

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2018 Legislative Session**

Bill No. CB-55-2018

Chapter No. 68

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Lehman, Glaros, Turner,  
Davis, Franklin and Patterson

Date of Introduction September 25, 2018

**BILL**

1 AN ACT concerning

2 Public Right-of-Way

3 For the purpose of increasing fines for the unlawful selling of goods in the public right-of-way;  
4 and generally regarding the public right-of-way.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Sections 5-193.01, 5-193.02, and 5-193.04,

8 The Prince George's County Code

9 (2015 Edition; 2017 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that Sections 5-193.01, 5-193.02, and 5-193.04 of the Prince George's County Code  
12 be and the same are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 5. BUSINESSES AND LICENSES.**

14 **DIVISION 12. PEDDLERS AND ITINERANT VENDORS.**

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

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

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

5 (1) Automotive equipment to the owner or occupant of a vehicle disabled in a  
6 roadside emergency;

7 (2) Live or cut flowers, plants, artificial flowers (and including crosses or other  
8 adornments for graveside use);

9 (3) Fruits, vegetables, or other agricultural products;

10 (4) Baked goods;

11 (5) Fish or shellfish;

12 (6) Any meat or meat product, cooked and offered for immediate consumption;

13 (7) Gum or candy; chips or other edible goods offered in individual servings for  
14 immediate consumption;

15 (8) Individual cans, bottles, or other single serving containers of soft drinks, juice, or  
16 other nonalcoholic beverages;

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

18 (10) Goods licensed for sale pursuant to a Stadium Event License along roadways  
19 appurtenant to parking lots at the Stadium.

20 (11) Mobile units that are authorized as participants of a designated Food Truck Hub  
21 as defined by Section 5-189.01.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (h) Any person who violates the provisions of Subsections (a), (b), (c), (d), (e), or (f) of  
 23 this Section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a  
 24 fine of not less than [One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
 25 (\$500.00)] Two Hundred and Fifty Dollars (\$250.00), for the first offense; Five Hundred Dollars  
 26 (\$500.00), for the second offense; Seven Hundred and Fifty Dollars (\$750.00), for the third  
 27 offense; and Seven Hundred and Fifty Dollars (\$750.00), for each subsequent offense.

28 **Sec. 5-193.02 Prohibited sales, solicitations, and distributions to minors.**

29 (a) In addition to Section 5-193.01 it shall be unlawful for any hawker or peddler to solicit,  
 30 sell, or display to minors any of the following items:

31 (1) Any item which is prohibited by Federal, State, County, or municipal laws to be

1 sold or displayed to minors.

2 (2) Any item or items which the vendor knows or should know will be used for  
3 illegal purposes. Any item which can reasonably be expected to be used for inhaling, smoking, or  
4 administering drugs into the body shall be presumed to be an item to be used for an illegal  
5 purpose.

6 (b) It shall be unlawful for any hawker or peddler to solicit or sell to minors any item  
7 before the hour of 10:00 A.M. on any day that public schools are in session.

8 (c) Any person who violates the provisions of Subsection (a) of this Section shall be  
9 deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not less than  
10 [One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).] Two Hundred  
11 and Fifty Dollars (\$250.00) nor more than Seven Hundred and Fifty Dollars (\$750.00).

12 \* \* \* \* \*

13 **Sec. 5-193.04 Violations of law and monetary fines.**

14 (a) Any person who shall sell, barter, or trade or offer or expose for sale, barter or trade in  
15 or upon any street or highway in the County, or go from house to house, either on foot, or with a  
16 horse or other beast of burden, or with a wagon, or motor vehicle, or other conveyance  
17 whatsoever, upon the streets or highways in the County selling, bartering or trading or offering to  
18 sell, barter or trade, or from any roadside stand or roadside market upon any street or highway in  
19 the County, any items except those expressly permitted by Section 5-193.01(b)(1) who operates  
20 in violation of this Subtitle, or who knowingly directs or authorizes another person as an agent to  
21 do so, shall, upon citation issued by the Director of Permitting, Inspections, and Enforcement or  
22 police officer, be deemed to have committed a violation of this Subtitle and shall pay the County  
23 a monetary fine of [Fifty Dollars (\$50.00)] Two Hundred Dollars (\$200.00) for each violation.  
24 Each separate day the violation remains uncorrected is a separate and distinct violation subject to  
25 an additional citation and fine. Fines for violations within the NFL Stadium Event Zone on the  
26 day of an approved event or the twenty-four (24) hour period preceding same shall be subject to  
27 a monetary fine of Two Hundred Dollars (\$200.00) for each violation.

28 (b) The Department of Permitting, Inspections, and Enforcement shall deliver or mail a  
29 citation to the responsible party(ies). The citation shall serve as the notification to the person that  
30 he has committed a civil violation and that he has been assessed a monetary fine, the  
31 nonpayment of which, in the absence of a successful appeal, shall result, where applicable, in the

1 immediate revocation of the person's license.

2 (c) A person who receives a citation may file with the Director a written notice of request  
3 for a hearing on the citation within five (5) days of the issuance of the citation. The Director shall  
4 render a decision within thirty (30) days of the hearing based upon the record compiled.

5 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
10 Act, since the same would have been enacted without the incorporation in this Act of any such  
11 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
12 or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
14 calendar days after it becomes law.

Adopted this 23<sup>rd</sup> day of October , 2018.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dannielle M. Glaros  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive