

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-72-1995

Chapter No. \_\_\_\_\_ 63

Proposed and Presented by \_\_\_\_\_ Council Member MacKinnon

Introduced by \_\_\_\_\_ Council Member MacKinnon

Co-Sponsors

Date of Introduction \_\_\_\_\_ October 24, 1995

**BILL**

AN ACT concerning

Businesses and Licenses

For the purpose of repealing certain provisions of the County Code pertaining to businesses licenses which are obsolete.

BY repealing:

SUBTITLE 5. BUSINESSES AND LICENSES.

Sections 5-154, 5-167, 5-172, 5-173, 5-174, 5-175,  
5-228, 5-229, 5-230, and 5-231,

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 5-154, 5-167, 5-172, 5-173, 5-174, 5-175, 5-228, 5-229, 5-230, and 5-231, of the Prince George's County Code be and the same are hereby repealed:

**SUBTITLE 2. BUSINESSES AND LICENSES.**

**DIVISION 4. [COAL DEALERS.] Reserved.**

**Sec. 5-154. [Sale requirements for coal or coke; penalty.] Reserved.**

[(a) No person shall deliver, sell, or offer for sale any load of coal or coke in this County without a ticket or card which shall indicate on its face in plain characters the vendor's name, the date, and the weight of such coal or coke; the kind of coal or coke; the name of the purchaser, vendee, or consignee.

(b) The coal or coke shall be weighed before delivery. The ticket or card indicating such weight shall be signed by a weigher in this County whose name and address shall be indicated on the ticket or card. Any vendor of coal or coke whose place of business is in the District of Columbia or Montgomery County, and who delivers coal or coke in this County, may have the coal or coke weighed in either the District of Columbia or Montgomery County or in this County.

(c) The violation of any of the provisions of this Section is hereby declared a misdemeanor to be punishable upon conviction by fine not less than Five Dollars (\$5.00) or more than Twenty-five Dollars (\$25.00) or imprisonment in jail for not less than five (5) days or more than thirty (30) days or both fine and imprisonment in discretion of the court.]

**DIVISION 6. [GASOLINE SALES.] Reserved.**

**Sec. 5-167. [Gasoline sales restricted; penalty.] Reserved.**

[(a) No person shall sell or offer for sale in the County gasoline or other motor fuels except from a tank or tanks under ground and covered by at least three (3) feet of earth, dirt, and/or concrete.

(b) Any motor fuel may be sold or offered for sale from closed metallic containers with a capacity of not more than twenty-five (25) gallons, located in or about fixed and permanent place of business.

(c) This Section shall not apply to the delivery of gasoline or other motor fuels from tank cars to tank cars, tank trucks or storage tanks or from tank trucks to gas stations, having one (1) or more fixed pumps, and to closed metallic containers, having a capacity of not more than fifty (50) gallons, located upon or about private residences.

(d) Any person who shall violate any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) or imprisonment for not more than thirty (30) days or both, in the discretion of the court.]

**DIVISION 8. [ICE DEALERS.] Reserved.**

**Sec. 5-172. [License required; fee; term; penalty.] Reserved.**

(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 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.] Reserved.**

[(a) Before any license is issued pursuant to this Division, application shall be made to the Department of Environmental Resources upon forms provided by the Department, 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 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.] Reserved.**

[The Department of Environmental Resources shall have the power to grant or reject any application for a license under the provision of this Division. The Department 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.]

**Sec. 5-175. [Exemptions from Division.] Reserved.**

[This Division shall not apply to any retail business supplying ice when such ice is packed in bags or containers with a net weight of five (5) or ten (10) pounds and the sale of ice in such weight is incidental to the overall services provided by such business.]

**DIVISION 18. [TOBACCO DEALERS.] Reserved.**

**Sec. 5-228. [Leaf tobacco; license required; fee.] Reserved.**

[(a) Any person wishing to engage in the business of buying and selling leaf tobacco (meaning stripped tobacco and tied in small bundles) in Prince George's County, before doing so shall first obtain a license from the Clerk of the Circuit Court.

(b) The license shall cost Twenty-five Dollars (\$25.00), and Fifty Cents (\$.50) Clerk's fee.]

**Sec. 5-229. [Sale by landlord; permission.] Reserved.**

[Any landlord wishing to sell any leaf tobacco in Prince George's County raised or grown on his farm by a tenant who works the farm for a share in crops grown, shall obtain written permission from the tenant. Any tenant wishing to sell any leaf tobacco grown and raised as provided in this Section, shall obtain written permission from the landlord or his agent. In either case, the permission shall accompany the tobacco to be sold and be presented to the buyer. The buyer shall sign his name on the back of the permission and set forth the date received. The buyer shall also furnish two (2) statements; one (1) to the landlord and one (1) to the tenant, setting forth in both statements the kind of tobacco, the weight, the price paid and date received. The permission endorsed by the buyer as required shall be returned to the giver.]

**Sec. 5-230.[ Sale by other than farmer or licensee.]**

[(a) Any person not a bona fide farmer or licensed buyer and seller of tobacco, wishing to sell any leaf tobacco in Prince George's County, grown or raised by him on his lot of ground not a farm, shall appear in person before a court of competent jurisdiction in this County and obtain permission to sell or dispose of the tobacco.

(b) Such permission shall be issued free of charge. It shall set forth the kind of tobacco, the weight (if known), the name of the party applying for the same and date issued.

(c) The permit shall accompany the tobacco to the buyer, who shall write his name and date when presented on the back of the permission, and also the weight and kind of tobacco received by him. The buyer returns the permission to the issuing court to be kept by such court for one (1) year.]

**Sec. 5-231. [Exception to Division.] Reserved.**

[(a) Nothing in this Division shall be construed so as to prevent:

(1) Any bona fide farmer from selling his tobacco raised and grown by him upon his farm in any manner.

(2) Any person from selling or buying crops or parts of unstripped crops of tobacco hanging in barns or from packing, shipping and selling tobacco in hogsheads, as has been the custom.]

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 21st day of November , 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.