

## Chapter 19 SOLICITORS AND VENDORS

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(No. 5-01-98, 5/11/98)

### **Sec. 19-1. Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) *Solicitor*: Any person, as defined in Chapter 1, individually or through an agent, who within the Village, traveling by foot or conveyance of any kind from place to place, house to house, or door to door, solicits, or attempts to solicit donations or contributions or distributes or attempts to distribute advertising or solicitation materials, including, but not limited to, handbills, flyers, pamphlets, brochures, order forms or other similar materials. The distribution of regularly published newspapers of general circulation and the delivery of the United States mail shall not be included in this definition. The delivery of advertising materials to a residence by prior appointment with the occupants shall not be included in this definition.

(b) *Vendor*: Any person, as defined in Chapter 1, individually or through an agent, who, within the Village, traveling by foot or conveyance of any kind from place to place, house to house, or door to door or upon any street as defined in Chapter 1, sells, attempts to sell, takes or attempts to take orders for the sale of goods, wares, or merchandise of any nature whatsoever, including magazines and other printed matter, or for the supply of services, for current or future delivery, whether or not such person or agent has, carries, or exposes for sale a sample of such sale and whether or not collecting advanced payment of such sales.

(Ord. of 2-8-93; No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Sec. 19-2. Other ordinances.**

Nothing herein contained shall in any way be construed as exempting compliance with any other applicable ordinances of the Village now or hereafter enacted.

**Sec. 19-3. Village license required.**

It shall be unlawful for any person to solicit or vend without a valid and effective Village solicitor's or vendor's license; provided however, that no license shall be required of solicitors who disseminate political or religious materials, so long as no donations or contributions are solicited and no goods or services are sold.

(Ord. of 2-8-93; No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98, 6-11-07)

**Cross reference(s)**--Fine for violation of this section, § 6-3(d).

**Sec. 19-4. License requirements.**

(a) Applicants for a Village solicitor's or vendor's license shall file with the Village Manager, on forms supplied by the Manager, a signed application giving the information required by Chapter 47 of the Montgomery County Code, regulations adopted pursuant thereto as the same may be amended from time to time and by regulations promulgated by the Village Manager. In addition to the foregoing information, the application shall include the hours the applicant intends to operate in the Village and, as to vendors, the number, date of issuance and date of expiration of the applicant's county vendor's license issued pursuant to Chapter 47 of the Montgomery County Code.

(b) No Village vendor's license shall be issued without proof of a County license.

(c) Suspension, revocation or expiration of a person's county license issued pursuant to Chapter 47 of the Montgomery County Code shall act as a suspension, revocation or termination, respectively, of that person's Village license.

(Ord. of 2-8-93; No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Sec. 19-5. License term and fees.**

(a) All licenses issued pursuant to this Chapter shall expire on the first June thirtieth to occur after the issuance of such license.

(b) For each license required by the preceding section, each person, corporation or agent shall pay a permit fee per annum, in advance, for each vehicle or person soliciting or vending in the Village. The permit fee shall be established by the Board of Managers in an amount not to exceed the reasonable cost of administering and enforcing this Chapter.

(Ord. of 2-8-3; No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Cross reference(s)**--Fee for vendor's license, § 6-2(c).

**Sec. 19-6. Noise for advertising purposes prohibited.**

No person shall make or cause, permit or allow to be made, any noise by calling or shouting or by any means of a whistle, gong, clapper, drum, horn, or similar device for the purpose of advertising any goods, wares, merchandise or services, except that bells may be used to advertise ice cream vendors and blade sharpeners provided such bells are not excessively loud.

**Cross reference(s)**--Fine for violation of this section, § 6-3(d); noise control, Ch. 20.

**Sec. 19-7. Use of stands and parking of vehicles prohibited.**

No vendor shall occupy a stand or cause any vehicles to be parked upon any roadway, public or private property in the Village for a period longer than necessary to make a sale after having been approached or stopped for that purpose.

(No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Sec. 19-8. Hours of soliciting and vending.**

No person shall solicit or vend, except from 9:00 a.m. to 9:00 p.m. each day, provided that such activities may be conducted when the prospective donator, contributor or purchaser has agreed by previously arranged appointment for a time other than the prescribed hours. It shall be unlawful to solicit or vend door to door on Sunday.

(Ord. of 2-8-93; No. 1-1-96, 2-12-96; No. 2-2-97, 3-10-97; No. 5-01-98, 5-11-98, 6-11-07)

**Sec. 19-9. License display.**

(a) Each solicitor or vendor shall display a current license and other documents required by the Village Manager prominently:

- (1) on any vehicle used; or
- (2) on the person while engaged in any such activities.

(b) A person shall not:

- (1) make any unauthorized use of such license; or
- (2) commit any fraud or misrepresentation involving use of the license.

(No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Sec. 19-10. License revocation or suspension.**

(a) The Village Manager may summarily revoke or suspend a license after finding that 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 soliciting or vending operation; or

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

(b) The Village Manager shall provide written notice to the applicant or licensee of any action taken under subsection (a). The notice shall:

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

(c) The licensee must promptly return a revoked or suspended license, including any badge, to the Village Manager. If the licensee does not return the license, the police department may confiscate the license.

(No. 1-1-96, 2-12-96; No. 5-01-98, 5-11-98)

**Sec. 19-11. Appeals.**

(a) A person aggrieved by an action of the Village Manager under Section 19-10 may appeal to the Board of Managers within 10 days after the date of notice of the Village Manager's action under Section 19-10.

(b) The filing of an appeal stays any license suspension, but does not stay a license denial or revocation unless the Board of Managers grants a stay.

(c) The Board of Managers may affirm, modify, or reverse the decision of the Village Manager.

(d) The applicant or licensee shall have the burden of proving that the Village Manager's decision was erroneous.

(No. 1-1-96, 2-12-96)

**Sec. 19-12. Penalties.**

Violations of this Chapter are hereby declared to be municipal infractions. Each person guilty of such a municipal infraction shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of this Code.

(No. 1-1-96, 2-12-96)

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