

CHAPTER 70

PEDDLING AND SOLICITING
[added 8-21-06 by O-2006-03]

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Section 7001 Definitions

When used in this Chapter, the following words, terms and phrases and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) Canvasser is a person who attempts to make contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

(1) Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser attempts to raise money for or against such cause; or

(2) Distributing a handbill or flyer advertising a non-commercial event or service.

(B) Conveyance includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.

(C) Goods, wares, merchandise shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products,

medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

(D) Motor vehicle means any vehicle used for displaying, storing, or transporting articles for sale by a vendor and which is required to be licensed and registered by the Department of Motor Vehicles of any state.

(E) Nonprofit organization means any organization that is qualified as tax exempt by the Internal Revenue Service.

(F) Public space includes all Town-owned parks and Town-owned property.

(G) Public way means all areas legally open to public use such as public space, public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

(H) Pushcart means any wheeled vehicle approved by the Town Manager in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

(I) Sidewalk means all that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

(J) Solicitor is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to obtain a donation to a nonprofit organization, even if, incidental to such purpose, there is the sale of some good or service.

(K) Special event means any occasion including but not limited to fairs, shows, exhibitions, Town-wide celebrations, and festivals taking place within a specifically defined area of the Town for a period of time not to exceed seven (7) days.

(L) Stand means any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk.

(M) Street means all that area legally open to public use as public streets and sidewalks, roadways, highways, parkways, alleys and any other public way.

(N) Transient merchant means:

(1) Any person, whether or not a resident of the Town, who engages in a temporary business or selling (either door to door or by public announcement) and delivering goods, food, wares or merchandise within the Town;

(2) Any person who engages in a business of selling and delivering goods, food, wares, or merchandise within the Town and, in furtherance of this purpose, hires, leases, uses or occupies any temporary building or structure, motor vehicle, trailer, tent, hotel room, lodging

house, residential dwelling, street, alley or other place within the Town for the exhibition and sale of goods, wares or merchandise, either privately or at public auction.

(O) Vendor means any person, carrying, conveying, or transporting goods, wares or merchandise and (either by going door to door or by gaining public notice) offering and exposing them for sale, or making sales and delivering articles to purchasers; or who exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his/her person while on the public ways of the Town. A Avendor@ also includes any street vendor, hawker, huckster, door-to-door merchant or transient merchant. This definition does not include a canvasser or solicitor as defined herein.

(P) Vending is doing any act as a vendor.

(Q) Vehicle means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

Section 7002 License Required

It shall be unlawful for any person to engage in vending unless the person has first obtained a license from the Town. All licenses shall be issued according to this ordinance and any regulation promulgated by the Town Manager.

Section 7003 Application for License

The application for a vending license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

(A) The applicant=s full name, current address, telephone number and proof of identity, issued by the State of Maryland, or other recognized government;

(B) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale;

(C) The specific location, if any, in which the vendor intends to conduct business;

(D) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;

(E) If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle identification number and license number;

(F) A complete listing of any other licenses or permits issued to the applicant by the Town within the five (5) years immediately preceding the date of the application.

Any application for a vending license to engage in the sale of food or beverages shall also be referred to the County and State Health Department for approval and issuance of a certificate of health inspection [or health permit] in addition to the regular vending license. The applicant's equipment shall be subject to inspections at the time of application and at periodic intervals thereafter.

Section 7004 Issuance of License

(A) The Town will not issue or renew a vending license until all required County or State licenses or permits have been issued and evidence of such, to the reasonable satisfaction of the Town, has been demonstrated. The Town may also deny a license to any applicant who is convicted of any sex offense or felony or who is a danger to the public. The applicant shall be notified in writing by the Town Manager of the Town=s decision to issue or deny the license not later than thirty (30) days after the applicant has filed a completed application with the Town Manager. The Town Manager can add such reasonable conditions or restrictions to the license as reasonably necessary to protect the public safety and the purposes of this Chapter. Any applicant for a license to sell food and beverages as a vendor can only be issued after the applicant receives the approval of the applicable state and/or county Health Department and Huckster Permits.

(B) Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle identification number and a copy of any state issued photo identification. Each license shall also show the expiration date of the license and the vendor=s permit number which is issued by the Town and any conditions or restrictions.

(C) All licenses, permits and/or identification badges issued under this Section are valid for one (1) year unless suspended or revoked and shall be both non-assignable and non-transferable.

Section 7005 Special Events

Any vendor wishing to conduct business at a special event shall apply to the Town Manager for a temporary vending permit. Application for such a permit must be made at least five (5) days prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified. Vending at special events without a temporary vending permit is prohibited.

Section 7006 License Fees

Any vendor granted a vending license under this Chapter shall pay an annual license fee as set by the Town in Chapter 28. Any vendor granted a temporary vending permit for special events shall pay a fee as set by the Town Manager.

Section 7007 Display of Identification Badges and Other Permits

(A) Any license or permit issued by the Town shall be carried with the licensee whenever he/she is engaged in vending. Certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

(B) A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

Section 7008 Notification of Name or Address Change

All vendors shall assure that a current and correct name, residence address and mailing address are on file with the Town Manager. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the Town Manager in writing within fifteen (15) days of such change and provide the same with the name change or address change.

Section 7009 Exemptions

The provisions of this Chapter as to requiring a license do not apply to:

- (A) Door-to-door solicitors or canvassers as defined in '70-1
- (B) Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
- (C) The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paperbound books; or
- (D) The distribution of advertisement or free samples of goods, wares and merchandise by any individual from his person provided such distribution does not involve going to individual residences and attempting to make personal contact with the residents therein.

Section 7010 Claims of Exemption

Any person claiming to be legally exempt from this Chapter, or from the payment of a license fee, shall cite to the Town Manager the statute or other legal authority under which exemption is claimed and shall present to the Town Manager proof of qualification for such exemption.

Section 7011 Hours of Operation

Unless a license specifically provides otherwise, vendors as well as canvassers and solicitors shall be allowed to operate only between the hours of 9:00 a.m. and 8:00 p.m. Vendors may not stop for more than fifteen (15) minutes at a single stop after which the vendor must move their vending station or conveyance and other related items a minimum of 1,000 feet from the previous location. Vendors may not return to within one thousand feet (1,000=) of a previous location for twenty four (24) hours. No vending station, conveyance or other items related to the operation of a vending business shall be located on any Town sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

Section 7012 Littering and Trash Removal

- (A) Vendors, solicitors and canvassers shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating

within twenty five (25) feet of any vending stand shall be collected by the vendor and deposited in a trash container.

(B) Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

Section 7013 Vending Restrictions

Absent an explicit authorization by the Town for a special event or circumstance, no vendor shall be permitted to operate:

(A) On any public space, within twenty five (25) feet of any street, intersection or pedestrian crosswalk.

(B) Within twenty five (25) feet of any, loading zone or bus stop, intersection or pedestrian crosswalk.

(C) Within two hundred (200) feet of another vending location assigned to another vendor on a public sidewalk.

(D) In any area within one hundred (100) feet of a building entrance or exit or, in the case of a hotel or motel, within two hundred fifty (250) feet of building entrances or exits.

(E) On the median strip of a divided roadway.

(F) Against display windows of fixed location businesses.

(G) Any area within one thousand (1,000) feet of a hospital, college, university, elementary school, middle school or high school.

(H) Within twenty five (25) feet of any fire hydrant or fire escape.

(I) Within twenty five (25) feet of any parking space or access ramp designated for persons with disabilities.

Section 7014 Prohibited Conduct

No person engaged in vending, soliciting or canvassing shall do any of the following:

(A) Obstruct pedestrian or motor vehicle traffic flow, except for no more than two (2) minutes to load and unload vending stations and/or vending merchandise.

(B) Obstruct traffic signals or regulatory signs.

(C) Stop, stand or park any vehicle, pushcart or conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.

(D) Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight.

(E) Use a handcart or pushcart whose dimensions exceed six feet (6=) in width, six feet (6=) feet in length and five feet (5=) in height.

(F) Use any stand or other fixed-location conveyance whose dimensions exceed six feet (6=) feet in width, six feet (6=) feet in length and three feet (3=) feet in height.

(G) Use any conveyance that when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.

(H) Sell any goods, wares or merchandise on public space unless the location has been or shall be hereafter so designated by the Town Council for vending.

(I) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate the Town=s noise ordinance or the Transportation Article of the Maryland Code '22-401 and 22-401.1, as amended. (If any device is used to attract public attention it shall only be a small bell, such as used on ice cream trucks.)

(J) Act in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(K) Fail to obey the lawful order of the Town Manager, his/her designee or a police officer.

(L) Operate in violation of the terms and conditions of the Town permit or in violation of the vending restrictions above.

(M) Operate in violation of the applicable provisions of '70-11 above.

Section 7015 Penalties

Violation of this Chapter shall be a municipal infraction. The penalty for violating any provision of this Chapter shall be as indicated in Chapter 28 for each offense. The penalty for failure to obtain a license or for any repeat violation of this Chapter shall be include suspension of the vendor=s license for a time period not to exceed ninety (90) days for a first offense and revocation for any subsequent offense. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense.

Section 7016 Suspension and Revocation of License

(A) In addition to the penalties contained above, any license issued under this Chapter may be suspended or revoked, and solicitors or canvassers may be stopped from such activity in the Town, for any of the following reasons:

(1) Fraud, misrepresentation or knowingly false statement contained in the application for the applicable license;

(2) Fraud, misrepresentation or knowingly false statement in the course of the vending, soliciting or canvassing;

(3) Conduct in any manner contrary to the conditions of the license or to a direct order by the Town Manager, his/her designee or police officer;

(4) Conduct creating a public nuisance, causing a breach of the peace, constituting a danger to the public health, safety, welfare or morals, or interfering with the rights of abutting property owners; or

(5) Cancellation or suspension of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations or cancellation or suspension of a required County or State license or permit.

(B) The Town Manager shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his right to appeal. Such notice shall be mailed to the address shown on the license holder=s application by certified mail, return receipt requested.

(C) If the Town revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this Chapter may not apply for a new license for a period of one (1) year from the date that the revocation took effect.

Section 7017 Renewals

A vending license may be renewed, provided an application for renewal and license fees are received by the Town no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The Town Manager shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this Chapter and all applicable Town, County and State Codes, shall issue a new license.

Section 7018 Construction

(A) No part of this Chapter or the Chapter itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or the laws of the State of shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

(B) If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining, portions of this Chapter. The Town Council declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section,

subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

CHAPTER 74

PROPERTY MAINTENANCE

Section 7401.	Accumulation of Trash and Tall Yard Growth Prohibited.
Section 7402.	Lot Maintenance.
Section 7403.	Storage of Inoperable Vehicles.
Section 7404.	Driveways.
Section 7405.	Yard Sales.
Section 7406.	Storage Bins, Dumpsters, Permits.
Section 7407.	Fences & Walls.
Section 7408.	Notice of Foreclosure on Residential Property.
Section 7409.	Violations, Penalties & Procedures.

Section 7401 Accumulation of Trash and Tall Yard Growth Prohibited: Notice to
Remove: Removal by Town

(A) Any trash, waste materials, garbage, offensive and dirty materials or weeds, grass, briars and brush more than eight (8) inches tall, and vines which have been or which may hereafter be allowed to accumulate or grow on any private property or building adjoining any of the streets, alleys or lanes and within two hundred (200) feet thereof in the Town, as well as the trees, hedges or other shrubbery that obstructs clear unbroken view of on-coming traffic by drivers of motor vehicles or near intersections, thus creating a traffic hazard, are hereby declared to be a public nuisance.

(B) Any owner or owners, tenant or tenants or persons in possession of any real property where such public nuisance exists shall be issued a written notice to abate such public nuisance with ten (10) days, inclusive of Sundays and holidays.

(C) Any owner or owners, tenant or tenants or persons on possession of any real property who fails to abate or otherwise correct such public nuisance within the said ten day period, or commits a repeat violation within twelve (12) months of the date of issuance of a written notice, shall be issued a municipal infraction in accordance with Chapter 28, "Fees and Penalties," Section 2802 "Penalties," of this Code unless cause to the contrary shall be shown by filing objections, in writing, with the Town Administrator on or before the expiration date of said written notice. Each successive ten (10) day period the violation goes uncorrected shall constitute a separate offense.

(D) If such written objections are filed, it shall be the duty of such persons to appear at the next regular meeting of the Mayor and Town Council at which time a public hearing shall be afforded such person. Such Notice of said meeting shall be given by placing the same in the