



**CITY COUNCIL WORKSHOP MEETING  
WEDNESDAY, JANUARY 2, 2019, 7:00 P.M.  
Items for discussion**

**Allotted  
Discussion Time**

- |  |              |
|--|--------------|
| 1. <b>Call to Order</b>  |              |
| 2. <b>Report of the Mayor and Administration</b>   | (20 Minutes) |
| 3. <b>Council Questions /Council Announcements</b>   | (20 Minutes) |
| 4. <b>Charter Amendment Resolution 19-01: Elections (Second Reading)</b>   | (10 Minutes) |
| 5. <b>Emergency Ordinance 19-10 Chapter 100 Streets and Sidewalks (Second Reading)</b>   | (10 Minutes) |
| 6. <b>Ordinance 19-07 Chapter 75 Licenses (Second Reading)</b>   | (5 Minutes)  |
| 7. <b>Ordinance 19-08 Chapter 89 Rental Property (Second Reading)</b>  | (5 Minutes)  |
| 8. <b>Approval of Body Worn Camera Reimbursable Grant – Governor’s Office Crime Control and Prevention</b>   | (10 Minutes) |
| 9. <b>4-Cities Coalition Meeting – Wednesday, January 30, 2018 (hosted by the City of College Park) Agenda Items</b>   | (5 Minutes)  |
| 10. <b>Meeting Minutes</b>   | (5 Minutes)  |
| a.) City Council Workshop Meeting Minutes (December 17, 2018)  |              |
| b.) Special Council Legislative Meeting Minutes (December 19, 2018)  |              |
| 11. <b>Public Comment – (Resident’s Concerns, Audience Participation and Phone Calls) When addressing the Council please state your name and address for the record.</b> | (1 Minute)   |
| 12. <b>Adjournment to Special Legislative Session</b>  | (1 Minute)   |
| I move that the Council adjourn to a Special Legislative Session. –<br><b>Peterson</b>   |              |

**Special Council Legislative Session**

- |  |       |
|--|-------|
| 1. <b>Public Hearing</b> – Ordinance 19-10: Chapter 100 Streets and Sidewalks  | <hr/> |
| 2. <b>Emergency Ordinance 19-10: Chapter 110 Streets and Sidewalks (Second Reading)</b>  | <hr/> |
| <b>Motion:</b> I move that the Council adopt Ordinance 19-10, an emergency Ordinance of the City Council of New Carrollton amending City Chapter 100, “Streets and Sidewalks” to rename the Chapter “Streets, Sidewalks, Public Property and Rights-of-Way;”, to divide the Chapter into two articles with the existing provisions of Chapter 100 becoming Article I, “General Provisions” and adding Article II, “Wireless Telecommunications Facilities in Public Rights-of-WY” to provide for certain standards and regulations relating to the location of small wireless telecommunications towers, |       |

antennae, and other structures within the City's public rights-of-way or on City property, consistent with Federal and State Law (Second Reading). –  
**Peterson**

### 3. Adjournment

**This Agenda is subject to change. If this agenda is modified it will be reposted to the City of New Carrollton's website: [www.newcarrolltonmd.gov](http://www.newcarrolltonmd.gov). If you have any questions please contact the City Clerk at (301) 459-6100.**



**CHARTER AMENDMENT RESOLUTION 19-01**

**CHARTER AMENDMENT RESOLUTION  
OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING CITY  
CHARTER, §C-3 "GOVERNMENT OF THE CITY" TO REMOVE THE  
REQUIREMENT FOR STAGGERED TERMS FOR ELECTED OFFICIALS AND  
TO PROVIDE FOR HOW THE CHANGE WILL OCCUR; AND AMENDING  
CITY CHARTER, §C-7 "ELECTIONS" TO EFFECTUATE THE ELIMINATION  
OF STAGGERED TERMS**

**WHEREAS**, pursuant to the authority contained in Article XI-E, §4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov't Art., §4-301 et seq., the City Council of New Carrollton has the authority to amend the City's Charter, in accordance with the procedures set forth therein; and

**WHEREAS**, based upon the outcome of a nonbinding referendum in which City voters said that the City should remove the requirement for staggered terms so that the Mayor and all City Councilmembers are elected at the same time, the City Council of New Carrollton desires to amend the City Charter to eliminate the requirement for staggered terms of elected City officials; and

**WHEREAS**, the City Council of New Carrollton deems it to be necessary and appropriate for good government and for the good of the City of New Carrollton to amend the City Charter accordingly.

**Section 1: NOW, THEREFORE, BE IT RESOLVED** by the City Council of New Carrollton, that the Charter of the City of New Carrollton, §C-4 "Qualifications of elected officials" shall be and is hereby amended to read as follows:

§ C-3 Government of the City.

- A. Election and terms of office. The government of the City shall be vested in a Mayor and a Council of five (5) members, elected at large. On the first Monday in May of each even-numbered year, there shall be a general election as herein provided, at which a Mayor and two (2) Councilmembers shall be elected to two-year terms, **EXCEPT THAT IN THE YEAR 2020 A MAYOR AND TWO COUNCILMEMBERS WILL BE ELECTED TO SERVE ONE THREE (3) YEAR TERM.** On the first Monday in May of each odd-numbered year **THROUGH AND INCLUDING MAY 3, 2021**, there shall be a general election as herein provided, at which three (3) Councilmembers shall be elected for two-year terms. **COMMENCING WITH THE 2023 CITY ELECTION, THERE SHALL BE NO MORE STAGGERED TERMS AND A MAYOR AND COUNCIL OF FIVE MEMBERS SHALL BE ELECTED TO TWO (2) YEAR TERMS ON THE FIRST**

MONDAY IN MAY, 2023 AND IN EVERY ODD-NUMBERED YEAR  
THEREAFTER.

\* \* \*

**Section 2:** NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that the Charter of the City of New Carrollton, §C-7 "Elections" shall be and is hereby amended to read as follows:

§ C-7 Elections

\* \* \*

- D. Candidates elected. At each election in which a Mayor is to be elected, the candidate for Mayor receiving the highest number of votes cast at the election shall be declared duly elected to the office of Mayor. At the election held during every even-numbered year **THROUGH AND INCLUDING THE MAY 2020 ELECTION**, the two (2) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Councilmember, and at the election held during every odd-numbered year **THROUGH AND INCLUDING THE MAY 2021 ELECTION**, the three (3) candidates for Councilmember receiving the highest number of votes cast at the election shall be declared duly elected to the office of Council-member. **COMMENCING WITH THE MAY 2023 CITY ELECTION, THE FIVE (5) CANDIDATES FOR THE OFFICE OF COUNCILMEMBER WITH THE HIGHEST NUMBER OF VOTES IN AN ELECTION SHALL BE DECLARED ELECTED AS THE CITY COUNCIL.** In the event of a special election to fill a vacancy on the Council, the candidate or candidates for Councilmember receiving the highest number of votes cast at the election shall be declared elected to complete the unexpired term(s) of office of Councilmember. In the event that vacancies on the Council would require that one (1) or more additional Councilmembers be elected at an election to a one-year term to maintain a full five-member Council, the candidate or candidates for Councilmember receiving the next-highest number of votes cast at the election, after those candidates elected to the regular two-year terms on the Council, shall be declared elected to the office of Council Member for the one-year term or terms. In the event of a tie vote for any office, a runoff election between the tied candidates shall be conducted on the fourth Tuesday following the date of the election in which the tie vote occurred.

**Section 3:** NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that if any provision of this Charter Amendment Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction,

---

**BOLD CAPITALS: INDICATE LANGUAGE ADDED TO THE CITY CHARTER.**

\* \* \*: Indicate language in the city charter that remains unchanged.

the invalidity does not affect other provisions or any other application of this Charter Amendment Resolution that can be given effect without the invalid provision or application, and for the purpose the provision of this Charter Amendment Resolution are declared severable.

**Section 4: BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted this \_\_\_\_ day of \_\_\_\_\_, 2018, and that the amendments to the Charter of the City of New Carrollton, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with the Local Government Article of the Annotated Code of Maryland within 40 days following its passage. A fair summary of this Resolution shall be posted in the City Hall for forty (40) days following its adoption and published in a newspaper having general circulation in the City no fewer than four (4) times at weekly intervals within the forty (40) days following its passage by the City.

**Section 5: BE IT FURTHER RESOLVED** that prior to the adoption of this Charter Amendment Resolution, the City Council of New Carrollton conducted a public hearing on the proposed amendment on the \_\_\_\_ day of December, 2018, after at least 21 days' advance notice of the public hearing.

**Section 6: BE IT FURTHER RESOLVED** that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Administrative Officer shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the City Council of New Carrollton or in a referendum; and (iv) the effective date of the Charter Amendment.

---

**BOLD CAPITALS: INDICATE LANGUAGE ADDED TO THE CITY CHARTER.**

\* \* \*: Indicate language in the city charter that remains unchanged.

**Section 7: BE IT FURTHER RESOLVED** that the City Administrative Officer of the City of New Carrollton, Maryland be, and hereby is specifically instructed to carry out the provisions of Sections 4 and 6 as evidence of compliance herewith; and the City Administrative Officer shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

**INTRODUCED** by the City Council of New Carrollton at a Regular Meeting of the City Council on the 19<sup>th</sup> day of December 2018.

**ADOPTED AND ENACTED** by the City Council of New Carrollton at a Regular Meeting of the City Council on the \_\_\_\_\_ day of January, 2019.

Effective: \_\_\_\_\_, 2019

Attest:

City of New Carrollton

\_\_\_\_\_  
Douglass A. Barber, CMC  
City Clerk

\_\_\_\_\_  
Richard Bechtold, Chair

Date: \_\_\_\_\_

Approved:

\_\_\_\_\_  
Duane H. Rosenberg, Mayor

Date: \_\_\_\_\_

---

**BOLD CAPITALS: INDICATE LANGUAGE ADDED TO THE CITY CHARTER.**

\* \* \*:

Indicate language in the city charter that remains unchanged.



Ordinance 19-10  
Chapter 100: Streets and Sidewalks  
The Code of the City of New Carrollton

**Effective: January 11, 2019**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON, AMENDING CITY CODE CHAPTER 100, "STREETS AND SIDEWALKS" TO RENAME THE CHAPTER "STREETS, SIDEWALKS, PUBLIC PROPERTY AND RIGHTS-OF-WAY", TO DIVIDE - THE CHAPTER INTO TWO ARTICLES, WITH THE EXISTING PROVISIONS OF CHAPTER 100 BECOMING ARTICLE I, "GENERAL PROVISIONS" AND ADDING ARTICLE II, "WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY" TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF SMALL WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAE, AND OTHER STRUCTURES WITHIN THE CITY'S PUBLIC RIGHTS-OF-WAY OR ON CITY PROPERTY, CONSISTENT WITH FEDERAL AND STATE LAW**

**WHEREAS**, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the City Council of the City of New Carrollton has the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the residents of the municipality; and

**WHEREAS**, City Code, Chapter 100 "Streets and Sidewalks" authorizes the City to regulate the construction of new streets, control its rights of way and make provision for construction in the rights of way; and

**WHEREAS**, the Mayor and City Council determined that it is in the public interest to provide for regulation of the installation of wireless telecommunications facilities in the City's rights of way that is consistent with federal and state law; and

**WHEREAS**, pursuant to City Charter, Sec. C-10.B, the City Council of New Carrollton may, by a four-fifths vote, declare any proposed ordinance to be an emergency ordinance, which shall become effective on the date specified in the ordinance; and

**WHEREAS**, given a recent FCC Order regarding wireless telecommunications facilities commonly being referred to as small cells that is due to go into effect on January

14, 2019, the City Council desires to make this Ordinance an Emergency Ordinance for the purpose of introducing it on December 19, 2018, conducting a public hearing on it on January 2, 2019, adopting it at a special legislative session on January 2, 2019 and making it effective on January 11, 2019, less than 20 days after its adoption.

**Section 1.** NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of New Carrollton that Chapter 100, "Streets and Sidewalks" be and hereby is repealed and re-enacted with amendments to rename the Chapter and divide the Chapter into Articles I and II to read as follows:

Chapter 100: Streets, [and] Sidewalks, **PUBLIC PROPERTY AND RIGHTS-OF-WAY**

**ARTICLE I. GENERAL PROVISIONS**

- § 100-1 Purpose.
- § 100-2 Permit requirements.
- § 100-3 Inspection of work.
- § 100-4 Permit fees and bonds.
- § 100-5 Authority to close public streets.
- § 100-6 Storage of construction materials; warning devices.
- § 100-7 Deposit of mud and debris; notification of violation; failure to comply.
- § 100-8 Deposit of refuse and litter.
- § 100-9 Damage to streets and sidewalks.
- § 100-10 Interfering with or damaging public property.
- § 100-11 Obstructions.
- § 100-12 Responsibilities of property owners and tenants.
- § 100-13 Violations and penalties.

**ARTICLE II. WIRELESS TELECOMMUNICATIONS FACILITIES  
IN PUBLIC RIGHTS-OF-WAY**

- § 100-14 **SCOPE.**
- § 100-15 **DEFINITIONS.**
- § 100-16 **GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS  
FACILITIES IN THE RIGHTS-OF-WAY.**
- § 100-17 **APPLICATION SUBMISSION REQUIREMENTS.**
- § 100-18 **TERMINATION OF PERMIT/BREACH.**



**§ 100-19 INFRASTRUCTURE OWNED OR CONTROLLED BY THE CITY.  
§ 100-20 FEES AND PENALTIES.**

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED by the City Council of New Carrollton that Chapter 100 “Streets and Sidewalks”, Article II Wireless Telecommunications Facilities in Public Rights-of-way, be and is hereby enacted to read as follows:

**ARTICLE II. WIRELESS TELECOMMUNICATIONS FACILITIES  
IN PUBLIC RIGHTS-OF-WAY**

**§100-14 SCOPE.**

**A. IN GENERAL. UNLESS EXEMPTED, EVERY PERSON WHO DESIRES TO PLACE A SMALL WIRELESS TELECOMMUNICATIONS FACILITY IN CITY RIGHTS-OF-WAY, TO INCLUDE DEPLOYMENT OF PERSONAL WIRELESS SERVICE INFRASTRUCTURE, OR MODIFY AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY, MUST OBTAIN A WIRELESS PLACEMENT PERMIT AUTHORIZING THE PLACEMENT OR MODIFICATION.**

**B. EXEMPTIONS. THE FOLLOWING ARE EXEMPTED FROM THE REQUIREMENTS OF THIS CHAPTER:**

**(1) THE PLACEMENT OR MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES ON SUPPORTING STRUCTURES OWNED, OR UNDER THE CONTROL OF, THE CITY, THE USE OF WHICH IS SUBJECT TO A CONTRACT FOR USE OF THE FACILITY BETWEEN THE CITY AND THE**

ENTITY OR ENTITIES THAT OWN OR CONTROL THE WIRELESS TELECOMMUNICATIONS FACILITY;

- (2) THE PLACEMENT OR MODIFICATION OF WIRELESS FACILITIES BY THE CITY OR BY ANY OTHER AGENCY OF THE STATE SOLELY FOR PUBLIC SAFETY PURPOSES.
- (3) MODIFICATIONS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT MAKES NO MATERIAL CHANGE TO THE FOOTPRINT OF A FACILITY OR TO THE SURFACE OR SUBSURFACE OF A PUBLIC STREET IF THE ACTIVITY DOES NOT DISRUPT OR IMPEDE TRAFFIC IN THE TRAVELED PORTION OF A STREET, AND IF THE WORK ACTIVITY DOES NOT CHANGE THE VISUAL OR AUDIBLE CHARACTERISTICS OF THE WIRELESS TELECOMMUNICATIONS FACILITY. THE CITY, BY REGULATION, MAY ALSO EXEMPT WIRELESS TELECOMMUNICATIONS FACILITIES THAT OTHERWISE ARE SUBJECT TO THE PROVISIONS OF THIS SECTION FROM THE OBLIGATION TO OBTAIN A PERMIT TO INSTALL OR MODIFY A WIRELESS TELECOMMUNICATIONS FACILITY WHERE IT IS DETERMINED THAT BECAUSE OF THE PHYSICAL CHARACTERISTICS OF THE PROPOSED FACILITIES, AND THE WORK ASSOCIATED WITH THEM, SUCH A PERMIT IS NOT REQUIRED TO PROTECT THE PUBLIC HEALTH, WELFARE OR SAFETY, TO MAINTAIN THE CHARACTER OF A NEIGHBORHOOD OR CORRIDOR, OR TO OTHERWISE SERVE THE PURPOSES OF THIS ORDINANCE.
- (4) INSTALLATION OF A MOBILE CELL FACILITY OR A SIMILAR STRUCTURE FOR A TEMPORARY PERIOD IN CONNECTION

WITH AN EMERGENCY OR EVENT, BUT NO LONGER THAN REQUIRED FOR THE EMERGENCY OR EVENT, PROVIDED THAT INSTALLATION DOES NOT INVOLVE EXCAVATION, MOVEMENT OR REMOVAL OF EXISTING FACILITIES.

(5) A MICRO WIRELESS FACILITY STRUNG BETWEEN TWO UTILITY POLES AS DEFINED IN §100-15 AND PROVIDED FURTHER THAT THE INSTALLATION DOES NOT REQUIRE REPLACEMENT OF THE STRAND, OR EXCAVATION, MODIFICATION OR REPLACEMENT OF THE UTILITY POLES.

C. OTHER APPLICABLE REQUIREMENTS. IN ADDITION TO THE WIRELESS TELECOMMUNICATIONS PERMIT REQUIRED HEREIN, THE PLACEMENT OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE PUBLIC-RIGHTS OF WAY REQUIRES THE PERSONS WHO WILL OWN OR CONTROL THOSE FACILITIES TO OBTAIN THE FRANCHISES, LICENSE AGREEMENTS AND PERMITS REQUIRED BY APPLICABLE LAW, AND TO COMPLY WITH APPLICABLE LAW, INCLUDING, BUT NOT LIMITED TO, APPLICABLE LAW GOVERNING RADIO FREQUENCY (RF) EMISSIONS.

D. PUBLIC USE. EXCEPT AS OTHERWISE PROVIDED BY MARYLAND LAW, ANY USE OF THE RIGHT OF WAY AUTHORIZED PURSUANT TO THIS CHAPTER WILL BE SUBORDINATE TO THE CITY'S USE AND USE BY THE PUBLIC.

#### §100-15 DEFINITIONS.

TERMS USED IN THIS ARTICLE SHALL HAVE THE FOLLOWING MEANINGS:

- A. APPLICATION: A FORMAL REQUEST, INCLUDING ALL REQUIRED AND REQUESTED DOCUMENTATION AND INFORMATION SUBMITTED BY AN APPLICANT TO THE CITY FOR A WIRELESS PLACEMENT PERMIT.**
- B. APPLICANT: A PERSON FILING AN APPLICATION FOR PLACEMENT OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY IN THE RIGHTS-OF-WAY.**
- C. BASE STATION: THE TERM BASE STATION SHALL HAVE THE SAME MEANING AS IN 47 C.F.R. SECTION 1.40001.**
- D. CERTIFICATE OF COMPLETION: A DOCUMENT THAT IS REQUIRED FROM AND ISSUED BY THE CITY CONFIRMING THAT ALL WORK DESCRIBED IN THE APPLICATION, AS APPROVED: (I) WAS PROPERLY PERMITTED, INCLUDING, WITHOUT LIMITATION, ALL REQUIRED PERMITS FOR BUILDING, ELECTRICAL WORK, STREET OR CURB CUTTING, AND EXCAVATION; (II) WAS DONE IN COMPLIANCE WITH AND FULFILLMENT OF ALL CONDITIONS OF ALL PERMITS, INCLUDING ALL STATED DEADLINES; (III) WAS FULLY CONSTRUCTED AND/OR PLACED AS APPROVED AND PERMITTED; AND (IV) WAS FINALLY INSPECTED BY THE CITY, AND WAS APPROVED BY THE CITY AFTER SAID FINAL INSPECTION.**
- E. RIGHTS-OF-WAY: THE TERM RIGHTS-OF-WAY INCLUDE ANY PORTION OF ANY STREET, ROAD OR PUBLIC WAY WHICH THE CITY HAS THE RESPONSIBILITY TO MAINTAIN OR MANAGE.**

**F. MICRO WIRELESS FACILITY: A SMALL WIRELESS FACILITY HAVING DIMENSIONS NO LARGER THAN 24 INCHES IN LENGTH, 15 INCHES IN WIDTH AND 12 INCHES IN HEIGHT AND AN EXTERIOR ANTENNA, IF ANY, NO LONGER THAN 11 INCHES.**

**G. SMALL WIRELESS FACILITY: CONSISTENT WITH SUBPART U, PART 1 OF TITLE 47, "STATE AND LOCAL GOVERNMENT REGULATION OF THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICE FACILITIES", A FACILITY THAT MEETS EACH OF THE FOLLOWING CONDITIONS:**

**(1) THE STRUCTURE ON WHICH ANTENNA FACILITIES ARE MOUNTED—**

**i. IS 50 FEET OR LESS IN HEIGHT, OR**

**ii. IS NO MORE THAN 10 PERCENT TALLER THAN OTHER ADJACENT STRUCTURES, OR**

**iii. IS NOT EXTENDED TO A HEIGHT OF MORE THAN 10 PERCENT ABOVE ITS PREEXISTING HEIGHT AS A RESULT OF THE COLLOCATION OF NEW ANTENNA FACILITIES; AND**

**(2) EACH ANTENNA (EXCLUDING ASSOCIATED ANTENNA EQUIPMENT) IS NO MORE THAN THREE CUBIC FEET IN VOLUME; AND**

**(3) ALL ANTENNA EQUIPMENT ASSOCIATED WITH THE FACILITY (EXCLUDING ANTENNAS) ARE CUMULATIVELY NO MORE THAN 28 CUBIC FEET IN VOLUME; AND**

**(4) THE FACILITY DOES NOT REQUIRE ANTENNA STRUCTURE REGISTRATION;**

**(5) THE FACILITY DOES NOT RESULT IN HUMAN EXPOSURE TO RADIOFREQUENCY RADIATION IN EXCESS OF THE APPLICABLE SAFETY STANDARDS SPECIFIED BY FEDERAL LAW**

**H. SUPPORT STRUCTURE: ANY STRUCTURE CAPABLE OF SUPPORTING A BASE STATION.**

**I. TOWER: ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY FCC-LICENSED OR AUTHORIZED ANTENNAS AND THEIR ASSOCIATED FACILITIES, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE. THIS DEFINITION DOES NOT INCLUDE UTILITY POLES.**

**J. UTILITY POLE: A STRUCTURE IN THE RIGHTS OF WAY DESIGNED TO SUPPORT ELECTRIC, TELEPHONE AND SIMILAR UTILITY LINES. A TOWER IS NOT A UTILITY POLE.**

**K. WIRELESS PERMIT: A PERMIT ISSUED PURSUANT TO THIS CHAPTER AND AUTHORIZING THE PLACEMENT OR MODIFICATION OF A WIRELESS TELECOMMUNICATIONS FACILITY OF A DESIGN SPECIFIED IN THE PERMIT AT A PARTICULAR LOCATION WITHIN THE RIGHTS OF WAY; AND THE MODIFICATION OF ANY EXISTING SUPPORT STRUCTURE TO WHICH THE WIRELESS TELECOMMUNICATIONS FACILITY IS PROPOSED TO BE ATTACHED.**

**L. WIRELESS SERVICE PROVIDER. AN ENTITY THAT PROVIDES WIRELESS SERVICES TO END USERS.**

**M. WIRELESS INFRASTRUCTURE PROVIDER: A PERSON THAT OWNS, CONTROLS, OPERATES OR MANAGES A WIRELESS TELECOMMUNICATION FACILITY OR PORTION THEREOF WITHIN THE RIGHT-OF-WAY.**

**N. WIRELESS REGULATIONS: THOSE REGULATIONS ADOPTED TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.**

**O. WIRELESS TELECOMMUNICATIONS FACILITY, OR FACILITY: A FACILITY AT A FIXED LOCATION CONSISTING OF A BASE STATION, ANY ACCESSORY EQUIPMENT, AND THE TOWER AND UNDERGROUND WIRING, IF ANY, ASSOCIATED WITH THE BASE STATION.**

**§100-16 GENERAL STANDARDS FOR WIRELESS**

**TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY.**

**A. GENERALLY. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL MEET THE MINIMUM REQUIREMENTS SET FORTH IN THIS CHAPTER AND THE WIRELESS REGULATIONS APPROVED BY THE MAYOR AND CITY COUNCIL, IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE LAW.**

**B. REGULATIONS. THE WIRELESS REGULATIONS AND ADMINISTRATIVE DECISIONS ON APPLICATIONS FOR PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS OF WAY SHALL, AT A MINIMUM, ENSURE THAT THE REQUIREMENTS OF THIS SECTION ARE SATISFIED, UNLESS IT IS DETERMINED THAT APPLICANT HAS ESTABLISHED THAT DENIAL OF AN APPLICATION WOULD, WITHIN THE MEANING OF FEDERAL LAW, PROHIBIT OR**

**EFFECTIVELY PROHIBIT THE PROVISION OF PERSONAL WIRELESS SERVICES, OR OTHERWISE VIOLATE APPLICABLE LAWS OR REGULATIONS. IF THAT DETERMINATION IS MADE, THE REQUIREMENTS OF THIS CHAPTER AND ANY CITY WIRELESS REGULATIONS MAY BE WAIVED, BUT ONLY TO THE MINIMUM EXTENT REQUIRED TO AVOID THE PROHIBITION.**

**C. STANDARDS. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE INSTALLED AND MODIFIED IN A MANNER THAT:**

- (1) MINIMIZES RISKS TO PUBLIC SAFETY, AVOIDS PLACEMENT OF ABOVEGROUND FACILITIES IN UNDERGROUND AREAS, AVOIDS INSTALLATION OF NEW SUPPORT STRUCTURES OR EQUIPMENT CABINETS IN THE PUBLIC RIGHTS OF WAY, AVOIDS PLACEMENT IN RESIDENTIAL AREAS WHEN COMMERCIAL AREAS ARE REASONABLY AVAILABLE, AND OTHERWISE MAINTAINS THE INTEGRITY AND CHARACTER OF THE NEIGHBORHOODS AND CORRIDORS IN WHICH THE FACILITIES ARE LOCATED;**
- (2) ENSURES THAT INSTALLATIONS ARE SUBJECT TO PERIODIC REVIEW TO MINIMIZE THE INTRUSION ON THE RIGHTS OF WAY; AND**
- (3) ENSURES THAT THE CITY BEARS NO RISK OR LIABILITY AS A RESULT OF THE INSTALLATIONS, AND THAT SUCH USE DOES NOT INCONVENIENCE THE PUBLIC, INTERFERE WITH THE PRIMARY USES OF THE PUBLIC RIGHTS OF WAY, OR HINDER THE ABILITY OF THE CITY OR OTHER GOVERNMENT AGENCIES TO IMPROVE, MODIFY, RELOCATE, ABANDON OR VACATE THE PUBLIC RIGHTS OF WAY OR ANY PORTION THEREOF, OR TO CAUSE THE IMPROVEMENT, MODIFICATION,**



**RELOCATION, VACATION OR ABANDONMENT OF FACILITIES  
IN THE RIGHTS OF WAY.**

- (4) ENSURES THAT LOCATION OF FACILITIES ON EXISTING POLES  
OR STRUCTURES IS WITHIN THE TOLERANCE OF THOSE POLES  
OR STRUCTURES.**

**D. CONCEALMENT. PERMITS FOR WIRELESS**

**TELECOMMUNICATIONS FACILITIES SHALL INCORPORATE  
SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL  
IMPACTS, AND DESIGN REQUIREMENTS ENSURING COMPLIANCE  
WITH ALL STANDARDS FOR NOISE EMISSIONS. UNLESS IT IS  
DETERMINED THAT ANOTHER DESIGN IS LESS INTRUSIVE, OR  
PLACEMENT IS REQUIRED UNDER APPLICABLE LAW:**

- (1) ANTENNAE LOCATED AT THE TOP OF SUPPORT STRUCTURES  
SHALL BE INCORPORATED INTO THE STRUCTURE, OR  
PLACED WITHIN SHROUDS OF A SIZE SUCH THAT THE  
ANTENNAE APPEAR TO BE PART OF THE SUPPORT  
STRUCTURE;**
- (2) ANTENNAE PLACED ELSEWHERE ON A SUPPORT STRUCTURE  
SHALL BE INTEGRATED INTO THE STRUCTURE, OR BE  
DESIGNED AND PLACED TO MINIMIZE VISUAL IMPACTS.**
- (3) RADIO UNITS OR EQUIPMENT CABINETS HOLDING RADIO  
UNITS AND MOUNTED ON A UTILITY POLE SHALL BE PLACED  
AS HIGH AS POSSIBLE ON A SUPPORT STRUCTURE, LOCATED  
TO AVOID INTERFERING WITH, OR CREATING ANY HAZARD  
TO, ANY OTHER USE OF THE PUBLIC RIGHTS OF WAY, AND  
LOCATED ON ONE SIDE OF THE UTILITY POLE. UNLESS THE  
RADIO UNITS OR EQUIPMENT CABINETS CAN BE CONCEALED  
BY APPROPRIATE TRAFFIC SIGNAGE, RADIO UNITS OR**

**EQUIPMENT CABINETS MOUNTED BELOW THE COMMUNICATIONS SPACE ON UTILITY POLES SHALL BE DESIGNED SO THAT THE LARGEST DIMENSION IS VERTICAL, AND THE WIDTH IS SUCH THAT THE RADIO UNITS OR EQUIPMENT CABINETS ARE MINIMALLY VISIBLE FROM THE OPPOSITE SIDE OF THE SUPPORT STRUCTURE ON WHICH THEY ARE PLACED.**

- (4) WIRING AND CABLING SHALL BE NEAT AND CONCEALED WITHIN OR FLUSH TO THE SUPPORT STRUCTURE, ENSURING CONCEALMENT OF THESE COMPONENTS TO THE GREATEST EXTENT POSSIBLE.**
- (5) GROUND-MOUNTED EQUIPMENT ASSOCIATED WITH A WIRELESS TELECOMMUNICATIONS FACILITY SHALL BE PERMITTED ONLY WHERE CONSISTENT WITH THE PORTION OF THE CORRIDOR IN WHICH IT IS TO BE PLACED, AND MAY BE REQUIRED TO BE UNDERGROUND, LOCATED IN ALLEYS OR OTHERWISE SHIELDED. IN NO EVENT MAY GROUND-MOUNTED EQUIPMENT INTERFERE WITH PEDESTRIAN OR VEHICULAR TRAFFIC.**
- (6) NO PERMIT SHALL BE ISSUED OR EFFECTIVE UNLESS IT IS SHOWN THAT THE WIRELESS TELECOMMUNICATIONS FACILITY WILL COMPLY WITH FEDERAL COMMUNICATION COMMISSION ("FCC") REGULATIONS GOVERNING RADIO FREQUENCY ("RF") EMISSIONS. EVERY WIRELESS FACILITY SHALL AT ALL TIMES COMPLY WITH APPLICABLE FCC REGULATIONS GOVERNING RF EMISSIONS, AND FAILURE TO COMPLY THEREWITH SHALL BE A TREATED AS A MATERIAL VIOLATION OF THE TERMS OF ANY PERMIT OR LEASE.**

- (7) **NO TOWERS SHALL BE PERMITTED IN THE PUBLIC RIGHTS OF WAY, AND NO WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE PERMITTED ABOVE-GROUND IN UNDERGROUND AREAS; PROVIDED THAT THE CITY MAY PERMIT PLACEMENTS WHERE ALL ELEMENTS OF THE WIRELESS TELECOMMUNICATIONS FACILITY ARE CONCEALED AND THE FACILITY DOES NOT APPEAR TO A CASUAL OBSERVER TO BE A WIRELESS TELECOMMUNICATIONS FACILITY.**
- (8) **NO PERMIT SHALL ISSUE EXCEPT TO WIRELESS SERVICE PROVIDERS WITH IMMEDIATE PLANS FOR USE OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY; OR WIRELESS INFRASTRUCTURE PROVIDERS WITH CONTRACTS WITH WIRELESS SERVICE PROVIDERS WHICH REQUIRE THE SERVICE PROVIDER IMMEDIATELY TO USE THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.**
- (9) **UNLESS APPROPRIATELY PLACED, AND CONCEALED, SO THAT THE SIZE OF THE FACILITY CANNOT BE INCREASED EXCEPT WITH THE DISCRETIONARY APPROVAL OF THE CITY, NO WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN RIGHTS-OF-WAY IN ALLEYS.**
- (10) **NOT WIRELESS TELECOMMUNICATIONS FACILITY IS PERMITTED IN ANY LOCAL HISTORIC DISTRICT WITHOUT THE APPROVAL OF THE PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION.**

**§ 100-17 APPLICATION SUBMISSION REQUIREMENTS.**

**A. SUBMISSION. APPLICANT SHALL SUBMIT A PAPER COPY AND AN ELECTRONIC COPY OF ANY APPLICATION, AMENDMENTS OR SUPPLEMENTS TO AN APPLICATION, OR RESPONSES TO REQUESTS FOR INFORMATION REGARDING AN APPLICATION, TO THE DESIGNATED CITY DEPARTMENT.**

**B. CONTENT. AN APPLICATION MUST CONTAIN:**

- (1) THE NAME OF THE APPLICANT, ITS TELEPHONE NUMBER AND CONTACT INFORMATION, AND IF THE APPLICANT IS A WIRELESS INFRASTRUCTURE PROVIDER, THE NAME AND CONTACT INFORMATION FOR THE WIRELESS SERVICE PROVIDER THAT WILL BE USING THE WIRELESS TELECOMMUNICATIONS FACILITY;**
- (2) A COMPLETE DESCRIPTION OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY AND THE WORK THAT WILL BE REQUIRED TO INSTALL OR MODIFY IT, INCLUDING BUT NOT LIMITED TO DETAIL REGARDING PROPOSED EXCAVATIONS, IF ANY; DETAILED SITE PLANS SHOWING THE LOCATION OF THE WIRELESS TELECOMMUNICATIONS FACILITY, AND SPECIFICATIONS FOR EACH ELEMENT OF THE WIRELESS TELECOMMUNICATIONS FACILITY, CLEARLY DESCRIBING THE SITE AND ALL STRUCTURES AND FACILITIES AT THE SITE BEFORE AND AFTER INSTALLATION OR MODIFICATION; AND A DESCRIPTION OF THE DISTANCE TO THE NEAREST RESIDENTIAL DWELLING UNIT AND ANY CONTRIBUTING HISTORICAL STRUCTURE WITHIN 500 FEET OF THE FACILITY. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED. THE ELECTRONIC VERSION OF AN APPLICATION MUST BE IN A STANDARD FORMAT THAT**

**CAN BE EASILY UPLOADED ON A WEB PAGE FOR REVIEW BY THE PUBLIC.**

- (3) AN APPLICATION FOR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE MUST CONTAIN INFORMATION SUFFICIENT TO SHOW THAT THE APPLICATION QUALIFIES UNDER OF 47 C.F.R. SECTION 1.40001. THE APPLICATION MUST RELATE TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY THAT HAS BEEN APPROVED BY THE CITY PURSUANT TO THIS ARTICLE. BEFORE AND AFTER 360 DEGREE PHOTO SIMULATIONS MUST BE PROVIDED WITH DETAILED SPECIFICATIONS DEMONSTRATING THAT THE MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE EXISTING APPROVED STRUCTURE.**
- (4) AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED IN THE FORMAT AND MANNER SPECIFIED BY THE DESIGNATED DEPARTMENT. APPLICATIONS MUST CONTAIN ALL INFORMATION REQUIRED HEREIN AND BY ANY WIRELESS REGULATIONS TO DEMONSTRATE THAT APPLICANT IS ENTITLED TO THE PERMIT REQUESTED. APPLICANT MUST PROVIDE ANY INFORMATION UPON WHICH IT RELIES IN SUPPORT OF A CLAIM THAT DENIAL OF THE APPLICATION WOULD PROHIBIT OR EFFECTIVELY PROHIBIT THE PROVISION OF SERVICE IN VIOLATION OF FEDERAL LAW, OR OTHERWISE VIOLATE APPLICABLE LAW. APPLICANTS ARE NOT PERMITTED TO SUPPLEMENT THIS SHOWING IF DOING SO WOULD PREVENT CITY FROM COMPLYING WITH ANY DEADLINE FOR ACTION ON AN APPLICATION.**
- (5) PROOF THAT NOTICE HAS BEEN MAILED TO OWNERS OF ALL**

**PROPERTY, AND THE RESIDENT MANAGER FOR ANY MULTI-FAMILY DWELLING UNIT THAT INCLUDES TEN (10) OR MORE UNITS, WITHIN 300 FEET OF THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY.**

**(6) A COPY OF ANY POLE OR STRUCTURE ATTACHMENT AGREEMENT MUST BE PROVIDED, AS WELL AS SUFFICIENT INFORMATION TO DETERMINE THAT THE INSTALLATION CAN BE SUPPORTED BY AND DOES NOT EXCEED THE TOLERANCES OF THE POLE OR STRUCTURE.**

**(7) PAYMENT OF ANY REQUIRED FEES.**

**(8) BEFORE A PERMIT IS ISSUED, CONCURRENT AGREEMENT TO ANY REQUIRED FRANCHISE OR LICENSE AGREEMENT MUST BE PROVIDED.**

**C. FEES. THE APPLICATION FEE FOR WIRELESS TELECOMMUNICATIONS FACILITIES, APPLICANT MUST PROVIDE AN APPLICATION FEE, AND SHALL BE REQUIRED TO PAY ALL COSTS REASONABLY INCURRED BY CITY IN REVIEWING THE APPLICATION, INCLUDING COSTS INCURRED IN RETAINING OUTSIDE CONSULTANTS. APPLICANT SHALL ALSO PAY AN ACCESS FEE. FEES SHALL BE REVIEWED PERIODICALLY, AND RAISED OR LOWERED BASED ON COSTS THE CITY EXPECTS TO INCUR, WITH A REVIEW COMMENCING BY THE FIRST ANNIVERSARY OF THE EFFECTIVE DATE OF THIS ORDINANCE.**

**D. WAIVERS. REQUESTS FOR WAIVERS FROM ANY REQUIREMENT OF THIS ARTICLE SHALL BE MADE IN WRITING TO THE CITY MANAGER OR DESIGNEE. THE SAME MAY GRANT A REQUEST FOR WAIVER IF IT IS DEMONSTRATED THAT, NOTWITHSTANDING THE ISSUANCE OF A WAIVER, THE CITY WILL BE PROVIDED ALL**

**INFORMATION NECESSARY TO UNDERSTAND THE NATURE OF THE CONSTRUCTION OR OTHER ACTIVITY TO BE CONDUCTED PURSUANT TO THE PERMIT SOUGHT.**

**E. PROCESSING OF APPLICATIONS. FOR SMALL WIRELESS FACILITIES, PERSONAL WIRELESS FACILITIES, AS THOSE TERMS ARE DEFINED UNDER FEDERAL LAW, AND ELIGIBLE FACILITIES REQUESTS, AS THAT TERM IS DEFINED UNDER FEDERAL LAW, APPLICATIONS WILL BE PROCESSED IN CONFORMITY WITH STATE, LOCAL AND FEDERAL LAW, AS AMENDED. CURRENTLY, THE FCC HAS REQUIRED THAT SUCH APPLICATIONS BE PROCESSED WITHIN 60 DAYS OF RECEIPT OF A COMPLETED APPLICATION FOR FACILITIES THAT WILL BE COLLOCATED ON PREEXISTING STRUCTURES, AND 90 DAYS FOR NEW CONSTRUCTION.**

**F. REJECTION FOR INCOMPLETENESS. NOTICES OF INCOMPLETENESS SHALL BE PROVIDED IN CONFORMITY WITH STATE, AND LOCAL AND FEDERAL LAW. IF SUCH AN APPLICATION IS INCOMPLETE, IT MAY BE REJECTED BY A WRITTEN ORDER SPECIFYING THE MATERIAL OMITTED FROM THE APPLICATION, OR THE CITY MAY NOTIFY THE APPLICANT OF THE MATERIAL OMITTED AND PROVIDE AN OPPORTUNITY TO SUBMIT THE MISSING MATERIAL. THE TIME IMPOSED BY FEDERAL, STATE OR LOCAL LAW FOR THE PROCESSING OF AN APPLICATION DOES NOT BEGIN TO RUN UNTIL AN APPLICATION IS COMPLETE.**

**§100-18 TERMINATION OF PERMIT/BREACH.**

**A. FOR BREACH. A WIRELESS TELECOMMUNICATIONS PERMIT MAY BE REVOKED FOR FAILURE TO COMPLY WITH THE**

**CONDITIONS OF THE PERMIT, FRANCHISE, LICENSE OR APPLICABLE LAW. UPON REVOCATION, THE WIRELESS TELECOMMUNICATIONS FACILITY MUST BE REMOVED WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY CITY, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT OF WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE CITY. ALL COSTS INCURRED BY THE CITY IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.**

**B. FOR INSTALLATION WITHOUT A PERMIT. A WIRELESS TELECOMMUNICATIONS FACILITY INSTALLED WITHOUT A WIRELESS PERMIT (EXCEPT FOR THOSE EXEMPTED BY THIS ARTICLE) MUST BE REMOVED WITHIN 30 DAYS OF WRITTEN NOTICE; PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY CITY, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT OF WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE CITY. ALL COSTS INCURRED BY THE CITY IN CONNECTION WITH THE REVOCATION AND REMOVAL SHALL BE PAID BY ENTITIES WHO OWN OR CONTROL ANY PART OF THE WIRELESS TELECOMMUNICATIONS FACILITY.**

**C. TERM. A WIRELESS PERMIT, OTHER THAN A PERMIT ISSUED PURSUANT TO AN ELIGIBLE FACILITIES REQUEST, SHALL BE VALID FOR A PERIOD OF FIVE (5) YEARS. AN ELIGIBLE FACILITIES PERMIT SHALL EXPIRE AT THE SAME TIME THE PERMIT FOR THE**



UNDERLYING EXISTING WIRELESS TELECOMMUNICATIONS FACILITY EXPIRES. A PERSON HOLDING A WIRELESS TELECOMMUNICATIONS PERMIT MUST EITHER REMOVE THE WIRELESS TELECOMMUNICATIONS FACILITY UPON EXPIRATION (PROVIDED THAT REMOVAL OF SUPPORT STRUCTURE OWNED BY CITY, A UTILITY, OR ANOTHER ENTITY AUTHORIZED TO MAINTAIN A SUPPORT STRUCTURE IN THE RIGHT OF WAY NEED NOT BE REMOVED, BUT MUST BE RESTORED TO ITS PRIOR CONDITION, EXCEPT AS SPECIFICALLY PERMITTED BY THE CITY); OR, AT LEAST 90 DAYS PRIOR TO EXPIRATION, MUST SUBMIT AN APPLICATION TO RENEW THE PERMIT, WHICH APPLICATION MUST DEMONSTRATE THAT THE IMPACT OF THE WIRELESS TELECOMMUNICATIONS FACILITY CANNOT BE REDUCED. THE WIRELESS TELECOMMUNICATIONS FACILITY MUST REMAIN IN PLACE UNTIL IT IS ACTED UPON BY THE CITY, AND ANY APPEALS FROM THE CITY'S DECISION ARE EXHAUSTED.

§100-19. "INFRASTRUCTURE OWNED OR CONTROLLED BY THE CITY.

THE CITY MAY NEGOTIATE AGREEMENTS FOR USE OF CITY OWNED OR CONTROLLED LIGHT STANDARDS AND TRAFFIC SIGNALS IN THE PUBLIC RIGHTS OF WAY FOR PLACEMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES ON THOSE STRUCTURES. THE AGREEMENT SHALL SPECIFY THE COMPENSATION TO THE CITY FOR USE OF THE STRUCTURES. THE PERSON SEEKING THE AGREEMENT SHALL ADDITIONALLY REIMBURSE THE CITY FOR ALL COSTS THE CITY INCURS IN CONNECTION WITH ITS REVIEW OF, AND ACTION UPON THE PERSON'S REQUEST FOR AN AGREEMENT.

**Section 3. BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton, that If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**Section 4. BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton, that this Ordinance shall become effective on January 11, 2019.

**INTRODUCED** by the City Council of New Carrollton at a regular meeting on the 19th day of December, 2018.

**ADOPTED** by the City Council of New Carrollton, at a special legislative session on the 2<sup>nd</sup> day of January, 2019, after having conducted a public hearing on this Ordinance on Wednesday, January 2, 2019, at which all who wished to speak on the Ordinance were heard.

**EFFECTIVE** the 11th day of January, 2019.

**Attest:**

**City of New Carrollton**

\_\_\_\_\_  
Douglass A. Barber, CMC  
City Clerk

\_\_\_\_\_  
Richard Bechtold, Chair City Council

Date: \_\_\_\_\_

**Approved:**

\_\_\_\_\_  
Duane H. Rosenberg, Mayor

Date: \_\_\_\_\_



**Effective:** \_\_\_\_\_, 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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**(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 365<sup>TH</sup> 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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

- (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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.



**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

- (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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**(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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**(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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

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

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.



**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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.**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

- (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**

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

**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 19<sup>th</sup> day of December, 2018.

Adopted and enacted by the City Council of New Carrollton, Maryland on the \_\_\_\_ day of \_\_\_\_\_, 2019.

**Effective: \_\_\_\_\_, 2019**

**Attest:**

**City of New Carrollton**

\_\_\_\_\_  
Douglass A. Barber, CMC  
City Clerk

\_\_\_\_\_  
Richard Bechtold, Chair  
City Council

**Approved:**

\_\_\_\_\_  
Duane H. Rosenberg, Mayor

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.

Date: \_\_\_\_\_

**BOLDFACE CAPITALS:** Boldface capitals indicate language added to the Code of the City of New Carrollton.







**Effective: 2019**

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON  
AMENDING THE CODE OF THE CITY OF NEW CARROLLTON TO REPEAL IN ITS  
ENTIRETY CHAPTER 89 "RENTAL PROPERTY" AND TO RE-ENACT CITY CODE  
CHAPTER 89 AS "RENTAL PROPERTY – LICENSING AND INSPECTION"**

**WHEREAS**, the City Council of the City of New Carrollton (the "City Council"), a body politic and corporate in the State of Maryland is authorized by the Annotated Code of Maryland, Local Government Article, Sec. 5-202 to enact ordinances to secure persons and property from danger and destruction and to protect the health, comfort and convenience of the residents of the City; and

**WHEREAS**, pursuant to this authority the City Council adopted City Code, Chapter 89 "Rental Property": and

**WHEREAS**, staff has encountered issues with the enforcement of City Code, Chapter 89 "Rental Property" that have caused staff to examine the Chapter; and

**WHEREAS**, in reviewing City Code, Chapter 89 it came to staff's attention that numerous changes to the Chapter are required and that it would be best for the City to repeal its current rental property provisions and adopt a new chapter that clarifies the City's rental property licensing program; and

**WHEREAS**, the City Council has reviewed City Code, Chapter 89 "Rental Property" and has decided to repeal it and reenact City Code, Chapter 89 as "Rental Property – Licensing and Inspection", with amendments as recommended by staff.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of New Carrollton that Chapter 89 "Rental Property" of the City Code, is hereby repealed and reenacted as City Code, Chapter 89 "Rental Property – Licensing and Inspection" to read as follows:

**CHAPTER 89**

**RENTAL PROPERTY - LICENSING AND INSPECTION**

**§ 89-1. PURPOSE.**

**§ 89-2. MATTERS COVERED.**

**§ 89-3. DEFINITIONS.**

**§ 89-4. LICENSE REQUIRED PRIOR TO OCCUPANCY.**

**§ 89-5. APPLICATION; FORMS; FEES.**

**§ 89-6. LICENSE ISSUANCE; DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.**

**§ 89-7. INSPECTIONS.**

**§ 89-8. EXPIRATION OF LICENSE; RENEWAL; REAPPLICATION.**

**§ 89-9. APPEALS; PROCEDURE.**

**§ 89-10. PRESENTATION OF LICENSE REQUIRED.**

**§ 89-11. LOCAL AGENT; SERVICE.**

**§ 89-12. PENALTY.**

**§ 89-1. PURPOSE.**

**(A) THE MAYOR AND COUNCIL RECOGNIZE THAT SAFE, CLEAN, WELL-BUILT, AND PROPERLY MAINTAINED HOUSING AND NEIGHBORHOODS ARE THE FOUNDATION UPON WHICH HEALTHY COMMUNITIES ARE BUILT. THIS CHAPTER PROMOTES AND ADVANCES THE CITY'S VISION AND COMMITMENT TO HOUSING AND NEIGHBORHOODS. THE PURPOSE OF THIS CHAPTER IS TO PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF NEW CARROLLTON, TO ESTABLISH OBLIGATIONS AND RIGHTS OF OWNERS AND TENANTS IN THE RENTING OF DWELLING UNITS AND TO ENCOURAGE OWNERS AND TENANTS TO MAINTAIN AND IMPROVE THE QUALITY OF RENTAL HOUSING WITHIN THE CITY.**

**(B) AN ADDITIONAL PURPOSE OF THIS CHAPTER IS TO ENSURE COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS APPLICABLE TO RESIDENTIAL RENTAL HOUSING WITHIN THE CITY; AND TO PROMOTE AND ENSURE THE SAFETY, HEALTH AND HABITABILITY OF RENTAL DWELLINGS IN THE CITY, TO PREVENT DETERIORATION OF RENTAL FACILITIES, TO SUPPORT PROPERTY VALUES, AND TO ENCOURAGE RESPONSIBLE MANAGEMENT AND USE OF RENTAL DWELLINGS AND DWELLING UNITS THROUGH LICENSING AND INSPECTION.**

**§ 89-2. MATTERS COVERED.**

**(A) THIS CHAPTER SHALL APPLY TO ALL RENTAL DWELLINGS AND RENTAL UNITS, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY DWELLINGS. THE MINIMUM REQUIREMENTS FOR THE MAINTENANCE AND REPAIR OF RENTAL DWELLINGS AND RENTAL UNITS ARE INCLUDED IN THE CODE OF THE CITY OF**

**NEW CARROLLTON, CHAPTER 71 "HOUSING AND PROPERTY MAINTENANCE", AND OTHER APPLICABLE CODES AND REGULATIONS. THESE STANDARDS INCLUDE BUT ARE NOT LIMITED TO STRUCTURAL INTEGRITY, PROTECTION AGAINST FIRE HAZARD, EQUIPMENT OR MAINTENANCE, ADEQUATE PROVISIONS FOR LIGHT AND AIR, PROPER HEATING, ELECTRIC, PLUMBING, AND SANITARY CONDITIONS, AND WITH RESPECT TO MATTERS OF OVER-CROWDING, ILLEGAL ACTIVITIES, OR FACTORS OTHERWISE DEEMED TO CONSTITUTE A MENACE TO THE SAFETY, HEALTH OR WELFARE OF THE OCCUPANTS OR ADJACENT PROPERTY OWNERS, OR SUCH CONDITIONS, FACTORS, OR CHARACTERISTICS THAT ADVERSELY AFFECT PUBLIC SAFETY, HEALTH AND WELFARE AND MAY LEAD TO THE CONTINUATION, EXTENSION, OR AGGRAVATION OF URBAN BLIGHT. ADEQUATE PROTECTION OF THE PUBLIC, THEREFORE, REQUIRES ESTABLISHMENT AND ENFORCEMENT OF THE LICENSING AND INSPECTION OF SINGLE-FAMILY AND MULTIFAMILY RENTAL DWELLINGS AND DWELLING UNITS.**

**(B) THE CITY'S HOUSING AND PROPERTY MAINTENANCE STANDARDS AS DELINEATED IN CITY CODE, CHAPTER 71 ("HOUSING CODE"), WHICH ADOPTS THE HOUSING CODE FOR PRINCE GEORGE'S COUNTY, MARYLAND, AS AMENDED FROM TIME TO TIME, ARE HEREBY INCORPORATED BY REFERENCE IN THIS CHAPTER TO THE EXTENT IT IS NOT INCONSISTENT HEREWITH.**

**§ 89-3. DEFINITIONS.**

**THE TERMS USED IN THIS CHAPTER ARE DEFINED AS FOLLOWS:**

**ADMINISTRATIVE OFFICER: THE CITY ADMINISTRATIVE OFFICER.**

**BOARDINGHOUSE: A "DWELLING UNIT" IN WHICH LODGING AND MEALS ARE FURNISHED BY THE INHABITANTS FOR COMPENSATION TO FOUR (4) OR MORE, BUT NOT EXCEEDING NINE (9), OCCUPANTS. THE "DWELLING UNIT" SHALL CONTAIN NO MORE THAN FIVE (5) ROOMS FOR SLEEPING BY OCCUPANTS.**

**CITY: THE CITY OF NEW CARROLLTON.**

**CODE OFFICIAL: THE INDIVIDUAL(S) DESIGNATED BY THE MAYOR TO ADMINISTER THIS CHAPTER.**

**CONDITIONAL LICENSE: A CERTIFICATE INDICATING THAT A COMPLETE APPLICATION FOR A RENTAL LICENSE HAS BEEN RECEIVED ALONG WITH THE REQUIRED FEE AND THAT THE REQUIRED INSPECTIONS ARE PENDING.**

**DWELLING: A BUILDING USED FOR RESIDENTIAL PURPOSES FOR ONE (1) OR MORE INDIVIDUALS.**

**DWELLING UNIT:** FOR PURPOSES OF THIS CHAPTER, A BUILDING (OR PART OF A BUILDING) COMPRISED OF ONE (1) OR MORE ROOMS THAT PROVIDE BATHING, COOKING, LIVING, AND SLEEPING FACILITIES THAT ARE USED AS A COMPLETE AND INDEPENDENT DWELLING FOR ONE (1) OR MORE PERSONS.

**EXEMPT TENANT:** A TENANT OF A SINGLE-FAMILY RENTAL UNIT WHO IS RELATED TO THE OWNER OF THE RENTAL UNIT AS GRANDPARENT, PARENT, SIBLING, CHILD, OR GRANDCHILD, WHETHER NATURALLY, ADOPTED, STEP, OR IN-LAW.

**LICENSE FEE:** THE ANNUAL FEE REQUIRED FOR APPLICATION FOR A LICENSE UNDER THIS CHAPTER. NO ADDITIONAL FEE IS REQUIRED IN REFERENCE TO MANDATORY INSPECTIONS EXCEPT AS PROVIDED FOR MISSED APPOINTMENTS IN § 89-7(D).

**LICENSE YEAR:** LICENSES ISSUED UNDER THIS CHAPTER SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND SHALL EXPIRE AT 11:59 P.M. ON THE 365<sup>TH</sup> DAY AFTER ISSUANCE.

**LOCAL AGENT:** THE OWNER OF RECORD RESIDING IN MARYLAND, OR A MARYLAND RESIDENT EXPRESSLY DESIGNATED BY THE OWNER ON A FORM PROVIDED BY THE CITY, TO MANAGE, SUPERVISE AND CARE FOR THE PROPERTY AND TO RESPOND TO ANY VIOLATIONS CONCERNING THE PROPERTY, AND TO WHOM OFFICIAL SERVICE MAY BE MADE INCLUDING THE SERVICE OF MUNICIPAL INFRACTION CITATIONS.

**MINIMUM STANDARDS:** THE PROVISIONS OF THE CITY'S HOUSING AND PROPERTY MAINTENANCE STANDARDS AS ADOPTED AND MAY BE AMENDED FROM TIME-TO-TIME IN CHAPTER 71 OF THIS CODE, AND OTHER APPLICABLE CITY CODES, ORDINANCES AND REGULATIONS.

**MULTI-FAMILY DWELLING:** A "BUILDING" (OTHER THAN A "THREE-FAMILY DWELLING") CONTAINING THREE (3) OR MORE "DWELLING UNITS", INCLUDING AN "APARTMENT HOUSE" OR "APARTMENT BUILDING." "MULTIFAMILY DWELLING" DOES NOT INCLUDE A "FRATERNITY OR SORORITY HOUSE." A "DWELLING" FOR WHICH A SPECIAL EXCEPTION WAS GRANTED IN ACCORDANCE WITH SECTION 27-382 OF THE PRINCE GEORGE'S COUNTY CODE, "MULTIFAMILY DWELLING; BEDROOM PERCENTAGES INCREASE," PRIOR TO AUGUST 26, 1983, SHALL BE CONSIDERED A "MULTIFAMILY DWELLING," IRRESPECTIVE OF WHETHER THE INDIVIDUAL "DWELLING UNITS" ARE ENTIRELY SEPARATED FROM EACH OTHER BY SOLID, COMMON WALLS.

**OCCUPANT: ANY PERSON OTHER THAN THE OWNER, WHO IS IN POSSESSION OF A BUILDING OR STRUCTURE OR SPACE WITHIN A BUILDING OR STRUCTURE. AN "OCCUPANT" SHALL INCLUDE A TENANT.**

**OWNER: ANY PERSON, PARTNERSHIP, COMPANY, CORPORATION OR OTHER ENTITY, ALONE, JOINTLY OR SEVERALLY, HAVING A LEGAL OR EQUITABLE INTEREST IN, OR CONTROL OF A RENTAL DWELLING. OWNER SHALL ALSO MEAN ANY PERSON WHO ALONE, JOINTLY OR SEVERALLY, SHALL HAVE THE CHARGE, CARE OR CONTROL OF ANY PREMISES AS EXECUTOR, ADMINISTRATOR, TRUSTEE OR GUARDIAN OF THE ESTATE OF THE OWNER. OWNER SHALL ALSO MEAN ANY PERSON HAVING ANY INTEREST IN A PARTNERSHIP, COMPANY, CORPORATION OR OTHER ENTITY WHICH OWNS OR HAS ANY OWNERSHIP INTEREST OR CONTROL OF A PREMISE. ANY PERSON, FIRM, PARTNERSHIP, COMPANY, CORPORATION, OR OTHER ENTITY WHOSE NAME APPEARS ON THE DEED OR PROPERTY TAX BILL FOR THE PREMISES SHALL BE DEEMED TO BE THE OWNER OF THE PREMISES.**

**PREMISES: THE PARCEL OR LOT OF REAL PROPERTY IN THE CITY, INCLUDING THE LAND AND ALL IMPROVEMENTS OR STRUCTURES, UPON WHICH A RENTAL DWELLING IS LOCATED.**

**RENTAL DWELLING: A DWELLING OR A DWELLING UNIT OCCUPIED OR INTENDED TO BE OCCUPIED BY ONE OR MORE INDIVIDUALS WHO ARE NOT THE LEGAL OWNERS OF RECORD OF THE PROPERTY OR AN EXEMPT TENANT. BOARDINGHOUSES AND A ROOMING HOUSES ARE RENTAL DWELLINGS.**

**RENTAL UNIT: ANY ROOM OR GROUP OF ROOMS IN A SINGLE-FAMILY OR MULTI-FAMILY STRUCTURE FORMING A SINGLE HABITABLE UNIT THAT IS INTENDED TO BE RENTED FOR OCCUPANCY BY ONE OR MORE INDIVIDUALS WHO ARE NOT THE LEGAL OWNERS OF RECORD OF THE PROPERTY OR AN EXEMPT TENANT.**

**ROOMING HOUSE: A RENTAL DWELLING IN WHICH LODGING (EXCLUDING MEALS) IS FURNISHED BY THE INHABITANTS FOR COMPENSATION TO FOUR (4) OR MORE, BUT NOT OVER NINE (9), OCCUPANTS. THE "DWELLING" SHALL CONTAIN NO MORE THAN FIVE (5) ROOMS FOR SLEEPING BY OCCUPANTS.**

**ROOMING UNIT: ANY ROOMS OR GROUPS OF ROOMS LOCATED WITHIN A DWELLING, FORMING A SINGLE HABITABLE UNIT USED OR INTENDED TO BE USED FOR SLEEPING OR LIVING, BUT NOT FOR COOKING PURPOSES.**

**SINGLE-FAMILY DWELLING: A DWELLING THAT CONTAINS ONE OR TWO DWELLING UNITS, INCLUDING DUPLEXES AND TWO-FAMILY ATTACHED DWELLINGS.**

**§ 89-4. LICENSE REQUIRED PRIOR TO OCCUPANCY.**

**(A) THE OWNER OF A RENTAL DWELLING OR RENTAL UNIT MAY NOT PERMIT OCCUPANCY OF THE RENTAL DWELLING OR RENTAL UNIT UNLESS THE RENTAL DWELLING OR RENTAL UNIT IS FIRST LICENSED BY THE CITY, AND THE LICENSE HAS NOT BEEN REVOKED OR SUSPENDED.**

**(B) SUBJECT TO SUBSECTION (C), A DWELLING UNIT THAT IS OCCUPIED BY AN OWNER OR EXEMPT TENANT AS A PRINCIPAL PLACE OF RESIDENCE SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THIS CHAPTER. ALL DWELLINGS WITHIN THE CITY REMAIN COVERED BY THE REQUIREMENTS OF THE CITY'S HOUSING AND PROPERTY MAINTENANCE CHAPTER, CHAPTER 71.**

**(C) A RENTAL LICENSE IS NOT TRANSFERABLE. A RENTAL LICENSE TERMINATES UPON CHANGE OF OWNERSHIP OF THE PROPERTY ON WHICH A RENTAL DWELLING OR RENTAL UNIT IS LOCATED AND THE NEW OWNER OF THE RENTAL DWELLING OR RENTAL UNIT MUST OBTAIN A NEW LICENSE WITHIN FIFTEEN (15) DAYS AFTER THE CHANGE IN OWNERSHIP.**

**§ 89-5. APPLICATION; FORMS; FEES.**

**(A) OWNERS OF RENTAL DWELLINGS AND RENTAL UNITS SHALL MAKE WRITTEN APPLICATION TO THE CITY FOR A RENTAL LICENSE UPON SUCH FORM OR FORMS AS THE CITY DESIGNATES. APPLICATIONS SHALL BE SUBMITTED TOGETHER WITH THE APPLICABLE LICENSE FEE, WHICH FEE SHALL BE ESTABLISHED IN THE CITY FEE SCHEDULE, AND A STATEMENT BY THE OWNER OF THE RENTAL DWELLING OR RENTAL UNIT THAT, AS A CONDITION OF ISSUANCE OF ANY LICENSE OR CONDITIONAL LICENSE, THE OWNER, ON BEHALF OF THE OWNER AND BEHALF OF ANY PRESENT OR FUTURE TENANTS, GRANTS PERMISSION TO THE CITY AND THE CITY'S OFFICIALS, EMPLOYEES AND AGENTS TO INSPECT THE RENTAL DWELLING OR RENTAL UNIT FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND TO UNDERTAKE ANY OTHER INSPECTIONS REQUIRED BY § 89-7. THE ANNUAL LICENSE FEE SHALL NOT BE PRORATED.**

**(B) THE OWNER SHALL HAVE A CONTINUING OBLIGATION TO UPDATE THE INFORMATION SUBMITTED AS PART OF THE RENTAL LICENSE APPLICATION AND TO SUPPLY ADDITIONAL INFORMATION AS THE CITY REASONABLY MAY REQUIRE.**

**(C) LATE FEES SHALL BE ASSESSED TO THE OWNER FOR EVERY DAY THAT THE FILING OF AN APPLICATION IS DELINQUENT. THE LATE FEES SHALL BE SET FORTH IN THE CITY'S FEE SCHEDULE.**

**(D) LICENSE FEES AND LATE FEES IMPOSED BY THIS CHAPTER ARE A LIEN ON THE PREMISES UNTIL PAID AND IN ALL RESPECTS SHALL BEAR INTEREST, AND BE COLLECTED AND ENFORCED, IN THE SAME MANNER AS CITY REAL PROPERTY TAXES.**

**(E) ALL RENTAL LICENSE FEES SUBMITTED TO THE CITY SHALL BE NON-REFUNDABLE.**

**§ 89-6. LICENSE ISSUANCE; DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.**

**(A) UPON RECEIPT OF A COMPLETED APPLICATION FOR A LICENSE WITH TENDER OF THE REQUIRED LICENSE FEE, ALONG WITH ANY STATE OF MARYLAND REQUIRED DOCUMENTATION OF COMPLIANCE WITH MARYLAND LEAD LAWS, AND ANY OTHER LEGALLY REQUIRED DOCUMENTS FOR A RENTAL DWELLING OR RENTAL UNIT, THE CITY SHALL ISSUE A CONDITIONAL LICENSE UNLESS A CURRENT LICENSE HAS BEEN DENIED, SUSPENDED OR REVOKED. CONDITIONS ON THE LICENSE WILL BE REMOVED, AND A FINAL RENTAL LICENSE ISSUED, FOLLOWING A SATISFACTORY INSPECTION OF THE PREMISES.**

**(B) DENIAL, SUSPENSION OR REVOCATION: A CONDITIONAL LICENSE OR LICENSE MAY BE DENIED, SUSPENDED OR REVOKED IN WHOLE OR IN PART AT ANY TIME BY THE CITY FOR A RENTAL DWELLING OR RENTAL UNIT THAT IS THE SUBJECT OF A VIOLATION OF CITY CODE, CHAPTER 71 HOUSING AND PROPERTY MAINTENANCE IF, AFTER RECEIPT OF A NOTICE OF VIOLATION, THE OWNER FAILS TO ABATE ALL VIOLATIONS IDENTIFIED DURING AN INSPECTION WITHIN THE TIME ORDERED IN THE NOTICE. VIOLATIONS OF PROVISIONS CONTAINED IN PRINCE GEORGE'S COUNTY CODE, SEC. 13-113 "UNSAFE STRUCTURES AND EQUIPMENT," SEC. 13-114 "UNSAFE CONDITIONS – EMERGENCY MEASURES" AND SEC. 13-115 "CONDEMNATION AND DEMOLITION", ADOPTED AS PART OF THE CITY'S HOUSING AND PROPERTY MAINTENANCE STANDARDS MAY RESULT IN IMMEDIATE DENIAL, SUSPENSION OR REVOCATION OF A CONDITIONAL LICENSE OR LICENSE WITHOUT NOTICE. THE DENIAL, SUSPENSION OR REVOCATION OF A LICENSE IS IN ADDITION TO AND NOT IN SUBSTITUTION OF THE PENALTIES PROVIDED FOR IN § 89-12 OF THIS CHAPTER.**

**(C) ANY LICENSE OR CONDITIONAL LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED, OR SUSPENDED BY THE CITY, AFTER NOTICE AND RIGHT TO A HEARING, FOR ANY OF THE FOLLOWING REASONS:**

- 1. FAILURE TO ABATE VIOLATIONS AS REQUIRED PURSUANT TO SUBSECTION (B) OF THIS SECTION.**

2. A FALSE STATEMENT CONTAINED IN THE APPLICATION FOR A LICENSE.
3. A FALSE STATEMENT PROVIDED BY THE LICENSE HOLDER IN THE COURSE OF ITS ACTIVITIES.
4. THE LICENSE WAS ISSUED IN ERROR.

**§ 89- 7 INSPECTIONS.**

**(A) AUTHORITY AND CONSENT TO INSPECTIONS: IN CONNECTION WITH THE APPLICATION REQUIREMENTS CONTAINED IN § 89-5, THE OWNER SHALL ACKNOWLEDGE AND CONSENT TO THE INSPECTIONS REQUIRED UNDER THIS CHAPTER; AND SHALL AFFIRM THAT THE OWNER WILL NOTIFY PROSPECTIVE TENANTS PRIOR TO ENTERING INTO A LEASE AGREEMENT OF THE INSPECTION REQUIREMENTS OF THIS CHAPTER. THE CITY'S CODE OFFICIAL OR OTHER DESIGNATED PERSON SHALL CONDUCT AN INSPECTION OF A LICENSED PREMISES TO DETERMINE WHETHER IT IS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS OF THE CITY CODE PRIOR TO THE ISSUANCE OF A NEW LICENSE, PRIOR TO THE RENEWAL OF A LICENSE, PRIOR TO THE ARRIVAL OF A NEW OCCUPANT/TENANT AND WHEN VIOLATIONS OF THE CITY CODE ARE REASONABLY SUSPECTED TO EXIST. THE CITY'S CODE OFFICIAL OR OTHER DESIGNATED PERSON MAY CONDUCT PERIODIC INSPECTIONS OF ANY LICENSED PREMISES TO DETERMINE WHETHER IT CONTINUES TO BE IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS. A PERSON MAY NOT REFUSE OR FAIL, UPON REASONABLE NOTICE, TO ALLOW ENTRY FOR SUCH INSPECTION, AND THE REFUSAL OR FAILURE TO ALLOW INSPECTION IS SUFFICIENT REASON FOR THE DENIAL, SUSPENSION OR REVOCATION OF A RENTAL LICENSE.**

**(B) LIMITATIONS: INSPECTIONS ARE LIMITED VISUAL INSPECTIONS FOR VIOLATIONS OF THE CITY'S HOUSING AND PROPERTY MAINTENANCE STANDARDS, AND OTHER APPLICABLE CODES AND STANDARDS. THE INSPECTIONS DO NOT CERTIFY OR PROVIDE A WARRANTY OF THE PREMISES AS TO THE EXISTENCE OR OPERATION ANY BUILDING SYSTEMS OR SUBSYSTEMS. THE INSPECTIONS SHALL NOT BE DEEMED TO INCLUDE ANY LATENT OR HIDDEN DEFECTS OR PROBLEMS. INSPECTIONS SHALL BE CONDUCTED BY THE CITY'S CODE OFFICIAL OR OTHER PERSONS DESIGNATED BY THE MAYOR.**

**(c) EXTERIOR AND INTERIOR INSPECTION: IN CONNECTION WITH THE APPLICATION REQUIREMENTS CONTAINED IN § 89-5 OF THIS CHAPTER, A RENTAL DWELLING OR RENTAL UNIT SHALL BE SUBJECT TO AN ANNUAL EXTERIOR AND INTERIOR INSPECTION OF THE PREMISES SUBJECT TO THE STANDARDS IN CHAPTER 71 OF THE CITY CODE. THE INSPECTION MAY, BUT SHALL NOT BE REQUIRED TO, INCLUDE A CHECK OF SYSTEMS AND SUBSYSTEMS IN THE RENTAL DWELLING OR RENTAL UNIT. THE CODE**



**OFFICIAL MAY DETERMINE THE NUMBER OF RENTAL UNITS TO BE INSPECTED FOR SAFETY AND OPERATION.**

**(D) MISSED INSPECTION FEES: ANY APPOINTMENT FOR INSPECTIONS WHICH IS NOT KEPT BY THE APPLICANT FOR ANY REASON AND FOR WHICH THE CITY CODE ENFORCEMENT OFFICER IS NOT GIVEN 24 HOURS' NOTICE OF CANCELLATION (PRIOR TO THE TIME SET FOR INSPECTION) SHALL BE SUBJECT TO A FEE AS SET FORTH IN THE CITY'S FEE SCHEDULE.**

**(E) INSPECTION RESULTS, DEFICIENCIES AND REQUIRED CORRECTIONS: INSPECTION RESULTS SHALL BE COMMUNICATED IN WRITING TO THE OWNER. NOTICES OF VIOLATIONS SHALL INCLUDE A COMPLIANCE DATE THAT SPECIFIES A DATE BY WHICH VIOLATIONS MUST BE ABATED. EXTENSIONS TO THE INITIAL COMPLIANCE DATE MAY BE GRANTED AT THE CITY'S SOLE DISCRETION.**

**§ 89-8. EXPIRATION OF LICENSE; RENEWAL; REAPPLICATION.**

**(a) EACH LICENSE ISSUED PURSUANT TO THIS CHAPTER SHALL EXPIRE AT 11:59 P.M. ON THE 365<sup>TH</sup> DAY AFTER ITS ISSUANCE.**

**(B) APPLICATION FOR THE RENEWAL OF AN EXISTING LICENSE SHALL BE MADE AT LEAST THIRTY-ONE (31) DAYS PRIOR TO THE EXPIRATION DATE AND SHALL BE SUBMITTED TOGETHER WITH THE APPROPRIATE LICENSE FEE. THE LATE FEE FOR APPLICATIONS SHALL ALSO BE APPLICABLE TO RENEWALS.**

**(C) EVERY APPLICANT WHOSE APPLICATION FOR A LICENSE HAS BEEN DENIED OR WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED MAY NOT REAPPLY FOR THE LICENSE UNLESS AND UNTIL THE UNDERLYING CONDITIONS CAUSING THE DENIAL, SUSPENSION OR REVOCATION HAVE BEEN SATISFACTORILY ADDRESSED AS DETERMINED BY THE CITY.**

**(D) WHEN REAPPLYING AFTER A DENIAL, A NEW APPLICATION AND REQUIRED DOCUMENTS SHALL BE SUBMITTED TOGETHER WITH ALL APPLICABLE FEES.**

**§ 89-9. APPEALS; PROCEDURE.**

**A PERSON AGGRIEVED BY A FINAL DECISION OR ORDER OF THE CITY IN THE ADMINISTRATION OR ENFORCEMENT OF THIS CHAPTER MAY APPEAL THE DECISION TO THE CITY BOARD OF APPEALS WITHIN FIFTEEN (15) DAYS OF THE DATE OF THE DECISION OR ORDER APPEALED, BY FILING WITH THE BOARD A SIGNED, WRITTEN NOTICE OF APPEAL REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE REASONS THEREFORE. UPON RECEIPT OF**

**SUCH NOTICE OF APPEAL, THE BOARD SHALL SET A TIME AND PLACE FOR SUCH A HEARING AND SHALL DETERMINE APPEALS AS PROMPTLY AS PRACTICABLE. THE BOARD SHALL HEAR THE APPEALS. AFTER SUCH HEARING, THE BOARD MAY, WITH A MAJORITY OF MEMBERS PRESENT AFFIRM, AMEND, MODIFY OR WITHDRAW THE DECISION OR ORDER THAT HAS BEEN APPEALED. THE DECISION OF THE BOARD SHALL, IN ALL CASES, BE FINAL, EXCEPT THAT ANY PARTY DIRECTLY AGGRIEVED BY A DECISION MAY WITHIN FIVE DAYS AFTER THE RENDERING OF SUCH DECISION FILE AN APPEAL TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY. SAID APPEALS SHALL BE IN ACCORDANCE WITH THE MARYLAND RULES.**

**§ 89-10. PRESENTATION OF LICENSE REQUIRED.**

**A COPY OF ANY LICENSE ISSUED UNDER THIS CHAPTER SHALL BE PRESENTED TO EVERY PROSPECTIVE TENANT PRIOR TO EXECUTING A LEASE AGREEMENT OR PRIOR TO OCCUPANCY, AND THEREAFTER ON DEMAND OF THE TENANT OR DESIGNATED CODE OFFICIAL.**

**§ 89-11. LOCAL AGENT; SERVICE.**

**(A) REQUIREMENT OF LOCAL AGENT. THE OWNER OF RECORD OF ANY RENTAL DWELLING OR RENTAL UNIT REQUIRED BY THIS CHAPTER TO OBTAIN A LICENSE SHALL BE OR APPOINT A LOCAL AGENT FOR EACH LICENSED PREMISE. THE LOCAL AGENT SHALL BE OVER THE AGE OF EIGHTEEN (18) AND RESIDE IN THE STATE OF MARYLAND.**

**(B) FILING OF THE LOCAL AGENT'S NAME AND ADDRESS. THE NAME AND ADDRESS OF THE LOCAL AGENT SHALL BE INCLUDED IN THE RENTAL LICENSE APPLICATION. THE OWNER OF RECORD SHALL NOTIFY THE CITY IN WRITING OF ANY CHANGES WITH RESPECT TO THE LOCAL AGENT WITHIN TEN (10) DAYS OF SUCH CHANGES. THE DESIGNATION OF A LOCAL AGENT DOES NOT RELIEVE THE OWNER OF ANY RESPONSIBILITIES OR OBLIGATIONS UNDER THIS CHAPTER.**

**(C) SERVICE OF UNIFORM CIVIL CITATION FOR MUNICIPAL INFRACTION. NOTICE OF A COMPLAINT OR MUNICIPAL INFRACTION WITH RESPECT TO PREMISES REQUIRED TO BE LICENSED MAY BE BROUGHT BY SERVICE UPON THE OWNER OF RECORD OF THE PROPERTY OR UPON THE LOCAL AGENT. SERVICE SHALL BE DEEMED SUFFICIENT WHEN SERVED IN COMPLIANCE WITH THE CITY'S THEN CURRENT POLICY ON THE ISSUANCE OF MUNICIPAL INFRACTION CITATIONS.**

§ 89-12. PENALTY.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, FIRM, CORPORATION OR OTHER ENTITY TO VIOLATE ANY OF THE PROVISIONS OF THIS CHAPTER, WHICH ARE HEREBY DECLARED TO BE MUNICIPAL INFRACTIONS, PUNISHABLE BY A FINE AS SET FORTH IN THE CITY'S FINES AND PENALTIES SCHEDULE FOR EACH OFFENSE. EACH DAY THAT A VIOLATION CONTINUES AFTER ASSESSMENT OF THE INITIAL FINE SHALL CONSTITUTE A SEPARATE OR REPEAT OFFENSE. PAYMENT OF A FINE WITHOUT CORRECTION OF THE VIOLATION DOES NOT CONSTITUTE ABATEMENT OF THE VIOLATION.

(B) FOR PURPOSES OF ENFORCING THIS CHAPTER, THE CITY IS AUTHORIZED TO EXERCISE ALL POWERS AVAILABLE TO IT UNDER STATE AND COUNTY LAW AND CITY CODE, CHAPTER 71 AND OTHER APPLICABLE CODES TO PROHIBIT OR PREVENT OCCUPANCY OF AN UNLICENSED PREMISES SUBJECT TO LICENSING UNDER THIS CHAPTER FOR WHICH A CONDITIONAL LICENSE OR LICENSE HAS NOT BEEN ISSUED, HAS EXPIRED, OR FOR WHICH A CONDITIONAL LICENSE OR LICENSE HAS BEEN SUSPENDED OR REVOKED.

Introduced by the City Council of the City of New Carrollton, Maryland on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Adopted and Enacted by the City Council of the City of New Carrollton on the \_\_\_day of \_\_\_\_\_, 2019.

Attest:

**CITY OF NEW CARROLLTON**

\_\_\_\_\_  
Douglass A. Barber, CMC  
City Clerk

\_\_\_\_\_  
Richard Bechtold, Chair City Council

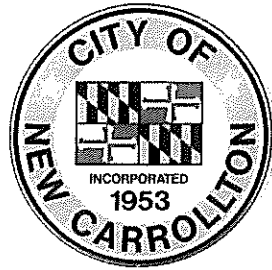
Date: \_\_\_\_\_

**Approved:**

\_\_\_\_\_  
Duane Rosenberg  
Mayor

Date: \_\_\_\_\_





CITY OF NEW CARROLLTON  
NOTICE OF PUBLIC HEARING

PROPOSED ORDINANCE 19-10 AMENDING CHAPTER 100 STREETS AND  
SIDEWALKS TO ADD WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC  
RIGHTS-OF-WAY

The City Council will conduct a public hearing on proposed Ordinance 19-10 on **Wednesday, January 2, 2019 at 7:00 p.m.** at the Municipal Center, 6016 Princess Garden Parkway, New Carrollton, Maryland, 20784 (Council Chambers Room # 220). Ordinance 19-10 is:

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON, AMENDING CITY CODE CHAPTER 100, "STREETS AND SIDEWALKS" TO RENAME THE CHAPTER "STREETS, SIDE-WALKS, PUBLIC PROPERTY AND RIGHTS-OF-WAY", TO DIVIDE -THE CHAPTER INTO TWO ARTICLES, WITH THE EXISTING PROVISIONS OF CHAPTER 100 BECOMING ARTICLE I, "GENERAL PROVISIONS" AND ADDING ARTICLE II, "WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY" TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF SMALL WIRELESS TELECOMMUNICATIONS TOWERS, ANTENNAE, AND OTHER STRUCTURES WITHIN THE CITY'S PUBLIC RIGHTS-OF-WAY OR ON CITY PROPERTY, CONSISTENT WITH FEDERAL AND STATE LAW**

Copies of Ordinance 19-10 are available for inspection at the New Carrollton Municipal Center, Monday- Friday, 8:30 a.m. – 5:00 p.m.

The public is encouraged to attend the public hearing and provide comments.

The City Council of New Carrollton

