



## Agenda of the Meeting of the City Council City of New Carrollton

WEDNESDAY, JANUARY 16, 2019, 7:00 P.M.

### Council Action

1. Call-to- Order/ Pledge of Allegiance
2. **Meeting Minutes**
  - a.) City Council Workshop Meeting Minutes (December 17, 2018)
  - b.) City Council Legislative Meeting Minutes (December 19, 2018)
3. **Council Member Announcements** (1 Minute Each)
4. **Public Hearing** – Charter Amendment Resolution 19-01: Elections
5. **Public Hearing** – Ordinance 19-07 Chapter 75: Licenses
6. **Public Hearing** – Ordinance 19-08 Chapter 89: Rental Property
7. **Additions to the Agenda by the Council**
8. **OLD BUSINESS**
9. **Charter Amendment Resolution 19-01: Elections (Second Reading)**  
**Motion:** I move that the Council adopt Charter Amendment Resolution 19-01: Election, a Charter Amendment Resolution of the City Council of New Carrollton amending City Charter, Section C-3 “Government of the City” to remove the requirement for staggered term for elected officials and to provide for how the change will occur; and amending City Charter Section C-7 “Elections” to effectuate the elimination of staggered terms (Second Reading). – **Robbins**
10. **Ordinance 19-07 Chapter 75 Licenses (Second Reading)**  
**Motion:** I move that the Council adopt Ordinance 19-07, 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 (Second Reading). – **Peterson**
11. **Ordinance 19-08 Chapter 89 Rental Property (Second Reading)**  
**Motion:** I move that the Council adopt Ordinance 19-08, an Ordinance of the City Council of New Carrollton amending the Code 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” (Second Reading). – **Peterson**
12. **NEW BUSINESS**

13. **Emergency Ordinance 19-11 Budget Amendment Reconciliation No. Three: To Amend Ordinance 18-08 Current Expense Budget for FY 2019** \_\_\_\_\_

**Motion:** I move that the Council adopt Emergency Ordinance 19-11, an Emergency Ordinance of the City Council of New Carrollton amending the adopted budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019 as embodied in Ordinance 18-08 to reflect money brought into the budget from City Restricted/Designated Funds and to adjust various expenditures. – **Nembhard**

14. **Ordinance 19-12 Chapter 6: Budget and Finance (First Reading)** \_\_\_\_\_

**Motion:** I move that the Council introduce Ordinance 19-12, an Ordinance of the City Council of New Carrollton amending the Code of the City of New Carrollton, Chapter 6 “Budget and Finance, “ Section 6-1 “Presentation of Budget; Public Record” to change the program categories into which expenditures are classified (First Reading). – **Robbins**

15. **Resolution 19-11 Reducing Transportation Petroleum Consumption** \_\_\_\_\_

**Motion:** I move that the Council adopt Resolution 19-11, a Resolution of the City Council of New Carrollton declaring the City’s intent to take a leadership role in reducing transportation petroleum consumption in and by the City of New Carrollton by partnering with the Maryland Energy Administration and enrolling as a smart energy community. – **Nembhard**

16. **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.**

**CITY OF NEW CARROLLTON  
MINUTES  
COUNCIL WORKSHOP MEETING  
MONDAY, DECEMBER 17, 2018**

The City Council Workshop Meeting was held at 7:05 p.m., on Monday, December 17, 2018, in the Council Workshop Room of the Municipal Center. Attending were Chairman Richard Bechtold, Councilmembers Lincoln Lashley, Sarah Potter Robbins, Roy A. Peterson, Phelecia Nembhard, Mayor Duane Rosenberg, City Administrative Officer Timothy George, Assistant City Administrative Officer Karen Ruff, Chief of Police David Rice, Director of Public Works Bernard Cochran, and City Clerk Douglass Barber.

**1. CALL TO ORDER**

Chairman Bechtold welcomed everyone and called the meeting to order.

**2. REPORT OF THE MAYOR AND ADMINISTRATION**

Mayor Rosenberg noting the following events he recently attended: City of New Carrollton Legislative Dinner (Tuesday, December 4, 2018); Business Community Meeting (Wednesday, December 12, 2018); Yule Log (Thursday, December 13, 2018); Santa with a Badge (Saturday, December 15, 2018). Mayor Rosenberg briefed the Council on the collaborative project with the University of Maryland being led by Mr. Andy Fellows.

Director of Public Works Cochran updated the Mayor and Council on the following:

- The second round of sidewalk work repair is near completion. The street paving will begin after the sidewalk work is completed weather permitting;
- Director Cochran has contracted the engineers at CPJ on the Frenchman's Creek water issue that is affecting the roadway;
- The Parks Department is working with PEPCO to install new trees in the City where removals took place;
- The 2018 leaf season continues. The department is asking citizens to place their leaves in the tree box and not on the street. The 2018 leaf schedule is posted in the November/December Edition of the newsletter.

Chief of Police Rice noted the Santa with a Badge Program held on Saturday, December 15, 2018. Chief Rice closed by providing the stats for November 2018.

Administrative Officer George updated the Mayor and Council on the following:

- The City held their first Green Team Meeting on Tuesday, December 4, 2018, with the next meeting being scheduled for Tuesday, January 8, 2019. Assistant City Administrative Officer Ruff and City Clerk Barber are working on updating the City's Records Retention Policy;

**3. COUNCIL QUESTIONS/COUNCIL ANNOUNCEMENTS**

Mr. Peterson noted the schedule of the Friends of New Carrollton Library and encouraged residents to attend their meetings and events. Mr. Peterson closed by wishing everyone a Merry Christmas.

Ms. Robbins had no questions. Ms. Robbins wished everyone a Merry Christmas and Happy New Year.

Mr. Lashley noted the many holiday functions he attended during the holiday season.

**4. CHARTER AMENDMENT RESOLUTION 19-01: ELECTIONS (FIRST READING)**

Assistant City Administrative Officer Ruff presented proposed Charter Amendment Resolution 19-01: Elections (First Reading). There was no discussion. Mr. Bechtold requested that Ms. Robbins read the official motion to introduce Charter Amendment Resolution 19-01: Elections at the legislative meeting scheduled for Wednesday, December 19, 2018.

**5. ORDINANCE 19-04 CHAPTER 50: ELECTIONS (SECOND READING)**

Assistant City Administrative Officer Ruff and City Clerk Barber presented proposed Ordinance 19-04 Chapter 50: Elections (Second Reading). There was no discussion. Mr. Bechtold requested Ms. Nembhard read the official motion to adopt Ordinance 19-04 Chapter 50: Elections at the legislative meeting scheduled for Wednesday, December 19, 2018.

**6. ORDINANCE 19-05 CHAPTER 12: ETHICS**

Assistant City Administrative Officer Ruff and City Clerk Barber presented proposed Ordinance 19-05 Chapter 12: Ethics. Ms. Ruff explained to the Council that the adoption of Ordinance 19-05 Chapter 12 Ethics would take place once the State Ethics Board had approved our legislation. Ms. Ruff noted that the item would be placed before the City Council in February 2019.

**7. EMERGENCY ORDINANCE 19-06 CHAPTER 6: BUDGET AND FINANCE (SECOND READING)**

Assistant City Administrative Officer Ruff and City Clerk Barber presented proposed Emergency Ordinance 19-06 Chapter 6 Budget and Finance (Second Reading). There was no discussion. Mr. Bechtold requested Mr. Peterson read the official motion to adopt Ordinance 19-06 Chapter 6: Budget and Finance at the legislative meeting scheduled for Wednesday, December 19, 2018.

**8. EMERGENCY ORDINANCE 19-09 BUDGET AMENDMENT RECONCILIATION NO. TWO: TO AMEND ORDINANCE 18-08 CURRENT EXPENSE BUDGET FOR FY 2019**

City Administrative Officer George presented proposed Emergency Ordinance 19-09 Budget Amendment Reconciliation No. Two: To Amend Ordinance 18-08 Current Expense Budget for FY 2019. There was no discussion. Mr. Bechtold requested Ms. Nembhard read the official motion to adopt Emergency Ordinance 19-09 Budget Amendment

Reconciliation No. Two: To Amend Ordinance 18-08 Current Expense Budget for FY 2019 at the legislative meeting scheduled for Wednesday, December 19, 2018.

**9. APPROVAL OF CITY VAN PURCHASE**

City Administrative Officer George presented proposed approval of the City Van Purchase. There was no discussion. Mr. Bechtold requested Ms. Robbins read the official motion to approve the City Van Purchase at the legislative meeting scheduled for Wednesday, December 19, 2018.

**10. WIRELESS TELECOMMUNICATIONS FACILITIES**

Assistant City Administrative Officer Ruff presented proposed wireless telecommunications facilities to the Council. Ms. Ruff responded to questions of clarification on the proposal. Ms. Ruff noted that after conversation with the Council she will proceed to draft proposed legislation for their consideration at the next Council Legislative Meeting scheduled for Wednesday, December 19, 2018. Mr. Bechtold requested Mr. Lashley read the official legislation once prepared to approve wireless telecommunications facilities in the City.

**11. ORDINANCE 19-07 CHAPTER 75: LICENSES (FIRST READING)**

Assistant City Administrative Officer Ruff presented proposed Ordinance 19-07 Chapter 75: Licenses (First Reading). There was no discussion. Mr. Bechtold requested Mr. Lashley read the official motion to introduce Ordinance 19-07 Chapter 75: Licenses at the legislative meeting scheduled for Wednesday, December 19, 2018.

**12. ORDINANCE 19-08 CHAPTER 89: RENTAL PROPERTY (FIRST READING)**

Assistant City Administrative Officer Ruff presented proposed Ordinance 19-08 Chapter 89: Rental Property (First Reading). There was no discussion. Mr. Bechtold requested Mr. Peterson read the official motion to introduce Ordinance 19-08 Chapter 89: Rental Property at the legislative meeting scheduled for Wednesday, December 19, 2018.

**13. RESOLUTION 19-06 EARLY VOTING FOR 2019 ELECTION**

City Clerk Barber presented proposed Resolution 19-06 Early Voting for 2019 Election. There was no discussion. Mr. Bechtold requested Ms. Robbins read the official motion to adopt Resolution 19-06 Early Voting for 2019 Election at the legislative meeting scheduled for Wednesday, December 19, 2018.

**14. RESOLUTION 19-07 ENDORSING A MEMBERSHIP ROSTER FOR THE CITY OF NEW CARROLLTON GREEN TEAM**

Assistant City Administrative Officer Ruff presented proposed Resolution 19-07 Endorsing a Membership Roster for the City of New Carrollton Green Team. There was no discussion. Mr. Bechtold requested Ms. Nembhard read the official motion to adopt Resolution 19-07 Endorsing a Membership Roster for the City of New Carrollton Green Team at the legislative meeting scheduled for Wednesday, December 19, 2018.

**15. RESOLUTION 19-08 RENEWABLE ENERGY POLICY**

Assistant City Administrative Officer Ruff presented proposed Resolution 19-08 Renewable Energy Policy. There was no discussion. Mr. Bechtold requested Mr. Lashley read the official motion to adopt Resolution 19-08 Renewable Energy Policy at the legislative meeting scheduled for Wednesday, December 19, 2018.

**16. RFP – MUNICIPAL CENTER RENOVATIONS UPDATE**

City Administrative Officer George provided an update to the Council on the proposed renovations for the City of New Carrollton Municipal Center. The Council discussed at length. Mr. George noted that what is before the Council is Phase I of the project. Mr. George noted the item would be placed on the Council's agenda for further discussion and possible adoption in January 2019.

**17. MEETING MINUTES**

- a) City Council Workshop Meeting Minutes (November 7, 2018)
- b) City Council Workshop Meeting/Special Legislative Meeting Minutes (November 19, 2018)

Chairman Bechtold advised the Council that the minutes listed had been previously provided by Mr. Barber. Mr. Bechtold requested that the Council provide any corrections to Mr. Barber.

**18. REVIEW OF BILLS**

**Batch # 1 (November 21, 2018); Batch # 2 (December 3, 2018); Batch # 3 (December 6, 2018); and Batch # 4 (December 13, 2018)**

The staff responded to questions and comments of the Council regarding the bills.

**19. RESIDENTS' CONCERNS, AUDIENCE PARTICIPATION AND TELEPHONE CALLS**

No one wished to address the Council.

**20. Adjournment**

The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Douglass A. Barber, CMC  
City Clerk

Adopted by the Council on \_\_\_\_\_.

**CITY OF NEW CARROLLTON  
MINUTES  
COUNCIL LEGISLATIVE MEETING  
WEDNESDAY, DECEMBER 19, 2018**

The City Council Legislative Meeting was held at 7:01 p.m., on Wednesday, December 19, 2018, in the Council Meeting Room of the Municipal Center. Attending were Chairman Richard Bechtold, Councilmembers Lincoln Lashley, Sarah Potter Robbins, Roy A. Peterson and Phelecia Nembhard, Mayor Duane Rosenberg, City Treasurer Diane Dawes, and Assistant City Administrative Officer Karen Ruff.

**1. CALL TO ORDER**

Chairman Bechtold welcomed everyone and called the meeting to order.

**2. PRESENTATION – 2018 HOLIDAY DECORATING CONTEST WINNERS**

Mayor Rosenberg presented the 2018 Holiday Decorating Contest Winners (8325 Quentin Street; 7401 Potomac Court; 7607 Fontainebleau Drive, #2360, and 6403 Kaslo Court) with certificates of appreciation and prizes.

**3. REPORT OF THE TREASURER – CONSIDERATION OF BILLS**

Treasurer Dawes presented the Treasurer's Report: Batch #1 (November 21, 2018); Batch #2 (December 3, 2018); Batch #3 (December 6, 2018); and Batch #4 (December 13, 2018) the bills totaled \$278,183.90. There were 7 bills in excess of \$10,000. There was no discussion. Ms. Robbins moved to accept the report with a copy being attached to the minutes; seconded by Mr. Lashley. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

The Mayor and Council thanked City Treasurer Dawes for her service to the City.

**4. MEETING MINUTES**

- a) City Council Workshop Meeting (November 7, 2018)
- b) City Council Workshop Meeting/Special Legislative Meeting Minutes (November 19, 2018)

Mr. Lashley moved that the following minutes be approved: City Council Workshop Meeting (November 7, 2018); and City Council Workshop Meeting/Special Legislative Meeting (November 19, 2018). Ms. Robbins seconded the motion. Ms. Robbins noted some proposed corrections to the minutes that had been provided to the City Clerk prior to the meeting. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).



**5. COUNCILMEMBER ANNOUNCEMENTS**

Ms. Robbins wished everyone a safe and wonderful happy holidays. Ms. Robbins encouraged residents to visit the 32<sup>nd</sup> Annual Winter Festival of Lights at Watkins Regional Park during the holiday season.

Mr. Lashley congratulated all the winners of the 2018 Holiday Decorating Contest and wished everyone a happy and safe holiday season.

Mr. Peterson wished everyone a happy, healthy holiday season.

Ms. Nembhard thanked the residents of the City who decorated their homes this holiday season. Ms. Nembhard closed by wishing everyone a wonderful holiday season and Happy New Year.

Mayor Rosenberg wished everyone a happy holidays and noted that the City offices would be closed on December 24, 2018 and December 25, 2018.

**6. PUBLIC HEARING – ORDINANCE 19-04: CHAPTER 50 ELECTIONS**

The City Council convened the Public Hearing on proposed Ordinance 19-04 City Code Chapter 50: Elections at 7:17 p.m. Vice Chairman Lashley verified with City Clerk Barber that the Public Hearing had been advertised as follows: Public Notice Board located at the City Municipal Center along with flyers posted on December 4, 2018; Official Publication in the Sentinel Newspaper December 6, 2018 edition; Announcements on Facebook and Twitter on December 11, 2018; and City Website Announcement and City's Public Access Channel on December 11, 2018.

No one wished to address the Council. No written testimony had been received by the City.

Vice Chairman Lashley noted that copies of the proposed Ordinance 19-04 City Code Chapter 50: Elections are available for inspection at the New Carrollton Municipal Center, Monday through Friday, 8:30 a.m. to 5:00 p.m. Vice Chairman Lashley noted that seeing no one else wanted to speak, he closed the Public Hearing at 7:20 p.m.

**7. PUBLIC HEARING – ORDINANCE 19-05: AMENDING CHAPTER 12 ETHICS, CODE OF**

The City Council convened the Public Hearing on proposed Ordinance 19-05 City Code Chapter 12: Ethics at 7:22 p.m. Vice Chairman Lashley verified with City Clerk Barber that the Public Hearing had been advertised as follows: Public Notice Board located at the City Municipal Center along with flyers posted on December 4, 2018; Official Publication in the Sentinel Newspaper December 6, 2018 edition; Announcements on Facebook and Twitter on December 11, 2018; and City Website Announcement and City's Public Access Channel on December 11, 2018.



No one wished to address the Council. No written testimony had been received by the City.

Vice Chairman Lashley noted that copies of the proposed Ordinance 19-05 City Code Chapter 12: Ethics are available for inspection at the New Carrollton Municipal Center, Monday through Friday, 8:30 a.m. to 5:00 p.m. Vice Chairman Lashley noted that seeing no one else wanted to speak, he closed the Public Hearing at 7:24 p.m.

**8. PUBLIC HEARING – ORDINANCE 19-06: CHAPTER 6 BUDGET AND FINANCE**

The City Council convened the Public Hearing on proposed Ordinance 19-06 City Code Chapter 6: Budget and Finance at 7:25 p.m. Vice Chairman Lashley verified with City Clerk Barber that the Public Hearing had been advertised as follows: Public Notice Board located at the City Municipal Center along with flyers posted on December 4, 2018; Official Publication in the Sentinel Newspaper December 6, 2018 edition; Announcements on Facebook and Twitter on December 11, 2018; and City Website Announcement and City's Public Access Channel on December 11, 2018.

No one wished to address the Council. No written testimony had been received by the City.

Vice Chairman Lashley noted that copies of the proposed Ordinance 19-06 City Code Chapter 6: Budget and Finance are available for inspection at the New Carrollton Municipal Center, Monday through Friday, 8:30 a.m. to 5:00 p.m. Vice Chairman Lashley noted that seeing no one else wanted to speak, he closed the Public Hearing at 7:26 p.m.

**9. ADDITIONS TO THE AGENDA BY THE COUNCIL**

None

**10. OLD BUSINESS**

**11. ORDINANCE 19-04: CHAPTER 50 ELECTIONS (SECOND READING)**

**Motion:** Ms. Nembhard moved that the Council introduce Ordinance 19-04, an Ordinance of the City Council of New Carrollton amending the Code to the City of New Carrollton, Chapter 50 "Elections" to add section 50-2A "Nominating Petitions" requiring that candidates identify the office for which they are running in their nominating petition; Section 50-35 "Authority Line" clarifying the circumstances under which an authority line is required and what it is to contain; Section 50-36 "Vote Count" clarifying the process for counting votes and who may be present during the count; Section 50-37 "Challengers and Watchers" clarifying what challengers and watchers are permitted to do; and Section 50-38 "Certification of Candidates Elected" requiring, consistent with the City Charter, that all successful candidates be qualified for the office to which they are elected (Second Reading). Ms. Robbins seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**12. EMERGENCY ORDINANCE 19-06: CHAPTER 6 BUDGET AND FINANCE (SECOND READING)**

**Motion:** Mr. Peterson moved that the Council introduce Ordinance 19-06, an emergency Ordinance of the City Council of New Carrollton amending the Code of the City of New Carrollton, Chapter 6 “Budget and Finance” to add Section 6-0 “City Treasurer” to name the Director of Finance and Accounting as the City Treasurer, to amend Section 6-6 “Issuance of Checks” to clarify the City’s process for issuing checks to make payments to satisfy City financial obligations and to authorize electronic signatures, and to amend Section 6-7 Petty Cash Fund to make the Director of Finance and Accounting Responsible for the Fund (Second Reading). Mr. Lashley seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**13. NEW BUSINESS**

**14. CHARTER AMENDMENT RESOLUTION 19-01: ELECTIONS (FIRST READING)**

**Motion:** Ms. Robbins moved that the Council introduce Charter Amendment Resolution 19-01: Election, a Charter Amendment Resolution of the City Council of New Carrollton amending City Charter, Section 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 Section C-7 “Elections” to effectuate the elimination of staggered terms (First Reading). Mr. Peterson seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**15. EMERGENCY ORDINANCE 19-09 BUDGET AMENDMENT RECONCILIATION NO. TWO: TO AMEND ORDINANCE 18-08 CURRENT EXPENSE BUDGET FOR FY 2019**

**Motion:** Ms. Nembhard moved that the Council adopt Emergency Ordinance 19-09, an Emergency Ordinance of the City Council of New Carrollton amending the adopted budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019 as embodied in Ordinance 18-08 to reflect money brought into the budget from City Restricted/Designated Funds and to adjust various expenditures. Ms. Robbins seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**16. APPROVAL OF CITY VAN PURCHASE**

**Motion:** Ms. Robbins moved that the Council authorize the Administration and the Department of Public Works to purchase a Dodge Grand Caravan SE with a rear-entry wheelchair ramp in the amount of \$35,810.00 from Ride-Away/Mobility Works for the purposes of providing senior transportation within our Call-A-Bus Program. Mr. Lashley seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**17. EMERGENCY ORDINANCE 19-10 CHAPTER 100 STREETS AND SIDEWALKS (FIRST READING)**

**Motion:** Mr. Lashley moved that the Council introduce Emergency Ordinance 19-10, an 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 (First Reading). Ms. Robbins seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**18. ORDINANCE 19-07 CHAPTER 75 LICENSES (FIRST READING)**

**Motion:** Mr. Lashley moved that the Council introduce Ordinance 19-07, 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 (First Reading). Ms. Robbins seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**19. ORDINANCE 19-08 CHAPTER 89 RENTAL PROPERTY (FIRST READING)**

**Motion:** Mr. Peterson moved that the Council introduce Ordinance 19-08, an Ordinance of the City Council of New Carrollton amending the Code 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” (First Reading). Ms. Nembhard seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**20. RESOLUTION 19-06 EARLY VOTING FOR 2019 ELECTION**

**Motion:** Ms. Robbins moved that the Council adopt Resolution 19-06, a Resolution of the Mayor and City Council of New Carrollton setting the date and time for Early Voting (Saturday, April 27, 2019 – from 8:00 a.m. until 4:00 p.m.) for the May 6, 2019 City Election. Mr. Lashley seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**21. RESOLUTION 19-07 ENDORSING A MEMBERSHIP ROSTER FOR THE CITY OF NEW CARROLLTON GREEN TEAM**

**Motion:** Ms. Nembhard moved that the Council adopt Resolution 19-07, a Resolution of the Council of the City of New Carrollton endorsing a membership roster for the City of New Carrollton Green Team established under the sustainable Maryland Certified Program. Ms. Robbins seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

**22. RESOLUTION 19-08 RENEWABLE ENERGY POLICY**

**Motion:** Mr. Lashley moved that the Council adopt Resolution 19-08, a Resolution of the City Council of New Carrollton adopting a policy declaring the City of New Carrollton's intent to take a leadership role in renewable energy generation within the City of New Carrollton, partnering with the Maryland Energy Administration, and enrolling as a Maryland Smart Energy Community. Ms. Nembhard seconded the motion. There was no discussion. Chairman Bechtold called for the vote. The motion was approved (5-0-0).

The Mayor and Council closed the meeting by presenting City Treasurer Dawes with a plaque of appreciation for her years of service to the City.

**Adjournment**

There being no further business Mr. Lashley moved to adjourn the City Council Legislative Meeting of Wednesday, December 19, 2019, seconded by Ms. Robbins. The motion was approved (5-0-0).

The meeting adjourned at 7:48 p.m.

Respectfully submitted,

Douglass A. Barber, CMC  
City Clerk

Adopted by the Council on \_\_\_\_\_.



CITY OF NEW CARROLLTON  
NOTICE OF PUBLIC HEARING

PROPOSED CHARTER AMENDMENT 19-01 ELECTIONS

The City Council will conduct a Public Hearing on proposed Charter Amendment 19-01:

**A 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 HOW THE CHANGE WILL OCCUR; AND AMENDING CITY CHARTER, §C-7 "ELECTIONS" TO EFFECTUATE THE ELIMINATION OF STAGGERED TERMS**

If Charter Amendment 19-01 is adopted, commencing with the May, 2023 election, there will no longer be staggered terms of office for elected City officials. All elected City officials will be elected in May of odd numbered years for two year terms. To make this change, in May 2020, a mayor and two councilmembers will be elected for a three-year term. The Public Hearing on proposed Charter Amendment 19-01 for the City of New Carrollton will take place at the **City Council Legislative Meeting scheduled for Wednesday, January 16, 2019, at 7:00 p.m.**

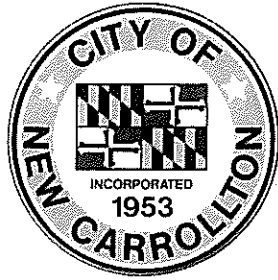
The Public Hearing will be held at the New Carrollton Municipal Center, 6016 Princess Garden Parkway, New Carrollton, Maryland, 20784 (Council Chambers Room # 220).

Copies of the proposed Charter Amendment 19-01 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 and provide comments.

The City Council of New Carrollton





CITY OF NEW CARROLLTON  
NOTICE OF PUBLIC HEARING

PROPOSED ORDINANCE 19-07 AMENDING CHAPTER 75 LICENSES AND PERMITS

The City Council will conduct a public hearing on proposed Ordinance 19-07 on **Wednesday, January 16, 2019 at 7:00 p.m.** at the Municipal Center, 6016 Princess Garden Parkway, New Carrollton, Maryland, 20784 (Council Chambers Room # 220). Ordinance 19-07 is:

**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**

Copies of Ordinance 19-07 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







CITY OF NEW CARROLLTON  
NOTICE OF PUBLIC HEARING

PROPOSED ORDINANCE 19-08 AMENDING CHAPTER 89 RENTAL PROPERTY

The City Council will conduct a public hearing on proposed Ordinance 19-08 on **Wednesday, January 16, 2019 at 7:00 p.m.** at the Municipal Center, 6016 Princess Garden Parkway, New Carrollton, Maryland, 20784 (Council Chambers Room # 220). Ordinance 19-08 is:

**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"**

Copies of Ordinance 19-08 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





**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 16<sup>th</sup> day of January, 2019, 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 16<sup>th</sup> day of January, 2019, 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.

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**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 16 day of January, 2019.

**Effective: March 7, 2019**

Attest:

City of New Carrollton

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

\_\_\_\_\_  
Lincoln Lashey, Vice Chairman

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

Approved:

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

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

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

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





Effective: February 5, 2019

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

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

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

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

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

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

**CHAPTER 75  
LICENSES**

**§ 75-1. SCOPE AND PURPOSE.**

**§ 75-2. LICENSE REQUIRED.**

**§ 75-3. DURATION OF LICENSE.**

**§ 75-4. APPLICATION.**

**§ 75-5. APPLICATION REVIEW AND CONSIDERATION.**

**§ 75-6. LICENSE FEES.**

**§ 75-7. LICENSES.**

**§ 75-8. OPERATIONAL REGULATIONS.**

**§ 75-9. SPECIAL REGULATIONS FOR MOBILE VENDORS.**

**§ 75-10. SUSPENSION AND REVOCATION OF LICENSE.**

**§ 75-11. APPEALS.**

**§ 75-12. PENALTIES AND ENFORCEMENT**

**§ 75-13. TEMPORARY LICENSE**

**§ 75-1. SCOPE AND PURPOSE.**

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

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

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

**(D) FOR PURPOSES OF THIS CHAPTER, THE OPERATION OF ONE OR MORE SINGLE-FAMILY DWELLINGS OR DWELLING UNITS FOR RENT AND FOR WHICH LICENSES HAVE BEEN ISSUED UNDER CHAPTER 89 OF THIS CODE IS NOT THE OPERATION OF A BUSINESS WITH RESPECT TO SUCH RENTALS.**

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

**§ 75-2. LICENSE REQUIRED.**

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

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**(B) A LICENSE SHALL BE APPLIED FOR BY AND ISSUED TO THE OWNER OR OTHER PERSON RESPONSIBLE FOR OPERATING THE BUSINESS IN THE CITY. IF THE OWNER OF, OR OTHER PERSON RESPONSIBLE FOR OPERATING, THE BUSINESS IS A BUSINESS ENTITY, THE LICENSE SHALL BE ISSUED TO AN OFFICER OF THE BUSINESS ENTITY WHO SHALL HOLD THE LICENSE FOR THE SOLE USE AND BENEFIT OF THE BUSINESS ENTITY.**

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

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

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

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

#### **§ 75-3. DURATION OF LICENSE.**

**A LICENSE ISSUED UNDER THIS CHAPTER:**

- (1) IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE OF ISSUANCE OF THE LICENSE, AND SHALL EXPIRE AT 11:59 P.M. ON THE 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**

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**FILED LESS THAN THIRTY-ONE DAYS BEFORE THE LICENSE IS SCHEDULED TO EXPIRE, OR SUCH LATER DATE AS AUTHORIZED BY THE MAYOR, SHALL BE TREATED AS A NEW APPLICATION.**

**THE APPLICATION FOR AN INITIAL LICENSE OR THE RENEWAL OF A LICENSE SHALL INCLUDE OR BE ACCOMPANIED BY THE FOLLOWING, AS WELL AS SUCH OTHER INFORMATION AND DOCUMENTATION AS THE CITY REASONABLY MAY REQUIRE:**

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

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- (9) A COPY OF THE CURRENT ALCOHOLIC BEVERAGE LICENSE FOR THE PREMISES IF THE SERVICE OF ALCOHOLIC BEVERAGES IS ALLOWED AT THE PREMISES.
- (10) EVIDENCE THAT THE PREMISES SATISFIES ALL APPLICABLE SANITARY, BUILDING CODE, BUSINESS LICENSING AND SAFETY REGULATIONS FOR THE OPERATION OF THE BUSINESS.
- (11) A STATEMENT BY THE APPLICANT AND THE OWNER OF THE PREMISES THAT THE FILING OF THE APPLICATION AND THE ACCEPTANCE OF THE LICENSE ISSUED BY THE CITY CONSTITUTES CONSENT TO AND AUTHORITY FOR CITY CODE ENFORCEMENT OFFICERS AND POLICE OFFICERS, AND OTHER REGULATORY OFFICIALS, TO ENTER THE PREMISES OF THE BUSINESS WITH PRIOR NOTICE DURING REGULAR BUSINESS HOURS BEFORE APPROVAL OF THE LICENSE FOR THE LIMITED PURPOSE OF DETERMINING WHETHER REPRESENTATIONS CONTAINED IN THE APPLICATION ARE ACCURATE, AND, AFTER A LICENSE HAS BEEN ISSUED, INVESTIGATING, BASED UPON PROBABLE CAUSE, VIOLATIONS OF THIS CHAPTER AND THE LICENSE. WHERE ENTRY TO A PREMISES IS REFUSED, CITY CODE ENFORCEMENT OFFICERS AND POLICE OFFICERS, AND OTHER REGULATORY OFFICIALS, SHALL OBTAIN A WARRANT TO AUTHORIZE ENTRY UNLESS OTHER LAWFUL GROUNDS EXIST TO ENTER THE PREMISES WITHOUT A WARRANT.

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

**§ 75-5. APPLICATION REVIEW AND CONSIDERATION.**

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

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

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WHETHER THE LICENSE SHOULD BE GRANTED AND, IF SO, WHETHER ANY TERMS, CONDITIONS AND RESTRICTIONS SHOULD BE ATTACHED TO THE GRANTING OF THE LICENSE, INCLUDING PROVIDING THE APPLICANT WITH A REASONABLE TIME TO COME INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER. ANY TERMS, CONDITIONS AND RESTRICTIONS SHALL BE BASED UPON ANY IMPACTS THAT THE OPERATION OF THE BUSINESS REASONABLY MAY BE EXPECTED TO HAVE ON THE SURROUNDING COMMUNITY AND THE PUBLIC HEALTH, SAFETY OR WELFARE.

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

- (1) THE CODE ENFORCEMENT MANAGER DETERMINES THAT THE BUSINESS FOR WHICH THE LICENSE HAS BEEN APPLIED REASONABLY CAN BE EXPECTED TO HAVE AN ADVERSE IMPACT ON THE SURROUNDING COMMUNITY AND THE PUBLIC HEALTH, SAFETY OR WELFARE THAT CANNOT BE MITIGATED BY TERMS, CONDITIONS AND RESTRICTIONS ON THE LICENSE; OR
- (2) THE BUSINESS FOR WHICH THE LICENSE HAS BEEN APPLIED HAS ANY UNPAID CITY FEES OR TAXES, OR ANY OTHER UNSATISFIED OBLIGATIONS TO THE CITY, UNLESS THE BUSINESS HAD MADE ARRANGEMENTS APPROVED BY THE MAYOR TO PAY THE FEES OR TAXES OR TO SATISFY OTHER OBLIGATIONS.

(D) IF THE CODE ENFORCEMENT MANAGER DENIES AN APPLICATION FOR A LICENSE UNDER THIS CHAPTER, THE MANAGER SHALL PREPARE A WRITTEN REPORT OF THE REASONS FOR THE DENIAL AND SHALL PROVIDE THAT REPORT PROMPTLY TO THE APPLICANT BY HAND DELIVERY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE APPLICANT'S ADDRESS AS SET FORTH ON THE APPLICATION.

#### § 75-6. LICENSE FEES.

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

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

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

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

§ 75-7. LICENSES.

A LICENSE ISSUED UNDER THIS CHAPTER:

- (1) SHALL IDENTIFY EACH BUSINESS FOR WHICH THE LICENSE IS ISSUED.
- (2) SHALL IDENTIFY THE PERSON TO WHOM THE LICENSE IS ISSUED.
- (3) SHALL IDENTIFY THE LOCATION AT WHICH THE BUSINESS WILL BE CONDUCTED, EXCEPT THAT A LICENSE ISSUED TO A MOBILE VENDOR SHALL IDENTIFY THE BUSINESS AS A MOBILE VENDOR.
- (4) SHALL LIST ALL TERMS, CONDITIONS AND RESTRICTIONS IMPOSED UPON THE GRANT OF THE LICENSE.
- (5) IS NOT ASSIGNABLE OR TRANSFERRABLE TO ANOTHER PERSON, BUSINESS OR LOCATION.

§ 75-8. OPERATIONAL REGULATIONS.

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

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

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

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**THE LICENSE SHALL BE JOINTLY RESPONSIBLE FOR THE OPERATION OF THE BUSINESS AND FOR ALL VIOLATIONS OF THIS CHAPTER AND THE TERMS AND CONDITIONS OF THE LICENSE, AND SHALL ACCEPT NOTICES AND CITATIONS ISSUED UNDER THIS CHAPTER.**

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

**(E) THE OPERATOR OF THE BUSINESS SHALL MAINTAIN ON FILE RECORDS AS REQUIRED BY LAW FOR ALL EMPLOYEES WHO WORK AT THE PREMISES. IF NOT OTHERWISE REQUIRED BY LAW, THESE RECORDS SHALL INCLUDE TELEPHONE NUMBERS, AND E-MAIL AND POSTAL MAILING ADDRESSES OF ALL EMPLOYEES.**

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

**(G) NO DISORDERLY CONDUCT OR PUBLIC NUISANCE SHALL BE PERMITTED TO OCCUR OR CONTINUE IN OR WITHIN IN CLOSE PROXIMITY TO THE PREMISES OF THE LICENSED BUSINESS. IT SHALL FURTHER BE UNLAWFUL FOR ANY LICENSEE HEREUNDER TO CONDUCT OR MAINTAIN HIS OR HER BUSINESS IN SUCH A MANNER THAT IT RESULTS IN EXCESSIVE LITTERING INSIDE OR DIRECTLY IN FRONT OF HIS OR HER PLACE OF BUSINESS, THE POSSIBLE SPREAD OF DISEASE, A VIOLATION OF THE FIRE CODE OR BUILDING CODE OR A GENERAL NUISANCE TO THE PUBLIC. FOR PURPOSES OF THIS CHAPTER, "NUISANCE" SHALL INCLUDE BUT NOT BE LIMITED TO EXCESSIVE LITTER AND/OR DEBRIS INSIDE OR DIRECTLY IN FRONT OF THE LICENSEE'S PLACE OF BUSINESS, EXCESSIVE VEHICLES OR TRAFFIC WHICH EXCEED PARKING OR TRAFFIC CAPACITY CURRENTLY PROVIDED FOR THAT PLACE OF BUSINESS OR THE CREATION OF OTHER CIRCUMSTANCES NORMALLY CONSIDERED A NUISANCE.**

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

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

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RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES AND PUBLIC DECENCY.

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

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

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

**§ 75-9. SPECIAL REGULATIONS FOR MOBILE VENDORS.**

(A) FOR PURPOSES OF THIS CHAPTER A “MOBILE VENDOR” MEANS A PERSON WHO SELLS OR OFFERS TO SELL GOODS, WARES OR FOOD FROM A VEHICLE, TRAILER, KIOSK, PUSH CART, STAND OR OTHER DEVICE DESIGNED TO BE PORTABLE, NOT PERMANENTLY ATTACHED TO THE GROUND AND OPERATING IN NO FIXED OR PERMANENT LOCATION.

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

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

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

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

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

#### § 75-10. SPECIAL EVENTS

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

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

##### **SPECIAL EVENT**

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

##### **SPECIAL EVENT HOST**

**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**

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

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

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

#### § 75-11. SUSPENSION AND REVOCATION OF LICENSE.

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

(B) IF A CITY CODE ENFORCEMENT OFFICER OR POLICE OFFICER OBSERVES THAT A BUSINESS FOR WHICH A LICENSE HAS BEEN ISSUED UNDER THIS CHAPTER IS BEING OPERATED IN VIOLATION OF THIS CHAPTER OR IN VIOLATION OF THE LICENSE, THE OFFICER IMMEDIATELY SHALL ISSUE A WRITTEN NOTICE TO THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE BUSINESS TO CEASE AND DESIST, OR TO CORRECT, THE UNAUTHORIZED ACTIVITY IMMEDIATELY OR WITHIN SUCH LONGER TIME AS IS SPECIFIED IN THE NOTICE. IF THE VIOLATION IS NOT CORRECTED IMMEDIATELY OR WITHIN SUCH LONGER TIME AS SPECIFIED IN THE NOTICE, THE OFFICER SHALL ISSUE TO THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE BUSINESS A WRITTEN NOTICE THAT THE CITY COUNCIL OF NEW CARROLLTON WILL HOLD A HEARING TO DETERMINE WHETHER THE LICENSE SHOULD BE SUSPENDED OR REVOKED. WHERE CITY CODE ENFORCEMENT OFFICERS OR CITY POLICE OFFICERS REASONABLY BELIEVE THAT CONTINUED OPERATION OF THE BUSINESS UNTIL THE CITY COUNCIL CAN HOLD A HEARING ON SUSPENSION OR REVOCATION OF THE LICENSE WILL RESULT IN AN IMMEDIATE AND SUBSTANTIAL THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, THE OFFICER MAY TAKE THE SAME ACTION AS IS AUTHORIZED UNDER § 75-13 (PENALTIES AND ENFORCEMENT) FOR A BUSINESS THAT IS OPERATING WITHOUT A LICENSE. SUCH ACTION SHALL REMAIN IN EFFECT

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**UNTIL THE COUNCIL DETERMINES WHETHER TO ALLOW THE RESUMPTION OF THE BUSINESS OR SUSPEND OR REVOKE THE LICENSE.**

**(C) IF ANY OTHER GOVERNMENT REGULATORY AGENCY SUSPENDS OR REVOKES A LICENSE OR PERMIT ISSUED BY THAT AGENCY THAT IS REQUIRED BY THE CITY FOR THE OPERATION OF THE BUSINESS IN THE CITY, THE CITY LICENSE SHALL AUTOMATICALLY BE SUSPENDED UNTIL SUCH TIME AS THE LICENSE OR PERMIT REQUIRED BY THE OTHER GOVERNMENTAL AGENCY IS REINSTATED OR ISSUED, AT WHICH TIME THE CITY LICENSE SHALL AUTOMATICALLY BE REINSTATED.**

**(D) IF THE CITY COUNCIL HOLDS A HEARING TO DETERMINE WHETHER A LICENSE SHOULD BE SUSPENDED OR REVOKED, THE CITY ADMINISTRATIVE OFFICER SHALL SEND NOTICE OF THE DATE, TIME, PLACE AND PURPOSE OF THE HEARING, INCLUDING THE VIOLATIONS OR GROUNDS FOR WHICH SUSPENSION OR REVOCATION OF THE LICENSE WILL BE CONSIDERED. THE NOTICE SHALL BE SENT TO THE LICENSE HOLDER, TO THE BUSINESS ENTITY FOR WHOSE USE AND BENEFIT THE LICENSE WAS ISSUED, AND TO THE OWNER OF THE PREMISES AT WHICH THE TRADE OR BUSINESS IS LOCATED. THE NOTICE SHALL BE SENT BY CERTIFIED AND FIRST CLASS MAIL TO THE ADDRESSES OF SUCH PERSONS AS LISTED ON THE LICENSE APPLICATION. WHERE ACTION IS TAKEN UNDER § 75-11(B), THE CITY COUNCIL SHALL CONDUCT THE HEARING WITHIN 15 DAYS AFTER THE DATE OF THE WRITTEN NOTICE OF HEARING.**

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

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

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

**SEC. 75-12. APPEALS.**

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

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

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

(B) ANY PERSON AGGRIEVED BY ANY DECISION OF THE COUNCIL UNDER THIS SECTION OR § 75-11 MAY SEEK JUDICIAL REVIEW IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY BY FILING A PETITION FOR JUDICIAL REVIEW WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE DECISION OF THE COUNCIL. THE DECISION OF THE CIRCUIT COURT MAY BE FURTHER APPEALED TO THE MARYLAND COURT OF SPECIAL APPEALS AS ALLOWED BY LAW.

#### SEC. 75-13. PENALTIES AND ENFORCEMENT.

(A) A PERSON MAY NOT VIOLATE THIS CHAPTER OR THE TERMS, CONDITIONS OR RESTRICTIONS OF A LICENSE ISSUED UNDER THIS CHAPTER. EACH DAY THAT A PERSON CONTINUES TO VIOLATE THIS CHAPTER OR THE TERMS, CONDITIONS OR RESTRICTIONS OF A LICENSE ISSUED UNDER THIS CHAPTER IS A SEPARATE OFFENSE.

(B) A PERSON WHO VIOLATES THIS CHAPTER OR THE TERMS, CONDITIONS OR RESTRICTIONS OF ANY LICENSE ISSUED UNDER THIS CHAPTER IS GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE IN THE AMOUNT OF \$150 FOR THE VIOLATION, EXCEPT THAT THE AMOUNT OF THE FINE FOR EACH DAY THAT A VIOLATION CONTINUES IS \$300.

(C) THE CODE ENFORCEMENT DEPARTMENT AND, WHEN REQUIRED, THE NEW CARROLLTON POLICE DEPARTMENT SHALL HAVE THE DUTY OF ENFORCING THE REQUIREMENTS OF THE CHAPTER, ASSURING CONTINUED COMPLIANCE WITH THIS CHAPTER AND RESPONDING TO ALL COMPLAINTS, AND CONDUCTING INSPECTIONS OF LICENSED OPERATIONS. CITY CODE ENFORCEMENT OFFICERS AND SWORN OFFICERS OF THE CITY'S POLICE DEPARTMENT MAY ISSUE MUNICIPAL INFRACTION CITATIONS FOR VIOLATIONS.

(D) IN ADDITION TO THE ISSUANCE OF MUNICIPAL INFRACTION CITATIONS, AFTER NOTICE TO THE MANAGER OR OTHER INDIVIDUAL ON THE PREMISES

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IN CHARGE OF THE OPERATION OF THE BUSINESS IS GIVEN, CITY CODE ENFORCEMENT OFFICERS AND CITY POLICE OFFICERS MAY TAKE SUCH MEASURES AS REASONABLY NECESSARY TO EFFECT THE CLOSING OR OTHERWISE PREVENT THE UNLAWFUL CONTINUANCE OR OPERATION OF A BUSINESS THAT A CODE ENFORCEMENT OFFICER OR POLICE OFFICER OBSERVES IS BEING OPERATED WITHOUT THE LICENSE REQUIRED BY THIS CHAPTER. SUCH MEASURES INCLUDE:

- (1) LOCKING OR SECURING THE PREMISES OR OTHERWISE DENYING ENTRY INTO THE PREMISES; OR
- (2) ORDERING THE PREMISES TO BE VACATED AND POSTING IN AND ON THE EXTERIOR OF THE PREMISES NOTICES THAT THE BUSINESS IS CLOSED BY ORDER OF THE CITY AND THAT NO PERSON IS TO ENTER THE PREMISES WITHOUT PERMISSION OF THE CITY. SUCH MEASURES TAKEN SHALL REMAIN IN FORCE UNTIL SUCH TIME AS THE OWNER OR OPERATOR OF THE PREMISES PROVIDES ASSURANCES REASONABLY SATISFACTORY TO THE CITY ADMINISTRATIVE OFFICER THAT THE OPERATION OF THE BUSINESS WILL NOT BE RESUMED WITHOUT A LICENSE.

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

#### § 75-13. TEMPORARY LICENSE.

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

#### (A) APPLICATION.

ALL APPLICATIONS FOR A TEMPORARY LICENSE MUST INCLUDE THE FOLLOWING:

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

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**(3) THE LOCATION OF THE TEMPORARY BUSINESS.**

**(4) A WRITTEN AUTHORIZATION BY THE OWNER/MANAGER OF ANY COMMERCIAL PROPERTY TO BE USED FOR OPERATION OF A TEMPORARY BUSINESS.**

**(5) CHECK, CASH, MONEY ORDER IN THE AMOUNT OF THE LICENSE FEE.**

**(6) A LIST OF HOURS OF OPERATION.**

**(B) RESTRICTIONS.**

**(1) NO TRAILER, TENT, MOTOR VEHICLE OR VEHICLE CANOPY WILL BE ALLOWED TO BE USED FOR SALES.**

**(2) ALL DISPLAYS OR SALES MUST BE CONDUCTED ON THE COMMERCIAL ZONED PROPERTY NO MORE THAN FIFTEEN (15) FEET FROM THE MAIN ENTRANCE DOOR TO THE COMMERCIAL OPERATED BUSINESS.**

**(3) ALL DISPLAY/SALES AREA SHALL BE LOCATED AT LEAST TWENTY-FIVE (25) FEET FROM AN EXISTING STREET LINE AND FROM ANY ADJACENT LOT LINES.**

**(4) THE TEMPORARY PERMIT SHALL BE ISSUED FOR NOT MORE THAN THREE (3) CONSECUTIVE MONTHS.**

**(5) SERVICES OFFERED MUST COMPLY WITH APPLICABLE PRINCE GEORGE'S COUNTY ZONING REQUIREMENTS.**

**(C) ENFORCEMENT.**

**THE ENFORCEMENT OF THIS CHAPTER AGAINST AN UNLICENSED TEMPORARY BUSINESS SHALL BE PROVIDED BY CITY CODE ENFORCEMENT OFFICERS WITH THE ASSISTANCE OF THE NEW CARROLLTON POLICE DEPARTMENT, AS IS NECESSARY TO EFFECT THE CLOSING OR OTHERWISE PREVENT THE UNLAWFUL OPERATION OF ANY BUSINESS OR OPERATION REQUIRING A TEMPORARY LICENSE THAT WITHIN SEVEN (7) DAYS OF AN INITIAL WRITTEN NOTICE FAILS TO REQUIRE THE NECESSARY LICENSE.**

**SUCH ASSISTANCE SHALL INCLUDE, BUT NOT BE LIMITED TO REMOVING TO A DESIGNATED FACILITY THE GOODS AND EQUIPMENT OF THE VENDOR, WHO SHALL HAVE UP TO FIFTEEN (15) BUSINESS DAYS TO CLAIM**

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

**(D) PENALTIES.**

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

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

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

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

Effective: February 5, 2019

Attest:

City of New Carrollton

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

\_\_\_\_\_  
Lincoln Lashley, Vice Chairman  
City Council

Approved:

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

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

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



**Effective: February 5, 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 19<sup>th</sup> day of December, 2019.

Adopted and Enacted by the City Council of the City of New Carrollton on the 16<sup>th</sup> day of January, 2019.

**Effective: February 5, 2019**

**Attest:**

**CITY OF NEW CARROLLTON**

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

\_\_\_\_\_  
Lincoln Lashley, Vice Chairman  
City Council

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

**Approved:**

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

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





Ordinance 19-11  
Budget Amendment Reconciliation No. Three:  
To Amend Ordinance 18-08  
Current Expense Budget for FY 2019

**Effective: January 16, 2019**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 AS EMBODIED IN ORDINANCE 18-08 TO REFLECT MONEY BROUGHT INTO THE BUDGET FROM CITY RESTRICTED/DESIGNATED FUNDS AND TO ADJUST VARIOUS EXPENDITURES**

**WHEREAS**, the City Council of New Carrollton (the "City Council"), a body politic and corporate of the State of Maryland is authorized to adopt a fiscal year budget, pursuant to City Charter, §C-14 "Budget and Finance"; and

**WHEREAS**, the City Council adopted a budget for FY 2019 via Ordinance No. 18-08; and

**WHEREAS**, certain expenses reflected in the City budget will exceed their appropriated amount and require an adjustment in the FY 2019 Budget to reflect additional money being appropriated to these items; and

**WHEREAS**, the City Council wishes to amend the FY 2019 Budget to account for new revenues and expenditures since the enactment of the Budget; and

**WHEREAS**, the City Council may, by a four-fifths vote, declare any proposed ordinance or any proposed amendment to an ordinance to be an "emergency" and shall thereupon be authorized to introduce and enact such ordinance or amendment at a single meeting; and

**WHEREAS**, an emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Mayor or passed over his veto by the City Council; and

**WHEREAS**, the City Council hereby declares that it is in the best interests of the City that this Ordinance be deemed an emergency ordinance so that it may become effective immediately upon approval by the Mayor or when passed over his veto by the City Council.

**Section 1. NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of New Carrollton, that Ordinance 18-08, Current Expense Budget for the City of New Carrollton, Maryland for Fiscal Year 2019, under the heading of "City of New Carrollton FY 2019 Adopted Budget" be and hereby is amended as follows:

Account # and Description	Original/ Amended Budget Thru #1	Decrease Revenue/ Increase Expense	Increase Revenue/ Decrease Expense	Amended Budget
<b>Revenues</b>				
01-1000-33710- CRIME CONTROL & PROVENTION GRANT	0		39,350	39,350
01-1000-36155-SPEED CAMERA REVENUE	250,000		4,000	254,000
01-1000-36770- DESIG-VEHICLE REPLACEMENT	35,310		500	35,810
01-1000-36850- UNDESIGNATED PRIOR YEAR SURPLUS	14,373		21,325	35,698
<b>Total Revenues</b>			<b>65,175</b>	
<b>General Government</b>				
<b>Expenses</b>				
01-1510-50325- CONSULTING SERVICES	12,657	7,500		20,157
01-1510-54450- NEW CARROLLTON GREEN TEAM	0	2,500		2,500
01-1530-50400- RECRUITING	2,500		1,000	1,500
01-1530-53560- EMPLOYEE GIFTS & EVENTS	14,500	2,500		17,000
01-1530-58340- COMPENSATION STUDY	2,800		1,500	1,300
01-2510-52130- COMPUTER SUPPORT	7,500	8,825		16,325
01-2510-52130- VEHICLE OPERATIONS & MAINTENANCE	4,500	2,500		7,000
<b>Total General Government</b>		<b>23,825</b>	<b>2,500</b>	
<b>Public Safety</b>				
<b>Expenses</b>				
01-3010-54495- VEHICLE CONTROL FINE SERVICE FEES	30,000	4,000		34,000
01-3010-58120- BODY CAMERA	0	39,350		39,350
<b>Total Public Safety</b>		<b>43,350</b>	<b>0</b>	
<b>Public Works</b>				
<b>Expenses</b>				
01-3510-54020- CELL PHONES	1,200	1,200		2,400
01-3510-57100- VEHICLE	35,310	500		35,810
01-3510-57441- FUEL PUMP & SYSTEM	19,873		1,200	18,673
01-3710-50330- TEMPORARRY LABOR SUPPORT	0	20,000		20,000
01-3810-45400- EMPLOYEE SERVICE	424,771		20,000	404,771
<b>Total Public Works</b>		<b>21,700</b>	<b>21,200</b>	
<b>Total Budget Amendment</b>		<b>88,875.00</b>	<b>88,875.00</b>	

**Section 2. BE IT FURTHER ENACTED AND ORDAINED** by the City Council of New Carrollton, Maryland, with at least four-fifths of the total Council concurring, that this Ordinance be deemed an emergency ordinance so that it may be introduced and enacted on the same date and so that it shall become effective immediately upon approval by the Mayor or when passed over his veto by the City Council.

INTRODUCED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON, MARYLAND ON THE 16<sup>th</sup> DAY OF JANUARY, 2019.

**EFFECTIVE DATE: JANUARY 16, 2019**

**Attest:**

**City of New Carrollton**

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

\_\_\_\_\_  
Lincoln Lashley  
Vice Chairman, City Council

**Approved:**

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

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





Effective: March , 2019

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 6 “BUDGET AND FINANCE,” §6-1 “PRESENTATION OF BUDGET; PUBLIC RECORD” TO CHANGE THE PROGRAM CATEGORIES INTO WHICH EXPENDITURES ARE CLASSIFIED**

**WHEREAS**, City Charter, §C-14 “Budget and Finance” requires that the City operate on an annual budget that provides a complete financial plan for the budget year and contains estimates of anticipated revenues and proposed expenditures for the coming year. The Mayor is required to submit an operating a budget on such date as the Council establishes by ordinance; and

**WHEREAS**, City Code, §6-1 “Presentation of budget; public record” dictates when the Mayor must submit the budget to Council, as well as the form and content of the budget; and

**WHEREAS**, City Code, §6-1 “Presentation of budget; public record” requires that the budget classify items of expense as "personnel," "operating" or "capital" expenditures and classify each expenditure into one (1) or more program categories; and

**WHEREAS**, the program categories include the three City Departments (Administration, Public Safety and Public Works); however, also includes highways, sanitation and parks and recreation, all of which are part of Public Works; and

**WHEREAS**, City staff recommends that the three categories that are part of Public Works be removed as a specific category as they are addressed within the Public Works category; and

**WHEREAS**, the City Council believes that it is the best interest of the efficient administration of the City government to change the program categories into which expenditures are classified as recommended by staff.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of New Carrollton that City Code, Chapter 6 “Budget and Finance”, §6-1 “Presentation of Budget; Public Record” be and hereby is amended to read as follows:

§6-1 Presentation of budget; public record

- A. No later than the first day of April in each year, the Mayor shall submit to the Council a budget for the following fiscal year.
- B. Format and content.

- (1) The budget submitted by the Mayor shall conform in all aspects to the requirements of §C-14.B of the City Charter and shall be compatible with the standard accounts developed for uniform financial reporting by the State of Maryland. The budget shall include a comparison between proposed items of both income and expense, with estimates of those same items for the current fiscal year, and with actual figures for said items of income and expense for at least one (1) year prior to the current fiscal year. The budget shall classify items of expense as "personnel," "operating" or "capital" expenditures and shall also classify each expenditure into one (1) or more of the following program categories:
- (a) General government.
  - (b) Public safety ~~and health~~.
  - (c) Highways.
  - ~~(d) Sanitation.~~
  - ~~(e) Parks and recreation.~~
  - ~~(f) Public works administration.~~
  - ~~(g)~~**(D)** Other.
- (2) The budget shall be a line-item budget, listing expenditures by object classification in such detail as the Council deems necessary to allow its proper evaluation of the proposed expenditures.
- C. After presentation to the Council by the Mayor, the proposed budget shall be a public record, open to public inspection during normal business hours at City Hall.

[SPACE LEFT BLANK INTENTIONAL]

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

~~Strikethrough:~~ Indicates language deleted from the City Code.



**BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall become effective March \_\_, 2019, 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 16<sup>th</sup> day of January, 2019.

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

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

**Attest:**

**City of New Carrollton**

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

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Lincoln Lashley, Vice-Chair  
City Council

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

**Approved:**

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

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

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

**Strikethrough:** Indicates language deleted from the City Code.





**Effective: January 16, 2019**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NEW CARROLLTON  
DECLARING THE CITY'S INTENT TO TAKE A LEADERSHIP ROLE IN REDUCING  
TRANSPORTATION PETROLEUM CONSUMPTION IN AND BY THE CITY OF NEW  
CARROLLTON BY PARTNERING WITH THE MARYLAND ENERGY  
ADMINISTRATION AND ENROLLING AS A SMART ENERGY COMMUNITY**

**WHEREAS**, by adhering to the Maryland Energy Administration's Smart Energy Community Program, the City of New Carrollton commits to being a socially responsible leader by reducing its local impact by better managing its transportation petroleum consumption; and

**WHEREAS**, the City of New Carrollton recognizes that by smartly investing in alternative transportation uses, it can have significant monetary savings and create environmental benefits.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW CARROLLTON** that the following goals are hereby adopted and the city commits to performing the initiatives listed below:

Section 1: PURPOSE.

The purpose of this policy is:

- To become a Maryland Energy Administration Smart Energy Community by enrolling within the program and following the Program rules and regulations provided by the State of Maryland.
- To reduce on road vehicle petroleum consumption by the City's fleet vehicles by 20% within five years of the established baseline year.
- To report petroleum consumption and reduction progress annually to the Maryland Energy Administration in order to assure that the City of New Carrollton accomplishes its goals in a timely fashion.

Section 2: DEFINITION.

For purposes of this Policy, the following terms shall have the meaning stated:

- a) Fleet Vehicle – A vehicle designed to legally carry people or cargo on public roads and/or highways in the City of New Carrollton. Such vehicles include, but are not limited to: buses, cars, trucks, and vans. The term does not include motor driven vehicles not approved for use on the road, such as lawnmowers, forklifts, or marine vehicles.
- b) Petroleum – Gasoline and diesel fuel used for on road fleet vehicle consumption.

- c) Gallons of Gasoline Equivalent (GGE) – A conversion factor for equating different fuel sources to gasoline, for example, one gallon of gasoline is equal to 1.13 gallons of diesel.
- d) Baseline – Measurement of gallons of gasoline, diesel, and other fuels consumed by all fleet vehicles in the baseline year.
- e) Baseline Year – The 12 month period selected by the City as the baseline.
- f) Petroleum Consumption Reduction Plan – Provides details on the current fleet vehicle petroleum consumption, characteristics of the fleet including the make, model, year, purchase date, fuel type used, gallons consumed, and miles driven, estimates the required amount of petroleum needed to meet the minimum of a 20 percent reduction, and designs plans with detailed measures and timetables for reaching the reduction goal within five years.

### Section 3: BASELINE DOCUMENTATION

The baseline, including data related to the specific time period, fuel consumption, vehicle specifications, and results, will be completed by December 31, 2023 and will be found as an appendix to later be attached to this document titled, “MSEC\_Fleet\_Baseline\_City of New Carrollton.”

### Section 4: GUIDELINES

The City of New Carrollton will maintain an annual petroleum consumption inventory for all local government owned vehicles and contracted service vehicles. This annual inventory will include at a minimum the following information: vehicle make, model, model year, transmission type, owned/leased, purchase date, fuel type used, gallons (gas/diesel, etc.), gallons (GGE), miles driven (base year) total vehicle miles, and vehicle purpose. The results of which will be presented to the Maryland Energy Administration by no later than April 1st of each year until the completion of said goals are accomplished.

#### Plans and Implementation

The City will additionally establish a Petroleum Consumption Reduction Plan. The plan will outline the process and include a timetable of execution by which the City of New Carrollton will accomplish designated tasks in order to reach their goal. The City will update/amend Petroleum Consumption Reduction Plans on an ongoing basis when necessary in order to meet the policy goals in the most efficient and cost effective manner.

Finally, the City will implement the necessary projects laid out in their Petroleum Consumption Reduction Plan in order to ensure that a minimum of 20 percent reduction of local government petroleum consumption is met within five years of the established baseline.

#### Questions/Enforcement

All inquiries should be directed to the person responsible for implementing this policy. The City of New Carrollton Fleet Manager and/or their designee will implement this policy.

Applicability

This Policy applies to all departments of the City with the exception of the exclusions outlined in the definitions above.

Section 5: EFFECTIVE DATE

This Policy shall be effective immediately upon its adoption.

ADOPTED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW CARROLLTON THIS 16<sup>th</sup> DAY OF JANUARY 2019.

**Effective: January 16, 2019**

[SEAL]

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Lincoln Lashley, Vice Chairman  
City Council

**ATTEST:**

**APPROVED:**

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

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

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

