OFFICER ALSO SHALL MAIL COPIES OF THE DECISION TO ALL OTHER PARTIES OF RECORD.

(E) IF THE COUNCIL REVOKES A LICENSE, THE HOLDER OF THE LICENSE AND THE OPERATOR OF THE BUSINESS MAY NOT APPLY FOR OR RECEIVE ANOTHER LICENSE FOR ONE YEAR FOLLOWING THE DATE OF THE REVOCATION EXCEPT WITH THE CONSENT OF THE COUNCIL UPON A SHOWING OF A MATERIAL CHANGE IN THE CIRCUMSTANCES AND CONDITIONS THAT LED TO THE REVOCATION OF THE LICENSE.

SEC. 75-12. APPEALS.

(A) ANY PERSON AGGRIEVED BY A DECISION OF THE CODE ENFORCEMENT MANAGER TO DENY THE GRANTING OF A LICENSE UNDER THIS CHAPTER, OR TO IMPOSE ANY TERMS, CONDITIONS AND RESTRICTIONS UPON THE GRANTING OF A LICENSE, AND ANY PERSON AGGRIEVED BY A DECISION OF THE CITY ADMINISTRATIVE OFFICER REGARDING A SPECIAL EVENTS LICENSE MAY APPEAL THE DECISION TO THE COUNCIL WITHIN TEN (10) DAYS FOLLOWING THE DATE OF THE WRITTEN DECISION BY DELIVERING A WRITTEN NOTICE OF APPEAL TO THE CITY ADMINISTRATIVE OFFICER ON SUCH FORM AS MAY BE PRESCRIBED BY THE CITY ADMINISTRATIVE OFFICER.

- (1) THE COUNCIL SHALL GIVE THE APPELLANT NOTICE OF THE DATE, TIME AND PLACE OF A HEARING BEFORE THE COUNCIL REGARDING THE APPEAL.**
- (2) AT THE HEARING THE COUNCIL SHALL HEAR FROM THE APPELLANT AND THE CITY CODE ENFORCEMENT MANAGER OR THE CITY ADMINISTRATIVE OFFICER, AS THE CASE MAY DICTATE, AND SUCH OTHER CITY PERSONNEL AND OTHER INDIVIDUALS AS THE COUNCIL DEEMS APPROPRIATE. THE CODE ENFORCEMENT MANAGER OR THE CITY ADMINISTRATIVE OFFICER SHALL PRESENT THE RECORD THAT FORMED THE BASIS OF THE CITY'S DECISION. AT THE HEARING THE APPELLANT SHALL HAVE THE BURDEN OF DEMONSTRATING TO THE COUNCIL THAT THE CITY'S DECISION WAS ARBITRARY, CAPRICIOUS OR CONTRARY TO LAW.**
- (3) AFTER THE CITY COUNCIL HEARS AND CONSIDERS THE APPEAL, IT MUST DETERMINE WHETHER THE DECISION OF THE CITY WAS**

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ARBITRARY, CAPRICIOUS OR CONTRARY TO LAW, AND WHETHER THE COUNCIL SHOULD AFFIRM, MODIFY OR REVERSE THE CITY'S DECISION. IN SUCH CASES THE COUNCIL MAY TAKE ANY ACTION THAT THE CODE ENFORCEMENT MANAGER OR THE CITY ADMINISTRATIVE OFFICER WAS AUTHORIZED TO TAKE WITH RESPECT TO THE LICENSE. THE COUNCIL SHALL MAKE WRITTEN FINDINGS TO SUPPORT AND DOCUMENT ITS DECISION.

(B) ANY PERSON AGGRIEVED BY ANY DECISION OF THE COUNCIL UNDER THIS SECTION OR § 75-11 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 COUNCIL. THE DECISION OF THE CIRCUIT COURT MAY BE FURTHER APPEALED TO THE MARYLAND COURT OF SPECIAL APPEALS AS ALLOWED BY LAW.

SEC. 75-13. 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) THE CODE ENFORCEMENT DEPARTMENT AND, WHEN REQUIRED, THE NEW CARROLLTON POLICE DEPARTMENT SHALL HAVE THE DUTY OF ENFORCING THE REQUIREMENTS OF THE CHAPTER, ASSURING CONTINUED COMPLIANCE WITH THIS CHAPTER AND RESPONDING TO ALL COMPLAINTS, AND CONDUCTING INSPECTIONS OF LICENSED OPERATIONS. CITY CODE ENFORCEMENT OFFICERS AND SWORN OFFICERS OF THE CITY'S POLICE DEPARTMENT 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

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IN CHARGE OF THE OPERATION OF THE BUSINESS IS GIVEN, CITY CODE ENFORCEMENT OFFICERS AND CITY POLICE OFFICERS MAY TAKE SUCH MEASURES AS REASONABLY NECESSARY TO EFFECT THE CLOSING OR OTHERWISE PREVENT THE UNLAWFUL CONTINUANCE OR OPERATION OF A 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 BUSINESS IS CLOSED BY ORDER OF THE CITY AND THAT NO PERSON IS TO ENTER THE PREMISES WITHOUT PERMISSION OF THE CITY. SUCH MEASURES TAKEN SHALL REMAIN IN FORCE UNTIL SUCH TIME AS THE OWNER OR OPERATOR OF THE PREMISES PROVIDES ASSURANCES REASONABLY SATISFACTORY TO THE CITY ADMINISTRATIVE OFFICER THAT THE OPERATION OF THE BUSINESS WILL NOT BE RESUMED WITHOUT A LICENSE.**

(E) IN ADDITION TO THE OTHER REMEDIES PROVIDED IN THIS SECTION, THE CITY MAY INSTITUTE A JUDICIAL PROCEEDING TO ENFORCE OR RESTRAIN VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER OR OF A LICENSE ISSUED UNDER THIS CHAPTER.

§ 75-13. TEMPORARY LICENSE.

ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION ISSUED A TEMPORARY BUSINESS USE AND OCCUPANCY PERMIT, OR LICENSE FROM PRINCE GEORGE'S COUNTY SHALL APPLY FOR A TEMPORARY LICENSE TO DO BUSINESS IN THE CITY OF NEW CARROLLTON.

(A) APPLICATION.

ALL APPLICATIONS FOR A TEMPORARY LICENSE MUST INCLUDE THE FOLLOWING:

- (1) COPIES OF THE COUNTY ISSUED USE AND OCCUPANCY PERMIT.**
- (2) A DESCRIPTION OF SERVICES TO BE OFFERED.**

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- (3) **THE LOCATION OF THE TEMPORARY BUSINESS.**
- (4) **A WRITTEN AUTHORIZATION BY THE OWNER/MANAGER OF ANY COMMERCIAL PROPERTY TO BE USED FOR OPERATION OF A TEMPORARY BUSINESS.**
- (5) **CHECK, CASH, MONEY ORDER IN THE AMOUNT OF THE LICENSE FEE.**
- (6) **A LIST OF HOURS OF OPERATION.**

(B) RESTRICTIONS.

- (1) **NO TRAILER, TENT, MOTOR VEHICLE OR VEHICLE CANOPY WILL BE ALLOWED TO BE USED FOR SALES.**
- (2) **ALL DISPLAYS OR SALES MUST BE CONDUCTED ON THE COMMERCIAL ZONED PROPERTY NO MORE THAN FIFTEEN (15) FEET FROM THE MAIN ENTRANCE DOOR TO THE COMMERCIAL 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) **SERVICES OFFERED MUST COMPLY WITH APPLICABLE PRINCE GEORGE'S COUNTY ZONING REQUIREMENTS.**

(C) ENFORCEMENT.

THE ENFORCEMENT OF THIS CHAPTER AGAINST AN UNLICENSED TEMPORARY BUSINESS SHALL BE PROVIDED BY CITY CODE ENFORCEMENT OFFICERS WITH THE ASSISTANCE OF THE NEW CARROLLTON POLICE DEPARTMENT, AS IS NECESSARY TO EFFECT THE CLOSING OR 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 ASSISTANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVING TO A DESIGNATED FACILITY THE GOODS AND EQUIPMENT OF THE VENDOR, WHO SHALL HAVE UP TO FIFTEEN (15) BUSINESS DAYS TO CLAIM

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SUCH GOODS UPON PAYMENT OF ANY ASSESSED STORAGE FEES AND FINES WHICH HAVE BEEN LEVIED AGAINST THE VENDOR. UPON FAILURE TO COMPLY WITH THIS SCHEDULE, SUCH GOODS SHALL BE DEEMED ABANDONED AND SHALL BECOME THE PROPERTY OF THE CITY TO BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE LAW. THE CITY SHALL HAVE NO RESPONSIBILITY TO PROTECT OR PRESERVE ANY PERISHABLE OR NONPERISHABLE GOODS OR EQUIPMENT ACQUIRED UNDER THIS SECTION.

(D) PENALTIES.

THE FINE FOR A VIOLATION OF THIS SECTION OF THIS CHAPTER SHALL BE EQUIVALENT OF THE COST OF THE TEMPORARY LICENSE AS SET FORTH IN THE ADOPTED CITY FEE SCHEDULE REQUIRED FOR A BUSINESS THAT IS OPERATING WITHOUT A LICENSE. EACH DAY THAT A BUSINESS CONTINUES OPERATION WITHOUT ACQUIRING THE REQUIRED LICENSE SHALL CONSTITUTE A SEPARATE OFFENSE.

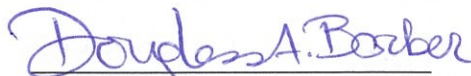
BE IT FURTHER ENACTED AND ORDAINED by the City Council of New Carrollton that this Ordinance shall become effective following adoption and approval by the Mayor, or passage by the Council over the Mayor's veto.

Introduced by the City Council of New Carrollton, Maryland on the 19th day of December, 2018.

Adopted and enacted by the City Council of New Carrollton, Maryland on the 16th day of January, 2019.

Effective: February 5, 2019

Attest:



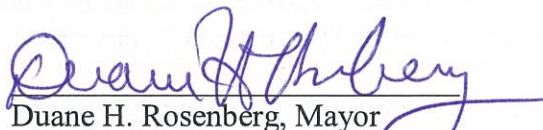
Douglass A. Barber, CMC
City Clerk

City of New Carrollton



Lincoln Lashley, Vice Chairman
City Council

Approved:



Duane H. Rosenberg, Mayor

Date: January 16, 2019

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