

## Summary of Proposed Changes to 7.40 Hawkers, Peddlers, & Itinerant Merchants 0-8-16

December 23, 2015

### **Relations to Other Code:**

This Chapter does not apply to Solicitors, see Chapter 7.44

This Chapter does not apply to operations under a Use Permit, see Title 21

Temporary uses defined in zoning code (21.64.600) now reference Chapter 7.40 Hawkers, Peddlers, & Itinerant Merchants

### **Exemptions vs Allowed Without License:**

Present code exempts certain activities from all regulation under Chapter 7.40, including hours and areas of operation. The only requirement is that the eligible hawker, peddler, or itinerant merchant register with the City Clerk. The proposed code eliminates both the exemption and the requirement to register. A somewhat modified list of activities will be allowed without needing to contact City Government, but will be regulated by other parts of Chapter 7.40 such as time and noise constraints:

<b>Now (Exempt)</b>	<b>Proposed (Allowed)</b>
Selling merchandise or commodities directly to manufacturers, wholesalers or retail establishments for use in their business or for resale;	Same
Taking orders for merchandise or commodities for future delivery and taking orders for or making delivery of newspapers, magazines, milk or other dairy products, ice, fuel and fuel supplies, bakery goods or products, or other perishable food products;	Same
Selling products or commodities that are produced, caught or raised by the person who is selling the products or commodities, provided the person is self-employed. A person selling the products 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	Same

made;	
Selling Christmas trees, cards, greens, holly and wreaths;	Same, but restricted to non-residential districts (21.42 through 21.47).
<b>Now (Exempt)</b>	<b>Proposed (Allowed)</b>
Conducting a yard, garage or attic sale at a person's residence, not more than four days within a twelve-month period;	Same, except six days. Zoning Code (21.64.600) now says ten days. This legislation proposes changing yard sales to six days/year in both parts of the City Code.
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.	Same, except delete "yard sale" as the new definition in the legislation says yard sales are on private property and city property isn't private. Six days to be consistent.
Selling products or commodities on behalf of a nonprofit organization, which has 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);	Selling goods or services by a non-profit organization as an incidental fundraising activity at that non-profit's principle place of business.
	<b>New (Allowed):</b>
	In non-residential districts (Chapters 21.42 through 21.47) and mixed-use districts: Selling goods or services on private property where the sale of those goods or services is a use permitted for that zoning district without a special exception and the itinerant merchant or peddler has the written permission of the property owner. Maximum 6 weeks cumulative during a year.
	Delivering goods or services previously ordered by the owner or tenant of a property.
	Selling goods or services in conjunction with a fundraiser by a community association in that community association's territory not more than 6 times/year.
	Sale of goods and services at a convention, exhibition, or fundraiser taking place at a hotel.
	Sale of commodities incidental to a sporting event. On public

	property the peddler must be approved by the organizer of the sporting event.
	Sale of commodities or services as a fundraiser by the Boy Scouts or Girl Scouts (includes Cubs, Brownies, etc.)
	On those days of the year and at those places and times as are designated from time to time by resolution or ordinance of the City Council.

### **Licenses:**

<b>Now</b>	<b>Proposed</b>
Individual licensing of all Peddlers, Hawkers, and Itinerant Merchants that are not exempt.	Licensing for all vendors on public property, for door-to-door sales and for all mobile vendors.
Two photographs required	Copy of government-issued identification
Applications authorized by Mayor	Applications authorized by responsible Department (DNEP)
	<b>New:</b>
	Group licensing for vendors at a Special Event.
	Expediting fee for applications filed five business days or less before proposed effective date.
	Provisions added for denial, suspension, or revocation of license
	Display of license required on vehicles, boats, carts and stands

### **General Restrictions:**

<b>Now</b>	<b>Proposed</b>
No crying out or noisemaking to attract attention between 8:00pm and 9:00am	Same
	<b>New:</b>
	Mobile Vendors may not announce their arrival at a particular location for longer than five minutes
	Door-to-Door sales restricted to 9:00am to 8:00pm

	Peddlers, hawkers, itinerant merchants at special events restricted to hours of the special event
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<b>Now</b>	<b>Proposed</b>
	All other Peddlers, hawkers, itinerant merchants restricted to 8:00am through 9:00pm
	Stands, vehicles, boats and carts must provide adequate and equal trash and recycling containers

**Licensee Areas of Operation and Operating Restrictions (Except Mobile Food Service Vendors):**

<b>Now</b>	<b>Proposed</b>
Only in residential zones outside the Historic District.	Door to door sales in residential zones and the residential dwelling units in mixed-use zones, outside the historic district.
On those days of the year to be designated from time to time by rule of general application adopted by the City Council.	On those days of the year and at those places and times as are designated from time to time by resolution or ordinance of the City Council.
	<b>New:</b>
	Mobile Vendors (other than food trucks) may participate in “allowed activities” (above).
	Selling goods or services by a Mobile Vendor (other than food trucks) on public property outside the Historic District where the sale of those goods or services is a use permitted for that zoning district without a special exception. Must follow parking laws.
	As part of a special event that is organized by a business association headquartered within the city of Annapolis that represents commercial enterprises in the immediate area of the proposed operation.
	As part of a special event that is organized by the city when

	the vendor is a commercial enterprise in the immediate area of the special event.
	Upon City waters, when not docked.

**Mobile Food Service Vendors:**

<b>Now</b>	<b>Proposed</b>
Food carts	Food carts, trucks and other vehicles now all called "Mobile Food Service Vendors"
Food carts in industrial zone.	Same
Food carts in Ward 8 residential zones	Same
Food carts in other residential zones outside the Historic District, not more than thirty minutes.	Same
Food carts in residential zones during Special Events, outside the Historic District.	Same
On those days of the year to be designated from time to time by rule of general application adopted by the City Council.	On those days of the year and at those places and times as are designated from time to time by resolution or ordinance of the City Council.
	<b>New:</b>
	Food trucks on public property outside the Historic District in zones where standard restaurant is a permitted use without requiring special exception. Must follow parking laws. Food trucks not to be within 100 feet of an established restaurant or residential zoning district .
	Food trucks on private property outside the historic district in zones where restaurant is a permitted use without special exception, with the written permission of the property owner.
	As part of a special event that is organized by a business association headquartered within the city of Annapolis that represents commercial enterprises in the immediate area of the proposed operation.
	On City waters when not docked.

