



PEDDLER PERMIT APPLICATION

CITY OF HAGERSTOWN, MARYLAND

Peddler means a person or entity engaged in a business for profit who sells, offers to sell, or offers to purchase merchandise or commodities of any type, solicits orders for future services, from house to house or place to place, whether by the use of a vehicle, wagon, cart, pack, basket, containers or otherwise for up to one year.

Permit Information

1. ALL peddlers (either profit or non-profit) selling food or novelties, must obtain a permit from the City Clerk's Office (1 East Franklin Street, City Hall, Room 200). You may apply by mail, fax or in person. **The cost for a Peddler Permit is \$250.00 and is good for one year from the date of issuance.** Checks should be made payable to the *City of Hagerstown*. Non-profit organizations may request an exemption from the fee.

2. ALL peddlers will be issued a permit along with a license identification card. Both of these items must be carried with the peddler at all times. You will be required to have your picture taken at City Hall for the license identification card. Photos are taken at City Hall, Room 100 every Monday between 2:00 p.m. – 4:00 p.m.

Please note that peddlers are now required to carry both their permit and license identification card when selling. The hours for selling are from 10 a.m. to dusk.

3. ALL profit selling peddlers must obtain a temporary sales and use tax number from the State of Maryland. The telephone number is 1.800.638.2937. A copy of the certificate must be presented with the City's Peddler Permit Application.

4. ALL peddlers selling food must contact the Washington County Health Department (13332 Pennsylvania Avenue, Hagerstown or 240.313.3400) to obtain a food permit. A copy of this permit must be presented with the City's Peddler Permit Application.

Date: _____ Location of Sale: _____ State of MD Sales Tax #: _____

Nature of business for which permit is desired or please indicate the articles offered for sale: _____

Name (First/Middle Initial/Last): _____ Drivers License #: _____

Address (City/State/Zip): _____ Phone: _____

Physical Identification: Gender: Male Female Height: _____ Weight: _____ Age: _____

Personal description of applicant, including marks of physical identification: _____

Employer/Employer Address: _____ Years there: _____

Have you ever been convicted of a crime? Yes ___ No ___ If yes, please provide additional information: _____

References: Please include three references that have known you for a minimum of one year:

1. Name and phone number: _____
2. Name and phone number: _____
3. Name and phone number: _____

Please submit your completed application to the Office of the City Clerk, 1 East Franklin Street, Room 200, Hagerstown, MD 21740. Any questions, please call 301.739.8577, Ext. 113.

Chapter 176

VENDORS, PEDDLERS AND TRANSIENT DEALERS

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[HISTORY: Adopted by the Mayor and Council of the City of Hagerstown 11-26-2013 by Ord. No. O-13-38.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and special sales — See Ch. 52.
Noise — See Ch. 155.

Streets and sidewalks — See Ch. 216.

§ 176-1. Definitions.

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

PEDDLER — A person or entity engaged in a business for profit who sells, offers to sell, or offers to purchase merchandise or commodities of any type, or solicits orders for future services, from house to house or place to place, whether by the use of a vehicle, wagon, cart, pack, basket, container or otherwise for up to one year.

TEMPORARY PEDDLER — A person or entity engaged in a business for profit who sells, offers to sell, or offers to purchase goods, merchandise or commodities of any types, or solicits orders for future services, from house to house or place to place, whether by the use of a vehicle, wagon, cart, pack, basket, container or otherwise for a period not to exceed one day.

TRANSIENT DEALER — Any person or entity engaged in the temporary business of selling or offering goods, merchandise or commodities of any type for sale, or who displays samples thereof for the purpose of taking orders for future delivery, within any hotel, motel, or conference room, or house or other structure within the City for period of up to one year.

VENDOR — A person or entity engaged in a business for profit who does not occupy a building or structure, but who uses or occupies a fixed place of business on private or public property, or on the streets, sidewalks, rights-of-way or public lands of the City, for the

1. Editor's Note: This ordinance also provided for the repeal of former Ch. 176, Peddlers and Transient Dealers, Art. I, Peddlers, adopted 6-28-1983, as amended, and Art. II, Transient or Temporary Dealers, adopted 6-28-1983, as amended.

purpose of selling or offering to sell goods, merchandise or commodities of any type for a period of up to one year.

§ 176-2. License required.

It shall be unlawful for any person, firm, corporation or other entity to engage in the business of a vendor, peddler, temporary peddler or transient dealer without first obtaining a license as provided in this chapter, unless specifically exempted hereinafter.

§ 176-3. License exemptions.

- A. The following types of businesses shall be exempt from the requirement to obtain a vendor, peddler, temporary peddler or transient dealer license:
 - (1) Commercial travelers, selling agents and wholesalers in the normal course of business.
 - (2) Bona fide sales of goods for future delivery in interstate commerce.
 - (3) Deliveries or sales calls made at the request of the owner or occupant.
 - (4) Deliveries or sales calls made in connection with delivery routes to regular customers.
 - (5) Sales of locally grown produce and farm products by bona fide producers thereof.
 - (6) Yard sales, to the extent permitted by Maryland law.
 - (7) Lemonade stands, snow cone stands, or other similar businesses conducted at the operator's residence, which do not operate in excess of 14 days per calendar year.
 - (8) Exhibitors or participants in an event for which a transient dealer license has been obtained are exempt from obtaining individual vendor licenses, so long as there are at least 10 exhibitors or participants engaged in the transient dealer activity.
- B. A nonprofit organization which is exempt from federal taxation pursuant to Section 501(c) of the Internal Revenue Code, and its employees, members and volunteers, desiring to conduct sales or solicitations for charitable, religious or philanthropic purposes shall be exempt from the payment of any license fee required hereunder.

§ 176-4. License duration; fee.

Licenses, including any renewal thereof, issued by the City Clerk shall be issued for the period of time hereinafter delineated. The amount of the nonrefundable license fee identified hereinafter shall be payable by each applicant at the time of the application for or renewal of the license.

Type of License	Duration of License	License Fee
Vendor	1 year	\$250

Type of License	Duration of License	License Fee
Peddler	1 year	\$250
Temporary peddler	1 day	\$25
Transient dealer	Up to 1 year	\$1,000 for first month and \$500 per month thereafter, up to a maximum of \$3,500 per year

§ 176-5. Registration and license application.

- A. Every vendor, peddler, temporary peddler and transient dealer shall, prior to engaging in such activity, apply to the City Clerk and furnish, in writing, on an application to be furnished by the City Clerk, the following information, along with the appropriate nonrefundable license fee:
- (1) The applicant's name and address.
 - (2) The applicant's place of residence.
 - (3) A personal description of the applicant, including marks of physical identification. Each applicant shall also submit to a photograph to be included as part of the license identification card.
 - (4) The name and address of the person or entity by whom the applicant is employed or with whom the applicant is associated.
 - (5) The length of such employment or association.
 - (6) A description of the business and the nature of the commodities, articles, items or services the applicant is selling or offering for sale in the City.
 - (7) An estimate of the part of the City in which the applicant intends to pursue his activities as a peddler.
 - (8) The proposed location of sale if the applicant intends to sell any commodity, article, item or service from an established spot as a vendor or transient dealer.
 - (9) The name and address of three persons who have known the applicant for at least one year and from whom the applicant authorizes that inquiry to be made to verify the facts stated by the applicant.
 - (10) Proof of having obtained all necessary state and local licenses, inspections and approvals to carry out the proposed activity.
 - (11) A statement as to whether or not the applicant has ever been convicted of any crime.
 - (12) Every applicant for a transient dealer's license shall execute and file with the Clerk a good and sufficient bond in the amount of \$10,000, with the surety thereon a surety qualified to do business in the State of Maryland, which shall be payable to the City of Hagerstown to the extent that any fees, taxes, or fines are due or not

paid. Said bond shall also provide that the City of Hagerstown may file suit in its own name against the licensee and/or the surety on said bond for any taxes, fees or fines due from the licensee which are not paid within 30 days of the termination of the sale or the termination of the license. Said bond shall also provide that any purchaser at any sale or sales may maintain an action against a licensee and/or said surety for claims arising from such sale for defective merchandise or misrepresentation. Said bond shall also provide that it shall continue in effect for one year after the termination of the sale and/or license for which the same was made, and until all actions are concluded and the judgment or judgments, if any, have been paid and fully satisfied or the amount of the bond exhausted by such payments. This bond shall be in addition to all deposits, license fees, permit fees or any other requirements under any other ordinances of the City. The applicant may, in lieu of the bond, deposit a sum in cash with the City equivalent to the full amount that would be due hereunder for the license based upon the estimated time required.

- B. It shall be a violation of this chapter to submit false or misleading information on the application or to misrepresent any fact therein.

§ 176-6. Verification of information.

- A. The City Clerk shall promptly make such verification of the facts stated by the applicant as the circumstances may require and shall complete such verification and issue, reissue or deny the license applied for within 14 days after the filing of the application.
- B. It shall be unlawful for an applicant to vend, peddle, or deal within the City until a license is issued, or until a license is reissued after expiration of a previous license.

§ 176-7. Denial or revocation of license; appeal.

- A. The Clerk may refuse to issue or to renew a license, or may revoke any license issued under this chapter, if the Clerk finds that the applicant has willfully submitted false or misleading information on the license application, misrepresented any fact therein, or has been convicted of a felony or a crime of moral turpitude. The Clerk may revoke or refuse to renew any license upon a finding that the licensee, while vending, peddling, or dealing, has engaged in fraud or willful misrepresentation, has violated any of the provisions of this chapter, has committed any unlawful act or has refused to leave the premises immediately when requested by the owner or occupant thereof to do so. Any denial, revocation or failure to renew shall be by written notice to the applicant or licensee, delivered personally or sent by certified mail to the licensee's address as listed in the application. The notice shall contain a statement of the reason for the action taken.
- B. Any person aggrieved by the action of the Clerk in the denial, revocation or failure to renew a license as provided in this chapter shall have the right of appeal to the review board established in Chapter 92 of the City Code. Such appeal shall be taken by filing with the Clerk, within 14 days after receipt of notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The review board shall set a time and place for a hearing on such appeal within 30 days of the filing of the

request for appeal, and notice of such hearing shall be given to the appellant. The decision and order of the review board on such appeal shall be final and conclusive and shall be appealable pursuant to Maryland Law for administrative appeals.

§ 176-8. Expiration of license; transferability.

All licenses issued under this chapter shall automatically expire at the end of the license period and must be surrendered to the City Clerk upon the expiration thereof prior to issuance of any renewal license. Licenses shall not be transferable.

§ 176-9. Regulations and restrictions.

All licensees hereunder shall comply with the following regulations and restrictions:

- A. No licensee shall vend, peddle or deal on a public street, parking space, alley, sidewalk, parking lot, park or other public place, including the public square, unless specifically authorized to do so by the Clerk.
- B. Vendor and transient dealer sales are limited to the specific location identified on the license.
- C. Peddlers may not sell from the same location in the City for more than 30 minutes nor more frequently than one time per day. Upon the expiration of 30 minutes, a peddler must move at least 300 feet to a new location.
- D. No vendor or transient dealer may vend or deal within 100 feet of a store, restaurant or other business, which offers for sale goods or services which are similar to or compete with those of the licensee, located in permanent structure in the arts and entertainment district, as from time to time designated. In all other locations in the City, no vendor or transient dealer may vend or deal within 300 feet of a store, restaurant or other business located in a permanent structure which offers for sale goods or services which are similar to or compete with those of the licensee. The restrictions contained in this Subsection D may be waived only with the express written consent of the competing business(es).
- E. No licensee may vend, peddle or deal within 300 feet of a City-sponsored or City-supported special event, unless expressly permitted in the license.
- F. All licensees must clearly and prominently display the photographic identification license issued by the Clerk at all times when engaging in the licensed activity.
- G. Unless expressly provided on the license, no vendor or peddler shall conduct any licensed activity between dusk and 10:00 a.m.

§ 176-10. Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application to any person or circumstances is held to be invalid, such invalidity shall not affect any other provision or applications of this chapter which can be given effect without the invalid provision or application.

§ 176-11. Violations and penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, may be punished by a fine not to exceed \$500. The foregoing notwithstanding, a municipal infraction citation issued for a violation hereof may be prepaid by the violator in the prepayable amount of \$200 within the time prescribed by law for payment of a municipal infraction citation. Each day a violation of this chapter exists shall constitute a separate and distinct violation.