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Chapter 107 Licensing and Permits

[HISTORY: Adopted by the Mayor and Council of the Town (now City) of Seat Pleasant 2-14-1994 by Ord. No. 94-01. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. **50**.

Animals — See Ch. **54**.

Street vendors — See Ch. **141**.

§ 107-1 Title.

[Amended 5-8-2017 by Ord. No. O-17-19; 7-1-2019 by Ord. No. O-19-16]

This chapter shall be known and may be cited as "Licensing and Permits" of the City of Seat Pleasant.

§ 107-2 Scope and policy.

[Amended 5-8-2017 by Ord. No. O-17-19; 7-1-2019 by Ord. No. O-19-16]

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annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter.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 residential areas. The Mayor and City Council of the City of Seat Pleasant has the responsibility of protecting both the business environment and the residential peace of the City.
- B. Nonresidential premises. There are numerous nonresidential (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 nonpermanent 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 § 107-2A to D, it is declared to be the policy of the Mayor and City Council of the City of Seat Pleasant that businesses, home occupations, nonresidential 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.

[Amended 5-13-1996 by Ord. No. 96-02; 5-8-2017 by Ord. No. O-17-19]

The following definitions shall apply in the interpretation and enforcement of this chapter.

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, commercial 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.

DUMPSTER

Any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials. It shall not apply to ordinary trash cans of a volume of 50 gallons or less, recycling receptacles of 96 gallons or less.

[Added 7-1-2019 by Ord. No. O-19-16]

DWELLING

A building or structure which is occupied in whole or in part as a residence for one 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.

DWELLING UNIT

Any room or group of rooms located within a dwelling forming a single habitable unit including cooking facilities.

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.

NONRESIDENTIAL 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. This does not include governmental buildings (e.g., city, county, school, M-NCPPC, state, federal, post office).

OCCUPANT

Any person other than the owner, who is in possession of a building or structure or space within a building or structure. An "occupant" shall include a tenant.

OWNER

Any person who, alone, jointly or severally with others:

- A. Has legal title to any building, with or without accompanying actual possession thereof; and/or
- B. 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.

PEDDLER, PEDDLING

See "solicitor," "solicitation."

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.

PREMISES

A lot or parcel of land, including any buildings or structures thereon and parts of or space in such buildings or structures.

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.

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.

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 or more persons and for which the owner or operator charges or receives rent or other consideration.

RESIDENTIAL PREMISES

Includes a dwelling, dwelling units, rooming units, rental facility, hotel, motel, or tourist facility which rent for occupancy.

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.

SOLICITATION

All activities ordinarily performed by a solicitor or peddler as indicated above.

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 noncommercial purposes.

TEMPORARY EXTERIOR SIGN

A. 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 nonresidential premises; and
- (3) Lacking a permanent sign permit from Prince George's County if such a sign permit is required.

B. 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.

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.

It shall be unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by any law or ordinance of this City, without a license or permit therefor being first procured and kept in effect at all such times as required by this chapter or other law or ordinance of this City.

§ 107-5 Applicability.

- A. Business license required. A person may not engage in business in the City of Seat Pleasant without obtaining a business license from the City as provided in this chapter. **[Amended 6-10-2002 by Ord. No. 02-02]**
- B. For purpose of this chapter, any person shall be deemed to conduct or engage in business or conduct or operate a nonprofit enterprise and thus be subject to the requirements of this chapter, when the person does at least one act of: **[Amended 6-10-2002 by Ord. No. 02-02]**
 - (1) Selling any goods or service.
 - (2) Soliciting business or offering goods or services for sale or hire.
 - (3) Acquiring or using any vehicle or any premises in the City for business purposes.
- C. Responsibility for obtaining license; premises' owner liability. **[Amended 6-10-2002 by Ord. No. 02-02]**
 - (1) An owner, or agent of an owner, of a business shall obtain the license required by this section.
 - (2) If an agent of the owner of the business obtains the license, the owner of the business shall be responsible jointly with the agent for complying with the requirements of the license and with the other requirements of this chapter.
 - (3) The owner of the premises on which a business is conducted, if the owner of the premises is not the owner of the business, also is responsible for ensuring that each business conducted or operated on the premises obtains and complies with the license required by this section. The owner of the premises is required to sign each application for the issuance and renewal of a business license for a business located on the owner's premises.
- D. Separate license for branch establishments. A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.
- E. 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. **[Amended 5-8-2017 by Ord. No. O-17-19]**

- F. Joint license. A person engaged in two or more businesses at the same location shall not be required to obtain separate licenses for conducting each of such businesses but, when eligible, shall be issued one license which shall specify on its face all such businesses.
- G. No license required for mere delivery. No license shall be required for any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at his/her regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.
- H. Permits required for vendors. **[Added 5-8-2017 by Ord. No. O-17-19]**
 - (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 § 107-2.
 - (3) Sales from right-of-way or vehicles.
 - (a) 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:
 - [1] Live or cut flowers, plants, artificial flowers (adornments for graveside use);
 - [2] Fruits, vegetables, or other agricultural products;
 - [3] Baked goods;
 - [4] Fish or shellfish;
 - [5] Any meat or meat product, cooked and offered for immediate consumption;
 - [6] Gum or candy, chips or other edible goods offered in individual servings for immediate consumption;
 - [7] Individual cans, bottles, or other single serving containers of soft drinks, juice or other nonalcoholic beverages; and
 - [8] Ice cream, ice cream products, or other frozen novelties.
 - (b) This section 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.

The City Administrator shall issue special permits, without the payment of any license fees or other charges therefor, to any person or organization for the conduct or operation of a nonprofit enterprise, either regularly or temporarily, when he/she finds that the applicant operates without private profit for a public, charitable, educational, literary, fraternal or religious purpose.

- A. Application for special permit. An applicant for a special permit shall submit an application therefor to the City Administrator, upon forms prescribed by the City Administrator, and shall furnish such additional information and make such affidavits as the City Administrator shall require.
- B. Special permittees must conform. A person or organization operating under a special permit shall operate his/her nonprofit enterprise in compliance with this chapter and all other applicable rules and regulations except as provided herein.

§ 107-7 Chief Operating Officer.

[Amended 7-1-2019 by Ord. No. O-19-16]

- A. The Chief Operating Officer shall collect all license fees and shall issue licenses in the name of the City to all persons qualified under the provisions of this chapter and shall:
 - (1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter.
 - (2) Adopt all forms and prescribe the information to be given therein as to character and other relevant matter for all necessary papers.
 - (3) Require applicants to submit all affidavits and oaths necessary to the administration of this chapter.
 - (4) Submit all applications, in a proper case, to interested City officials for their endorsements thereon as to compliance by the applicant with all City regulations which they have the duty of enforcing.
 - (5) Investigate and determine the eligibility of any applicant for a license as prescribed herein.
 - (6) Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this chapter.
 - (7) Notify any applicant of the acceptance or rejection of his/her application and, upon his/her refusal of any license or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.
- B. The Chief Operating Officer shall keep all information furnished or secured under the authority of this chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this chapter.

§ 107-8 Qualifications of applicants.

The general standards herein set out relative to the qualifications of every applicant for a City license shall be

considered and applied by the City Administrator. The applicant shall:

- A. Be of good moral character. In making such determination, the City Administrator shall consider:
 - (1) Penal history: all convictions, the reasons therefor and the demeanor of the applicant subsequent to his/her release.
 - (2) License history: the license history of the applicant; whether such person, in previously operating in this or another state under a license, has had such license revoked or suspended, the reasons therefor and the demeanor of the applicant subsequent to such action.
 - (3) General personal history: such other facts relevant to the general personal history of the applicant as he/she shall find necessary to a fair determination of the eligibility of the applicant.
- B. Not be in default under the provisions of this chapter or indebted or obligated in any manner to the City except for current taxes.
- C. Present a certificate of occupancy furnished by the County Inspector to the effect that the proposed use of any premises is not a violation of county zoning regulations.

§ 107-9 Issuance of license; receipts; occupancy licenses.

- A. Formal application required. Every person required to procure a license under the provisions of any ordinance or law of the City shall submit an application for such license to the City Administrator. The application shall:
 - (1) 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.
 - (2) Require the disclosure of all information necessary to compliance with § 107-8 above and of any other information which the City Administrator shall find to be reasonably necessary to the fair administration of this chapter.
 - (3) Be accompanied by the full amount of the fees chargeable for such license.
 - (4) Be accompanied by the payment of an issuance fee as established by the City Council from time to time.
- B. Issuance of receipts. Whenever a license cannot be issued at the time the application for the same is made, the City Administrator shall issue a receipt to the applicant for the money paid in advance, subject to the following conditions:
 - (1) Such receipt shall not be construed as the approval of the City Administrator for the issuance of a license nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.
- C. Occupancy licenses. **[Added 5-8-2017 by Ord. No. O-17-19]**
 - (1) Occupancy license required.

- (a) Nonresidential. All tenants of nonresidential premises which are rented for occupancy and all owner-occupants of nonresidential premises shall secure from the City a nonresidential occupancy license, which shall be issued for a period of one year. A license shall be required for each individual business that is an occupant in the premises.
- (b) 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.
 - [1] 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.
 - [2] He/she must obtain a rental permit from Prince George's County Permit and Inspection Division.
 - [3] 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 year.

(2) Inspections; issuance; renewal.

- (a) Inspections. All premises for which an occupancy license is required shall be inspected as needed, but not less than every two years, by the Code Enforcement Officer for compliance with Chapter 3A, Standards for Property Maintenance.
- (b) He/she must obtain a rental permit from the City of Seat Pleasant. **[Amended 7-1-2019 by Ord. No. O-19-16]**
- (c) Issuance. Before the City Administrator shall issue an occupancy license, the following criteria shall have been met:
 - [1] There are no existing violations of the building and property maintenance standards of the City of Seat Pleasant.
 - [2] 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.
 - [3] 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.
- [4] 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.

- [5] 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.
- [6] Within five 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.

(d) Renewal. All occupancy licenses shall be renewable upon payment of appropriate fees and compliance with the provisions of this chapter.

(3) Suspension or revocation; expiration; reinstatement. **[Added 5-8-2017 by Ord. No. O-17-19]**

- (a) 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 10 days. If such compliance is not provided, the Code Enforcement Officer may suspend or revoke the occupancy license for the premises in accordance with **§ 107-9**.
- (b) 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 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.
- (c) 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. **[Added 5-8-2017 by Ord. No. O-17-19]**

§ 107-11 Duplicate or supplemental license.

- A. Duplicate license procedure. A duplicate license or special permit shall be issued by the Administrator to replace any license previously issued, which has been lost, stolen, defaced or destroyed without any willfull conduct on the part of the licensee, upon the filing by the licensee of an affidavit sworn to before a Notary Public of this state attesting to such fact and the paying to the City Administrator of a

fee as set forth from time to time by resolution of the City Council.

B. Supplemental license procedure. When a licensee places himself/herself in a new status, the City Administrator shall issue a supplemental license and such additional insignia as may be required.

§ 107-12 Nonapproval of license.

A. The City Administrator shall, upon disapproving any application submitted under the provisions of this chapter, refund all fees paid in advance to the applicant, provided that the applicant is not otherwise indebted to the City.

B. Compliance pending legal action. When the issuance of a license is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued to him/her pursuant to a judgment ordering the same.

§ 107-13 License fee.

License fees shall be in the amounts established from time to time by resolution, and as further determined under this section.

Commented [1]: Editor's Note: The current fee schedule is on file in the City offices.

§ 107-14 Contents of license.

Each license issued hereunder shall state upon its face the following:

- A. The name of the licensee and any other name under which such business is to be conducted.
- B. The kind and address of each business so licensed.
- C. The amount of license fee therefor.
- D. The dates of issuance and expiration thereof.
- E. Such other information as the City Administrator shall determine.

§ 107-15 Duties of licensee.

A. General standards of conduct. Every licensee under this chapter shall:

- (1) Permit all reasonable inspections of his/her business and examinations of his/her books by public authorities so authorized by law.
- (2) Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
- (3) Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare.
- (4) Refrain from operating the licensed businesses on premises after expiration of his/her license and during the period his/her license is revoked or suspended.

B. Display of license. Every licensee under this chapter shall:

- (1) Post and maintain such license upon the licensed premises in a place where it may be seen at all times.

- (2) Carry such license on his/her person when he/she has no licensed business premises.
- (3) Affix any insignia delivered for use in connection therewith upon the outside of any coin, vending or other business machine or device so that it may be seen at all times.
- (4) Not allow any license, special permit or insignia to remain posted or displayed or used after the period for which it was issued has expired or when it has been suspended or revoked or for any other reason becomes ineffective. The licensee shall promptly return such inoperative license, special permit or insignia to the City Administrator.

§ 107-16 Enforcement; prohibited conduct; penalties.

[Amended 6-10-2002 by Ord. No. 02-02]

- A. Inspections. The following persons are authorized to conduct inspections in the manner prescribed herein:
 - (1) City Administrator. The City Administrator shall make all investigations reasonably necessary to the enforcement of this chapter.
 - (2) Officials having duties. The City Administrator shall have the authority to order the inspection of licensees, their businesses and premises by all City officials having duties to perform with reference to such licensees or businesses.
 - (3) Police officers. All police officers shall inspect and examine businesses located within their respective jurisdictions or beats to determine and enforce compliance with this chapter.
 - (4) Code enforcement officers. Civilian code enforcement officers of the Seat Pleasant Police Department may conduct all inspections and examinations necessary to determine and enforce compliance with the requirements of this chapter.
- B. Compliance order. When an inspector has reported a violation of this chapter or of any law or ordinance by a business that is required to be licensed under this chapter, the City Administrator shall issue an order to comply. The order shall specify the nature of the violation and the actions that are required to cure the violation. The order shall be issued to the licensee of the business; to the owner of the business or agent of the owner if the business has not obtained a business license as required by this chapter; and to the owner of the premises on which the business is being conducted. For purposes of this Subsection **B**, for a business that has not obtained a business license as required by this section, any manager or other person responsible for the operation of the unlicensed business on the premises is deemed the agent of the owner of the business.
 - (1) Service of order and other notices. The order and all other notices required by this chapter shall be in writing and shall be hand delivered to the addressee or shall be sent to the addressee by certified mail, return receipt requested, and by first class mail. Depositing such order or notice in the United States mails shall constitute service thereof. If sent by mail, an order or notice shall be sent to the following addresses:
 - (a) If sent to the licensee of the business, the order or other notice shall be sent to the address of the licensee as stated in the license application.

(b) If sent to the owner or agent of an owner of a business that does not have a current license, the order or other notice shall be sent to the address of the premises at which the business is conducted.

(c) If sent to the owner of the premises at which a business is conducted, the order or other notice shall be sent to the address for the premises owner as stated in the license application, or, if no address is stated in the license application, the address for the owner as contained in the records of the Maryland Department of Assessments and Taxation.

(2) Period for compliance. The order shall require compliance within 10 days after service of the order.

(3) Hearing. Upon written application by a person who has been served with an order under this Subsection **B**, delivered to the Chief Officer before the expiration of the ten-day period for compliance, the hearing shall be scheduled with the Chief Operating Officer. 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 Chief Operating Officer's determination following the hearing. As a result of the hearing, the Chief Operating Officer shall issue a written determination that affirms, modifies or rescinds the order, and if the order is affirmed or modified, the Chief Operating Officer's determination shall set a new time for compliance with the order. The Chief Operating Officer's determination shall be served promptly on all persons upon whom the original order was served. **[Amended 5-8-2017 by Ord. No. O-17-19; 7-1-2019 by Ord. No. O-19-16]**

C. Prohibited conduct. If an order entered pursuant to Subsection **B** that requires an unlicensed business to obtain a business license as required by this chapter is not complied with within the time specified in Subsection **B(2)** or **(3)**:

(1) The business may not continue to operate until the required license is obtained.

(2) A person may not continue to conduct or engage in the business until the required license is obtained.

(3) The owner of the premises on which a business is conducted may not allow business to continue to operate until the required license is obtained. If a business continues to operate on the premises after an order has been served on the owner of the premises, the owner of the premises is deemed to have allowed the business to continue to operate unless the owner demonstrates by clear and convincing evidence that the owner made reasonable efforts to force the business to cease operations until a license is obtained.

(4) A person may not be present on the premises in which the business is conducted until the required license is obtained.

(5) The City shall post notices on the outside and inside of the premises in which the business is conducted giving notice that the business is not licensed as required by law, that the business may not operate until the license is obtained, that any person engaged in or conducting business on the unlicensed premises is guilty of a misdemeanor punishable by a fine of \$1,000, that any other person present on the unlicensed premises is guilty of a municipal infraction punishable by a fine of \$500, and that removal of the notice is a misdemeanor punishable by a fine in the amount of \$1,000.

D. Penalties.

(1) A person who violates Subsection **C(1), (2) or (3)** of this section is guilty of a misdemeanor, punishable by a fine in the amount of \$1,000. Each day that a person engages in an act that violates Subsection **C(1), (2) or (3)** constitutes a separate offense.

(2) A person who violates Subsection **C(4)** of this section is guilty of a municipal infraction, punishable by a fine in the amount of \$500. Each day that a person engages in an act that violates Subsection **C(4)** constitutes a separate offense.

(3) A person who removes a notice posted by the City pursuant to Section **C(5)** of this chapter is guilty of a misdemeanor, punishable by a fine in the amount of \$1,000.

(4) A person who violates any other provision of this section is guilty of a municipal infraction, punishable by a fine in the amount of \$500. Each day that a person engages in an act that violates this section constitutes a separate offense.

E. A municipal infraction citation for a violation of this section shall be served in the manner required by Maryland Annotated Code, Article 23A, Section 3(B).

F. A municipal infraction citation for a violation of this section may be issued and served by a sworn officer or a code enforcement officer of the Seat Pleasant Police Department.

G. Without limitation upon or election against any other available remedy, including the right to seek and obtain abatement of a municipal infraction pursuant to Maryland Annotated Code, Article 23A, Section 3(B), the City may apply to a court of competent jurisdiction for an injunction enjoining any violation of this section. The court shall award attorney's fees and costs to the City if the City succeeds in obtaining an injunction.

§ 107-17 Dumpster license.

[Added 7-1-2019 by Ord. No. O-19-16]

Purpose. Because the unregulated maintenance and operation of dumpsters, including construction site dumpsters, presents a threat to the public health, safety, environment, and general welfare, no person, business, or any other entity shall operate, keep, store, or maintain a dumpster or temporary dumpster without first obtaining the dumpster license required by this chapter, and shall maintain said dumpster in accordance with said license, this chapter, and any regulation promulgated hereunder.

Commented [2]: Editor's Note: This ordinance also redesignated former § 107-17 as § 107-24.

A. License required. No dumpster, including a temporary dumpster, shall be used without first obtaining a license from the Neighborhood and Commercial Compliance Inspector, but not including a dumpster used for one-day special events permitted by the City of Seat Pleasant. If a dumpster is to be located upon a public way, then a permit from the City of Seat Pleasant Neighborhood and Commercial Compliance (NCC) Inspector is required. If the Neighborhood and Commercial Compliance Inspector determines that a submitted dumpster license application is accurate and adequate to keep the site free from debris, refuse, trash, solid waste or like materials that is injurious to the public health, safety and environment, the Neighborhood and Commercial Compliance Inspector may issue a license for the establishment or dumpster. Performance of the activities scheduled in the dumpster plan shall be a condition of the license and nonperformance of the activities scheduled in the dumpster plan shall be a violation of the license and conditions of this chapter.

B. Contents of license application. A complete application (also referred to hereafter as "application") consists of a completed application form and a dumpster plan attached thereto. The dumpster license application form shall be in a form approved by the Neighborhood and Commercial Compliance Inspector. It shall be the responsibility of all responsible parties to submit and sign the application and to take possession of and be jointly responsible for the license. In the event that a responsible party terminates use of the dumpster, then the owner of the lot shall be required to obtain a new license with any new responsible party. All responsible parties shall agree to follow the dumpster plan, and be jointly and severally liable with the owner of the lot, and indemnify the City of Seat Pleasant for any damages caused by noncompliance with the duties contained in this chapter.

C. Dumpster plan. A dumpster plan shall, at a minimum, include the following information, or other information as required by the Neighborhood and Commercial Compliance Department:

- (1) The address of the lot on which the dumpster is located;
- (2) The name, address, and telephone number of the owner of the lot;
- (3) The name, address, and telephone number of the tenant operator(s) of the establishment(s) located on the lot which will use the dumpster;
- (4) The type of establishment(s) located on the lot which will use the dumpster and nature of its (or their) business;
- (5) A description of how employees of residents are notified about the proper use of a dumpster and a copy of all written materials given to employees or residents;
- (6) A plot plan accurately depicting the lot;
- (7) The location of any dumpster and associated fencing or screening on the lot, and the location of the dumpster in relation to all abutting property;
- (8) A weekly schedule detailing the times and days of the week for cleaning the dumpster and lot, and maintaining the lot free of windblown litter and refuse;
- (9) The name of the owner of the lot or responsible party or designee responsible for overseeing the cleaning and maintenance of the lot;
- (10) The name, address, contact name, and telephone number of the waste hauling company responsible for servicing the establishment or dumpster; and the name, address, contact name, and telephone number of the person or entity signing the contract with the waste-hauling company;
- (11) The date, time and frequency of service by the waste-hauling company, including proof of recycling based on the previous year's invoices, if applicable;
- (12) Any and all permits and/or licenses issued by Prince George's County Department of Permits relating to the management, storage, and disposal of solid wastes and hazardous materials, and hazardous wastes generated, stored, or disposed on the lot;

- (13) The name, address, and telephone number of the pest control company servicing the establishment or dumpster;
- (14) Any other information required by the Neighborhood and Commercial Compliance Department to ensure that the lot is maintained in a sanitary condition free of debris, refuse, trash, solid waste, or like materials that is injurious to the public health, safety, and environment; and
- (15) A copy of the contract with the waste-hauling company responsible for servicing the dumpster.

§ 107-18 Dumpster license fee.

[Added 7-1-2019 by Ord. No. O-19-16]

The fee for the license shall be \$100. The license shall be applied for in accordance to the terms of the license.

§ 107-19 Term of license.

[Added 7-1-2019 by Ord. No. O-19-16]

The term of the license shall be 90 days for a temporary dumpster. License shall be renewable for additional ninety-day period, after submission and approval of a renewal application, not to exceed a total period of six months.

§ 107-20 Location requirements.

[Added 7-1-2019 by Ord. No. O-19-16]

All dumpsters shall be located at a distance from the lot line, as approved by the Neighborhood and Commercial Compliance Department, so as not to interfere with the safety, convenience, or health of abutters, residents, and the public. All dumpsters shall be placed so that any liquid or runoff from the dumpster shall not enter any storm drains. All dumpsters shall be placed so as not to interfere with the physical integrity of the curb, sidewalk, and public parking. The location of all dumpsters shall also be subject to approval by the Neighborhood and Commercial Compliance Department.

§ 107-21 Container requirements.

[Added 7-1-2019 by Ord. No. O-19-16]

All dumpsters shall be in new or good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. All dumpsters shall be covered and secured at all times except when being filled or emptied. Temporary dumpsters shall be covered when not in use (including overnight) at a minimum with a tight-fitting tarp. All dumpsters shall be deodorized and washed on a regular schedule. The Neighborhood and Commercial Compliance Inspector, or designee, may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Neighborhood and Commercial Compliance Inspector may require additional design/containment requirements utilizing best available technology.

§ 107-22 Posting requirements.

[Added 7-1-2019 by Ord. No. O-19-16]

The dumpster plan and license shall be posted in a visible location on the lot or establishment thereon, accessible to an inspector on the premises. All dumpsters shall display a clearly visible decal or stencil showing the name and telephone numbers of the company/contractor servicing the dumpster.

§ 107-23 Inspections.

[Added 7-1-2019 by Ord. No. O-19-16]

- A. Authority. In order to properly carry out their respective responsibilities under this Code, and to ensure that the public health, safety and environment are protected from the hazards posed by unsanitary and unhealthy conditions, the Neighborhood and Commercial Compliance Department is authorized to examine and/or survey at any reasonable time all establishments and dumpsters licensed hereunder.
- B. Systematic area inspections. The Neighborhood and Commercial Compliance Department is authorized to develop and adopt plans and regulations for systematic, periodic area-wide inspections of dumpsters and establishments required to obtain a license.
- C. Interference with inspection. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to the lot, operation, or premises where inspection is authorized by this chapter, the Neighborhood and Commercial Compliance Department may seek in a court of competent jurisdiction an inspection warrant that allows for the inspection of the lot and apprises the owner of the lot and/or responsible party concerning the nature of the inspection, the scope of the inspection, and justification for it and may seek the assistance of the Seat Pleasant Police Department in presenting said warrant. The owner, occupant, or other person shall be responsible for any and all fees and costs incurred by the Neighborhood and Commercial Compliance Department in obtaining said warrant.

§ 107-24 Violations and penalties.

[Added 5-13-1996 by Ord. No. 96-02]

Any violation of §§ **107-4, 107-8, 107-9A(2), (3) or (4), 107-10A and 107-15** of this chapter shall be punishable by a fine of \$100. If a person has violated § **107-4 or 107-15** and the violation has continued for more than one day, then the violator shall be assessed an additional fine of \$50 for each day a violation of these sections exist.