

**0-8-16 Title 7 – Business Licenses, Taxes and Regulations
Peddlers, Hawkers, Itinerant Merchants**

**Economic Matters & Rules
and City Government
Proposed Amendments
July 14, 2016**

Amendment 1:

Page 3, Lines 22-23: Strike “NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS” and replace with: PLANNING AND ZONING.”

Amendment 2:

Page 5, Lines 24-25: Strike “PROVIDED THE PERSON IS SELF-EMPLOYED”

As amended:

5. SELLING COMMODITIES THAT ARE PRODUCED, CAUGHT OR RAISED BY THE PERSON WHO IS SELLING THE COMMODITIES, ~~PROVIDED THE PERSON IS SELF-EMPLOYED.~~ A PERSON SELLING THE COMMODITIES FROM A LOCATION WITHIN THE HISTORIC DISTRICT, AS DEFINED IN CHAPTER 21.56 OF THIS CODE, OTHER THAN AT THE OPEN-AIR MARKET ESTABLISHED PURSUANT TO SECTION 7.28.010 SHALL BE A RESIDENT AT THE LOCATION FROM WHICH SALES ARE TO BE MADE;

Rationale:

Planning Commission recommendation (#1) An individual selling self-produced, raised or caught commodities might have a full- or part-time job doing something else as well, or the individual may be employed by a farm instead of being the owner.

Amendment 3:

Page 5, Line 41 through Page 6, Line 2: Strike entire Paragraph 10 and renumber following paragraphs.

Rationale:

Planning Commission recommended (#2) including “not only scouts but legitimate non profits”. However, it is impossible for government to regulate between “good” and “bad” non-profits and somehow establish their legitimacy.

Amendment 4:

Page 7, Line 33: Insert after “PROPERTY,”: “OR LESSEE IF AUTHORIZED BY THE OWNER”

As amended:

IF THE FIXED LOCATION WILL BE ON PRIVATE PROPERTY, WRITTEN CONSENT FROM THE OWNER(S) OF THE PROPERTY, OR LESSEE IF AUTHORIZED BY THE OWNER, MUST BE PROVIDED;

Rationale:

Planning Commission recommendation (#3)

Amendment 5:

Page 9, Line 5: After “LICENSE.” insert “COMPLETED APPLICATIONS SHALL BE ACTED UPON IN 45 DAYS.”

Rationale:

Planning Commission recommendation (#4)

Amendment 6:

Page 9, Line 29: Insert “RIGHT” after “PROPERTY”

As amended:

A LICENSE ISSUED UNDER THIS CHAPTER SHALL BE TEMPORARY AND VEST NO PROPERTY RIGHT IN THE APPLICANT OR ANY OTHER PERSON.

Rationale:

Planning Commission recommendation (#6)

Amendment 7:

Page 9, Line 36: Replace “SHALL” with “MAY”

Rationale:

Recommendation of Office of Law. Other jurisdictions (Ocean City, Frederick) use the permissive “may” instead of the obligatory “shall” regarding license revocation. The permissive term is used in other Annapolis licensing code (eg: 7.08.070 - Amusement license violation; 7.12.140 - Alcohol License—Suspension— Revocation—Fines.)

Amendment 8:

Page 10, Lines 15-17: Delete entire Paragraph 5 and renumber subsequent paragraphs.

Rationale:

Planning Commission (#5) believed the language of the Section was too broad. Others commented that Paragraph 5 needed exceptions. The intent of the paragraph is covered by Paragraph 7, so deleting Paragraph 5 both removes its problems and simplifies the code.

Amendment 9:

Page 11, Lines 12-13: Strike all language following “APPROVED” through “City Council”:

As amended:

Upon the approval of an application for a license under the provisions of this chapter, the applicant shall pay a fee to the Department of Neighborhood and Environmental Programs as established by resolution of the City Council for each day for which application has been made APPROVED, ~~for periods not to exceed - twenty days. For licenses issued for periods in excess of twenty days, the fee shall be as established by resolution of the City Council.~~ All licenses shall be issued for a fixed length of time, not to exceed twelve months. If a license is approved, the amount of the application fee shall be a credit against the license fee.

Rationale:

Simplify the statute while allowing the flexibility in license fees as recommended by the Economic Development Manager.

Amendment 10:

Page 12, Line 2: Replace the word “FIVE” with “THREE”

Rationale:

Received comments that five minutes can be a long time for an ice cream truck to be blaring its music.

Amendment 11:

Page 12, Line 33: Insert new paragraph: “D. A PEDDLER, HAWKER, OR ITINERANT MERCHANT WHO IS OPERATING AT A SPECIAL EVENT MEETS THE REQUIREMENTS OF THIS SECTION IF THE EVENT ORGANIZER PROVIDES REFUSE AND RECYCLING RECEPTACLES AS REQUIRED IN CHAPTER 14.18.

Rationale:

Event organizers interpret Section 7.40.086 as written to mean each individual

vendor at a street festival would need to supply his/her own trash and recycling containers. The Special Event code (Chapter 14.18) says the number of containers must be sufficient for the entire event. This appears to be working.

Amendment 12:

Page 13, Line 17: Strike “DOOR-TO-DOOR”

As amended:

WHEN CONDUCTING ~~DOOR-TO-DOOR~~ SALES IN RESIDENTIAL ZONES, PURSUANT TO CHAPTERS 21.42-21.47, OUTSIDE THE HISTORIC DISTRICT

Rationale:

Public comments pointed out the ordinance, as written, prohibits institutions such as Charles Carroll House, St. Johns College, or Maryland Hall from hosting benefits or other functions with cash bars on behalf of other organizations. This prohibition was not intended by the Sponsor.

Present code allows vendor sales in residential areas outside the Historic District. This doesn't seem to be presenting problems that need fixing. The proposed amendment would retain the status quo.

Amendment 13:

Page 13, Line 23: Insert new paragraph and renumber existing Paragraph D and following paragraphs:

“D. AS PART OF A SPECIAL EVENT WITHIN THE WATERFRONT MARITIME EASTPORT (WME) AND WATERFRONT MIXED MARITIME (WMM) ZONING DISTRICTS.”

Page 14, Line 1: Insert after (C): “OR (D)”

Rationale:

Eastport-A-Rockin' and the Eastport end of the Tug-O-War take place in these zoning districts. The WME and WMM zoning districts are not residential zones where vending would be permitted in conjunction with a special event under 7.40.090.B.

Amendment 14:

Page 13, Line 26: Strike existing Paragraph E, renumber following paragraphs.
Page 14, Line 1: Strike “OR (E)”

Rationale:

The Maritime Advisory Board recommends that sale of goods upon City Waters be addressed in separate legislation.

Amendment 15:

Page 13, Lines 32-33: Strike: “AND NOT WITHIN 100 FEET OF A STANDARD RESTAURANT OR RESIDENTIAL ZONING DISTRICT” and replace it with: “SUBJECT TO THE FOLLOWING LIMITATIONS:

- a. NOT WITHIN 100 FEET OF A STANDARD RESTAURANT WITHOUT WRITTEN PERMISSION OF AN AUTHORIZED REPRESENTATIVE OF SAID RESTAURANT;
- b. NOT WITHIN 100 FEET OF A RESIDENTIAL ZONING DISTRICT EXCEPT IN WARD 8;

Rationale:

A: Requested by a restaurant owner during public testimony.

B: Food trucks are allowed in Residential Zones in Ward 8 so a buffer zone there would be counter-productive.

Amendment 16:

Page 13, Lines 40-42: Rearrange paragraph 5 as follows:

As amended:

~~FOR NOT MORE THAN THIRTY MINUTES AT ONE LOCATION IN OTHER RESIDENTIAL AREAS OUTSIDE THE HISTORIC DISTRICT~~ FOR NOT MORE THAN THIRTY MINUTES AT ONE LOCATION UNLESS IN CONJUNCTION WITH AN APPROVED SPECIAL EVENT

Rationale:

Make clearer that this paragraph only applies to residential areas outside the Historic District.

Amendment 17:

Page 14, Lines 36-37: Strike all of paragraph 7

Page 14, Line 40: Insert new paragraph: “C. HAWKER, PEDDLER, AND ITINERANT MERCHANT SALES AS TEMPORARY USES PURSUANT TO CHAPTER 7.40 OF THE CITY CODE.”

As amended:

Chapter 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS

Section 21.64.600 – Temporary uses.

The following temporary uses are permitted in the zoning districts indicated:

A. All Zoning Districts.

- 1. Storage or building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the

duration of the building permit. No yards are required provided that there shall not be undue interference with the use and enjoyment of neighboring property.

2. Use of governmental property, including the erection of a tent or other temporary structure, for a carnival, circus or other activity.
3. Use of non-governmental property for up to five days by a nonprofit, educational, cultural, or civic organization for a carnival, street fair, circus or similar activity including the erection of a tent or other temporary structure. The operator must obtain all permits required by law.
4. Model homes and real estate tract offices for rental or sale of buildings in a project. A real estate office shall be removed upon the initial sales of all units in a project.
5. Yard sales and garage sales, up to ten-SIX days in a calendar year.
6. Use of a trailer as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively underway.
7. ~~HAWKER, PEDDLER, AND ITINERANT MERCHANT SALES PURSUANT TO CHAPTER 7.40 OF THE CITY CODE.~~

B. Waterfront Maritime Districts. Temporary festivals in conjunction with maritime uses up to thirty days duration.

C. HAWKER, PEDDLER, AND ITINERANT MERCHANT SALES AS TEMPORARY USES PURSUANT TO CHAPTER 7.40 OF THE CITY CODE.

Rationale:

Planning Staff recommendation and Planning Commission Recommendation #7.

“The majority of the changes are associated with Title 7 of the City Code, however there is an amendment to modify 21.64.600 to add this use to Temporary Use in the Zoning Code. The proposed use is categorized under Item A. All Zoning Classifications. In review of ordinance in relation to Chapter 7, the legislation clearly has identified the Temporary Uses can only be located in specific areas and zoning classifications within the City. Therefore, legislative construction would require that the ordinance be amended to list Hawkers, Peddlers and Itinerant Merchants as a separate category under 21.64.600 Temporary Uses not under “All Zoning Classifications”.

Amendment 18:

Page 15, Line 2: Insert “**45 DAYS**” after “effect”

As amended:

... this Ordinance shall take effect 45 DAYS from the date of its passage.

Rationale:

Certain vendors sales permitted under the existing Municipal Code will have

different requirements and/or not be permitted if 0-8-16 is adopted (see Summary). Impacted vendors will need time to be notified and, if necessary, adjust plans.