The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 47-1, 47-2, and 47-6 are amended as follows:

47-1. Definitions.
In this Chapter, the following words have the meanings indicated:

(b) (1) Vendor means any person who sells, offers to sell, or solicits
orders for any goods (including perishable foods) or services:
(A) on any public street, sidewalk, or other public property or
right-of-way;
(B) door-to-door in a vehicle or on foot; [(or)]
(C) from a vehicle, or temporary stand or structure, that is
parked or otherwise temporarily located [on private
property] while goods are sold or services dispensed; or
(D) from a pushcart or other slow-moving vehicle.

47-2. Hours and places of operation
(a) Unless otherwise permitted by law, a person must not sell or offer to sell
any goods or services on any public sidewalk or the right-of-way of any
public road.
(b) The Director may issue licenses for a limited number of stationary or
slow-moving pushcarts or similar vehicles, not larger than a size set by
regulation, from which a licensee may sell goods on designated
sidewalks or rights-of-way in a Central Business District planning
policy area (as defined in the County Growth Policy). The Director by
regulation under method (2) must limit the number of vehicles licensed
in each Central Business District and the number of licensees who can
sell any particular type of goods. If more persons apply for any
category of licenses under this subsection than the number available, the
Director must first consider renewing each previous licensee and then
conduct a lottery among qualified applicants for the remaining licenses. A licensee under this subsection may locate on a public right-of-way
only if the Director of Public Works and Transportation concurs that the
licensee’s operation at that location will not unduly affect vehicular or
pedestrian safety.

(c) A vendor who is a certified producer under standards set by regulation
under method (2) may sell fresh produce on the right-of-way of any
public road in locations and at times of the day that will not affect
public safety. In this Section, "fresh produce" means:

(1) regionally grown fresh fruit, vegetables, herbs, cut flowers, small
trees, and plants; and

(2) non-potentially hazardous prepackaged goods and eggs approved
by the Department of Health and Human Services.

[[(b)]] (d) Except for a prearranged appointment or with the Director's
approval, a vendor must not conduct business before 9 a.m. nor after
sunset. In this Section, "sunset" means the time established by the U.S.
Naval Observatory for Washington D.C. and vicinity.

[[(c)]] (e) Unless permitted by the Director and the school principal for a
special event, a vendor must not sell or offer to sell any item on a public
road or right-of-way within 500 feet of any public or private elementary
or secondary school.

License non-issuance, revocation, or suspension.

(a) The Director may revoke or suspend, or refuse to issue or renew, a
license [[issued under this Chapter]] for any violation of this Chapter or
any other applicable law or regulation. Before taking any action under
this subsection, the Director must:
(a) (b) The Director may summarily revoke or suspend a license after finding that the licensee:

1. has knowingly misstated or omitted a material fact from the submitted application;

2. has had a business or occupational license or permit revoked or suspended;

3. is not of good moral character, as evidenced by a conviction of a crime involving violence, sex offense, theft, fraud, or controlled dangerous substances, unless the person's conduct since the conviction shows that the public safety is unlikely to be jeopardized;

4. has violated a condition of the license, this Chapter, or any other law related to the vending operation;

5. has refused to leave any premises when lawfully directed by an owner, occupant, or authorized government official to do so.

(b) (c) The Director must provide written notice to the applicant or licensee of any action taken or proposed to be taken under subsection (a) or (b). The notice must:

1. state the:
   (A) reasons for the action; and
   (B) recipient's right to appeal to the Board of Appeals; and

2. be delivered:
   (A) personally to the applicant or licensee; or
   (B) sent by certified mail to the local address in the license application.
Approved:

Thomas A. Perez, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council

Date

12-17-04

12/18/04