

Ordinance No. 804-21

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

WHEREAS, the Board of Town Commissioners desire to support local business and private property owners by alleviating license requirements for Itinerant Dealers operating on private property authorized by the Town of Bel Air; and

WHEREAS, the Board of Town Commissioners desire to make additional housekeeping amendments to Chapter 272 Itinerant Dealers, Peddlers and Solicitors that do not change the regulations, but do improve the legislation, for ease of understanding, and efficiency of administration; 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. 804-21, as follows:

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.

§ 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.

ITINERANT DEALER

Any person without an established place of business within the limits of the Town, selling or offering for sale **food and beverages, including but not limited to any** fruits, vegetables, garden produce, eggs, cheese, meat, ice cream, shaved ice, snowballs, **water, juice, milk, tea, coffee, soda, beer, wine, liquor,** or other food **or beverage** 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 events sponsored by the Town of Bel Air or by extension Harford County Government, Bel Air Recreation Committee, Bel Air Downtown Alliance, Rockfield Manor Foundation, or the Bel Air Independence Day Committee.

§ 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 **a Town-s 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.~~
 - ~~(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.~~
 - ~~(5) (7) 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 or their designee.~~
 - ~~(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.~~

~~(6)(10)~~ 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.

~~(7)(11)~~ Route delivery people who make regular deliveries to customers and whose solicitation is only incidental to their deliveries.

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

C. Itinerant Dealers or Peddlers may operate on private property, authorized by Section § 272-5 Location, and as depicted on the Itinerant Dealers and Peddlers Map, without a Town of Bel Air license, as long they have written permission from the owner, and maintain all applicable state and county licenses.

§ 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.~~

(5) A copy of the approved State of Maryland, Harford County, and Harford County Health Department licenses and permits.

(6) A copy of business insurance and auto insurance (if selling from a vehicle).

(7) If the request involves sales from private property (excluding door-to-door soliciting) written proof of approval from the private property owner.

§ 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**, 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~~ **any Maryland State road or highway.**

B. Each itinerant dealer or peddler shall provide trash receptacles in close proximity of his/her location and remove all merchandise, wagons, carts, display literature, litter and waste at the termination of sales each day. No permanent stands or displays are permitted.

C. An itinerant dealer or peddler which locates on an approved property, as depicted on the itinerant dealer and peddlers map, is not required to obtain a temporary use permit, from the Planning Department, unless deemed necessary by the Director of Administration.

D. All signage must adhere to section 165-71 Temporary Uses of the Bel Air Town Code.

§ 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 departments~~ **other Town of Bel Air staff and community stakeholders as deemed necessary by the Director.**

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.

(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 day of the Bel Air Festival of Arts, 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~~ **any day prohibited by the Director of Administration, including but not limited to the day of major events or holidays such as the Bel Air Festival for the Arts, Independence Day, Thanksgiving Day, and Christmas Day.**

§ 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 itinerate 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 written notice** in which to appeal the **non-issuance**, revocation, or suspension of the license, **to the Board of Town Commissioners.**

§ 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.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION: September 20, 2021

PUBLIC HEARING: October 4, 2021

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Amy G. Chmielewski, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk