MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 18, 2003

RESPONSIBLE STAFF:

Frederick J. Felton
Assistant City Manager

AGENDA ITEM:
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
X	Other: Introduction

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	02/18/03
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

An Ordinance to Amend Chapter 16 of the City Code Entitled "Peddlers, Hawkers and Solicitors," Sections 16-2.1, 16-4 and 16-5 so as to Modify Provisions Relating to Time Restrictions on Regulated Conduct, Information Required in Applications for Registration Certificates, Fee Imposed and Conditions Imposed on Issuance of Certificates of Registration to Peddlers, Hawkers and Solicitors

SUPPORTING BACKGROUND:

Recently, City staff has received an increased number of complaints regarding vendors operating within the City limits.

Currently, vendors are required to obtain a hawker/peddler/solicitor permit form the Department of Planning and Code Administration. Upon review of the current restrictions, staff determined a need for clarification of time restrictions and restrictions for mobile food service vendors operating on private property or in the public right-of-way.

The proposed amendments would:

- Limit operations between the hours of 9:00 a.m. and 8:00 p.m.
- Invoke time limits for food service vendors operating in the public right-of-way.
- Ensure appropriate zoning, occupancy and site plan requirements are met.

DESIRED OUTCOME:

Introduce Ordinance. Notify public that public hearing will be held on March 3, 2003.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 16 OF THE CITY CODE ENTITLED "PEDDLERS, HAWKERS AND SOLICITORS", SECTIONS 16-2.1, 16-4 AND 16-5 SO AS TO MODIFY PROVISIONS RELATING TO TIME RESTRICTIONS ON REGULATED CONDUCT, INFORMATION REQUIRED IN APPLICATIONS FOR REGISTRATION CERTIFICATES, FEE IMPOSED AND CONDITIONS IMPOSED ON ISSUANCE OF CERTIFICATES OF REGISTRATION TO PEDDLERS, HAWKERS AND SOLICITORS.

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg in public meeting assembled that Chapter 16 of the City Code, Sections 16-2.1, 16-4 and 16-5 are hereby amended to read as follows:

CHAPTER 16
PEDDLERS, HAWKERS AND SOLICITORS

* * * * *

Sec. 16-2.1. Time restrictions on regulated conduct.

No holder of a certificate issued pursuant to this chapter shall conduct business activities covered by their registration certificate except between the hours of 9:00 a.m and 8:00 p.m. each day; provided, that persons solicited may arrange for appointments at other times.

[(a) All activities and conduct regulated by this chapter and not exempted therefrom shall be conducted only between the hours of 9:00 a.m. to sunset each day; provided that solicitation may be made where the person solicited has agreed by previously arranged appointment for a time other than the prescribed hours.]

[(b) The term "sunset" as used herein means the time established by the United States Naval Observatory for Washington, D.C. and vicinity.]

* * * * *

Sec. 16-4. Same – procedure for obtaining.

(a) An applicant for registration certificate under the terms hereof shall execute an application form and pay any required registration fee at the office of the city manager, which application form shall require the following information and materials:

(1) * * * * *
(2) * * * * *
(3) * * * * *
(4) * * * * *
(5) * * * * *
(6) * * * * *
(7) * * * * *
(8) * * * * *
(9) * * * * *
(10) * * * * *

(1) In the case of roadside vendors, in addition to the above, said vendor shall supply written authorization from the owner of the property upon which the goods are sold or offered for sale; a copy of a valid trader's license; a plat or drawing of the area upon which the activity will take place showing sales area, parking area and access points; a schedule of operating locations by date and hours of operation; and evidence that the property is zoned in a zoning district permitting such activity <u>and that such activity does not violate the approved site development plan.</u> A certificate of registration issued to a roadside vendor may be revoked pursuant to the procedures established in section 16-6 of this chapter on any ground stated therein; or further, if the activity conducted by the vendor causes or contributes to unsafe or hazardous vehicular or pedestrian traffic circulation or causes a nuisance [due to noise, glare from lights, fumes, or any unlawful activity] <u>to the general public.</u>

(b) At the time of making either an original application or an application for a renewal of such registration certificate, the applicant shall pay to the city a fee which shall be established by resolution of the mayor and city council, for the purpose of covering costs and expenses of processing the application and certificate, whether an original certificate or a renewal certificate. [The fee imposed may be prorated according to a determination by the city manager of the remaining useful life of the certificate.]

* * * * *

Sec. 16-5. Same – Issuance; renewal; required conduct

(a) * * * * *
(b) * * * * *

(c) All certificates issued hereunder shall be nontransferable and shall entitle the holder thereof to hawk, peddle or solicit goods or services, or orders for the type or types of goods or services as described in the certificate within the limits of the city subject, however, to the following conditions:

(1) * * * * *

(2) The holder shall not peddle or solicit orders for any articles from pedestrian or vehicular traffic on or adjacent to any public street, avenue, highway or public place within the limits of the city; provided, however, this prohibition shall not apply to any person selling or offering for sale and dispensing food products from a truck or other motor vehicle containing refrigeration or food preservation equipment where the food products are stored and maintained solely within the confines of the truck or other motor vehicle; <u>Any person selling or offering for sale and dispensing food products from a truck or other motor vehicle containing refrigeration or food preservation equipment where the food products are stored and maintained solely within the confines of the truck or other motor vehicle said truck or motor vehicle shall not remain in the same location for more than 30 minutes and not return the to same location or within 500 feet for a minimum of 2 hours.</u>

(3) * * * * *

(4) * * * * *

(5) * * * * *

(6) * * * * *

(7) <u>In the case of a roadside vendor, a holder of a certificate who remains stationary on private property for a period of one hour or more in a 24 hour period shall be required to obtain prior approval for use and occupancy as required by the provisions of this Code</u>.

[(d) No holder of a certificate issued pursuant to this chapter shall conduct business activities covered by their registration certificate except between the hours of 9:00 a.m. and 8:00 p.m. each day; provided, that persons solicited may arrange for appointments at other times.]

* * * * *

ADOPTED this _____ day of _____, 2003 by the City Council of Gaithersburg, Maryland.

_____
SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this _____ day of _____, 2003. Approved by the Mayor of the City of Gaithersburg, this _____ day, of _____, 2003.

_____
SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2003, and that the same was approved by the Mayor of the City of Gaithersburg on the _____ day of _____, 2003. This Ordinance will become effective on the _____ day of _____, 2003.

_____
David B. Humpton, City Manager