



City of Annapolis
Planning Commission
Department of Planning & Zoning
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March 03, 2016

To: Annapolis City Council
From: Planning Commission
Re: Findings for O-8-16: Hawker, Peddler and Itinerant Merchants

SUMMARY

The purpose of Ordinance 8-16 is to modify the current code that covers the regulation of peddlers, hawkers and itinerant merchants in order to better organize the regulations. There are multiple vending practices that take place outside of bricks and mortar establishments, the code needs to be amended to cover them all in a clear organized ordinance. The proposed amendment simplifies the code so that there are fewer categories of vendors and eliminates the need for approvals for certain vending types in certain locations.

BACKGROUND AND ANALYSIS

Peddlers, hawkers and itinerant merchants were an essential component of the Colonial-era economy and have operated in Annapolis since those times. Modern peddlers, hawkers and itinerant merchants continue to form an important part of the City's economy providing a myriad of goods and services.

A Peddler or hawker who sells goods while traveling from place to place by foot or by vehicle must obtain a peddler's license from the appropriate Clerk of the Circuit Court in order to sell or offer to sell any goods. A mobile food service facility requires licensing and inspection by the Anne Arundel County Department of Health.

The City Charter grants the City Council the power to regulate by ordinance peddlers, hawkers and itinerant dealers. 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 the Temporary Use category 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 that 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".

PUBLIC HEARING AND DELIBERATION

On February 4, 2016 the Planning Commission commenced a public hearing on O-8-16 and after two individuals provided public testimony, closed the public hearing. Planning Commission members deliberated on

the ordinance asking several questions regarding requirements and procedures associated with Title 7 and the implications of the changes to the ordinance. Planning Commissioners praised the sponsor of the legislation and offered a few recommendations to modify some of the standards based on past experiences and recommended that the City Council clarify other procedures. Planning Commissioners also recognized that in Title 21.64 that the Temporary use category should not be located under "all zoning categories."

RECOMMENDATION

The Planning Commission moved to recommend approval of O-8-16 to the City Council with the following considerations as amendments to the legislation:

Under Title 7

- 1) Page 5, item #5 remove "self-employed";
- 2) Page 5, item #10 include "not only scouts but legitimate non profits";
- 3) Page 7, item #3 add language "lessee if authorized by the owner";
- 4) Page 9, add language that "applications shall be acted upon in 45 days";
- 5) Page 9, 7.40.056 language is too broad so Council should revise;
- 6) Page 9, 7.40.054 include the word "right" after the word property in the sentence.

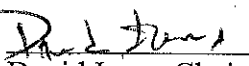
Under Title 21

On Page 14, line 36 strike item #7 and add the following item:

"C. Hawker, Peddler, and Itinerant merchant sales as Temporary uses pursuant to Chapter 7.40 of the City Code."

The motion passed 4-0.

Adopted this 3rd day of March, 2016



David Iams, Chair

