

Introduced by: Councilmember Schultz

First Reading: March 18, 2014
Second Reading: March 24, 2014
Effective Date: March 24, 2014

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2014-12 AMENDING THE TAKOMA PARK CODE TO OPT OUT OF CHAPTER 47, VENDORS, OF THE MONTGOMERY COUNTY CODE

WHEREAS, the Takoma Park City Council recognizes the importance of small, local businesses such as mobile vendors and food trucks to the Takoma Park economy; and

WHEREAS, the City's economic development efforts include nurturing and supporting small businesses; and

WHEREAS, the City wishes to increase the vibrancy of the Takoma Park community by encouraging the operation of mobile food trucks at rotating locations throughout the City; and

WHEREAS, Montgomery County's vendor regulations inhibit vendors from operating in multiple locations throughout the City because of the cost of required site-specific vendor permits.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:

Section 1. Title 8 Business, Chapter 8.12, Vendors of the *Takoma Park Code* is hereby amended as follows:

Chapter 8.12 VENDORS

- 8.12.010 Definitions
- 8.12.020 Exemptions from Vendor Permit requirements
- 8.12.030 Exclusion by residents and occupants
- 8.12.035 Exemption from County Code
- 8.12.040 Vendor Permits required; applications
- 8.12.050 Fees, duration, expiration and renewal
- 8.12.060 Display of permits
- 8.12.070 Hours of operation and scheduling
- 8.12.080 Use of streets, sidewalks and City property
- 8.12.090 Recycling and trash
- 8.12.100 Approval or disapproval of applications and site plans
- 8.12.110 Suspension and revocation
- 8.12.120 Appeals
- 8.12.130 Violations
- 8.12.140 Recordkeeping

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8.12.020 Exemptions

A. The permit requirements of this Chapter do not apply to any of the following:

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8. Any activity authorized by the City ~~under any provision of the Code or Administrative Regulation~~ Manager;

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8.12.035 Exemption from County Code

Pursuant to the authority conferred by SECTION 4-111(B)(3) OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City of Takoma Park specifically exempts itself from Chapter 47, Vendors, of the Montgomery County Code.

8.12.040 Vendor Permits required; Applications.

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C. Applicants for a Vendor Permit must submit the following with their permit application:

- ~~1. Copies of all State and County permits and licenses necessary for the applicant to conduct the proposed activity;~~
1. Proof of authority to conduct business in Maryland and, if applicable, a copy of the applicant's Montgomery County Mobile Food Service Facility License;
2. State-issued photo identification of the applicant, if the applicant is an individual, or an owner, officer, or director of the applicant, if the applicant is a business entity;
3. If the applicant is a business entity, proof that the entity is properly qualified to do business in Maryland under state law.
4. License plate numbers for the vehicle to be used to conduct vending activity;
5. Written authorization from the owner(s) of any private property upon which the vendor will be operating with a site plan or plans noting where the vendor is to be located and the location of on-site parking spaces, traffic lanes, dumpsters and existing structures; and
6. For applicants for a Fixed Location Vendor Permit seeking to vend on City property, proof of a liability insurance policy with coverage of at least \$1 million per incident, naming the City as an additional insured.
7. For applicants for a Roaming Vendor Permit seeking to vend on City rights of way or City property, proof of a liability insurance policy with coverage of at least \$500,000.00 per incident naming the City as an additional insured.
8. An executed indemnification agreement holding the City harmless against any claim of liability arising from the applicant's conduct.

Section 2. This ordinance shall be effective upon adoption.

**ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,
THIS 24TH DAY OF MARCH, 2014, BY ROLL-CALL VOTE AS FOLLOWS:**

AYE: Williams, Grimes, Male, Seamens, Smith, Schultz

NAY: None

ABSENT: None

ABSTAIN: None

Ward 3 Councilmember Kay Daniels-Cohen passed away on February 20, 2014, leaving a vacancy on the City Council.