



Legislation Details (With Text)

File #: 14-0305 **Version:** 0 **Name:** Mobile and Other Street Vendors - Licensing and Regulation

Type: Ordinance **Status:** Enacted

File created: 1/13/2014 **In control:** City Council

On agenda: **Final action:** 6/16/2014

Enactment date: **Enactment #:** 14-237

Title: Mobile and Other Street Vendors - Licensing and Regulation

FOR the purpose of transferring the powers of the Board of Licenses for Street Vendors to the Department of General Services; establishing a Street Vendors Advisory Board; modifying the provisions governing the classifications, issuance, terms, and renewal of licenses for street vendors; providing for all license and other fees to be set by the Board of Estimates; prohibiting the operation of mobile vendors outside of certain designated zones; providing for the designation and classification of mobile vending zones; placing a restriction on the maximum length of vehicles used by mobile vendors after certain dates; modifying the prohibitions on the operation of street vendors in residential areas, near schools, and near retail establishments selling similar products; allowing for the inclusion of certain mobile vendors near or in farmers' markets; prohibiting the operation of mobile vendors during certain hours; prohibiting the operation of street vendors near City markets; requiring certain mobile vendors to keep detailed logbooks; prohibiting parking of private vehicles in mobile vending zones; prohibiting smoking in mobile vending vehicles; defining certain terms; creating certain exceptions; setting certain penalties; authorizing Special Parking Enforcement Officers to issue environmental citations for violations of the laws, rules, and regulations governing street vendors; correcting and clarifying related provisions; providing for a special effective date; and generally relating to the licensing and regulation of street vendors.

Sponsors: City Council President (Administration)

Indexes: Licensing, Mobile, Regulation, Street Vendors

Code sections:

Attachments: 1. 14-0305 - 1st Reader.pdf, 2. Law - 14-0305.png, 3. Downtown Partnership - 14-0305.png, 4. Parking Authority - 14-0305.pdf, 5. ECB - 14-0305.png, 6. Health - 14-0305.png, 7. BDC - 14-0305.pdf, 8. DGS - 14-0305.pdf, 9. Rec & Parks - 14-0305.pdf, 10. Finance - 14-0305.pdf, 11. Police - 14-0305.pdf, 12. Transportation - 14--0305.pdf, 13. Proposed amendment table to be considered at the April 29, 2014 JLI Worksession.pdf, 14. 14-0305 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/16/2014	0	Mayor	Signed by Mayor	
6/9/2014	0	City Council	Approved and Sent to the Mayor	
6/2/2014	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
6/2/2014	0	City Council	Amended	
6/2/2014	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
5/6/2014	0	Judiciary and Legislative Investigations	Scheduled for Voting Session	
3/24/2014	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
2/3/2014	0	Judiciary and Legislative	Scheduled for a Public Hearing	

1/27/2014	0	Investigations Judiciary and Legislative Investigations	Scheduled for a Public Hearing
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
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1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/16/2014	0	The City Council	Referred for a Report
1/13/2014	0	City Council	Assigned
1/13/2014	0	City Council	Introduced

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of General Services)

A BILL ENTITLED

AN ORDINANCE concerning
Mobile and Other Street Vendors - Licensing and Regulation

FOR the purpose of transferring the powers of the Board of Licenses for Street Vendors to the Department of General Services; establishing a Street Vendors Advisory Board; modifying the provisions governing the classifications, issuance, terms, and renewal of licenses for street vendors; providing for all license and other fees to be set by the Board of Estimates; prohibiting the operation of mobile vendors outside of certain designated zones; providing for the designation and classification of mobile vending zones; placing a restriction on the maximum length of vehicles used by mobile vendors after certain dates; modifying the prohibitions on the operation of street vendors in residential areas, near schools, and near retail establishments selling similar products; allowing for the inclusion of certain mobile vendors near or in farmers' markets; prohibiting the operation of mobile vendors during certain hours; prohibiting the operation of street vendors near City markets; requiring certain mobile vendors to keep detailed logbooks; prohibiting parking of private vehicles in mobile vending zones; prohibiting smoking in mobile vending vehicles; defining certain terms; creating certain exceptions; setting certain penalties; authorizing Special

Parking Enforcement Officers to issue environmental citations for violations of the laws, rules, and regulations governing street vendors; correcting and clarifying related provisions; providing for a special effective date; and generally relating to the licensing and regulation of street vendors.

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation

Subtitle 17, in its entirety

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 6-16(a)(3)(ii) and 31-108

Baltimore City Code

(Edition 2000)

BY adding

Article 31 - Transit and Traffic

Section(s) 6-17.1

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article 31 - Transit and Traffic

Section(s) 31-7 and 36-7(1)

Baltimore City Code

(Edition 2000)

BY adding

Article - Health

Section(s) 12-701 to 12-706, to be under the new subtitle designation,

“Subtitle 7. Mobile Vendors”

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-41(c), 40-14(e)(2)(§ 17-23) and (e)(7)(Title 12), and

41-14(1)(§ 17-23) and (6)(Title 12)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 73-2(a)

Baltimore City Code

(Edition 2000)

Recitals

WHEREAS, The mobile vending industry has the potential to create new employment opportunities, small business growth and favorable conditions for culinary entrepreneurs in Baltimore and its neighborhoods.

WHEREAS, The mobile vending industry has become increasingly widespread, popular and profitable in urban settings such as Boston, Los Angeles, New York, Houston, Philadelphia, San Francisco, Atlanta, Seattle, Miami, Austin, Portland, and Washington D.C.

WHEREAS, Cities around the country have, made incremental strides in regulating the complexities of the mobile vendor industry, including efforts to find solutions to challenges created by the industry, such as issues around parking, traffic, and waste disposal.

WHEREAS, The City of Baltimore has strong interest in preparing for the expansion of the mobile vending industry and in supporting programs to promote healthier food vendors.

WHEREAS, In 2011, the City of Baltimore outlined the following guiding principles for mobile vending: safeguarding public safety and health, respecting ingress and egress to established businesses, addressing pedestrian, traffic, and parking concerns, and promoting entrepreneurship and a vibrant business climate for food truck vendors and local restaurants.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 15. Licensing and Regulation

Subtitle 17. Street Vendors

Part I. Definitions; General Provisions

§ 17-1. Definitions.

(a) In general.

In this subtitle, the following terms have the meanings indicated.

(b) ADVISORY Board; Board of [Licenses].

“ADVISORY BOARD” OR “Board” [or “Board of Licenses”] means the [Board of Licenses for] Street Vendors ADVISORY BOARD ESTABLISHED BY THIS SUBTITLE.

[(c) Downtown Area.

“Downtown area” means:

the area beginning at a point of intersection at the northwest corner of W. Pratt Street and Martin Luther King, Jr. Boulevard; binding on the west side of said Martin Luther King, Jr. Boulevard and running in a northerly direction to a point of intersection with the north side of W. Franklin Street; thence running easterly along W. Franklin Street to the northeast corner of W. Franklin and N. Paca Streets; binding on the west side of N. Paca Street running

northerly to the northwest corner of Druid Hill Avenue and N. Paca Street; thence binding on the northern rightofway line of Druid Hill Avenue running easterly crossing N. Eutaw Street in a straight line and continuing along the northern rightofway line of Centre Street easterly to intersect the eastern rightofway line of the Fallsway; thence binding on the eastern rightofway line of the Fallsway running southerly to intersect the southern curblineline of E. Fayette Street following the southern rightofway of E. Fayette Street to the westerly rightofway line of the Jones Falls Boulevard to intersect the southern rightofway line of Pratt Street thence westerly to the point of beginning.]

(C) DEPARTMENT.

“DEPARTMENT” MEANS THE DEPARTMENT OF GENERAL SERVICES.

(d) Food product.

(1) In general.

“Food product” means any item used as food, drink, confectionery, or condiment for human consumption, whether simple or compound.

(2) Exclusions.

“Food product” does not include medicine, drugs, or alcohol.

(E) ICE CREAM TRUCK.

“ICE CREAM TRUCK” MEANS A VENDOR WHO EARNS SUBSTANTIALLY ALL OF ITS REVENUE FROM THE SALE OF ICE CREAM, OR SIMILAR FROZEN FOOD CONFECTIONS, FROM A VEHICLE.

(F) MOBILE VENDOR.

(1) IN GENERAL.

“MOBILE VENDOR” MEANS ANY PERSON THAT SELLS, DISTRIBUTES, OR OFFERS TO SELL OR DISTRIBUTE FOOD PRODUCTS, OTHER MERCHANDISE OF ANY KIND, OR SERVICES OF ANY KIND FROM A MOTOR VEHICLE ON CITY STREETS OR PRIVATE PROPERTY WITHIN THE CITY OF BALTIMORE.

(2) EXCLUSION.

“MOBILE VENDOR” DOES NOT INCLUDE AN ICE CREAM TRUCK.

(G) MOBILE VENDING ZONE.

“MOBILE VENDING ZONE” MEANS AN AREA DESIGNATED IN ACCORDANCE WITH § 17-5 {“MOBILE VENDING ZONES”} OF THIS SUBTITLE FOR THE USE OF MOBILE VENDORS.

(H) [(e)] Person.

(1) In general.

“Person” means:

- (i) an individual;
- (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR
- (III) [(ii)] a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind[; or
- (iii) a partnership, firm, association, corporation, or other entity of any kind].

(2) Exclusions.

“Person” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(I) [(f)] Street.

“Street” means any street, boulevard, road, highway, alley, lane, sidewalk, footway, mall, esplanade, or other way or place that is owned by the City or habitually used by the public.

(J) [(g)] Street vendor.

“Street vendor” means:

- (1) A MOBILE VENDOR; OR
- (2) any OTHER person who sells OR DISTRIBUTES, or offers to sell OR DISTRIBUTE food products or OTHER merchandise of any kind on any street.

(K) [(h)] Vehicle.

“Vehicle” means:

- (1) any animal-drawn wagon;
- (2) any motor vehicle; or
- (3) any trailer, handcart, pushcart, or other vehicle.

§ 17-2. Mandatory, prohibitory, and permissive terms.

(a) Mandatory terms.

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) Prohibitory terms.

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) Permissive terms.

“May” is permissive.

§ 17-3. {RESERVED}

§ 17-4. [§ 179] Rules and regulations.

(a) [Board] DEPARTMENT may adopt.

The [Board of Licenses for Street Vendors] DEPARTMENT may adopt rules and regulations to carry out this subtitle.

(b) Filing with Legislative Reference.

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§ 17-5. MOBILE VENDING ZONES.

(A) DESIGNATION.

(1) IN GENERAL.

AT THE DEPARTMENT'S REQUEST, THE DIRECTOR OF TRANSPORTATION MAY DESIGNATE SPACES ON CITY STREETS OR OTHER PUBLIC PROPERTY AS "MOBILE VENDING ZONES" FOR THE EXCLUSIVE USE OF MOBILE VENDORS.

(2) REQUIRED CONSIDERATIONS.

A DESIGNATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST INCLUDE AN ASSESSMENT OF THE ZONE'S POTENTIAL IMPACT ON:

(I) VEHICULAR AND PEDESTRIAN TRAFFIC, INCLUDING ANY IMPEDIMENT TO INGRESS AND EGRESS FOR ESTABLISHED BUSINESSES;

(II) PUBLIC SAFETY AND HEALTH;

(III) PARKING IN THE AREA; AND

(IV) AREA BUSINESSES.

(B) TIME-LIMITED ZONES.

THE MOBILE VENDING ZONES DESIGNATED UNDER THIS SECTION MAY BE SET ASIDE FOR THE USE OF MOBILE VENDORS AT ALL TIMES OR FOR LIMITED TIMES, DATES, AND DAYS.

(C) SIGNAGE.

MOBILE VENDING ZONES DESIGNATED UNDER THIS SECTION MUST BE MARKED BY CLEAR SIGNS SPECIFYING THE HOURS AND TIMES THAT THEY ARE RESERVED FOR THE EXCLUSIVE USE OF MOBILE VENDORS.

(D) RULES AND REGULATIONS.

THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST ESTABLISH A PROCESS FOR REQUESTING, ESTABLISHING, AND REMOVING MOBILE VENDING ZONES.

§ 17-6. [§ 17-3. Scope] NEWSPAPER SALES EXCEPTED FROM SUBTITLE.

This subtitle does not apply to the sale of newspapers.

§§ 17-7 TO 17-9. {RESERVED}

Part II. [Board of Licenses for] Street Vendors ADVISORY BOARD

§ 17-10. [§ 176.] Board established.

(a) In general.

There is a [Board of Licenses for] Street Vendors ADVISORY BOARD.

(b) Composition.

The Board comprises the following 9 members:

- (1) [4 members] 1 MEMBER appointed by the Mayor in accordance with City Charter Article IV, § 6;
- (2) [2 members appointed] 1 MEMBER NOMINATED by the President of the City Council AND APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6 ; and

(3) the following or their respective designees:

[(i) the Director of the Community Relations Commission;

(ii) the Director of Finance; and

(iii) the Commissioner of Housing and Community Development.]

(I) THE DIRECTOR OF TRANSPORTATION;

(II) THE POLICE COMMISSIONER;

(III) THE HEALTH COMMISSIONER;

(IV) THE DIRECTOR OF GENERAL SERVICES;

(V) THE DIRECTOR OF RECREATION AND PARKS;

(VI) THE PRESIDENT OF THE DOWNTOWN PARTNERSHIP OF BALTIMORE; AND

(VII) THE DEPUTY HOUSING COMMISSIONER FOR CODE ENFORCEMENT.

(C) ROLE.

THE BOARD SERVES AS AN ADVISORY BODY TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SUBTITLE.

§ 17-11. [§ 177] Officers; expenses.

(a) Officers.

(1) THE CHAIR OF THE ADVISORY BOARD IS THE DIRECTOR OF GENERAL SERVICES OR THE DIRECTOR'S DESIGNEE.

(2) The Board MUST annually [shall:

(1) elect a Chairman from among its members; and

(2)] appoint a Secretary FROM AMONG ITS MEMBERS.

(b) Compensation.

The members of the Board:

(1) receive no compensation for services rendered as members of the Board; but

(2) are entitled to reimbursement for necessary and proper expenses incurred in performing their duties as a member.

§ 17-12. [§ 178] Staff.

The ADVISORY Board may appoint employees, assistants, and investigators as provided in the Ordinances of Estimates.

§§ 17-13 TO 17-14. {RESERVED}

Part III. Licensing

§ 17-15. [§ 1711.] License required.

No [person] STREET VENDOR may [sell or offer for sale in the streets of] OPERATE IN Baltimore City [any food products or other merchandise] without first having obtained a license to do so from the [Board of Licenses for Street Vendors] DEPARTMENT OF GENERAL SERVICES.

§ 17-16. [§ 1712.] Classes and scope of licenses.

(a) In general.

In its rules and regulations, the [Board shall] DEPARTMENT MAY:

(1) designate various classes of licenses to be issued; and

(2) for each class of license, specify:

- (i) the types of merchandise that may be sold under the license;
- (ii) the locations or areas for which the license is effective;
- (iii) the days and times for which the license is effective; [and]
- (iv) the maximum number of licenses to be issued for a particular location or area or for a particular day or time of day;

(V) THE MAXIMUM NUMBER OF LICENSES OF EACH CLASS THAT MAY BE ISSUED IN TOTAL;
AND

(VI) THE MAXIMUM NUMBER OF LICENSES THAT MAY BE ISSUED TO A SINGLE
PERSON.

(b) Required considerations.

In designating classes and specifying limitations, the [Board] DEPARTMENT [shall] MUST consider:

- (1) the volume and types of vehicular and pedestrian traffic in a proposed vending location or area;
- (2) the proximity to a proposed vending location or area of schools, religious institutions, parks, and residences;
- (3) the number of licenses issued to the same person; and
- (4) the impact of street vending activities on the health, safety, and general welfare of the public.

§ 17-17. [§ 1713.] Limitations and conditions.

(a) In general.

The [Board] DEPARTMENT OF GENERAL SERVICES may impose reasonable limitations and conditions on any license issued under this subtitle, as necessary or proper to carry out the purpose and intent of this subtitle.

(b) Containers and vehicles.

(1) EXCEPT AS OTHERWISE DESIGNATED BY THIS SUBSECTION, [The Board] THE DEPARTMENT may determine the size, shape, design, and dimensions of any container, conveyance, or vehicle to be used in connection with [the sale of merchandise under] A LICENSE ISSUED UNDER this subtitle.

(2) THE DEPARTMENT MAY NOT ISSUE A NEW OR RENEWAL LICENSE FOR A MOBILE VENDOR TO OPERATE OUT OF ANY VEHICLE THAT IS LONGER THAN 25 FEET.

§ 17-18. [§ 1714.] Applications.

(a) Form.

An application for a license must be made in the form [the Board] THE DEPARTMENT OF GENERAL SERVICE requires.

[(b) Application fee.

The application must be accompanied by a nonrefundable application fee of \$25 to cover the cost of investigating and processing the application.]

(B) [(c)] Contents.

The application must contain:

- (1) the applicant's name and address;
- (2) the applicant's age;
- (3) the type of merchandise OR SERVICE for which the license is sought;
- (4) the location or area for which the license is sought;
- (5) for the sale of any food product, evidence that the applicant has obtained the appropriate license from the Health Department; and
- (6) any other information [the Board] THE DEPARTMENT requires.

(C) [(d)] Verification.

The application must be verified before a notary public or other officer authorized to administer oaths.

§ 17-19. TERM AND RENEWAL.

(A) TERM.

EXCEPT AS PROVIDED IN § 17-20 {“TEMPORARY LICENSES”} OF THIS SUBTITLE, A LICENSE EXPIRES ON THE 1ST ANNIVERSARY OF ITS EFFECTIVE DATE.

(B) RENEWAL.

- (1) BEFORE A LICENSE EXPIRES, THE STREET VENDOR MAY RENEW IT FOR AN ADDITIONAL 1-YEAR TERM.
- (2) A RENEWAL APPLICATION MUST BE:
 - (I) IN THE FORM THE DEPARTMENT OF GENERAL SERVICES REQUIRES; AND
 - (II) SUBMITTED TO THE DEPARTMENT, WITH THE APPLICABLE ANNUAL FEE, AT LEAST 30 DAYS BEFORE THE CURRENT LICENSE EXPIRES.

§ 17-20. [§ 17I6.] Temporary licenses.

(a) In general.

[The Board] THE DEPARTMENT OF GENERAL SERVICES may issue a temporary license [for the sale of

merchandise] TO BE USED in connection with a charitable, educational, artistic, civic, or other public function or activity.

(b) Term[; fee] AND RENEWAL.

(1) The term of a temporary license is 4 days.

[(2) The fee for a temporary license is \$5.]

[(c) Renewal.]

(2) A temporary license may be renewed for [one] 1 or more additional 4day periods on application and payment of an additional license fee for each renewal period.

§ 17-21. [§ 1715.] Fees.

[(a) In general.

(1) Food products.

The annual fees for a license to sell food products are as follows:

(i) In the downtown area - \$375.

(ii) Outside the downtown area:

(A) Sales from a vehicle - \$75.

(B) Sales from a basket, handcart, or pushcart - \$25.

(2) Other merchandise.

The annual fee for a license to sell merchandise other than food products is \$75.

(b) Proration.

If the license is issued after June 30 of any calendar year, the initial license fee is ½ the annual fee.]

(A) BOARD OF ESTIMATES TO SET FEES.

APPLICATION, LICENSE, AND OTHER FEES ARE AS SET BY THE BOARD OF ESTIMATES FROM TIME TO TIME.

(B) VARYING FEES.

THE FEES ESTABLISHED BY THE BOARD OF ESTIMATES MAY VARY BASED ON THE CLASS OF LICENSES, THE TYPE OF VENDOR, OR THE LOCATIONS AT WHICH THE VENDOR IS AUTHORIZED TO OPERATE.

§§ 17-22 TO 17-23. {RESERVED}

§ 17-24. [§ 1717]. Vendor identification - In general.

(a) Scope of section.

This section does not apply to a person who obtains a country grower's license under [§ 17-18] § 17-25 {"VENDOR IDENTIFICATION - COUNTRY GROWERS"} of this subtitle.

(b) Board to issue.

The [Board shall] DEPARTMENT OF GENERAL SERVICES MUST issue an identification badge for each license issued.

(c) Form and contents.

The identification badge:

- (1) shall be of laminated plastic or other durable substance; and
- (2) shall bear:
 - (i) the STREET VENDOR'S name and address [of the licensee];
 - (ii) the type of merchandise OR SERVICE for which the license is issued;
 - (iii) the location or area for which the license is issued;
 - (iv) the days or times to which the license is limited;
 - (v) the [year for which] DATE ON WHICH the license [is issued] EXPIRES; and
 - (vi) an identifying number that corresponds with number of the license.

(d) Vendor to display.

WHILE VENDING, EACH [Each] street vendor must prominently display the badge IN THE MANNER SPECIFIED IN THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE [while vending].

(e) Replacement badges.

If a badge is lost, the [Director shall] DEPARTMENT MUST issue a replacement badge on payment by the licensee of [a \$10] THE APPLICABLE fee.

§ 17-25. [§ 1718.] Vendor identification - Country growers.

(a) In general.

A street vendor who sells fruits, vegetables, or other perishable articles that have been produced or grown by that vendor may apply for a special, country grower's license under this section.

(b) Application.

The application for a country grower's license must contain, in addition to the information required by [§ 17-14] § 17-18 {"APPLICATIONS"} of this subtitle:

- (1) the location of the land from which the fruits, vegetables, and other perishable articles are produced or grown;
- (2) whether the applicant owns or leases that land and, if the latter, the name of the owner and the term of the lease; and
- (2) a statement that the applicant:
 - (i) intends to use the license personally or by agent solely for the sale of his or her own produce; and
 - (ii) will not permit the license or the sign issued under this section to be used by any other person or for the sale of any produce other than that which he or she produces or grows.

(c) Sign.

(3) Instead of the badge provided for in [§17-17] § 17-24 {"VENDOR IDENTIFICATION - IN GENERAL"} of this subtitle, [the Board] THE DEPARTMENT OF GENERAL SERVICES [shall] MUST provide the producer or grower with a sign to be displayed on his or her vehicle.

(1)

(4) This sign [shall] MUST be:

- (i) of the size and design [the Board] THE DEPARTMENT determines; and
- (ii) imprinted with:

(A) the words "Country Grower's License No. _____"; and

(B) the date the license [was issued] EXPIRES.

(3) The producer or grower must display this sign in a conspicuous place on his or her vehicle.

§§ 17-26 TO 17-27. {RESERVED}

Part IV. Prohibited Conduct

§ 17-28. [§ 17-21. Food vendors] ICE CREAM TRUCKS - Residential areas.

[(a) In general.]

In a residential area, no [street vendor of food products] ICE CREAM TRUCK may stand or park his or her vehicle:

- (5) for more than 15 minutes at a given location; or
- (6) within 300 feet of any location at which the vehicle stood or parked during the preceding 48 hours.

[(b) Penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$500, to imprisonment for not more than 6 months, or to both fine and imprisonment for each offense.]

§ 17-29. {RESERVED}

§ 17-30. [§ 17-23.] Food vendors - Receptacles; clean-up.

(a) Receptacles required.

Every street vendor of food products must provide sufficient trash receptacles for the use of customers.

(b) Trash removal.

On leaving any location, the street vendor must remove all trash within a 10foot radius of the place at which the vehicle stood or was parked.

[(c) Penalties.

(1) Criminal penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500, to imprisonment for not more than 6 months, or to both fine and imprisonment for each offense.

(2) Enforcement by citation.

(i) In addition to any other civil or criminal remedy or enforcement procedure, subsection (c) of this section may be enforced by issuance of an environmental citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.

(ii) The issuance of an environmental citation to enforce subsection (c) of this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.]

§ 17-31. {RESERVED}

§ 17-32. MOBILE VENDORS - ON PUBLIC PROPERTY.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MOBILE VENDOR MAY NOT SELL ANY FOOD PRODUCT, OTHER MERCHANDISE, OR SERVICE FROM A MOTOR VEHICLE LOCATED ON ANY STREET, IN ANY PUBLIC PARK, OR ON ANY OTHER PUBLIC PROPERTY.

(B) EXCEPTION FOR DESIGNATED MOBILE VENDING ZONES.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A MOBILE VENDOR IN A MOBILE VENDING ZONE DURING THE ZONE'S OPERATIONAL HOURS.

(C) EXCEPTION FOR VENDORS PARTICIPATING IN FARMERS' MARKETS.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A MOBILE VENDOR WHO IS

PARTICIPATING, IN ACCORDANCE WITH § 17-39(B) {ALL VENDORS - NEAR FARMERS MARKET - EXCEPTION} OF THIS SUBTITLE, IN A FARMERS MARKET LOCATED ON PUBLIC PROPERTY DURING THE FARMERS' MARKET'S OPERATIONAL HOURS.

§ 17-33. [§ 17-24. Food] MOBILE vendors - [Truck peddler near] NEAR retail store.

(a) In general.

[No street] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MOBILE vendor may NOT park a motor vehicle for the purpose of selling any food product [meant for immediate consumption], OTHER MERCHANDISE, OR SERVICE within 300 feet of any retail business establishment that IS PRIMARILY ENGAGED IN SELLING [sells similar food products] THE SAME TYPE OF FOOD PRODUCT, OTHER MERCHANDISE, OR SERVICE AS THAT OFFERED BY THE MOBILE VENDOR.

(B) EXCEPTION FOR MOBILE VENDING ZONES.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A MOBILE VENDOR IN A MOBILE VENDING ZONE DURING THE ZONE'S OPERATIONAL HOURS.

[(b) Penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$50 for each offense.]

§ 17-34. [§ 17-29.] MOBILE FOOD VENDORS - OPERATING WITHOUT A LOGBOOK.

(A) IN GENERAL.

A MOBILE VENDOR MAY NOT SELL ANY FOOD PRODUCT WITHOUT KEEPING A DETAILED LOGBOOK NOTING THE VENDOR'S DAILY USE OF ITS SUPPORTING COMMISSARY.

(B) FORM OF LOGBOOK.

THE LOGBOOK MUST:

- (1) BE IN THE FORM THE DEPARTMENT OF GENERAL SERVICES REQUIRES; AND
- (2) CONTAIN ALL THE INFORMATION REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(C) LOGBOOK TO BE AVAILABLE FOR INSPECTION.

THE LOGBOOK MUST BE MADE AVAILABLE FOR REVIEW TO ANY CITY INSPECTOR OR ENFORCEMENT OFFICER UPON REQUEST.

§ 17-35. {RESERVED}

§ 17-36. ALL VENDORS - BETWEEN MIDNIGHT AND 6 A.M.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A STREET VENDOR MAY NOT OPERATE BETWEEN THE HOURS OF MIDNIGHT AND 6 A.M.

(B) EXCEPTION.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A STREET VENDOR OPERATING BETWEEN THE HOURS OF MIDNIGHT AND 6 A.M. IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF A SPECIAL EVENT PERMIT FROM THE DEPARTMENT OF GENERAL SERVICES THAT EXPLICITLY GRANTS PERMISSION TO OPERATE DURING THOSE HOURS.

§ 17-37. ALL VENDORS - WITHIN 2 BLOCKS OF A CITY MARKET.

NO STREET VENDOR MAY OPERATE WITHIN 2 BLOCKS OF A CITY MARKET DESIGNATED IN CITY CODE ARTICLE 16, § 1-2 {"SCOPE OF ARTICLE"}.

§ 17-38. [§ 17-22. Food] ALL vendors - Near schools.

[(a) In general.]

On school days from 7 a.m. to 5 p.m., no street vendor [of food products] may stand or park her or his vehicle within 500 feet of the grounds of any building used as a public or private kindergarten, elementary school, or secondary school.

[(b) Penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$500, to imprisonment for not more than 1 year, or to both fine and imprisonment for each offense.]

§ 17-39. [§ 17-26.] All vendors - Near farmers' market.

(a) In general.

[No] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A street vendor may NOT sell any food product, [or] other merchandise, OR SERVICE within 300 feet of the perimeter of any farmers' market authorized by the Commissioner of Housing and Community Development when the farmers' market is in operation.

(B) EXCEPTION.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A STREET VENDOR WHO HAS WRITTEN PERMISSION FROM THE FARMERS' MARKET ORGANIER AND PERMIT HOLDER TO OPERATE AS A PARTICIPATING VENDOR OF THE FARMERS' MARKET.

[(b) Penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 \$500 for each offense.]

§ 17-40. {RESERVED}

Part V. PENALTIES; Enforcement

§ 17-41. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 17-42. Criminal penalties.

A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A PENALTY OF \$500 FOR EACH OFFENSE.

§ 1743. {RESERVED}

§ 17-44. [§ 1731.] Revocations and suspensions.

(a) Authorized suspension or revocation.

The [Board] DEPARTMENT OF GENERAL SERVICES may suspend or revoke a license if the licensee violates any provision of:

- (1) this subtitle;
- (2) the rules and regulations adopted under this subtitle; or
- (3) any other applicable law of the State or City.

(b) Mandatory revocation.

On a street vendor's 3rd violation of any provision of Part IV of this subtitle, the [Board] DEPARTMENT must revoke that street vendor's license.

(c) Application following revocation.

If a license is revoked, the former licensee may not apply for a new license until AT LEAST 1 year from the date of revocation.

§ 17-45. [§ 1732.] Administrative appeals.

(a) Right of appeal.

An aggrieved party may appeal to the Board of Municipal and Zoning Appeals:

(1) the denial, suspension, or revocation of a license; or

(2) any other decision or ruling by the [Board of Licenses] THE DEPARTMENT OF GENERAL SERVICES RELATING TO THE ADMINISTRATION OF THIS SUBTITLE.

(b) How and when taken.

The appeal must be taken in writing within 10 days from the date of notice of the denial, suspension, revocation, decision, or ruling.

(c) Hearing and decision.

The Board of Municipal and Zoning Appeals:

(1) [shall] MUST hold a hearing on the appeal as soon as practicable; and

(2) may affirm, modify, or reverse the action of the [Board of Licenses] DEPARTMENT.

(1)

Article 31. Transit and Traffic

Subtitle 6. Parking, Standing, and Stopping Regulations

Part 2. Places Prohibited

§ 616. Passenger and freight loading zones.

(a) Definitions.

(3) Passenger loading zone.

(ii) “Passenger loading zone” does not include:

1. a valet parking zone established under Title 14 {“Valet Parking”} of this article; OR

2. A MOBILE VENDING ZONE DESIGNATED UNDER ARTICLE 15, § 17-5 {“MOBILE VENDING ZONES”} FOR THE USE OF MOBILE VENDORS.

§ 617.1. MOBILE VENDING ZONES.

(A) “MOBILE VENDING ZONE” DEFINED.

IN THIS SECTION, “MOBILE VENDING ZONE” MEANS AN AREA DESIGNATED IN ACCORDANCE WITH ARTICLE 15, § 17-5 {“MOBILE VENDING ZONES”} FOR THE USE OF MOBILE VENDORS.

(B) PARKING PROHIBITED.

NO PERSON MAY PARK A VEHICLE IN A MOBILE VENDING ZONE FOR ANY PURPOSE OR PERIOD OF TIME DURING ITS OPERATIONAL HOURS UNLESS THE PERSON HAS BEEN ISSUED, AND IS DISPLAYING, A VALID MOBILE VENDOR'S LICENSE.

Subtitle 31. Clear Streets and Impoundment

Part 2. General Conditions Warranting Impoundment

§ 31Z. Vehicles illegally parked, etc.

(a) Prohibited conduct.

- (1) It is unlawful for any person to park, stand, or stop a vehicle or part of a vehicle on any street, lane, or alley:
 - (i) during the hours when parking, standing, or stopping is restricted or prohibited; or
 - (ii) for longer than the time permitted for parking, standing, or stopping.
- (2) A violation of this subsection is a misdemeanor, punishable by the fine specified in Subtitle 36 of this article.

(b) Removal of vehicles - Impounding areas.

- (1) In the impounding areas designated in Part 7 of this subtitle, the Department of Public Works shall post conspicuous signs warning the public of the restricted hours and bearing the statement "Cars Towed Away" or "Tow Away Zone".
- (2) In an impounding area in which the required signs have been clearly posted, the Police Commissioner may cause vehicles that are illegally parked, standing, or stopped to be removed and impounded.

(c) Removal of vehicles - Semitrailers near residence.

- (1) In this subsection, "semitrailer" has the meaning given in State Transportation Article § 11I58.
- (2) If a semitrailer, whether attached or detached, is parked, standing, or stopped in violation of § 6-26(b) {"Commercial vehicles: Stopping by residence"} of this article, the Police Commissioner may cause that semitrailer, together with any other vehicle attached to it, to be removed and impounded.

Part 7. Impounding Areas

§ 31I08. Passenger, freight, [or] valet parking, AND MOBILE VENDING zones.

Within a passenger loading zone, freight loading zone, [or] valet parking zone, OR MOBILE VENDING ZONE during its operational hours.

Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

§ 36Z. \$50 fines.

(1) Parking, stopping, or standing where parking, stopping, or standing is prohibited and impounding is authorized is punishable by a fine of \$50.

Article - Health

Title 12. Tobacco Products

SUBTITLE 7. MOBILE VENDORS

§ 12701. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) MOBILE VENDOR.

“MOBILE VENDOR” HAS THE MEANING STATED IN CITY CODE ARTICLE 15, § 17-1 {“DEFINITIONS”}.

(C) SMOKE.

“SMOKE” MEANS TO INHALE, BURN, OR CARRY ANY LIGHTED CIGARETTE, CIGAR, PIPE TOBACCO, OR OTHER TOBACCO, WEED, OR PLANT PRODUCT OF ANY KIND.

§ 12702. SMOKING PROHIBITED WITHIN A MOBILE VENDOR’S VEHICLE.

SMOKING IS PROHIBITED IN ANY VEHICLE SUPPORTING OR CONTAINING AN OPERATING MOBILE VENDOR.

§§ 12-703 TO 12-704. {RESERVED}

§ 12705. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}; OR

(2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 12706. PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40I. Definitions.

(c) Code Enforcement Officer.

“Code Enforcement Officer” means:

(1) FOR ALL VIOLATIONS TO WHICH THIS SUBTITLE APPLIES, [a] ANY City employee who:

(I) [(1)] is in a position of trust, as defined by the Administrative Manual AM237-1; and

(II) [(2)] has been authorized by his or her agency head to issue environmental citations under this subtitle; AND

(2) FOR VIOLATIONS OF CITY CODE ARTICLE 15, SUBTITLE 17 {“STREET VENDORS”}, ANY SPECIAL PARKING ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19, § 73-1 {“APPOINTMENT: IN GENERAL”}.

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(2) Article 15. Licensing and Regulation

[§ 1723. Food vendors [Receptacles; clean-up] \$100]

SUBTITLE 17. STREET VENDORS \$500

(7) Health Code

Title 12: Tobacco Products
SUBTITLE 7. MOBILE VENDORS \$500

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(1) Article 15. Licensing and Regulation

Subtitle 17. Street Vendors \$500 [\$ 50]

Subtitle 18. Itinerant Wholesale Produce Dealers \$ 50

(6) Health Code

....

Title 12: Tobacco Products

....

SUBTITLE 7. MOBILE VENDORS

\$500

Article 19. Police Ordinances

Subtitle 73. Special Parking Enforcement Officers

§ 731 Appointment.

(a) In general.

The Director of [Public Works] THE DEPARTMENT OF TRANSPORTATION shall from time to time certify to the Police Commissioner of Baltimore City the names of employees of that [department] DEPARTMENT for appointment by the Police Commissioner as Special Parking Enforcement Officers.

§ 732 Powers.

(a) [Parking citations] CITATIONS.

Upon their appointment, the Officers shall have the power:

(1) to issue citations to appear before the appropriate division of the District Court for violation within the City of any City or state law or regulation pertaining to parking; AND

(2) TO ISSUE CITATIONS UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"} FOR VIOLATIONS OF CITY CODE ARTICLE 15, SUBTITLE 17 {STREET VENDORS}.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That, notwithstanding Article 15, § 1717(b)(2), as enacted by this Ordinance, a mobile vendor who, on the effective date of this Ordinance, held a valid street vendor's license for a vehicle longer than 25 feet is entitled, if otherwise qualified for a license and renewals under this Ordinance, to obtain a license and 1 or more consecutive renewals for the continued operation of that vehicle for up to, but not beyond, 5 years after the effective date of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 150th day after the date it is enacted.

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