

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2001 Legislative Session

Bill No. CB-22-2001

Chapter No. 9

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Russell, Bailey, Shapiro, Wilson and Scott

Co-Sponsors _____

Date of Introduction April 24, 2001

BILL

1 AN ACT concerning

2 The Office of Business and Regulatory Affairs

3 For the purpose of amending various provisions of the County Code to reflect the reorganization
4 of the Office of Business and Regulatory Affairs, transferring business licensing functions to the
5 Department of Environmental Resources and transferring matters related to Cable Television to
6 the Office of Information Technology and Communications and making certain technical
7 corrections.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 2. ADMINISTRATION.

10 Sections 2-142, 2-146, 2-150, 2-162.01, 2-253.06, 2-253.50, and 2-475,
11 The Prince George's County Code
12 (1999 Edition, 2000 Supplement).

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

15 Sections 2A-102 and 2A-106,
16 The Prince George's County Code
17 (1999 Edition, 2000 Supplement).

18 SUBTITLE 5. BUSINESSES AND LICENSES.

19 Sections 5-109, 5-128, 5-129, 5-155, 5-169, 5-176, 5-177, 5-184.02,
20 5-184.03, 5-184.05, 5-184.08, 5-184.15, 5-185, 5-186, 5-187, 5-188,

1 5-190, 5-192, 5-193.03, 5-193.04, 5-193.05, 5-194, 5-195, 5-197,
2 5-198, 5-199, 5-200, 5-200.03, 5-201, 5-234, 5-239, 5-264, 5-268,
3 5-270, 5-314, 5-315, 5-317, 5-320, 5-326, 5-334, and 5-339,
4 The Prince George's County Code
5 (1999 Edition, 2000 Supplement).

6 SUBTITLE 5A. CABLE TELEVISION AND
7 TELECOMMUNICATIONS.

8 Sections 5A-102, 5A-119, 5A-150, and 5A-161,
9 The Prince George's County Code
10 (1999 Edition, 2000 Supplement).

11 SUBTITLE 12. HEALTH.

12 Section 12-111,
13 The Prince George's County Code
14 (1999 Edition, 2000 Supplement).

15 SUBTITLE 14. MORALS AND CONDUCT.

16 Sections 14-118, 14-138, and 14-142,
17 The Prince George's County Code
18 (1999 Edition, 2000 Supplement).

19 SUBTITLE 20. TAXICABS AND LIMOUSINES.

20 Sections 20-102, 20-102.01, 20-116, 20-160.01, and 20-161,
21 The Prince George's County Code
22 (1999 Edition, 2000 Supplement).

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

25 Section 24A-101,
26 The Prince George's County Code
27 (1999 Edition, 2000 Supplement).

SUBTITLE 26. VEHICLES AND TRAFFIC.

Section 26-173,
The Prince George's County Code
(1999 Edition, 2000 Supplement).

SUBTITLE 26A. MOTOR VEHICLE REPAIR.

Section 26A-101,
The Prince George's County Code
(1999 Edition, 2000 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-142, 2-146, 2-150, 2-162.01, 2-253.06, 2-253.50, 2-475, 2A-102, 2A-106, 5-109, 5-128, 5-129, 5-155, 5-169, 5-176, 5-177, 5-184.02, 5-184.03, 5-184.05, 5-184.08, 5-184.15, 5-185 through 5-188, 5-190, 5-192, 5-193.03 through 5-195, 5-197 through 5-200, 5-200.03, 5-201, 5-234, 5-239, 5-264, 5-268, 5-270, 5-314, 5-315, 5-317, 5-320, 5-326, 5-334, 5-339, 5A-102, 5A-119, 5A-150, 5A-161, 12-111, 14-118, 14-138, 14-142, 20-102, 20-102.01, 20-116, 20-160.01, 20-161, 24A-101, 26-173, and 26A-101 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.
DIVISION 8. CONSUMER PROTECTION.
Subdivision 1. General.

Sec. 2-142. Definitions.

(a) As used in this Division:

* * * * *

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

* * * * *

Sec. 2-146. Unlawful practices.

* * * * *

(c) In addition to Section 2-146(a), the following practices are declared to be unlawful in connection with the ownership and/or management of cemeteries. In determination of

1 unreasonable as provided for and required herein, the Director shall, among other factors,
2 consider the practices, policies, rules, regulations, or prices of services of other cemetery
3 authorities in Prince George's County and the Washington and Baltimore Metropolitan Areas and
4 any model rules and regulations recommended by the collective action of the cemetery
5 authorities in Prince George's County:

6 * * * * *

7 (4) Failure to file by June 1 of each year, an accurate and fully disclosed statement
8 listing all policies, practices, rules, regulations, and pricing structures for services with the
9 [Office of Business and Regulatory Affairs] Director and failing to inform the Director within
10 thirty (30) days of any change in this report;

11 * * * * *

12 **Sec. 2-150. Complaint procedure; investigation; conciliation.**

13 * * * * *

14 (c) If the Director shall determine that there are reasonable grounds to believe a violation
15 has occurred and is susceptible of conciliation, the Director shall attempt to conciliate the matter
16 by methods of initial conference and persuasion with all interested parties and such
17 representatives as the parties may choose to assist them. Conciliation conferences shall be
18 informal. Nothing said or done during such initial conferences shall be made public by the
19 Director or any member of the staff of the [Office of Business and Regulatory Affairs]
20 Department of Environmental Resources unless the parties agree thereto in writing.

21 **Subdivision 2. Real Estate Practices.**

22 **Sec. 2-162.01. Contracts for the sale of real property.**

23 * * * * *

24 (e) Notwithstanding any other provision of this Division, the jurisdiction of the [Office of
25 Business and Regulatory Affairs] Department of Environmental Resources shall not extend to
26 this Subdivision except for the purpose of assisting in consumer education and information as to
27 the requirements of this Section.

28 **DIVISION 14A. BUILDING CONTRACTOR'S LICENSE.**

29 **Sec. 2-253.06. Definitions.**

30 * * * * *

31 (b) **Director.** The term "Director" shall mean the Director of [the Office of Business and

1 Regulatory Affairs] Environmental Resources.

2 * * * * *

3 **DIVISION 14B. MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN,**
4 **APPRENTICE ELECTRICIAN, AND ELECTRICAL CONTRACTOR LICENSES.**

5 **Sec. 2-253.50. Definitions.**

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

8 * * * * *

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

11 (6) **Director** means the Director of [the Office of Business and Regulatory Affairs]
12 Environmental Resources or the Director’s designee.

13 * * * * *

14 **DIVISION 38. CEMETERIES.**

15 **Sec. 2-475. Definitions.**

16 (a) In this Division the following words have the meanings indicated:

17 * * * * *

18 (3) **Director** means the Director of [the Office of Business and Regulatory Affairs]
19 Environmental Resources or the Director’s designee.

20 * * * * *

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

23 **Sec. 2A-102. Definitions.**

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

26 * * * * *

27 (6) **Director.** The Director of [the Office of Business and Regulatory Affairs]
28 Environmental Resources or the Director's duly authorized representative.

29 * * * * *

30 **Sec. 2A-106. Board composition.**

31 * * * * *

1 (b) **Officers, Procedures, and Administration.**

2 (1) The Chairman of the Board shall be one of the public members and shall be
3 designated as such at the time of appointment. The Board shall elect from its members a vice-
4 chairman and secretary. In exercising its power and duties under this Chapter, not less than three
5 (3) members shall constitute a quorum. The Board shall keep minutes of its proceedings and
6 meetings. All decisions of the Board shall be in written form with findings. For assistance in
7 reaching decisions, the Board may request technical assistance, advice, data or factual evidence
8 from the [Office of Business and Regulatory Affairs] Department of Environmental Resources or
9 other governmental agencies. The Board shall submit to the Executive an annual report of its
10 proceedings.

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

17 **SUBTITLE 5. BUSINESSES AND LICENSES.**

18 **DIVISION 2. BENEFIT PERFORMANCES.**

19 **Sec. 5-109. Definitions.**

20 (a) As used in this Division:

21 * * * * *

22 (4) **Department** shall mean the [Office of Business and Regulatory Affairs]
23 Department of Environmental Resources.

24 (5) **Director** shall mean the Director of [Business and Regulatory Affairs]
25 Environmental Resources.

26 * * * * *

27 **DIVISION 3. CHILD CARE FACILITIES.**

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

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

31 * * * * *

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

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

5 * * * * *

6 **DIVISION 5. FORTUNETELLING AND OTHER SIMILAR PRACTICES.**

7 **Sec. 5-155. Definitions.**

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

10 * * * * *

11 (2) **Director.** The Director of [the Office of Business and Regulatory Affairs]
12 Environmental Resources or the Director's designee.

13 * * * * *

14 **DIVISION 7. HOTELS AND ROOMING HOUSES.**

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

16 * * * * *

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

21 **DIVISION 9. ICE AND ROLLER SKATING RINKS.**

22 **Sec. 5-176. Definitions.**

23 (a) The following definitions apply in this Division:

24 (1) **Director** means the Director of [the Office of Business and Regulatory Affairs]
25 Environmental Resources or the Director's designee.

26 * * * * *

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

29 * * * * *

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

31 * * * * *

(c) An application shall be submitted to the [Office of Business and Regulatory Affairs] Department of Environmental Resources, on forms provided by the [Office of Business and Regulatory Affairs] Department of Environmental Resources, 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 Office of Business and Regulatory Affairs] Environmental Resources or 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 [Office of Business and Regulatory Affairs] Department of Environmental Resources in compliance with this Division.

(b) Upon application, the Director of [the Office of Business and Regulatory Affairs] Environmental Resources 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.

* * * * *

Sec. 5-184.05. Massage establishment license application.

(a) Each application for a massage establishment license shall be upon a form provided by

1 the [Office of Business and Regulatory Affairs] Department of Environmental Resources. Each
2 such form shall contain the following information:

3 * * * * *

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

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

10 * * * * *

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

18 * * * * *

19 **Subdivision 3. Minimum Standards.**

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

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

28 **DIVISION 10. MOTOR VEHICLE RACES.**

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

30 No person shall conduct a drag strip, motorcycle race, automobile race or like operation to
31 which the public is invited or admitted, with or without charge for such admission, without first

1 obtaining a written permit from the [Office of Business and Regulatory Affairs] Department of
2 Environmental Resources.

3 **Sec. 5-186. Permit application; fee.**

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

10 * * * * *

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

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

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

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

22 **Sec. 5-188. Permit term; renewal.**

23 * * * * *

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

27 **DIVISION 12. PEDDLERS AND ITINERANT VENDORS.**

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

29 (a) No person, his agents or employees, shall sell, barter or trade or offer or expose for
30 sale, barter or trade in or upon any street or highway in the County, or go from house to house,
31 either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or

1 other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or
2 trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or
3 trade at or from any roadside stand or roadside market upon any street or highway in the County,
4 any produce, products or merchandise whatsoever without each such person having previously
5 obtained a license from the [Office of Business and Regulatory Affairs] Department of
6 Environmental Resources.

7 * * * * *

8 **Sec. 5-192. License; application.**

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

11 * * * * *

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

13 (a) The Director of [the Office of Business and Regulatory Affairs] Environmental
14 Resources may revoke a license issued under the provisions of this Division for the violation of
15 or failure to pay any assessed fine for any violation of the provisions of this Division or upon the
16 conviction of any crime which is a violation of this Division or is a basis for denial of a license
17 as set forth in Section 5-190(d).

18 * * * * *

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

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

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

6 * * * * *

7 **Sec. 5-193.05. Removal of goods.**

8 (a) Any person selling or displaying goods in violation of this Division shall immediately
9 desist from such sale or display and remove the goods and all equipment used for the sale,
10 display, or storage of such goods from the right-of-way and surrounding vicinity upon the
11 direction of a police officer or a representative of the [Office of Business and Regulatory Affairs]
12 Department of Environmental Resources. If the person fails to obey said direction or thereafter
13 sells or displays such goods in violation of this Division, the equipment and goods shall be
14 removed by a police officer or department representative and taken to a designated County
15 facility.

16 * * * * *

17 **DIVISION 13. PICNICS.**

18 **Sec. 5-194. Picnic permit required.**

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

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

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

28 **DIVISION 14. PUBLIC DANCES.**

29 **Sec. 5-197. Definitions.**

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

1 * * * * *
2 (2) **Director** shall mean the Director of [the Office of Business and Regulatory
3 Affairs] Environmental Resources or the Director's designee.

4 * * * * *
5 **Sec. 5-198. License required; fee.**

6 (a) It is unlawful for any person to maintain or operate a dance hall without first obtaining
7 a license from the [Office of Business and Regulatory Affairs] Department of Environmental
8 Resources. It is unlawful to operate a public dance in any place other than a licensed dance hall.

9 (b) The nonrefundable license fee shall be Two Hundred Dollars (\$200.00) per year.
10 **Sec. 5-199. License application.**

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

15 * * * * *
16 **Sec. 5-200. Denial, suspension, revocation.**

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

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

25 (c) Any party aggrieved by a decision or action of the Director of [the Office of Business
26 and Regulatory Affairs] Environmental Resources with respect to approval, denial, suspension,
27 or revocation of an application or license shall have the right to appeal any such decision to the
28 Board of Appeals for Prince George's County within ten (10) calendar days after the date of such
29 decision. If the license is for, or exists on, premises located inside or within one-half mile of a
30 municipality, the municipality shall automatically be a party to any related proceeding and
31 hearing and have the right to appeal therefrom. Additionally, the Board shall notify, in writing,

1 all adjacent property owners and any person who has filed a written complaint against the
2 applicant or licensee.

3 (d) In addition to the provisions of Section 5-200.01, the Director of [the Office of
4 Business and Regulatory Affairs] Environmental Resources shall have the authority to deny,
5 suspend, or revoke a license if it is determined that exercise of the license proximately causes,
6 gives rise, or substantially contributes to a situation wherein the quiet enjoyment or use of
7 property of persons in the vicinity of the dance hall is unreasonably obstructed or interfered with
8 by arriving or departing patrons of the dance hall so as to constitute a continuing Public Nuisance
9 or a repeated disturbance to the public peace.

10 **Sec. 5-200.03. Additional rules and regulations.**

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

14 **DIVISION 15. DOOR-TO-DOOR SOLICITORS.**

15 **Sec. 5-201. Definitions.**

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

19 * * * * *

20 (2) **Director** means the Director of [the Office of Business and Regulatory Affairs]
21 Environmental Resources or the Director's duly authorized representative.

22 * * * * *

23 **DIVISION 19. SECONDHAND AND PAWN DEALERS.**

24 **Sec. 5-234. Secondhand Dealer and Pawn Dealer's and Employee Licenses.**

25 (a) It shall be unlawful for any person, corporation, or other business entity in Prince
26 George's County to operate as, or act as agent for, a secondhand dealer or pawn dealer unless in
27 possession of a valid and unsuspended Secondhand Dealer or Pawn Dealer's License issued by
28 the Director of [the Office of Business and Regulatory Affairs] Environmental Resources.

29 * * * * *

30 (d) The Director of [the Office of Business and Regulatory Affairs] Environmental
31 Resources may revoke or suspend the license described in this Section upon a finding that the

1 licensee has been convicted of a theft offense, has operated for a period of more than 30 days
2 without a valid license, or has failed to comply with the provisions of this Division. The
3 Director may deny an application for license if the applicant's license has been revoked or if the
4 applicant is not of good moral character pursuant to the criteria set out in Section 5-204.

5 * * * * *

6 **Sec. 5-239. Inspections by police.**

7 Any authorized member of the County Police Department may, during normal business
8 hours and in the presence of the secondhand dealer or pawn dealer or his representative, inspect
9 at the dealer's place of business the records required to be kept by this Division and any item of
10 property listed in Section 5-233. If the secondhand dealer or pawn dealer refuses to permit such
11 an inspection, a search warrant shall be obtained and the Secondhand Dealer of Pawn Dealer's
12 License for the refusing dealer shall automatically be suspended pending the outcome of the
13 inspection and until the suspension is terminated by the Director of [the Office of Business and
14 Regulatory Affairs] Environmental Resources. It shall be unlawful for a secondhand dealer or
15 pawn dealer to operate as such while his license is suspended.

16 **DIVISION 21. TOWING REGULATIONS.**

17 **Sec. 5-264. Definitions.**

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

20 (1) **Director** means the Director of [the Office of Business and Regulatory Affairs]
21 Environmental Resources.

22 * * * * *

23 **Sec. 5-268. Issuance of license.**

24 (a) Prior to the issuance of a license the Director shall determine the qualifications of each
25 applicant to be licensed as hereinafter provided.

26 * * * * *

27 (3) The [Office of Business and Regulatory Affairs] Department of Environmental
28 Resources is authorized to conduct such investigation of the applicant for a towing service
29 license as it deems necessary to determine the applicant's qualifications for license and his ability
30 to engage in the licensed activity without detriment to the public. Such investigation shall
31 include a determination of whether there is adequate storage and/or repair facilities. Such

1 facility shall be located in a place which is properly zoned and where the motor vehicles are to be
 2 retrieved by the owner or operator, the facility shall be in such location and have such ingress
 3 and egress as to not jeopardize the safety of such owner or operator, and be readily available for
 4 recovery of motor vehicles in a reasonably safe manner. Such investigation may also include a
 5 determination of whether the towing apparatus would appear to be mechanically capable of
 6 providing towing service, and complies with the provisions of the Transportation Article of the
 7 Annotated Code of Maryland and whether the applicant is able to comply with the requirements
 8 of this Division or any regulation issued pursuant to this Division. In addition to the application,
 9 the applicant or licensee shall submit to the [Office of Business and Regulatory Affairs]
 10 Department of Environmental Resources the manufacturers specifications for each tow truck
 11 owned or operated by the towing service. No person shall be denied a license solely on the
 12 grounds that he has a criminal record, unless such conviction is within a period of three (3) years
 13 prior to the application and involves the theft of property or constitutes a series of crimes which
 14 include the theft, receiving, or sale of stolen motor vehicles.

15 * * * * *

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

26 * * * * *

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

1 storage or repair facility of the towing service.

2 * * * * *

3 **Sec. 5-270. Insurance requirement.**

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

9 * * * * *

10 **DIVISION 23. MODEL STUDIOS.**

11 **Subdivision 1. Definitions.**

12 **Sec. 5-314. Definitions.**

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

16 (1) **Director.** The Director of [the Office of Business and Regulatory Affairs]
17 Environmental Resources or the Director's duly authorized designee or agent.

18 * * * * *

19 **Subdivision 2. Licenses.**

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

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

25 * * * * *

26 **Sec. 5-317. Model Studio license application.**

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

30 * * * * *

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 [Office of Business and Regulatory Affairs] Department of Environmental Resources. 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 [Office of Business and Regulatory Affairs] Department of Environmental Resources. One photograph shall be sealed on the license issued to a successful applicant. One photograph shall be retained in the files of the [Office of Business and Regulatory Affairs] Department of Environmental Resources and the other photograph shall be forwarded to the Police Department, which shall maintain files for operator or manager license applicants and licensees.

* * * * *

Subdivision 3. Minimum Standards.

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

The designees of [the Office of Business and Regulatory Affairs,] the Fire Department, the Chief of Police, and 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.

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

DIVISION 25. PRETRIAL RELEASE MONITORING BUSINESS LICENSE.

Sec. 5-339. Definitions.

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

* * * * *

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

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

5 * * * * *

6 **SUBTITLE 5A. CABLE TELEVISION AND TELECOMMUNICATIONS.**

7 **DIVISION 1. CABLE TELEVISION.**

8 **Sec. 5A-102. Definitions and word usage.**

9 (a) For the purposes of this Subtitle, the following terms, phrases, words, and
10 abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not
11 inconsistent with the context, words used in the present tense include the future tense; words in
12 the plural number include the singular number, and words in the singular number include the
13 plural number; and the masculine gender includes the feminine gender. The words “shall” and
14 “will” are mandatory, and “may” is permissive. Unless otherwise expressly stated, words not
15 defined herein shall be given the meaning set forth in Title 47 of the United States Code, as
16 amended, and, if not defined therein, their common and ordinary meaning.

17 * * * * *

18 (14) **Director** shall mean the Director, or the Director’s designee, of the Office of
19 [Business and Regulatory Affairs] Information Technology and Communications.

20 * * * * *

21
22 **Sec. 5A-119. Administration.**

23 * * * * *

24 (c) The Commission budget shall be part of the budget of the Office of [Business and
25 Regulatory Affairs] Information Technology and Communications.

26 * * * * *

27 **DIVISION 2. TELECOMMUNICATIONS FRANCHISES.**

28 **Sec. 5A-150.**

29 (a) In this Division, the following words and phrases have the meanings indicated:

30 * * * * *

31 (5) **Director** means the Director of [the Office of Management and Budget]

1 Information Technology and Communications.

2 * * * * *

3 **Sec. 5A-161. Telecommunications Transmission Facility Committee.**

4 (a) The Telecommunications Transmission Facility Committee shall consist of:

- 5 (1) The Telecommunications Transmission Facility Coordinator;
- 6 (2) The Director of the Department of Environmental Resources or the Director’s
- 7 designee;
- 8 (3) The Director of the Department of Public Works and Transportation or the
- 9 Director’s designee;
- 10 (4) The Planning Director or the Director’s designee;
- 11 (5) The Superintendent of Schools or the Superintendent’s designee; and
- 12 (6) The Director of the Office of [Business and Regulatory Affairs or the Director’s
- 13 designee; and] Information Technology and Communications or the Director’s designee.

14 [(7) The Chief, Information Technology Division, Office of Management and Budget
15 or the Chief’s designee.]

16 * * * * *

17 **SUBTITLE 12. HEALTH.**

18 **DIVISION 2. FOOD SERVICE FACILITIES.**

19 **Subdivision 3. Permits and Inspections.**

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

21 * * * * *

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

31 **SUBTITLE 14. MORALS AND CONDUCT.**

DIVISION 3. "GOING OUT OF BUSINESS" SALES.

Sec. 14-118. 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 Office of Business and Regulatory Affairs] Environmental Resources.

* * * * *

DIVISION 5. OFFENSES AGAINST PUBLIC SAFETY AND MORALS.

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

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

(c) The Director of [Business and Regulatory Affairs] Environmental Resources 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:

* * * * *

(2) First obtaining a written permit from the [Office of Business and Regulatory Affairs] Department of Environmental Resources. The petition shall be accompanied with the written consent of each and every such owner, 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

1 or streets of any real estate subdivision will be endangered by the use of such firearms.

2 * * * * *

3 **SUBTITLE 20. TAXICABS AND LIMOUSINES.**

4 **DIVISION 1. GENERAL PROVISIONS.**

5 **Sec. 20-102. Definitions.**

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

9 * * * * *

10 (5) **Director.** The Director of [the Office of Business and Regulatory Affairs]
11 Environmental Resources of Prince George’s County, Maryland, or designee.

12 * * * * *

13 **DIVISION 1A. TAXICAB BOARD.**

14 **Sec. 20-102.01. Board composition.**

15 * * * * *

16 (b) Officers, Procedures, and Administration.

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

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

31 **DIVISION 4. VEHICLE OPERATION REQUIREMENTS; VIOLATIONS AND FINES.**

1 **Sec. 20-116. Display; certificate and license.**

2 The driver shall have permanently on display at all times while on duty a copy of the
3 original of the certificate sealed or certified by the [Office of Business and Regulatory Affairs]
4 Department of Environmental Resources, issued for the operation of the taxicab or limousine,
5 and the driver’s license with photograph, and number, clearly visible to passengers.

6 **DIVISION 7. RATES AND METERS.**

7 **Sec. 20-160.01. Emergency Fuel Cost Surcharge.**

8 (a) If the County Executive finds that the average retail price of regular gasoline fuel in the
9 region has exceeded the price of \$1.45 per gallon, the County Executive shall declare a Fuel Cost
10 Emergency and shall authorize the Director of [Business and Regulatory Affairs] Environmental
11 Resources to establish a Fuel Cost Emergency Surcharge.

12 * * * * *

13 **Sec. 20-161. Meter requirements.**

14 * * * * *

15 (d) It shall be unlawful for any person:

16 (1) To use any taximeter until the same shall have been inspected, found to be
17 accurately set to operate at approved rates, and sealed by a County Inspector;

18 (2) To operate any vehicle with a taximeter unsealed or not having its access port
19 intact;

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

28 * * * * *

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

30 **Sec. 24A-101. Definitions.**

31 (a) For purposes of this Subtitle, the following words and phrases shall have the meanings

1 respectively ascribed to them by this Section, except where the context otherwise requires:

2 (1) **Director** means the Director of [the Office of Business and Regulatory Affairs]
3 Environmental Resources or the Director's duly authorized representative.

4 * * * * *

5 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

6 **DIVISION 19. OFF THE ROAD MOTORCYCLES.**

7 **Sec. 26-173. Registration.**

8 All off-the-road motorcycles shall be registered with the Prince George's County [Office of
9 Business and Regulatory Affairs] Department of Environmental Resources and shall display the
10 registration tag issued by the Department. The registration tag shall be firmly attached and kept
11 clean and legible at all times. The registration fee shall be Thirty Dollars (\$30.00) and shall be
12 valid for two (2) years. The off-the-road motorcycle shall be required to be reregistered upon
13 sale or transfer to any new owner. Registration of the motorcycle shall be in the name of the
14 owner or, where the owner is under the age of eighteen (18) years, in the name of the parent or
15 guardian.

16 **SUBTITLE 26A. MOTOR VEHICLE REPAIR.**

17 **Sec. 26A-101. Definitions.**

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

20 (1) **Director** means the Director of [the Office of Business and Regulatory Affairs]
21 Environmental Resources or the Director's duly authorized representative.

22 * * * * *

23 **SECTION 2. BE IT FURTHER ENACTED** that this Act shall take effect forty-five (45)
24 calendar days after it becomes law and the provisions of Section 1 of this Act shall be effective
25 July 1, 2001.

Adopted this 15th day of May, 2001.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Audrey E. Scott
Vice Chairman

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.