

Bill No. 11-00
Concerning: Vendors - Removal of Illegal Goods
Revised: 6-15-00 Draft No. 3
Introduced: March 21, 2000
Enacted: June 20, 2000
Executive: June 27, 2000
Effective: September 26, 2000
Sunset Date: None
Ch. 18, Laws of Mont. Co. 2000

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Krahnke and Praisner

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 47 is amended by adding Section 47-9:**

2 **47-9. Enforcement; Removal of Illegally Sold Goods.**

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

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

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

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

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

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

25 (1) the goods were properly offered for sale at the site where they
26 were seized; and

27 (2) when the goods were seized the owner held a valid license to sell
 28 the goods under this Chapter.

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

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

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

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

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

44 (3) destroy the goods in any lawful manner.

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

49 *Approved:*

50 /S/

6/22/00

Michael L. Subin, President, County Council

Date

51 *Approved:*

52 /S/ 6/27/00

Douglas M. Duncan, County Executive Date

53 *This is a correct copy of Council action.*

54 /S/ 6/29/00

Mary A. Edgar, CMC, Clerk of the Council Date