

Bill No. 32-15  
Concerning: Vendors – Hours and  
Places of Operation  
Revised: 09/28/2015 Draft No. 2  
Introduced: June 16, 2015  
Enacted: October 6, 2015  
Executive: October 19, 2015  
Effective: January 18, 2016  
Sunset Date: None  
Ch. 47, Laws of Mont. Co. 2015

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Councilmembers Riemer and Navarro  
Co-Sponsors: Council Vice President Floreen, Council President Leventhal, Councilmembers Katz,  
Rice and Elrich

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**AN ACT** to:

- (1) amend the hours of operation allowed for vendors operating food service trucks;  
and
- (2) generally amend the County law regarding vendors.

By amending

Montgomery County Code  
Chapter 47, Vendors  
Sections 47-1 and 47-2

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec 1. Sections 47-1 and 47-2 are amended as follows:**

**47-1. Definitions.**

In this Chapter, the following words have the meanings indicated:

[(a)] *Director* means the Director of the Department of Permitting Services or the Director's designee.

*Food service truck* means an itinerant food service facility, licensed under Chapter 15, operating from a self-propelled motorized vehicle that is parked or temporarily located where food items are sold from the truck to the general public.

[(b) (1)] *Vendor* means any person who sells, offers to sell, or solicits orders for any goods (including perishable foods) or services:

[(A)](1) on any public street, sidewalk, or other public property or right-of-way;

[(B)](2) door-to-door in a vehicle or on foot;

[(C)](3) from a vehicle, or temporary stand or structure, that is parked or otherwise temporarily located while goods are sold or services dispensed; or

[(D)](4) from a pushcart or other slow-moving vehicle.

[(2)] *Vendor* does not include a person who:

[(A)](1) is invited to a residence or business by prior appointment with an owner or legal occupant of the premises to provide goods or services to the owner or legal occupant;

[(B)](2) takes orders solely for the delivery of newspapers, or supplies or sells newspapers through newsracks;

[(C)](3) is 16 years old or younger if the minor:

[(i)](A) is under the direct supervision of a vendor licensed under this Chapter; and

28 [(ii)](B) complies with the non-licensing provisions of  
29 this Chapter;

30 [(D)](4) sells or solicits orders for goods or services to  
31 businesses for use in the business or for resale;

32 [(E)](5) is a participant in not more than 4 "garage" type  
33 sales in a calendar year;

34 [(F)](6) sells or offers to sell goods or services at an  
35 agricultural fair, craft or antique show, trade show, or  
36 similar exhibition if the sponsor of the show is licensed  
37 under this Chapter;

38 [(G)](7) represents a:

39 [(i)](A) charitable organization as defined in State law  
40 (Business Regulation Article, Section 6-101);

41 [(ii)](B) state or local government agency; or

42 [(iii)](C) franchisee under Chapter 8A; or

43 [(H)](8) is participating in a government-sponsored or  
44 sanctioned program or event.

45 **47-2. Hours and places of operation.**

46 \* \* \*


47 (d) Except for a prearranged appointment or with the Director's approval, a  
48 vendor other than a vendor operating a food service truck must not  
49 conduct business before 9 a.m. nor after sunset. In this Section, "sunset"  
50 means the time established by the U.S. Naval Observatory for  
51 Washington D.C. and vicinity.

52 (e) A vendor operating a food service truck must not conduct business  
53 before 5 a.m. nor after 10 p.m.

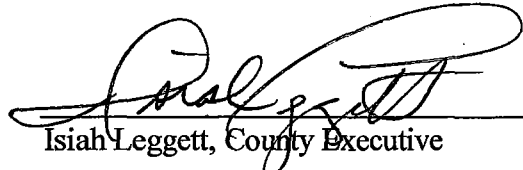
54 (f) Unless permitted by the Director and the school principal for a special  
55 event, a vendor must not sell or offer to sell any item on a public road or

56 right-of-way within 500 feet of any public or private elementary or  
57 secondary school.

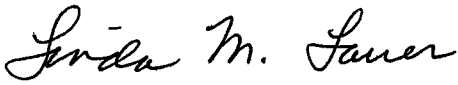
58 *Approved:*

59  10/8/15  
\_\_\_\_\_  
George Leventhal, President, County Council Date

60 *Approved:*

61  Oct 19, 2015  
\_\_\_\_\_  
Isiah Leggett, County Executive Date

62 *This is a correct copy of Council action.*

63  10/19/15  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date