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Town of Hampstead

Tammi Ledley
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**APPLICATION FOR A PERMIT TO SOLICIT, HAWK,
OR PEDDLE GOODS, WARES, OR SERVICES**

Permit Application Number: _____

Any permit application which is not completed in full will not be investigated and subsequently a permit to hawk and peddle within the Hampstead town limits shall be denied. All applicants shall be subject to background investigation as provided for in Section 79-6 of the Hampstead Town Code.

Applicant's Full Name: _____

Applicant's Permanent Address: _____

Applicant's Local Mailing Address: _____

Applicant's Telephone Number: _____

Company Telephone Number: _____

Description of the Nature of the Business and the goods or services to be offered:

Name and Address of the principal manufacturer or publisher:

Maryland Retail Sales Tax Number: _____

Name and Address of the agent designated to receive service of process in the State of Maryland:

Name and Address of Applicant's Employer: _____

Length of time Applicant will be offering goods or services in Hampstead:

_____ Days / Weeks / Months (please circle one)

Provide at least three (3) references who have known you for at least three (3) years, listing names, addresses, and phone numbers:

Names of associates working with the applicant:

Are goods or services to be offered for future delivery? Yes No

Recent photo(s) attached? (*This is required.*) Yes No

I hereby certify that I have not been convicted of any crime, misdemeanor, or violations of any municipal ordinance (excluding traffic violations) other than the following: (*List dates and locations.*)

And I do hereby authorize the Hampstead Town Manager to make any inquiries deemed necessary to perform a background investigation.

Applicant's Signature

Date

I acknowledge receipt of Hampstead Town Code Chapter 79 ["Hawking and Peddling"] and do hereby affirm that I and any associates working with me will abide by the governances set forth therein, in particular §79-5, Hours ["The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 7:00 p.m."].

Applicant's Signature

Date

Town of Hampstead, MD
Wednesday, March 4, 2015

Chapter 79. HAWKING AND PEDDLING

[HISTORY: Adopted by the Mayor and Council of the Town of Hampstead 7-4-1949 by Ord. No. 108; amended in its entirety 11-11-1997 by Ord. No. 303. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 88.

Loitering — See Ch. 90.

§ 79-1. License required.

No person shall hawk, peddle, vend, solicit or canvass any goods, wares or merchandise of any description upon the streets, alleys or highways of the Town, nor shall any itinerant peddler go from house to house to vend or sell any goods, wares or merchandise, either by sample or otherwise, without having first applied to the Clerk of the Town of Hampstead and taken out a license therefor as provided in the following.

§ 79-2. Definitions.

When used in chapter, the following terms shall have the following meanings:

ITINERANT MERCHANTS, TRANSIENT VENDORS AND SALESPERSONS

In the category of peddler, hawker, vendor, solicitor or canvasser, as set forth below.

PEDDLER, HAWKER and VENDOR

Includes any person, whether a resident of the Town of Hampstead or not, traveling either by foot, vehicle or any other type of conveyance, who goes from house to house, from place to place or from street to street conveying or transporting goods, wares or merchandise and offering or exposing the same for sale or making sales and delivering articles to purchasers, or who engages in any of the foregoing activities from a stationary location on the street or other public places.

PERSON

Includes any partnerships, partner, corporation or corporations or persons.

SOLICITOR or CANVASSER

Includes any person, whether a resident of the Town of Hampstead or not, who goes from house to house, from place to place or from street to street soliciting or taking or attempting to take orders for the sale or services to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject for such order and whether or not he is collecting advance payments on such orders, or who engages in any of the foregoing activities from a stationary location on the street or other public places.

§ 79-3. Nonapplicability to judicial process sales.

Nothing contained in this chapter shall be construed to apply to sales made under any judicial process as to any sales made by auctioneers.

§ 79-4. Application for license.

Applicants for a license under this chapter shall file with the Town Manager a sworn application in writing on a form to be furnished by the Town Manager, which shall give the following information:

- A. The name and description of the applicant.
- B. The permanent home address and local mailing address, if any, of the applicant.
- C. A brief description of the nature of the business and the goods to be sold and the name and address of the principal office of their manufacturer, as well as the name and address of the agent designated to receive service of process in the State of Maryland.
- D. If employed, the name and address of the employer.
- E. The length of time for which the right to do business is desired.
- F. A photograph of the applicant taken within 60 days immediately prior to the date of filing of the application.
- G. The applicant shall be fingerprinted at the request of the Town Manager.
- H. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or violations of any municipal ordinance, other than a traffic violation, and the nature of the offense and the punishment or penalty assessed thereafter.
- I. Whether or not orders are to be solicited or taken for future delivery of goods or performance of services.
- J. The names and addresses of at least three persons who have known the applicant for at least one year and from whom the applicant or registrant is willing that inquiry may be made to verify the facts stated by the applicant or registrant.
- K. The applicant's Maryland state retail sales tax number; the address of any permanent place of business in the Town or the State of Maryland or, if there is no permanent place of business in the State of Maryland, a copy of a certificate from the State Department of Assessments and Taxation evidencing the fact that the dealer has qualified to do business in the State of Maryland and the name and address of its agent for the service of process in this state if the same is a corporation, limited partnership or such other legal entity. If the applicant is an individual or partnership, the same shall be required to provide proof that he or it is qualified to do business and has obtained all necessary permits and licenses required by the State of Maryland and the county requisite for the operation of said business.

§ 79-5. Hours.

The time of solicitation, peddling, hawking, vending and canvassing shall be between the hours of 9:00 a.m. and 7:00 p.m.

§ 79-6. Investigation of applicant; approval or denial of application.

- A. Upon receipt of such application, the Town Manager shall cause to be made such investigation of the applicant's criminal background and business practices as he or she deems necessary for the protection of the public welfare.
- B. If, as a result of such investigation, the applicant's background or business responsibility is found to be unsatisfactory, the Town Manager shall endorse on such application his disapproval and his reasons for the same and shall notify the applicant that his application is disapproved.

- C. If the results of such investigation are found to be satisfactory, the Town Manager shall endorse his approval on the application and shall, upon the payment of the prescribed license fee, execute and deliver to the applicant his license. The Town Manager shall cause to be kept a record of all licenses issued and of all complaints received, if any, concerning each license.

§ 79-7. License fee.

A fee of \$50 shall be paid by each applicant upon the issuance of each license, except as otherwise provided by law.

§ 79-8. Display of license.

All licenses issued must be worn in such a manner as to be readily visible when engaged in the activities regulated herein.

§ 79-9. Expiration of license; transferability.

All licenses issued under this chapter shall expire at the end of the calendar year in which they are issued. Licenses shall not be transferable and must be surrendered after expiration before a renewal license can be issued.

§ 79-10. Revocation of license; notice of hearing.

- A. Licenses issued under this chapter may be revoked by the Town Manager after reasonable notice and hearing for any of the following causes:
- (1) Misrepresentation or false statement contained in the application for the license.
 - (2) Misrepresentation or false statement made in the course of carrying on activities regulated herein.
 - (3) Conviction of any crime or misdemeanor involving moral turpitude.
 - (4) Conducting the business of soliciting and canvassing in an unlawful manner, in violation of this chapter or in such manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth the grounds of complaint and the time and place of hearing. Such notice shall be served personally upon the licensee or mailed postage prepaid to the licensee at the address given by the licensee in making application under § 79-4 herein, at least 10 days prior to the date set for hearing.

§ 79-11. Appeals.

Any person aggrieved by the action of the Town Manager in the denial of an application for a permit or license as provided in § 79-6 of this chapter or in the decision with reference to the revocation of a license as provided in § 79-10 of this chapter shall have the right to appeal to the Mayor and Council of Hampstead. Such appeal shall be taken by filing with the Mayor and Council within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Mayor and Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in § 79-10 of this chapter for notice of hearing on revocation. The decision and order of the Mayor and Council on such appeal shall be final and conclusive.

§ 79-12. Exceptions and exemptions.

- A. This chapter shall not be construed to include the selling of any article at wholesale to dealers in such articles or the delivery of milk, eggs, bread, newspapers or other such necessary and perishable articles of food or merchandise of a type commonly delivered on a house-to-house basis at intervals of less than one week.
- B. Any veteran who holds a special license under the laws of the State of Maryland shall be exempt from securing a license or paying the fee as provided herein, but shall be required to comply with all other applicable sections of this chapter and shall be required to register with the Town Manager and obtain a permit, which will be issued by the Town Manager upon proper identification and exhibition of such state license.
- C. Certain organizations. Any nonprofit religious, charitable, educational, civic or veterans organization, society, association, service club, volunteer first aid or fire company, etc. desiring to solicit or have solicited in its name money, donations of money or property or financial assistance of any kind or desiring to sell or distribute any items of literature or merchandise for which a fee is charged or solicited from a person other than members of such organizations at any place or places within the Town of Hampstead for a charitable, religious, patriotic or philanthropic purpose shall be exempt from the provisions of this chapter. Nor shall this chapter apply to solicitation for political purposes.

§ 79-13. Violations and penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a municipal infraction, punishable by a fine of not more than \$100.

§ 79-14. Severability.

If any section, subsection, sentence, clause or phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdictions, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter, it being the intent of the Mayor and Council of the Town of Hampstead that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.