

**Chapter 48**

**BUSINESS LICENSES**

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-3-83 as HB No. 12-83. Amendments noted where applicable.]

GENERAL REFERENCES

- Alcoholic beverages - See Ch. 38.
- Amusements and entertainment - see Ch. 40.
- Peddling and soliciting - see Ch. 90.
- Secondhand property dealers - See Ch. 101.

**§ 48-1. License required; definitions.**

A. The legal owner of any business located within the City shall not operate such business without first having obtained a business license.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS - Any commercial, industrial or retail establishment operated for profit, including but not limited to all establishments regulated by Title 17, Subtitle 5, of the Prince George's County Code.

**§ 48-2. Application; fee. [Amended 4-5-04 by HO-2004-08]**

The owner of the business shall make written application to the City for a business license upon such form or forms as the City shall from time to time designate. Such application shall be submitted together with the license fee, the amount of such fee to be established by the Mayor and City Council. In addition, a late fee of fifty dollars (\$50.00) shall be assessed against any applicant for failing to apply prior to opening or re-opening a business or for failing to apply for renewal prior to the expiration of the business license, as provided herein. There shall be a continuing obligation on the part of the applicant to update the information on his application and/or to supply information not previously submitted.

**§ 48-3. Temporary certificate; inspection; violations; correction. [Amended 1-2-90 by HB No. 6-89, Amended 2-21-12 by HO-39-02-12, Amended 4-21-14 by HO 2014-03]**

A. Upon receipt of a completed application for a license with tender of the appropriate license fee and completed inspection, the City shall issue a temporary certificate indicating that a license has

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been duly applied for, which will be issued or denied after the business has been inspected and the Treasurer has certified that the applicant's City taxes are not in arrears.

B. A temporary certificate, as issued, shall authorize continuation, without penalty, of the business, pending the issuance or denial of a license for a period of ninety (90) days from the date of issuance.

C. An inspection of the business shall be conducted by the City's Code Enforcement Officer, who shall certify that the business is in compliance with the City Code and of the Prince George's County Code and is not causing a public nuisance. The Treasurer shall inspect City records and certify that the applicant's City taxes are not in arrears. Upon such certifications, a business license shall forthwith be issued. [Amended 4-5-04 by HO-2004-08]

D. Should any inspection reveal violations of any of the Code provisions set forth in Subsection C, the Code Enforcement Officer shall notify the applicant, in writing, within fifteen (15) days, specifying each violation and the Code section it violates. Should the Treasurer find that any of the applicant's City taxes are in arrears, he shall notify the applicant and the Code Enforcement Officer in writing, within fifteen (15) days, of the amount of City taxes in arrears plus any interest and penalty payable in addition thereto, indicating the total amount the applicant must pay to clear up the arrearage. The applicant shall then have not more than sixty (60) days to correct such violations or pay such arrearage. Within such period, the Code Enforcement Supervisor shall have the authority to extend the time period for the temporary certificate, or the time for correcting such violations or paying such arrearage at the request of the applicant upon a showing that a good faith effort has been initiated to correct such violations or pay such arrearage and that they cannot be corrected or paid within the established period. [Amended 4-5-04 by HO-2004-08]

E. The City may set reasonable conditions on any issuance, renewal or revocation of a business license as appropriate. Failure of an applicant to correct all violations or pay such arrearage in full within the sixty day period or the time allowed by the Code Enforcement Supervisor if it has been extended shall result in application for license being denied or revoked. [Amended 4-5-04 by HO-2004-08]

### **§ 48-4. Expiration; renewal; reapplication. [Amended 10-15-07 by HO-2007-12]**

A. Each license issued pursuant to this chapter shall expire on June 30th, and will be pro-rated for the time unused. [Amended 5-2-89 by HB No. 4-89, Amended 4-5-04 by HO-2004-08, Amended 10-15-07 by HO-2007-12]

B. Application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date.

C. Every applicant whose application for a license has been denied or whose license has been revoked may not reapply for a business license within ninety (90) days from such denial or revocation.

### **§ 48-5. Periodic inspection; revocation. [Amended 4-5-04 by HO-2004-08, Amended 4-21-14 by HO 2014-03]**

A. The City's Code Enforcement Officer shall have the authority to conduct periodic inspections of any licensed property to determine if it continues to be in compliance with all the requirements for a business license. Should he or she find additional violations, he or she shall notify the license holder in writing, within fifteen (15) days, specifying each violation and the Code section it violates. The license holder shall then have not more than sixty (60) days to correct such violations, unless

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otherwise extended by the Code Enforcement Officer for good cause shown, or his license shall be revoked.

B. Failure by the owner and/or the license holder to allow entry for an inspection after reasonable notice, or the failure by the owner and/or license holder to require as a term of any rental agreement that the business tenant shall allow the City entry for such inspection, shall be sufficient reason to deny or revoke any business license for the premises and shall be a violation of this Chapter.

C. The City shall have the authority to deny or revoke a license upon the city finding that the use of any licensed property is or has been creating a public nuisance. A public nuisance shall include, but not be limited to, the use of any licensed property which is reasonably attributable to the operation of the business for the following conduct:

1. An incident involving facts amounting to a felony;
2. The presence of a controlled dangerous substance or drug paraphernalia on the property;
3. Two (2) incidents in twenty-four (24) months of drug-related crimes such as the presence of stolen property, theft, robbery or prostitution; or
4. Two (2) noise violations within a six (6) month period.

D. In considering whether a property constitutes a public nuisance under this Chapter, the City may consider the history of the property prior to the enactment of this amendment. The City may consider allowing a license that has been revoked or denied pursuant to this subsection to be renewed or (re)issued only upon a showing by clear and convincing evidence that the condition(s) creating the public nuisance will not re-occur. The City may issue a provisional business license to a property unit that previously constituted a public nuisance with reasonable conditions to assure the property does not become a public nuisance. The City may set reasonable conditions on any renewal as to the effective date, inspections, review and any other matter reasonably involving the welfare of the general public.

E. Code Enforcement shall attempt to notify a business owner/owner of any new incident/ violation on the property that could qualify as contributing to a public nuisance. The notice shall contain a warning that the business license for the property may be revoked.

### **§ 48-6. Appeals; fee. [Amended 4-5-04 by HO-2004-08, Amended 4-21-14 by HO 2014-03]**

A. Any persons aggrieved by an action of a Code Enforcement Officer under this Chapter may appeal such an action by filing a fifty dollar (\$50.00) appeal fee and a written notice thereof with the head of Code Enforcement within fifteen (15) calendar days of the action complained of. The head of the Code Enforcement shall promptly schedule a conference with the Appellant and any other party the head of Code Enforcement may choose. After such conference, the head of Code Enforcement shall promptly issue a written opinion to the Appellant.

B. In the event the Appellant is dissatisfied with the opinion of the head of Code Enforcement, the Appellant may further appeal the finding of the head of Code Enforcement to the City Administrator by filing a written appeal along with payment of the proper appeal fee in the amount established by the Mayor and City Council. Any such appeal must be filed with the City Administrator within fifteen (15) calendar days of the written opinion of the head of Code Enforcement. Within fifteen (15) days of such filing, a hearing shall be conducted before the City Administrator or his or her designee(s). The hearing shall be open to the public, records and minutes shall be maintained and the person aggrieved and the Code Enforcement Department shall be given an opportunity to present

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evidence. The person(s) hearing the appeal shall, within ten (10) days, either reverse, modify or affirm the action complained of and cause a written copy of the decision to be sent to the person aggrieved. This decision shall be final.

C. An appeal shall not operate to stay any of the provisions or requirements of this Chapter unless the head of Code Enforcement or City Administrator as applicable shall otherwise order.

### **§ 48-7. Violations and penalties. [Amended 10-6-86 by HB No. 12-86, Amended 6-1-98 by HR 98-03, Amended 4-5-04 by HO-2004-08, Amended 4-21-14 by HO 2014-03]**

A. Except as provided herein, violations of this chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be two hundred and fifty dollars (\$250.00) per day for each day that application is not made.

B. Any person or owner who willfully violates the provisions of this Chapter by allowing a business to be carried on without a business license shall be guilty of a misdemeanor and subject to imprisonment for thirty (30) days and/or a fine of one thousand dollars (\$1,000.00). A person or entity shall be presumed to be acting willfully in violation of this subsection if the person so charged has been tendered, mailed or left a written communication from a Code Enforcement Officer putting him/her on notice that he/she is violating this Chapter and continues the violation. A criminal citation shall be referred to the Police Department.

### **§ 48-8. Display of license.**

Licenses issued under this chapter shall be predominately and publicly displayed on the premises and shall be available at reasonable times for inspection by the Code Enforcement Officer.

## **ARTICLE II**

### **BED AND BREAKFAST INNS**

#### **§ 48-9. Definition. [Added 2-21-12 by HO-40-02-12]**

Bed and breakfast inn. The County Zoning Code, currently at 27-107.01(22.1), defines such an inn as any owner-occupied one family detached residential dwelling in which rooms are rented to paying guests on an overnight basis or no longer than two (2) weeks in any one visit. A “country inn”, “hotel”, “motel”, “fraternity or sorority house”, “dormitory”, “tourist home”, “rooming house or boarding house” shall not be considered a “bed and breakfast inn”. The definitions of “bed and breakfast” as further amended in the County Zoning Code shall be the definition for the City.

#### **§ 48-10. License, fees and occupancy. [Added 2-21-12 by HO-40-02-12]**

A. Any bed and breakfast inn shall obtain and maintain a City business license pursuant to Article I of this Chapter.

B. Unless modified by the City budget ordinance, the fee for such business license shall be:

1. \$50.00 if one (1) room is available to be rented.
2. \$100.00 if two (2) or three (3) rooms are available to be rented.
3. \$200.00 if more than four (4) rooms are available to be rented.

C. No bed and breakfast inn shall have more than eight (8) rooms available to be rented.

D. No more than three (3) adults may occupy any rented room.

**§ 48-11. Additional requirements. [Added 2-21-12 by HO-40-02-12]**

In addition to the requirements of this chapter, a bed and breakfast inn is subject to the following:

- A. The primary use of the structure and property shall be residential, and the property shall be owner-occupied and managed. No more than two (2) nonresident persons may be employed on the premises.
- B. Interior residential features shall be retained in a manner that will allow re-conversion to a residential use, and the maximum number of guest rooms shall be eight (8).
- C. Meals shall be served only to customers who are actually using the bed and breakfast inn accommodations overnight, nonpaying residents, or their bona fide guests.
- D. Off street parking shall be provided on site with one (1) additional space required for each room that is available to be rented.
- E. A bed and breakfast inn shall not have any sign or other evidence of its use except one (1) sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated but no internally illuminated or back-lit signs are permitted. Other than an authorized sign, the bed and breakfast inn shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the neighborhood surroundings.

**§ 48-12. Public nuisance. [Added 2-21-12 by HO-40-02-12]**

For a single bed and breakfast inn, a public nuisance shall include, but not be limited to, a property at which the following has occurred:

- 1. Four (4) incidents in twenty-four (24) months of criminal activity or the presence of a controlled dangerous substance or drug paraphernalia on the property, which is reasonably attributable to the occupants of the property;
- 2. Two (2) incidents in twenty-four (24) months of drug-related crimes including but not limited to the presence of stolen property, theft, robbery or prostitution or of any felony; or
- 3. Four (4) noise violations or three (3) violations of the applicable occupancy limit imposed by any governmental agency in twenty-four (24) months.