

Chapter 53

HAWKERS AND PEDDLERS

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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 5-4-1993 as Ord. No. 93-1. Amendments noted where applicable.]

§ 53-1. License required.

It shall be unlawful for any person to publicly sell, hawk or peddle any articles of merchandise or to solicit any sales, any charitable gifts or donations or any paid memberships to any club or organization within the territorial boundaries of Perryville without having first obtained a license from the Town of Perryville, except as exempted herein.

§ 53-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE ORGANIZATION:

- A. Any nonprofit benevolent, philanthropic, patriotic, not-for-profit, educational, religious or eleemosynary group, association or corporation which qualifies under Section 501 of the Internal Revenue Code as a tax-exempt organization.

- B. A nonprofit fire company which is organized for the prevention and extinguishment of fires.

CONTRIBUTION – The promise or grant of any money, credit property, financial assistance or any other thing of value, including payments for literature in excess of the fair market value of said literature.

ESTABLISHED PLACE OF BUSINESS – Any building or room licensed for the handling of the products enumerated in this chapter.

ITINERANT RETAIL PRODUCE DEALER – Any person without an established place of business within the limits of the country, selling or offering for sale from any cart, wagon, truck, automobile or other vehicle any fruits, vegetables, garden produce, eggs, cheese, game, veal, pork, mutton, lamb, rabbits or poultry.

ITINERANT RETAIL SEAFOOD DEALER – Any person without any established place of business within the limits of the county, selling or offering for sale from any cart, wagon, truck, automobile or other vehicle any seafood or seafood products.

NEWSPAPER – A paper that is distributed and contains news, articles of opinion and advertising. This definition includes community newspapers and pennysavers.

PEDDLER – Any person, either principal or agent, who, in/on any public street, road or highway or public place or from any vacant property, whether publicly or privately owned, or by going from place to place or house to house, delivers or distributes advertising material, literature, pamphlets, samples or handbills or sells or offers for sale, barter or exchange any goods, wares, merchandise, service or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or future delivery.

PERSON – A natural person, corporation, partnership, association, joint-stock company, society or any other entity of any kind.

PRODUCE – Agricultural products, fruits and vegetables.

RESIDENTIAL PREMISES – A house, apartment, condominium, cooperative or mobile home which is used as a dwelling place or domicile by the occupant.

SOLICITOR – Any person, either principal or agent, who, in any public street, road or highway or public place from any vacant property, whether publicly or privately owned or goes from place to place or house to house for the following purposes:

- A. To sell any goods, wares or merchandise, including magazines and printed matter, or to accept subscriptions or orders therefore.
- B. To accept or request donations for any charitable purpose.

§ 53-3. Registration requirements.

All persons desiring a permit under the requirements of this chapter shall register with the Town Administrator and furnish the following information:

- A. The name, home address and local address, if any, of the applicant.
- B. A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes, and any other distinguishing physical characteristics of the applicant.
- C. The name, address and telephone number for the firm or corporation for whom or through whom orders are to be solicited and cleared.
- D. The nature of the goods, wares or merchandise for which orders are to be solicited.
- E. A statement as to whether the applicant has been convicted of a felony or misdemeanor and, if so, what?
- F. Current verification that the applicant holds a Maryland sales tax identification number.
- G. A copy of a valid state motor vehicle operator's license (copy to be attached).
- H. If the applicant is unable to meet the criteria of Subsection G above, some other type of identification with a picture is required (copy to be attached).

§ 53-4. Exemptions.

The provisions of this chapter shall not apply to the following:

- A. The peddling of farm produce by farmers or persons who produce such goods. The term "farm produce" shall be interpreted to mean only edible farm products.
- B. The peddling of seafood or seafood products of any kind which have been taken within the limits of the county.

- C. Unpaid members of any civic or charitable organization who are registered with the Town of Perryville by the organization as approved solicitors for the organization if an approved means of identification with the organization represented has been provided by the organization to the Town.
- D. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- E. Route deliverymen who make deliveries at least once a week to regular customers and whose solicitations are only incidental to their regular deliveries.
- F. The delivery of newspapers.

§ 53-5. Issuance, term and display of license.

- A. Upon furnishing the information required under § 53-3, the applicant shall be issued a peddler's/solicitor's license by the Town Administrator or other town employee or officer as prescribed by the Mayor and Town Commissioners of Perryville, upon payment of the fee established by resolution of the Mayor and Town Commissioners.
- B. A license issued under this chapter shall be good for the remainder of the calendar year, beginning the date of issuance and expiring December 31 of the same year, unless revoked as provided for in this chapter.
- C. Each licensee shall at all times have on their person, while engaged in the purpose licensed under this chapter, the license issued hereunder and shall exhibit the same to any town official, county official or police officer upon request.
- D. If a peddler's license is lost or stolen, such shall be reported to the Town of Perryville within ten (10) days. Upon notification, the Town Administrator shall issue a replacement license at a cost to the licensee of fifteen dollars (\$15.).

§ 53-6. Prohibitions and revocation of licenses.

- A. No permit shall be issued under this chapter to any person under the age of eighteen (18) years. However, persons under the age of eighteen (18) years may peddle or solicit in connection with transactions as defined in § 53-4.
- B. It shall be unlawful for any peddler or solicitor in plying his trade to enter upon any premises or property or to ring the doorbell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to the public view any sign containing any or all of the following words: "No Peddlers, No

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Solicitors, No Agents,” or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

- C. It shall be unlawful to remain in a private residence or on the premises thereof after the owner or the occupant has requested such person to leave.
- D. No permit/license shall be transferred from one person to another.
- E. A license will be revoked for fraud, misrepresentation or false statements made in the course of peddling or soliciting or for fraud, misrepresentation or false statements made in applying for such a license.
- F. A license will be revoked for any violation of this chapter.

§ 53-7. Hours.

Within the boundaries of Perryville, all soliciting or peddling by licensed peddlers/solicitors shall be prohibited before the hour of 9:00 a.m. or after the later of 8:00 p.m. or one-half (1/2) hour after sunset. Except as otherwise provided, this provision shall not apply to transactions under § 53-4 of this chapter.

§ 53-8. Violations and penalties.

Any person who violates any provision of this chapter is guilty of an infraction and shall be subject, upon conviction thereof, to a fine not to exceed five hundred dollars (\$500.) for each violation. Each violation of this chapter is considered a separate offense.