

Chapter 42
BUSINESS LICENSES

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[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13; repealed and replaced 3-4-19; effective 4-21-19]

§ 42-1. Purpose.

- (a) The Town Council has adopted a vision and commitment for business and economic development, and for housing and neighborhoods. As part of the Town's efforts to ensure these vision and commitment statements are realized, the Town administers various programs and initiatives through the adopted Town Code. This Chapter supports business, economic development, housing and neighborhoods through the licensing and inspection of businesses throughout the Town. This Chapter is intended to ensure that defined businesses are properly located, improved, maintained, licensed, and operated so that the businesses add value to the Town.
- (b) A further purpose of this Chapter is to protect and promote the public health, safety and welfare of the residents of the Town, to establish obligations and rights of business owners; to maintain and improve the quality of businesses; and improve the business

climate within the Town. This Chapter also ensures compliance with laws, ordinances, and regulations applicable to businesses within the Town; and prevents deterioration of business real property, supports property values, and encourages responsible business management.

§ 42-2. Matters covered.

This Chapter shall apply to businesses operating in the Town of Riverdale Park as defined herein. Compliance with Town and other applicable codes and regulations for locating, improving, maintaining, and operating businesses is required.

§ 42-3. Definitions.

- (a) Business. A business includes any person, corporation, or other legal entity that engages in the selling of goods or services. A business includes for-profit and non-profit entities. A business also includes certain home-based businesses not otherwise excluded in this Chapter, coin-operated vending businesses, mobile vendor businesses, peddlers, and seasonal or temporary businesses. The following businesses are not businesses within the meaning of this Chapter:
 - (1) Leasing of residential rental units as defined and licensed under Chapter 55 of this Code is not the operation of business.
 - (2) Home-occupations permitted under the Prince George's County Zoning ordinance, at which no more than two (2) of the home-owners or residential tenants are the only employees and which provide onsite services to no more than two (2) customers at any time.
- (b) License year. A license year is the period for which a license, other than a temporary license, is issued under this Chapter. A license issued under this Chapter for a license year:
 - (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30; and
 - (2) May be renewed for successive terms of one year each upon compliance with the requirements of this Chapter.
- (c) Mobile Vendor. A person who sells or offers to sell goods, wares, or food from a vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.
- (d) Peddler. A person who sells or offers to sell goods, wares, food, or solicits orders for future sales or services, from house-to-house or place-to-place, and who is not a mobile vendor.

§ 42-4. License required.

- (a) A person may not operate a business in the Town without first obtaining a license as required by this Chapter.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the business in the Town. If the owner of, or other person responsible for operating, the business is a legal business entity, the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity.

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

Any person seeking a license, or the renewal of a license, under this Chapter shall file with the Town Manager or the Town Manager's designee a written application, under penalty of perjury, on a form prescribed by the Town. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available:

- (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 address of the owner of the premises.
- (4) The name, telephone number, e-mail address, and postal mailing address of the applicant.
- (5) The name, telephone number, e-mail address, and postal mailing address of an emergency contact.
- (6) The name, telephone number, e-mail address, and postal mailing address of an individual who is designated to accept notices and citations from the Town with respect to the operation of the business.
- (7) 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.
- (8) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.
- (9) Evidence that the premises satisfies all applicable property maintenance code, business licensing, and safety regulations for the operation of business.

- (10) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town-designated 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, possible violations of this Chapter and the license. Where entry to a premise is refused, Town regulatory officials, may obtain a warrant to authorize entry.

§ 42-6. License fees.

- (a) The amount of the annual license fee for a license year is \$150, except that for the following types of businesses the amount of the annual license fee for a license year is the amount specified:
 - (1) Coin-Operated Vending: The amount of the annual license fee is \$20 per machine in addition to the license fee for the business in which the machine is located.
 - (2) Mobile Vendor: The amount of the annual license fee is \$50 per mobile vending unit.
 - (3) Peddler: The amount of the annual license fee is \$50 per person.
 - (4) Alcoholic Beverage: For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$200 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsite sale of beer and wine.
 - II. \$100 for a business holding a County alcoholic beverage license for offsite sale of beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsite sale of beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for onsite sale of beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for onsite and offsite of sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for onsite and offsite sale of beer, wine and liquor.
 - (5) There is no license fee for non-profit businesses.

- (b) The fee for a license issued after July 1 shall not be prorated for the remainder of the license year for which the license is issued.
- (c) A late fee in the amount of \$20 may be imposed on any license renewal application filed after the due date on the application or any authorized extensions.

§ 42-7. License issuance; denial.

- (a) When the Town receives a completed application for a license under this Chapter, the Town shall conduct a review of the application.
- (b) After the Town completes the review, the Town Manager or the Town Manager's designee shall determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this Chapter. Any terms, conditions and restrictions shall be based on the then current applicable codes, laws and regulations.
- (c) The Town Manager or the Town Manager's designee shall grant the license, with or without terms, conditions and restrictions, except that the Town Manager or the Town Manager's designee shall deny the application if:
 - (1) The Town Manager or the Town Manager's designee determines that the business for which the license is sought does not and reasonably cannot be expected to comply with applicable codes, laws, and regulations; or
 - (2) The business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the business has submitted a payment plan that is satisfactory to the Town Manager or the Town Manager's designee to pay the fees or taxes or to satisfy other obligations.
- (d) A license issued under this Chapter:
 - (1) Shall state the license year for which the license is issued.
 - (2) Shall identify each business for which the license is issued.
 - (3) Shall identify the person to whom the license is issued.
 - (4) 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.
 - (5) Shall list all terms, conditions and restrictions imposed upon the granting of the license.
 - (6) Is not assignable or transferrable to another person, business or location.

- (e) If the Town Manager or the Town Manager's designee denies an application for a license under this Chapter, a written notification detailing the reasons for the denial shall promptly be provided to the applicant by hand delivery, by first class U.S. Mail, or by e-mail to the e-mail address provided in the application.

§ 42-8. Specialty license provisions.

- (a) Mobile Vending License: A mobile vendor may not remain standing in a fixed or permanent location to service customers. All mobile vendors' vehicles must be clearly marked as to identify the name of the business and its phone number, and shall display all required permits and licenses.

- (b) Temporary License:

- (1) Any person, corporation, or other legal entity issued a temporary business use and occupancy permit, or temporary business license, from Prince George's County must apply for a temporary license to conduct business in the Town.
- (2) Application. All applications for a temporary license must include the following:
 - I. County issued permit copies.
 - II. Description of services to be offered.
 - III. Location of temporary business.
 - IV. Written authorization by Owner/Manager of any commercial property to be used for operation of the temporary business.
 - V. Listing those Saturdays, Sundays and legal holidays as defined by the Federal Government, including hours of operations on each day, that the temporary business will operate.
- (3) Restrictions on temporary businesses.
 - I. No trailer, tent, motor vehicle or vehicle canopy may be used for sales.
 - II. All displays or sales must be conducted on commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
 - III. All display and sales areas shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.

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

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

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

§ 42-8. Operational regulations.

- (a) The regulations in this section govern the operation of a business licensed under this Chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Manager or the Town Manager's designee of any changes to any of the information submitted as part of the application for the license.
- (c) The operation of the business and premises shall comply with all applicable property maintenance code, building code, business licensing, zoning, alcoholic beverage and liquor licensing, and life safety and occupancy regulations.
- (d) The business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Town as a condition of the issuance of the license.
- (e) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (f) 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.
- (g) The business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection (c) of this section.
- (h) 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 relating to consumption of alcoholic beverages and public decency.
- (i) The operators of the business shall not allow loitering to occur outside the premises of the business.
- (j) 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 the law enforcement authorities for conduct in or about the premises where the business is being operated.

§ 42-10. Suspension and revocation.

- (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).
- (b) If a Town regulatory official 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 may issue a written notice to the business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected as required, the Town Manager or Town Manager's designee may suspend or revoke the license after giving written notice to the holder of the license and affording the holder of the license an opportunity to be heard.
- (c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the business in the Town, licenses under this Chapter shall automatically be suspended or revoked until such time as the other government regulatory agency removes such suspension or revocation.

§ Sec. 42-11. Appeals.

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

§ Sec. 42-12. Penalties and enforcement.

- (a) A person may not violate this Chapter, or the terms, conditions or restrictions of a license issued under this Chapter. Each day that a person continues to violate this Chapter, or the terms, conditions or restrictions of a license issued under this Chapter, is a separate offense.
- (b) A person who violates this Chapter, or the terms, conditions or restrictions of any license issued under this Chapter, is guilty of a municipal infraction and subject to a fine in the amount of \$200 for the violation, except that the amount of the fine for each day that a violation continues is \$400.
- (c) Except as otherwise specifically provided in this chapter, this Chapter may be enforced by any Town staff designated by the Town Manager.
- (d) In the case of a business operating without a required license, in addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the business, the Town may order the premises to

be vacated and post on the exterior of the premises notice that the business is unlicensed and operating in violation of the Town Code.

- (e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this Chapter or of a license issued under this Chapter.
- (f) The enforcement of the Mobile Vendor License and Peddler License requirements shall be a joint operation between the Town's Police Department and regulatory officials designated by the Town Manager. The Police Department shall identify mobile vendors operating without or in violation of a Town issued license. The Town's regulatory staff shall then act upon that information to gain compliance and where appropriate take enforcement action.