

AS AMENDED ON APRIL 13, 2020

ORDINANCE NO. 2587

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING CHAPTER 5.32, TRANSIENT MERCHANTS AND MOBILE VENDORS, TO REMOVE THE TERMS HAWKERS AND PEDDLERS, AND TO UPDATE THE LICENSING PROCESS.

WHEREAS, Chapter 5.32 - Transient Merchants and Mobile Vendors contains procedures for obtaining and renewing licenses to engage in the activities of a mobile vendor or transient merchant within the City; and

WHEREAS, the City desires to update and streamline the licensing procedures; and

WHEREAS, the Office of the Business Development recommends approval of the proposed code changes.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 5.32 Transient Merchants and Mobile Vendors of the Salisbury Municipal Code is hereby amended as follows:

Chapter 5.32 TRANSIENT MERCHANTS AND MOBILE VENDORS

5.32.010 - Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following words and phrases have the meanings given by this section:

"Business Development Director" means the Director of Business Development, or his or her designee.

"Mobile Vendor" means any person, whether or not a city resident, who engages in the activities of hawking or peddling of food, services or merchandise from a mobile vehicle, van, wagon, cart, boat, tent or other movable structure.

"Mobile Vending" means the act of offering for sale and delivery of goods, wares or merchandise, including, but not limited to, magazines, books, periodicals, food and personal property of every nature on the public streets or in any other public place; including offering any of the abovementioned items for sale and delivery from any type of wagon, vehicle, boat, tent or other movable structure.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

~~—"Temporary business" means any commercial activity that is not intended to be permanent or ongoing for a minimum of one year.~~

"Transient merchant" means any person who, whether or not a resident of the city, engages in a temporary business of selling or offering for sale goods, wares or merchandise, or who displays samples,

models, goods, wares or merchandise for the purpose of taking orders for future delivery, within the city from any hotel or motel room, inn, rooming or boarding house, club, storehouse, house or other building, either residential or commercial in nature, that is not owned or leased for a period to exceed ninety (90) days, by the person who engages in such activities.

5.32.040 - Exemptions from licensing requirements.

Any person engaged in the following is exempt from the licensing requirements upon compliance with all other provisions of this chapter and submission of applicable identification and documentation to support the claim to exemption:

- H. Selling or offering for sale any goods, wares or merchandise from any booth in a bona fide fair, festival, exposition, antique, collectible or trade show, or City-endorsed event.

5.32.050 - License application.

Any person wishing to be a mobile vendor or transient merchant shall file an application for a license with the Business Development Director, giving the following information:

- G. A description of the vehicle(s), if any, that ~~is to~~ will be used in connection with licensed activities, including the state license tag and number and the vehicle identification number for each vehicle;

5.32.060 - Surety bond required.

Every mobile vendor or transient merchant shall file with the Business Development Director a surety bond, running to the city, in the amount of one thousand dollars (\$1,000.00), with a surety qualified to do business in the state and acceptable to and approved by the city and with conditions that the ~~hawkers, peddlers~~ mobile vendor or transient merchant comply fully with all of the provisions of the laws and ordinances of the city and such statutes of the state regulating and concerning the business of mobile vendors and transient merchants. Such bond shall continue in effect for one year ~~after the license expiration date~~. All licensees shall renew their bonds to ensure that such bonds remain in effect for no less than one year after the license expiration dates. Licensees shall provide such proof of the issuance and renewal of bonds as shall be required by the Business Development Director.

5.32.070 - License fee.

A nonrefundable fee of ~~one hundred fifty~~ forty dollars (\$~~100~~40.00) shall be paid to the Business Development Director when ~~a new~~ a the application is filed.

5.32.075 - ~~Investigation fee~~ Renewal Fee.

A non-refundable fee of ~~forty~~ fifty dollars (\$~~40~~50.00) ~~per individual for each background check shall be paid to the Director of Business Development when the application is filed. This fee shall apply to the applicant and any individuals listed in the application. This section shall apply when an initial application or an application for renewal is filed, for any background check investigation required in conjunction with an application.~~ shall be paid to the Business Development Director when a renewal application is filed.

5.32.090 - Duration, exhibition and surrender of license.

- A. A license issued under this chapter shall be good for one year from the date of issuance, unless earlier suspended or revoked as provided in this chapter.

- B. In the case of a transient merchant, a license issued under this chapter shall be of a duration as set by the ~~clerk~~ Business Development Director after reviewing the application and intended business of the transient merchant; however, no license issued to a transient merchant shall be for a duration of more than ninety (90) days.
- C. Every mobile vendor or transient merchant shall carry his or her license at any time he or she is engaged as a ~~hawker, peddler,~~ mobile vendor or transient merchant. Additionally, he or she shall show his or her license to anyone who shall demand to see the same while he or she is so engaged. If a license is issued to a firm, partnership, association, corporation, company or organization, the original license shall be carried by the owner or supervisor and a copy of the license shall be carried by each agent engaged as a mobile vendor or transient merchant under such license.
- D. Any license issued under the provisions of this chapter shall be surrendered to the Business Development Director upon expiration, suspension or revocation.

5.32.100 - Renewal of license.

The holder of any license issued under this chapter who desires a new license to be effective on the expiration of the existing license shall, not less than thirty (30) nor more than sixty (60) days before the expiration of the existing license, file either an application for renewal with the ~~clerk~~ Business Development Director, or confirm in writing that the information on the expiring application remains the same information set forth in Section 5.32.050. The fee shall be as set in Section 5.32.070~~075~~. The provisions for approving or disapproving of an application, or written request for renewal, as set forth in Section 5.32.080 shall apply. Any substantial changes in ownership or the lapse of an active license shall require a New Application License Fee as set forth in Section 5.32.070.

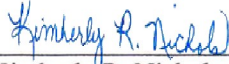
5.32.130 - Prohibited areas.

No mobile ~~vending~~ (regardless of whether such transient merchant or mobile vendor is exempt from the licensing requirements of this chapter) shall engage in the activities of mobile vending in the city park or any roads or walkways adjacent to or through the city park, or any other place as determined by the mayor and council by resolution of the council from time to time for the protection of the health, safety and welfare of the citizens of the city, except the mayor may grant exemptions as part of a festival, firemen's muster, City-endorsed event, or other bona fide activity within the city park, or by special permission.

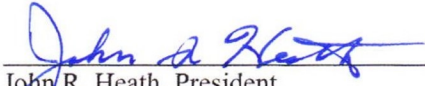
AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY that the changes set forth in this Ordinance shall take effect from and after the day of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council of the City of Salisbury on the 13th day of April, 2020, and having been published as required by law in the meantime, was finally passed at its meeting on the 27th day of April, 2020.

ATTEST:

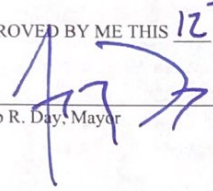


Kimberly R. Nichols, City Clerk



John R. Heath, President

APPROVED BY ME THIS 12TH day of May, 2020.



Jacob R. Day, Mayor

INTER

MEMO**OFFICE**

Office of the Business Development

To: City Council
From: Laura Soper
Subject: Mobile Vendor Legislation Changes
Date: March 11, 2020

Included in the packet are some proposed changes to our Mobile Vendor & Transient Merchant legislation. Back in January, our Department met with City Administration about the Mobile Vendor licensing process and ways that we could streamline it and make it easier for the applicants. Edits were made to clarify certain parts of the legislation were there had been numerous questions and the process is being simplified for new or returning applicants.

Some of the proposed changes/modifications include:

- Clarifying that Mobile Vendors & Transient Merchants do not need a license to operate during local festivals or City-endorsed events
- Having the Surety Bond requirement run concurrently with the license period. The Surety Bond was previously required to run a year beyond the expiration of the license, which was difficult for many of our applicants to obtain from their insurance companies.
- Changing the new application fee to a flat \$100, instead of \$50 plus \$40 for each person working on behalf of the business. We will still run background checks on the owners of the business, but we will no longer be performing background checks on the employees of the business. We will shift the duty of performing background checks on to the business owners and will add a disclaimer to the Application stating that they are responsible for ensuring all their hires are compliant with all City legislation
- Renewal applications will be \$50 and will be considered as such if there are no substantial changes in ownership or a lapse of active licensure for over a year.

cc: Mayor Day
Julia Glanz
Kim Nichols

Attachments