

Chapter 234 – Vending Machines

§234-1. Purpose.

The purpose of this chapter is to regulate the placement of vending machines on sidewalks located within the City of Hagerstown. This is to assure compliance with all laws, ordinances and regulations applicable to vending machines, and to encourage responsible management and use of vending machines. This chapter is also to protect, preserve, and promote the health, safety and welfare of the citizens of Hagerstown by education and implementation and enforcement of reasonable registration provisions.

§234-2. Definitions

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

DEPARTMENT

The Department of Housing and Community Development of the City of Hagerstown

SIDEWALK

Shall have the definition as set forth in Chapter 216, Streets and Sidewalks.

VENDING MACHINE

Any mechanical, electronic, or similar self-service device that offers goods for sale or free.

§234-3. Registration required.

All vending machines placed on a sidewalk shall be subject to registration with the Department.

- A. Registration of each vending machine placed on a sidewalk shall be submitted on the form adopted by the Department, shall be updated annually by the registrant, and shall be accompanied by:
- 1) A drawing depicting the size (height, width, and length) and the location of the vending machine (width of the sidewalk, distance between vending machine and curb edge, utility poles, and other similar impediments to pedestrian traffic);
 - 2) Written proof of permission to install and maintain a vending machine on the sidewalk from the owner of the property;
 - 3) Copy of current Maryland Vending Machine License, issued by Circuit Court for Washington County, Maryland;
 - 4) Copy of current Washington County, Maryland Health Department License, if applicable; and

- 5) Up-to-date name and contact information for each person or entity responsible for the maintenance of the vending machine.
- B. All vending machines in existence in the City upon the effective date hereof shall, within 90 days of the effective date of this chapter, be registered with the Department and in compliance with the requirements of this chapter.
- C. There shall be no registration fee.

§234-4. Requirements

All vending machines shall comply with the following requirements:

- A. Permitted zones. Vending machines are permitted only in industrial and commercial zoning districts. Placement of vending machines on a public sidewalk at an active, non-conforming business, and meeting the requirements of this chapter, in a residential zoning district is permitted until non-conformity has expired.
- B. Location and design. Vending machines shall be subject to the following provisions:
 - 1) Vending machines shall not obstruct pedestrian traffic;
 - 2) The total allowable number of vending machines per property shall be defined by the length of the sidewalk for the property on which the vending machine is located, with the following limitations:
 - a) Sidewalk linear street frontage equal to or less than 50 linear feet: a maximum of one vending machine is permitted;
 - b) Sidewalk linear street frontage greater than 50 linear feet and up to 100 linear feet: a maximum of two vending machines are permitted;
 - c) Sidewalk linear street frontage greater than 100 linear feet: a maximum of three vending machines are permitted.
- C. Size restrictions. The maximum size for any vending machine shall not exceed sixty (60) inches in width by thirty-six (36) inches in depth by eighty (80) inches in height.
- D. Vending machine(s) shall be constructed of noncombustible material and shall be equipped with an anti-tip bracket, anti-tip legs, or anchored.
- E. Electrical requirements to power the vending machine(s) shall comply with the currently adopted Electrical Code of the City of Hagerstown.
- F. Maintenance. Each vending machine and the property upon which it is located shall be maintained in a safe and well-maintained condition and shall be subject to the requirements of the Land Management Code, the Property Maintenance Code, and the Nuisance Abatement Chapter of the City Code.

§234-5. Violations and Penalties

Any person or entity who owns, controls, and/or maintains a vending machine or the property upon which it is located and who violates any of the provisions of this chapter and fails to abate

such violation after notice has been provided to the person or entity responsible for maintenance of the vending machine shall, upon conviction thereof, be guilty of a municipal infraction and subject to a fine of up to \$5,000 for each offense. A separate offense shall be deemed committed for each day on which the violation exists.

§234-6. Severability.

Should any section, subsection, sentence, clause, or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter its entirety or any part thereof other than that portion declared to be invalid.