

Ordinance No. 786-18

**An Ordinance Amending Bel Air Town Code
Chapter 272 Itinerant Dealers, Peddlers and Solicitors**

WHEREAS, Section 401 (22) of the Charter of the Town of Bel Air authorizes the Board of Town Commissioners to license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-1 Definitions of the Bel Air Town Code to provide enhanced understanding and clarity regarding the definition of a Town Sponsored Event; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-3 Exemptions of the Bel Air Town Code to simplify the administration of exemptions related to Town Sponsored Events and events on school property; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-5 Location of the Bel Air Town Code to provide increased accessibility for Itinerant Dealers and Peddlers to operate within Town limits by adding permitted blue zones along the 300 block of South Main Street between Baltimore Pike/Fulford Avenue and Powell Avenue, as well as, the Bel Air Armory at 37 North Main Street and adjoining properties, and the Pennsylvania Avenue Municipal Parking Lot and adjoining property, as precisely indicated on the revised Itinerant Dealers and Peddlers Map; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-6 Investigation; fee; issuance of license of the Bel Air Town Code to simplify administration and approval of licenses; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-8 Hours and days of operation of the Bel Air Town Code to simplify administration and enhance authority to restrict operation as deemed necessary; and

WHEREAS, the Board of Town Commissioners wishes to amend Section § 272-9 Prohibited conduct of the Bel Air Town Code to align this section with the definition of a Town Sponsored Event; and

WHEREAS, the Board of Town Commissioners wishes to add Section § 272-12 Appeals to Chapter 272 of the Bel Air Town Code to provide due process to applicants or itinerant dealers, peddlers or solicitors seeking to appeal an unfavorable decision; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that the Town of Bel Air Town Code Chapter 272 Itinerant Dealers, Peddlers and Solicitors, shall be amended by Ordinance No. 783-18, attached hereto and incorporated herein as **Exhibit A**, including the revised Itinerant Dealers and Peddlers Map is hereby adopted.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the ____ day of _____, 2018.

INTRODUCTION: April 2, 2018

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Susan U. Burdette, Chairman
Board of Town Commissioners

Michael Krantz, Town Clerk

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Chapter 272

Itinerant Dealers, Peddlers and Solicitors

[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 1-7-2013 by Ord. No. 757-12. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive plans and development regulations — See Ch. 165.
Pawnbrokers — See Ch. 339.

Stands, carts or displays on sidewalks — See Ch. 410, Art. III.

Vehicles and traffic — See Ch. 450.

Comment [1]: Editor's Note: This chapter also repealed former Ch. 272, itinerant Merchants, Vendors and solicitors, adopted 3-11-1980 by Ord. No. 310 as Ch. 6, Art. 1 of the 1980 Code, as amended.

§ 272-1 Definitions.

[Amended 7-15-2013 by Ord. No. 761-13]

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION

- A. A group which qualifies under Section 501 of the Internal Revenue Code as a tax-exempt organization, including any benevolent, philanthropic, patriotic, nonprofit, educational, religious, or other related to or supported by a charity.
- B. A volunteer fire company which is organized for the prevention and extinguishment of fires.

Comment [2]: Editor's Note: See 26 U.S.C. § 501 et seq.

ITINERANT DEALER

Any person without an established place of business within the limits of the Town, selling or offering for sale any fruits, vegetables, garden produce, eggs, cheese, meat, ice cream, shaved ice, snowballs or other food product from any cart, wagon, truck, trailer, automobile or other vehicle.

PEDDLER

Any person, either principal or agent, who in any public place, street, private property, or by going from place to place, delivering or distributing advertising material, literature, pamphlets, samples or handbills; or sells or offers for sale, barter or exchanges any goods, wares, merchandise, services or any other article or thing whatsoever.

PERSON

Any individual, corporation, incorporated association, firm, partnership, sole proprietorship or any other recognized legal entity.

SOLICITOR

A person who goes from place to place visiting residential dwellings:

- A. Seeking orders for products or subscriptions; or

B. Soliciting or collecting funds or donations of any kind.

TOWN SPONSORED EVENT

Any event sponsored by the Town of Bel Air or, by extension, Harford County Government, Bel Air Downtown Alliance, Rockfield Foundation Inc., Bel Air Recreation Committee, or the Bel Air Independence Day Committee, Inc.

§ 272-2 **License required.**

It shall be unlawful for any person to engage in the business of itinerant dealer, peddler or solicitor in the Town of Bel Air without having first secured a license from the Town. The license shall be valid for not more than one year. Prior to the Town issuing a license, itinerant dealers and peddlers must submit any applicable state or county license and, if any type of food is being sold, a food service license from Harford County Health Department.

§ 272-3 **Exemptions.**

The following are exempt from the provisions of this chapter:

- A. Agents of or employed by a bona fide charitable organization as defined in § 272-1 of this chapter.
- B. Persons, businesses, firms or organizations who or which engage in any of the following activities:
 - (1) Persons selling merchandise or commodities directly to manufacturers, wholesalers or retail establishments for use in their business or for resale.
 - (2) Persons engaged in promotional activities within an enclosed ~~mall~~ building.
 - (3) Persons conducting a yard, garage or attic sale from his or her personal residence for not more than four days in any one calendar year.
 - (4) Persons participating in Town-sponsored events.
 - ~~(5) Persons participating in the Bel Air Independence Day activities that are approved and licensed by the Bel Air Independence Day Committee, Inc.~~
 - (5) Persons participating in permitted events on the property of public or private schools.
 - ~~(6) Persons participating in any Town of Bel Air Parks and Recreation sponsored events in or around any Town park or parking lot that are approved by the event coordinators.~~
 - ~~(7)~~ (6) Persons participating in an event that is not sponsored by the Town but approved by the Town's ~~Event Committee and the event coordinators~~ Director of Administration. Formatted: Strikethrough
 - ~~(8) Persons participating in an event at Rockfield Manor approved and licensed by the Rockfield Foundation.~~
 - ~~(9) Persons approved by the Bel Air Downtown Alliance participating in an event sponsored by the Bel Air Downtown Alliance.~~
 - ~~(10)~~ (7) — A person who owns, leases, uses or occupies any space or location in any building or structure within the Town for a period of more than 12 weeks' duration and who wishes to sell or offer commodities consistent with the business in the building in, on, or adjacent to the building or structure which the person occupies. Formatted: Strikethrough
 - ~~(11)~~ (8) — Route delivery people who make regular deliveries to customers and whose solicitation is only Formatted: Strikethrough

incidental to their deliveries.

~~(12) Other persons declared exempt by resolution by the Board of Town Commissioners adopted at a regularly scheduled public meeting.~~

§ 272-4 **Contents of license application.**

- A. A written application for a license shall be made on a form prepared by the Town and shall be submitted to the Director of Administration, 39 North Hickory Avenue, Bel Air, Maryland.
- B. The application shall document the following information for each person licensed:
 - (1) Name (first, middle and last), permanent address, name and address of employer, if not self-employed.
 - (2) Birth date, weight, height and color of hair and eyes.
 - (3) A brief description of the business and nature of the merchandise to be sold and the method or methods to be used in conducting solicitation.
 - (4) If a vehicle is to be used, a description of the same, together with tag number.
 - (5) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

§ 272-5 **Location.**

[Amended 7-15-2013 by Ord. No. 761-13]

- A. Itinerant dealers, peddlers or solicitors shall operate at all times so as not to interfere or obstruct pedestrian or vehicular traffic. Where permitted, all itinerant dealers and peddlers selling from metered parking spaces along public rights-of-way must pay the required fee and comply with the parking time restrictions on the parking meter. Itinerant dealers and peddlers may not utilize the Town's parking vouchers for metered parking spaces. Itinerant dealers and peddlers may sell from private property with written permission of the owner, or from public property in accordance with the itinerant dealers and peddlers map. The Department of Planning shall maintain an itinerant dealers and peddlers map depicting permitted locations dealers and peddlers may conduct business within the Town of Bel Air. The map will be available [at Town Hall](#), at the Planning Department and on the Town's website. At no time shall an itinerant dealer or peddler sell from the right-of-way of Main Street or Bond Street, between Broadway and ~~Heighe Street~~ [US Business Route 1 Baltimore Pike/Fulford Avenue](#).
- B. Each itinerant dealer or peddler ~~shall~~[may](#) provide trash receptacles in close proximity of his/her location and [one seven square foot sandwich board sign is permitted](#). [Each dealer or peddler must](#) remove all merchandise, wagons, carts, display literature, litter and waste at the termination of sales each day. No permanent stands or displays are permitted.

§ 272-6 **Investigation; fee; issuance of license.**

- A. Investigation. Upon receipt of an application for a license, the Director of Administration shall supervise an investigation as to whether the activities proposed to be undertaken would be contrary to any law, including the Town's development regulations, ~~or whether the issuance of the license would otherwise be contrary to the public health, safety or welfare. The Director will review the application with the~~ [Planning, Police and Economic Development](#) ~~other~~ departments [as deemed necessary](#).
- B. Fee required. The fee for the license shall be set by resolution adopted by the Board of Town Commissioners of Bel Air.
- C. Issuance of license.

Comment [3]: Editor's Note: See Ch. 165, Comprehensive plans and development regulations.

- (1) Once all the required documents have been submitted to the Department of Administration and an investigation is completed, the Director of Administration shall issue approved permits within five work days of receipt of the completed application, licenses and fees. The license shall terminate at the time set forth on the Town license, unless revoked as provided in this chapter.
 - (2) Itinerant dealers and peddlers selling from a truck, automobile or other vehicle must provide a certificate of insurance showing \$1,000,000 per occurrence/\$2,000,000 general aggregate and \$250,000 vehicle coverage. The Town of Bel Air shall limit the number of Itinerant dealers, peddlers, and solicitor licenses issued for public convenience and necessity. In determining public convenience and necessity, the Director of Administration, Director of Economic Development, Director of Planning and the Chief of Police shall act to protect the public health, safety, welfare and the demands on public services.
- D. Display of license. Itinerant dealers, peddlers and solicitors are required to carry the issued license with them at all times while engaged in the business. All itinerant dealers and peddlers are required to display their license on their cart, wagon, truck, automobile or other vehicle.
- E. Itinerant dealers and peddlers operating on private property must be in possession of written permission from that property owner during hours of operation.

§ 272-7 Adoption of additional regulations.

- A. All signage for sales from a wagon, truck, automobile or other vehicle may only be displayed on the mobile unit. If parked at a parking meter, the mobile unit shall not occupy more than two spaces.
- B. The Board of Town Commissioners shall adopt additional regulations governing the conduct of licenses by resolution. Violation of such regulations by any licensed person shall result in a forfeiture of license after such violation has been substantiated by the Bel Air Police Department.

§ 272-8 Hours and days of operation.

- A. No solicitor shall solicit before 9:00 a.m. or after 5:00 p.m. Except for private property, no itinerant dealer or peddler shall sell before 9:00 a.m. or after midnight.
- B. Solicitors and those itinerant dealers and peddlers not on private property shall not conduct business on ~~the any day determined to be prohibited by the Director of Administration, including the day~~ of the Bel Air Festival of Arts, ~~and Independence Day, Thanksgiving Day, or Christmas Day~~, unless the event coordinator for the event scheduled on those days has approved participation, and the seller will be located within the boundaries of the event.

§ 272-9 Prohibited conduct.

No person shall:

- A. Enter into or upon a private residence in the Town under false pretenses to solicit or sell for any purpose.
- B. Enter into or upon the premises of a private residence for soliciting or peddling when the owner or occupant has displayed a "No Soliciting" sign or remain in the premises after the resident has requested the solicitor leave.
- C. No person shall engage as a solicitor, peddler, or itinerant dealer, or knowingly permit an employee or agent to sell or solicit in the Town without a license required by this chapter.
- D. No itinerant dealer, peddler or solicitor may connect to utility services in the area if located on a public road.
- E. No itinerant dealer, peddler or solicitors not on private property may conduct business within 300 feet of

a Town ~~or Parks and Recreation~~-sponsored event without permission from the event coordinator.

- F. The Chief of Police or his designee has the authority to require any itinerate dealer or peddler to cease operation and relocate if there is an issue with the health, welfare or safety of the public.

§ 272-10 Revocation or suspension of license.

The Director of Administration of the Town may suspend for a period of up to 60 days, or revoke, or refuse to renew, any license upon a finding that the licensee, while selling or soliciting and in connection therewith, has engaged in fraud or willful misrepresentation, has violated any provision of this chapter, or has committed any unlawful act. Any revocation, suspension or failure to renew shall be by written notice sent by certified mail to the licensee's address listed on the application. The notice shall contain a statement of the reason for the action taken. The licensee has one week from the date of issuance in which to appeal the revocation or suspension of the license.

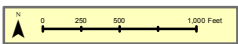
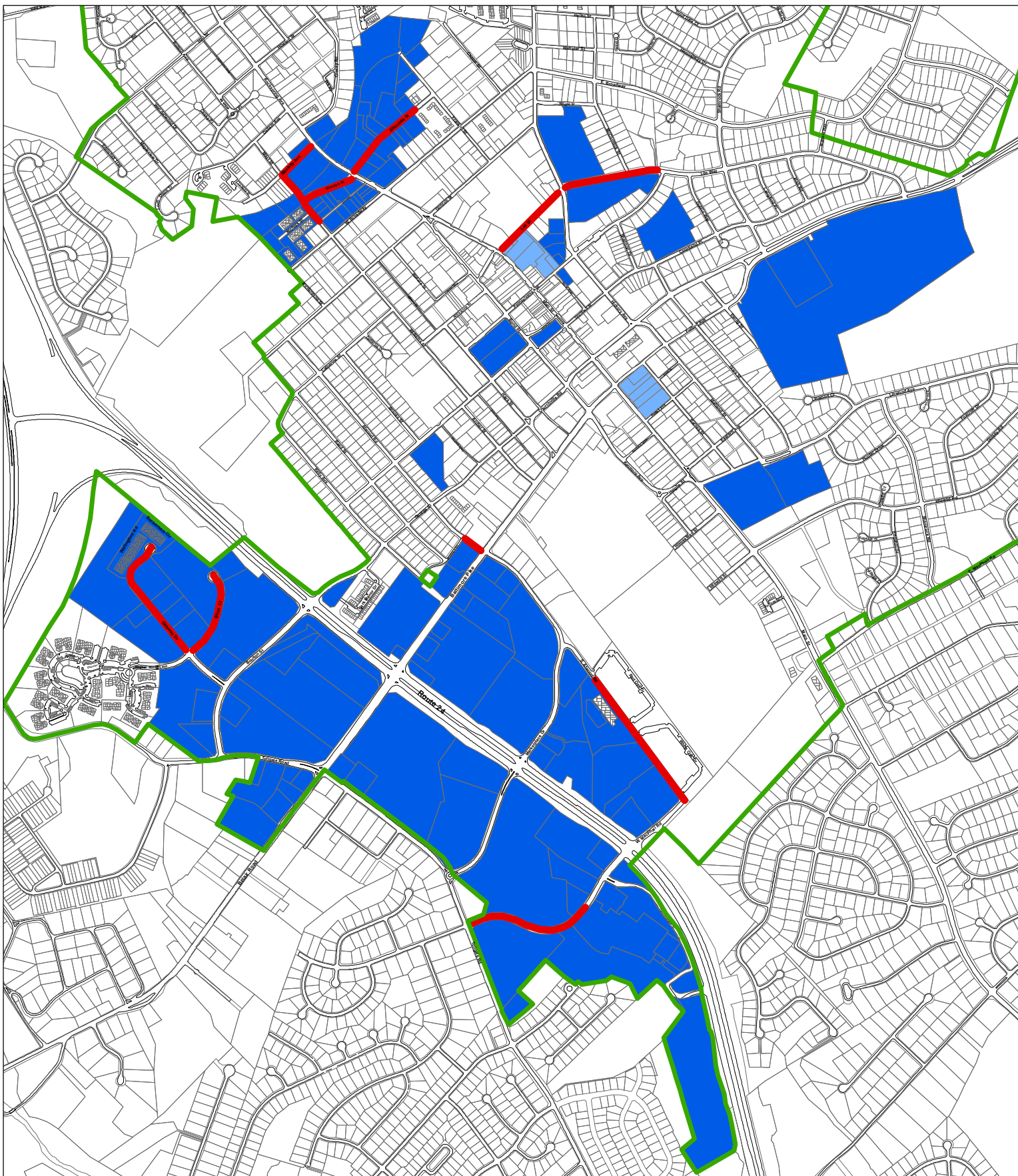
§ 272-11 Violations and penalties.

Any violation of any provision of this chapter shall be a municipal infraction. Each day any violation continues shall be considered a separate offense.

§ 272-12 Appeals.

Aggrieved parties may appeal decisions regarding itinerant dealer, peddler or solicitor licenses to the Board of Town Commissioners. The appeal shall be filed in writing within thirty (30) days of the unfavorable decision.

Itinerant Dealer & Peddler Map



03/27/2018

Sales permitted on private and public properties shown in **BLUE**
and on public rights-of-way shown in **RED**
Sales proposed to be permitted on private and public
properties shown in **LIGHT BLUE**

Ordinance 786-16
Introduced 4/2/2018
Public Hearing 4/16/2018