

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1997 Legislative Session

Bill No. CB-106-1997

Chapter No. 80

Proposed and Presented by Council Member Del Giudice

Introduced by Council Member Del Giudice

Co-Sponsors

Date of Introduction October 21, 1997

BILL

AN ACT concerning

Mobile Vendors

For the purpose of defining mobile vendors and providing for the licensing of mobile vendors.

BY repealing and reenacting with amendments:

SUBTITLE 5. BUSINESS AND LICENSES.

Sections 5-190 AND 5-193.01,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

WHEREAS, the regulation of vendors in the public rights-of-way in Prince George's County and the restriction of vendors to mobile vendors in Prince George's County is necessary to promote the health, safety and welfare of citizens in Prince George's County; promote the free flow of vehicular traffic and pedestrian traffic; prevent the creation of market ares in the public rights-of-way in Prince George's County; and, prevent the creation of a nuisance within Prince George's County.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-190 and 5-193.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESS AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sec. 5-190. License required; payment; contents; term; and basis for refusal of license.

(a) No person, his agents or employees, shall sell, barter or trade or offer or expose for sale, barter or trade in or upon any street or highway in the County, or go from house to house, either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or trade at or from any roadside stand or roadside market upon any street or highway in the County, any produce, products or merchandise whatsoever without each such person having previously obtained a license from the Office of Business and Regulatory Affairs.

(b) Payment for such license shall be made to the Office of Finance. The license shall contain a 2" x 2" recent and clear photograph showing the head and shoulders of the licensee, a physical description of the licensee and the purpose for which the license was issued. The license shall be laminated and shall be worn by the licensee in such a manner as to be clearly visible to all. A mobile vendor shall display a mobile vendor license decal provided by the Director on both the driver and passenger sides of the vehicle used for vending.

(c) The license shall expire one (1) year from the date of issuance, except as provided in (f), below.

(d) The Director may refuse to issue a license upon application where the Director finds after reasonable investigation, that the applicant has had a license revoked within the past three (3) years or is not of good moral character pursuant to the criteria set out in Section 5-204 of this Code.

(e) No license shall be issued after January 1, 1997, to any hawker, peddler, or itinerant vendor unless

(1) the application is for the renewal of an existing license, or

(2) the application is for the issuance or renewal of a license for a mobile vendor, as defined in subsection (g).

(f) Except as provided in subsection (e), a[A]ll licenses shall expire on January 1, 1999, and no new licenses shall be issued after that date.

(g) In this Division, "Mobile Vendor" means a person who predominantly sells pre-

prepared and pre-wrapped ice cream, ice cream products, or other frozen novelties, fresh fruit, or sealed single serving containers of soft drinks, juice, or other nonalcoholic beverages from a motor vehicle operating with a National Sanitation Foundation approved cold plate freezer system temporarily stopped in the right-of-way.

Sec. 5-193.01. Prohibited sales, solicitations and distributions in roadway(s) and certain other portions of the right-of-way.

(a) It shall be unlawful for any person, firm or corporation, by its officers, agents or employees, to sell or to attempt to sell goods, wares or merchandise of any description to, or to solicit or accept any donation from, or to distribute printed matter or materials of any description to, any occupant of a motor vehicle when said motor vehicle is in a roadway, as defined under the Transportation Article of the Annotated Code of Maryland.

(b) Notwithstanding any other provision of this Division, it shall be unlawful for any hawker, peddler, roadside vendor, huckster, itinerant vendor, or any other person to sell, attempt to sell, or display for sale any goods, wares, merchandise, or other items of any description while upon the right-of-way, or from a vehicle upon the right-of-way except for the following:

- (1) Automotive equipment to the owner or occupant of a vehicle disabled in a roadside emergency;
- (2) Live or cut flowers, plants, artificial flowers (and including crosses or other adornments for graveside use);
- (3) Fruits, vegetables, or other agricultural products;
- (4) Baked goods;
- (5) Fish or shellfish;
- (6) Any meat or meat product, cooked and offered for immediate consumption;
- (7) Gum or candy; chips or other edible goods offered in individual servings for immediate consumption;
- (8) Individual cans, bottles, or other single serving containers of soft drinks, juice, or other nonalcoholic beverages;

(9) Ice cream, ice cream products, or other frozen novelties.

(c) It shall be unlawful for any hawker, peddler, roadside vendor, huckster, itinerant vendor, or any other person to sell, attempt to sell, or display for sale any goods, wares, merchandise, or other items of any description, with the exception of (b)(1), above, while upon the right-of-way of a road designated a "Gateway Road" by resolution of the County Council.

(d) It shall be unlawful for any hawker or peddler to park on public rights-of-way to sell, or attempt to sell goods, wares, or merchandise of any description from a motor vehicle, vehicle or stand when:

(1) Within one hundred (100) yards of an intersection of two roads.

(2) Within one hundred (100) yards of the vehicular entrance to or exit from a public school.

(3) Within one hundred (100) yards of a vehicular entrance to or exit from an integrated shopping center as defined in the Zoning Ordinance of Prince George's County, or entrance to or exit from said shopping center's parking lot.

(e) It shall be unlawful for any mobile vendor to park on public rights-of-way to sell, or attempt to sell goods, wares, or merchandise of any description from a motor vehicle, vehicle or stand when:

(1) Within twenty-five (25) feet of an intersection of two roads.

(2) Within one hundred (100) yards of the vehicular entrance to or exit from a public school.

(3) Within one hundred (100) yards of a vehicular entrance to or exit from an integrated shopping center as defined in the Zoning Ordinance of Prince George's County, or entrance to or exit from said shopping center's parking lot.

[(e)](f) It shall be unlawful for any hawker, peddler, or itinerant vendor to sell or offer for sale on a public right-of-way any goods, wares, or merchandise which are displayed separately and apart from his parked motor vehicle or vehicle except for those items described in Subsection (b), above.

[(f)](g) It shall be unlawful for any mobile vendor to park on public rights-of-way to sell or attempt to sell goods, wares, or merchandise of any description from a motor vehicle except:

(1) While remaining in the motor vehicle with the motor running and emergency flasher light operating; and

(2) For a period of less than ten minutes.

(g) Any person who violates the provisions of Subsections (a), (b), (c), (d), [or] (e), or (f) of this Section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY:
Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.