



Legislation Details (With Text)

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File created:	12/31/2015	In control:		City Council	
On agenda:	7/25/2016	Final action:		7/25/2016	
Title:	Title 7 - Business Licenses, Taxes and Regulations - For the purpose of amending Chapter 7.40 to provide for the regulation of peddlers, hawkers, and itinerant merchants within the City.				
Sponsors:	Joe Budge				
Indexes:	Economic Matters Committee, Maritime Advisory Board, Planning Commission, Recreation Advisory Board, Rules and City Government Committee				
Code sections:					
Attachments:	1. O-8-16 Peddlers Hawkers Itinerant Merchants.pdf, 2. O-8-16 Summary of Peddlers Hawkers Itinerant Merchants Legislation.pdf, 3. O-8-16 Staff Report.pdf, 4. O-8-16 Map.pdf, 5. O-8-16 Recreation Advisory Bd Recommendation.pdf, 6. O-8-16 MAB Recommendation.pdf, 7. O-8-16 Fiscal Impact.pdf, 8. O-8-16 Memo from PZ to Planning Commission.pdf, 9. O-8-16 PC Findings.pdf, 10. Potential Areas to Amend O-8-16 v2.pdf, 11. O-8-16 Economic Matters and Rules and City Government Proposed Amendments (1).pdf, 12. O-8-16 Revised Budge Proposed Amendments.pdf, 13. O-8-16 SIGNED.pdf				

Date	Ver.	Action By	Action	Result
7/25/2016	1	City Council	adopt on second reader	Pass
7/25/2016	1	City Council	amendment(s) approved	Pass
7/25/2016	1	City Council	amendment(s) approved	Pass
7/25/2016	1	City Council	amendment(s) approved	Pass
7/25/2016	1	City Council	amendment(s) approved	Pass
7/25/2016	1	City Council	amended	Pass
7/25/2016	1	City Council	adopt on third reader	Pass
7/25/2016	1	City Council	adopt as amended	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend with amendments	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
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7/14/2016	1	Economic Matters Committee	recommend with amendments	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend favorably	Pass
7/14/2016	1	Economic Matters Committee	recommend with amendments	Pass
7/11/2016	1	City Council	postpone	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend with amendments	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
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6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend with amendments	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass

6/29/2016	1	Rules & City Government Committee	recommend favorably	Pass
6/29/2016	1	Rules & City Government Committee	recommend with amendments	Pass
5/10/2016	1	Economic Matters Committee	Continue	
5/10/2016	1	Rules & City Government Committee	Continue	
4/25/2016	1	City Council	declare the public hearing closed	
4/12/2016	1	Rules & City Government Committee	postpone	Pass
4/11/2016	1	City Council	declare the public hearing left open	
1/11/2016	1	City Council	adopt on first reader	Pass
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	

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

CITY COUNCIL OF THE City of Annapolis

Ordinance 8-16 Amended

Sponsor: Alderman Budge

Referred to
Economic Matters Committee
Rules & City Government Committee
Planning Commission
Maritime Advisory Board
Recreation Advisory Board

AN ORDINANCE concerning

Title 7 - Business Licenses, Taxes and Regulations

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

BY repealing and reenacting the following portions of the Code of the City of Annapolis, 2015 Edition:

Section 7.40.010
Section 7.40.020
Section 7.40.040

Section 7.40.050
Section 7.40.060
Section 7.40.070
Section 7.40.080
Section 7.40.090
Section 21.64.600

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

Section 7.40.030

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

Section 7.40.005
Section 7.40.054
Section 7.40.056
Section 7.40.075
Section 7.40.084
Section 7.40.086
Section 7.40.095

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

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

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

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

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

WHEREAS, a peddler or hawker who sells goods while traveling from place to place by foot or 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 in Maryland (Annotated Code of Maryland, Business Regulation Article, Title 17, Subtitle 9); and

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

WHEREAS, the City Charter grants the City Council the power to regulate by ordinance peddlers, 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 PLANNING AND ZONING.
- 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 ~~m~~Merchant” or “TRANSIENT ~~v~~Vendor” means any ~~p~~Person 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.
- G. “Mobile ~~food service facility~~ VENDOR” means a ~~food service facility which~~ is PEDDLER OR HAWKER WHO IS SELLING COMMODITIES OF ANY TYPE FROM a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water.
- H. “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT HAS BEEN DETERMINED TO BE CURRENTLY 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) IN COMPLIANCE WITH MARYLAND LAWS AND SUBJECT TO GOOD STANDING WITH THE INTERNAL REVENUE SERVICE.

- I. “Peddler” or “hawker” means any person who sells, or offers to sell, commodities OR SERVICES of any type from house to house, or from place to place, or on the streets, or in any other public place. A PEDDLER ALSO MEANS A PERSON who, without traveling from place to place, sells, or offers to sell, commodities of any type from a wagon, vehicle, boat, or other movable structure.
- J. “PERSON” MEANS AN INDIVIDUAL PERSON OR A BUSINESS ENTITY IN GOOD STANDING WITH THE STATE OF MARYLAND AND THE CITY OF ANNAPOLIS.
- K. “SERVICES” MEANS DUTY OR LABOR TO BE RENDERED BY ONE PERSON TO ANOTHER.
- L. “SPECIAL EVENT” MEANS AN EVENT PERMITTED BY THE CITY UNDER THE PROVISIONS OF TITLE 14, CHAPTER 18 OF THE CITY CODE.
- M. “YARD SALE” MEANS THE SALE, ON PRIVATE PROPERTY, OF GOODS PREVIOUSLY USED BY THE SELLER OR SELLERS, AND ALL SIMILAR SALES ON PRIVATE PROPERTY, INCLUDING BUT NOT LIMITED TO “PORCH SALES,” “GARAGE SALES,” “ATTIC SALES,” “LAWN SALES,” “MOVING SALES,” “COMMUNITY SALES,” AND “ESTATE SALES” CONDUCTED ON THE PROPERTY WHERE THE DECEASED RESIDED.

Section 7.40.020 - License - Required.

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

- A. EXCEPT AS PROVIDED IN SECTION 7.40.020(B) AND (C), A PERSON MAY ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES WITHOUT OBTAINING A LICENSE ISSUED BY THE CITY:
1. SELLING OF COMMODITIES OR SERVICES ON PRIVATE PROPERTY IN NONRESIDENTIAL DISTRICTS, PURSUANT TO CHAPTERS 21.42-21.47, AND MIXED USE DISTRICTS, PURSUANT TO CHAPTER 21.44, WHERE:
 - i. THE SALE OF THOSE COMMODITIES IS A USE PERMITTED FOR THAT ZONING DISTRICT WITHOUT A SPECIAL EXCEPTION;
 - ii. THE PERSON HAS THE WRITTEN PERMISSION OF THE PROPERTY OWNER; AND
 - iii. THE USE OF THE PROPERTY FOR SUCH PURPOSES DOES NOT EXCEED SIX (6) WEEKS WITHIN A TWELVE-MONTH PERIOD;
 2. SELLING OF COMMODITIES DIRECTLY TO MANUFACTURERS, WHOLESALERS OR RETAIL ESTABLISHMENTS FOR USE IN THEIR BUSINESS OR FOR RESALE;
 3. TAKING ORDERS FOR 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;
 4. DELIVERING COMMODITIES OR SERVICES PREVIOUSLY ORDERED BY THE OWNER OR TENANT OF THE PROPERTY;
 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;
6. SELLING CHRISTMAS TREES, CARDS, GREENS, HOLLY, AND WREATHS IN NONRESIDENTIAL DISTRICTS, PURSUANT TO CHAPTERS 21.42-21.47 AND MIXED USE DISTRICTS, PURSUANT TO CHAPTER 21.44;
 7. CONDUCTING A YARD SALE AT A PERSON'S RESIDENCE FOR NOT MORE THAN SIX (6) DAYS WITHIN A TWELVE-MONTH PERIOD;
 8. CONDUCTING A RUMMAGE MARKET SALE OR FLEA MARKET SALE OF NON-COMMERCIAL ITEMS BY THE CITY FOR NOT MORE THAN SIX (6) DAYS WITHIN A TWELVE-MONTH PERIOD;
 9. SELLING COMMODITIES OR SERVICES BY A NONPROFIT ORGANIZATION AS AN INCIDENTAL FUNDRAISING ACTIVITY AT THAT NONPROFIT ORGANIZATION'S PRINCIPAL PLACE OF BUSINESS;
 - ~~10. SELLING COMMODITIES OR SERVICES BY MEMBERS OF THE BOY SCOUTS OF AMERICA OR BY MEMBERS OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA AS A BENEFIT FOR THEIR SCOUTING ORGANIZATION.~~
 10. SELLING COMMODITIES OR SERVICES IN CONJUNCTION WITH A FUNDRAISER BY A COMMUNITY ASSOCIATION IN THAT COMMUNITY ASSOCIATION'S TERRITORY FOR NOT MORE THAN SIX (6) TIMES WITHIN A TWELVE-MONTH PERIOD;
 11. SELLING COMMODITIES OR SERVICES AT A CONVENTION, EXHIBITION, OR FUNDRAISER TAKING PLACE AT A HOTEL;
 12. SELLING COMMODITIES INCIDENTAL TO A SPORTING EVENT. IF ON PUBLIC PROPERTY, THE PERSON MUST BE APPROVED BY THE ORGANIZER OF THE SPORTING EVENT;
 13. 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. A PERSON MAY NOT ENGAGE IN THE BUSINESS OF A PEDDLER, HAWKER, ITINERANT MERCHANT, OR TRANSIENT VENDOR OF COMMODITIES OR SERVICES ON PUBLIC PROPERTY NOT MENTIONED IN SECTION 7.40.020(A) WITHOUT FIRST OBTAINING A LICENSE AS PROVIDED IN THIS CHAPTER.
- C. A PERSON MAY NOT ENGAGE IN THE BUSINESS OF A MOBILE VENDOR WITHOUT FIRST OBTAINING A LICENSE AS PROVIDED IN THIS CHAPTER.
- D. A LICENSE ISSUED BY THE CITY UNDER THIS CHAPTER DOES NOT RELIEVE THE LICENSEE FROM THE OBLIGATION TO OBTAIN APPLICABLE STATE OF MARYLAND AND ANNE ARUNDEL COUNTY PERMITS AND LICENSES.

Section 7.40.030 – License – Exemptions.

- A. Persons engaged in any of the following activities are exempt from the licensing requirements of this chapter:
1. ~~Selling merchandise or commodities directly to manufacturers, wholesalers or retail establishments for use in their business or for resale;~~
 2. ~~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;~~
 3. ~~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 made;

4. Selling Christmas trees, cards, greens, holly and wreaths;
5. 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);
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, OR LESSEE IF AUTHORIZED BY THE OWNER, 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;
- E. 5. A statement or description of the nature and character of the business to be conducted and the articles, goods, wares, merchandise or eCommodities to be sold, or offered for sale by the applicant;
- F. 6. A statement as to whether or not the applicant, or any person who will be conducting, managing, supervising or administering the business for or on behalf of the applicant, has been

convicted of any crime, excluding traffic offenses or violation of any municipal code or ordinance, and if so, the nature and date of the offense, the jurisdiction in which the offense was heard, and the nature of the punishment or penalty assessed;

G. 7. ~~Two photographs, two inches by two inches in size, showing the head and shoulders of the individual in a clear and distinguishing manner,~~ A COPY OF GOVERNMENT ISSUED IDENTIFICATION for each individual applicant and for any ~~p~~Person who will be conducting, managing, supervising or administering the business for or on behalf of the applicant. IF THE BUSINESS WILL BE CONDUCTED FROM A MOTOR VEHICLE THE GOVERNMENT ISSUED IDENTIFICATION FOR THE MOTOR VEHICLE OPERATOR MUST BE THE INDIVIDUAL'S DRIVER'S LICENSE. MOBILE FOOD SERVICE VENDORS SHALL PROVIDE A COPY OF THEIR ANNE ARUNDEL COUNTY MOBILE FOOD SERVICE FACILITY LICENSE; and

H. 8. Any other reasonable information as to the identity or character of the applicant or any of the individuals who will be conducting, managing, supervising or administering the business for or on behalf of the applicant, or the method or plan of conducting the business, as the Department may deem necessary or proper in order to determine the fitness of the applicant to have the license issued, for the protection of the public health, safety, and welfare.

B. ORGANIZERS OF A SPECIAL EVENT MAY FILE ONE APPLICATION THAT LISTS ALL PEDDLERS AND HAWKERS THAT WILL PARTICIPATE IN THE SPECIAL EVENT.

C. APPLICATIONS FILED FIVE (5) BUSINESS DAYS OR LESS BEFORE THE PROPOSED EFFECTIVE DATE OF THE PERMIT SHALL BE ACCOMPANIED BY A NONREFUNDABLE EXPEDITING FEE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

Section 7.40.050 - License - ~~Investigation~~ ISSUANCE.

A. Upon receipt of an application for a license under the provisions of this eChapter, the Department of ~~Neighborhood and Environmental Programs~~ shall ~~refer~~ EXAMINE the application to the ~~Police Department, the Department of Public Works, the Fire Department, the Planning and Zoning Department,~~ and WITH other agencies or departments of the City AS THE DEPARTMENT deemedS appropriate for review, investigation and recommendation, in order to determine whether the activities proposed to be undertaken would be contrary to any law or whether the issuance of the license would otherwise be contrary to the public health, safety or welfare. No license shall be issued until the ~~Department of Neighborhood and Environmental Programs~~ has received reports and recommendations from all departments and agencies to which the application has been referred. THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY AN APPLICATION FOR A LICENSE. COMPLETED APPLICATIONS SHALL BE ACTED UPON IN 45 DAYS.

B. THE DEPARTMENT SHALL DENY A LICENSE IF IT DETERMINES THE PROPOSED ACTIVITIES WOULD BE CONTRARY TO ANY LAW OR WHETHER THE ISSUANCE OF THE LICENSE WOULD OTHERWISE BE CONTRARY TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

C. THE DEPARTMENT SHALL DENY A PROPOSED LOCATION FOR A VENDOR IF IT DETERMINES THE PROPOSED VENDING ACTIVITY WOULD CREATE A SAFETY HAZARD, RENDER THE PARKING FACILITIES FOR THE PROPERTY INADEQUATE, INTERFERE WITH TRAFFIC, OR INTERFERE WITH A SPECIAL EVENT.

D. THE DEPARTMENT MAY DENY A LICENSE IF IT DETERMINES THAT THE APPLICANT HAS PROVIDED MATERIALLY INACCURATE INFORMATION REQUIRED TO BE SUBMITTED IN ORDER TO OBTAIN A LICENSE, WITHHELD OR FALSIFIED ANY MATERIAL INFORMATION REQUIRED TO BE SUBMITTED IN ORDER TO OBTAIN A LICENSE, OR FAILED TO ADHERE TO LICENSING REQUIREMENTS WITH RESPECT TO ANY LICENSE PREVIOUSLY GRANTED

BY THE CITY.

- E. IF AN APPLICATION IS DENIED, THE DEPARTMENT SHALL SET FORTH THE REASONS IN WRITING AND A COPY OF THE DECISION SHALL BE PROVIDED TO THE APPLICANT.

SECTION 7.40.054 - LICENSE - TERM.

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

SECTION 7.40.056 - SUSPENSION OR REVOCATION OF LICENSE.

- A. THE DEPARTMENT ~~SHALL~~MAY IMMEDIATELY SUSPEND OR REVOKE A LICENSE IF ANY OF THE FOLLOWING CONDITIONS ARE FOUND TO EXIST:
1. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE LICENSEE REQUESTS CANCELLATION OF THE LICENSE.
 2. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE LICENSEE HAS MADE A MISSTATEMENT OF MATERIAL FACT IN CONNECTION WITH THE APPLICATION WHICH, AT LEAST IN PART, CAUSED THE LICENSE TO BE GRANTED, FAILED TO FULFILL A TERM OR CONDITION OF THE LICENSE IN A TIMELY MANNER, FAILED TO PAY THE REQUIRED FEES, OR A CHECK SUBMITTED BY THE APPLICANT TO PAY A LICENSE FEE OR OTHER FEE PAID TO THE CITY IN CONNECTION WITH THE LICENSE HAS BEEN RETURNED FOR INSUFFICIENT FUNDS OR DISHONORED FOR ANY OTHER REASON.
 3. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE LICENSEE HAS ENGAGED IN ACTIVITY THAT ENDANGERS PERSONS OR PROPERTY, OR THREATENS, JEOPARDIZES, OR OTHERWISE POSES AN UNREASONABLE RISK OF HARM TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS OR PROPERTY.
 4. THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE LICENSEE HAS ENGAGED IN ACTIVITY THAT IS IN VIOLATION OF ANY OF THE TERMS OR CONDITIONS OR SCOPE OF THE LICENSE.
 5. ~~THE LICENSEE OR ANY PERSON ACTING FOR OR ON BEHALF OF THE LICENSEE HAS ENGAGED IN ACTIVITY THAT IS IN VIOLATION OF ANY FEDERAL, STATE, COUNTY, OR CITY LAW OR REGULATION.~~
 5. AN EMERGENCY OCCURRENCE OR ACT OF GOD REQUIRES THE SUSPENSION OR REVOCATION OF THE LICENSE IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE.
 6. OTHER EVENTS OR OCCURRENCES THE DEPARTMENT DEEMS TO UNREASONABLY IMPACT PUBLIC HEALTH, SAFETY, AND WELFARE.
- B. IF A LICENSE IS SUSPENDED OR REVOKED, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE LICENSEE IN WRITING STATING THE REASON FOR THE SUSPENSION OR REVOCATION AND THE DATE THE SUSPENSION BEGINS AND ENDS, OR THE DATE THE REVOCATION BEGINS.
- C. A PERSON WHOSE LICENSE HAS BEEN REVOKED IS PROHIBITED FROM APPLYING FOR A LICENSE WITHIN SIX (6) MONTHS OF THE DATE OF THE REVOCATION.

Section 7.40.060 - License ~~Issuance~~ - Appeals.

- A. Upon receipt of reports and recommendations as provided in this chapter, the application, together with all supporting information, shall be forwarded to the Mayor, who shall determine whether or not to issue the license for which application has been made. The application shall be approved unless the Mayor determines that the activities proposed to be undertaken would be contrary to law or the granting of a license would otherwise be detrimental to the public health, safety or welfare.
- B. If an application is denied, SUSPENDED, OR REVOKED, the Mayor DEPARTMENT shall set forth the reasons in writing and a copy of the decision shall be provided to the applicant. The decision of the Mayor DEPARTMENT to grant, or deny, SUSPEND, OR REVOKE any license under this eChapter shall be final, unless a pPerson aggrieved by the decision files a written appeal of the decision with the BUILDING Boards of Appeals within fifteen (15) days of AFTER the DATE OF THE decision, setting forth the grounds of the appeal. The decision of the Mayor DEPARTMENT shall be reversed only upon a determination that the decision was arbitrary or capricious. The decision of the Mayor DEPARTMENT shall not be stayed by the filing of any appeal.

Section 7.40.070 - Fees.

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.

SECTION 7.40.075 - DISPLAY OF LICENSE.

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

Section 7.40.080 - Crying Out - Making noise.

- A. No licensee, or any pPerson in the employ of or acting FOR OR on behalf of a licensee, ENGAGED IN THE BUSINESS OF A PEDDLER, HAWKER, AND ITINERANT MERCHANT shall shout, cry out, blow any horn, ring a bell, or use any musical or sound device, including any loudspeakers, radios or sound-amplifying system, upon any of the streets, alleys, parks, waters, or other public places, or upon any private premises where the sound emitted or produced is of sufficient volume to be heard upon the streets, alleys, parks, waters, or other public places, OR UPON ANY ADJACENT PRIVATE PROPERTY for the purpose of attracting attention to any articles, goods, wares, merchandise or e Commodities being sold, or offered for sale; by any licensee under this chapter, between the hours of eight8:00 p.m. and nine9:00 a.m.
- B. A LICENSED MOBILE VENDOR, OR ANY PERSON ACTING FOR OR ON BEHALF OF A LICENSED MOBILE VENDOR, SHALL BE ALLOWED TO ANNOUNCE THEIR ARRIVAL IN A PARTICULAR GEOGRAPHIC LOCATION FOR NO LONGER THAN FIVETHREE MINUTES UPON ARRIVAL.

SECTION 7.40.084 - TIME RESTRICTIONS.

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

SECTION 7.40.086 - RECYCLING AND REFUSE.

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

Section 7.40.090 - ~~Prohibited zones~~ AREAS OF OPERATION AND OPERATING RESTRICTIONS.

- A. ~~A license shall not be issued under this chapter for any location or area within the historic district or a nonresidential area, except that a license may be issued to allow food carts in an industrial zone.~~
 - 1. ~~The restrictions imposed by Subsection A of this section shall not limit the issuance 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. MOBILE VENDORS OPERATING UNDER THIS PARAGRAPH MAY NOT REMAIN IN A NEIGHBORHOOD LONGER THAN THIRTY MINUTES DURING A SIXTHREE-HOUR PERIOD EXCEPT WITHIN THE BOUNDARIES OF WARD EIGHT ;
- 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. AS PART OF A SPECIAL EVENT WITHIN THE WATERFRONT MARITIME EASTPORT (WME) AND WATERFRONT MIXED MARITIME (WMM) ZONING DISTRICTS.
- E. 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;
- F. ~~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 SUBJECT TO THE FOLLOWING LIMITATIONS:
 - (i) NOT WITHIN 100 FEET OF A STANDARD RESTAURANT WITHOUT WRITTEN PERMISSION OF AN AUTHORIZED REPRESENTATIVE OF SAID RESTAURANT;
 - (ii) NOT WITHIN 100 FEET OF A RESIDENTIAL ZONING DISTRICT EXCEPT IN WARD 8;
 - 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 FOR NOT MORE THAN THIRTY MINUTES AT ONE LOCATION IN A NEIGHBORHOOD DURING A SIXTHREE HOUR PERIOD UNLESS IN CONJUNCTION WITH AN APPROVED SPECIAL EVENT;
 - 6. IN CONJUNCTION WITH 7.40.090(C) OR (~~ED~~), ABOVE.
- H. 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.

SECTION 7.40.095 - VIOLATIONS.

- A. A PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A MUNICIPAL INFRACTION AND

IS SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

B. IN ADDITION TO SERVING A MUNICIPAL CITATION, THE CITY MAY PURSUE ANY AVAILABLE JUDICIAL REMEDIES.

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.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect 45 DAYS from the date of its passage.

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.