

Chapter 93

PEDDLING, HAWKING AND SOLICITING

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 4-2-1975. Readopted as revised 1-8-1986 by Res. No. 85-6. Subsequent amendments noted where applicable.]

§ 93-1. Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except as may hereinafter be specifically provided:

PEDDLER -- Any person who shall engage in peddling as hereinbelow defined.

PEDDLING -- The selling or offering for sale of any goods, wares or merchandise for immediate delivery which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the town; provided, however, that the word "peddling" shall not apply to the seeking of or taking of orders:

- A. By any manufacturer or producer for the sale of bread or bakery products, meat and meat products or milk or milk products.
- B. By insurance or real estate agents or brokers licensed under the applicable laws of the State of Maryland.
- C. By newsboys for the sale of newspapers regularly published and/or distributed in Frederick County.

PERSON -- Any natural person, association, partnership, firm or corporation.

SOLICITING -- The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery or for subscriptions or contributions, upon any of the streets or sidewalks or from house to house within the town; provided, however, that the word "soliciting" shall not apply to the seeking of or taking of orders:

- A. By any manufacturer or producer for the sale of bread or bakery products, meat and meat products or milk or milk products.
- B. By insurance or real estate agents or brokers licensed under the applicable laws of the State of Maryland.
- C. By newsboys for the sale of newspapers regularly published and/or distributed in Frederick County.

SOLICITOR -- Any person who shall engage in soliciting as hereinabove defined.

TOWN -- The Town of Thurmont.

§ 93-2. Registration required.

No person shall engage in soliciting or peddling in the town without first registering with the Town Office.

§ 93-3. License required; application.

A. Every person desiring to engage in soliciting or peddling in the town shall first request a license therefor from the Town Office giving his name, address, sex, age, previous criminal record (if any), the name and address of the person for whom he works (if any), the type or types of articles, device, subscription, contribution, service or contract which he desires to sell or for which he wishes to solicit within the town, the length of time for which he wishes to be registered, the type of vehicle he uses (if any), and its registration number.

B. Notwithstanding the provisions of Subsection A hereof, any civic, religious or charitable organization shall be permitted, in lieu of the procedure hereinbefore set forth, to register its solicitors and peddlers acting for and on behalf of such organization or association by the submission of the names and addresses of all persons acting for and on behalf of such organization, together with a certification by an officer thereof that all of the persons whose names appear on such list are members of such organization and/or are acting on its behalf and are of good repute and without prior criminal record of a crime involving moral turpitude.

§ 93-4. Fees.

A. No license shall be issued until the proper fees hereinafter set forth shall have been paid to the Town Office: \$25 per year per person, not prorated, accounting from July 1, or a daily charge of \$5 per person.

B. Where an application is made for an organization, the fee shall be the same as in Subsection A, above, for such organization, together with 1/2 of such fee added for each person constituting a part of such organization and engaged in such soliciting or peddling within the town.

C. No fee shall be charged for a license to be issued to a duly qualified civic, religious or charitable organization.

§ 93-5. Issuance and conditions of license.

Upon receipt of the required application properly completed by the applicant, together with the necessary fees, the Town Office shall issue a hawker's and peddler's permit, unless the applicant shall have been convicted of a crime involving moral turpitude or unless the organization making application shall be under investigation by the Consumer's Protection Division of the Office of the Attorney General of Maryland. No license issued pursuant hereto shall be transferable from one person to another.

§ 93-6. Evidence of license.

Every solicitor or peddler shall, at all times, while engaged in soliciting or peddling in the town, carry on his person the license and, upon request, exhibit the same to all police officers, city officials and citizens. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.

§ 93-7. Time and location restrictions.

A. No person shall engage in soliciting or peddling at any time on Sunday or upon any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

B. A person who hawks or peddles goods on the streets of the town from either a vehicle or conveyance of any description shall keep moving from place to place and not remain in any one place longer than 20 minutes or return thereto within a period of five hours. A hawker or peddler shall not be deemed to have complied with this provision unless he shall have moved a distance of at least one hundred (100) feet from the point or place at which he last stopped.

C. No hawker or peddler shall stop or take up location for the purpose of selling at any point which is less than 100 feet from the entrance of any store or place of business which sells at retail trade goods, wares, merchandise, foodstuffs or produce similar to that which the hawker or peddler is offering for sale.

#### § 93-8. Noise.

No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any of the streets or sidewalks of the town, nor shall he use any loudspeaker or horn or any other device for announcing his presence to the members of the public.

#### § 93-9. Declaration of nuisance.

Entering a private residence or place of business in the town by a solicitor or peddler under false pretenses for the purpose of selling or offering for sale or for soliciting orders for goods, wares, merchandise, contracts or personal services, or remaining in a private residence or the premises thereof, or any place of business or on the premises thereof, after the owner or occupant thereof shall have requested any solicitor or peddler to leave, or going in and upon the premises of the private residence or place of business by a solicitor or peddler for any such purpose when the owner or occupant thereof has displayed a no-soliciting sign on such premises, is prohibited and is further declared to be a nuisance.

#### § 93-10. Form of license; contents.

Each license shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following information: number of permit, fee paid, date of issue, expiration date, name, age, height, weight, name of employer, address and signature of holder. The reverse side of such license shall contain any regulations then in effect and controlling the holder as well as any conditions and/or limitations to which such permit is subject.

#### § 93-11. Numbering of licenses.

Licenses shall be issued in numerical order; provided, however, that separate records in a separate numerical order shall be retained and maintained for such licenses as are issued without payment of a license fee.

#### § 93-12. Violations and penalties.

The violation of this chapter is declared to be a municipal infraction. A warning citation will be issued before any penalty is imposed. The penalty for violation after a warning citation is issued shall be the sum of \$50.

