

Introduced: 6/7/21
Public Hearing: N/A
Adopted: _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2021-15

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION,”
CHAPTER 70 ENTITLED “LICENSES”,
SECTION 70-1 ENTITLED “DEFINITIONS”, AND
SECTION 70-9 ENTITLED “EXEMPTIONS”**

WHEREAS, the Town Council, with input from the Mayor and Town Staff, has determined that it would be in the best interest of the Town and its residents to update and make changes to the Town Code, Chapter 70 relating to exemptions from the Peddler or Solicitation requirements by eliminating certain exemptions that are outdated and/or to expressly provide that political campaigns shall be exempt but must observe no solicitation signs and/or requests; and

WHEREAS, the Town Council also finds it to be proper balance between the Commercial and political interests and potential First Amendment legal rights, if any, on the part of Peddlers to solicit door to door on the one hand, and the privacy interests of Town residents on the other to eliminate certain exemptions as set forth herein, and impose modest limitation on door to door solicitations of political campaigns, which should not be unduly burdened by observing direction and requests by Town residents not to be solicited at their homes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

Section 1. That Chapter 70 of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 70-1 as follows:

§70-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

PEDDLER OR SOLICITOR

Includes any person who hawks, peddles or vends or takes orders for any wares or merchandise or anything of value upon the streets of the Town or any person who goes from house to house to vend, sell or take orders for any wares or merchandise or anything of value, either by sample or otherwise. Door to door solicitation by or on behalf of political campaigns shall be considered Peddling or Soliciting for the purposes of this

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Chapter only as to required observance of no solicitation signs or requests pursuant to Section 70-15B – D.

Section 2. That Chapter 70 of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 70-9 as follows:

§70-9. Exemptions.

The provisions of § 70-8 shall not apply to:

- ~~A. Persons selling merchandise to manufacturers, wholesalers or retailers for use in their business or for resale;~~
- ~~B. Persons who take orders for or make delivery of newspapers, milk, ice, fuel, bakery goods or other dairy or bakery perishable food products;~~
- ~~C. Persons selling such articles as may be produced, caught or raised by them;~~
- ~~D. Persons selling Christmas trees, cards, greens, holly and wreaths;~~
- ~~E. Fraternal, religious, charitable, patriotic, educational, benevolent or civic organizations;~~
- ~~FA. Volunteer fire companies.~~
- B. Political campaigns, except that persons going door to door for a political campaign shall observe the provisions of Section 70-15B – D with respect to no solicitation signs and/or requests.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the _____ day of _____, 2021.

Introduced this 7th day of June, 2021.

Enacted this _____ day of _____, 2021 by a vote of _____ in favor and _____ opposed.

ATTEST:

Pamela Reed, Secretary

Jason Poirier, President of the Town Council

Approved this _____ day of _____, 2021.

ATTEST:

Pamela Reed, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2021.

Thomas V. McCarron, Town Attorney