



TOWN OF ELKTON

100 RAILROAD AVENUE

P. O. BOX 157, ELKTON, MARYLAND 21922-0157

PHONE: (410) 398-0970 FAX: (410) 392-6633

E-MAIL: administration@elkton.org

WEBSITE: www.elkton.org

APPLICATION: PEDDLER'S / TRANSIENT VENDOR'S LICENSE

Note: A separate license is required for each person who will be soliciting.

DATE OF APPLICATION		TYPE OF LICENSE			
		Peddler <input type="checkbox"/> Transient Vendor <input type="checkbox"/>			
ORGANIZATION/COMPANY INFORMATION					
NAME OF ORGANIZATION/ COMPANY			IS THIS A NON-PROFIT GROUP?		
			Yes: _____ No: _____		
STREET ADDRESS	APT. #	CITY	STATE	ZIP	
APPLICANT INFORMATION					
FIRST NAME	LAST NAME		MIDDLE INITIAL		
STREET ADDRESS	APT. #	CITY	STATE	ZIP	
TELEPHONE NUMBER					
HOME:	WORK:		MOBILE:		
NATURE OF EMPLOYMENT			LENGTH OF EMPLOYMENT		
PROOF OF A MARYLAND TRANSIENT VENDORS LICENSE IS REQUIRED IN ORDER TO OBTAIN A PEDDLERS/TRANSIENT VENDORS LICENSE FROM THE TOWN OF ELKTON.					
DO YOU HAVE A VALID MARYLAND TRANSIENT VENDOR'S LICENSE? (Please attach copy)			PROVIDE STATE OF MARYLAND SALES TAX NUMBER		
Yes: _____ No: _____					
NATURE OF BUSINESS FOR WHICH LICENSE IS DESIRED (Please specify items that will be offered for sale)					
DATE (S) AND LENGTH OF TIME EXPECTED TO CONDUCT THIS ACTIVITY					
LOCATION OF SALE					

VEHICLE INFORMATION					
If you are using a vehicle in your soliciting, complete the following:					
MAKE	MODEL	COLOR	YEAR	LICENSE NUMBER	STATE REGISTERED
PERSONAL INFORMATION OF APPLICANT					
SOCIAL SECURITY NO.	DATE OF BIRTH	WEIGHT	HEIGHT		
HAIR COLOR	EYE COLOR	IDENTIFYING MARKS, PIERCINGS AND/OR TATTOOS			
PROFESSIONAL AND PERSONAL REFERENCES (MUST SUBMIT AT LEAST 2 PROFESSIONAL AND 1 PERSONAL REFERENCE. ALL REFERENCES MUST HAVE KNOWN THE APPLICANT FOR A MINIMUM OF ONE (1) YEAR.)					
(1) NAME					
STREET ADDRESS		APT. #	CITY	STATE	ZIP
TELEPHONE (May we contact this person at work?)					
Yes: _____ No: _____					
HOME:			WORK:		
(2) NAME					
STREET ADDRESS		APT. #	CITY	STATE	ZIP
TELEPHONE (May we contact this person at work?)					
Yes: _____ No: _____					
HOME:			WORK:		
(3) NAME					
STREET ADDRESS		APT. #	CITY	STATE	ZIP
TELEPHONE (May we contact this person at work?)					
Yes: _____ No: _____					
HOME:			WORK:		

I hereby affirm that this application contains no willful misrepresentation or falsifications and that the information given is true, accurate and complete to the best of my knowledge and belief. I understand that all applicants, including myself, may be subject to a background check and hereby authorize the Town of Elkton, by its agents and/or its employees to contact the references I have provided on this application. I understand that the Town of Elkton reserves the right to refuse the issuance of the peddlers'/transient vendor's permit.

Applicants Signature: _____

Date _____

PEDDLERS / TRANSIENT VENDORS PERMIT APPLICATION REQUIREMENTS

The following are required to complete the application process. Once all items are received, the application will be processed.

- Completed and signed application with 3 references (2 must be professional)*
- Copy of the Maryland Sales and Use Tax License (you can get more information by calling 410-767-1313)**
- Copy of Maryland State Transient Vendors and County business license, if applicable.
- County business license if applicable (410) 996-5375
- Certificate from the Cecil County Health Department (if you will be selling foodstuffs), phone # 410-996-5550
- Current and updated Certificate from the Maryland State Fire Marshall (if selling ground-based fireworks) along with a complete inventory of all items for sale***
- Written Authorization from the property owner
- Non-refundable application fee of \$50.00/6 months or \$100.00/1 year
- Copy of picture identification/driver's license
- Insurance on mobile units
- Other verifications as may be required

* References will only be mailed or faxed to the recipient. Please allow a minimum of two (2) weeks to process all paperwork. Also, please be advised that this is an **estimated** timeframe provided that all paperwork is submitted.

** If a Maryland Sales & Use Tax License application has not been submitted to the state of Maryland, there may be a delay in the Peddlers/Transient Vendors application process for the Town of Elkton. Information regarding a thirty (30) day temporary sales tax license may be obtained by calling 410-767-1543.

*** Ground based fireworks are the only type of fireworks that may be legally sold to the public in the state of Maryland.

FOR OFFICIAL USE ONLY

COMPLETED AND SIGNED APPLICATION	YES	NO	Not Applicable
THREE REFERENCES	YES	NO	Not Applicable
PROOF OF MARYLAND TRANSIENT VENDORS LICENSE	YES	NO	Not Applicable
PROOF OF MARYLAND STATE SALES/USE TAX LICENSE	YES	NO	Not Applicable
WRITTEN AUTHORIZATION FROM PROPERTY OWNER	YES	NO	Not Applicable
WRITTEN AUTHORIZATION, STATE FIRE MARSHALL	YES	NO	Not Applicable
WRITTEN APPROVAL BY CECIL COUNTY HEALTH DEPT	YES	NO	Not Applicable
SATISFACTORY REFERENCE CHECK	YES	NO	Not Applicable
APPLICATION FEE	YES	NO	Not Applicable
INSURANCE ON MOBILE UNITS	YES	NO	Not Applicable
PHOTO IDENTIFICATION	YES	NO	Not Applicable

APPROVED DENIED Not Applicable

REASON FOR DENIAL: _____

Town of Elkton

Mayor and Commissioners' Office

Elkton Municipal Building

Mailing address: P.O. Box 157, Elkton, MD 21922-0157

Physical address: 100 Railroad Avenue, Elkton, MD 21921

Tele: (410) 398-0970 Fax: (410) 392-6633

Email: administration@elkton.org



PERSONAL REFERENCE REQUEST

Date:

Name:

Address:

Telephone:

The Town of Elkton has received a peddlers/transient vendor's license application from _____ (applicant name) who has listed you as a personal reference to verify the facts included in their application. Please complete and return this form to the Administration Office at 100 Railroad Avenue, Elkton, Maryland 21921 or via facsimile transmission at (410) 392-6633 within five (5) working days:

- (1) Have you known the applicant for at least one (1) year? Yes___ No___
- (2) What is your relationship with the applicant?
Relative ___ Friend ___ Professional ___ Other:___
- (3) Is the information listed on the application true to the best of your knowledge?
Yes___ No___

Signature of Reference/Date

Town of Elkton

Mayor and Commissioners' Office

Elkton Municipal Building

Mailing address: P.O. Box 157, Elkton, MD 21922-0157

Physical address: 100 Railroad Avenue, Elkton, MD 21921

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Email: administration@elkton.org



PERSONAL REFERENCE REQUEST

Date:

Name:

Address:

Telephone:

The Town of Elkton has received a peddlers/transient vendor's license application from _____ (applicant name) who has listed you as a personal reference to verify the facts included in their application. Please complete and return this form to the Administration Office at 100 Railroad Avenue, Elkton, Maryland 21921 or via facsimile transmission at (410) 392-6633 within five (5) working days:

- (1) Have you known the applicant for at least one (1) year? Yes___ No___
- (2) What is your relationship with the applicant?
Relative ___ Friend ___ Professional ___ Other:___
- (3) Is the information listed on the application true to the best of your knowledge?
Yes___ No___

Signature of Reference/Date

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(1) **Have you known the applicant for at least one (1) year?** Yes___ No___

(2) **What is your relationship with the applicant?**
Relative ___ Friend ___ Professional ___ Other:___

(3) **Is the information listed on the application true to the best of your knowledge?**

Yes___ No___

Signature of Reference/Date

The Code of the Town of Elkton

Title 5, Chapter 5.08, §§ 5.08.010-5.08.200

Article I. Peddlers

5.08.010 Definitions.

As used in this article, the following terms shall have the meanings indicated:

"Peddler" means a person, firm, corporation or legal entity engaged in business for profit who sells or offers for sale any commodity or article, traveling from place to place in the town, or who sells or offers for sale and delivery, from any vehicle going from place to place in the town, any commodity or article and who carries such commodity or article with him for delivery at the time of sale. The definition of "peddler" shall include any person, firm, corporation or legal entity selling or offering for sale any commodity or article from an established spot on a street or other public place. The term "peddler" does not include transient or temporary dealers as defined in Article 11 of this chapter.

"Town of Elkton and the "Town" have the same meaning.

5.08.020 License required.

It is unlawful for any person, firm or corporation to engage in the business as a peddler of any merchandise, article or thing without having first secured a license from the Town of Elkton. (Ordinance 9-2018, Effective 7/10/2018)

5.08.030 Registration and license application.

Every peddler shall, prior to engaging in such activity, register with the town and furnish, in writing, on an application to be furnished by the Town, the following information:

- A. The applicant's name and address;
- B. The name and address of the person by whom the applicant is employed or with whom the applicant is associated;
- C. The length of such employment or association;
- D. The place of residence and nature of employment of the applicant during the preceding twelve (12) months;
- E. The nature of the commodities or articles the applicant is selling or offering for sale in the town;
- F. An estimate of the length of time and a statement of the part of the Town in which the applicant will pursue his activities;
- G. The names and addresses of three persons who have known the applicant for at least one year and from whom the applicant is willing that inquiry be made to verify the facts stated by the applicant;
- H. A personal description of the applicant, including marks of physical identification;
- I. Applicant shall present a valid driver's license, state-issued identification card or other proper identification;
- J. The location of sale if intended to sell any commodity or article from an established spot on a street or other public place;
- I. Proof of having obtained a Maryland State Transient Vendor's License.

5.08.040 Verification of Information.

A. The Town shall promptly make such verification of the facts stated by the applicant as the circumstances may require and shall complete such verification in not more than fourteen (14) days after the filing of the registration statement.

B. It is unlawful for the applicant to engage as a peddler within the town until the period of fourteen (14) days has elapsed or until the Town has advised the applicant that the applicant has complied with the requirements and the same have been sufficiently verified. (Ord. 1-95 § 1 (part): prior code § 84-4)

5.08.050 Effect of misrepresentation of facts.

In the event that any applicant shall intentionally misrepresent any facts or information required, the Town shall not issue a license. (Ord. 1-95 § 1 (part): prior code § 84-5)

5.08.060 Restriction on peddling in public places.

A. No peddler shall sell or offer for sale any goods, commodities, foodstuffs, merchandise, products, or services on any street, sidewalk, parking lot, or in any other public place, unless authorized to do so by the Town and said peddler's license specifies that peddling in such public place(s) is permitted thereunder.

B. No peddlers shall be permitted to sell or offer for sale any goods, commodities, foodstuffs, merchandise or products of whatsoever nature or kind from any parking space adjacent to any parking meter. This restriction shall not apply to any special event sponsored by the Town of Elkton where a license has been issued to a peddler by the Town of Elkton. (Ord. 9-2018, effective 7/12/18)

C. No peddler shall be permitted to display, sell, or otherwise offer for direct or indirect sale, on a street, sidewalk, parking lot, or other public place during an event permitted by, sponsored by, or organized by the Town of Elkton, unless issued a license to do so by the Town of Elkton.

5.08.070 Fees - Exemptions.

A. All peddlers as defined herein shall pay a license fee prior to commencing business within the town, on the following basis: One Hundred Dollars (\$100.00) for annual license; Fifty Dollars (\$50.00) for a six-month license; and Twenty-five dollars (\$25.00) for a daily license. (Ord. 9-2018, effective 7/12/18)

B. Any civic, charitable, educational, service or other nonprofit organization having a local chapter in the Town of Elkton, shall be exempt from payment of the required fees but shall be in compliance with all other provisions of this chapter. (Ord. 1-95 § 1 (part): prior code § 84-7)

5.08.080 Violation - Penalty.

A violation of this article shall be a civil infraction and a person violating any provision thereof shall be subject to a fine of One Hundred dollars (\$100.00). (Ord. 9-2018, effective 7/10/18)

Article II. Transient or Temporary Dealers

5.08.090 Definitions and word usage.

A. The terms "transient dealers" and "temporary dealers" when utilized in this article, shall be synonymous.

B. As used in this article, the following terms shall have the meanings indicated:

"Transient dealers" or "temporary dealers" means all persons, partnerships, corporations and any legal entity of whatsoever nature or kind, and their principals and agents, who engage or conduct in the Town of Elkton, either in one locality or in traveling from place to place, a temporary or transient business for the purpose of selling or soliciting orders for the sale of goods, wares, commodities, foodstuffs, merchandise or products of whatsoever nature or kind with the intention of continuing in said business in the Town of Elkton for a period of not more than one year and who, for the purpose of carrying on such business or businesses, hire, rent, lease, use or occupy, in whole or in part, any room, including but not limited to rooms or halls in motels, hotels, or other lodging houses, buildings, tents, or any other temporary structure(s), public auditoriums, civic centers, any lot or parcel of land or any motor vehicle or non-motorized vehicle or cart, including but not limited to automobiles, trucks or boats, or who use or occupy any street, alley, road, park or public facility or public space of whatsoever nature or kind for the purpose of the exhibition and sale of such goods, wares and merchandise as herein defined.

"Town of Elkton" and the "Town" have the same meaning.

5.08.100 License required.

All transient or temporary dealers, as defined in this article, shall be and are required to obtain a license in accordance with the provisions of this article prior to conducting business and for the purpose of conducting business in the Town of Elkton.

5.08.110 Applicability - Exemptions.

A. The provisions of this article shall not apply to commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares or merchandise for future delivery in interstate commerce, where either no measurements or design specifications are made or prepared in the town or where no payment or deposit is collected in the town as a condition for the placement of orders or where no license made is collected under the provisions of the Constitution or laws of the United States, nor to any sales of goods, wares or merchandise as defined herein or exhibition thereof on the grounds of any agricultural society during the continuance of any annual fair held by such society, dealers, merchants, vendors or exhibitors located in the town, nor any sales by any other nonprofit organization or society acting for charities or religious or other public purposes.

B. The promoter, sponsor or other person, firm, corporation or legal entity of whatsoever nature or kind organizing a convention, show or sale, which convention, show or sale includes ten or more transient or local dealers, merchants or exhibitors, shall pay a license fee and obtain a license in accordance with the provisions and schedule of this article.

C. Conventions of religions, civic, charitable or benevolent groups, nonprofit trade associations, concerts and cultural events shall be exempt from this article.

D. Transient dealers, vendors or merchants participating in a convention, show or sale licensed hereunder shall not be required to have separate transient dealer's licenses.

E. Peddlers, as defined in Article I of this chapter, shall not be considered as transient or temporary dealers.

5.08.120 License application.

At least twenty (20) days prior to the holding of such sale or solicitation, every such transient dealer or person, firm, corporation or legal entity covered under this article shall furnish to the Town an application, in writing, verified and setting out the following:

A. The name and address of the applicant and also the name of the true owner if the applicant is not such true owner of the goods, wares or merchandise, as defined herein, to be sold or exhibited for sale;

B. The name and address of the employer of the applicant or the persons with whom the applicant is associated and the length of such employment or association;

C. The place of residence and nature of employment of the registrant or applicant during the preceding twelve (12) months and the place of business of the same during said period;

D. An estimate of the length of time and a statement of the exact location or parts of the town in which the applicant or registrant will pursue the activities in question. If a fixed site is to be utilized, the exact address and owner of the property in question shall be designated and furnished;

E. 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;

F. 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;

G. A description of the goods, wares or merchandise, as defined in this article, which the applicant intends to offer for sale, if sales are to be made other than from inventory, a copy of the catalog or other sales materials and/or a listing of the samples to be displayed or utilized;

H. Applicant shall present a valid driver's license, state-issued identification card or other proper identification;

I. Such other information as the Town may prescribe.

5.08.130 Bond - Deposit.

A. Every applicant for a transient dealer's license shall execute and file with the Town a good and sufficient bond in the amount of ten thousand dollars (\$10,000.00), with the surety thereon a surety qualified to do business in the state of Maryland and approved by the Town, and which shall be payable to the Town of Elkton to the extent that any taxes or fines as determined by the Town to be due or not paid or any fees due hereunder or any other license fees of any kind, and upon judicial determination, to those authorized to file suit thereunder, and which shall be conditioned upon faithful observance of all the conditions of this article, and which shall also indemnify any purchaser at such sale who suffers any loss by reason of defective merchandise or any misrepresentation in said sale. Said bond shall also provide that the Town of Elkton may file suit in its own name against the licensee and/or the surety on said bond for any taxes, fees or fines due from the licensee which are not paid within thirty (30) days of the termination of the sale or termination of the license. Said bond shall also provide that any purchaser at any sale or sales may maintain an action against a licensee and/or said surety for claims arising from such sale. Said bond shall also provide that it shall continue in effect for one year after the termination of the sale and/or license for which the same was made and until all actions are concluded and the judgment or judgments, if any, have been paid and fully satisfied or the amounts of the bond exhausted by such payments. This bond shall be in addition to all deposits, license fees, permit fees or any other requirements under any other ordinances of the Town.

B. Upon application for the license in question, the applicant shall, in addition to the bond, deposit a sum in cash equivalent to the full amount that would be due hereunder for the license based upon the estimated time required. (Ord. 1-95 § 1 (part): prior code § 84-13)

5.08.140 Verification of information - Effect of false statements on application.

The Town shall verify the statements contained in the application for the license by the applicant. In the event that there are any false statements contained in said application, then the license required hereunder may be denied. In said event, the Town shall refund the deposit less any administrative costs in handling the application, bond and verification of the same. (Ord. 1-95 § 1 (part): prior code § 84-14)

5.08.150 Issuance and duration of license.

A. Upon receipt of the application required in this article, the surety bond and the amount of the license, the Town shall issue the license within twenty (20) days thereafter.

B. The license shall be for the duration and term specifically applied for and set forth therein. The same shall terminate automatically upon the expiration of the time set forth. (Ord. 1-95 § 1 (part): prior code § 84-15)

5.08.160 Fees.

All transient dealers as defined herein shall pay a license fee prior to commencing business within the town, on the following basis:

A. A minimum of one thousand dollars (\$1,000.00) shall be paid, which shall be for and cover a period of up to one month from the date of issuance or any portion thereof.

B. Thereafter, five hundred dollars (\$500.00) shall be paid per month or any portion thereof.

C. The maximum amount payable for the license in question shall be three thousand five hundred dollars (\$3,500.00), and the license shall be issued for no longer than a period of one year from the date of issuance. The "date of issuance" shall be defined as being the date when the license is actually obtained and it is legal for the dealer to proceed with business.

5.08.170 Engaging in business without license prohibited.

It is unlawful for any transient or any persons or legal entities covered under this article or to which this article is applicable to engage in business as described herein without first obtaining the necessary license and permit licenses as required.

5.08.180. Sunday sales.

No sales of goods, wares or merchandise as defined shall be made on a Sunday by a transient dealer licensed hereunder, unless otherwise permitted by law.

5.08.190 Effect on other regulations.

Nothing in this article shall be construed to relieve any person or firm or legal entity to which the same is applicable from obtaining any other licenses or permits or being subjected to any liability, or any other regulations that may be applicable whether by the United States, the State of Maryland, Cecil County or the Town of Elkton. (Ord. 9-2018, Effective 7/12/2018)

5.08.200 Violation - Penalty.

A violation of this article shall be a civil infraction and a person violating any provision thereof shall be subject to a fine of One Thousand Dollars (\$1,000.00).