

CHAPTER 130: PEDDLING AND SOLICITING, AND FOOD TRUCKS

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§ 130-1 LICENSE REQUIRED.

It shall be unlawful for any peddler, hawker, vendor, canvasser, or solicitor, or food trucks as hereinafter defined, to engage in the activity within the town without first obtaining a license therefor in accordance with the provisions of this chapter.

(Prior Code, § 130-1) (Ord. 6-84, passed 10-15-1984)

§ 130-2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOD TRUCKS. Trucks or vans that are properly licensed by the Motor Vehicle Administration and the Kent County Health Department that have been adapted to the purpose of preparing and selling food to the public from various standing locations.

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ITINERANT MERCHANTS, TRANSIENT VENDORS and SALESPERSONS. Deemed to be in the category of peddler, hawker, vendor, solicitor, or canvasser as set forth in this section.

PEDDLER, HAWKER, and VENDOR. Any person, whether a resident of the town or not, traveling either by foot, vehicle, or any other type of conveyance, who goes from house to house, from place to place, or from street to street conveying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and delivering articles to purchases, or who engages in any of the foregoing activities from a temporary standing location on the street or other public place.

SOLICITOR or CANVASSER. Any person, whether a resident of the town or not, who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for the sale of services to be performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject for the order, and whether or not he or she is collecting advance payments on the orders, or who engages in any of the foregoing activities from a temporary standing location on the street or some other public place.

(Prior Code, § 130-2) (Ord. 6-84, passed 10-15-1984)

§ 130-3 APPLICATION AND CONTENTS; HOURS FOR PEDDLING, SOLICITING, AND FOOD TRUCKS ESTABLISHED; OTHER PERMITS.

(A) Applicants for a license under this chapter shall file with the Town Manager a sworn application in writing on a form to be furnished by the Town Manager, which application shall give the following information:

- (1) The name and a description of the applicant;
- (2) The permanent home address and local mailing address, if any, of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold, and the name and address of the principal office of their manufacturer as well as the name and address of the agent designated to receive service of the process in the state;
- (4) If employed, the name and address of the employer;
- (5) The length of time for which the right to do business is desired;

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- (6) The applicant's fingerprints, at the discretion of the Police Chief;
- (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance other than a traffic violation and the nature of the offense and the punishment or penalty assessed therefor; and
- (8) Whether or not orders are to be solicited or taken for the future delivery of goods or the performance of services.
- (9) Licensing requirements specific to food trucks:
 - (a) That they operate on the streets of Chestertown at the exact locations and under the circumstances specified by the Town in their license to operate;
 - (b) That Downtown locations of Food Trucks be limited to three sides of the Fountain Park on the High, Cross and Park Row for the lunch hours only (10 am to 3 pm and not on Saturdays during the Farmer's Market unless specifically invited by the market or by another approved Town event replacing the Market;
 - (c) That all other locations for the operation of Food Trucks be approved for times and locations by the Mayor and Council of Chestertown;
 - (d) That Food Truck operators provide proof the state or county licenses and health department permits required to operate an itinerant food products concession as;
 - (e) That the Food Truck operators provide evidence of liability insurance in an amount of at least \$1,000,000 and that the Town be specifically named on the policy as an additional insured.
 - (f) No bells, whistles, horns, klaxons, or systems of sounds amplification may be used at any time while in the Town limits. Food truck operators will provide and use their own power and any generators used shall not violate Town Noise Ordinance regulations.
 - (g) That a monthly fee, as set by the Mayor and Council, be paid in advance before commencing any operations.

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(h) That trash cans be set out by the Food Trucks and that said trash be collected by the vendor and removed from the Town (not placed in public containers).

(i) Food Truck operations are discretionary by the Town and failure to follow the requirements will result in the removal of the permission to operate.

(B) The time of solicitation, peddling, hawking, vending, and canvassing shall be between the hours of 9:00 am and 7 pm.

(C) Before a license is issued pursuant to this chapter, all other necessary permits required by any governmental agency or subdivision shall be procured by the applicant.

(Prior Code, § 130-3) (Ord. 6-84, passed 10-15-1984)

§ 130-4 INVESTIGATION AND ISSUANCE OF LICENSE; MAINTENANCE OF RECORDS.

(A) Upon receipt of the application, the Police Chief shall conduct a background investigation of the individual or business entity.

(B) If, as a result of the investigation, the applicant's background is found to be unsatisfactory, the Police Chief shall endorse on the application his or her disapproval and his or her reasons for the same, and return the application to the Town Manager, who shall notify the applicant that his or her application is disapproved.

(C) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse his or her approval on the application and return the applicant to the Town Manager, who shall, upon payment of the prescribed license fee, execute and notify the applicant that the license is available at the town office. The Town Manager shall keep a record of all licenses issued and of all complaints received, if any, concerning each license.

(Prior Code, § 130-4) (Ord. 6-84, passed 10-15-1984)

§ 130-5 FEES.

Fee for licenses shall be as designated by the Mayor and Council by resolution.

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(Prior Code, § 130-5) (Ord. 6-84, passed 10-15-1984; Ord. passed 11-5-1984)

§ 130-6 VISIBLE DISPLAY OF LICENSE REQUIRED.

All licenses issued must be worn or displayed in such a manner as to be readily visible when engaged in the activities regulated herein.

(Prior Code, § 130-6) (Ord. 6-84, passed 10-15-1984)

§ 130-7 DURATION OF LICENSE; NONTRANSFERABILITY; RENEWAL.

All Peddling and Soliciting licensees issued under this chapter shall expire at the end of the 30 days from the date issued. Food Truck licenses issued under this chapter shall expire at the end of one year from the date issued. Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.

(Prior Code, § 130-7) (Ord. 6-84, passed 10-15-1984)

§ 130-8 REVOCATION OF LICENSE.

(A) *CAUSES.* Licenses issued under this chapter may be revoked by the Police Chief after reasonable notice and hearing for any of the following causes:

- (1) Misrepresentation or false statement contained in the application for the license;
- (2) Misrepresentation or false statement made in the course of carrying on activities regulated herein;
- (3) Conviction of any crime or misdemeanor involving moral turpitude; or
- (4) Conducting the business of soliciting and canvassing in an unlawful manner, in violation of this chapter, or in 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.

(B) *NOTIFICATION PROCEDURES PRIOR TO HEARING.* Notice of a hearing before the Mayor and Council for revocation of a license shall be given in writing, which notice shall set forth the grounds of the complaint and the time and place of the hearing. The notice shall be served personally upon the licensee, or mailed, postage prepaid, to the licensee at addresses given by the licensee in making application under § 130-3 of this chapter, at least five days prior to the date set for hearing.

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(Prior Code, § 130-8) (Ord. 6-84, passed 10-15-1984)

§ 130-9 RIGHT OF APPEAL; PROCEDURES.

Any person aggrieved by the action of the Police Chief or the Town Manager in the denial of an application for a permit or license as provided in § 130-4 of this chapter, or in the decision with reference to the revocation of a license as provided in § 130-8 of this chapter, shall have the right of appeal to the Mayor and Council of the town. The appeal shall be taken by filing with the Mayor and Council, within 14 days after notice of the action complained of has been mailed to the person's last known address, a written statement fully setting forth the grounds for the appeal. The Mayor and Council shall set a time and place for a hearing on this appeal, and notice of the hearing shall be given to the appellant in the same manner as provided in § 130-8 of this chapter for notice of hearing on revocation.

(Prior Code, §130-9) (Ord. 6-84, passed 10-15-1984)

§ 130-10 MAINTENANCE AND INSPECTION OF EQUIPMENT.

The equipment used or employed peddlers, hawkers, and vendors of ice cream, foods, food trucks and other related commodities shall be maintained in a clean and sanitary manner and be subject to inspection by and comply with the rules and regulations of the county Health Department and the ordinances of the town.

(Prior Code, § 130-10) (Ord. 6-84, passed 10-15-1984)

§ 130-11 EXEMPTIONS FROM LICENSING REQUIREMENTS.

- (A) This chapter shall not be construed to include the selling of any article at wholesale to dealers in such articles, or the delivery of milk, eggs, bread, newspapers, or other necessary and perishable articles of food or merchandise of a type commonly delivered on a house-to-house basis at intervals of less than one week.
- (B) Any veteran who holds a special license issued under the laws of the state shall be exempt from securing a license or paying the fee as provided herein, but shall be required to comply with all other applicable sections of this chapter and shall be required to

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register with the Town Manager and obtain a permit, which will be issued by the Town Manager upon proper identification and exhibition of the state license.

- (C) (1) Any nonprofit religious, charitable, educational, civic, or veterans' organization, society, association, service club, volunteer first aid, or fire company, and the like, desiring to solicit, or have solicited, in its name, money, donations of money or property or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of the organization at any place or places within the town for a charitable, religious, patriotic, or philanthropic purpose shall be exempt from the provisions of §§ 130-3, 130-4 and 130-5 of this chapter, provided that there is a field sworn application, in writing, with the Town Manager or Police Chief, which application shall give the following information:
- (a) The name and purpose of the cause for which the permit is sought;
 - (b) The name and address of the organization;
 - (c) The period during which solicitation is to occur; and
 - (d) The name and address of each agent or representative who will conduct solicitations, and the length of time that the agent or representative has been employed or affiliated with the organization, society, association, or corporation.
- (2) Upon being satisfied that the person, organization, society, association, and the like, is a bona fide nonprofit religious, charitable, educational, patriotic, or philanthropic organization, and that the agent or representatives who shall conduct the solicitation have no criminal background, the Town Manager or Police Chief shall issue a permit, without charge to the organization, association, or corporation, to solicit in the town. The organization, association, society, corporation, and the like, shall furnish to all its members, agents, or representatives conducting solicitation, credentials, in writing, stating the name the agent and the duration and purpose of solicitation.
- (D) Any school, political, or civic organization, benevolent society, service club, or organization not operated for profit which is located in or has substantial membership from the town is hereby exempt from the provisions of this chapter.

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(E) Persons selling locally grown fresh produce and locally caught fresh seafood products shall be exempt from the provisions of § 130-5 of this chapter and shall pay a fee of \$150 for a 30-day license; furthermore, all persons selling produce and seafood products shall be restricted to the designated area on the southwest side of Park Row or other areas as designated by the Mayor and Council.

(Prior Code, § 130-11) (Ord. 6-84, passed 10-15-1984; Res. Passed 11-5-1984)

§ 130-12 VIOLATIONS AND PENALTIES.

A violation of the terms of this chapter shall be considered a municipal infraction subject to a penalty as provided in § 86(B) of the Charter.

(Prior Code, § 130-12) (Ord. 6-84, passed 10-15-1984; Ord. 6-95, passed 11-6-1995)