

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-68-2004

Chapter No. _____

Proposed and Presented by Council Member Shapiro

Introduced by _____

Co-Sponsors _____

Date of Introduction July 6, 2004

BILL

1 AN ACT concerning

2 Mobile Food Vending in Urban Areas

3 For the purpose enhancing Livable Communities by authorizing the sale of certain food items by
4 mobile food vendors and providing a licensing standard and definition for mobile food vendors.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Sections 5-190, and 5-191,

8 The Prince George's County Code

9 (1999 Edition, 2002 Supplement).

10 BY adding: SUBTITLE 5. BUSINESSES AND LICENSES.

11 Section 5-193,

12 The Prince George's County Code

13 (1999 Edition, 2002 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Sections 5-190 and 5-191 of the Prince George's County Code be and the same
16 are hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 5. BUSINESSES AND LICENSES.**

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

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

20 (a) No person, his agents or employees, shall sell, barter or trade or offer or expose for
21 sale, barter or trade in or upon any street or highway in the County, or go from house to house,

1 either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or
 2 other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or
 3 trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or
 4 trade at or from any roadside stand or roadside market upon any street or highway in the County,
 5 any produce, products or merchandise whatsoever without each such person having previously
 6 obtained a license from the Department of Environmental Resources.

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

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

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

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

21 (1) The application is for the renewal of an existing license; [or]

22 (2) The application is for the issuance or renewal of a license for a mobile vendor as
 23 defined in Subsection (g) ; or

24 (3) The application is for the issuance or renewal of a license for a mobile food
 25 vendor as provided in Section 5-193.

26 (f) Except as provided in Subsection (e), all licenses shall expire on January 1, 1999, and
 27 no new licenses shall be issued after that date.

28 (g) In this Division, "**Mobile Vendor**" means a person who predominantly sells pre-
 29 prepared and prewrapped ice cream, ice cream products, or other frozen novelties, fresh fruit, or
 30 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. 5-191. License fees.

(a) For licenses issued under this Division to hawkers, peddlers or itinerant vendors in the County, the fee shall be Seventy-five Dollars (\$75.00). This fee shall be collected by the Director of Finance.

(b) The fee for duplicate licenses issued under this Division shall be Seventy-five Dollars (\$75.00) and such fee shall be collected by the Director of Finance.

(c) The fee for a mobile food vendor license shall be Seventy-five Dollars (\$75.00). The fee shall be collected by the Director of Finance.

SECTION 2. BE IT FURTHER ENACTED that Section 5-193 of the Prince George's County Code be and the same is hereby added:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 12. PEDDLERS AND ITINERANT VENDORS.

Sec. 5-193. Mobile Food Vending.

(a) In this Division "Mobile Food Vendor" means a person who prepares and sells food, under appropriate license from the Health Department, from a motor vehicle while temporarily stopped in the right-of-way.

(b) The Director shall establish regulations for the issuance of Mobile Food Vendor licenses under the following circumstances:

(1) The maximum number of Mobile Food Vendor licenses is limited to thirty (30) licenses at any one time, with priority for those persons who have held a valid license from the Health Department for a period of at least one year;

(2) Mobile Food Vendor licenses shall be restricted to an area within a Census Tract with a density of 7,500 dwelling units per square mile;

(3) Only one Mobile Food Vendor license shall be issued to a single motor vehicle;
and

(4) The hours of operation for a Mobile Food Vendor shall be from 9 A.M. to 9 P.M. Sunday through Thursday and from 9 A.M. to 10 P.M. on Friday and Saturday.

(c) It shall be unlawful for a Mobile Food vendor to park on a public right of way to sell or attempt to sell food products from a motor vehicle:

- (1) Without a Mobile Food Vendor license issued by the Director.
- (2) Within twenty-five yards of the intersection of two roads;
- (3) Within one hundred yards of the vehicular entrance to or exit from a public school;
- (4) On any street with a posted speed limit in excess of 30 miles per hour; and
- (5) Within twenty-five yards of a single-family dwelling.

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

Adopted this ____ day of _____, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.