
By: **Washington County Delegation**

Introduced and read first time: February 5, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County - Exemption from Requirement of Licenses for**
3 **Transient or Temporary Vendors - Nonenclosed Shopping Centers**

4 FOR the purpose of exempting from the requirement for licenses for transient or
5 temporary vendors certain shopping centers; requiring that certain events
6 comply with certain ordinances and obtain certain permits; defining certain
7 terms; and generally relating to transient or temporary vendors at nonenclosed
8 shopping centers.

9 BY repealing and reenacting, with amendments,
10 Article 24 - Political Subdivisions - Miscellaneous Provisions
11 Section 11-301(b) and (e)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 24 - Political Subdivisions - Miscellaneous Provisions
16 Section 11-301(d)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2000 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

22 11-301.

23 (b) In this section, the following words have the meanings indicated.

24 (1) "Transient or temporary vendors" means all persons, partnerships,
25 corporations, or other legal entities, and their principals and agents, who:

26 (i) Engage in a business for the purpose of selling or soliciting
27 orders for the sale of goods, wares, or merchandise;

- 1 (ii) Are located in 1 location or travel from place to place;
- 2 (iii) Have the intent to continue this business in Washington County
3 or in Carroll County for a period of a year or less; and
- 4 (iv) For the purpose of conducting this business, rent, use, or occupy
5 the following:

- 6 1. Buildings, including:
- 7 A. Rooms or halls in motels, hotels, or other lodging houses;
8 or
- 9 B. Public auditoriums, facilities, or civic centers;
- 10 2. Any lots or parcels of land including:
- 11 A. Streets;
- 12 B. Alleys;
- 13 C. Roads; or
- 14 D. Parks; or
- 15 3. Motor or nonmotorized vehicles of any type including:
- 16 A. Automobiles;
- 17 B. Trucks;
- 18 C. Boats; or
- 19 D. Carts.

20 (2) "Date of issuance" means the date on which the license is actually
21 obtained by the vendor and the date the vendor may legally proceed with business.

22 (3) "NONENCLOSED SHOPPING CENTER" MEANS A NONENCLOSED
23 COMMERCIAL COMPLEX:

24 (I) LOCATED ON ONE PARCEL OF GROUND AND CONTAINING AT
25 LEAST 450,000 SQUARE FEET OF FLOOR SPACE; AND

26 (II) CONTAINING AT LEAST 100 RETAIL ESTABLISHMENTS.

27 (d) The county commissioners of each county may:

28 (1) License and regulate persons who conduct a transient or temporary
29 business; and

1 (2) Require a license to be obtained before conducting business within
2 the county.

3 (e) This section does not apply to the following:

4 (1) Travelers or selling agents, including auctioneers, in the usual course
5 of business;

6 (2) The mere solicitation of orders for the future delivery of goods, wares,
7 or merchandise in interstate commerce;

8 (3) Sales of goods, wares, or merchandise exhibited on the grounds used
9 by any agricultural society for the purpose of holding that agricultural society's
10 annual fair;

11 (4) Sales by any other nonprofit organization or society for charitable,
12 religious, or other public purpose;

13 (5) Conventions of religious, civic, or charitable groups or nonprofit trade
14 associations, concerts, cultural events, art and craft shows, sales, exhibitions, or fairs
15 and the exhibitor is the sole producer of the products;

16 (6) Sales by a farmer or his agent of produce from a truck or stand owned
17 or leased by the farmer;

18 (7) Shows, sales, exhibitions, or fairs conducted within the central
19 pedestrian areas of enclosed shopping malls; [or]

20 (8) Sales by a seller at a residential premises pursuant to an invitation
21 by the owner or legal occupant of the residential premises; OR

22 (9) SHOWS, SALES, EXHIBITIONS, OR FAIRS CONDUCTED WITHIN THE
23 CENTRAL PEDESTRIAN AREAS OF NONENCLOSED SHOPPING CENTERS, PROVIDED
24 THAT THE EVENT COMPLIES WITH ALL APPLICABLE CODES AND ORDINANCES AND
25 THAT ALL APPLICABLE PERMITS ARE SECURED.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2001.