AN ACT to:
(1) clarify which agencies of County government enforce the vendor licensing law;
(2) authorize enforcement agencies to seize and remove goods being illegally sold and require the return of those goods under certain conditions; and
(3) generally amend the law governing sales of goods on public property or rights-of-way.

By adding
Montgomery County Code
Chapter 47, Vendors
Section 47-9

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Chapter 47 is amended by adding Section 47-9:


(a) The Department of Permitting Services, the Police Department, and any other agency of County government designated by the Chief Administrative Officer, may enforce this Chapter.

(b) If, after receiving a warning from an enforcing agency, a person continues to sell or offer to sell any goods in violation of this Chapter, the enforcing agency may seize the goods and take them to a designated County storage facility. When giving a warning under this Section, an enforcing agent may require the recipient of the warning to furnish adequate personal identification. When seizing any goods, the enforcing agent must inform the holder of the goods how, where, and when the goods can be claimed.

(c) The owner of any goods seized under this Section may claim them within 3 days if the goods are perishable, and within 15 days if the goods are not perishable, by:

(1) furnishing proof of ownership of the goods to the enforcing agency at the storage facility, and

(2) paying a storage fee set by regulation under method (3) in an amount sufficient to reimburse the cost to the County of handling, transporting, and storing the goods.

(d) Alternatively, the County must return the goods without payment of a storage fee if the owner, during the time period provided in subsection (c), furnishes proof of ownership of the goods and shows that:

(1) the goods were properly offered for sale at the site where they were seized; and
(2) when the goods were seized the owner held a valid license to sell the goods under this Chapter.

(e) However, the County may retain the goods if they will be needed as evidence in any hearing on an alleged violation of this Chapter involving the sale or attempted sale of the goods. In that case, the owner may reclaim the seized goods by paying the maximum fine which applies to the alleged violation and any storage fee due.

[[(e)] (f) Until goods seized under this Section are claimed by their owner, the County must take reasonable care to protect the goods and keep them in the same condition as they were when seized. However, the County is not responsible for spoilage of any perishable goods.

[[[f]]] (g) If goods seized under this Section are not claimed under subsection (c) or returned under subsection (d), the goods have been abandoned and the County may:

(1) sell them to any government agency or private party through an informal process specified by regulation under method (2);

(2) donate the goods to any charitable organization; or

(3) destroy the goods in any lawful manner.

[[[g]]] (h) The owner of any goods seized under this Section must not attempt to collect any payment for the goods from the person from whom the goods were seized unless the owner had, before the goods were seized, reported the goods as stolen to any law enforcement agency.

Approved:

Michael L. Subin, President, County Council

6/23/00

Date
Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council