

COUNCIL OF THE TOWN OF RIVERDALE PARK

ORDINANCE 2013-OR-06

Introduced By: CM Jonathan Ebbeler

Date Introduced: July 1, 2013

Date Adopted: August 26, 2013

Date Effective: September 15, 2013

An Ordinance concerning

GENERAL BUSINESS LICENSING

FOR the purpose of comprehensively revising regulations and procedures regarding applications for, and the approvals, suspension and revocation of licenses for, the operation of trades and businesses within the Town of Riverdale Park; providing for the scope of this Ordinance; defining certain terms; establishing and revising certain application and license fees, penalties and enforcement procedures; providing for the duration of certain licenses; specifying certain operational regulations, including special regulations for mobile vendors; providing for appeals from certain decisions; providing for the applicability of the terms of this Ordinance to existing Town business licenses; providing for the severability of the provisions of this Ordinance; and matters generally relating to preserving the public health, safety and welfare by licensing the operation of trades and businesses in the Town.

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BY repealing
Chapter 42 – LICENSES
Sections 42-1 THROUGH 42-13
Code of the Town of Riverdale Park
(January 2008 Revision)

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25
 26 **BY** renumbering
 27 Chapter 42 –LICENSES
 28 Sections 42-14
 29 Code of the Town of Riverdale Park
 30 (January 2008 Revision)

31
 32 **BY** adding
 33 Chapter 42 –LICENSES
 34 Sections 42-1 through 42-12
 35 Code of the Town of Riverdale Park
 36 (January 2008 Revision)

37
 38 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
 39 **RIVERDALE PARK,** That Sections 42-1 through 42-13 of the Code of the Town of
 40 Riverdale Park (January 2008 Revision), Article 42 –LICENSES, are hereby repealed and
 41 new Sections 42-1 through 42-12 are hereby added to the Code of the Town of Riverdale
 42 Park (January 2008 Revision), Article 42 – LICENSES, to read as follows:

43
 44 **Chapter 42 – LICENSES**

45
 46 § 42-1. SCOPE.

47
 48 (A) THIS CHAPTER APPLIES TO THE OPERATION OF A TRADE OR
 49 BUSINESS IN THE TOWN OF RIVERDALE PARK.

50
 51 (B) FOR PURPOSES OF THIS CHAPTER A TRADE OR BUSINESS INCLUDES
 52 COMMERCIAL TRADES OR BUSINESSES, NOT-FOR PROFIT ENTERPRISES,
 53 RELIGIOUS INSTITUTIONS AND ENTERPRISES AFFILIATED WITH RELIGIOUS
 54 INSTITUTIONS.

55
 56 § 42-2. LICENSE REQUIRED.

57
 58 (A) A PERSON MAY NOT OPERATE A TRADE OR BUSINESS IN THE TOWN
 59 OF RIVERDALE PARK WITHOUT OBTAINING A LICENSE FROM THE TOWN UNDER
 60 THIS CHAPTER AND PAYING THE REQUIRED LICENSE FEE.

61
 62 (B) A LICENSE SHALL BE APPLIED FOR AND ISSUED TO THE OWNER OR
 63 OTHER PERSON RESPONSIBLE FOR OPERATING THE TRADE OR BUSINESS IN
 64 THE TOWN. IF THE OWNER OF, OR OTHER PERSON RESPONSIBLE FOR
 65 OPERATING, THE TRADE OR BUSINESS IS A BUSINESS ENTITY THE LICENSE
 66 SHALL BE ISSUED TO AN OFFICER OF THE BUSINESS ENTITY WHO SHALL HOLD
 67 THE LICENSE FOR THE SOLE USE AND BENEFIT OF THE BUSINESS ENTITY. THE

68 LICENSEE IS PERSONALLY LIABLE FOR COMPLYING WITH THIS CHAPTER AND ALL
69 TERMS AND CONDITIONS OF THE LICENSE.
70

71 (C) A LICENSE ISSUED UNDER THIS CHAPTER IS IN ADDITION TO A
72 LICENSE REQUIRED UNDER THIS CODE.
73

74 (D) A PERSON WHO IS ELIGIBLE FOR AND OBTAINS A TEMPORARY
75 LICENSE UNDER § 42-13 OF THIS CODE IS EXEMPT FROM OBTAINING A LICENSE
76 UNDER THIS CHAPTER.
77

78 § 42-3. DURATION OF LICENSE.
79

80 A LICENSE ISSUED UNDER THIS CHAPTER:
81

82 (1) IS VALID FOR THE PERIOD JULY 1 THROUGH THE FOLLOWING
83 JUNE 30. A LICENSE ISSUED AFTER JULY 1 IN ANY YEAR IS VALID UNTIL THE
84 ENSUING JUNE 30.
85

86 (2) MAY BE RENEWED FOR SUCCESSIVE TERMS OF ONE YEAR
87 EACH UPON COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.
88

89 § 42-4. APPLICATION.
90

91 ANY PERSON SEEKING A LICENSE, OR THE RENEWAL OF A LICENSE,
92 UNDER THIS CHAPTER SHALL FILE WITH THE TOWN ADMINISTRATOR A WRITTEN
93 APPLICATION, UNDER PENALTY OF PERJURY, IN A FORM PRESCRIBED BY THE
94 TOWN ADMINISTRATOR. AN APPLICATION FOR THE RENEWAL OF AN EXISTING
95 LICENSE SHALL BE FILED NOT LATER THAN THE MAY 1 BEFORE THE LICENSE IS
96 SCHEDULED TO EXPIRE, UNLESS OTHERWISE AUTHORIZED BY THE TOWN
97 ADMINISTRATOR. AN APPLICATION THAT IS FILED LATER THAN THE MAY 15
98 BEFORE THE LICENSE IS SCHEDULED TO EXPIRE, OR SUCH LATER DATE AS
99 AUTHORIZED BY THE TOWN ADMINISTRATOR, SHALL BE TREATED AS A NEW
100 APPLICATION. THE APPLICATION FOR AN INITIAL LICENSE OR THE RENEWAL OF A
101 LICENSE SHALL INCLUDE OR BE ACCOMPANIED BY THE FOLLOWING, AND SUCH
102 OTHER INFORMATION AND DOCUMENTATION AS THE TOWN ADMINISTRATOR
103 REASONABLY MAY REQUIRE:
104

105 (1) THE ADDRESS OF THE PREMISES AT WHICH THE TRADE OR
106 BUSINESS WILL BE OPERATED.
107

108 (2) THE ZONING CLASSIFICATION OF THE PREMISES AT OR FROM
109 WHICH THE BUSINESS WILL BE OPERATED.
110

111 (3) THE NAME, TELEPHONE NUMBER AND E-MAIL AND POSTAL
112 MAILING ADDRESSES OF THE OWNER OF THE PREMISES.

113
114 (4) THE NAME, TELEPHONE NUMBER AND E-MAIL AND POSTAL
115 MAILING ADDRESSES OF THE APPLICANT.

116
117 (5) THE NAME, TELEPHONE NUMBER AND E-MAIL AND POSTAL
118 MAILING ADDRESSES OF THE OWNER OF THE BUSINESS ENTITY FOR WHOSE
119 USE AND BENEFIT THE LICENSE IS SOUGHT.

120
121 (6) THE NAMES, TELEPHONE NUMBERS AND E-MAIL AND POSTAL
122 MAILING ADDRESSES OF ALL ON-SITE MANAGERS AND OTHER ON-SITE
123 INDIVIDUALS WHO WILL BE RESPONSIBLE FOR THE OPERATION OF THE TRADE
124 OR BUSINESS WHEN IT IS OPEN FOR BUSINESS, AND WHO WILL BE AUTHORIZED
125 TO ACCEPT NOTICES AND CITATIONS FROM THE TOWN WITH RESPECT TO THE
126 OPERATION OF THE TRADE OR BUSINESS.

127
128 (7) A COPY OF THE CURRENT FIRE INSPECTION AND OCCUPANCY
129 LIMITATION CERTIFICATES FOR THE USE OF THE PREMISES FOR THE TRADE OR
130 BUSINESS.

131
132 (8) A COPY OF THE CURRENT USE AND OCCUPANCY PERMIT FOR
133 THE PREMISES THAT SHOWS THAT THE TRADE OR BUSINESS IS AUTHORIZED AT
134 THE PREMISES.

135
136 (9) A COPY OF THE CURRENT ALCOHOLIC BEVERAGE LICENSE
137 FOR THE PREMISES IF THE SERVICE OF ALCOHOLIC BEVERAGES IS ALLOWED AT
138 THE PREMISES.

139
140 (10) EVIDENCE THAT THE PREMISES SATISFIES ALL APPLICABLE
141 SANITARY, BUILDING CODE, BUSINESS LICENSING AND SAFETY REGULATIONS
142 FOR THE OPERATION OF TRADE OR BUSINESS.

143
144 (11) A STATEMENT BY THE APPLICANT AND THE OWNER OF THE
145 PREMISES THAT THE FILING OF THE APPLICATION AND THE ACCEPTANCE OF
146 THE LICENSE ISSUED BY THE TOWN CONSTITUTES CONSENT TO AND
147 AUTHORITY FOR TOWN CODE ENFORCEMENT OFFICERS AND POLICE OFFICERS,
148 AND OTHER REGULATORY OFFICIALS, TO ENTER THE PREMISES WITHOUT PRIOR
149 NOTICE DURING BUSINESS HOURS FOR THE PURPOSE OF INVESTIGATING THE
150 INFORMATION PROVIDED IN THE APPLICATION AND FOR INSPECTING THE
151 OPERATION OF THE TRADE OR BUSINESS AND INVESTIGATING POTENTIAL
152 VIOLATIONS OF THIS CHAPTER AND THE LICENSE.

153

154 (12) A NON-REFUNDABLE APPLICATION FEE FOR AN INITIAL
155 APPLICATION OR A RENEWAL OF AN EXISTING LICENSE IN THE AMOUNT OF
156 TWENTY-FIVE DOLLARS (\$25).

157
158 § 42-5. APPLICATION REVIEW AND CONSIDERATION.

159
160 (A) WHEN THE TOWN ADMINISTRATOR RECEIVES A COMPLETED
161 APPLICATION FOR A LICENSE UNDER THIS CHAPTER, THE TOWN
162 ADMINISTRATOR SHALL CONDUCT A REVIEW AND INVESTIGATION OF THE
163 APPLICATION. THE TOWN ADMINISTRATOR MAY REQUEST THE ASSISTANCE OF
164 OTHER PERSONS AND TOWN DEPARTMENTS IN CONDUCTING THE REVIEW AND
165 INVESTIGATION.

166
167 (B) AFTER THE TOWN ADMINISTRATOR COMPLETES THE
168 INVESTIGATION, THE TOWN ADMINISTRATOR SHALL DETERMINE WHETHER THE
169 LICENSE SHOULD BE GRANTED AND WHETHER ANY TERMS, CONDITIONS AND
170 RESTRICTIONS SHOULD BE ATTACHED TO THE GRANTING OF THE LICENSE. ANY
171 TERMS, CONDITIONS AND RESTRICTIONS SHALL BE BASED UPON ANY IMPACTS
172 THAT THE OPERATION OF THE TRADE OR BUSINESS REASONABLY MAY BE
173 EXPECTED TO HAVE ON THE SURROUNDING COMMUNITY AND THE PUBLIC
174 HEALTH, SAFETY OR WELFARE.

175
176 (C) THE TOWN ADMINISTRATOR SHALL GRANT THE LICENSE, WITH OR
177 WITHOUT TERMS, CONDITIONS AND RESTRICTIONS, EXCEPT THAT THE TOWN
178 ADMINISTRATOR SHALL DENY THE APPLICATION IF:

179
180 (1) THE TOWN ADMINISTRATOR DETERMINES THAT THE TRADE OR
181 BUSINESS FOR WHICH THE LICENSE HAS BEEN APPLIED REASONABLY CAN BE
182 EXPECTED TO HAVE AN ADVERSE IMPACT ON THE SURROUNDING COMMUNITY
183 AND THE PUBLIC HEALTH, SAFETY OR WELFARE THAT CANNOT BE MITIGATED BY
184 TERMS, CONDITIONS AND RESTRICTIONS ON THE LICENSE; OR

185
186 (2) THE TRADE OR BUSINESS FOR WHICH THE LICENSE HAS BEEN
187 APPLIED HAS ANY UNPAID TOWN FEES OR TAXES, OR ANY OTHER UNSATISFIED
188 OBLIGATIONS TO THE TOWN, UNLESS THE TRADE OR BUSINESS HAD MADE
189 ARRANGEMENTS APPROVED BY THE TOWN ADMINISTRATOR TO PAY THE FEES
190 OR TAXES OR TO SATISFY OTHER OBLIGATIONS.

191
192 (D) IF THE TOWN ADMINISTRATOR DENIES AN APPLICATION FOR A
193 LICENSE UNDER THIS CHAPTER, THE TOWN ADMINISTRATOR SHALL PREPARE A
194 WRITTEN REPORT OF THE REASONS FOR THE DENIAL AND SHALL PROVIDE THAT
195 REPORT PROMPTLY TO THE APPLICANT BY HAND DELIVERY OR BY CERTIFIED
196 MAIL, RETURN RECEIPT REQUESTED, TO THE APPLICANT'S ADDRESS AS SET

197 FORTH ON THE APPLICATION.

198

199 § 42-6. LICENSE FEES.

200

201 (A) IF AN APPLICATION FOR A NEW LICENSE OR RENEWAL OF AN
202 EXISTING LICENSE IS APPROVED, THE APPLICANT SHALL PAY THE TOWN A NON-
203 REFUNDABLE LICENSE FEE BEFORE THE TOWN ISSUES THE LICENSE.

204

205 (B) THE AMOUNT OF THE ANNUAL LICENSE FEE IS \$150, EXCEPT THAT
206 FOR THE FOLLOWING TYPES OF TRADES OR BUSINESS THE AMOUNT OF THE
207 ANNUAL LICENSE FEE IS THE AMOUNT SPECIFIED:

208

209 (1) FOR THE OPERATION OF AN APARTMENT HOUSE THE AMOUNT
210 OF THE ANNUAL LICENSE FEE IS \$100 MULTIPLIED BY THE NUMBER OF
211 APARTMENT UNITS.

212

213 (2) FOR THE OPERATION OF A ROOMING HOUSE OR BOARDING
214 HOUSE THE AMOUNT OF THE ANNUAL LICENSE FEE IS \$20 MULTIPLIED BY THE
215 NUMBER OF ROOMING UNITS.

216

217 (3) FOR THE OPERATION OF ONE OR MORE COIN OPERATED
218 VENDING MACHINE THE AMOUNT OF THE ANNUAL LICENSE FEE IS \$20 PER
219 MACHINE IN ADDITION TO THE LICENSE FEE FOR THE TRADE OR BUSINESS IN
220 WHICH THE MACHINE IS LOCATED.

221

222 (4) FOR THE OPERATION OF A MOBILE VENDING BUSINESS THE
223 AMOUNT OF THE ANNUAL LICENSE FEE IS \$50 PER MOBILE VENDING UNIT.

224

225 (5) FOR THE OPERATION OF A BUSINESS ENGAGED IN THE SALE
226 OF ALCOHOLIC BEVERAGES, THE AMOUNT OF THE ANNUAL LICENSE FEE IS \$150
227 PLUS:

228

229 I. \$50 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
230 BEVERAGE LICENSE FOR OFF-SALE BEER AND WINE.

231

232 II. \$100 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
233 BEVERAGE LICENSE FOR OFF-SALE BEER, WINE AND LIQUOR.

234

235 III. \$50 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
236 BEVERAGE LICENSE FOR ON-SALE BEER AND WINE.

237

238 IV. \$100 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
239 BEVERAGE LICENSE FOR ON-SALE BEER, WINE AND LIQUOR.

240
241 V. \$80 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
242 BEVERAGE LICENSE FOR ON AND OFF-SALE BEER AND WINE.
243

244 VI. \$100 FOR A BUSINESS HOLDING A COUNTY ALCOHOLIC
245 BEVERAGE LICENSE FOR ON AND OFF-SALE BEER, WINE AND LIQUOR.
246

247 (6) THERE IS NO LICENSE FEE FOR ANY TRADE OR BUSINESS
248 OPERATED BY NOT-FOR PROFIT ENTERPRISES, RELIGIOUS INSTITUTIONS AND
249 ENTERPRISES AFFILIATED WITH RELIGIOUS INSTITUTIONS.
250

251 (C) THE FEE FOR A LICENSE ISSUED AFTER JULY 1 SHALL NOT BE
252 PRORATED FOR THE REMAINDER OF THE YEAR FOR WHICH THE LICENSE IS
253 ISSUED.
254

255 (D) A LATE FEE IN THE AMOUNT OF \$20 SHALL BE IMPOSED ON ANY
256 LICENSE RENEWAL APPLICATION FILED BETWEEN MAY 16 AND JUNE 30. ANY
257 LICENSED TRADE OR BUSINESS FOR WHICH A LICENSE IS NOT RENEWED BY
258 JUNE 30 SHALL BE DEEMED TO BE UNLICENSED AND SUBJECT TO PENALTIES
259 AND ENFORCEMENT FOR AN UNLICENSED BUSINESS UNTIL A LICENSE IS ISSUED.
260

261 § 42-7. LICENSES.

262 A LICENSE ISSUED UNDER THIS CHAPTER:

263
264 (1) SHALL IDENTIFY EACH TRADE OR BUSINESS FOR WHICH THE
265 LICENSE IS ISSUED.
266

267
268 (2) SHALL IDENTIFY THE PERSON TO WHOM THE LICENSE IS
269 ISSUED.
270

271 (3) SHALL IDENTIFY THE LOCATION AT WHICH THE TRADE OR
272 BUSINESS WILL BE CONDUCTED, EXCEPT THAT A LICENSE ISSUED TO A MOBILE
273 VENDOR SHALL IDENTIFY THE BUSINESS AS A MOBILE VENDOR.
274

275 (4) SHALL LIST ALL TERMS, CONDITIONS AND RESTRICTIONS
276 IMPOSED UPON THE GRANT OF THE LICENSE.
277

278 (5) IS NOT ASSIGNABLE OR TRANSFERRABLE TO ANOTHER
279 PERSON, TRADE OR BUSINESS OR LOCATION.
280
281

282 § 42-8. OPERATIONAL REGULATIONS.

283

284 (A) THE PROVISIONS OF THIS SECTION GOVERN THE OPERATION OF
285 TRADE OR BUSINESS LICENSED UNDER THIS CHAPTER AND ARE CONDITIONS OF
286 THE LICENSE.

287

288 (B) THE HOLDER OF THE LICENSE PROMPTLY SHALL NOTIFY THE TOWN
289 ADMINISTRATOR OF ANY CHANGES TO ANY OF THE INFORMATION SUBMITTED AS
290 PART OF THE APPLICATION FOR THE LICENSE.

291

292 (C) A MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE
293 OPERATION OF THE TRADE OR BUSINESS SHALL BE ON THE PREMISES AT ALL
294 TIMES WHEN THE TRADE OR BUSINESS IS OPEN FOR BUSINESS. THIS MANAGER
295 OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE TRADE OR
296 BUSINESS AND THE HOLDER OF THE LICENSE SHALL BE JOINTLY RESPONSIBLE
297 FOR THE OPERATION OF THE TRADE OR BUSINESS AND FOR ALL VIOLATIONS OF
298 THIS CHAPTER AND THE TERMS AND CONDITIONS OF THE LICENSE, AND SHALL
299 ACCEPT NOTICES AND CITATIONS ISSUED UNDER THIS CHAPTER.

300

301 (D) THE OPERATION OF THE TRADE OR BUSINESS AND PREMISES SHALL
302 COMPLY WITH ALL APPLICABLE SANITARY, BUILDING CODE, BUSINESS
303 LICENSING, ZONING, ALCOHOLIC BEVERAGE AND LIQUOR LICENSING AND LIFE
304 SAFETY AND OCCUPANCY REGULATIONS.

305

306 (E) THE OPERATOR OF THE TRADE OR BUSINESS SHALL MAINTAIN ON
307 FILE RECORDS AS REQUIRED BY LAW FOR ALL EMPLOYEES WHO WORK AT THE
308 PREMISES. IF NOT OTHERWISE REQUIRED BY LAW, THESE RECORDS SHALL
309 INCLUDE TELEPHONE NUMBERS, AND E-MAIL AND POSTAL MAILING ADDRESSES
310 OF ALL EMPLOYEES.

311

312 (F) THE TRADE OR BUSINESS SHALL BE OPERATED WITHIN THE TIMES
313 ALLOWED BY ZONING AND ALCOHOLIC BEVERAGE REGULATIONS, EXCEPT TO
314 THE EXTENT THAT MORE LIMITING HOURS OF OPERATION ARE ESTABLISHED BY
315 THE MAYOR AND COUNCIL AS A CONDITION OF THE ISSUANCE OF THE LICENSE.

316

317 (G) WHERE THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES
318 OTHERWISE IS PERMITTED, ALCOHOLIC BEVERAGES MAY NOT BE SOLD OR
319 SERVED TO ANY INDIVIDUAL UNDER 21 YEARS OF AGE OR TO ANY INDIVIDUAL
320 WHO REASONABLE OBSERVATION DEMONSTRATES IS INTOXICATED OR UNDER
321 THE INFLUENCE OF ALCOHOL.

322

323 (H) NO DISORDERLY CONDUCT OR PUBLIC NUISANCE SHALL BE
324 PERMITTED TO OCCUR OR CONTINUE IN OR WITHIN IN CLOSE PROXIMITY TO THE

325 PREMISES OF THE LICENSED TRADE OR BUSINESS.

326

327 (I) THE TRADE OR BUSINESS SHALL BE OPERATED IN ACCORDANCE
328 WITH ALL APPLICABLE LAWS INCLUDING, BUT NOT LIMITED TO, THOSE
329 DESCRIBED IN SUBSECTION 4 OF THIS SECTION.

330

331 (J) THE INDIVIDUALS IN CHARGE OF THE OPERATION OF THE TRADE OR
332 BUSINESS SHALL NOT ALLOW PATRONS OR GUESTS TO ENGAGE IN CONDUCT
333 ON THE PREMISES THAT VIOLATES APPLICABLE LAWS INCLUDING, BUT NOT
334 LIMITED TO, LAWS RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES AND
335 PUBLIC DECENCY.

336

337 (K) THE OPERATORS OF THE TRADE OR BUSINESS SHALL NOT ALLOW
338 LOITERING TO OCCUR OUTSIDE THE PREMISES OF THE TRADE OR BUSINESS.

339

340 (L) THE TRADE OR BUSINESS SHALL BE OPERATED IN A MANNER THAT
341 DOES NOT RESULT IN THE TRADE OR BUSINESS BEING A PUBLIC NUISANCE OR
342 RESULT IN THE REPEATED RESPONSE BY POLICE OFFICERS FOR CONDUCT IN
343 OR ABOUT THE PREMISES WHERE THE TRADE OR BUSINESS IS BEING
344 OPERATED.

345

346 § 42-9. SPECIAL REGULATIONS FOR MOBILE VENDORS.

347

348 (A) FOR PURPOSES OF THIS CHAPTER A "MOBILE VENDOR" MEANS A
349 PERSON WHO SELLS OR OFFERS TO SELL GOODS, WARES OR FOOD FROM A
350 VEHICLE, TRAILER, KIOSK, PUSH CART, STAND OR OTHER DEVICE DESIGNED TO
351 BE PORTABLE, NOT PERMANENTLY ATTACHED TO THE GROUND AND OPERATING
352 IN NO FIXED OR PERMANENT LOCATION.

353

354 (B) A MOBILE VENDOR MAY NOT REMAIN STANDING IN A FIXED OR
355 PERMANENT LOCATION TO SERVICE CUSTOMERS.

356

357 (C) ALL MOBILE VENDORS' VEHICLES MUST BE CLEARLY MARKED AS TO
358 IDENTIFY THE NAME OF BUSINESS AND PHONE NUMBER, AND DISPLAY ALL
359 REQUIRED PERMITS AND LICENSES.

360

361 § 42-10. SUSPENSION AND REVOCATION OF LICENSE.

362

363 (A) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE
364 PROVISIONS OF § 42-12 (PENALTIES AND ENFORCEMENT).

365

366 (B) IF A TOWN CODE ENFORCEMENT OFFICER OR POLICE OFFICER
367 OBSERVES THAT A TRADE OR BUSINESS FOR WHICH A LICENSED HAS BEEN

368 ISSUED UNDER THIS CHAPTER IS BEING OPERATED IN VIOLATION OF THIS
369 CHAPTER OR IN VIOLATION OF THE LICENSE, THE OFFICER IMMEDIATELY SHALL
370 ISSUE A WRITTEN NOTICE TO THE MANAGER OR OTHER INDIVIDUAL
371 RESPONSIBLE FOR THE OPERATION OF THE TRADE OR BUSINESS TO CEASE AND
372 DESIST, OR TO CORRECT, THE UNAUTHORIZED ACTIVITY IMMEDIATELY OR SUCH
373 LONGER TIME SPECIFIED IN THE NOTICE. IF THE VIOLATION IS NOT CORRECTED
374 IMMEDIATELY OR WITHIN SUCH LONGER TIME SPECIFIED IN THE NOTICE, THE
375 OFFICER SHALL ISSUE TO THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE
376 FOR THE OPERATION OF THE TRADE OR BUSINESS A WRITTEN NOTICE THAT THE
377 MAYOR AND COUNCIL WILL HOLD A HEARING TO DETERMINE WHETHER THE
378 LICENSE SHOULD BE SUSPENDED OR REVOKED. WHERE TOWN CODE
379 ENFORCEMENT OFFICERS OR OFFICERS OF THE TOWN POLICE DEPARTMENT
380 REASONABLY BELIEVE THAT CONTINUED OPERATION OF THE TRADE OR
381 BUSINESS UNTIL THE MAYOR AND COUNCIL CAN HOLD A HEARING ON
382 SUSPENSION OR REVOCATION OF THE LICENSE WILL RESULT IN A IMMEDIATE
383 AND SUBSTANTIAL THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, THE
384 OFFICER MAY TAKE THE SAME ACTION AS IS AUTHORIZED UNDER § 42-12
385 (PENALTIES AND ENFORCEMENT) FOR A TRADE OR BUSINESS THAT IS
386 OPERATING WITHOUT A LICENSE. SUCH ACTION SHALL REMAIN IN EFFECT UNTIL
387 THE MAYOR AND COUNCIL DETERMINES WHETHER TO ALLOW THE RESUMPTION
388 OF THE TRADE OR BUSINESS OR SUSPEND OR REVOKE THE LICENSE.

389
390 (C) IF ANY OTHER GOVERNMENT REGULATORY AGENCY SUSPENDS OR
391 REVOKES A LICENSE OR PERMIT ISSUED BY THAT AGENCY FOR OPERATION OF
392 THE TRADE OR BUSINESS IN THE TOWN, THE MAYOR AND COUNCIL SHALL HOLD
393 A HEARING TO DETERMINE WHETHER THE TOWN LICENSE ALSO SHOULD BE
394 SUSPENDED OR REVOKED.

395
396 (D) IF THE MAYOR AND COUNCIL HOLD A HEARING TO DETERMINE
397 WHETHER A LICENSE SHOULD BE SUSPENDED OR REVOKED, THE TOWN
398 ADMINISTRATOR SHALL SEND NOTICE OF THE DATE, TIME, PLACE AND PURPOSE
399 OF THE HEARING, INCLUDING THE VIOLATIONS OR GROUNDS FOR WHICH
400 SUSPENSION OR REVOCATION OF THE LICENSE WILL BE CONSIDERED. THE
401 NOTICE SHALL BE SENT TO THE LICENSE HOLDER, TO THE BUSINESS ENTITY
402 FOR WHOSE USE AND BENEFIT THE LICENSE WAS ISSUED, AND TO THE OWNER
403 OF THE PREMISES AT WHICH THE TRADE OR BUSINESS IS LOCATED. THE
404 NOTICE SHALL BE SENT BY CERTIFIED AND FIRST CLASS MAIL TO THE
405 ADDRESSES OF SUCH PERSONS AS LISTED ON THE LICENSE APPLICATION.
406 WHERE ACTION IS TAKEN UNDER § 42-10.2, THE MAYOR AND COUNCIL SHALL
407 CONDUCT THE HEARING WITHIN 15 DAYS AFTER THE DATE OF THE WRITTEN
408 NOTICE OF HEARING.

409
410 (1) AT A HEARING THE MAYOR AND COUNCIL SHALL CONSIDER

411 TESTIMONY AND EVIDENCE FROM THE TOWN, FROM THE HOLDER OF THE
412 LICENSE, AND FROM OTHER INTERESTED PERSONS.

413
414 (2) FOLLOWING THE HEARING, IF THE MAYOR AND COUNCIL FINDS
415 THAT THE VIOLATIONS AS ALLEGED HAVE BEEN SUSTAINED, OR THAT THE
416 LICENSE OR PERMIT ISSUED BY ANOTHER GOVERNMENT REGULATORY AGENCY
417 HAS BEEN REVOKED OR SUSPENDED, THE MAYOR AND COUNCIL MAY SUSPEND
418 OR REVOKE THE LICENSE, OR TAKE SUCH OTHER ACTION WITH RESPECT TO
419 THE LICENSE, INCLUDING IMPOSING NEW OR ADDITIONAL CONDITIONS, AS THE
420 MAYOR AND COUNCIL REASONABLY SHALL DETERMINE APPROPRIATE TO
421 PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO ENSURE FUTURE
422 COMPLIANCE WITH THIS CHAPTER AND THE LICENSE.

423
424 (3) THE MAYOR AND COUNCIL SHALL ISSUE A WRITTEN DECISION
425 OF THEIR FINDINGS AND ACTIONS WITH SUCH SUFFICIENCY AS WOULD BE
426 REQUIRED FOR JUDICIAL REVIEW. THE TOWN ADMINISTRATOR SHALL MAIL
427 COPIES OF THE DECISION PROMPTLY TO THE SAME PERSONS AND IN THE SAME
428 MANNER AS THE NOTICE OF THE HEARING WAS SENT. THE TOWN
429 ADMINISTRATOR ALSO SHALL MAIL COPIES OF THE DECISION TO ALL OTHER
430 PARTIES OF RECORD.

431
432 (E) IF THE MAYOR AND COUNCIL REVOKE A LICENSE, THE HOLDER OF
433 THE LICENSE AND THE OPERATOR OF THE TRADE OR BUSINESS MAY NOT APPLY
434 FOR OR RECEIVE ANOTHER LICENSE FOR ONE YEAR FOLLOWING THE DATE OF
435 THE REVOCATION EXCEPT WITH THE CONSENT OF THE MAYOR AND COUNCIL
436 UPON A SHOWING OF A MATERIAL CHANGE IN THE THE CIRCUMSTANCES AND
437 CONDITIONS THAT LED TO THE REVOCATION OF THE LICENSE.

438
439 SEC. 42-11. APPEALS.

440
441 (A) ANY PERSON AGGRIEVED BY A DECISION OF THE TOWN
442 ADMINISTRATOR TO DENY THE GRANTING OF A LICENSE UNDER THIS CHAPTER,
443 OR TO IMPOSE ANY TERMS, CONDITIONS AND RESTRICTIONS UPON THE
444 GRANTING OF A LICENSE, MAY APPEAL THE TOWN ADMINISTRATOR'S DECISION
445 TO THE MAYOR AND COUNCIL WITHIN TEN (10) DAYS FOLLOWING THE TOWN
446 ADMINISTRATOR'S DECISION BY DELIVERING A WRITTEN NOTICE OF APPEAL TO
447 THE TOWN ADMINISTRATOR ON SUCH FORM AS MAY BE PRESCRIBED BY THE
448 TOWN ADMINISTRATOR.

449
450 (1) THE MAYOR AND COUNCIL SHALL GIVE THE APPELLANT
451 NOTICE OF THE DATE, TIME AND PLACE OF A HEARING BEFORE THE MAYOR AND
452 COUNCIL TO HEAR AND CONSIDERATION OF THE APPEAL.

453

454 (2) AT THE HEARING THE MAYOR AND COUNCIL SHALL HEAR
455 FROM THE APPELLANT AND THE TOWN ADMINISTRATOR AND SUCH OTHER
456 TOWN PERSONNEL AND OTHER INDIVIDUALS AS THE MAYOR AND COUNCIL
457 DEEMS APPROPRIATE. THE TOWN ADMINISTRATOR SHALL PRESENT THE
458 RECORD THAT FORMED THE BASIS OF THE ADMINISTRATOR'S DECISION. AT THE
459 HEARING THE APPELLANT SHALL HAVE THE BURDEN OF DEMONSTRATING TO
460 THE MAYOR AND COUNCIL THAT THE DECISION OF THE TOWN ADMINISTRATOR
461 WAS ARBITRARY, CAPRICIOUS OR CONTRARY TO LAW.

462
463 (3) AFTER THE MAYOR AND COUNCIL HEARS AND CONSIDERS THE
464 APPEAL, UPON A FINDING THAT THE DECISION OF THE TOWN ADMINISTRATOR
465 WAS ARBITRARY, CAPRICIOUS OR CONTRARY TO LAW THE MAYOR AND COUNCIL
466 SHALL AFFIRM, MODIFY OR REVERSE THE TOWN ADMINISTRATOR'S DECISION
467 AND MAY TAKE ANY ACTION THAT THE TOWN ADMINISTRATOR MAY HAVE TAKEN.
468 THE MAYOR AND COUNCIL SHALL MAKE WRITTEN FINDINGS TO SUPPORT AND
469 DOCUMENT ITS DECISION.

470
471 (B) ANY PERSON AGGRIEVED BY ANY DECISION OF THE MAYOR AND
472 COUNCIL UNDER THIS SECTION OR § 42-10 MAY SEEK JUDICIAL REVIEW IN THE
473 CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY BY FILING A PETITION FOR
474 JUDICIAL REVIEW WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE DECISION
475 OF THE MAYOR AND COUNCIL. THE DECISION OF THE CIRCUIT COURT MAY BE
476 FURTHER APPEALED TO THE MARYLAND COURT OF SPECIAL APPEALS AS
477 ALLOWED BY LAW.

478
479 SEC. 42-12. PENALTIES AND ENFORCEMENT.

480
481 (A) A PERSON MAY NOT VIOLATE THIS CHAPTER OR THE TERMS,
482 CONDITIONS OR RESTRICTIONS OF A LICENSE ISSUED UNDER THIS CHAPTER.
483 EACH DAY THAT A PERSON CONTINUES TO VIOLATE THIS CHAPTER OR THE
484 TERMS, CONDITIONS OR RESTRICTIONS OF A LICENSE ISSUED UNDER THIS
485 CHAPTER IS A SEPARATE OFFENSE.

486
487 (B) A PERSON WHO VIOLATES THIS CHAPTER OR THE TERMS,
488 CONDITIONS OR RESTRICTIONS OF ANY LICENSE ISSUED UNDER THIS CHAPTER
489 IS GUILTY OF A MUNICIPAL INFRACTION AND SUBJECT TO A FINE IN THE AMOUNT
490 OF \$150 FOR THE VIOLATION, EXCEPT THAT THE AMOUNT OF THE FINE FOR
491 EACH DAY THAT A VIOLATION CONTINUES IS \$300.

492
493 (C) THIS CHAPTER MAY BE ENFORCED BY ANY TOWN CODE
494 ENFORCEMENT OFFICER AND SWORN OFFICERS OF THE TOWN'S POLICE
495 DEPARTMENT. ANY OF THESE INDIVIDUALS MAY ISSUE MUNICIPAL INFRACTION
496 CITATIONS FOR VIOLATIONS.

497
498 (D) IN ADDITION TO THE ISSUANCE OF MUNICIPAL INFRACTION
499 CITATIONS, AFTER NOTICE TO THE MANAGER OR OTHER INDIVIDUAL ON THE
500 PREMISES IN CHARGE OF THE OPERATION OF THE TRADE OR BUSINESS, TOWN
501 CODE ENFORCEMENT OFFICERS AND OFFICERS OF THE TOWN POLICE
502 DEPARTMENT MAY TAKE SUCH MEASURES AS REASONABLY NECESSARY TO
503 EFFECT THE CLOSING OR OTHERWISE PREVENT THE UNLAWFUL CONTINUANCE
504 OR OPERATION OF A TRADE OR BUSINESS THAT A CODE ENFORCEMENT
505 OFFICER OR POLICE OFFICER OBSERVES IS BEING OPERATED WITHOUT THE
506 LICENSE REQUIRED BY THIS CHAPTER. SUCH MEASURES INCLUDE:

507
508 (1) LOCKING OR SECURING THE PREMISES OR OTHERWISE
509 DENYING ENTRY INTO THE PREMISES; OR

510
511 (2) ORDERING THE PREMISES TO BE VACATED AND POSTING IN
512 AND ON THE EXTERIOR OF THE PREMISES NOTICES THAT THE TRADE OR
513 BUSINESS IS CLOSED BY ORDER OF THE TOWN AND THAT NO PERSON IS TO
514 ENTER THE PREMISES WITHOUT PERMISSION OF THE TOWN.

515
516 SUCH MEASURES TAKEN SHALL REMAIN IN FORCE UNTIL SUCH TIME AS THE
517 OWNER OR OPERATOR OF THE PREMISES PROVIDES ASSURANCES
518 REASONABLY SATISFACTORY TO THE TOWN ADMINISTRATOR THAT THE
519 OPERATION OF THE TRADE OR BUSINESS WILL NOT BE RESUMED WITHOUT A
520 LICENSE.

521
522 (E) IN ADDITION TO THE OTHER REMEDIES PROVIDED IN THIS SECTION,
523 THE TOWN MAY INSTITUTE A JUDICIAL PROCEEDING TO ENFORCE OR RESTRAIN
524 VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER OR OF A LICENSE ISSUED
525 UNDER THIS CHAPTER.

526
527 **SECTION 2: AND BE IT FURTHER ENACTED** that § 42-14 of the Code of the
528 Town of Riverdale Park (January 2008 Revision), Article 42 –LICENSES, is hereby
529 renumbered to be § 42-13.

530
531 **SECTION 3: AND BE IT FURTHER ENACTED** that the provisions of Sections 42-1
532 through 42-12 of the Code of the Town of Riverdale Park (January 2008 Revision), Article 42
533 –LICENSES, as enacted by this Ordinance, except those provisions governing the initial
534 issuance of a business license, shall apply to all existing business licenses issued by the
535 Town on or before the effective date of this Ordinance. Such existing business licenses
536 shall continue in effect until June 30, 2014 or until sooner revoked under the provisions of
537 Sections 42-1 through 42-12 as enacted by this Ordinance.

538
539 **SECTION 4: AND BE IT FURTHER ENACTED** that if any provision of this

540 Ordinance, or the application thereof to any person or circumstance, is held invalid for any
541 reason, such invalidity shall not affect the other provisions or any other application of this
542 Ordinance which can be given effect without the invalid provisions or application, and to this
543 end, all the provisions of this Ordinance are hereby declared to be severable.
544

545 **SECTION 5: AND BE IT FURTHER ENACTED** that this Ordinance shall become
546 effective twenty (20) days after its passage by the Council.
547

548
549 **ATTEST:**

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

550
551 
552 _____
553 Town Administrator


554 _____
555 Vernon Archer, Mayor

556
557 **EXPLANATION:**

558
559 CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
560 ((Double Parenthesis)) indicate matter deleted from existing law.
561 Underlining indicates amendments to bill.
562 ~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from
563 the law.