

Resolution No.: 16-61  
Introduced: February 27, 2007  
Adopted: February 27, 2007

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Executive Regulation 20-06, Sidewalk Vendor Operation and License

**Background**

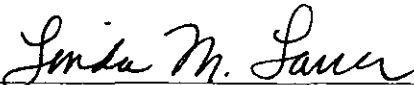
1. On December 14, 2004 the Council approved Bill 26-04 "Vendors – Amendments." Bill 26-04 provided the Department of Permitting Services with the authority to issue licenses to a limited number of stationary or slow-moving pushcarts or similar vehicles in a Central Business District (CBD).
2. On January 23, 2007 the Council received Executive Regulation 20-06, "Sidewalk Vendor Operation and License" from the County Executive to implement Bill 26-04.
3. On February 5, 2007 the Transportation and Environment Committee discussed the proposed regulation and recommended approval of the regulation as transmitted by the County Executive.

**Action**

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

Executive Regulation 20-06, Sidewalk Vendor Operation and License.

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Sidewalk Vendor Operation and License	<b>Number:</b> 20-06
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> February 27, 2007

Montgomery County Regulation on:

## SIDEWALK VENDOR OPERATION AND LICENSE

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No.

Authority: Code Sections 47-  
 Supersedes: Regulation . None  
 Council Review: Method 2 under Code Section 2A-15  
 Register Vol. Issue  
 Comment deadline:  
 Effective date: February 27, 2007  
 Sunset date: None

**SUMMARY:** This regulation establishes a process for the licensing and operations of certain vendors using pushcarts or other slow-moving vehicles in certain Central Business Districts (CBD) as noted in section 47-1 and 47-2 of the Montgomery County Code as amended.

**ADDRESSES:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850

**STAFF CONTACT:** Susan Scala-Demby, Manager  
Division of Casework Management  
240-777-6255

Reginald Jetter, Chief  
Division of Casework Management  
240-777-6275



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<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b>

**BACKGROUND INFORMATION:** The Department of Permitting Services (DPS) enforces Chapter 47 of the Montgomery County Code. This regulation establishes licensing requirements and operational requirements for sidewalk vendors and sidewalk sales in the Central Business District (CBD) zones in Montgomery County.

## I: PURPOSE

This regulation establishes a licensing process for sidewalk sales and sidewalk vendor operations as noted in section 47-1 of the Montgomery County Code as amended.

## II: APPLICABILITY

This regulation applies to any individual who seeks to vend in the Central Business District using a pushcart or other slow-moving vehicle with functional wheels that is no larger than three (3) feet by seven (7) feet and from which the operator dispenses food, drink, or retail goods.

## III: DEFINITIONS

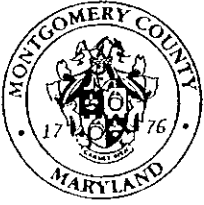
For the purposes of this regulation, the following words and phrases have the meaning indicated. Word and phrases defined and used in Chapters 47 and 59 of the Montgomery County Code have the meaning indicated in those Chapters.

**Block Face:** One (1) side of a segment of a street that does not extend beyond any intersection with another street, or portion thereof.

**Sidewalk:** Those areas legally open to the public for use as a pedestrian walkway between the curb and the edge of the public right-of-way.

**Sidewalk Vendor:** Any person who sells, offers to sell, or solicits orders for any goods (including perishable foods) or services from a sidewalk vending cart.

**Sidewalk Vending Cart:** A pushcart or other slow moving vehicle meeting all the requirements of Chapter 47 of the Montgomery County Code for the conducting of business in the Central Business District of Montgomery County.



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**Sidewalk Vendor License:** A license that permits sales of goods from a sidewalk vending cart, either moving or located in a stationary location in the public right of way in the Central Business District.

**Sidewalk Vending Cart Sales:** A type of vending activity that includes selling of goods or services from a sidewalk vending cart that is located either on a sidewalk or in the public right of way.

**Vendor Book:** A notebook of documents supplied by the Department of Permitting Services which must accompany a sidewalk vendor license for sidewalk vending activity.

## IV: POLICY

It is unlawful for any person to engage in the business of sidewalk vending without first obtaining a revocable license from the Department of Permitting Services, subject to review and conditions, for every vendor operation; and in certain situations to require an approved supplemental vendor book.

## V: PROCEDURES

### 5.0 Application for Sidewalk Vendor License

Application to vend from a sidewalk or public right of way in the Central Business District shall be made to the Department of Permitting Services on the accepted application. The application shall require the following:

- a) correct legal name, present address and telephone number of the applicant;
- b) type of goods or services to be sold;
- c) copies of all permits required by state and local health authorities;
- d) signed indemnity form;
- e) description of sidewalk vending cart including dimensions;
- f) a diagram showing the proposed area including distances from the sidewalk vending cart to the street, intersections, businesses, street cafes, pedestrian walkway. Applicant must allow for and show a minimum of five (5) feet of pedestrian walkway on the sidewalk for customers;



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- g) Submit proof that they possess liability insurance in the amount of \$500,000 and sign a statement holding Montgomery County harmless against any claim of liability;
- h) payment of a fee as determined by the Department and detailed by regulation;
- i) post a bond to cover the cost of any removal of abandoned sidewalk vending cart, damage to or clean-up of public property.

## VI. VENDOR SITE SELECTION PROCESS

No more than one (1) vending licenses shall be issued for every five (5) acres of land in each Central Business District.

No more than one (1) sidewalk vendor shall be allowed to locate within each three hundred (300) feet of block face.

One (1) time priority will be granted to applicants possessing regular route vending licenses in the Central Business District on the effective date of these regulations.

## VII. TRASH REMOVAL AND CLEAN UP

During the period of vending, licensees are responsible for keeping the sidewalk within fifteen (15) feet of their sidewalk vending cart clean of trash generated by their vending operations, and for cleaning the sidewalk in the area occupied by their stand.

Licensees must take with them at the end of each day, all trash, litter, garbage, refuse and waste, including but not limited to cooking liquids, water, ice, paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person within a fifty (50) foot radius of the vending area. No licensee may place or deposit any trash, liter, garbage, refuse or any other wastes generated by his or her licensed operations on the sidewalk, in any public receptacle, or on any private property without the express permission of the property owner.



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**Effective Date:**

## VIII. STAND DESIGN

The design standards are regulations that address the dimension, structural materials, mobility and other design aspects of the sidewalk vending carts, with the purpose of protecting public safety and ensuring the sidewalk vending carts are placed on the public right-of-way are maintained in a neat, clean and orderly fashion and ensure that all sidewalk vending carts:

- a) not exceed three (3) feet in width by seven (7) feet in length including any hitch, and not exceed a height of five (5) feet excluding canopies or umbrellas which must be a minimum of seven (7) feet above the sidewalk. Umbrellas and canopies shall not exceed 28 square feet in area;
- b) be on wheels;
- c) be of light weight construction so that it can be moved from place to place by one (1) adult person with no auxiliary power;
- d) not be motorized so as to move on its own power;
- e) be capable of transporting all vendor's wares such that the vendor can set up and break down the sidewalk vending cart without placing any objects on the sidewalk or street beyond two (2) feet of the edge of the cart;
- f) be of durable easy to clean materials;
- g) have advertising and other signage limited to the name of the sidewalk vending cart or listing of items sold and price in lettering not larger than two (2) inches;
- h) have no amplified sound.

## IX: LOCATION REQUIREMENTS

Sidewalk vendors must not locate in or obstruct the travel lane of a public right-of-way, the pedestrian area of the sidewalk, or bike lanes at any time.



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No person may conduct business from a sidewalk vending cart in any of the following places:

- a) within twenty (20) feet of the intersection of the sidewalk with any other sidewalk or mid-block crossing;
- b) any location which would reduce the clear, continuous sidewalk width to less than five (5) feet;
- c) within five (5) feet of any imaginary perpendicular line running from any building entrance or doorway to the curb line;
- d) within five (5) feet of any handicapped parking space, or access ramp;
- e) within twenty (20) feet of any bus stop or METRO entrance or exit;
- f) within three (3) feet of benches, planters or trees;
- g) within twenty (20) feet of sidewalk cafes;
- h) within fifteen (15) feet of a fire hydrant;
- i) vend using the surface of the sidewalk or on a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display merchandise;
- j) sell or offer for sale any item directly from any parked or double parked motor vehicle;
- k) sell within the boundaries of a right-of-way street closure approved and permitted by the County or the State.

Sidewalk vendors must:

- a) display sidewalk vendor license prominently and each operator must wear his or her operator identification card visible to the public;
- b) keep the area within fifteen (15) feet of the location where the vendor is located free from all litter and debris arising from the operations including the litter which arises from action of customers in disposing of wrapping or packing materials of merchandise sold by the vendor during the period of vending;



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- c) ensure pedestrian traffic walkway of five (5) feet is maintained when large numbers of potential customers gather to view merchandise and must be sure clear and courteous passage is made possible for the public.

## X. HOURS

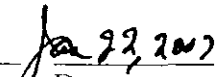
Hours of operation will be limited to the hours of 6:30 AM to 10:00 PM Monday through Friday and 9:00 AM to 10:00 PM Saturday and Sunday. All sidewalk vending carts must be removed along with all trash from the vending location on a daily basis. Loading and unloading of merchandise must comply with all traffic regulations and cannot exceed fifteen (15) minutes.

## XI. SEVERABILITY

The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

EFFECTIVE DATE: This regulation becomes effective \_\_\_\_\_.

  
Isiah Leggett, County Executive

  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney's Office

By: 