

## CHAPTER 7

### LICENSES AND PERMITS (MUNICIPAL INFRACTIONS)

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#### **Section 7-101. Title**

This Chapter shall be known as the Licensing and Permits Code for the City of Mount Rainier.

#### **Section 7-102. Purpose and policy**

- A. **Businesses.** There are numerous businesses in the City of Mount Rainier. They are located in the commercial and industrial areas of the City as well as the residential areas. The Mayor and City Council of the City of Mount Rainier has the gravest responsibility for the protection of both the business environment and the residential peace and tranquility of the City.
- B. **Non-residential premises.** There are numerous non-residential (commercial and industrial) premises within the City of Mount Rainier. The Mayor and City Council of the City of Mount Rainier has the gravest responsibility for the protection of the health, safety, and welfare of the occupants of these premises, the customers of the occupants, and the visitors to these premises.
- C. **Residential rental units.** There are numerous dwelling units within the City of Mount Rainier which are rented, leased, or otherwise let to persons other than the owners thereof. The Mayor and City Council of the City of Mount Rainier has the gravest responsibility for the protection of the health, safety, and welfare of all of the citizens of said City and the occupants of these premises.

- D. **Activities requiring permits.** From time to time persons want to pursue activities in the public spaces of the City or from non-permanent locations in the City, such as vending, soliciting, one-day sales, one-day **and special on-going** outdoor events, etc. The Mayor and City Council of the City of Mount Rainier has the gravest responsibility for the protection of their health, safety, and welfare of all the citizens of said City and the environment on the public right of way.  
(Ord. 14-98, 6/16/98)
- E. **Overall.** As a result of section 7-102. A-D, it is declared to be the policy of the Mayor and City Council of the City of Mount Rainier that all businesses; home occupations; non-residential premises; rental dwelling units; and hotel, motel, and tourist units shall be licensed and regulated in such a manner as to ensure the health, welfare, and safety of those persons operating a business in, residing in, or visiting Mount Rainier, and that permits shall be required for certain activities, as set forth below.

**Section 7-103. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter.

- A. **Business.** Any person or organization with a permanent location in Mount Rainier in a nonresidential property, which operates or conducts a trade, business, commercial activity, occupation, or profession in Mount Rainier either for profit, or conducts activities in Mount Rainier supportive of a trade, business, or profession.
- B. **Charitable.** means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.
- B.1. **Commercial refuse collector.** Any person who regularly removes, collects, purchases, or accepts, or offers to remove, collect, purchase, or accept any refuse, solid waste, trash, or recyclables of any kind or description, for a fee, from any business, non-residential premises, or rental facility.
- C. **Contributions.** Means and includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.
- D. **Dwelling.** A building or structure which is occupied in whole or in part as a residence for one (1) or more persons, but shall not be construed to mean any transient facilities such as boardinghouses, tourist homes, inns, motels, hotels, school dormitories, hospitals or medical facilities.
- E. **Dwelling unit.** Any room or group of rooms located within a dwelling, forming a

single habitable unit and including cooking facilities.

- F. **Excessive noise.** Noise in excess of standards set in **City Code of Ordinance Section 10-121** provisions dealing with noise.  
(Ord. 14-98, 6/16/98)
- G. **Home occupation.** Any occupation which (i) is customarily conducted entirely within a dwelling unit solely by the inhabitants, except as provided in section 7-104.G., for gain or support; (ii) is incidental and secondary to the main use of the dwelling unit; (iii) does not change the essential character or appearance of the dwelling or the primary use, or have any exterior evidence (other than a sign permitted by the Prince George's County zoning ordinances) to indicate that the dwelling is being used for any purpose other than that of a dwelling; and (iv) includes no storage (on the premises) of merchandise to be sold, except where specifically permitted by Prince George's County ordinances.
- H. **Hotel, motel or tourist facility.** Any building or structure containing dwelling or rooming units to be used for sleeping and/or living facilities for transient persons and rented, leased or otherwise let for purposes other than that of permanent residence.
- I. **Non-residential premises.** Any building or structure or portion of a building or structure used for any type of business activity including any public hearing or structure and charitable or religious institutions including churches and the like, professional services, industrial activity, commerce or trade, sales, manufacturing or repairing of any item or thing or the storage of any part or thing used in any of the activities described above. Does not include governmental buildings (e.g., City, County, School, M-NCPPC, State, Federal, Post Office).
- J. **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.
- K. **Outdoor event.** An event to which the public is invited, such as a block party, parade, religious service, **festival, community market**, etc. Does not include private gatherings to which the public is not invited, such as a family picnic, a birthday party at a park, etc.
- L. **Owner.** Any person who, alone, jointly or severally with others:
1. Has legal title to any building, with or without accompanying actual possession thereof; and/or
  2. Has charge control or care of any building as manager or agent of the owner or as

an officer, administrator, trustee, partner, guardian or personal representative of the estate of the owner or as mortgagee, beneficiary or lender under a mortgage or deed of trust made by the owner and secured by the building. Any such person thus representing the actual owner shall comply with the provisions of this chapter to the same extent as if he or she had legal title to the building.

- M. **Peddler, peddling.** See "solicitor," "solicitation."
- N. **Person.** A corporation, partnership, association organization, or any other entity as well as individuals. It also shall include an administrator, trustee, receiver, personal representative, guardian or conservator appointed according to law.
- O. **Premises.** A lot or parcel of land, including any buildings or structures thereon and parts of or space in such buildings or structures.
- P. **Public Nuisance.** Includes physical condition or occupancy of any premises or its appurtenances regarded as public nuisance at common law; considered an attractive nuisance to children (including but not limited to abandoned wells, shafts, basements, excavations, unsafe fences or structures); with unsanitary sewage or plumbing facilities; designated unsafe for human habitation; manifestly capable of being a fire hazard; manifestly unsafe or unsecured so as to endanger life, limb or property; from which plumbing, heating, or required facilities have been removed; with disconnected or destroyed utilities; that is in a state of dilapidation, deterioration, decay; that has faulty construction; that is overcrowded; that is open, vacant, abandoned; that is unsanitary; that is damaged by fire so as not to provide shelter; that is in danger of collapse or failure.
- P.1.**Refuse.** All waste materials and debris, combustible or noncombustible, including garbage, yard wastes, trash, rubbish, ashes, offal, industrial refuse, and commercial refuse. For purposes of this definition, refuse includes those materials which are defined or designated as recyclable materials.
- Q. **Rent for occupancy or rent.** To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building, or structure pursuant to a written or unwritten lease, agreement, or license, and where the occupant has an obligation to pay rent or other consideration to the owner for such occupancy.
- R. **Rental facility.** Any dwelling, apartment house, rooming house, dwelling unit, rental unit, house, structure, building, premises, or room which is intended or arranged for use or occupancy as a residence by one (1) or more persons and for which the owner or operator charges or receives rent or other consideration.

- S. **Residential premises.** Includes a dwelling, dwelling units, rooming units, rental facility, hotel, motel, or tourist facility which are rent for occupancy.
- T. **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 and/or living but not for cooking purposes.
- U. **Solicitor.** Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, for the purpose of selling goods, merchandise, wares or other personal property, or taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future (also known as peddler). Does not include any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.
- V. **Solicitation.** All activities ordinarily performed by a solicitor or peddler as indicated above.
- W. **Vendor.** Any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City of Mount Rainier, or while on private property not intended for such vending. Also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. Does not include door-to-door solicitors and peddlers **or persons or entities associated with one-day and special on-going outdoor events.**  
(Ord. 14-98, 6/16/98)

#### Section 7-104. Business license

- A. **License Required.** No business may operate in the City of Mount Rainier without a license from the City of Mount Rainier, except a home occupation whose customers do not regularly come to the residence, whose employees do not come to the home, which is permitted by the Prince George's County zoning ordinances without a special exception, and which does not require a use and occupancy permit under Prince George's County zoning ordinances.
- B. **Applications.** Applications shall be submitted in writing to the City Manager along with the required fee(s). The City Manager is authorized to develop the application

form, which shall include all information relevant to this and related chapters.

**C. Issuance; Renewal**

1. Upon approval by the City Manager according to the criteria set forth in paragraphs E, F, and G below, a business license shall be issued to the business.
2. All business licenses shall be renewable upon payment of appropriate fees and compliance with provisions of this Chapter.

**D. Revocations; Reinstatement**

1. At any time that the Code Enforcement Officer shall determine that any business requiring a license does not comply with any of the conditions of a license, and if circumstances are such that the business is able to comply, the Code Enforcement Officer shall order the business owner to render compliance within a reasonable period of time. If such compliance is not provided, the Code Enforcement Officer may order the revocation of the business license in accordance with section 7-107 and proceed with closing the business under applicable provisions of law.
2. At any time that the Code Enforcement Officer shall determine that any business does not comply with any of the conditions of a license, and if circumstances are such that the business cannot comply, the Code Enforcement Officer may order the revocation of the business license and proceed with closing the business under applicable provisions of law.
3. If the business license is revoked because of noncompliance with provisions of the City's codes, such revocation may be appealed to the City Manager. If said license shall have been revoked for violations of other laws or ordinances, appeal may be only to a court of competent jurisdiction.
4. In the event a business license is allowed to expire by default of the business due to failure to pay the required license fees within twenty (20) business days from the date of the written notification of payment due, without a reasonable cause, a reinstatement fee shall be imposed as established herein.
5. In the event a business license is revoked for cause, the business license must be reinstated and a fee paid as established herein, and relevant codes of the City of Mount Rainier must be met before the business may again be licensed.

**E. Requirement for All Businesses.** All businesses must comply with the following:

1. Must not seek to obtain license by fraud, misrepresentation, or concealment of facts.
  2. Must comply with all other applicable City codes, including F and G below, as applicable.
  3. Must be in compliance with all applicable County, State, and federal regulations and laws.
  4. Must not conduct itself in a manner that is obnoxious or disruptive to the public, or that constitutes a public nuisance.
  5. Must not use its premises for any illegal purpose.
  6. Must not create excessive noise or unduly burden the peace and tranquility of the residents of the City.
  7. Must not cause or excessively increase vehicular traffic congestion or impede the effective flow of traffic on streets, highways, and thoroughfares in the City.
  8. Must not cause or excessively increase pedestrian congestion or loitering or the efficient and peaceful flow of pedestrian traffic on the sidewalks in the City.
  9. Must not cause or increase any threat to life, safety or health of any person.
- F. **Requirements for Businesses in Permanent Nonresidential Locations.** All businesses with a permanent location in non-residential premises must comply with the following:
1. Must have an occupancy license.
  2. Must comply with Chapter 11. Refuse Collection.
  3. Must comply with Chapter 7A. Commercial District Management Authority.
  4. Must comply with the hours of operation approved in the occupancy license.
  5. Must have County Use and Occupancy permit and must be in compliance with the terms of that County permit, if applicable.
  6. Must have all required County and state licenses and permits necessary for

operation of the particular business.

7. Must be in compliance with all applicable County and State laws and regulations.
8. If ownership of a business transfers from one person to another, the new owner must be in compliance with all applicable City, County and State laws and regulations.

G. **Requirements for Home Occupations.** All home occupations (with the exceptions noted in section 7-104.A) must comply with the following:

1. Must not allow customers to come to the home between 9:00pm and 8am.
2. May have no more than 2 employees.
3. Must have County business license, if required.
4. Must have State business license(s), if required.
5. Must be in compliance with all applicable County and State laws and regulations relating to the home occupation.

## **Section 7-105. Occupancy License**

### **A. Occupancy License Required**

1. Non-residential. All tenants of non-residential premises which are rent for occupancy and all owner occupants of non-residential premises shall secure from the City a non-residential occupancy license, which shall be issued for a period of one (1) year. A license shall be required for each individual business that is an occupant in the premises.
2. Residential. Before the owner or agent thereof of any dwelling, rental facility, dwelling unit, rooming unit, or tourist facility within the confines of the City of Mount Rainier shall rent, lease, or otherwise let said dwelling unit, or facility and permit it to be occupied, he/she must secure from the City an occupancy license.
  - a. Said occupancy license shall contain the name of the owner of the property, his/her address, and his/her telephone number. Said occupancy license shall also specify the exact location of the premises for which the license is issued.
  - b. All occupancy licenses shall be issued to the owner of the premises containing

said residential unit or units and shall be issued for a period of one (1) year from the date of issuance.

**B. Issuance; Renewal**

1. Before the City Manager shall issue an occupancy license; the premises shall be inspected by the Code Enforcement Officer for compliance with Chapter 3A. Standards for Property Maintenance, and the following criteria shall have been met:
  - a. There are no existing violations of the building and property maintenance standards of the City of Mount Rainier.
  - b. The license applicant has certified that the premises have no existing violations of applicable health, safety, fire, building, plumbing, and zoning laws and ordinances of the State of Maryland and Prince George's County.
  - c. The tenant or owner-occupant of said nonresidential premises shall remit the required occupancy license fee as established by the City of Mount Rainier. The owner of said residential premises shall remit the required occupancy license fees as established by the City of Mount Rainier.
  - d. There are no unpaid real or personal property taxes or fines for municipal infractions or Commercial District Management Authority fees for the premises or for any business or activity conducted therein by the tenant or owner-occupant of nonresidential premises or by the owner of residential premises.
  - e. Within five (5) years preceding the application, there have been no convictions for prostitution or trafficking in controlled substances on the premises while the applicant has had control of the premises.
2. All occupancy licenses shall be renewable upon payment of appropriate fees and compliance with the provisions of this Chapter.

**C. Suspension or Revocation; Expiration; Reinstatement**

1. At any time that the Code Enforcement Officer shall determine that any such premises does not comply with all of the provisions of all applicable laws, he/she shall give written notice to the owner, agent, or occupant thereof to render compliance within a reasonable period of time. If such compliance is not provided, the Code Enforcement Officer may suspend or revoke the occupancy license for

the premises in accordance with section 7-107.

2. In the event that an occupancy license is allowed to expire by fault of the owner or occupant of the premises due to the failure to pay the required fees within twenty (20) business days from the date of the written notification of payment due, without a reasonable cause, a reinstatement fee shall be imposed as established herein. Property may be subject to reinspection prior to reinstatement of an occupancy license, and all fees may be reimposed.
3. In the event that an occupancy license is revoked for cause, the occupancy license must be reinstated and a fee paid as established herein, and all codes of the City of Mount Rainier must be met before the property may again be occupied and/or any business or activity conducted therein.

### **Section 7-106. Permits**

#### **A. Permit Required for Vendors**

1. Unless granted an exception, individuals or businesses who wish to sell products or services or transact other business in the City other than from a permanent place of business located inside the City may not do so without a permit.
2. Permit application. Every person desiring a vendors permit shall file with the City Manager an application in writing pursuant to subsection 7-107.C.  
(Ord. 9-97, 5/6/97)
3. Notwithstanding any other provisions of the City Code or the Zoning Ordinance of Prince George's County it shall be unlawful for any vendor or any other person to sell or display for sale any goods, wares, merchandise, or other items of any description while upon the right-of-way, or from a vehicle upon the right-of-way or at the exterior of private property from either a vehicle or while upon the exterior of the private property except for the following:
  - a) Live or cut flowers, plants, artificial flowers (adornments for graveside use);
  - b) Fruits, vegetables, or other agricultural products;
  - c) Baked goods;
  - d) Fish or shellfish;
  - e) Any meat or meat product, cooked and offered for immediate consumption;
  - f) Gum or candy, chips or other edible goods offered in individual servings for immediate consumption;
  - g) Individual cans, bottles, or other single serving containers of soft drinks, juice or other nonalcoholic beverages; and

- h) Ice cream, ice cream products, or other frozen novelties.

This ordinance shall not apply to person(s) in the public right-of-way who sell automotive equipment to the owner or occupant of a vehicle disabled in a roadside emergency.

- 4. Vendors must secure a specific location(s) from which to sell items. Vending on the exterior of private property requires written permission from the property owner. Vending in the public right-of-way requires written approval from Prince Georges County.  
(Ord. 9-97, 5/6/97)

#### **B. Permit required for solicitors**

- 1. Permit requirements and exemptions. It shall be unlawful for any person eighteen (18) years of age or older to engage in solicitation activities within the City of Mount Rainier without first obtaining a permit, provided, however, that the following are exempted from this provision:
  - a. Any solicitation made upon the premises owned or occupied by an organization upon whose behalf the solicitation is made;
  - b. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
  - c. Any solicitation in the form of a collection at a regular meeting, assembly, or service of a political, religious, or charitable organization; or
  - d. Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- 2. Permit for sponsoring juvenile solicitors.
  - a. No person under the age of eighteen (18) years of age shall be permitted to engage in soliciting except as provided below.
  - b. A permit shall be obtained by a sponsoring person, company, or organization for the conduct of any solicitation activities involving, in whole or in part, a sales force of one (1) or more persons eighteen (18) years of age.

- c. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, soliciting under the sponsor's permit.
  - d. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the individual solicitor and the name of the organization or business, if any, for which the solicitation is being conducted. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are soliciting.
  - e. The sponsor shall comply with all applicable State and County laws and regulations.
3. Entry upon signed premises unlawful. It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a solicitor, to enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.
  4. Hours of solicitation. No person, while conducting the activities of a solicitor, whether unlicensed, shall enter upon any private property, knock on doors, or otherwise disturb persons in their residences between the hours of 9:00pm and 9:00am.
  5. Permit application. Every person desiring a solicitors permit shall file with the City Manager an application in writing pursuant to subsection 7-106.C.

**C. Permit application process for vendors and solicitors; permit issuance or denial**

1. Permit application. Every person subject to the provisions of subsections A. and B. shall file with City Manager an application in writing and the required fee(s). The application shall provide the following information:
  - a. Proof of age, permanent home and local address, and identification of the applicant, to be provided through the applicant's driver's license or other recognized form of identification, or, in the case of solicitors, articles of incorporation or other business organization document (for sponsors);
  - b. A brief description of the nature of the business or, in the case of solicitors, activity to be conducted;
  - c. The hours and location for which permission to vend or solicit is desired;

- d. If employed or acting as an agent or independent contractor, the name, address, and telephone number of the employer, principal, or business who is being represented, with credentials in written form establishing the relationship and the authority of the employee, agent, or contractor to act for the employer, principal, or business, as the case may be;
  - e. A statement as to whether the applicant has been convicted (within five (5) years preceding the date of application) of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
  - f. Proof of possession of any license or permit which, under federal, state, country, or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under such law or regulation, would exempt the applicant from the licensing requirements of the ordinance; and
  - g. Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure 2 inches by 2 inches and show the head and shoulders of the applicant in a clear and distinguishing manner.
  - h. Signature attesting to the accuracy of the information in the application.
2. Application review and permit issuance.
- a. Upon receipt of a completed application and required fee(s), the City Manager or his/her authorized representative shall review the vendor or solicitor permit application as deemed necessary to ensure the protection of the public health, safety and general welfare.
  - b. If the application is found to be satisfactory, City Manager or his/her authorized representative shall approve application and shall, upon payment of the prescribed fee, deliver the required vendor or solicitor to the applicant.
  - c. All permits shall expire one (1) year from the date of issuance, unless an earlier expiration date is noted on the vendor or solicitor permit.
  - d. The vendor or solicitor permit shall show the name, address and photograph of the permittee, kind of permit issued, the kind of business to be transacted or goods and services to be sold or delivered, the date of issuance, and the

length of time the permit shall be in effect. The permit shall also show the licensing tag number and state and identifying description of any vehicle to be used in carrying out the business for which the vendor or solicitor permit is issued.

- e. Every person required to obtain a vendor or solicitor permit shall display the permit in plain view.
  - f. It shall be unlawful for any person other than the permittee to use any vendor or solicitor permit issued hereunder.
  - g. A record of all permits issued shall be maintained by the City for a period of two (2) years.
3. Denial of permit.
- a. The City Manager may refuse to issue a permit to the applicant for the following reasons:
    - (I) The location and time of vending or solicitation would endanger the safety and welfare of vendors, solicitors or their customers.
    - (ii) Fraud, misrepresentation, or false statement was contained in the application.
    - (iii) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within five (5) years preceding the date of the application.
    - (iv) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit, or misrepresentation has been entered within five (5) years immediately preceding the date of application.
    - (v) There is no proof as to the authority of the applicant to serve as an employee, agent, or contractor of the employer, principal, or business for which the applicant proposed to conduct business.
    - (vi) For vendor permits only, the applicant has not provided written permission from the property owner to vend at the exterior of private property or written approval from Prince George's County to vend in

the public right-of-way.

- (vii) For vendor permits only, the applicant has applied to sell or display for sale goods or items other than those specifically listed in Sec. 7-106 (A) 3.  
(Ord. 9-97, 5/6/97)

- b. The disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that the application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, at the applicant's last known address.  
(Ord. 9-97, 5/6/97)

**D. Permit required for outdoor event in public space, yard sale**

1. No person or entity shall hold an outdoor event in a public space in the City without first obtaining a permit and paying a fee. For one-day outdoor events said permit shall entitle the permit holder to conduct the event for one (1) day and night, beginning no earlier than 9:00am and ending no later than 12:00 midnight. For special on-going outdoor events said permit shall entitle the permit holder to conduct the event on a regular schedule and specified time period, beginning no earlier than 9:00am and ending no later than 12:00 midnight.  
(Ord. 8-2002, 8/06/02)
2. No person shall hold a yard sale without first paying a fee and obtaining a permit. No person shall hold more than two (2) yard sales in one year in the City. Merchandise being sold must be placed within the boundary lines of the property of the seller. No articles can be placed on the street, sidewalk, or on the grass median between the sidewalk and street.
3. Permit application. Every person or entity desiring a permit to hold an outdoor event in a public space or a yard sale shall file with the City Manager or his/her representative an application in writing and the required fee. The application shall provide the following information:  
(Ord. 8-2002, 08/06/2002)
  - a. The name of the person or entity who will be sponsoring the event or sale and is legally responsible.  
(Ord. 14-98, 6/16/98)
  - b. The hours and location of the event or sale.

- c. In the case of an outdoor event in a public space, a list of the actual dates of the event and a brief description of the event.  
(Ord. 14-98, 6/16/98)
- d. In the case of an on-going outdoor event in a public space the application shall be submitted at least two weeks prior to the proposed start date of the event and include the following:
  - (i) a site plan showing existing infrastructure and physical layout of the event to include the maximum number of participants and size of area participants will be occupying;
  - (ii) copy of rules and requirements set by the event which participants are required to follow including but not limited to set-up, sanitation, parking and fee structure;
  - (iii) proof of insurance adequate to relieve the City of liability, with a minimum coverage of \$1,000,000 and which names the City as an additional insured;
  - (iv) Description of all proposed activities. Each event day that includes live entertainment and/or performances requires a separate application describing the entertainment and/or performance. Such application must be submitted to the City Manager at least two weeks prior to the proposed performance. The application must contain adequate information to determine if the entertainment and/or performance complies with all City codes and ordinances and to ensure the protection of both the business environment and the residential peace and tranquility of the City. The application must state the hours of the entertainment and/or performance and no performance may begin before 11:00am. No fee will be required for such applications provided that the special on-going event of which the performance would be a part is properly permitted.
- e. The City shall reserve the right to cancel an outdoor event in a public space in the case of some extraordinary circumstances or circumstances that would endanger the health, safety or welfare of citizens of the City.  
(Ord. 14-98, 6/16/98)
- f. The City will not provide rest rooms, port-a-potty, electricity, tables, or generators unless the activity/event is sponsored by the City.

- g. The 3300 hundred block of Perry Street (from 33<sup>rd</sup> and Perry Street to Rhode Island Avenue) is reserved for events similar to a farmer's market, flea market, and other vendor activities.
  - h. Requests for use of the municipal plaza require a minimum 30-day notice pending approval from the local transportation authority. (Ord. 8-2002, 8/06/02)
4. Application review. Upon receipt of a completed application and the required fee, the City Manager or his/her authorized representative shall review the permit application as deemed necessary to ensure the protection of the public health, safety and general welfare.

**E. Permit required for news racks**

- 1. It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate, on any public street or sidewalk, or in any other public way or space in Mount Rainier, any newsrack without first having obtained a permit from the City Manager specifying the exact location of such newsrack. One permit may be issued to include any number of news racks.
- 2. Application for such permit shall be made in writing to the City upon such form as shall be provided, and shall contain the name and address of the applicant, the proposed specific location of said newsrack, and other pertinent information, and shall be signed by the applicant.
- 3. The application shall be reviewed to ensure the following:
  - a. No person shall install, use, or maintain any newsrack which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street.
  - b. No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk or parkway:
    - (I) when such installation, use or maintenance endangers the safety of persons and property,
    - (ii) when such site or location is used for public utility purposes, public transportation purposes, or other governmental use,
    - (iii) when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles;

the ingress in and egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;

- (iv) when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or
- (v) in any other manner inconsistent with or in violation of provisions of this subsection.

**F. Permit required for public pay phones**

1. It shall be unlawful for any person, firm, or corporation to erect, place, or maintain a public pay phone on any public street or sidewalk, or in any public way or space in Mount Rainier.
2. It shall be unlawful for any person, firm, or corporation to erect, place, or maintain a public pay phone on private property adjacent to any public street or sidewalk or any other public way or space in Mount Rainier without first obtaining a permit.
3. Application for such permit shall be made in writing to the City upon such form as shall be provided, and shall contain the name and address of the applicant, the proposed specific location of said phone, and other pertinent information, and shall be signed by the applicant.
4. The application shall be reviewed to ensure the following:
  - a. No person shall install, use or maintain any public pay phone which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street.
  - b. No person shall install, use, or maintain any public pay phone which in whole or in part rests upon, in, or over any public sidewalk or parkway.
  - c. No person shall install, use, or maintain any outdoor public pay phone on private property adjacent to any public street or sidewalk or any other public way or space in Mount Rainier:
    - (I) when such installation, use or maintenance endangers the safety of persons and property on the adjacent public right of way,
    - (ii) when such site or location is less than five (5) feet from the public right-

of-way,

- (iii) when such site or location is less than ten (10) feet from a building entrance,
- (iv) when such site or location is less than twenty-five (25) feet from another public phone,
- (v) when the same person has a permit for another public phone,
- (vi) when such phone allows incoming phone calls,
- (vii) when such phone is in operation between 11:00pm and 7:00am, or
- (viii) in any other manner inconsistent with or in violation of provisions of this subsection.

**G. Permit issuance or denial for outdoor event or special on-going outdoor event in public space, yard sale; newsrack; public phones**  
(Ord. 14-98, 6/16/98)

1. If the application is found to be satisfactory, City Manager or his/her authorized representative shall approve application and shall deliver required permit to applicant.
2. Expiration of permits.
  - a. All permits for outdoor event or special on-going outdoor event in public space, yard sale shall expire at the time specified in the permit.  
(Ord. 14-98, 6/16/98)
  - b. Permits for news racks shall be valid for two (2) years and shall be renewable pursuant to the procedure for original applications and payment of the required fee(s).
  - c. Permits for public phones shall be paid for one (1) year and shall be renewable pursuant to the procedure for original applications and payment of the required fee(s).
3. Every person required to obtain a permit for an outdoor event or special on-going outdoor event in public space or a yard sale shall display the permit in plain view at the time of the event or sale. Every person required to obtain a permit for

newsrack(s) and public phone(s) shall exhibit the permit when requested to do so by any City employee.

(Ord. 14-98, 6/16/98)

4. It shall be unlawful for any person other than the permittee to use any permit issued hereunder.
5. A record of all permits issued shall be maintained by the City for a period of two (2) years.
6. Denial of permit
  - a. The City Manager may refuse to issue a permit to the applicant for the following reasons:
    - (I) In the case of an outdoor event in public space or a yard sale, the location and time of the event or sale would endanger the safety and welfare of the public.
    - (ii) In the case of a newsrack or public phone, the location would endanger the safety and welfare of the public.
    - (iii) Fraud, misrepresentation, or false statement was contained in the application.
    - (iv) Except in the case of an application for a yard sale, the applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such convictions being entered within five (5) years preceding the date of the application.
    - (v) Except in the case of an application for a yard sale, the applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit, or misrepresentation has been entered within five (5) years immediately preceding the date of application.
    - (vi) There is no proof as to the authority of the applicant to serve as an employee, agent, or contractor of the person, employer, principal, or business for which the applicant proposed to hold an event or install a newsrack or public phone.
    - (vii) The applicant has been denied a permit hereunder within the immediate

past year, unless the applicant can and does show to the satisfaction of the City Manager that reasons for such earlier denial no longer exist.

viii In the event of live entertainment and/or performance held in connection with a special, on-going outdoor event, the entertainment and/or performance would endanger the safety and welfare of the public, disrupt the business environment or the residential peace and tranquility of the City, or cause excessive noise.

(Ord. 14-98, 6/16/98)

- b. The disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that the application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, at the applicant's last known address.

#### H. **Permit required for general business alarm**

1. Any business licensed to do business within the City of Mount Rainier shall obtain a license before any type of security alarm is installed upon the premises for protection against break-in and/or hold-up of the establishment. Pursuant to Section 9-138 of CB-102-1995 of the County Council of Prince George's County, the City of Mount Rainier hereby exempts all entities regulated by the City of Mount Rainier from the requirements of Division 3 of said legislation. The City of Mount Rainier certifies that it provides 24-hour per day, 7-day per week on duty police coverage and meets certain standards ensuring adequate police coverage. (Ord. 20-98, 7/21/98)
2. The license shall be renewable on an annual basis.
3. Any business with a security system in place and not obtaining a license for the system shall be charged a fine for each activation of the alarm which effects the response of police.
4. Any business with a security system with the capabilities of human activation, commonly called a "hold-up" or "panic" alarm, must not use this type of activation unless the business is actually being held up or the person who activated the alarm had a reasonable belief that a hold-up was occurring. Activations of this type for any other purpose shall be a violation of this section and a fine shall be imposed.
5. Any business with more than six (6) police responses for false alarm activation within a twelve (12) month period shall be charged a fine for each false alarm

activation over six (6).

**I. Permit Required for Commercial Refuse Collectors.**

1. No person shall act as a commercial refuse collector in the City without a commercial refuse collection permit.
2. Permit application. Every person desiring a commercial refuse collection permit shall file with the City Manager or his or her authorized representative an application in writing that includes the following:
  - a. Proof of possession of a valid Prince George's County collection license issued by the Department of Environmental Resources and any other license or permit which, under federal, state, county, or local laws or regulations, the applicant is required to have in order to conduct the proposed commercial refuse collections, or which, under such law or regulation, would exempt the applicant from the permit requirements of this section.
  - b. Applicant's name, address, and telephone number and, if a business entity, the names, addresses, and telephone numbers of the entity's officers, members, or partners, and the name, address and telephone number of the resident agent for the business entity.
  - c. Statement describing the type and approximate weight of the refuse to be collected in the City on a weekly basis; a listing of all trucks or vehicles to be used in the collection of refuse in the City (by owner name, description, and serial number of the truck or vehicle, and Prince George's County refuse collection vehicle license number), a listing of the names and addresses of all customers receiving refuse collection services in the City, and a listing of all addresses in the City where refuse collection services are provided.
  - d. Signature by the applicant or, if the applicant is a business entity, by an authorized officer, member, partner or agent of the applicant attesting to the accuracy of the information in the permit application.

**J. Permit required for construction dumpsters.**

1. No person shall place or cause to be placed a construction dumpster for the storing, collection, and hauling of construction, renovation, demolition, and excavation debris and refuse on private property or a construction dumpster or temporary storage unit on a City street without having first obtained a construction dumpster permit from the City.

2. Application for a construction dumpster permit shall be made in writing to the City Manager or his or her designee upon such form as may be provided and shall include the following information, along with the permit fee specified in section 7-108 D. 9 of this code.
  - a. Name, address, and phone number of the applicant.
  - b. Address and proposed specific location on the property or street where the dumpster or temporary storage unit will be placed.
  - c. Reason that a construction dumpster or temporary storage unit is required (such as construction of a new residence, renovation, demolition, etc.)
  - d. Length of time the dumpster or temporary storage unit is needed.
3. No construction dumpster permit for an activity that requires a City building demolition, or other permit or license shall be issued until all other required city permits or licenses are approved and all permit conditions are met.
4. A construction dumpster permit shall be valid for a period of up to three months. No more than two construction dumpsters shall be permitted on a single property or construction site at the same time without the express authorization of the City Manager or his or her designee.  
(Ord 15-2006, 12/05/06)

**K. Application review and permit issuance.**

1. Upon receipt of a completed application and required fees, the City Manager, or his or her authorized representative, shall review the commercial refuse collection permit application as deemed necessary to verify the information and to ensure the protection of the public health, safety, and general welfare.
2. If the application is found to be satisfactory, the City Manager, or his or her authorized representative, shall approve the application and upon payment of the prescribed fee(s) deliver the required permit to the applicant.
3. All permits shall expire one (1) year from the date of issuance, unless an earlier expiration date is noted on the permit.
4. Permits are non-transferrable and it shall be unlawful for any person other than the permittee to use any commercial refuse collection permit issued hereunder.
- e. A record of all permits issued shall be maintained by the City for a period of

two (2) years.

**L.. Denial of permit.**

- a. The City Manager, or his or her authorized representative, may deny or refuse to issue a permit to the applicant for the following reasons:
  - (i) Fraud, misrepresentation, or false statement contained in the application for a permit.
  - (ii) Failure to comply with any of the requirements of this section.
  - (iii) Failure to comply with applicable City ordinances, including but not limited to ordinances regulating excessive noise, public nuisances, and parking.
  - (iv) Failure to comply with County zoning or other ordinances.
- b. If a permit is denied or refused, the disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that the application is disapproved and that not permit will be issued. Notice shall be delivered or mailed to the applicant at the address shown on the permit application form.  
(Ord. 1-2005, 01/18/2005)

**Section 7-107. Permit and license suspension or revocation; notice and hearing; appeals; claims of exemption**

- A. **Suspension or revocation.** Any permit or license issued under this Chapter may be revoked or suspended by the Code Enforcement Officer, after notice and hearing, for any of the following reasons:
  1. Fraud, misrepresentation, or false statement contained in the application for a permit or license.
  2. Fraud, misrepresentation, or false statement made by the permit holder in the course of its activities.
  3. The permit or license was issued in error or not in compliance with the applicable provisions of the City Code.
  4. The permit holder has conducted activities contrary to the provisions or has violated the requirements of the permit or license.

5. The permit holder has conducted activities in such a manner as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety, or general welfare of the public.
6. In the case of a solicitor or peddler, conviction of a crime involving moral turpitude.

**B. Notice and hearing**

1. Notice of a hearing for revocation or suspension of a permit or license issued under this Chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation or suspension and the time and place of the hearing. Notice shall be personally delivered or mailed, postage prepaid, to the permit holder at the address shown on the permit or license application or at the last known address of the permit holder.

**C. Appeals**

1. Any person aggrieved by the action to deny, suspend, or revoke a permit or license applied for under the provisions of this Chapter shall have the right to appeal such action or decision to the City Manager within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
2. An appeal shall be taken by filing with the Code Enforcement Officer a written appeal notice setting forth the grounds for the appeal.
3. The Code Enforcement Officer shall transmit the written appeal notice to the City Manager within five (5) business days of its receipt and the City Manager shall set a time and place for a hearing on the appeal.
4. A hearing shall be set not later than twenty (20) business days from the date of the receipt of the appellant's written statement.
5. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
6. The decision of the City manager or the appeal shall be final and binding on all parties concerned.

**D. Claims of exemption.** Any person claiming to be exempt from the regulations set forth in this Chapter, or from the payment of a permit or license fee, shall cite to the

City manager the statute or other legal authority under which exemption is claimed and shall present to the City Manager proof of qualification for such exemption.

### **Section 7-108. Fees**

#### **A. Business license or registration fees**

1. Businesses with permanent locations in non-residential premises shall pay the appropriate occupancy license fee(s) in subsection B below.
2. Home occupations shall pay a license fee of \$25 per year.
3. If the business license is allowed to expire (see section 7-104.D.5), the reinstatement fee shall be \$25.
4. If the business license is revoked for cause (see section 7-104.D-5), the reinstatement fee shall be \$50.

#### **B. Occupancy License Fees**

1. The following fees shall be charged:
  - a. For non-residential premises, other than those occupied by charitable and religious institutions:  
(Ord. 19-97, 9-2-97)
    - (I) \$50 for the first 1,000 square feet gross floor space, \$25 for each additional 1,000 square feet gross floor space per occupant (tenant) or owner-occupant per year, up to a maximum occupancy license fee of \$200 per occupant or owner-occupant per year. In the case that two or more distinct businesses are occupants at the same location, even if they are under the same ownership and/or management, each occupant shall pay a separate license fee.
    - (ii) In addition to any other fee set forth in this section, businesses and establishments serving or selling alcoholic beverages shall pay an additional annual fee equal to twenty (20) percent of any annual license fee charged to them by the Board of License Commissioners of Prince George's County.
    - (iii) In addition to any other fee set forth in this section, businesses and establishments with coin-operated pinball, video or other entertainment

device, or billiard or pool tables, bowling alleys, or any table, alley, or board upon which legitimate games are played, shall, when operated for public use or profit or gain, pay a fee of fifteen dollars (\$15.00) per device, table, alley, or board.

- b. For non-residential premises occupied by charitable and religious institutions, \$40 per year.  
(Ord. 19-97, 9-2-97)
  - c. July 1, 2006, for multi-family rental facilities the fee shall be One Hundred Dollars (\$100.00) per unit per year. The City collects fees biennially. The fee for a biennial license shall be twice the annual fee,
  - d. July 1, 2006, for single-family rental dwellings, the fee shall be \$100 per unit per year. The City collects fees biennially. The fee for a biennial license shall be twice the annual fee. (Ord. 10-2006,06/02/06
  - f. For a hotel, motel, or tourist facility, \$175 per year.
2. Reinstatement fee.
- a. If the occupancy license is allowed to expire (see section 7-105.C.2), the reinstatement fee shall be \$50.
  - b. if the occupancy license is revoked (see section 7-105.C.3), the reinstatement fee shall be \$200.

**C. Permit fees**

- 1. Vendors permit.
  - a. The fee for a vendors permit shall be \$50.
  - b. Each additional individual employed by a vendor selling a good or service in the City from a vehicle or on foot shall register with the City providing sufficient proof of name and address and shall pay a fee of \$25.
- 2. Solicitors permit. The fee for a solicitors permit shall be \$25.
- 3. Outdoor event. The fee for a permit for an outdoor event in a public space shall be \$25.

4. Yard sales. The fee for a permit for a yard sale shall be \$5.
5. News racks. The fee for a permit for newsrack(s) shall be \$25 per newsrack.
6. Public pay phones. The fee for a permit for a public pay phone shall be \$100.
7. General Business Alarm. The fee for a permit for a general business alarm shall be \$25. (Ord. 20-98, 7/21/98)
8. Commercial refuse collection permit. The annual permit fee shall be \$75, plus \$10 paid by the commercial refuse collector for each business, non-residential premises or rental facility in the City that receives refuse collection services from the permittee.  
For purposes of calculating the permit fee for properties with multiple buildings or addresses, the commercial refuse collector shall pay a fee of \$10 per building or per premises address, whichever results in a higher fee, but not to exceed a total annual permit fee of \$500.
9. Construction dumpster permit. The fee for a construction dumpster permit shall be \$25.00.

#### **Section 7-109. Violations; Fines**

- A. **General.** Except as may otherwise be specified herein and in addition to any other provisions for license and permit fees and for occupancy fees and reinstatement fees, any violation of any of the provisions of this Chapter shall be a municipal infraction with the penalty fines as set forth herein.
- B. **Business Licenses**
  1. No business or home occupation shall operate without a business license.
  2. Fine: \$25 for first offense; \$50 for each 30-day period that violation continues; \$50 for second offense in same one-year period.
- C. **Occupancy licenses**
  1. Non-residential premises.
    - a. No premises to which any of the terms of this Chapter are applicable shall be occupied by any person unless a valid occupancy license shall have been

issued and the same remains in full force and effect therefor.

- b. Any such premises for which a valid occupancy license shall not have been issued or for which said license shall have been revoked shall be vacated immediately.
2. Residential premises. No premises to which any of the terms of this Chapter are applicable shall be occupied by any person or persons other than the owner thereof and members of his/her immediate family unless a valid occupancy license shall have been issued and the same remains in full force and effect therefor.
3. The fine for operating without a valid occupancy license shall be \$100 for the first violation, \$200 for each 30-day period that the violation continues, \$200 for repeat violation in same one-year period.  
(Ord 15-2006; 12/05/06)

#### D. Permits

1. Vendors
  - a. No vendor shall operate in the City without first obtaining a permit.
  - b. Fine: \$50 for first violation; \$100 for each additional 30-days that violation continues; \$100 for repeat violation in same one-year period.
2. Solicitors.
  - a. No solicitors shall operate in the City without first obtaining a permit.
  - b. Fine: \$25 for first violation; \$50 for each additional 30-days that violation continues; \$50 for repeat violation in same one-year period.
3. Outdoor events in public space.
  - a. No person shall hold an outdoor event in a public space without first obtaining a permit.
  - b. Fine: \$25 for first violation; \$50 for repeat violation in some one-year period.
4. Yard sales.
  - a. No person shall hold a yard sale without first obtaining a permit.

- b. Fine: \$15 for first violation; \$30 for repeat violation in same one-year period.
- 5. News racks.
  - a. No person shall install a newsrack without first obtaining a permit.
  - b. Fine: \$25 for first violation; \$50 for repeat violation in same one-year period.
- 6. Public pay phones.
  - a. No person shall install a public phone without first obtaining a permit.
  - b. Fine: \$100 for first violation; \$200 for repeat violation in same one-year period.
- 7. General Business Alarm.
  - a. No person shall install an alarm without first obtaining a permit.
  - b. Fine: \$50 for first violation; \$100 for each 30-day period that violation continues.
  - c. Fine for needless hold-up alarm fine: \$25.
  - d. Fine for needless alarm activation fine (after 6 needless alarms in one (1) year period): \$25.
- 8. Commercial refuse collection.
  - a. No person shall act as a commercial refuse collector in the City without a permit.
  - b. Fine. \$100 for the first violation; \$500 for repeat violation in same one-year period.
- 9. Construction dumpster permit.
  - a. No person shall place or maintain a construction dumpster on private property in the City or a construction dumpster or temporary storage unit on a City street without a permit.
  - b. Fine: \$100 for the first violation; \$200 for repeat violations in a one-year period.

### **Section 7-110. Adoption of Rules and Regulations**

The Mayor and City Council, or its designee, is hereby authorized to make and adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this Chapter, provided that such rules and regulations shall not be in conflict with the provisions of this Chapter. Such rules and regulations shall have the same force and effect as the provisions of this Chapter and the penalty for violation of the provisions of this Chapter, as herein provided.

**Section 7-111. Severability.** Reference Chapter 18, Section 101

**Section 7-112. Civil Enforcement**

- A. Without limitation or election of any other available remedy, including the issuance of municipal infraction citations, the City may apply to a court of competent jurisdiction for an order of abatement or an injunction enjoining any violation of this Chapter.
- B. The City also may bring suit to collect fines, costs, fees, assessments, and liens imposed or incurred by the City under any provision of this Chapter, and take such other legal action as is necessary to carry out the terms and provisions of this chapter.