

O-19-25

Regulation of Tours in Historic Annapolis

AMENDMENT 1 – ALD. HUNTLEY

Amendment Summary:

Amendment 1:

- Eliminates the regulation of Individual Sightseeing Guides, but they must have insurance, indemnify the City, and abide by general regulations for tour companies;
 - Updates the rest of the ordinance to incorporate "Individual Sightseeing Guides."
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MOTION:

1. On page 2, in line 6, before "Walking tour" insert the following and renumber accordingly:

5. "Tour operator" means an individual or organization duly licensed by the City to lead tours of its points of interest. Tour operators employ at least two people, including independent contractors, to conduct tours.

6. "Individual sightseeing guide" means a self-employed person who conducts tours. This guide operates independently and shall not work as a contractor for a tour operator; however, they may hire a freelance guide for assistance as needed.

2. On page 2, strike lines 6 through 9 and insert the following:

7. "Walking tour" means any guided tour conducted on foot and organized by a commercial tour operator or an Individual Sightseeing Guide. These tours involve groups of people walking through the Historic District, utilizing city streets, sidewalks, rights-of-way, or other public properties.

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3. On page 2, strike lines 13 through 32, and on page 2, strike lines 1 through 20; and on page 2, in line 13, insert the following:

A. City License.

1. **Tour Operators.** Any person, firm, or corporation that does business as a commercial tour operator by providing a tour guide or originating tours within the city limits must obtain a license from the City, pursuant to Chapter 7.04.
2. **Independent Tour Guides.** Individual sightseeing guides are exempt from license requirements but shall follow all other requirements of this Chapter and any related regulations promulgated by the Department.

B. Obtaining a License. Tour operator licenses shall be obtained through the Department of Planning and Zoning.

1. The applicant shall provide the following information and shall amend the application with any changes to the information:
 - a. Name of business/organization;
 - b. Name of the responsible party;
 - c. Legal corporate address of business;
 - d. Nature and description of the tours offered; and
 - e. Other information as required by the Department.
2. Tour operators shall be legally registered with the State of Maryland's Department of Assessment and Taxation and maintain that registration in good standing.
3. Tour operators shall affirm their compliance with all Maryland laws, particularly in relation to the unauthorized use of legal names, service marks, and any registered doing business as (DBA) names with the State of Maryland's Department of Assessment and Taxation.
4. The Department of Planning and Zoning may promulgate other regulations as deemed necessary.
5. The Director shall review license applications based on the following criteria:
 - a. Compliance with City laws and regulations;
 - b. Impact on public safety and traffic flow; and
 - c. Potential impact on the historic resources of the Historic District.

C. Indemnification and Insurance Required.

1. **Tour Operators.** The applicant shall indemnify the City for all claims and provide the City with a certificate of insurance demonstrating the tour is

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insured for liability related to injuries, damages, or losses to persons or property.

- a. The insurance shall cover claims arising from the actions or omissions of the applicant, as well as the applicant's agents, employees, and contractors, during the planning and operation of the tour.
- b. The coverage amounts must be acceptable to the City.
- c. The City and its elected officials, employees, and agents shall be named additional insureds and reflected on the insurance certificate.
- d. Any certificate of insurance is subject to approval by the City Attorney or their designee.
- e. Such insurance policies shall be filed with the license and shall provide that the City be notified before the policy is canceled.

2. Independent Tour Guides. Independent Tour Guide shall:

- a. Indemnify, defend and hold harmless the City from all claims, losses, damages and liabilities arising from all tours conducted;
- b. Maintain an insurance policy covering their tour activities;
- c. Secure and maintain a certificate of insurance that names the City as an additional insured entity; and
- d. Present the indemnification and certificate of insurance to the City upon request.

D. Fees. A license fee, as established by the annual resolution of the City Council, is required for all tour licenses and shall be paid before the tour operator license is issued

4. On page 3, in line 24, after "Walking" change "tour" to "tours", change "conduct" to "conducted", strike "their tours"; in line 30 change "tour" to "tours", strike "operators and participants"; and in line 34, after "tour operator" insert "or guide".

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As the change would look in the Ordinance:

Title 7 - BUSINESS LICENSES, TAXES AND REGULATIONS

Chapter 7.50 - Tour Operators

Section 7.50.010 - Definitions.

1. "Department" means the Department of Planning and Zoning.
2. "Director" means the Department of Planning and Zoning Director or their designee.
3. "Historic District" (also known as "District") means the area defined as the Annapolis Historic District in § 21.56.
4. "Tour" means a visit within city limits where the primary purpose is to see historic and architectural sites, cultural attractions, or scenic areas in the city.
5. ~~"Tour operator" means any person duly licensed by the City to conduct one or more persons to any of the city's points of interest, historic buildings, parks, or sites, to explain, describe, or generally relate the facts of importance thereto.~~

"Tour operator" means an individual or organization duly licensed by the City to lead tours of its points of interest. Tour operators employ at least two people, including independent contractors, to conduct tours.

6. "Individual sightseeing guide" means a self-employed person who conducts tours. This guide operates independently and shall not work as a contractor for a tour operator; however, they may hire a freelance guide for assistance as needed.
6. ~~"Walking tour" means any guided tour on foot, coordinated by a commercial tour operator using tour guides and tour leaders that involves groups of people walking through the Historic District on city streets, sidewalks, rights-of-way, or other public property.~~
7. "Walking tour" means any guided tour conducted on foot and organized by a commercial tour operator or an Individual Sightseeing Guide. These tours involve groups of people walking through the Historic District, utilizing city streets, sidewalks, rights-of-way, or other public properties.

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Section 7.50.020 - General Requirements.**~~A. City Business License Required.~~**

- ~~1. Any person, firm, or corporation that does business as a commercial tour operator by providing a tour guide or originating tours within the city limits must obtain a license from the City, pursuant to Chapter 7.04.~~
- ~~2. Licenses shall be obtained through the Department of Planning and Zoning.~~
- ~~3. The applicant will provide the following information and shall amend the application with any changes to the information:~~
 - ~~a. Name of business/organization;~~
 - ~~b. Name of the responsible party;~~
 - ~~c. Legal corporate address of business;~~
 - ~~d. Local company address of business;~~
 - ~~e. Nature and description of the tours offered; and~~
 - ~~f. Other information as required by the Director.~~
- ~~4. Tour operators shall be legally registered with the State of Maryland's Department of Assessment and Taxation and maintain that registration in good standing.~~
- ~~5. Tour operators shall affirm they will adhere to all Maryland laws, specifically regarding the unauthorized use of any legal names, service marks, and doing business as registered with the State of Maryland's Department of Assessment and Taxation.~~

~~B. Insurance Required.~~

- ~~1. The applicant shall provide the City with a certificate of insurance demonstrating the tour is insured for liability related to injuries, damages, or losses to persons or property.~~
 - ~~a. This insurance shall cover claims arising from the actions or omissions of the applicant, as well as the applicant's agents, employees, and contractors, during the planning and operation of the tour.~~
 - ~~b. The coverage amounts must be acceptable to the City.~~
 - ~~c. The City and its elected officials, employees, and agents shall be named additional insureds and reflected on the insurance certificate.~~
- ~~2. Any certificate of insurance is subject to approval by the City Attorney or their designee.~~

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- ~~3. Such insurance policies shall be filed with the license and shall provide that the City be notified before the policy is canceled.~~

~~C. City Business License Required.~~

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~~D. Insurance Required.~~

- ~~4. The applicant shall provide the City with a certificate of insurance demonstrating the tour is insured for liability related to injuries, damages, or losses to persons or property.~~
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~~**E. License Issuance.** The Director shall review license applications based on the following criteria:~~

- ~~a. Compliance with City laws and regulations;~~
~~b. Impact on public safety and traffic flow; and~~
~~c. Potential impact on the historic resources of the Historic District.~~

A. City License.

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C. Indemnification and Insurance Required.

1. **Tour Operators.** The applicant shall indemnify the City for all claims and provide the City with a certificate of insurance demonstrating the tour is insured for liability related to injuries, damages, or losses to persons or property.
 - a. The insurance shall cover claims arising from the actions or omissions of the applicant, as well as the applicant's agents, employees, and contractors, during the planning and operation of the tour.
 - b. The coverage amounts must be acceptable to the City.
 - c. The City and its elected officials, employees, and agents shall be named additional insureds and reflected on the insurance certificate.
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2. **Independent Tour Guides.** Independent Tour Guide shall:
 - a. Indemnify, defend and hold harmless the City from all claims, losses, damages and liabilities arising from all tours conducted;
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D. Fees. A license fee, as established by the annual resolution of the City Council, is required for all tour licenses and shall be paid before the tour operator license is issued

Section 7.50.040 - Walking Tours.

- A. Historic Resources.** ~~Walking tours operators and participants shall respect the District's historic resources and refrain from touching or damaging any historic property.~~

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B. **Public Safety.** Walking tours operators shall take responsible steps to ensure the safety of their participants, including monitoring traffic conditions and adhering to pedestrian safety guidelines.

C. **Group Size and Conduct.**

1. Walking tours guides shall be conducted ~~their tours~~ to avoid congestion and disrupting public sidewalks and streets.
2. The guide and guests of a walking tour shall not trespass on private property, block streets, or deny access to driveways.
3. The tour operator or guide shall collect and remove all trash generated by guests.

7.50.060 - Violations, Penalty, and Appeals

A. **Violations.** Violating any provision of this chapter may result in fines, penalties, or other appropriate enforcement action as determined by this chapter and the Director.

B. **Penalties.**

1. **Failure to Comply.** Any applicant who fails to comply with the requirements of this chapter shall not be issued or reissued a business license until proof of compliance is presented by the applicant and certified by the Director, police, or codes enforcement officer.
2. **Suspension of License.** The Director may temporarily suspend the business license of any walking tour operator for violation of any provision of this ordinance.
3. **Permanent Revocation.** A tour operator's license may be revoked on the fourth or subsequent offense.
4. **Fines.** Violations of this chapter shall carry fines as set by the annual resolution of the City Council and permit suspension.

C. **Appeals.**

1. **Suspension and Citations.** Tour operators may appeal a license suspension or citation to the Director, provided a written appeal is submitted within seven days of the suspension.
2. **Director Hearing.** The Director shall conduct a hearing within 30 calendar days and render a final decision to modify, overrule or sustain the issued Order, Decision or Determination.
3. **Appeals of Director's Decision.** Appeals of the Director's final decision to modify, overrule or sustain an order, decision or determination issued by the City may be appealed to the Building Board of Appeals pursuant to § 2.48.060.

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4. **Judicial Review.** A person aggrieved by an order, decision or determination issued by the Building Board of Appeals (BBOA) may appeal to the Circuit Court for Anne Arundel County.

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