

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-17-19
Introduced by: City Council
Date Introduced: May 1, 2017
First Reading: May 1, 2017
Second Reading: May 8, 2017
Date Passed:
Date Effective:

AN ORDINANCE concerning

CHAPTER 107 – Licensing

FOR the purpose of reenacting, without amendments, and amending comprehensive regulations Chapter 107 – Licensing of the Code of the City of Seat Pleasant for the purposes of providing a residential rental licensing for dwellings within the City of Seat Pleasant; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the signing of Licensing and withdrawals of funds for The City of Seat Pleasant.

BY Amending

Chapter 107 – Licensing
Sections 107-1 through 107-3, 107-5 and 107-10
Code of the City of Seat Pleasant
1994 Edition, as amended

SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that Chapter 107, Licensing, of the Code of the City of Seat Pleasant (1994, as amended), consisting of Sections 107-1 through 107-3, 107-5, 107-9, 107-10 and 107-16 hereby reenacted in its entirety, without amendments, except for Sections 107-1 through 107-3, 107-5, 107-9, 107-10 and 107-16.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that Section 107-1 through 107-3, 107-5, 107-9, 107-10 and 107-16 of Chapter 107, Licensing, Section 107-1 through 107-3, 107-5, 107-9, 107-10 and 107-16 of Chapter 107, Licensing, Article VIII, Miscellaneous Regulations, of the Code of the City of Seat Pleasant (1994, as amended), with amendments, to read as follows:

§ 107-1. Title.

This chapter shall be known and may be cited as the "((General)) Licensing AND PERMITS ((Ordinance)) of the City of Seat Pleasant."

§ 107-2. Scope AND POLICY

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter. Where this chapter imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

A. BUSINESSES. THERE ARE NUMEROUS BUSINESSES IN THE CITY OF SEAT PLEASANT. THEY ARE LOCATED IN THE COMMERCIAL AND INDUSTRIAL AREAS OF THE CITY AS WELL AS THE RESIDENTIALS AREAS. THE MAYOR AND CITY COUNCIL OF THE CITY OF SEAT PLEASANT HAS THE RESPONSIBILITY OF PROTECTING BOTH THE BUSINESS ENVIRONMENT AND THE RESIDENTAL PEACE OF THE CITY.

B. NON-RESIDENTIAL PRESEMISES. THERE ARE NUMEROUS NON-RESIDENTIAL (COMMERCIAL AND INDUSTRIAL) PREMISES WITHIN THE CITY OF SEAT PLEASANT. THE MAYOR AND CITY COUNCIL OF THE CITY OF SEAT PLEASANT HAVE THE RESPONSIBILITY OF PROTECTING 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 SEAT PLEASANT WHICH ARE RENTED OR LEASED TO PERSONS OTHER THAN THE OWNERS THEREOF. THE MAYOR AND CITY COUNCIL OF THE CITY OF SEAT PLEASANT HAS THE RESPONSIBILITY OF PROTECTING THE HEALTH, SAFETY AND WELFARE OF ALL CITIZENS OF THE 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 AND SPECIAL ON-GOING OUTDOOR EVENTS, ETC. THE MAYOR AND CITY COUNCIL OF THE CITY OF SEAT PLEASANT HAS THE RESPONSIBILITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ALL CITIZENS OF THE CITY AND THE ENVIRONMENT ON THE PUBLIC RIGHT OF WAY.

E. **OVERALL.** AS A RESULT OF SECTION 107-2(A-D), IT IS DELCARED TO BE THE POLICY OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEAT PLEASANT THAT BUSINESSES; HOME OCCUPATIONS; NON-RESIDENTIAL PREMISES; AND RENTAL DWELLING UNITS SHALL BE LICENSED AND REGULATED IN SUCH MANNER AS TO ENSURE THE HEALTH, WELFARE, AND SAFETY OF THOSE PERSONS OPERATING A BUSINESS IN, RESIDING IN, OR VISITING SEAT PLEASANT, AND THAT PERMITS SHALL BE REQUIRED FOR CERTAIN ACTIVITIES AS SET FORTH BELOW.

§ 107-3. Definitions and word usage.

THE FOLLOWING DEFINITIONS SHALL APPLY IN THE INTERPRETATION AND ENFORCEMENT OF THIS CHAPTER.

- A. ((When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.))
- B. ((For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:))

((BUSINESS — All kinds of vocations, occupations, professions, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on any premises in this City or anywhere else within its jurisdiction.

CITY — The City of Seat Pleasant, Maryland.

CITY COUNCIL — The City Council of the City of Seat Pleasant.

CITY LICENSE OFFICER or LICENSE OFFICER — The City Administrator of the City of Seat Pleasant.

INSIGNIA or INSIGNE — Any tag, plate, badge, emblem, sticker or any other kind of device which may be required for any use in connection with any license.

LICENSE or LICENSEE — The words "permit" or "permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

OFFENSE — The violation of § 107-4, 107-8, 107-9A(2), (3) or (4), 107-10B or 107-15 of this chapter by any person. In the case of violations of §§ 107-4 and 107-15 by any person, it shall be a violation for each day that the violation(s) exist, and each violation shall be deemed a separate offense. [Added 5-13-1996 by Ord. No. 96-02]

PERSON — Individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself/herself or for any other person, under either personal appointment or pursuant to law.

PREMISES — All lands, structures and places and also the equipment and appurtenances connected or used therewith in any business and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.))

- A. **BUSINESS.** ANY PERSON OR ORGANIZATION WITH A PERMANENT LOCATION IN THE CITY OF SEAT PLEASANT IN A NONRESIDENTIAL PROPERTY, WHICH OPERATES OR CONDUCTS A TRADE, BUSINESS,

COMMERICAL ACTIVITY, OCCUPATION, OR PROFESSION IN THE CITY OF SEAT PLEASANT EITHER FOR PROFIT, OR CONDUCTS ACTIVITIES IN THE CITY OF SEAT PLEASANT SUPPORTIVE OF A TRADE, BUSINESS OR PROFESSION.

- B. **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 BOARDING HOUSES, TOURIST HOMES, INNS, MOTELS, HOTELS, SCHOOL DORMITORIES, HOSPITALS OR MEDICAL FACILITIES.
- C. **DWELLING UNIT.** ANY ROOM OR GROUP OF ROOMS LOCATED WITHIN A DWELLING, FORMING A SINGLE HABITABLE UNIT INCLUDING COOKING FACILITIES.
- D. **HOTEL MOTEL OR TOURIST FACILITY.** ANY BUDILING 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.
- E. **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 INSTITUIONS 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. THIS DOES NOT INCLUDE GOVERNMENTAL BUILDINGS (E.G., CITY, COUNTY, SCHOOL, M-NCPPC, STATE, FEDERAL, POST OFFICE).
- F. **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.
- G. **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. PREMISES THAT INCLUDES A 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.

R. 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.

S. 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.

T. RESIDENTIAL PREMISES. INCLUDES A DWELLING, DWELLING UNITS, ROOMING UNITS, RENTAL FACILITY, HOTEL, MOTEL, OR TOURIST FACILITY WHICH RENT FOR OCCUPANCY.

U. 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.

V. 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.

W. SOLICITATION. ALL ACTIVITIES ORDINARILY PERFORMED BY A SOLICITOR OR PEDDLER AS INDICATED ABOVE.

X. TEMPORARY EXTERIOR SIGN. A TEMPORARY EXTERIOR SIGN IS:
1. ANY LETTER, WORD, NUMERAL, FIGURE, DESIGN, PROJECTED IMAGE, PICTURE, ILLUSTRATION, EMBLEM, SYMBOL, TRADEMARK, BANNER, PENNANT, OR OTHER DEVICE, WHICH IS USED TO ANNOUNCE, DIRECT ATTENTION TO, IDENTIFY, ADVERTISE, OR OTHERWISE MAKE ANYTHING KNOWN;
2. SITUATED ON THE EXTERIOR OF NON-RESIDENTIAL PREMISES; AND
3. LACKING A PERMANENT SIGN PERMIT FROM PRINCE GEORGE'S COUNTY IF SUCH A SIGN PERMIT IS REQUIRED.

TEMPORARY EXTERIOR SIGNS DO NOT INCLUDE THE FLAG OR EMBLEM OF ANY NATION, COUNTY, STATE, CITY, RELIGIOUS, FRATERNAL, OR CIVIC ORGANIZATION; DECORATIONS OR WORKS OF ART WHICH IN NO WAY IDENTIFY A PRODUCT OR BUSINESS; SIGNS PLACED INSIDE OR ON THE INSIDE OF A WINDOW; THE ADDRESS OF THE NONRESIDENTIAL PREMISES; OR SIGNS FOR WHICH A PRINCE GEORGE'S COUNTY SIGN PERMIT IS NOT REQUIRED

Y. 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 SEAT PLEASANT, 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.**

§ 107-4. Compliance required.

NO CHANGES

§ 107-5. Applicability

A-D NO CHANGES

E. ((Rental real property. Each rental real property shall be deemed a branch establishment or separate place of business for the purposes of this chapter when there is a representative of the owner or the owner's agent on the premises who is authorized to transact business for such owner or owner's agent or there is a regular employee of the owner or of the owner's agent working on the premises.)) *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 SEAT PLEASANT 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.

F-G NO CHANGES

H. PERMITS 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 VENDOR'S PERMIT SHALL FILE WITH THE CITY ADMINISTRATOR AN APPLICATION IN WRITING FOR A PERMIT PURSUANT TO SUBSECTION 107-2.

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 GEORGE'S COUNTY.

§ 107-6. Nonprofit enterprise.
NO CHANGES

§ 107-7. City Administrator.
NO CHANGES

§ 107-8. Qualifications of applicants.
NO CHANGES

§ 107-9. Issuance of license; receipt.
A. NO CHANGES
B. NO CHANGES
C. **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 SEAT PLEASANT 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. HE/SHE MUST CONTAIN A RENTAL PERMIT FROM PRINCE GEORGE'S COUNTY PERMIT AND INSPECTION DIVISION.

C. 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.

B. INSPECTIONS; ISSUANCE; RENEWAL

1. *INSPECTIONS*. ALL PREMISES FOR WHICH AN OCCUPANCY LICENSE IS REQUIRED SHALL BE INSPECTED AS NEEDED, BUT NOT LESS THAN EVERY TWO (2) YEARS, BY THE CODE ENFORCEMENT OFFICER FOR COMPLIANCE WITH CHAPTER 3A. STANDARDS FOR PROPERTY MAINTENANCE.

2. TO MAINTAIN A VALID OCCUPANCY LICENSE, THERE MUST BE NO UNCORRECTED VIOLATIONS OF THE PROPERTY MAINTENANCE CODE DURING THE LICENSE TERM.

3. *ISSUANCE*. BEFORE THE CITY ADMINISTRATOR SHALL ISSUE AN OCCUPANCY LICENSE, THE FOLLOWING CRITERIA SHALL HAVE BEEN MET:

A. THERE ARE NO EXISTING VIOLATIONS OF THE BUILDING AND PROPERTY MAINTENANCE STANDARDS OF THE CITY OF SEAT PLEASANT.

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. FOR RESIDENTIAL RENTAL OCCUPANCY LICENSES, THE LICENSE APPLICANT HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, ENVIRONMENT ARTICLE, TITLE 6, SUBTITLE 8, REDUCTION OF LEAD RISK IN HOUSING, AS AMENDED OR HAS SUBMITTED EVIDENCE THAT THE RENTAL FACILITY IS NOT SUBJECT TO THE PROVISIONS OF THAT SUBTITLE.

D. THE TENANT OR OWNER-OCCUPANT OF SAID NONRESIDENTIAL PREMISES SHALL REMIT THE REQUIRED OCCUPANCY LICENSE FEE AS ESTABLISHED BY THE CITY OF SEAT PLEASANT. THE OWNER OF SAID RESIDENTIAL PREMISES SHALL REMIT THE REQUIRED OCCUPANCY LICENSE FEES AS ESTABLISHED BY THE CITY OF SEAT PLEASANT.

E. THERE ARE NO UNPAID REAL OR PERSONAL PROPERTY TAXES OR FINES FOR MUNICIPAL INFRACTIONS OR 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.

F. 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.

3. *RENEWAL*. 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 THE PROVISIONS OF ALL APPLICABLE LAWS, HE/SHE SHALL GIVE WRITTEN NOTICE TO THE OWNER, AGENT, OR OCCUPANT THEREOF TO RENDER COMPLIANCE WITHIN A TEN DAYS. IF SUCH COMPLIANCE IS NOT PROVIDED, THE CODE ENFORCEMENT OFFICER MAY SUSPEND OR REVOKE THE OCCUPANCY LICENSE FOR THE PREMISES IN ACCORDANCE WITH SECTION 107-9.

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 SEAT PLEASANT MUST BE MET BEFORE THE PROPERTY MAY AGAIN BE OCCUPIED AND/OR ANY BUSINESS OR ACTIVITY CONDUCTED THEREIN.

§ 107-10. Renewal license procedure.

The applicant for the renewal of a license shall submit an application for such license to the City Administrator. The application shall:

- A. Be a written statement upon forms provided by the City Administrator; such form shall include an affidavit, to be sworn to by the applicant before a Notary Public of this state.
- B. Require the disclosure of such information concerning the applicant's demeanor and the conduct and operation of applicant's business during the proceeding licensing period as is reasonably necessary to the determination by the Administrator of the applicant's eligibility for a renewal license and to a possible adjustment of license fee.
- C. THE APPLICANT MUST NOT HAVE ANY PENDING VIOLATIONS OF THE CODE IN THE CITY OF SEAT PLEASANT.

§ 107-11. Duplicate or supplemental license.

NO CHANGES

§ 107-12. Nonapproval of license.

NO CHANGES

§ 107-13. License fee.

NO CHANGES

§ 107-14. Contents of license.

NO CHANGES

§ 107-15. Duties of licensee.

NO CHANGES

§ 107-16. Enforcement; prohibited conduct; penalties.

- (3) Hearing. Upon written application by a person who has been served with an order under this Subsection B, delivered to the City Administrator before the expiration of the ten-day period for compliance, ((the)) A HEARING SHALL BE SCHEDULED WITH City Administrator ((shall order a hearing)). Notice of such hearing shall be given to the person who requested the hearing in the manner prescribed in Subsection B(1). Compliance with the order is suspended pending the City Administrator's determination following the hearing. As a result of the hearing, the City Administrator

shall issue a written determination that affirms, modifies or rescinds the order, and if the order is affirmed or modified, the City Administrator's determination shall set a new time for compliance with the order. The City Administrator's determination shall be served promptly on all persons upon whom the original order was served.

§ 107-17. Violations and penalties.

NO CHANGES

SECTION 2. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the passage of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT

Charl Jones, Councilmember

Lamar Maxwell, Councilmember

Shireka McCarthy, Councilmember

Kelly Porter, Councilmember

Gloria Sistrunk, Councilmember

Aretha A. Stephenson, Councilmember

Reveral L. Yeargin, Councilmember

ATTEST:

Dashaun N. Lanham, CMC
City Clerk

APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to § C-313 of the Charter of the City of Seat Pleasant this _____, 2017

Dashaun Lanham, CMC
City Clerk

In accordance with § C-313 of the Charter of the City of Seat Pleasant, I hereby **(APPROVE) (DISAPPROVE)** of this Ordinance this _____, 2017.

Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.