

Cumberland, Maryland, Code of Ordinances >> PART II - CUMBERLAND CITY CODE >> **Chapter 10 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS >> ARTICLE III. - LICENSES GENERALLY >>**

ARTICLE III. - LICENSES GENERALLY ^[51]

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Sec. 10-86.- License required for certain businesses.

No person shall engage in any business or occupation set forth in this article without having complied with the rules and regulations set out in this article, and without obtaining a license therefor.

(Code 1966, § 9-10)

Sec. 10-87.- Exemptions.

- (a) Nothing in this article shall be construed to require a license for any person conducting a sale under any order of court or pursuant to the foreclosure of any lien granted by law or public record within the county.
- (b) Nothing in this article shall require license fees to be paid by any person engaging in interstate commerce or in any occupation in the pursuit of any activity which is exclusively under the jurisdiction of the United States government or the United States Constitution.

(Code 1966, § 9-11)

Sec. 10-88.- Minimum penalty for violations.

No fine for a violation of this article shall be less than the amount of the license fee required by this article.

(Code 1966, § 9-16)

Sec. 10-89.- Preparation of forms.

The city clerk or the chief of police shall prepare suitable applications, permit blanks, license certificates or other forms in order to provide for the practical application and enforcement of this article at the expense of the city.

(Code 1966, § 9-12)

Sec. 10-90.- Application.

Any person desiring to engage in or conduct any of the businesses or occupations licensed under this article shall make application to the city clerk, who shall submit such application at the earliest possible time to the city council.

(Code 1966, § 9-12)

Sec. 10-91.- Affidavit of intention to conduct permanent business; bond.

Where any provision of this article requires a license for transient or itinerant businesses or occupations, all such businesses shall be deemed to be such unless prior to the beginning of the business proposed to be conducted an affidavit has been filed with the city clerk of the intention to conduct such business for a period of not less than twelve (12) months of continuous duration, and unless such applicant has also filed with the city clerk a corporate surety bond in the sum of five hundred dollars (\$500.00), payable to the city council, in such form as may be approved by the city solicitor, conditioned that such person shall faithfully comply with all the provisions of this Code and shall pay the city council the license fee provided for a temporary business or transient merchant in the event of closing, unless the failure to conduct the business shall have been caused by an adjudication of bankruptcy or a bona fide assignment for the benefit of creditors, or the appointment of a receiver. The city council may waive the filing of a bond upon receipt of proof satisfactory to the city council that such person is not a transient business or engaging temporarily in business.

(Code 1966, § 9-13)

Sec. 10-92.- Fees.

Upon approval of an application for a license required by this article by the city council, the city clerk shall issue licenses upon payment of the following fees:

- (1) *Parking lots.*
 - a. To conduct an open-air commercial parking lot having a capacity of twenty (20) cars or less, the license fee per year shall be fifteen dollars (\$15.00).
 - b. For each open-air parking lot having a capacity of twenty-one (21) cars and not more than fifty (50) cars, the license fee per year shall be thirty dollars (\$30.00).
 - c. For each open-air parking lot having a capacity of fifty-one (51) cars or more, the license fee per year shall be forty-five dollars (\$45.00).
- (2) *Shooting galleries.* To operate any shooting gallery or set up any room wherein rifle or pistol shooting is practiced upon a commercial basis, the license fee per year shall be one hundred twenty-five dollars (\$125.00).
- (3) *Pawnbrokers.* To engage in the business of a pawnbroker, the license fee per year shall be two hundred fifty dollars (\$250.00).
- (4) *Junk dealers.* To buy or sell scrap metals, including the purchase of secondhand motor vehicles and the wrecking thereof, and of rubber, the license fee per year shall be two hundred fifty dollars (\$250.00).
- (5) *Fortunetellers, palmists, etc.* To act as a clairvoyant, palmist, fortuneteller, phrenologist or similar business, and make a charge for the business, or to sell books pertaining to any of such things and demonstrate the application thereof, the license fee per week shall be one hundred fifty dollars (\$150.00).
- (6) *Sound trucks.* To operate any sound truck, the license fee per hour shall be one dollar (\$1.00).
- (7) *Hotels.* To operate any hotel which is unlicensed under the provisions of state law pertaining to intoxicating beverages, the license fee per room per year shall be five dollars (\$5.00). A hotel shall be construed, for the purpose of this subsection, to be any place offering accommodation to transients and containing five (5) or more guest rooms.
- (8) *Used car lot.* To operate any used car lot, the license fee per year shall be seventy-five dollars (\$75.00).
- (9) *Temporary license.* For temporary businesses for the sale of goods, wares, or merchandise, either wholesale or retail, the fee shall be three hundred seventy-five dollars (\$375.00). Such licenses shall be effective for a period of two (2) months from the date of their issuance and may be renewed for two (2) like periods thereafter upon payment of an additional fee of three hundred seventy-five dollars (\$375.00) per period, said licenses to be effective for a total duration of no more than six (6) months. For the purposes of this subsection, a temporary business is a business wherein the proprietor is not the owner of the building or premises upon which such business is conducted and has a lease for a term of less than one (1) year.

(Code 1966, § 9-14(a)—(h), (j); Ord. No. 2917, § 1, 4-12-83; Ord. No. 3363, § 1, 5-8-01; Ord. No. 3440, § 1, 6-2-03; Ord. No. 3662, § 1, 4-13-10)

State law reference— Municipal authority to set license fees, Ann. Code of Md. art. 23A, § 2(b)(33).

Sec. 10-93.- Duration; proration of fees.

All annual licenses provided for in this article, except those for pinball machines, shall begin as of May 1 and expire as of April 30 next following. Where such licenses are applied for after November 1, the city clerk

shall charge one-half of the annual license fee, and where applied for after February 1, the city clerk shall charge one-fourth of the annual license fee.

(Code 1966, § 9-15)

Sec. 10-94.- Display of license tags.

Any person who is required to pay a license fee or occupational tax to the city and who has received from the city a metal plate or tag as evidence of such payment shall display such metal tag at all times in a prominent place upon the vehicle for which the tag or plate was issued.

(Code 1966, § 9-8)

Secs. 10-95—10-110.- Reserved.

FOOTNOTE(S):

⁽⁵¹⁾ *State Law reference—Restrictions on municipal licensing authority, Ann. Code of Md. art. 56, § 12. [\(Back\)](#)*

Cumberland, Maryland, Code of Ordinances >> PART II - CUMBERLAND CITY CODE >> Chapter 10 - LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS >> ARTICLE IV. - AUTOMATIC AMUSEMENT DEVICES AND ARCADES >> DIVISION 1. - GENERALLY >>

DIVISION 1. - GENERALLY

Sec. 10-111. - Policy.

Sec. 10-112. - Definitions.

Sec. 10-113. - Penalty.

Sec. 10-114. - Enforcement generally; sealing and seizure of games.

Sec. 10-115. - Abatement of nuisances.

Sec. 10-116. - Suspension; revocation.

Sec. 10-117. - Location and operation of games and arcades.

Secs. 10-118—10-135. - Reserved.

Sec. 10-111.- Policy.

It is hereby declared to be the policy of the mayor and city council to encourage reasonable and orderly public access for patrons wishing to play automatic amusement games; to prevent the operation of unlawful devices; and to prohibit operations which encourage unlawful conduct, disturb the peace, or otherwise create a public nuisance. All the provisions of this article shall be liberally construed to achieve these ends, and administered and enforced with a view to carrying out the declaration of policy set out in this section.

(Ord. No. 2917, § 2(1), 4-12-83)

Sec. 10-112.- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arcade means any premises where six (6) or more automatic amusement games are operated, or any premises where the operation of such games is the principal business conducted therein.

Automatic amusement game means any machine or device activated by paying or depositing a coin or token, and which when operated is used as a game of skill, test, contest, instruction or entertainment; it does not include automatic pool tables or machines designed primarily to play music or to entertain children under ten (10) years of age, nor automatic merchandise vendors or coin-operated latch and service devices with no game features.

Place of public resort means any premises accessible to the public, including clubs and similar organizations accessible to a restricted membership.

(Ord. No. 2917, § 2(2)(b), (4), 4-12-83)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 10-113.- Penalty.

Violation of any provision of this article, including any rules and regulations authorized by this article, is declared to be a municipal infraction, punishable by a fine of one hundred dollars (\$100.00) if the violation is a first offense and a fine of two hundred dollars (\$200.00) if the violation is a repeat offense. Each day a violation continues shall constitute a separate offense.

(Ord. No. 2917, § 2(7), 4-12-83)

Charter reference— Penalties for ordinance violations, § 78.

State law reference— Penalties for ordinance violations, Ann. Code of Md. art. 23A, § 3.

Sec. 10-114.- Enforcement generally; sealing and seizure of games.

- (a) It shall be the duty of every law enforcement officer of the city to seal or seize any automatic amusement game being operated without a current license as required by division 2 of this article or otherwise in violation of law. Games sealed or seized for nonpayment of fees or taxes may be redeemed within thirty (30) days by any person having an interest therein by payment of all sums due, plus costs. It shall be unlawful to remove or tamper with a sealed machine or the seal affixed thereto. Seized games not redeemed and games seized for other violations may, after notice and hearing, be sold or otherwise disposed of as provided by law.
- (b) The chief of police may notify the operator and any person in charge of a premises where automatic amusement games are being operated of any alleged violation of this article or any applicable rule or regulation. If such alleged violation is not corrected or stopped within ten (10) days after such notification given in writing, all games in such premises may be seized and, after notice and hearing, be sold or otherwise disposed of as provided by law.
- (c) All monies contained in machines disposed of under this section shall be paid into the general funds of the city.

(Ord. No. 2917, § 2(6), 4-12-83)

Sec. 10-115.- Abatement of nuisances.

In addition to any other remedy or penalty provided in this article, the chief of police may apply for abatement, as provided by law, when any premises or operation regulated under this article is creating a common nuisance.

(Ord. No. 2917, § 2(8)(b), 4-12-83)

Sec. 10-116.- Suspension; revocation.

In addition to any other remedy or penalty provided in this article the city administrator may, on not less than five (5) days' notice delivered in writing, suspend any license issued under this division, and after not less than thirty (30) days' notice delivered in writing, and after hearing, he may revoke any license issued under this division and withdraw any qualification certified under this article.

(Ord. No. 2917, § 2(8)(a), 4-12-83)

Sec. 10-117.- Location and operation of games and arcades.

- (a) No automatic amusement game shall be operated in any location less than nine hundred (900) feet from the nearest structural part of any hospital, nursing home, rest home, library, church or school. No person under eighteen (18) years of age shall be allowed to play any automatic amusement game during the regular school hours of the public schools located in the city, nor between the hours of midnight and 7:00 a.m.
- (b) Arcade operations shall be appropriately supervised by one (1) or more adult attendants at all times. Arcades shall provide at least forty (40) square feet of floor space under and around each game, and sufficient parking and bike rack space to prevent traffic disruption by patrons' vehicles. Arcade premises shall be adequately ventilated and illuminated and shall be so constructed and arranged that the interior is visible from outside through at least one (1) wall. If food or beverages are sold, appropriate measures shall be taken to avoid littering.
- (c) No automatic amusement game, and no arcade, shall be allowed to become a public nuisance or otherwise to endanger the public health, safety or general welfare. The chief of police may issue such directives and make such additional rules and regulations governing the operation of automatic amusement games and arcades as he finds reasonably necessary to carry out the purposes of this section.

(Ord. No. 2917, § 2(5), 4-12-83)

Secs. 10-118—10-135.- Reserved.

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DIVISION 1. - GENERALLY

Sec. 10-266. - Exemption.

Sec. 10-267. - Hours of solicitation.

Sec. 10-268. - License, identification card for fruit and vegetable vendors.

Secs. 10-269—10-285. - Reserved.

Sec. 10-266.- Exemption.

This article shall not apply to solicitation for religious purposes.

(Ord. No. 2871, § 1(9-22), 9-16-80)

Sec. 10-267.- Hours of solicitation.

No person canvassing or soliciting within the meaning of this article shall do so other than between the hours of 9:00 a.m. and 7:00 p.m.

(Code 1966, § 9-20)

Sec. 10-268.- License, identification card for fruit and vegetable vendors.

- (a) Any person selling from a wagon or vehicle at retail or wholesale within the city any fresh fruits, vegetables or other country produce, of which that person is not the bona fide grower or producer, shall obtain a license for that purpose; such license to be issued by the city clerk upon the payment of the following fees:
- (1) Class 1, selling from horse-drawn wagon, \$25.00 per day, \$30.00 per year.
 - (2) Class 2, selling from truck not over one-half ton, \$25.00 per day, \$30.00 per year.
 - (3) Class 3, selling from one-half ton truck to one-ton truck, \$25.00 per day, \$100.00 per year.
 - (4) Class 4, selling from one-ton truck and over, \$25.00 per day, \$200.00 per year.
- (b) Any person selling from a wagon or vehicle at retail or wholesale within the city any fresh fruits, vegetables or other country produce, of which that person is the bona fide grower or producer, shall, before selling at retail or wholesale, first procure from the city clerk an identification card which such person shall be required to exhibit upon request. The card shall bear the person's name and residence and a certification that he is the bona fide grower or producer of such fruits, vegetables or country produce which he is offering for sale at retail or wholesale. The city clerk shall charge a registration fee of fifty cents (\$0.50) for such identification card.
- (c) Nothing in this section shall require license fees to be paid by any person engaging in interstate commerce.

(Code 1966, § 9-21)

Secs. 10-269—10-285.- Reserved.