

1 **..Title**

2 **Title 7 - Business Licenses, Taxes and Regulations** – For the purpose of amending Chapter 7.40 to  
3 provide for the regulation of peddlers, hawkers, and itinerant merchants within the City.

4 **..Body**

5  
6 **CITY COUNCIL OF THE**  
7 **City of Annapolis**

8  
9 **Ordinance 8-16**

10  
11 **Sponsor: Alderman Budge**

12  
13 **Referred to**

14 **Economic Matters Committee**

15 **Rules & City Government Committee**

16 **Planning Commission**

17 **Maritime Advisory Board**

18 **Recreation Advisory Board**

19  
20 **AN ORDINANCE concerning**

21  
22 **Title 7 - Business Licenses, Taxes and Regulations**

23  
24 **FOR** the purpose of amending Chapter 7.40 to provide for the regulation of peddlers, hawkers, and  
25 itinerant merchants within the City.

26  
27 **BY** repealing and reenacting the following portions of the Code of the City of Annapolis, 2015  
28 Edition:

29  
30 Section 7.40.010

31 Section 7.40.020

32 Section 7.40.040

33 Section 7.40.050

34 Section 7.40.060

35 Section 7.40.070

36 Section 7.40.080

37 Section 7.40.090

38 Section 21.64.600

39  
40 **BY** repealing the following portion of the Code of the City of Annapolis, 2015 Edition

41

1 Section 7.40.030  
2

3 **BY** adding the following portions to the Code of the City of Annapolis, 2015 Edition  
4

5 Section 7.40.005

6 Section 7.40.054

7 Section 7.40.056

8 Section 7.40.075

9 Section 7.40.084

10 Section 7.40.086

11 Section 7.40.095  
12  
13

14 **WHEREAS,** peddlers, hawkers, and itinerant merchants were an essential component of the  
15 Colonial-era economy and have operated in Annapolis since those times; and  
16

17 **WHEREAS,** modern peddlers, hawkers, and itinerant merchants continue to form an important  
18 part of our economy, every day selling and delivering agricultural products, kitchen  
19 supplies, clothing, cosmetics, tools, yacht services, magazines, and a myriad of other  
20 goods and services; and  
21

22 **WHEREAS,** Annapolis embraces periodic street fairs in business districts throughout the City that  
23 bring peddlers, hawkers, and itinerant merchants to our communities; and  
24

25 **WHEREAS,** the food truck industry has undergone a revolution during the past two decades, with  
26 food trucks now attracting crowds, gaining Presidential recognition, and being rated  
27 in gourmet guides; and  
28

29 **WHEREAS,** peddling, hawking, and itinerant vending may provide an entry point for micro-  
30 entrepreneurs – expanding economic opportunities, creating new jobs, and helping to  
31 enable upward mobility; and  
32

33 **WHEREAS,** a peddler or hawker who sells goods while traveling from place to place by foot or  
34 vehicle must obtain a peddler’s license from the appropriate Clerk of the Circuit  
35 Court in order to sell or offer to sell any goods in Maryland (Annotated Code of  
36 Maryland, Business Regulation Article, Title 17, Subtitle 9); and  
37

38 **WHEREAS,** a mobile food service facility requires licensing and inspection by the Anne Arundel  
39 County Department of Health (Anne Arundel County Code, Article 11, Title 6); and  
40

41 **WHEREAS,** the City Charter grants the City Council the power to regulate by ordinance peddlers,  
42 hawkers, and itinerant dealers (Annapolis City Charter, Article III, Section 15).

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**Chapter 7.40 – PEDDLERS, HAWKERS, AND ITINERANT MERCHANTS**

**SECTION 7.40.005 – APPLICABILITY.**

- A. THE REQUIREMENTS OF THIS CHAPTER SHALL APPLY TO PERSONS ENGAGING IN THE BUSINESS OF A PEDDLER, HAWKER, OR ITINERANT MERCHANT. FOR PROVISIONS REGARDING SOLICITORS AND CANVASSERS, SEE CHAPTER 7.44
- B. FOR PROVISIONS REGARDING OPERATIONS UNDER A USE PERMIT, SEE TITLE 21.

**Section 7.40.010 – Definitions.**

For the purposes of this Chapter, the following terms have the meanings indicated:

- A. “COMMODITY” MEANS FOOD, BEVERAGES, GOODS, WARES, AND MERCHANDISE OF ANY KIND.
- B. “DEPARTMENT” MEANS THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS.
- C. “FOOD SERVICE FACILITY” MEANS A FACILITY LICENSED BY THE ANNE ARUNDEL COUNTY DEPARTMENT OF HEALTH TO PREPARE OR SELL FOOD FOR THE PUBLIC.
- D. “HAWKER” MEANS A PEDDLER WHO ADVERTISES COMMODITIES OR SERVICES OF ANY TYPE BY CRYING OUT.
- E. “Itinerant mMerchant” or “TRANSIENT vVendor” means any pPerson who ~~leases, uses or occupies any space or location in any building or structure within the City, for a period of not more than six weeks’ duration, for the purpose of selling, or offering to sell, commodities of any type.~~ SELLS, OR OFFERS TO SELL, COMMODITIES OR SERVICES OF ANY TYPE AND REMAINS AT A FIXED LOCATION FOR AT LEAST ONE DAY WITH THE INTENT TO STAY TEMPORARILY FOR THAT PURPOSE.
- F. “MOBILE FOOD SERVICE VENDOR” MEANS A MOBILE VENDOR THAT OPERATES A FOOD SERVICE FACILITY.

- 1 G. ~~“Mobile food service facility~~ **VENDOR**” means a ~~food service facility which is~~ **PEDDLER**  
2 **OR HAWKER WHO IS SELLING COMMODITIES OF ANY TYPE FROM** a  
3 **mechanically, electrically, manually, or otherwise propelled vehicle operating on land or**  
4 **water.**  
5  
6 H. **“NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT HAS BEEN**  
7 **DETERMINED TO BE CURRENTLY EXEMPT FROM FEDERAL INCOME TAXATION**  
8 **UNDER THE PROVISIONS OF SECTION 501(C) OF THE INTERNAL REVENUE**  
9 **CODE OF THE UNITED STATES OF AMERICA, OR ANY AMENDMENT,**  
10 **SUPPLEMENT, OR REVISION TO SECTION 501(C) IN COMPLIANCE WITH**  
11 **MARYLAND LAWS AND SUBJECT TO GOOD STANDING WITH THE INTERNAL**  
12 **REVENUE SERVICE.**  
13  
14 I. ~~“Peddler” or “hawker”~~ means any ~~p~~Person who sells, or offers to sell, ~~e~~Commodities **OR**  
15 **SERVICES** of any type from house to house, or from place to place, or on the streets, or in  
16 any ~~other~~ public place. A **PEDDLER ALSO MEANS A PERSON** who, without traveling  
17 from place to place, sells, or offers to sell, ~~e~~Commodities of any type from a wagon, vehicle,  
18 boat, or other movable structure.  
19  
20 J. **“PERSON” MEANS AN INDIVIDUAL PERSON OR A BUSINESS ENTITY IN GOOD**  
21 **STANDING WITH THE STATE OF MARYLAND AND THE CITY OF ANNAPOLIS.**  
22  
23 K. **“SERVICES” MEANS DUTY OR LABOR TO BE RENDERED BY ONE PERSON TO**  
24 **ANOTHER.**  
25  
26 L. **“SPECIAL EVENT” MEANS AN EVENT PERMITTED BY THE CITY UNDER THE**  
27 **PROVISIONS OF TITLE 14, CHAPTER 18 OF THE CITY CODE.**  
28  
29 M. **“YARD SALE” MEANS THE SALE, ON PRIVATE PROPERTY, OF GOODS**  
30 **PREVIOUSLY USED BY THE SELLER OR SELLERS, AND ALL SIMILAR SALES ON**  
31 **PRIVATE PROPERTY, INCLUDING BUT NOT LIMITED TO “PORCH SALES,”**  
32 **“GARAGE SALES,” “ATTIC SALES,” “LAWN SALES,” “MOVING SALES,”**  
33 **“COMMUNITY SALES,” AND “ESTATE SALES” CONDUCTED ON THE PROPERTY**  
34 **WHERE THE DECEASED RESIDED.**  
35

36 **Section 7.40.020 – License – Required.**  
37

38 ~~A person may not engage in the business of a hawker, peddler or itinerant merchant or vendor~~  
39 ~~of any article, goods, unprepared and prepared food, wares or merchandise without first obtaining a~~  
40 ~~license as provided in this chapter, unless specifically exempted by the provisions of this chapter.~~  
41

1 A. EXCEPT AS PROVIDED IN SECTION 7.40.020(B) AND (C), A PERSON MAY  
2 ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES WITHOUT OBTAINING A  
3 LICENSE ISSUED BY THE CITY:

4 1. SELLING OF COMMODITIES OR SERVICES ON PRIVATE PROPERTY IN  
5 NONRESIDENTIAL DISTRICTS, PURSUANT TO CHAPTERS 21.42-21.47,  
6 AND MIXED USE DISTRICTS, PURSUANT TO CHAPTER 21.44, WHERE:

7 i. THE SALE OF THOSE COMMODITIES IS A USE PERMITTED FOR  
8 THAT ZONING DISTRICT WITHOUT A SPECIAL EXCEPTION;

9 ii. THE PERSON HAS THE WRITTEN PERMISSION OF THE PROPERTY  
10 OWNER; AND

11 iii. THE USE OF THE PROPERTY FOR SUCH PURPOSES DOES NOT  
12 EXCEED SIX (6) WEEKS WITHIN A TWELVE-MONTH PERIOD;

13 2. SELLING OF COMMODITIES DIRECTLY TO MANUFACTURERS,  
14 WHOLESALERS OR RETAIL ESTABLISHMENTS FOR USE IN THEIR  
15 BUSINESS OR FOR RESALE;

16 3. TAKING ORDERS FOR COMMODITIES FOR FUTURE DELIVERY AND  
17 TAKING ORDERS FOR OR MAKING DELIVERY OF NEWSPAPERS,  
18 MAGAZINES, MILK OR OTHER DAIRY PRODUCTS, ICE, FUEL AND FUEL  
19 SUPPLIES, BAKERY GOODS OR PRODUCTS, OR OTHER PERISHABLE  
20 FOOD PRODUCTS;

21 4. DELIVERING COMMODITIES OR SERVICES PREVIOUSLY ORDERED BY  
22 THE OWNER OR TENANT OF THE PROPERTY;

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

30 6. SELLING CHRISTMAS TREES, CARDS, GREENS, HOLLY, AND WREATHS  
31 IN NONRESIDENTIAL DISTRICTS, PURSUANT TO CHAPTERS 21.42-21.47  
32 AND MIXED USE DISTRICTS, PURSUANT TO CHAPTER 21.44;

33 7. CONDUCTING A YARD SALE AT A PERSON'S RESIDENCE FOR NOT MORE  
34 THAN SIX (6) DAYS WITHIN A TWELVE-MONTH PERIOD;

35 8. CONDUCTING A RUMMAGE MARKET SALE OR FLEA MARKET SALE OF  
36 NON-COMMERCIAL ITEMS BY THE CITY FOR NOT MORE THAN SIX (6)  
37 DAYS WITHIN A TWELVE-MONTH PERIOD;

38 9. SELLING COMMODITIES OR SERVICES BY A NONPROFIT ORGANIZATION  
39 AS AN INCIDENTAL FUNDRAISING ACTIVITY AT THAT NONPROFIT  
40 ORGANIZATION'S PRINCIPAL PLACE OF BUSINESS;

41 10. SELLING COMMODITIES OR SERVICES BY MEMBERS OF THE BOY  
42 SCOUTS OF AMERICA OR BY MEMBERS OF THE GIRL SCOUTS OF THE

1 UNITED STATES OF AMERICA AS A BENEFIT FOR THEIR SCOUTING  
2 ORGANIZATION.

3 11. SELLING COMMODITIES OR SERVICES IN CONJUNCTION WITH A  
4 FUNDRAISER BY A COMMUNITY ASSOCIATION IN THAT COMMUNITY  
5 ASSOCIATION'S TERRITORY FOR NOT MORE THAN SIX (6) TIMES  
6 WITHIN A TWELVE-MONTH PERIOD;

7 12. SELLING COMMODITIES OR SERVICES AT A CONVENTION, EXHIBITION,  
8 OR FUNDRAISER TAKING PLACE AT A HOTEL;

9 13. SELLING COMMODITIES INCIDENTAL TO A SPORTING EVENT. IF ON  
10 PUBLIC PROPERTY, THE PERSON MUST BE APPROVED BY THE  
11 ORGANIZER OF THE SPORTING EVENT;

12 14. ON THOSE DAYS OF THE YEAR AND AT THOSE PLACES AND TIMES AS  
13 ARE DESIGNATED FROM TIME TO TIME BY RESOLUTION OR  
14 ORDINANCE OF THE CITY COUNCIL.

15 B. A PERSON MAY NOT ENGAGE IN THE BUSINESS OF A PEDDLER, HAWKER,  
16 ITINERANT MERCHANT, OR TRANSIENT VENDOR OF COMMODITIES OR  
17 SERVICES ON PUBLIC PROPERTY NOT MENTIONED IN SECTION 7.40.020(A)  
18 WITHOUT FIRST OBTAINING A LICENSE AS PROVIDED IN THIS CHAPTER.

19 C. A PERSON MAY NOT ENGAGE IN THE BUSINESS OF A MOBILE VENDOR  
20 WITHOUT FIRST OBTAINING A LICENSE AS PROVIDED IN THIS CHAPTER.

21 D. A LICENSE ISSUED BY THE CITY UNDER THIS CHAPTER DOES NOT RELIEVE  
22 THE LICENSEE FROM THE OBLIGATION TO OBTAIN APPLICABLE STATE OF  
23 MARYLAND AND ANNE ARUNDEL COUNTY PERMITS AND LICENSES.

24  
25 **Section 7.40.030—License—Exemptions.**

26  
27 ~~A. Persons engaged in any of the following activities are exempt from the licensing~~  
28 ~~requirements of this chapter:~~

29 ~~1. Selling merchandise or commodities directly to manufacturers, wholesalers or retail~~  
30 ~~establishments for use in their business or for resale;~~

31 ~~2. Taking orders for merchandise or commodities for future delivery and taking orders~~  
32 ~~for or making delivery of newspapers, magazines, milk or other dairy products, ice,~~  
33 ~~fuel and fuel supplies, bakery goods or products, or other perishable food products;~~

34 ~~3. Selling products or commodities that are produced, caught or raised by the person~~  
35 ~~who is selling the products or commodities, provided the person is self employed. A~~  
36 ~~person selling the products from a location within the historic district, as defined in~~  
37 ~~Chapter 21.56 of this code, other than at the open air market established pursuant to~~  
38 ~~Section 7.28.010 shall be a resident at the location from which sales are to be made;~~

39 ~~4. Selling Christmas trees, cards, greens, holly and wreaths;~~

40 ~~5. Selling products or commodities on behalf of a nonprofit organization, which has~~  
41 ~~been determined to be exempt from Federal income taxation under the provisions of~~

~~Section 501(c) of the Internal Revenue Code of the United States of America, or any amendment, supplement or revision to Section 501(c);~~

~~6. Conducting a yard, garage or attic sale at a person's residence, not more than four days within a twelve-month period; and~~

~~7. Conducting a yard, sale, rummage market sale or flea market sale on non-commercial items by the City not to exceed four days within a twelve-month period.~~

~~B. A person exempt from this chapter pursuant to Subsection A of this section first shall file a statement, under the penalties of perjury, with the City Clerk, stating the specific exemption pursuant to which exemption from the provisions of this chapter is claimed and stating the time, place and duration of the exempt activities.~~

~~C. A person may not engage in the activities described in Subsection A of this section prior to the filing of the statement specified in Subsection B of this section.~~

#### **Section 7.40.040 – License – Application.**

A. Applicants for a license under this Chapter shall file a written sworn application with the Department of ~~Neighborhood and Environmental Programs~~, accompanied by a nonrefundable APPLICATION fee as established by resolution of the City Council, signed by the applicant, furnishing the following information:

~~A.~~ 1. The name, PERMANENT MAILING address, and telephone number of the person to be licensed;

~~B.~~ 2. If the applicant is not going to be managing or supervising the business to be licensed, or in the case of any firm or corporation to be licensed, the name or names of all individuals, and their addresses and telephone numbers, who will be conducting, managing, supervising or administering the business for or on behalf of the applicant;

~~C.~~ 3. If the applicant proposes to sell, or offer for sale, ~~merchandise or eCommodities~~ from a fixed location, the place or places within the City where it is proposed to carry on the applicant's business, the hours and days during which the applicant(s) proposes to conduct business from the location, and the length of time during which it is proposed that the business shall be conducted from the location. IF THE FIXED LOCATION WILL BE ON PRIVATE PROPERTY, WRITTEN CONSENT FROM THE OWNER(S) OF THE PROPERTY MUST BE PROVIDED;

~~D.~~ 4. If the applicant proposes to sell, or offer for sale, ~~merchandise or eCommodities~~ from house to house, or from place to place, a statement or description of the area or areas of the City which the applicant proposes to ~~frequent~~ CONDUCT BUSINESS, the hours and days during which the applicant proposes to conduct the business, a statement or description of any routes of travel to be followed, and if sales are to be made from any wagon, vehicle, boat or other movable structure, a complete description of it, including any Federal or State registration number, and the license numbers of all vehicles to be used in the business;

- 1           E. 5. A statement or description of the nature and character of the business to be  
2           conducted and the ~~articles, goods, wares, merchandise or e~~Commodities to be sold, or  
3           offered for sale by the applicant;
- 4           F. 6. A statement as to whether or not the applicant, or any ~~p~~Person who will be  
5           conducting, managing, supervising or administering the business for or on behalf of  
6           the applicant, has been convicted of any crime, excluding traffic offenses or violation  
7           of any municipal code or ordinance, and if so, the nature and date of the offense, the  
8           jurisdiction in which the offense was heard, and the nature of the punishment or  
9           penalty assessed;
- 10          G. 7. ~~Two photographs, two inches by two inches in size, showing the head and~~  
11          ~~shoulders of the individual in a clear and distinguishing manner, A COPY OF~~  
12          GOVERNMENT ISSUED IDENTIFICATION for each individual applicant and for  
13          any ~~p~~Person who will be conducting, managing, supervising or administering the  
14          business for or on behalf of the applicant. IF THE BUSINESS WILL BE  
15          CONDUCTED FROM A MOTOR VEHICLE THE GOVERNMENT ISSUED  
16          IDENTIFICATION FOR THE MOTOR VEHICLE OPERATOR MUST BE THE  
17          INDIVIDUAL'S DRIVER'S LICENSE. MOBILE FOOD SERVICE VENDORS  
18          SHALL PROVIDE A COPY OF THEIR ANNE ARUNDEL COUNTY MOBILE  
19          FOOD SERVICE FACILITY LICENSE; and
- 20          H. 8. Any other reasonable information as to the identity or character of the applicant or  
21          any of the individuals who will be conducting, managing, supervising or  
22          administering the business for or on behalf of the applicant, or the method or plan of  
23          conducting the business, as the Department may deem necessary or proper in order to  
24          determine the fitness of the applicant to have the license issued, for the protection of  
25          the public health, safety, and welfare.
- 26          B. ORGANIZERS OF A SPECIAL EVENT MAY FILE ONE APPLICATION THAT LISTS  
27          ALL PEDDLERS AND HAWKERS THAT WILL PARTICIPATE IN THE SPECIAL  
28          EVENT.
- 29          C. APPLICATIONS FILED FIVE (5) BUSINESS DAYS OR LESS BEFORE THE  
30          PROPOSED EFFECTIVE DATE OF THE PERMIT SHALL BE ACCOMPANIED BY A  
31          NONREFUNDABLE EXPEDITING FEE AS ESTABLISHED BY RESOLUTION OF THE  
32          CITY COUNCIL.

33  
34      **Section 7.40.050 – License – ~~Investigation~~ ISSUANCE.**

- 35  
36          A. Upon receipt of an application for a license under the provisions of this ~~e~~Chapter, the  
37          Department of ~~Neighborhood and Environmental Programs~~ shall refer EXAMINE the  
38          application to the Police Department, the Department of Public Works, the Fire Department,  
39          ~~the Planning and Zoning Department,~~ and WITH other agencies or departments of the City  
40          AS THE DEPARTMENT deemedS appropriate for review, investigation and  
41          recommendation, in order to determine whether the activities proposed to be undertaken  
42          would be contrary to any law or whether the issuance of the license would otherwise be



1 contrary to the public health, safety or welfare. No license shall be issued until the  
2 Department of ~~Neighborhood and Environmental Programs~~ has received reports and  
3 recommendations from all departments and agencies to which the application has been  
4 referred. THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR  
5 DENY AN APPLICATION FOR A LICENSE.

- 6 B. THE DEPARTMENT SHALL DENY A LICENSE IF IT DETERMINES THE PROPOSED  
7 ACTIVITIES WOULD BE CONTRARY TO ANY LAW OR WHETHER THE ISSUANCE  
8 OF THE LICENSE WOULD OTHERWISE BE CONTRARY TO THE PUBLIC HEALTH,  
9 SAFETY, OR WELFARE.
- 10 C. THE DEPARTMENT SHALL DENY A PROPOSED LOCATION FOR A VENDOR IF IT  
11 DETERMINES THE PROPOSED VENDING ACTIVITY WOULD CREATE A SAFETY  
12 HAZARD, RENDER THE PARKING FACILITIES FOR THE PROPERTY  
13 INADEQUATE, INTERFERE WITH TRAFFIC, OR INTERFERE WITH A SPECIAL  
14 EVENT.
- 15 D. THE DEPARTMENT MAY DENY A LICENSE IF IT DETERMINES THAT THE  
16 APPLICANT HAS PROVIDED MATERIALLY INACCURATE INFORMATION  
17 REQUIRED TO BE SUBMITTED IN ORDER TO OBTAIN A LICENSE, WITHHELD OR  
18 FALSIFIED ANY MATERIAL INFORMATION REQUIRED TO BE SUBMITTED IN  
19 ORDER TO OBTAIN A LICENSE, OR FAILED TO ADHERE TO LICENSING  
20 REQUIREMENTS WITH RESPECT TO ANY LICENSE PREVIOUSLY GRANTED BY  
21 THE CITY.
- 22 E. IF AN APPLICATION IS DENIED, THE DEPARTMENT SHALL SET FORTH THE  
23 REASONS IN WRITING AND A COPY OF THE DECISION SHALL BE PROVIDED TO  
24 THE APPLICANT.

25  
26 **SECTION 7.40.054 – LICENSE – TERM.**

- 27  
28 A. A LICENSE ISSUED UNDER THIS CHAPTER SHALL BE TEMPORARY AND VEST  
29 NO PROPERTY IN THE APPLICANT OR ANY OTHER PERSON.
- 30 B. A LICENSE MAY BE ISSUED FOR UP TO ONE YEAR TO PERSONS ENGAGED IN  
31 THE BUSINESS OF A PEDDLER, HAWKER, ITINERANT MERCHANT, MOBILE  
32 VENDOR, OR TRANSIENT VENDOR.

33  
34 **SECTION 7.40.056 – SUSPENSION OR REVOCATION OF LICENSE.**

- 35  
36 A. THE DEPARTMENT SHALL IMMEDIATELY SUSPEND OR REVOKE A LICENSE IF  
37 ANY OF THE FOLLOWING CONDITIONS ARE FOUND TO EXIST:
- 38 1. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE  
39 LICENSEE REQUESTS CANCELLATION OF THE LICENSE.
  - 40 2. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE  
41 LICENSEE HAS MADE A MISSTATEMENT OF MATERIAL FACT IN  
42 CONNECTION WITH THE APPLICATION WHICH, AT LEAST IN PART,

1 CAUSED THE LICENSE TO BE GRANTED, FAILED TO FULFILL A TERM OR  
2 CONDITION OF THE LICENSE IN A TIMELY MANNER, FAILED TO PAY  
3 THE REQUIRED FEES, OR A CHECK SUBMITTED BY THE APPLICANT TO  
4 PAY A LICENSE FEE OR OTHER FEE PAID TO THE CITY IN CONNECTION  
5 WITH THE LICENSE HAS BEEN RETURNED FOR INSUFFICIENT FUNDS OR  
6 DISHONORED FOR ANY OTHER REASON.

7 3. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE  
8 LICENSEE HAS ENGAGED IN ACTIVITY THAT ENDANGERS PERSONS OR  
9 PROPERTY, OR THREATENS, JEOPARDIZES, OR OTHERWISE POSES AN  
10 UNREASONABLE RISK OF HARM TO THE HEALTH, SAFETY, OR  
11 WELFARE OF PERSONS OR PROPERTY.

12 4. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE  
13 LICENSEE HAS ENGAGED IN ACTIVITY THAT IS IN VIOLATION OF ANY  
14 OF THE TERMS OR CONDITIONS OR SCOPE OF THE LICENSE.

15 5. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE  
16 LICENSEE HAS ENGAGED IN ACTIVITY THAT IS IN VIOLATION OF ANY  
17 FEDERAL, STATE, COUNTY, OR CITY LAW OR REGULATION.

18 6. AN EMERGENCY OCCURRENCE OR ACT OF GOD REQUIRES THE  
19 SUSPENSION OR REVOCATION OF THE LICENSE IN ORDER TO PROTECT  
20 THE PUBLIC HEALTH, SAFETY, AND WELFARE.

21 7. OTHER EVENTS OR OCCURRENCES THE DEPARTMENT DEEMS TO  
22 UNREASONABLY IMPACT PUBLIC HEALTH, SAFETY, AND WELFARE.

23 B. IF A LICENSE IS SUSPENDED OR REVOKED, THE DEPARTMENT SHALL  
24 PROMPTLY NOTIFY THE LICENSEE IN WRITING STATING THE REASON FOR  
25 THE SUSPENSION OR REVOCATION AND THE DATE THE SUSPENSION BEGINS  
26 AND ENDS, OR THE DATE THE REVOCATION BEGINS.

27 C. A PERSON WHOSE LICENSE HAS BEEN REVOKED IS PROHIBITED FROM  
28 APPLYING FOR A LICENSE WITHIN SIX (6) MONTHS OF THE DATE OF THE  
29 REVOCATION.

30  
31 **Section 7.40.060 – License – Issuance – Appeals.**

32  
33 ~~A. Upon receipt of reports and recommendations as provided in this chapter, the application,~~  
34 ~~together with all supporting information, shall be forwarded to the Mayor, who shall~~  
35 ~~determine whether or not to issue the license for which application has been made. The~~  
36 ~~application shall be approved unless the Mayor determines that the activities proposed to be~~  
37 ~~undertaken would be contrary to law or the granting of a license would otherwise be~~  
38 ~~detrimental to the public health, safety or welfare.~~

39 B. If an application is denied, SUSPENDED, OR REVOKED, the Mayor DEPARTMENT shall  
40 set forth the reasons in writing and a copy of the decision shall be provided to the applicant.  
41 The decision of the Mayor DEPARTMENT to grant, or deny, SUSPEND, OR REVOKE any  
42 license under this eChapter shall be final, unless a pPerson aggrieved by the decision files a

1 written appeal of the decision with the BUILDING Boards of Appeals within fifteen (15)  
2 days of AFTER the DATE OF THE decision, setting forth the grounds of the appeal. The  
3 decision of the ~~Mayor~~ DEPARTMENT shall be reversed only upon a determination that the  
4 decision was arbitrary or capricious. The decision of the ~~Mayor~~ DEPARTMENT shall not be  
5 stayed by the filing of any appeal.  
6

7 **Section 7.40.070 – Fees.**

8  
9 Upon the approval of an application for a license under the provisions of this chapter, the  
10 applicant shall pay a fee to the Department of ~~Neighborhood and Environmental Programs~~ as  
11 established by resolution of the City Council for each day for which application has been ~~made~~  
12 APPROVED, for periods not to exceed twenty days. For licenses issued for periods in excess of  
13 twenty days, the fee shall be as established by resolution of the City Council. All licenses shall be  
14 issued for a fixed length of time, not to exceed twelve months. If a license is approved, the amount of  
15 the application fee shall be a credit against the license fee.  
16

17 **SECTION 7.40.075 – DISPLAY OF LICENSE.**

- 18  
19 A. EACH PERSON ISSUED A LICENSE SHALL CARRY THE LICENSE AND  
20 GOVERNMENT ISSUED IDENTIFICATION WITH HIM OR HER AT ALL TIMES  
21 WHILE ENGAGED IN THE ACTIVITIES AUTHORIZED BY THE LICENSE AND  
22 SHALL EXHIBIT THE LICENSE AND GOVERNMENT ISSUED IDENTIFICATION  
23 WHENEVER LAWFULLY REQUIRED TO DO SO BY ANY POLICE OFFICER OR BY  
24 ANY PERSON SOLICITED.  
25 B. PERSONS OPERATING FROM A VEHICLE, BOAT, CART, OR STAND SHALL  
26 DISPLAY THEIR LICENSE AND GOVERNMENT ISSUED IDENTIFICATION IN A  
27 CONSPICUOUS PLACE.  
28

29 **Section 7.40.080 – Crying Out – Making noise.**

- 30  
31 A. No licensee, or any pPerson in the employ of or acting ~~FOR OR~~ on behalf of a licensee,  
32 ENGAGED IN THE BUSINESS OF A PEDDLER, HAWKER, AND ITINERANT  
33 MERCHANT shall shout, cry out, blow any horn, ring a bell, or use any musical or sound  
34 device, including any loudspeakers, radios or sound-amplifying system, ~~upon any of the~~  
35 ~~streets, alleys, parks, waters, or other public places, or upon any private premises~~ where the  
36 sound emitted or produced is of sufficient volume to be heard upon the streets, alleys, parks,  
37 waters, or other public places, OR UPON ANY ADJACENT PRIVATE PROPERTY for the  
38 purpose of attracting attention to any articles, goods, wares, merchandise or eCommodities  
39 being sold, or offered for sale, ~~by any licensee under this chapter,~~ between the hours of  
40 ~~eight~~8:00 p.m. and ~~nine~~9:00 a.m.  
41 B. A LICENSED MOBILE VENDOR, OR ANY PERSON ACTING FOR OR ON BEHALF  
42 OF A LICENSED MOBILE VENDOR, SHALL BE ALLOWED TO ANNOUNCE THEIR

1 ARRIVAL IN A PARTICULAR GEOGRAPHIC LOCATION FOR NO LONGER THAN  
2 FIVE MINUTES UPON ARRIVAL.

3  
4 **SECTION 7.40.084 – TIME RESTRICTIONS.**  
5

- 6 A. ITINERANT MERCHANTS OR TRANSIENT VENDORS WHO HAVE OBTAINED A  
7 USE AND OCCUPANCY PERMIT PURSUANT TO TITLE 21, CHAPTER 12 OF THE  
8 CITY CODE MAY CONDUCT BUSINESS DURING ANY HOUR UNLESS SPECIFIED  
9 DIFFERENTLY IN THAT PERMIT OR BY LAW.  
10 B. PEDDLERS, HAWKERS, AND ITINERANT MERCHANTS OPERATING IN  
11 CONJUNCTION WITH SPECIAL EVENTS SHALL ONLY CONDUCT BUSINESS  
12 DURING THE PERMITTED HOURS OF THE SPECIAL EVENT.  
13 C. PEDDLERS SELLING FROM HOUSE TO HOUSE SHALL ONLY CONDUCT  
14 LICENSED ACTIVITIES BETWEEN 9:00 A.M. AND 8:00 P.M.  
15 D. ALL OTHER PEDDLERS, HAWKERS, AND ITINERANT MERCHANTS SHALL ONLY  
16 CONDUCT LICENSED ACTIVITIES BETWEEN 8:00 A.M. AND 9:00 P.M.  
17

18 **SECTION 7.40.086 – RECYCLING AND REFUSE.**  
19

- 20 A. ALL PERSONS ENGAGED IN THE BUSINESS OF A PEDDLER, HAWKER, AND  
21 ITINERANT MERCHANT WHO IS SELLING FROM STANDS, VEHICLES, BOATS,  
22 OR CARTS SHALL PROVIDE AN ADEQUATE AND EQUAL NUMBER OF  
23 RECEPTACLES FOR REFUSE AND RECYCLABLE MATTER.  
24 B. ALL PERSONS ENGAGED IN THE BUSINESS OF A PEDDLER, HAWKER, AND  
25 ITINERANT MERCHANT SHALL REMOVE THE CONTENTS OF EACH  
26 RECEPTACLE DAILY AND KEEP THE RECEPTACLES FROM OVERFLOWING  
27 THROUGHOUT THE DAY.  
28 C. ALL PERSONS ENGAGED IN THE BUSINESS OF A PEDDLER, HAWKER, AND  
29 ITINERANT MERCHANT SHALL NOT ALLOW ANY TRASH OR RECYCLABLE  
30 MATTER TO BE DEPOSITED ON ANY STREET, SIDEWALK OR OTHER PUBLIC OR  
31 PRIVATE PROPERTY AND SHALL REMOVE ANY WASTE LEFT BY THEIR  
32 CUSTOMERS IN THE VICINITY OF THEIR BUSINESS.  
33

34 **Section 7.40.090 – ~~Prohibited zones~~ AREAS OF OPERATION AND OPERATING**  
35 **RESTRICTIONS.**  
36

- 37 ~~A. A license shall not be issued under this chapter for any location or area within the historic~~  
38 ~~district or a nonresidential area, except that a license may be issued to allow food carts in an~~  
39 ~~industrial zone.~~  
40 1. ~~The restrictions imposed by Subsection A of this section shall not limit the issuance~~  
41 ~~of licenses for the business of a hawker, peddler, or itinerant merchant, or vendor to~~

~~be undertaken on those days of the year to be designated from time to time by rule of general application adopted by the City Council.~~

~~B. A license shall not be issued under this chapter to any mobile food service facility that remains idle for more than thirty minutes in a residential area.~~

~~1. The restriction imposed by Subsection B of this section shall not apply to those licensees who operate in conjunction with an approved City Special Events Application or within the bounds of Ward Eight.~~

A LICENSEE, OR PERSON ACTING FOR OR ON BEHALF OF A LICENSEE, SHALL ONLY ENGAGE IN THE BUSINESS OF A PEDDLER, HAWKER, ITINERANT MERCHANT, OR TRANSIENT VENDOR IN THE FOLLOWING CIRCUMSTANCES:

- A. WHEN A MOBILE VENDOR, OTHER THAN A MOBILE FOOD SERVICE VENDOR, IS SELLING COMMODITIES OR SERVICES ON PUBLIC PROPERTY OUTSIDE THE HISTORIC DISTRICT WHERE THE SALE OF THOSE COMMODITIES OR SERVICES IS A USE PERMITTED WITHOUT A SPECIAL EXCEPTION;
- B. WHEN CONDUCTING DOOR-TO-DOOR SALES IN RESIDENTIAL ZONES, PURSUANT TO CHAPTERS 21.42-21.47, OUTSIDE THE HISTORIC DISTRICT;
- C. AS PART OF A SPECIAL EVENT THAT IS ORGANIZED BY A BUSINESS ASSOCIATION THAT HAS A PRINCIPAL PLACE OF BUSINESS WITHIN THE CITY OF ANNAPOLIS THAT REPRESENTS COMMERCIAL ENTERPRISES IN THE IMMEDIATE AREA OF THE PROPOSED OPERATION;
- D. IN THE HISTORIC DISTRICT AS PART OF A SPECIAL EVENT THAT IS ORGANIZED BY THE CITY WHEN THE LICENSEE IS A COMMERCIAL ENTERPRISE IN THE IMMEDIATE AREA OF THE SPECIAL EVENT;
- E. UPON CITY WATERS, WHEN NOT DOCKED;
- F. WHEN A MOBILE VENDOR, OTHER THAN A MOBILE FOOD SERVICE VENDOR, IS ENGAGED IN ANY OF THE ACTIVITIES DESCRIBED IN SECTION 7.40.020(A);
- G. AS TO MOBILE FOOD SERVICE VENDOR LICENSEES:
  - 1. ON PUBLIC PROPERTY OUTSIDE THE HISTORIC DISTRICT IN ZONES WHERE STANDARD RESTAURANT IS A PERMITTED USE WITHOUT SPECIAL EXCEPTION AND NOT WITHIN 100 FEET OF A STANDARD RESTAURANT OR RESIDENTIAL ZONING DISTRICT;
  - 2. ON PRIVATE PROPERTY OUTSIDE THE HISTORIC DISTRICT IN ZONES WHERE STANDARD RESTAURANT IS A PERMITTED USE WITHOUT SPECIAL EXCEPTION AND WITH THE WRITTEN PERMISSION OF THE PROPERTY OWNER;
  - 3. IN AN INDUSTRIAL ZONE;
  - 4. IN A RESIDENTIAL AREA WITHIN THE BOUNDARIES OF WARD EIGHT;
  - 5. FOR NOT MORE THAN THIRTY MINUTES AT ONE LOCATION IN OTHER RESIDENTIAL AREAS OUTSIDE THE HISTORIC DISTRICT UNLESS IN CONJUNCTION WITH AN APPROVED SPECIAL EVENT;

- 1           6. IN CONJUNCTION WITH 7.40.090(C) OR (E), ABOVE.  
2           H. ON THOSE DAYS OF THE YEAR AND AT THOSE PLACES AND TIMES AS ARE  
3           DESIGNATED FROM TIME TO TIME BY RESOLUTION OR ORDINANCE OF THE  
4           CITY COUNCIL.  
5

6           **SECTION 7.40.095 – VIOLATIONS.**  
7

- 8           A. A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A MUNICIPAL  
9           INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF  
10           THE CITY COUNCIL.  
11           B. IN ADDITION TO SERVING A MUNICIPAL CITATION, THE CITY MAY PURSUE  
12           ANY AVAILABLE JUDICIAL REMEDIES.  
13

14           **Chapter 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS**

15           **Section 21.64.600 – Temporary uses.**  
16

17           The following temporary uses are permitted in the zoning districts indicated:  
18

19           A. All Zoning Districts.

- 20           1. Storage or building materials and equipment, and temporary buildings for  
21           construction purposes, for a period not to exceed the duration of the building permit.  
22           No yards are required provided that there shall not be undue interference with the use  
23           and enjoyment of neighboring property.  
24           2. Use of governmental property, including the erection of a tent or other temporary  
25           structure, for a carnival, circus or other activity.  
26           3. Use of non-governmental property for up to five days by a nonprofit, educational,  
27           cultural, or civic organization for a carnival, street fair, circus or similar activity  
28           including the erection of a tent or other temporary structure. The operator must obtain  
29           all permits required by law.  
30           4. Model homes and real estate tract offices for rental or sale of buildings in a project. A  
31           real estate office shall be removed upon the initial sales of all units in a project.  
32           5. Yard sales and garage sales, up to ~~ten~~SIX days in a calendar year.  
33           6. Use of a trailer as a temporary office or shelter incidental to construction on or  
34           development of the premises on which the trailer is located during the time  
35           construction or development is actively underway.  
36           7. HAWKER, PEDDLER, AND ITINERANT MERCHANT SALES PURSUANT TO  
37           CHAPTER 7.40 OF THE CITY CODE.

- 38           B. Waterfront Maritime Districts. Temporary festivals in conjunction with maritime uses up to  
39           thirty days duration.  
40  
41

1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
2 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
3

4  
5 **EXPLANATION**

6 CAPITAL LETTERS indicate matter added to existing law.

7 ~~Strikethrough~~ indicates matter stricken from existing law.

8 Underlining indicates amendments.  
9