

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-26-2009
 Chapter No. 15
 Proposed and Presented by Council Member Harrison
 Introduced by Council Members Harrison and Exum
 Co-Sponsors _____
 Date of Introduction June 23, 2009

BILL

1 AN ACT concerning

2 Peddlers and Licensed Vendors

3 For the purpose of prohibiting unlicensed vendors from peddling items relating to an event held
 4 at the Professional NFL Stadium.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 5. BUSINESSES AND LICENSES.

7 Sections 5-190, 5-193.01, 5-193.04, and 5-193.05,

8 The Prince George's County Code

9 (2007 Edition, 2008 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Sections 5-190, 5-193.01, 5-193.04 and 5-193.05 of the Prince George's County
 12 Code be and the same are hereby repealed and reenacted with the following amendments: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. 5-190. License required; payment; contents; term; and basis for refusal of license.**

16 (a) No person, his agents or employees, shall sell, barter or trade or offer or expose for
 17 sale, barter or trade in or upon any street or highway in the County, or go from house to house,
 18 either on foot, or with a horse or other beast of burden, or with a wagon, or motor vehicle, or
 19 other conveyance whatsoever, upon the streets or highways in the County, selling, bartering or
 20 trading or offering to sell, barter or trade, or shall sell, barter or trade or offer to sell, barter or
 21 trade at or from any roadside stand or roadside market upon any street or highway in the County,

1 any produce, products or merchandise whatsoever without each such person having previously
2 obtained a license from the Department of Environmental Resources.

3 (b) No person, his agents or employees, shall sell, barter or trade or offer or expose for
4 sale, barter or trade in or upon the premises of the Professional NFL Stadium (the "NFL
5 Stadium"), or a radius within two (2) miles of the middle of the fifty (50) yard line thereof (the
6 "NFL Stadium Event Zone"), any products or merchandise relating to an event held at the NFL
7 Stadium whatsoever without each person having previously obtained a license from the
8 Department of Environmental Resources. There shall be a category of licenses called NFL
9 Stadium Event Licenses specifically established for the vending of goods, tickets, parking
10 passes, products and merchandise relating to events authorized and conducted at the NFL
11 Stadium and in the NFL Stadium Enterprise Zone. NFL Stadium Event Licenses may be issued
12 by the Director upon application of an approved event operator and may be granted individually
13 or in multiple allotments, and for such duration not exceeding one (1) year as the Director in his
14 sound discretion from time to time shall agree. Licenses issued pursuant to this Subsection shall
15 conform to the requirements in Subsection (c) and shall be exempt from the requirements of
16 Subsection (d). Licenses issued in multiple allotments may be distributed by the applicant to its
17 agents and employees provided, however, that the applicant shall maintain a list in a form
18 acceptable to the Director of all persons to whom such licenses are provided.

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

25 [(c)] (d) The license shall expire one (1) year from the date of issuance, except as provided
26 in [(f)] (g), below.

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

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

3 (1) The application is for the renewal of an existing license; or

4 (2) The application is for the issuance or renewal of a license for a mobile vendor as
 5 defined in Subsection [(g)] (h).

6 [(f)] (g) Except as provided in Subsections [(e)] (b) and (f), all licenses shall expire on
 7 January 1, 1999, and no new licenses shall be issued after that date.

8 [(g)] (h) In this Division, "**Mobile Vendor**" means a person who predominantly sells pre-
 9 prepared and prewrapped ice cream, ice cream products, or other frozen novelties, fresh fruit, or
 10 sealed single-serving containers of soft drinks, juice, or other nonalcoholic beverages from a
 11 motor vehicle operating with a National Sanitation Foundation approved cold plate freezer
 12 system temporarily stopped in the right-of-way.

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

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

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

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

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

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

29 (4) Baked goods;

30 (5) Fish or shellfish;

31 (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.

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

* * * * *

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

(a) Any person who 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 from any roadside stand or roadside market upon any street or highway in the County, any items except those expressly permitted by Section 5-193.01(b)(1) who operates in violation of this Subtitle, or who knowingly directs or authorizes another person as an agent to do so, shall, upon citation issued by the Director of Environmental Resources or police officer, be deemed to have committed a violation of this Subtitle and shall pay the County a monetary fine of Fifty Dollars (\$50.00) for each violation. Each separate day the violation remains uncorrected is a separate and distinct violation subject to an additional citation and fine. Fines for violations within the NFL Stadium Event Zone on the day of an approved event or the twenty-four (24) hour period preceding same shall be subject to a monetary fine of Two Hundred Dollars (\$200.00) for each violation.

(b) The Department of Environmental Resources shall deliver or mail a citation to the responsible party(ies). The citation shall serve as the notification to the person that he has committed a civil violation and that he has been assessed a monetary fine, the nonpayment of which, in the absence of a successful appeal, shall result, where applicable, in the immediate revocation of the person's license.

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

1 **Sec. 5-193.05. Removal of goods.**

2 (a) Any person selling or displaying goods in violation of this Division shall immediately
3 desist from such sale or display and remove the goods and all equipment used for the sale,
4 display, or storage of such goods from the right-of-way and surrounding vicinity upon the
5 direction of a police officer or a representative of the Department of Environmental Resources.
6 If the person fails to obey said direction or thereafter sells or displays such goods in violation of
7 this Division, the equipment and goods shall be removed by a police officer or department
8 representative and taken to a designated County facility. A violator shall also be subject to
9 applicable criminal sanctions for refusing to obey the lawful directions of a police officer.

10 (b) Goods and equipment removed pursuant to this provision may be claimed by their
11 owner on the next business day or within 15 days thereafter upon payment of any assessed
12 storage fees and any fine which has not been appealed pursuant to this Division. Any goods or
13 equipment not claimed by the owner within 15 days shall be deemed abandoned and shall
14 become the property of the County to be disposed of in accordance with law.

15 (c) The County shall have no responsibility to preserve or protect any equipment or goods
16 removed under this Section.
17

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

Adopted this 21st day of July, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

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.