

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1995 Legislative Session

Bill No. _____ CB-29-1995

Chapter No. _____ 19

Proposed and Presented by Chairwoman MacKinnon (by request - County Executive)

Introduced by _____ Council Members MacKinnon and Wilson

Co-Sponsors

Date of Introduction _____ May 23, 1995

BILL

AN ACT concerning

Business Licenses

For the purpose of transferring to the Office of Business and Regulatory Affairs certain duties and responsibilities related to the administration and enforcement of County Code provisions regarding certain businesses and licenses; providing for certain enforcement authority; removing certain procedural provisions relating to the Consumer Protection Commission; and generally relating to licensing and regulation by the County.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-253.06, 2-253.14, 2-253.50, and 2-253.61,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

**SUBTITLE 2A. AIR CONDITIONING, REFRIGERATION, AND
HEATING SERVICING.**

Sections 2A-102, 2A-103, and 2A-106,

The Prince George's County Code

(1991 Edition, 1994 Supplement).

SUBTITLE 5. BUSINESSES AND LICENSES.

Sections 5-110, 5-111, 5-112, 5-114, 5-118.03, 5-118.04, 5-128,

5-129, 5-155, 5-164, 5-169, 5-172, 5-173, 5-174, 5-176,

5-177, 5-184.02, 5-184.03, 5-184.05, 5-184.08, 5-184.15,
5-185, 5-186, 5-187, 5-188, 5-190, 5-192, 5-193.03,
5-193.04, 5-193.05, 5-194, 5-195, 5-197, 5-198, 5-199,
5-200, 5-200.03, 5-201, 5-207.01, 5-207.07, 5-234, 5-239,
5-264, 5-265, 5-268, 5-269, 5-270, 5-273, 5-314, 5-315,
5-317, 5-320, 5-326, and 5-334,

The Prince George's County Code
(1991 Edition, 1994 Supplement).

SUBTITLE 9. ELECTRICITY.

Sections 9-134, 9-135, and 9-138,
The Prince George's County Code
(1991 Edition, 1994 Supplement).

SUBTITLE 12. HEALTH.

Section 12-111,
The Prince George's County Code
(1991 Edition, 1994 Supplement).

SUBTITLE 14. MORALS AND CONDUCT.

Sections 14-117.01, 14-138, and 14-142,
The Prince George's County Code
(1991 Edition, 1994 Supplement, as amended by
CB-8-1995).

**SUBTITLE 20. TAXICABS AND OTHER VEHICLES FOR
HIRE.**

Sections 20-102, 20-102.01, 20-103, 20-146,
20-161, and 20-163,
The Prince George's County Code
(1991 Edition, 1994 Supplement).

**SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT
REPAIR.**

Sections 24A-101 and 24A-109,
The Prince George's County Code
(1991 Edition, 1994 Supplement).
SUBTITLE 26. VEHICLES AND TRAFFIC.

Section 26-173,
The Prince George's County Code
(1991 Edition, 1994 Supplement).
SUBTITLE 26A. MOTOR VEHICLE REPAIR.

Sections 26A-101 and 26A-109,
The Prince George's County Code
(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-253.06, 2-253.14, 2-253.50, 2-253.61, 2A-102, 2A-103, 2A-106, 5-110, 5-111, 5-112, 5-114, 5-118.03, 5-118.04, 5-128, 5-129, 5-155, 5-164, 5-169, 5-172, 5-173, 5-174, 5-176, 5-177, 5-184.02, 5-184.03, 5-184.05, 5-184.08, 5-184.15, 5-185, 5-186, 5-187, 5-188, 5-190, 5-192, 5-193.03, 5-193.04, 5-193.05, 5-194, 5-195, 5-197, 5-198, 5-199, 5-200, 5-200.03, 5-201, 5-207.01, 5-207.07, 5-234, 5-239, 5-264, 5-265, 5-268, 5-269, 5-270, 5-273, 5-314, 5-315, 5-317, 5-320, 5-326, 5-334, 9-134, 9-135, 9-138, 12-111, 14-117.01, 14-138, 14-142, 20-102, 20-102.01, 20-103, 20-146, 20-161, 20-163, 24A-101, 24A-109, 26-173, 26A-101 and 26A-109, of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 14A. BUILDING CONTRACTOR'S LICENSE.

Sec. 2-253.06. Definitions.

(a) Director. The term "director" shall mean the director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

* * * * *

Sec. 2-253.14. Administration.

This Division shall be administered by the director [of the Department of Environmental Resources].

DIVISION 14B. MASTER ELECTRICIAN'S LICENSE AND ELECTRICAL CONTRACTOR'S LICENSE.

Sec. 2-253.50. Definitions.

(a) For the purposes of this Division, the following words, terms, and phrases shall have the meanings given herein:

* * * * *

(4) **Department** means the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

(5) **Director** means the Director of the [Department] Office of Business and Regulatory Affairs.

* * * * *

Sec. 2-253.61. Permits.

* * * * *

(b) The provisions of this Section shall not apply to any electric light company, electric railway company, telegraph company, or to the [Chesapeake and Potomac] Bell Atlantic Telephone Company where electrical work is an integral part of the plant or service used by such companies in rendering their duly authorized services to the public. When premises wiring to any occupancy is not a part of the plant or service used by such companies in rendering their duly authorized service to the public, the licensing and inspection requirements shall apply. Exception: Residential telephone wiring on existing residential structures by [C&P] Bell Atlantic Telephone will be exempt from permitting requirements, provided a licensed Master or Master Limited Electrician certifies all installations to Prince George's County Chief Electrical Inspector.

SUBTITLE 2A. AIR CONDITIONING, REFRIGERATION, AND HEATING SERVICING.

Sec. 2A-102. Definitions.

(a) The following definitions shall apply in the interpretation and enforcement of this Subtitle:

* * * * *

(6) **Director.** The [director of the Prince George's County, Maryland, Department of Environmental Resources] Director of the Office of Business and Regulatory Affairs or [his] the Director's duly authorized representative.

* * * * *

Sec. 2A-103. Licensing.

* * * * *

(l) Denial, revocation, suspension, or termination of license.

* * * * *

(4) The Board may deny, suspend, or revoke any application for, or license issued hereunder, when the [Prince George's County, Maryland, Consumer Protection Commission has issued an order(s) finding the licensee, or any agent or employee of the licensee, in violation of the Prince George's County, Maryland, Consumer Protection Ordinance, and the Commission has, when such order(s) becomes final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Board together with a written statement recommending that the license be denied, suspended, or revoked because] Board has determined that the licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of the [Consumer Protection Ordinance] consumer protection laws of the State or has repeatedly demonstrated a disregard for compliance with any provision or provisions of the [Consumer Protection Ordinance] consumer protection laws of the State.

Sec. 2A-106. Board composition.

* * * * *

(b) Officers, Procedures, and Administration

(1) The Chairman of the Board shall be one of the public members and shall be designated as such at the time of appointment. The Board shall elect from its members a vice-

-chairman and secretary. In exercising its power and duties under this Chapter, not less than three (3) members shall constitute a quorum. The Board shall keep minutes of its proceedings and meetings. All decisions of the Board shall be in written form with findings. For assistance in reaching decisions, the Board may request technical assistance, advice, data or factual evidence from the [Department of Environmental Resources] Office of Business and Regulatory Affairs or other governmental agencies. The Board shall submit to the Executive an annual report of its proceedings.

(2) The Director shall make available to the Board such services and facilities as are necessary for the proper performance of its duties. The Board shall be subject to the County budget process and be included in the budget of the [Department of Environmental Resources] Office of Business and Regulatory Affairs. The Board shall promulgate Rules of Procedure for the conduct of hearings and other duties and responsibilities as specified in Section 2A-107, which Rules of Procedure shall be subject to the approval of the County Executive.

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 2. BENEFIT PERFORMANCES

(OTHER THAN CASINO NIGHTS).

Sec. 5-110. Permit required; application; contract.

(a) Before operating a benefit performance, any eligible group or organization shall first obtain a written permit from the [Department of Environmental Resources] Office of Business and Regulatory Affairs. Permits for benefit performances involving casino night activities, either in whole or in part, shall be issued pursuant to the provisions of Division 2A of this Subtitle.

(b) Application shall be made on forms to be provided by the [Department] Office of Business and Regulatory Affairs at least thirty (30) days prior to the performance. The application shall be accompanied by any contract with a professional carnival operator or promoter. The contract shall not contain any covenant providing for payment contingent upon the receipt or intake of any permitted game of skill, mechanical device, or bingo.

(c) A permit is not required to hold a raffle when the total cash value of the prize does not exceed Two Hundred Dollars (\$200.00).

Sec. 5-111. Permit application; contents.

* * * * *

(5) Any other information the [Department of Environmental Resources] Office of Business and Regulatory Affairs may require with respect to length of operation, number and kind of facilities and number and kind of games.

Sec. 5-112. Refusal of permit.

(a) The [Department of Environmental Resources] Office of Business and Regulatory Affairs may refuse to grant the permit if it finds that:

- (1) The proposed benefit performance will cause a traffic problem detrimental to the use of the general public;
- (2) The noise created by the benefit performance will be an unreasonable invasion on the adjoining property owners; or,
- (3) For other reason that might jeopardize the health, safety or welfare of the area or the County.

Sec. 5-114. Inspections required.

The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall conduct an initial pre-operating inspection as well as periodic inspections to insure that the permit conditions are complied with.

DIVISION 2A. CASINO NIGHTS.

Sec. 5-118.03. Definitions.

(a) Terms used in this Division are defined as follows:

* * * * *

(2) **Department:** The [Department of Environmental Resources] Office of Business and Regulatory Affairs or the Office of the Sheriff of Prince George's County, if so specified by Executive Order.

(3) **Director:** The Director of the [Department of Environmental Resources]

Office of Business and Regulatory Affairs or the Office of the Sheriff of Prince George's County, if so specified by Executive Order.

Sec. 5-118.04. Permit required; fees.

(a) Before operating a casino night, the group or organization shall first obtain a written permit from the Department [of Environmental Resources]. Application shall be made on forms provided by the Department and submitted at least thirty (30) days prior to the first event.

* * * * *

DIVISION 3. CHILD CARE FACILITIES.

Sec. 5-128. Same; application; fee; term.

(a) Each applicant for a child care worker permit must complete an application form prescribed by the Director of [the Department of Environmental Resources] Business and Regulatory Affairs.

* * * * *

(d) The applicant shall submit two (2) recent color photographs, not larger than two (2) inches square, one of which shall be sealed on the permit issued and one to be retained by the Director [of Environmental Resources].

* * * * *

Sec. 5-129. Same; investigation; grounds for denial or revocation.

(a) Upon receipt of the application and fee as provided for in Section 5-128, the Director of [Environmental Resources] Business and Regulatory Affairs shall make or cause to be made a criminal history investigation of the applicant.

* * * * *

DIVISION 5. FORTUNETELLING AND OTHER SIMILAR PRACTICES.

Sec. 5-155. Definitions.

(a) For the purposes of this Division the following words and phrases shall have the meanings respectively ascribed to them by this Section.

* * * * *

(2) **Director.** The Director of the [Prince George's County, Maryland, Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's designee.

* * * * *

Sec. 5-164. Denial, revocation, suspension, or termination of license.

(a) The Director is hereby authorized to deny, suspend, revoke, or refuse to renew any licenses issued under this Division if the Director finds that:

* * * * *

(4) The [Prince George's County, Maryland, Consumer Protection Commission has issued an order(s) finding the licensee or any agent or employee of the licensee, in violation of the Prince George's County, Maryland, Consumer Protection Ordinance, and the commission has, when such order(s) have become final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Director of Environmental Resources together with a written statement recommending that the license be denied, suspended, revoked, or not renewed because the] applicant or licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of the Consumer Protection [Commission] Ordinance or the consumer protection laws of the State or has repeatedly demonstrated a disregard for compliance with any provision or provisions of the Consumer Protection Ordinance or the consumer protection laws of the State.

* * * * *

[(d) Where the Consumer Protection Commission has transmitted a copy of its order(s) and a written statement to the Director recommending that a license be denied, suspended, revoked, or not renewed pursuant to paragraph (a)(4) of this Section, the Director shall, within ten (10) calendar days after receipt of such order(s) and written statement, schedule a hearing to consider the recommended action in accordance with the procedures set forth in Subsection (b) of this Section. In such cases, orders of the Consumer Protection Commission shall not be subject to collateral attack by the licensee. However, the licensee and the Consumer Protection Commission may, as parties to the proceeding, present to the Director relevant

testimony and other evidence in support of their respective positions.]

DIVISION 7. HOTELS AND ROOMING HOUSES.

Sec. 5-169. Register; maintenance; inspection.

* * * * *

(b) The register provided for by this Division shall be kept for at least three (3) years. It shall be open to inspection upon the request of any official or employee of the [Department of Environmental Resources] Office of Business and Regulatory Affairs or of any law enforcement officer of the County or the State.

DIVISION 8. ICE DEALERS.

Sec. 5-172. License required; fee; term; penalty.

(a) No person shall sell at wholesale or retail within the limits of the County, artificial or natural ice unless he has first procured on or before May 1 of each year a license for that purpose.

(b) The license shall be issued by the [Department of Environmental Resources] Office of Business and Regulatory Affairs upon the payment of the sum of Fifty Dollars (\$50.00) to the Office of Finance on behalf of the Council for the general expenses of the County.

(c) The license shall not be transferable and shall expire on April 30 of each year.

(d) Any person who violates any provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction before any court of competent jurisdiction, shall be subject to a fine of not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each such violation.

Sec. 5-173. License application; investigation.

(a) Before any license is issued pursuant to this Division, application shall be made to the [Department of Environmental Resources] Office of Business and Regulatory Affairs upon forms provided by the [Department] Office of Business and Regulatory Affairs, giving the name of the applicant, the location of the proposed business and the type of business, wholesale or retail, proposed.

(b) The [Department of Environmental Resources] Office of Business and Regulatory

Affairs shall investigate the applicant and the location for compliance with the Code and all health regulations of the County.

Sec. 5-174. License denial; suspension or revocation.

The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall have the power to grant or reject any application for a license under the provision of this Division. The [Department] Office of Business and Regulatory Affairs shall have the power to suspend any license granted under this Division, or revoke, after notice and hearing, any license granted under this Division for any violation of the provisions of this Division or the health regulations of the County.

DIVISION 9. ICE AND ROLLER SKATING RINKS.

Sec. 5-176. Definitions.

(a) The following definitions apply in this Division:

(1) [**Department** means the Department of Environmental Resources.

(2) **Director** means the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's designee.

[~~(3)~~] (2) **Ice or roller skating rink** means a facility which provides recreational skating which is not owned or operated by a governmental entity.

(3) Office means the Office of Business and Regulatory Affairs.

(4) **Special event** means any event conducted at an ice or roller skating rink to which the general public is invited or may attend with or without the payment of an admission fee.

Sec. 5-177. Hours of operation; permit required.

* * * * *

(c) An application shall be submitted to the [Department] Office of Business and Regulatory Affairs, on forms provided by the [Department] Office of Business and Regulatory Affairs, a minimum of ninety (90) days prior to the scheduled event, setting out the nature of the events intended to be held and the date and times of each event. The application may be for a single event or for multiple events occurring within ninety (90) days.

* * * * *

DIVISION 9A. MASSAGE ESTABLISHMENTS.

Subdivision 1. Definitions.

Sec. 5-184.02. Definitions.

(a) For the purposes of this Division, the following phrases and words shall have the meaning assigned below except in those instances when the context clearly indicates a different meaning:

(1) **Director.** The Director of the [Prince George's County Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's duly authorized designee or agent.

* * * * *

Subdivision 2. Licenses Required.

Sec. 5-184.03. License required for operation of massage establishment.

(a) No person shall engage in, conduct, or carry on a massage establishment unless an application therefor has been approved and a license issued by the [Department of Environmental Resources] Office of Business and Regulatory Affairs in compliance with this Division.

(b) Upon application, the Director of the [Department of Environmental Resources or his designee] Office of Business and Regulatory Affairs shall issue a temporary massage establishment license to any applicant who, upon the effective date of this Division, holds a valid, nonsuspended massage establishment license in Prince George's County. The temporary license shall remain in effect for a period of thirty (30) days or until issuance of the permanent license. If the application for the permanent license is denied, the temporary license shall immediately expire and be of no further force and effect.

(c) Each application for a massage establishment license shall be accompanied by an investigation fee of \$250.00 no part of which shall be refundable. Said fee shall not be in lieu of, and shall be in addition to, any license fee required by this Division. Upon receipt of said application, the Director shall refer the application to the [Business Standards Division,

Property Standards Division, Construction Standards Division] Department of Environmental Resources, Fire Department, Police Department, Health Department, and the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission, each of whom, within a period of thirty (30) days from the date of application, shall review records and make an inspection of the premises proposed to be used as a massage establishment and shall make a written recommendation to the Director concerning compliance with the law.

Sec. 5-184.05. Massage establishment license application.

(a) Each application for a massage establishment license shall be upon a form provided by the [Department of Environmental Resources to the Business Standards Division] Office of Business and Regulatory Affairs. Each such form shall contain the following information:

* * * * *

Sec. 5-184.08. Operator or manager of massage establishment and massage technician license application.

(a) Each application for an operator's or manager's massage establishment license or a massage technician license shall be upon a form provided by the [Department of Environmental Resources] Office of Business and Regulatory Affairs. Each such form shall contain the following information:

* * * * *

(8) Three (3) color photographs of the applicant, not greater than two inches square as determined by the [Department] Office of Business and Regulatory Affairs. One photograph shall be sealed on the license issued to a successful applicant. One photograph shall be retained in the files of the [Business Standards Division] Office of Business and Regulatory Affairs and the other photograph shall be forwarded to the Police Department, which shall also maintain files for operator or manager license and applicants and licensees.

* * * * *

Subdivision 3. Minimum Standards.

Sec. 5-184.15. Right of entry; inspections.

(a) The County Health Officer or his designee, the designees of the [Business Standards Division] Office of Business and Regulatory Affairs, the Fire Department, the Chief of Police, and the [Property Standards Division and Construction Standards Division] Department of Environmental Resources are hereby authorized to enter, examine and survey during business hours any premises in the County for which a massage establishment license has been issued pursuant to this Division for the purpose of enforcing the provisions of this Division, and for other official purposes. This Section shall not restrict or limit the right of entry vested in any law enforcement agency.

DIVISION 10. MOTOR VEHICLE RACES.

Sec. 5-185. Permit required for motor racing.

No person shall conduct a drag strip, motorcycle race, automobile race or like operation to which the public is invited or admitted, with or without charge for such admission, without first obtaining a written permit from the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

Sec. 5-186. Permit application; fee.

(a) Any person desiring a permit under this Division shall submit, in triplicate, an application to the [Department of Environmental Resources] Office of Business and Regulatory Affairs, signed by the owner of the property, setting out the events intended to be held, the dates of each event and the capacity of the public to be served. Such person shall submit a plat of the property along with a map setting out the street location and indicating on the plat the nearest buildings.

* * * * *

Sec. 5-187. Hearing; advertisement; issuance of permit.

(a) The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall hold a public hearing on the application prior to its approval. In such event the notice of such hearing shall be advertised in a newspaper having general circulation in the County once a week for two (2) consecutive weeks immediately prior to the hearing.

(b) The applicant shall pay the costs of advertising for such public hearing.

(c) The [Department] Office of Business and Regulatory Affairs may approve and issue such permit, unless it finds that the proposed use of the property will cause a traffic problem detrimental to the use of the general public or that the noise created by the event is an unreasonable invasion on the adjoining property owners, or for other reason that might jeopardize the health, safety or welfare of the area or the County.

Sec. 5-188. Permit term; renewal.

* * * * *

(b) No application shall be filed or considered for a particular location under this Division for a period of one (1) year from the date the original application was denied by the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sec. 5-190. License required; payment; contents; term; and basis for refusal of license.

(a) No person, his agents or employees, shall sell, barter or trade or offer or expose for sale, barter or trade in or upon any street or highway in the County, or go from house to house, either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or trade at or from any roadside stand or roadside market upon any street or highway in the County, any produce, products or merchandise whatsoever without each such person having previously obtained a license from the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

* * * * *

Sec. 5-192. License; application.

(a) Application for a vendor's license shall be made upon a form prescribed by the Director of [Environmental Resources] Business and Regulatory Affairs.

* * * * *

Sec. 5-193.03. Fines; revocation of licenses; appeal.

(a) The Director of the [Department of Environmental Resources] Office of Business

and Regulatory Affairs may revoke a license issued under the provisions of this Division for the violation of or failure to pay any assessed fine for any violation of the provisions of this Division or upon the conviction of any crime which is a violation of this Division or is a basis for denial of a license as set forth in Section 5--190(d).

* * * * *

Sec. 5-193.04. Violations of law and monetary fines.

(a) Any person who shall sell, barter, or trade or offer or expose for sale, barter or trade in or upon any street or highway in the County, or go from house to house, either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or other conveyance whatsoever, upon the streets or highways in the County selling, bartering or trading or offering to sell, barter or trade, or from any roadside stand or roadside market upon any street or highway in the County, any items except those expressly permitted by Section 5-193.01(b)(1) who operates in violation of this Subtitle, or who knowingly directs or authorizes another person as an agent to do so, shall, upon citation issued by the Director of [Environmental Resources] Business and Regulatory Affairs, be deemed to have committed a violation of this Subtitle and shall pay the County a monetary fine of Fifty Dollars (\$50.00) for each violation. Each separate day the violation remains uncorrected is a separate and distinct violation subject to an additional citation and fine.

(b) The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall deliver or mail a citation to the responsible party(ies). The citation shall serve as the notification to the person that he has committed a civil violation and that he has been assessed a monetary fine, the nonpayment of which, in the absence of a successful appeal, shall result, where applicable, in the immediate revocation of the person's license.

* * * * *

Sec. 5-193.05. Removal of goods.

(a) Any person selling or displaying goods in violation of this Division shall immediately desist from such sale or display and remove the goods and all equipment used for the sale, display, or storage of such goods from the right-of-way and surrounding vicinity

upon the direction of a police officer or a representative of the [Department] Office of Business and Regulatory Affairs. If the person fails to obey said direction or thereafter sells or displays such goods in violation of this Division, the equipment and goods shall be removed by a police officer or department representative and taken to a designated County facility.

* * * * *

DIVISION 13. PICNICS.

Sec. 5-194. Picnic permit required.

(a) No person shall hold any picnic, dance, soiree, or other entertainment out of doors in the County, to which the general public are admitted, without having first obtained a permit or license from the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

Sec. 5-195. Rules and regulations; fees.

(a) The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall, subject to the approval of the County Council, issue licenses and prescribe reasonable rules and regulations in connection with any license issued under Section 5-194 as may seem right and proper and require the payment of reasonable fees therefor.

[(b) The fees shall be spent equally for schools and roads in the County.]

DIVISION 14. PUBLIC DANCES.

Sec. 5-197. Definitions.

(a) The following words, as used in this Division, shall for the purpose of this Division, have the meanings respectively ascribed to them in this Section:

* * * * *

(2) **Director** shall mean the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's designee.

* * * * *

5-198. License required; fee.

(a) It is unlawful for any person to maintain or operate a dance hall without first obtaining a license from the [Department of Environmental Resources] Office of Business and

Regulatory Affairs. It is unlawful to operate a public dance in any place other than a licensed dance hall.

* * * * *

Sec. 5-199. License application.

(a) Before any license shall be granted under the provisions of this Division, applications shall be made in writing to the [Department of Environmental Resources] Office of Business and Regulatory Affairs on forms provided by the [Department] Office of Business and Regulatory Affairs.

* * * * *

Sec. 5-200. Denial, suspension, revocation.

(a) The Director of the Office of Business and Regulatory Affairs shall have the authority to deny, suspend, or revoke any application or license under the provisions of this Division and upon a violation of this Division.

(b) No license shall be denied, suspended, or revoked without the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs first notifying, in writing, the applicant or licensee, and providing the reasons for said denial, suspension, or revocation. The written notice shall be served by delivery of said notice to all parties by registered or certified mail.

(c) Any party aggrieved by a decision or action of the Director of the Office of Business and Regulatory Affairs with respect to approval, denial, suspension, or revocation of an application or license shall have the right to appeal any such decision to the Board of Appeals for Prince George's County within ten (10) calendar days after the date of such decision. If the license is for, or exists on, premises located inside or within one-half mile of a municipality, the municipality shall automatically be a party to any related proceeding and hearing and have the right to appeal therefrom. Additionally, the Board shall notify, in writing, all adjacent property owners and any person who has filed a written complaint against the applicant or licensee.

(d) In addition to the provisions of Section 5-200.01, the Director of the Office of

Business and Regulatory Affairs shall have the authority to deny, suspend, or revoke a license if it is determined that exercise of the license proximately causes, gives rise, or substantially contributes to a situation wherein the quiet enjoyment or use of property of persons in the vicinity of the dance hall is unreasonably obstructed or interfered with by arriving or departing patrons of the dance hall so as to constitute a continuing Public Nuisance or a repeated disturbance to the public peace.

Sec. 5-200.03. Additional rules and regulations.

(a) The [Department of Environmental Resources] Office of Business and Regulatory Affairs may hereby establish any additional rules and regulations in order to enforce the provisions of this Division.

DIVISION 15. DOOR-TO-DOOR SOLICITORS.

Sec. 5-201. Definitions.

(a) For purposes of this Division, the following words shall have the meanings respectively ascribed to them by this Section, except where the context clearly requires otherwise:

* * * * *

(2) [**Commission** means the Prince George's County, Maryland, Consumer Protection Commission] Reserved.

(3) **Director** means the Director of the [Prince George's County, Maryland, Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's duly authorized representative.

* * * * *

Sec. 5-207.01. License: denial, suspension, revocation.

(a) The Director is hereby authorized to deny, suspend, or revoke any license issued under this Division if he finds that:

* * * * *

(4) The applicant for a license or the licensee has been denied a solicitor's license or had such a license suspended or revoked by another jurisdiction which regulates solicitors;

(5) The [Commission has issued an order(s) finding the applicant for a license or the licensee in violation of the Prince George's County, Maryland, Consumer Protection Ordinance, and the Commission has, when such order(s) becomes final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Director together with a written statement recommending that the solicitor's license be denied, suspended, or revoked because the] applicant for the license or the licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of the Consumer Protection Ordinance or the consumer protection laws of the State; or

(6) The [Commission has transmitted a written statement to the Director recommending that the solicitor's license be denied, suspended or revoked because the Commission, in such written statement, has factually documented actions or practices of the] applicant for a license or the licensee [which demonstrate] has demonstrated a repeated disregard or failure to comply with any provision of the [Prince George's County, Maryland,] Consumer Protection Ordinance or the consumer protection laws of the State.

* * * * *

(d) [Where the Consumer Protection Commission has transmitted a copy of its order(s) and/or a written statement to the Director recommending that a license be denied, suspended or revoked pursuant to Section 5- 207.01(a)(5) or (6) of this Division the Director shall, within ten (10) calendar days after receipt of such order(s) and/or written statement, schedule a hearing to consider the recommended action in accordance with the procedures set forth in Section 5-207.1(b) of this Division. In such cases, orders of the Commission shall not be subject to collateral attack by the applicant for a license or the licensee. However, the applicant for a license or the licensee and the Commission may, as parties to the proceeding, present to the Director relevant testimony and other evidence in support of their respective positions.

(e) Any licensee seeking renewal of a license shall be entitled to the same rights as are set forth in Subsections (b) and (c), above, regarding denial, suspension, or revocation.

[(f)] (e) Upon revocation or suspension, the licensee shall immediately return his license to the Director personally or through the Police Department or other authorized agent; and, upon failure to do so, the Director may request and direct that the license be confiscated and held pending final disposition.

Sec. 5-207.07. License: code of ethics exemption.

(a) The provisions of this Division shall not apply to solicitors representing companies, firms, corporations, or partnerships which:

* * * * *

(4) Have fully complied with any order [issued by the Commission] finding the company, firm, corporation, or partnership in violation of the [Prince George's County, Maryland, Consumer Protection Ordinance] consumer protection laws of the State, after any such order becomes final because of the expiration of the appeal period or the termination of judicial review.

* * * * *

(g) The following procedures shall apply to the processing of any consumer complaint against a company, firm, corporation, or partnership granted an exemption under this Section.

(1) Upon receipt of a consumer complaint against a company, firm, corporation, or partnership granted an exemption under this Section, the [Commission] Director shall forward the information surrounding the complaint to the person, officer, agent or employee designated by the company, firm, corporation, or partnership or trade association on its exemption application to receive such complaints. The complaint information thus forwarded shall contain the following:

* * * * *

(2) Upon receipt of a consumer complaint or an official complaint against a company, firm, corporation, or partnership granted an exemption under this Section, where such complaint alleges a violation of a deceptive or unlawful trade practice statute in force and effect within Prince George's County, Maryland, the [Commission] Director shall forward the information surrounding the allegation to the person, officer, agent or employee

designated by the company, firm, corporation, partnership, or trade association on its exemption application to receive such complaints.

(3) Each company, firm, corporation, or partnership or trade association authorized to act for such company, firm, corporation or partnership, granted an exemption under this Section, shall file a written statement with the [Commission] Director containing the disposition of any written complaints against such company forwarded to it by the [Commission] Director. The statement shall include the findings of fact upon which the action taken is based. It shall be filed with the [Commission] Director within a reasonable time which, for purposes of this Section, shall be defined as twenty (20) business days from the date of receipt of such written complaint by the person, officer, agent or employee designated by the company, firm, corporation, partnership, or trade association to receive such material.

(h) The following shall be grounds for the revocation of the exempt status provided in this Section.

* * * * *

(2) The authority to revoke the exempt status shall be in the discretion of the Director who shall consider the following criteria in making such determination:

(A) Failure by the company, firm, corporation, or partnership to file any satisfactory response with the [Commission] Director concerning a consumer complaint(s) forwarded by the [Commission] Director to the person, officer, agent or employee designated by that company, firm, corporation, or partnership to receive such information;

* * * * *

(D) Failure to correct or adequately explain repeated allegations of violations of statutory deceptive or unlawful trade practices in force and effect within Prince George's County, Maryland, by the company, firm, corporation, partnership or trade association or violation of the policy statement, code or regulation filed with the Director as part of the exemption application, even where a sale did not result, when such allegations have been forwarded by the [Commission] Director to the person, officer, agent or employee designated

by that company, firm, corporation or partnership to receive such material;

(E) An order [issued by the Commission] finding the company, firm, corporation, or partnership in violation of the [Prince George's County, Maryland,] Consumer Protection Ordinance or the consumer protection laws of the State, after any such order becomes final because of the expiration of the appeal period or the termination of judicial review; or,

* * * * *

(j) Nothing in this Section shall be construed to restrict or abridge the [Commission] Director from exercising jurisdiction over any company, firm, corporation, or partnership which has been granted an exemption under this Section.

DIVISION 19. SECONDHAND DEALERS.

Sec. 5-234. Secondhand Dealer's License.

(a) It shall be unlawful for any person, corporation, or other business entity in Prince George's County to operate as, or act as agent for, a secondhand dealer (with respect to any of the items listed in Section 5-233) unless in possession of a valid and unsuspended Secondhand Dealer's License issued by the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

* * * * *

(d) The Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs may revoke the license described in Subsection (a) upon a finding that the licensee has been convicted of a theft offense or has failed to comply with the provisions of this Division. The Director may deny an application for license if the applicant's license has been revoked or is not of good moral character pursuant to the criteria set out in Section 5-204.

* * * * *

Sec. 5-239. Inspections by police.

(a) Any authorized member of the County Police Department may, during normal business hours and in the presence of the secondhand dealer or his representative, inspect at

the dealer's place of business the records required to be kept by this Division and any item of property listed in Section 5-233. If the secondhand dealer refuses to permit such an inspection, a search warrant shall be obtained and the Secondhand Dealer's License for the refusing dealer shall automatically be suspended pending the outcome of the inspection and until the suspension is terminated by the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs. It shall be unlawful for a secondhand dealer to operate as such while his license is suspended.

DIVISION 21. TOWING REGULATIONS.

Sec. 5-264. Definitions.

(a) For the purpose of this Division the following words and phrases shall have the meanings respectively ascribed to them by this Section.

(1) Director means the Director of the Office of Business and Regulatory Affairs.

(1.1) License means the license to engage in the business of towing vehicles within the boundaries of Prince George's County, Maryland, and issued pursuant to this Division.

* * * * *

Sec. 5-265. License required.

(a) It shall be unlawful for any person, firm, association, partnership or corporation to engage in a towing service in Prince George's County, Maryland, without first having obtained a license from the Director [of the Department of Environmental Resources]. Said license shall be renewed on an annual basis.

Sec. 5-268. Issuance of license.

(a) Prior to the issuance of a license the Director [of the Department of Environmental Resources] shall determine the qualifications of each applicant to be licensed as hereinafter provided.

* * * * *

(3) The [Department of Environmental Resources] Office of Business and Regulatory Affairs is authorized to conduct such investigation of the applicant for a towing service license as it deems necessary to determine the applicant's qualifications for license and

his ability to engage in the licensed activity without detriment to the public. Such investigation shall include a determination of whether there is adequate storage and/or repair facilities. Such facility shall be located in a place which is properly zoned and where the motor vehicles are to be retrieved by the owner or operator, the facility shall be in such location and have such ingress and egress as to not jeopardize the safety of such owner or operator, and be readily available for recovery of motor vehicles in a reasonably safe manner. Such investigation may also include a determination of whether the towing apparatus would appear to be mechanically capable of providing towing service, and complies with the provisions of the Transportation Article of the Annotated Code of Maryland and whether the applicant is able to comply with the requirements of this Division or any regulation issued pursuant to this Division. In addition to the application, the applicant or licensee shall submit to the [Department of Environmental Resources] Office of Business and Regulatory Affairs the manufacturers specifications for each tow truck owned or operated by the towing service. No person shall be denied a license solely on the grounds that he has a criminal record, unless such conviction is within a period of three (3) years prior to the application and involves the theft of property or constitutes a series of crimes which include the theft, receiving, or sale of stolen motor vehicles.

(4) Upon approval of a license application by the Director [of the Department of Environmental Resources], the Director shall issue a license. In case of loss, mutilation or destruction of a license, a duplicate may be issued at a cost of \$2.00 per license.

* * * * *

(c) Each tow truck shall have painted on both sides of the vehicle or on a sign attached thereto, in a color which contrasts with the color of the body paint and in letters not less than three (3) inches in height, the name, address, telephone number and license number of the licensee. The licensee shall file with the Director [of the Department of Environmental Resources] a towing service price list. The licensee shall not make any changes in the towing service price list without first submitting revised price lists with the Director.

* * * * *

(g) The motor vehicle shall be moved to the licensee's storage or repair facility unless directed otherwise by the Police Department or the owner of the vehicle, or the owner's authorized agent. The storage or repair facility shall not under any circumstances by any area other than his established place of business as designated in the license issued by the [Department of Environmental Resources] Office of Business and Regulatory Affairs. Supplementary or overflow storage shall not require separate offices. Any motor vehicle so moved shall only be stored and no work shall be done on such motor vehicle until such time as the owner of the motor vehicle is towed without the consent of the owner or operator, storage charges may only commence one (1) hour after the motor vehicle is, in fact, available for recovery by the owner or operator.

(h) Each towing service licensed under the provisions of this Division shall be required to maintain a daily towing log. Such daily towing log shall be maintained by the licensee for a minimum of three (3) years. The daily towing log shall include the following:

* * * * *

(5) Additional pertinent information, other than financial, as required by the Director [of Environmental Resources].

(i) Each towing service licensed under the provisions of this Division shall be required to make available for inspection by the [Department of Environmental Resources] Office of Business and Regulatory Affairs or the Police Department such daily towing log as provided for in Subsection (h), above, and shall make available for inspection by the Police Department those motor vehicles so listed in the daily towing log which have been impounded or stored upon the storage or repair facility of the towing service.

* * * * *

Sec. 5-269. Authority to issue regulations.

(a) The Director [of the Department of Environmental Resources] is hereby authorized to promulgate and issue regulations regarding licensing which are necessary to implement the express provisions of this Division and its purpose and intent. Such regulations shall be adopted only after written notice to all licensees and after a public hearing, duly advertised, in

the County newspapers of record, giving at least fifteen (15) working days notice, at which time all interested persons shall be afforded an opportunity to be heard.

Sec. 5-270. Insurance requirement.

(a) Each person obtaining a towing license under the provisions of this Division shall forthwith file with the [Department of Environmental Resources] Office of Business and Regulatory Affairs, a copy of his insurance policy, or a certificate of insurance demonstrating coverage for losses sustained by the owner of any motor vehicle due to negligence occurring during the time that the vehicle is in the custody of the towing service.

* * * * *

Sec. 5-273. Denial, revocation, suspension, refusal to renew license.

(a) The Director [of the Department of Environmental Resources] is hereby authorized to deny, suspend, revoke, or refuse to renew any licenses issued under this Division if the Director finds that:

* * * * *

(7) The licensee has failed to make available for inspection by the Director [of Environmental Resources] or the Police Department such daily towing log as required by Section 5-268(i).

* * * * *

(9) The [Prince George's County, Maryland, Consumer Protection Commission has issued an order(s) finding the licensee, or any agent or employee of the licensee, in violation of Section 2-146(a) of the Prince George's County Code, and the Commission has, when such order(s) becomes final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Director together with a written statement recommending that the license be denied, suspended, or revoked because the] licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of Division 8 of Subtitle 2 of the Prince George's County Code or the consumer protection laws of the State, or has repeatedly demonstrated a disregard for compliance with any provision or provisions of Division 8 of Subtitle 2 of the Prince George's County Code or

the consumer protection laws of the State.

* * * * *

[(d) Where the Consumer Protection Commission has transmitted a copy of its order(s) and a written statement to the Director recommending that a license be denied, suspended, or revoked pursuant to Section 5-273(a)(9) of this Division the Director shall within ten (10) calendar days after receipt of such order(s) and written statement, schedule a hearing to consider the recommended action in accordance with the procedures set forth in Section 5-273(b) of this Division. In such cases, orders of the Consumer Protection Commission shall not be subject to collateral attack by the licensee. However, the licensee and the Consumer Protection Commission may, as parties to the proceeding, present to the Director relevant testimony and other evidence in support of their respective positions.]

DIVISION 23. MODEL STUDIOS.

Subdivision 1. Definitions.

Sec. 5-314. Definitions.

(a) For the purposes of this Division, the following words and phrases have the meanings assigned below, except in those instances in which the context clearly indicates a different meaning:

(1) **Director.** The Director of the [Prince George's County Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's duly authorized designee or agent.

* * * * *

Subdivision 2. Licenses.

Sec. 5-315. License required for operation of model studio; investigation fee.

(a) It shall be unlawful for any person to engage in, conduct, carry on or operate or permit to be operated within the County a model studio unless an application therefor has been approved and a license issued by the [Department of Environmental Resources] Office of Business and Regulatory Affairs in compliance with this Division.

(b) Each application for a model studio shall be accompanied by an investigation fee of

Two Hundred Fifty Dollars (\$250.00), no part of which shall be refundable. Said fee shall not be in lieu of, and shall be in addition to, any license fee required by this Division. Upon receipt of said application, the Director shall refer the application to the [Business Standards Division, Property Standards Division, Construction Standards Division] Department of Environmental Resources, Fire Department, Police Department, Health Department and the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission, each of whom, within a period of thirty (30) days from the date of application, shall review records and make an inspection of the premises proposed to be used as a model studio and shall make a written recommendation to the Director concerning compliance with the law.

Sec. 5-317. Model Studio license application.

(a) Each application for a model studio license shall be upon a form provided by the [Department of Environmental Resources] Office of Business and Regulatory Affairs. Each such form shall contain the following information:

* * * * *

Sec. 5-320. Operator or manager of model studio license application.

(a) Each application for a model studio operator's or manager's license shall be upon a form provided by the [Department of Environmental Resources] Office of Business and Regulatory Affairs. Each such form shall contain the following information:

* * * * *

(6) Three (3) color photographs of the applicant, not greater than two inches square as determined by the [Department] Office of Business and Regulatory Affairs. One photograph shall be sealed on the license issued to a successful applicant. One photograph shall be retained in the files of the [Business Standards Division] Office of Business and Regulatory Affairs and the other photograph shall be forwarded to the Police Department, which shall maintain files for operator or manager license applicants and licensees.

* * * * *

Sec. 5-326. Right of entry; inspections.

(a) The designees of the [Department of Environmental Resources] Office of Business and Regulatory Affairs, the Fire Department, the Chief of Police, [the Property Standards Division of the Department of Environmental Resources] and [Construction Standards Division of] the Department of Environmental Resources are hereby authorized to enter, examine and survey during the business hours any premises in the County for which a model studio license has been issued pursuant to this Division for the purpose of enforcing the provisions of this Division, and for other official purposes. This Section shall not restrict or limit the right of entry vested in any law enforcement agency.

DIVISION 24. MASSAGE THERAPY.

Sec. 5-334. Licenses required.

(a) No person shall engage in, conduct, or practice massage therapy without a valid, nonsuspended license issued by the Office of Business and Regulatory Affairs pursuant to this Division.

SUBTITLE 9. ELECTRICITY.

**DIVISION 3. BURGLAR AND HOLDUP ALARM USER'S
LICENSE AND REGISTRATION.**

Sec. 9-134. Alarm user permits.

(a) Permit - Every alarm user shall obtain an alarm user permit for each alarm system he operates on commercial premises within this County from the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs. This Subsection does not require that alarm businesses obtain a permit under this Section when it leases or provides services to alarm system users. If an alarm business does, however, use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this Section. No permit will be issued for any system utilizing an Automatic Dialing Device which is programmed to transmit a prerecorded message or code signal directly to a telephone number assigned to the Prince George's County Police Department.

(b) Alarm User Permit Application.

(1) The alarm user applying for the permit required in Subsection (a) of this

Section shall state on a permit application form to be prepared by the [Department of Environmental Resources] Office of Business and Regulatory Affairs and approved by the County attorney: his name, the address of the business or businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local audible, direct connect, silent, central station, etc.), the alarm business or businesses selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least one other person (in the case of a corporate alarm user applicant, at least two persons) who can be reached at any time, day or night, and who is authorized to respond to an alarm signal and who can open the premises in which the system is installed.

* * * * *

(3) The information in the application shall be maintained current at all times. Changes shall be forwarded to the [Department of Environmental Resources] Office of Business and Regulatory Affairs.

* * * * *

(d) The information contained in an alarm user permit application required by this Section and other information received by the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by police officers or County employees specifically assigned the responsibility for handling and processing alarm user permits in the course of official duties. If any employee of the County is found to have knowingly or willfully revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Subtitle or official law enforcement matters and without the express written consent of the alarm user supplying such information, the County employee shall be guilty of a misdemeanor.

(e) Upon the issuance of a permit, the permittee shall be given a registration sticker with a registration number which shall be posted at the main entrance of the building in such a

manner as to be readily seen by police without entry. The permit information and registration number shall be forwarded to the Police Department in such form and manner as the Departments concur in. The registration number shall be used by the Police Department to report all false alarms to the [Department of Environmental Resources] Office of Business and Regulatory Affairs on a daily basis.

* * * * *

Sec. 9-135. False alarms.

* * * * *

(c) After the [Department of Environmental Resources] Office of Business and Regulatory Affairs has eight (8) "false alarms" within a calendar year from any alarm user permit holder, or has failed to receive reimbursement for costs on false alarms, it shall notify the permit holder in writing by first class mail of such fact setting forth the dates of each reported false alarm and require that the permit holder submit a report to the [Department of Environmental Resources] Office of Business and Regulatory Affairs within fifteen (15) days after receipt of such notice, describing efforts to discover and eliminate the cause or causes of the false alarms or the reason for failure to reimburse. If, however, the alarm user, by reason of absence from the County or on any other reasonable basis requests an extension of time to file the report, the [Department] Office of Business and Regulatory Affairs shall extend the fifteen (15) day period for a reasonable period. If the permit holder fails to submit such a report within fifteen (15) days or within any such extended period, the [Department of Environmental Resources] Office of Business and Regulatory Affairs may revoke the user's permit and under such circumstances the user shall not be entitled to a hearing or appeal under this Section.

(d) If the alarm user submits a report as required by Subsection (c) of this Section, but the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs determines that the reimbursement costs have not been paid, that the report is unsatisfactory or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Director may issue

written notice by first class mail of his intent to revoke or suspend the alarm user's permit.

(e) If after submission of a report required by Subsection (c) of this Section which is satisfactory to the Director, the alarm system of the permit holder incurs one or more false alarms during the same calendar year, the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs may issue written notice by first class mail of his intention to revoke or suspend the alarm user's permit.

(f) Upon receipt of a notice of intent to revoke or suspend an alarm user's permit pursuant to Subsections (d) and (e) of this Section, the alarm permit holder may within ten (10) days of such receipt submit a written request by first class mail, return receipt requested, for a hearing before the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs setting forth the reasons that his permit should not be revoked or suspended.

Sec. 9-138. Exemptions within Municipalities.

(a) Any municipality within Prince George's County may, by the adoption of an Ordinance or Resolution, exempt burglar alarm users within the municipal boundaries from the licensing and other requirements of Division 3 provided that such municipality provides 24-hour per day, 7-day per week on-duty police coverage, and meets such other standards insuring adequate municipal police coverage as the Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs may establish by regulation.

(b) The exemption shall be effective upon delivery of a copy of such Ordinance or Resolution to the County Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs and the County Chief of Police.

(c) When a municipality has exempted burglar alarm users from the application of Division 3, the County Police shall not be required to respond to burglar alarms within the municipal limits, but may do so at their discretion.

SUBTITLE 12. HEALTH.

DIVISION 2. FOOD SERVICE FACILITIES.

Subdivision 3. Permits and Inspections.

Sec. 12-111. Closure; suspension of permit; fines.

* * * * *

(d) Special food service facilities, including those which sell or offer for sale live and/or unprocessed seafood, may be subject to a written order of closure for violations of Subtitle 5, Division 12, of this Code. The Health Officer or the Director of [the Department of Environmental Resources] Business and Regulatory Affairs, or their designees, may issue a citation to any special food service facility, including those selling or offering for sale, live or unprocessed seafood which operates in violation of this Subsection and/or Section 12-108 of this Code. The citation shall serve as notification to the person that he has committed a civil violation and must pay a monetary fine in accordance with Section 12-111, subject to his right to elect to stand trial pursuant to Section 28-257 of this Code.

SUBTITLE 14. MORALS AND CONDUCT.

DIVISION 2A. "GOING OUT OF BUSINESS" SALES.

Sec. 14-117.01. Definitions.

(a) The following words and terms, when used in this Division, shall have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular is applied also to the plural.

* * * * *

(2) **Director** shall mean the Director of the [Prince George's County, Maryland, Department of Environmental Resources] Office of Business and Regulatory Affairs.

* * * * *

DIVISION 5. OFFENSES AGAINST PUBLIC SAFETY AND MORALS.

Sec. 14-138. Operation of movies on Sunday; permit; fee.

(a) The [Department of Environmental Resources] Office of Business and Regulatory Affairs shall issue permits to any person lawfully licensed to operate motion picture machines, entitling such licensee to exhibit and show motion pictures on Sunday outside the limits of incorporated towns in the County.

(b) The [Department] Director of Business and Regulatory Affairs shall have full authority to revoke upon cause shown after hearing any license authorized under this Section.

(c) The [Department] Director of Business and Regulatory Affairs may impose and collect from any applicant a license fee not to exceed Five Dollars (\$5.00) per annum.

DIVISION 6. WEAPONS.

Sec. 14-142. Discharge of firearms; permit; exceptions; penalty.

(a) No person shall practice shooting at any mark, board, sign, tree, bank or other object with any gun, rifle, cannon, mortar, pistol or other firearm within the limits of this County, whether on land or water, for military drill, amusement or skill, without:

(1) Obtaining in writing the consent to so use any such firearms of all freeholders, tenants or occupants of real estate residing within the carrying capacity of such firearms; and,

(2) First obtaining a written permit from the [Department of Environmental Resources] Office of Business and Regulatory Affairs. The petition shall be accompanied with the written consent of each and every such freeholder, tenant or other occupant. The Department shall in no case grant a permit to practice with firearms if in its opinion the use of the public highways or streets of any real estate subdivision will be endangered by the use of such firearms.

* * * * *

SUBTITLE 20. TAXICABS AND OTHER VEHICLES FOR HIRE.

DIVISION 1. GENERAL PROVISIONS.

Sec. 20-102. Definitions.

(a) Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this Subtitle, have the meanings indicated in this Section.

* * * * *

(5) **Director:** The Director of the [Department of Environmental Resources of Prince George's County, Maryland] Office of Business and Regulatory Affairs.

* * * * *

DIVISION 1A. TAXICAB BOARD.

Sec. 20-102.01. Board composition.

* * * * *

(b) Officers, Procedures, and Administration

(1) The Chairman of the Board shall be one of the public members and shall be designated as such at the time of appointment. The Board shall elect from its members a vice-chairman and secretary. In exercising its powers and duties under this Subtitle, three (3) members shall constitute a quorum. The Board shall keep minutes of its proceedings and meetings. All decisions of the Board shall be in written form with findings. For assistance in reaching decisions, the Board may request technical assistance, advice, data or factual evidence from the [Department of Environmental Resources] Office of Business and Regulatory Affairs. The Board shall submit to the Executive an annual report of its proceedings.

(2) The Director shall make available to the Board such services and facilities as are necessary for the proper performance of its duties. The Board shall be subject to the County budget process and be included in the budget of the [Department] Office of Business and Regulatory Affairs. The Board shall promulgate Rules of Procedure for the conduct of hearings and other duties and responsibilities, as specified in Section 20-102.02, which Rules of Procedure shall be subject to the approval of the County Executive.

DIVISION 2. AUTHORITY.

Sec. 20-103. Administration of Subtitle.

(a) The Director of the [Department of Environmental Resources] Office of Business and Regulatory Affairs is hereby designated as the official of the County empowered and authorized to carry out the provisions of this Subtitle. He may delegate all or any part of his authority to the Chief of the office within such department responsible for administering the provisions of this Subtitle.

* * * * *

DIVISION 5. VEHICLE DESIGN, EQUIPMENT,

MAINTENANCE AND INSPECTION.

Sec. 20-146. Maintenance and inspection.

* * * * *

(b) The inspection shall include all items which are normally required prior to transfer of title of a used motor vehicle under the provisions of the Transportation Article of the Annotated Code of Maryland. The certificate holder shall deliver to the Director a report signed by an authorized vehicle inspector certifying the results of the inspection. The original and follow-up copies of the motor vehicle inspection form shall be submitted to the [Department of Environmental Resources] Office of Business and Regulatory Affairs along with the certificate of inspection from the authorized State inspection agency. If any such vehicle is found to be in an unsafe condition, the certificate holder shall immediately remove the vehicle from service until it is certified satisfactory by an authorized State inspector. The certificate holder shall deliver the certificate to the Director when the inspection report indicates that the vehicle is unsafe.

* * * * *

DIVISION 7. RATES AND METERS.

Sec. 20-161. Meter requirements.

* * * * *

(d) It shall be unlawful for any person:

* * * * *

(3) To carry passengers for hire except while operating the taximeter in accordance with the provisions of this Subtitle, provided, however, that the Director may grant a waiver to this provision for a contract with a government agency filed with the [Department] Office of Business and Regulatory Affairs that permits discounted rates or rates lower than those computed by the taximeter upon a written determination by the Director that the contract provisions will not result in a significant reduction of service to the general public or impact a licensee's ability to earn a living while maintaining the integrity of the contractual services;

* * * * *

Sec. 20-163. Funeral Director Hospital Transportation.

* * * * *

(b) A license issued under this Section shall not be subject to the provisions of Subtitle 20 except as provided in this Section. The [Director of Environmental Resources] Office of Business and Regulatory Affairs shall apply the provisions relative to inspection of vehicles and insurance insofar as they are reasonably applicable, and may promulgate regulations thereon.

* * * * *

**SUBTITLE 24A. TELEVISION AND RADIO
EQUIPMENT REPAIR.**

Sec. 24A-101. Definitions.

(a) For purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this Section, except where the context otherwise requires:

(1) **Director** means the Director of the [Prince George's County, Maryland, Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's duly authorized representative.

* * * * *

Sec. 24A-109. Denial, suspension, or revocation of licenses.

(a) The Director is hereby authorized to deny, suspend or revoke any license issued under this Subtitle if the Director finds that:

* * * * *

(5) The [Prince George's County, Maryland, Consumer Protection Commission has issued an order(s) finding the licensee, or any agent or employee of the licensee, in violation of the Prince George's County, Maryland, Consumer Protection Ordinance, and the Commission has, when such order(s) becomes final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Director together with a written statement recommending that the television and radio equipment repair

facility license be denied, suspended, or revoked because the] licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of the Consumer Protection Ordinance or the consumer protection laws of the State or has repeatedly demonstrated a disregard for compliance with any provision or provisions of the Consumer Protection Ordinance or the consumer protection laws of the State.

(b) No license shall be denied, suspended or revoked hereunder without the Director first affording the licensee an opportunity for a hearing thereon. At least fifteen (15) calendar days prior to the date set for the hearing, the Director shall notify all parties to the proceedings in writing of the date, time, and place set for the hearing and the charge made, and afford all parties the opportunity to be heard in person and by counsel in reference thereto. The written notice shall be served by delivery of the notice to all parties by registered or certified mail. Within ten (10) working days following the hearing, the Director shall render a decision and the reasons therefor in writing and shall forward a copy of the same to all parties by certified or registered mail.

* * * * *

[(d) Where the Consumer Protection Commission has transmitted a copy of its order(s) and a written statement to the Director recommending that a license be denied, suspended or revoked pursuant to Section 24A-109(a)(5) of this Subtitle, the Director shall, within ten (10) calendar days after receipt of such order(s) and written statement, schedule a hearing to consider the recommended action in accordance with the procedures set forth in Section 24A-109(b) of this Subtitle. In such cases, orders of the Consumer Protection Commission shall not be subject to collateral attack by the licensee. However, the licensee and the Consumer Protection Commission may, as parties to the proceeding, present to the Director relevant testimony and other evidence in support of their respective positions.]

SUBTITLE 26. VEHICLES AND TRAFFIC.

DIVISION 19. OFF THE ROAD MOTORCYCLES.

Sec. 26-173. Registration.

(a) All off-the-road motorcycles shall be registered with the Prince George's County

[Department of Environmental Resources] Office of Business and Regulatory Affairs and shall display the registration tag issued by the Department. The registration tag shall be firmly attached and kept clean and legible at all times. The registration fee shall be thirty dollars (\$30.00) and shall be valid for two (2) years. The off--the-road motorcycle shall be required to be re-registered upon sale or transfer to any new owner. Registration of the motorcycle shall be in the name of the owner or, where the owner is under the age of eighteen (18) years, in the name of the parent or guardian.

SUBTITLE 26A. MOTOR VEHICLE REPAIR.

Sec. 26A-101. Definitions.

(a) For purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this Section, except where the context otherwise requires:

(1) **Director** means the Director of the [Prince George's County, Maryland, Department of Environmental Resources] Office of Business and Regulatory Affairs or [his] the Director's duly authorized representative.

* * * * *

Sec. 26A-109. Denial, suspension, or revocation of licenses.

(a) The Director is hereby authorized to deny, suspend or revoke any license issued under this Subtitle if the Director finds that:

* * * * *

(3) The [Prince George's County, Maryland, Consumer Protection Commission has issued an order(s) finding the licensee, or any agent or employee of the licensee, in violation of the Prince George's County, Maryland, Consumer Protection Ordinance, and the Commission has, when such order(s) becomes final because of the expiration of the appeal period or the termination of judicial review, transmitted a copy of such order(s) to the Director together with a written statement recommending that the motor vehicle repair facility license be denied, suspended, or revoked because the] licensee has willfully and deliberately engaged in a course of conduct which is in violation of any provision of the Consumer Protection

Ordinance or the consumer protection laws of the State or has repeatedly demonstrated a disregard for compliance with any provision or provisions of the Consumer Protection Ordinance or the consumer protection laws of the State.

* * * * *

[(d) Where the Consumer Protection Commission has transmitted a copy of its order(s) and a written statement to the Director recommending that a license be denied, suspended or revoked pursuant to Section 26A-109(a)(3) of this Subtitle, the Director shall, within ten (10) calendar days after receipt of such order(s) and written statement, schedule a hearing to consider the recommended action in accordance with the procedures set forth in Section 26A-109(b) of this Subtitle. In such cases, orders of the Consumer Protection Commission shall not be subject to collateral attack by the licensee. However, the licensee and the Consumer Protection Commission may, as parties to the proceeding, present to the Director relevant testimony and other evidence in support of their respective positions.]

SECTION 2. BE IT FURTHER ENACTED that any actions taken by the Office of Business and Regulatory Affairs or the Director of Business and Regulatory Affairs pursuant to the provisions of Divisions 2 and 2A of Subtitle 5 of the Prince George's County Code shall be deemed to have been taken on behalf of and as the successor of the Department of Environmental Resources or the Director of Environmental Resources, respectively.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law and the provisions of Sections 1 and 2 hereof shall be retroactively effective to July 1, 1995.

Adopted this 13th day of June, 1995.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon
Chairwoman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.