

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/26/96

Reference No.: CB-16-1996

Proposer: Estepp, Gourdine

Draft No.: 2

Sponsors: Estepp, Russell, Wilson, Bailey, Scott, Gourdine, & Maloney

Item Title: An Act improving safety on public roads by restricting the types of goods that may be sold by peddlers and itinerant vendors in the right-of-way

Drafter: Mary Lane
Director, PZED

Resource Personnel: Peter Lupo
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/2/96

Executive Action: 12/18/96 S

Committee Referral:(1) 4/2/96 PZED

Effective Date: 2/3/97

Committee Action:(1) 6/5/96 HELD

Committee Action:(2) 10/16/96 FAV(A)

Date Introduced: 10/29/96

Pub. Hearing Date: (1) 11/26/96 10:00 AM

Council Action: (1) 11/26/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:A, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. REPORT

DATE: 10/16/96

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Wilson, Estepp, MacKinnon, Maloney, and Russell).

A proposed Draft 2 was presented that was supported by the sponsors of both CB-15-1996 and CB-16-1996. This bill retained the prohibition on vendors on designated "Gateway Roads", as was included in CB-15. It also prohibited the issuance of any new licenses to vendors in the public right-of-way, and included a sunset provision of one year for all vendors in the right-of-way. The sponsors stated that they would direct the County's economic Development Corporation to assist the affected vendors in relocating their businesses on private property.

The following individuals spoke in support of the bill, citing concerns regarding traffic safety, the image of the County, the trash and debris left on the roadside, and the lost tax revenue: Freddie Dawkins, representing the Central Prince George's County Civic Organization; Alfreda Jones, of Forest Heights; Ms. Hawkins and Betty Hill, of the Concerned Citizens of Potomac Vista; Barbara Jones, of Fort Washington; Rev. Douglas Edwards, of the Wilborne Central Civic Association; and Edward Morgan, of the Riverbend Estates Homeowners' Association. The following individuals opposed the legislation, particularly regarding the one-year sunset period: Christopher Fountain, William Rook, Reginald Nesby, Charlotte Turner, Allan Horne, and Clifford King.

The Committee amended the proposed Draft 2 to increase the sunset period to two years, except on designated Gateway Roads, where the prohibition would be effective upon the effective date of the legislation. The staff was directed to prepare a resolution requiring the Economic Development Corporation to report back to the Committee with a plan for assisting the vendors in relocating. The Committee also requested that the County Executive provide comments regarding this legislation prior to the scheduled date of enactment.

PLANNING, ZONING & ECON. DEV. COMM. REPORT

DATE: 6/3/96

HELD in Committee.

The sponsor explained that this legislation was generated by the numerous citizen complaints received by his office regarding the vendors located along the side of roads, particularly Indian Head Highway, as well as concerns expressed by other businesses owners in the area. This legislation will prohibit the sale of all goods in the right-of-way, with the exception of automotive equipment to a disabled vehicle, flowers and plants, and fruits, vegetables and other agricultural products.

The Legislation Officer and the Office of Law find the bill to be in proper legislative form, the Department of Environmental Resources takes no position, and the Health Department supports the bill. The Health Department noted that they issue food service facility permits to over 250 mobile food operators, which generates approximately \$45,000 in annual permit fee revenue. If the mobile units consolidate on privately owned property, it will be easier for the Department to monitor and regulate their activities and ensure safe operation.

The following individuals spoke in support of CB-16: Earl Stancil, representing the Glassmanor Citizens Association; Thomas Reed, of the Camp Springs Citizens Association; Julia Baltimore, of the Lynn Allen Acres Citizens Association; and Nathaniel Bryant. The following individuals spoke in opposition to the bill: Chris Fountain, Ted Jones, Allan Horne, William Rook, Barbara Ruffin, Ed Martin, Blaze Miller, Charlotte Turner, Reginald Nesby, Clifford King, Gilbert Shepard, and Pamela Barren.

The Committee agreed to hold both CB-15 and CB-16 for further study, particularly regarding ways to assist vendors in relocating into storefronts.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Mobile vendors are currently permitted to sell nine types of goods in the rights-of-way of public roads, subject to certain conditions. This has resulted in a proliferation of vendors in the rights-of-way, which disrupts the flow of traffic on the major roads in the County, and poses a significant safety hazard. This legislation restricts the types of goods that may be sold to automotive equipment to the owner of a disabled vehicle; flowers and plants; and fruits, vegetables or other agricultural products. Violation of this regulation is a misdemeanor, and as such, enforceable by the County police.

CODE INDEX TOPICS: