

## **CHAPTER 19 PEDDLERS**

§ 19-1. Definition.

§ 19-2. License; exemption.

§ 19-3. License and identification tags; certification; exemption.

§ 19-4. Transfer.

§ 19-5. Revocation of license.

§ 19-6. Use of streets.

§ 19-7. Consent of residents.

§ 19-8. Restrictions of articles to be sold.

§ 19-9. Transient business - License required; fee.

§ 19-10. Same - Applicability to bankrupts, assignees, fire sales or similar sales.

§ 19-11. Same - Exemption; sales under judicial process.

### **Sec. 19-1. Definition.**

The word "peddler" shall include any person whether a resident of the town or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden trunk, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of the chapter. The word "peddler" shall include the words "hawker" and "huckster." (Ordinance 519 aka E-34 effective 5/7/1967)

### **Sec. 19-2. License; fee; expiration; exemption.**

All persons, firms or corporations engaged in the business of hocking, huckstering, peddling and vending of any goods, wares, merchandise, food stuffs and produce on the streets of the Town shall be required to obtain from the Town Clerk a Peddlers' License upon a form obtained from the Town Clerk who shall, upon receipt of payment of an annual fee of Twenty-five Dollars (\$25.00), or a daily charge of Five Dollars (\$5.00), issue said License.

The provisions of this section shall not apply to or include persons, firms or corporations residing in the town who shall have a State Trader's License, nor apply to the sale of farm, dairy and garden produce raised by the vendor in the State of Maryland, nor to seafood caught by the vendor in the State of Maryland, nor to articles of the vendor's own manufacture, made or manufactured in the State of Maryland.  
(Ordinance 201 effective 7/14/1991, historical reference 9, 28)

### **Sec. 19-3. License and identification tags; certification; exemption.**

All persons, firms or corporations engaged in the business of hawking, huckstering, peddling and vending of any goods, wares, merchandise, food stuffs and produce on the streets of the town shall first procure an appropriate license or identification tag to be supplied by the town clerk, at a cost not be exceed fifty (50 cents) annually and shall keep same conspicuously displayed at all times on his vehicle, wagon, cart or person while he is so hawking, peddling or selling within the town.

The application to be signed by the said hawker, peddler, huckster or vendor before he is issued the aforementioned license or identification tag by the Town Clerk shall contain an appropriate certification to the effect that the said applicant is the bona fide grower, producer or manufacturer of the products to be sold within the town. Nothing in this section shall apply to person, firms, or corporations who are eligible under and have complied with the licensing provisions of section 19-2.

(Ordinance 28 effective 12/20/1949, historical reference 9)

**Sec. 19-4. Transfer.**

No license or tag issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued. (Ordinance 519 aka E-34 effective 5/7/1967)

**Sec. 19-5. Revocation of license.**

Licenses issued under the provisions of this chapter may be revoked by the Town Council, after notice and hearing, for any of the following causes:

- (A) Fraud, misrepresentation, or false statement contained in the application for licenses;
  - (B) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler;
  - (C) Any violation of this chapter;
  - (D) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.
- (Ordinance 519 aka E-34 effective 5/7/1967)

**Sec. 19-6. Use of streets.**

Every person who shall hawk, peddle, huckster or vend goods to retail trade on the streets of the town, either from a wagon, vehicle or conveyance of any description, shall keep moving from place to place and not remain in any one place longer than 20 minutes, or return thereto within a period of five hours. Any hawker, peddler, huckster, or vendor shall not be deemed to have complied with this provision unless he or they shall have moved a distance of at least 100 feet from the point or place at which he or they last stopped; provided further, that any hawker, peddler, huckster or vendor shall not stop, pause, or take up location for the purpose of selling to retail trade at any point upon the streets of the town which is less than 100 feet from the entrance of any store or place of business which sells to retail trade like goods, wares, merchandise, food stuffs, and produce which the hawker, peddler, huckster, or vendor is offering for sale. (Ordinance 28 effective 12/20/1949, historical reference 9)

**Sec. 19-7. Consent of residents.**

As a condition precedent to any peddler going in or upon any private residence for the purpose of selling or disposing of any goods, wares, or merchandise, the consent of the owner or occupant of the private residence shall first be obtained by that person. (Ordinance 519 aka E-34 effective 5/7/1967)

**Sec. 19-8. Restrictions on articles to be sold.**

It shall be unlawful for any person or persons to hawk, peddle, or offer for sale on any street, lane, or alley in the town, medicines, patented remedies, nostrums, soaps, perfumes, extracts, toy balloons, toilet, or other like articles. (Ordinance 11 effective 1/1/1941)

**Sec. 19-9. Transient business - License required; fee.**

(a) Every person, firm, or corporation, whether principal or an agent, not already engaged in a permanent business within the corporate limits of the Town, but which is about to enter or begin a transient business in the Town for the sale of any goods, wares and merchandise shall first apply to the Town Clerk for a fee as set forth in this section; provided, however, that should two or more person, firms, or corporations offer goods, wares, or merchandise for sale at the same location and at the same time, including, but not limited to, antique shows, art shows, and the like, then said persons, firms, or corporations, or the sponsor or coordinator of the show or exhibit, shall apply to the Town Clerk for a license therefor and shall pay the license fee set forth in this section for one transient business

without regard to the actual number of persons, firms, or corporations participating in said exhibit or show, and that the coordinator or sponsor shall be liable for the payment of said fee.

(b) The amount of a license for a transient business shall be \$50 a day for the first two days, and \$15 a day for each day thereafter which the transient business operates within the Town.

(c) As used in this section, "TRANSIENT BUSINESS" means any business selling or offering for sale goods, wares, or merchandise within the Town for a period of 30 days or less. A business shall be a transient business regardless of whether or not it operates from one fixed location or moves from place to place within the Town.  
(Ordinance 130 effective 8/11/1986, historical reference 9, 97, 105)

**Sec. 19-10. Same - Applicability to bankrupts, assignees, fire sales or similar sales.**

Any sale held or conducted by any person, firm, or corporation not previously permanently engaged in business in the Town prior to such sale, said person, firm or corporation represented or held forth to be bankrupt, as assignee or about to quit business, or the sale to be the result of goods damaged by fire, water, or otherwise shall be construed to be transient business and subject to the provisions of this chapter. (Ordinance 9 effective 1/1/1941)

**Sec. 19-11. Same - Exemption; sales under judicial process.**

Nothing contained in this chapter shall be construed to apply to any sales made under any judicial or court process.  
(Ordinance 9 effective 1/1/1941)