

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

CARNIVALS AND CIRCUSES

Sections:

5.04.010 Permit required-Fee.

5.04.010 Permit required–Fee.

A. No person shall, in any street or other public place within the town, expose or operate any carnival, circuses or other exhibition under tent or other cover without a permit. No event shall exceed seven days, unless otherwise provided by the Mayor and Commissioners.

B. The permit fee shall be established by the Mayor and Commissioners for the event, and shall be refunded at the satisfactory completion of the event as determined by the director of public works or his designee.

C. Any person or persons requesting a permit as covered un subsection A of this section shall submit said request at least ninety (90) days prior to scheduled event. Such events shall be limited to no more than one such event every thirty (30) days. All permits shall be approved in the order in which they are submitted by any person or persons, provided that all other requirements of this chapter are complied with. (Amended during 1996 codification; prior code § 47-1)

Chapter 5.08

PEDDLING AND SOLICITING

Sections:

Article I. Peddlers

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5.08.020 License required.

5.08.030 Registration and license application.

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Article I. Peddlers

5.08.010 Definitions.

As used in this article, the following terms shall have 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. (Ord. 1-95 § 1 (part): prior code § 84-1)

5.08.020 License required.

It is unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor. (Ord. 1-95 § 1 (part): prior code § 84-2)

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 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. 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;

K. Proof of having obtained a Maryland State Transient Vendor's License. (Ord. 1-95 § 1 (part): prior code § 84-3).

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 peddle 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 ply his/her vocation on any street, sidewalk, park, parkway 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 of kind from any place parking space adjacent to any parking meter. This restriction shall not apply to any special event sponsored by the Town of Elkton. (Ord. 1-95 § 1 (part): Prior code § 84-6)

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: fifty dollars (\$50.00) for annual license; twenty-five dollars (\$25.00) for a six-month license; and five dollars (\$5.00) for a daily license.

B. Any civic, charitable, educational, service or other nonprofit organization having a local chapter in the Town of Elkton, shall be exempt from payment for 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 the penalties provided under Article XIV, §Section C14-1B Charter of the Town of Elkton.

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 an motor vehicle or nonmotorized 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. (Ord. 1-95 § 1 (part): prior code § 84-9)

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. (Ord. 1-95 § 1 (part): prior code § 84-10)

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 wither 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 mad is collected under the provisions of the Constitution or laws of the United State, nor to any sales of goods, wares or merchandise as defined herein or exhibition thereof on the grounds of any agriculture society during the continuance of any annual fair held by such

society, dealers, merchants, vendors or exhibitors located in the town, nor to 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. (Ord. 1-95 § 1 (part): prior code § 84-11)

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. (Ord. 1-95 § 1 (part): prior code § 84-12)

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 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 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 license 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. (Ord. 1-95 § (part): prior code § 84-16)

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. (Ord. 1-95 § 1 (part): prior code § 84-17 (A))

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. (Ord. 1-95 § 1 (part): prior code § 84-17 (B))

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, tax liability or any other regulations that may be applicable wither by the United States, the state of Maryland, the county of Cecil or the Town of Elkton. (Ord. 1-95 § 1 (part): prior code § 84-18)

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 the penalties provided under Article XIV, §Section C14-1B Charter of the Town of Elkton.

Chapter 5.12

TAXICABS

Sections:

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- 5.12.010 Definitions.**
- 5.12.020 Cruising restrictions.**
- 5.12.030 Enforcement by police department.**

Article II. Certificate of Police Convenience and Necessity

- 5.12.040 Certificate required.**
- 5.12.050 Application procedure and information.**
- 5.12.060 Public hearings-Notices-Rights of interested persons.**
- 5.12.070 Issuance-Findings required-Contents of Certificates.**
- 5.12.080 Prepayment of license fee.**
- 5.12.090 Transfer or assignment.**
- 5.12.100 Suspension and revocation.**

Article III. Vehicles

- 5.12.110 Inspections.**
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Article IV. Taxicab Drivers

- 5.12.180 Permit required.**
- 5.12.190 Applications for permit.**
- 5.12.200 Examination of applicant-Current state operator's permit required.**
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- 5.12.260 Failure to comply with laws.**
- 5.12.270 Duties of drivers.**
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- 5.12.400 Open stands authorized- Conditions for establishment.**
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- 5.12.440 Occupancy of stands by taxicabs only.**
- 5.12.450 Applicability to shuttle bus service.**
- 5.12.460 Taxicab operations in residential areas.**

Article I. General Provisions

5.12.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Call-box stand” means a place alongside a street or elsewhere where the Board of Commissioners has authorized a holder of a certificate of public convenience and necessity to install a telephone or call box for the taking of calls and the dispatching of taxicabs.

“Certificate” means a certificate of public convenience and necessity issued by the Board of Commissioners, authorizing the holder thereof to conduct a taxicab business in the town.

“Cruising” means the driving of a taxicab on the streets or public places of the town in search of or soliciting prospective passengers for hire.

“Driver’s permit” means the permit granted by the Board of Commissioners to a person to drive a taxicab upon the streets of the town.

“Holder” means a person to whom a certificate of public convenience and necessity has been issued.

“Manifest” means a daily record prepared by a taxicab driver of all trips made by the driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip. The daily record shall show breakdown times and the nature of all repairs and shall be presented to any police officer immediately upon request.

“Open stand” means a public place alongside the curb of a street or elsewhere in the town which has been designated by the Board of Commissioners as reserved exclusively for the use of taxicabs.

“Rate card” means a card issued by the Board of Commissioners for display in each taxicab which contains the rates of fare then in force.

“Taxicab” means a motor vehicle regularly engaged in the business of carrying

passengers for hire, having a seating capacity of less than ten persons and not operated on a fixed route.

“Taximeter” means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

“Waiting time” means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion is due to any cause other than the request, act or fault of a passenger or passengers.

(Prior Code § 104-1)

5.12.020 Cruising restrictions.

No taxicab driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the Board of Commissioners finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles. (Prior code § 104-2)

5.12.030 Enforcement by police department

The police department of the town shall enforce all of the provisions of this chapter. (Prior code 104-3)

Article II. Certificate of Public Convenience and Necessity

5.12.040 Certificate required.

No person shall operate or permit to be operated a taxicab owned or controlled by him as a vehicle for hire upon the streets of the town without having first obtained a certificate of public convenience and necessity from the Board of Commissioners. (Prior code § 104-4)

5.12.050 Application procedure and information.

An application for a certificate shall be filed with the town upon forms provided by the town, and each application shall be verified under oath and shall furnish the

following information:

A. The name and address of the applicant;
B. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments;

C. The experience of the applicant in the transportation of passengers;

D. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;

E. The number of vehicles to be operated or controlled by the applicant;

F. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

G. Such further information as the Board of Commissioners may require;

H. A certificate of insurance from franchise holder's company accompanied by thirty (30) day cancellation clause. (Prior code § 104-5)

5.12.60 Public hearing- Notices- Rights of interested persons.

Upon the filing of an application, the Board of Commissioners shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by posting notice of such hearing in the Town Hall. Any interested person may file with the Board of Commissioners a memorandum in support of or opposition to the issuance of a certificate. (Prior code § 104-6)

5.12.070 Issuance-Findings required- Contents of certificates.

A. If the Board of Commissioners find that further taxicab service in the town is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this

chapter and the rules promulgated by the Board of Commissioners, then the board shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; shall be denied.

B. In making the foregoing findings, the Board of Commissioners shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant. (Prior code § 104-7)

5.12.080 Prepayment of license fee.

A. No certificate shall be issued or continued in operation unless the applicant therefor or holder thereof, as the case may be, has paid the annual license fee prescribed in subsection B of this section for the right to engage in the taxicab business and the annual fee therein prescribed for each vehicle operated under a certificate of public convenience and necessity.

B. For the right to engage in the taxicab business, as provided on subsection A of this section, the annual license fee shall be ten dollars (\$10.00), and for each vehicle operated under a certificate of public convenience and necessity, the annual license fee shall be fifteen dollars (\$ 15.00). Such license fees shall be for one calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder of a certificate of public convenience under his operation and control. Any transfer of a vehicle within the calendar year shall be required to pay a charge of five dollars (\$ 5.00) (Prior code § 104-8)

5.12.090 Transfer or assignment.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise encumbered or transferred without consent of the Board of Commissioners. (Prior code § 104-9)

5.12.100 Suspension and revocation.

A. A certificate issued under the provisions of this article may be revoked or suspended by the Board of Commissioners if the holder thereof has violated any of the provisions of this chapter or discontinued operations for more than thirty (30) days or has violated any ordinance of the town or any law of the United States or this state, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

B. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (Prior code § 104-10)

Article III. Vehicles

5.12.110 Inspections.

Prior to the use and operation of any vehicle under the provisions of this chapter, it shall be thoroughly examined, inspected and approved by a Maryland license inspection station, following which a certified certificate shall be furnished to the police department, and such vehicle shall comply with such reasonable rules and regulations as may be prescribed by the Mayor and Commissioners and the state general motor vehicle laws. (Prior code § 104-11)

5.12.120 Certificates of approval.

When certified to the police department that a vehicle has met the standards established by the Mayor and Commissioners and a Maryland license inspection station, the department shall issue a certificate of approval to that effect, which shall also state the authorized seating capacity of the vehicle. (Prior code § 104-12)

5.12.130 Periodic inspections.

Each vehicle operating under this chapter shall be inspected annually by a Maryland licensed inspection station and certified to the police department to assure continued maintenance and safe operating conditions. The cost of all annual inspections shall be

borne by the franchise holder. The initial inspection or inspection required by transfer of vehicle shall be borne by the owner of such vehicle. The annual certified inspection shall be performed during the month of December prior to the renewal of the franchise. The semiannual inspection shall be performed during the month of December prior to the renewal of the franchise. A semiannual inspection shall be performed during the month of July by the Elkton Police Department. (Prior code § 104-13)

5.12.140 Cleanliness and Sanitation.

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the Board of Commissioners. (Prior code § 104-14(A))

5.12.150 Four doors required.

It is unlawful to operate any taxicab which has less than four doors. (Prior code § 104-14(B))

5.12.160 Owner's name required on taxicab.

Each taxicab shall bear identification either by roof domes or plastic decals on the doors which may be removed when the taxicab is being operated for private use. (Prior code § 104-15)

5.12.170 Taximeters.

The Board of Commissioners may require all taxicabs operated under the authority of this chapter to be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Each taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism, and shall be sealed at all points and connection which, if manipulated, would affect its correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and

when it is not employed. It shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. All taximeters shall be subject to inspection from time to time by the police department is authorized, either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating the taxicab to cease operation. Thereupon, such taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition. (Prior code § 104-16)

Article IV. Taxicab Drivers

5.12.180 Permit required.

No person shall operate or permit to be operated a taxicab for hire upon the streets of the town, and no taxicab licensed by the town shall be driven at any time for hire, unless the driver thereof shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this article. (Prior code § 104-17)

5.12.190 Application for permit.

A. An application for a taxicab driver's permit shall be filed with the Board of Commissioners on forms provided by the town. Such application shall be verified under oath and shall contain the following information:

1. The names and address of four residents of the town who have known the applicant for a period of one year and who will vouch for the sobriety, honesty and general good character of the applicant;
2. The experience of the applicant in the transportation of passengers;
3. The educational background of the applicant;
4. A concise history of his employment.

B. Each application shall be accompanied by a certificate from a licensed physician of the town certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or

unsatisfactory driver. (Prior code § 104-18)

5.12.200 Examination of applicant- Current state operator's permit required.

Before any application is finally passed upon by the Board of Commissioners, the applicant shall be required to pass a satisfactory examination as to his knowledge of the town and to show that he has a current motor vehicle operator's permit issued by the state. (Prior code § 104-19)

5.12.210 Investigation of applicant.

The police department shall conduct an investigation of each applicant for a taxicab driver's permit. A report of such investigation and a copy of the traffic and police report of the applicant, if any, shall be attached to the application for the consideration of the Board of Commissioners. (Prior code § 104-20)

5.12.220 Approval or denial- Applicant's rights if denied.

The Board of Commissioners, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Board of Commissioners to offer evidence why his application should be reconsidered. (Prior code § 104-21)

5.12.230 Issuance of permit - Duration - Annual fee.

A. Upon approval of an application for a taxicab driver's permit, the Board of Commissioners shall issue a permit to the applicant, which shall bear the name, address, color, age, signature and photograph of the applicant.

B. Such permit shall be in effect for the remainder of the calendar year. The fee for such driver's permit shall be ten dollars (\$10.00) (prior code § 104-22)

5.12.240 Display of permit.

Every driver who a permit has been issued

under this article shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab. (Prior code § 104-23)

5.12.250 Suspension and revocation- Rights of holder.

The Board of Commissioners may suspend any driver's permit issued under this article for a driver's failing to comply with the provisions of this chapter, such suspension to last for a period of not more than ninety (90) days. The Board of Commissioners may revoke any driver's permit for failure to comply with the provisions of this chapter. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf. (Prior code § 104-24)

5.12.260 Failure to comply with laws.

Every driver to whom a permit has been issued under this article shall comply with all town, state and federal laws. Failure to do so will justify the Board of Commissioners' action in suspending or revoking a driver's permit. (Prior code § 104-25)

5.12.270 Duties of drivers.

Every driver to whom a driver's permit has been issued shall:

A. Report to the Board of Commissioners each change of residence within forty-eight (48) hours;

B. Answer promptly all communications and summonses received from the Board of Commissioners;

C. Deliver all fates and all other legal charges received by him to the taxicab owner;

D. Not operate a taxicab while his driver's permit is suspended;

E. Not permit any other person to use his badge or identification card;

F. Proceed with passengers to destination by the shortest practicable route;

G. Not operate a taxicab for more than twelve (12) hours of any continuous twenty-four (24) hour period. (Prior code § 104-26)

5.12.280 Maintenance of cab and equipment.

It shall be the responsibility of the driver, upon having been assigned to a taxicab, to ascertain that the taxicab and equipment are in good working order. (Prior code § 104-27)

5.12.290 Tampering with equipment.

No driver shall tamper with the rate cards, speedo-meter cable or any other equipment required to be in the taxicab or that registers fares and charges. (Prior code § 104-28)

5.12.300 Soliciting for other businesses unlawful.

It is unlawful for any driver of a taxicab to solicit business for any hotel or similar establishment or to attempt to divert patronage from one such establishment to another. No driver shall engage in selling intoxicating liquor or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passenger. (Prior code § 104-29)

Article V. Fares and Passengers.

5.12.310 Taxicab rates–Display of rate card.

The Board of Commissioners may by resolution fix taxicab rates and require that a rate card be displayed inside each taxicab. (Prior code § 104-30)

5.12.320 Receipts.

The driver of any taxicab shall, upon demand by a passenger, render to such passenger a receipt for the amount charged and paid, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or meter number, amount of meter reading or charges and date of the transaction. (Prior code § 104-31)

5.12.330 Refusal of passengers to pay legal fares.

It is unlawful for any person to refuse to pay the legal fare of any of the vehicles

mentioned in this chapter after having hired the same. It is unlawful for any person to hire any such vehicle with intent to defraud the person from whom it is hired of the value of such service. (Prior code § 104-32)

5.12.340 Areas for solicitation of passengers-Unlawful solicitation.

The Board of Commissioners may by resolution prohibit solicitation of passengers except in those areas in the town designated by the Board of Commissioners as taxicab stands. Following the designation of such specific areas by the Board of Commissioners, it shall be unlawful for any taxicab driver to solicit business while stopped or parked. (Prior code § 104-33)

5.12.350 Prohibited manner of soliciting passengers.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoying to any person, or obstruct the movement of any person or follow any person for the purpose of soliciting patronage. (Prior code § 104-34)

5.12.360 Receipt and discharge of passengers on sidewalks only.

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right- or left- hand sidewalks or at the side of the roadway in the absence of a sidewalk. (Prior code § 104-35)

5.12.370 Additional passengers – Consent required.

No driver shall permit any other person to occupy or ride in his taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passenger or passengers. (Prior code § 104-36)

5.12.380 Number or passengers restricted—Infants.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for the vehicle by the police department. A child in arms shall not be counted as a passenger. (Prior code § 104-37)

5.12.390 Refusal to carry passengers.

No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (Prior code § 104-38)

Article VI. Taxicab Stands

5.12.400 Open stands authorized-Conditions for establishment.

The Board of Commissioners may establish open stands in such places, or places upon the streets, of the town as it deems necessary for the use of taxicabs operated therein. The Board of Commissioners shall only create an open stand upon taking into consideration the need thereof by the companies and the convenience to the general public. The board shall prescribe the number of cabs that shall occupy such open stands. Said board shall not create an open stand in front of any place of business where the abutting property owners object thereto or where such stand would tend to create a traffic hazard. (Prior code § 104-39)

5.12.410 Use of open stand.

Open stands shall be used by taxicab drivers on a first-come, first-served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs. They shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the cab of his choice that is parked at an open stand. (Prior code § 104-40)

5.12.420 Call-box stands authorized - Conditions-Applications therefor.

The Board of Commissioners may establish call-box stands upon the street of the town in such places as it deems proper. A holder desiring to establish a call-box stand shall make written application to the Board of Commissioners and must attach to the application the written consent of the owners of the property abutting the space to which the application relates. Upon the filing of the application, the police department shall make an investigation of the traffic conditions at such place and shall then file its written recommendation to the Board of Commissioners. The Board of Commissioners shall then either grant or refuse the application; provided that no holder shall obtain a permit for more than one such closed stand within the downtown business area. (Prior code § 104-41)

5.12.430 Use of call-box stands-Prohibited practices.

When a call-box stand has been established as provided in this article, it shall be used solely by the holder to whom it was granted and his agents and servants, and no other holder shall be permitted to use it. A holder operating a call-box stand as provided for in this article shall be allowed to have on duty at such stand a starter or other employee for the purpose of assisting in the loading or unloading of passengers from cabs, for receiving calls and dispatching cabs and for soliciting passengers at such stand. The words "at such stand" shall mean that part of the of the sidewalk immediately adjacent to and of equal length with such call-box stand. It is unlawful for any such starter or other employee to go beyond the area herein designates for the purpose of soliciting passengers or assisting them in boarding such cabs. (Prior code § 104-42)

Chapter 5.16

VIDEO GAMES

5.12.440 Occupancy of stands by taxicabs only.

No private car and no vehicle for hire other than a taxicab shall at any time occupy any space upon the streets that has been established as either an open stand or call-box. (Prior code § 104-43)

5.12.450 Applicability to shuttle bus service.

All provisions of this chapter shall apply to shuttle bus service within the corporate limits of the Town of Elkton as authorized by the Mayor and Commissioners, where applicable. (Prior code § 104-44)

5.12.460 Taxicab operations in residential areas.

It is unlawful for any person to conduct any taxicab operation, operate or maintain any vehicles related to the taxicab operation, or conduct any other business related to the taxicab in a residential area as set forth on the official zoning map of the Town of Elkton except for the purpose of picking up or discharging passengers. (Prior code § 104-45)

Sections:

- 5.16.010 Definitions.
- 5.16.020 Compliance required.
- 5.16.030 License generally.
- 5.16.040 Expiration of license.
- 5.16.050 License fees.
- 5.16.060 Administration.
- 5.16.070 Violation- Penalty.

5.16.010 Definitions.

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

“Board of Commissioners” means the Mayor and Commissioners of the Town of Elkton.

“Person” means any individual, partnership, corporation, joint-stock association, firm, joint venture or other business entity. “Person” does not include a government or government agency.

“Town” means the Town of Elkton.

“Video game” means any coin-or-token operated electronic amusement device using or containing a video image or display. (Prior code § 108-1)

5.16.020 Compliance required.

It is unlawful for any person to own, keep, maintain or allow the operation of any video game for public amusement or public operation in any place or vehicle in the town without complying with the provisions of this chapter. (Prior code § 108-2)

5.16.030 Licenses generally.

A. Any person who keeps, holds or allows the operation of any video game for public amusement or public operation in any place or vehicle in the town annually shall obtain a license from the town prior to permitting any operation by the public.

B. The application for a license will be on the form and contain the information that the town determines, but shall include at least:

1. The name and address of the licensee;
2. The location of the video game;
3. The number of video games at each location;
4. The name and address of the owner of the video game at each location.

C. Each license issued shall be displayed in a prominent place near the video games.

D. Each licensed video game shall have affixed to it in a prominent place the name, address and telephone number of the owner.

E. Any change in the information stated on the license, including the acquisition of additional video games and the transfer of ownership, shall be reported to the town within thirty (30) days of the change.

F. Records.

1. Each person licensed under this chapter shall keep and preserve for a period of two years suitable records of the number of video games licensed and the gross receipts from those video games.
2. Upon request, the records shall be furnished to the town. (Prior code § 108-3)

5.16.040 Expiration of license.

Each license issued under this chapter expires on the March 1st after the effective date of the license unless the license is renewed for a one-year term. (Prior code § 108-4)

5.16.050 License fees.

A. The fee for a license issued under this chapter is:

1. Paid to the town;
2. In the amount that the Board of Commissioners by regulation sets;
3. Not refundable.

B. If a video game is added to video games already licensed under this chapter, the license fee is prorated on an annual basis. (Prior code § 108-5)

5.16.060 Administration.

A. The town shall;

1. Issue each license;
2. Conduct the inspections.

B. The Board of Commissioners may issue any necessary regulation to implement this chapter. (Prior code § 108-6)

5.16.070 Violation- Penalty

A. Any violation of the provisions of this chapter or regulations adopted under this chapter is punishable as a misdemeanor as set forth in the laws of this town.

B. Each day of any violation of this chapter or rule or regulation adopted under this chapter constitutes a separate offense. (Prior code § 108-7)

Chapter 5.20

YARD SALES

Sections:

- 5.20.010 Definitions.**
- 5.20.020 Permit required.**
- 5.20.030 Application for permit.**
- 5.20.040 Signs.**
- 5.20.050 Nonapplicability of provisions.**
- 5.20.060 Waiver of requirements.**
- 5.20.070 Violation – Penalty.**

5.20.010 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

“Person” means and includes individuals, partnerships, voluntary association and corporations.

“Yard sale” means any sale of used merchandise not conducted as part of a continuing business venture or any casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale. The term “yard sale” shall include all sales entitled “yard sale,” “lawn sale,” “attic sale,” “rummage sale,” “garage sale” or “flea market sale.” (Prior code § 111-1)

5.20.020 Permit required.

A. No person shall conduct a yard sale within the Town of Elkton without first filing with the administration office the information required and obtaining a yard sale permit from the administration office.

B. A yard sale permit shall be issued, without fee, to any applicant who complies with the terms and conditions of this chapter, except that such permit shall not be issued to the same applicant or for the same property more than twice within any calendar year.

C. A yard sale permit shall not be issued for more than two consecutive calendar days.

D. A yard sale permit must be prominently displayed on the premises upon which the yard sale is conducted throughout

the entire period of the sale.

E. No Sunday yard sales shall be conducted unless a special permit is issued by the Mayor and Commissioners. (Amended during 1996 codification; prior code § 111-2)

5.20.030 Application for permit.

The following information must be filed with the administration office on a form provided therefor before a yard sale permit may be issued:

A. Name of the person conducting the sale;

B. Written consent of the owner if the applicant is a tenant in possession of the property on which the sale is to be conducted;

C. Location at which the sale is to be conducted;

D. Number of days of the sale;

E. Date and nature of any past sale;

F. Whether the applicant is conducting the sale together with, for or on behalf of any other person, firm, group, organization, association or corporation and, if so, the name of said person, firm, group, organization, association or corporation and the date or dates of any past sale held by same;

G. Whether or not the applicant has been issued any other vendor’s license by any local, state or federal agency;

H. Sworn statement of affirmation by the person signing that the information therein given is full and true and known by him to be so. (Amended during 1996 codification; prior code § 111-3)

5.20.040 Signs.

A. All signs advertising a yard sale shall be a space allotted thereon upon which shall be placed the name and address of the person to whom the permit has been issued.

B. All signs advertising a yard sale shall be removed within twenty-four (24) hours after the completion of said sale. (Prior code § 111-4)

Chapter 5.24

SIDEWALK CAFÉS

5.20.50 Nonapplicability of provisions.

The provisions of this chapter shall not only apply to or affect the following persons or sales:

A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction;

B. Persons acting in accordance with their powers and duties as public officials;

C. Any persons selling or advertising for sale an item or items of personal property which specifically named or described in the advertisement and which separate items do not exceed five in number. (Prior code § 111-5)

5.20.060 Waiver of requirements.

Upon application by any bona fide charitable, educational, culture or government institution or organization, the town council may waive any or all of the requirements of this chapter; provided, however, that burden of establishing eligibility for a waiver shall be on the organization or institution applying for such waiver. (Prior code § 111-6)

5.20.070 Violation-Penalty.

A violation of this article shall be a civil infraction and a person violating any provision thereof shall be subject to the penalties provided under Article XIV, §Section C14-1B Charter of the Town of Elkton.

Sections:

- 5.24.010 Definitions.**
- 5.24.020 Permit required.**
- 5.24.030 Eligibility; Application for permit.**
- 5.24.040 Requirements for sidewalk cafés.**
- 5.24.050 Term of permit and renewal; Revocation; Termination.**
- 5.24.060 Annual permit fee.**
- 5.24.070 Violation – Penalty**

5.24.010 Definitions.

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

A. Operator: The person or entity to which a sidewalk café permit is issued and who is responsible for compliance with the applicable provisions of this Chapter.

B. Sidewalk Café: An outdoor food service area operated adjacent to and in conjunction with a restaurant or other business licensed to sell alcoholic beverages for consumption on the business premises and permitted to operate on a public sidewalk.

C. Sidewalk: That portion of the street between the curblineline and the adjacent property line intended for use of pedestrians.

5.24.020 Permit required.

No person or entity shall operate a sidewalk café without a valid permit issued under this Chapter. This permit shall be in addition to any other permit or license required by the Town, Cecil County’s government and/or the State of Maryland.

5.24.030 Eligibility; Application for permit.

A sidewalk café permit shall be granted to the operator of a restaurant or other business

licensed to sell alcoholic beverages for consumption on the business premises that is in conformance with the Elkton Zoning Ordinance and that holds a license for the sale and consumption of alcoholic beverages from the Cecil County Board of Liquor License Commissioners. An application for a permit for a sidewalk café shall be submitted on a form provided by the Town's administration office and shall require at least the following information and as otherwise set forth under this Chapter.

A. The applicant's name, business address, mailing address (if different), telephone number and contact person for the applicant.

B. A scaled [1" = 5'] and detailed drawing of the area and portion of the sidewalk adjacent to the applicant's business premises designated for the proposed sidewalk café and indicating the existing façade, the points of ingress and egress applicable to the applicant's building, the proposed location of tables, chairs, serving equipment, planters, borders, awnings, umbrellas and other facilities to be included in the seating area, and the location of public improvements, including fire hydrants, street signs, street lights, traffic signals, mail boxes, trees and tree grates, parking meters, planting boxes or planting areas, building fire escapes or other overhead obstructions and any other public obstructions.

C. A copy of the applicant's license issued by the Cecil County Board of Liquor License Commissioners.

D. A nonrefundable application fee of \$100.00

5.24.040 Requirements for sidewalk cafés

A. General Standards.

1. The sidewalk café may be located only along that portion of the perimeter of the restaurant building or other building's business premises and shall be subject to approval of the Town. All tables, chairs, and other equipment shall be set up in such a manner as to be easily removed at any time and as required by the Town, and shall not be fastened to the sidewalk

and/or through means hazardous to business customers or to the public.

2. The sale and consumption of alcoholic beverages shall be restricted by the type of license issued by the Cecil County Board of Liquor License Commissioners.

3. The sidewalk café shall not be detrimental to the health, safety and/or general welfare of persons residing, working or otherwise in the vicinity of the sidewalk café.

4. The sidewalk café shall only be open from April 15th through September 30th and between the hours of 11:00 a.m. and 8:00 p.m.

5. The operator shall be required to provide additional outdoor trash receptacles for the sidewalk café that are acceptable to the Town. All trash receptacles shall be clean and covered.

6. The sidewalk café seating capacity shall be included in the determination of the business premises' maximum occupancy with regard to the Town's plumbing code, specifically with respect to public toilet facility requirements.

7. No food shall be stored, cooked or otherwise prepared in the area defined and occupied as the sidewalk café.

8. No soiled food equipment, utensils or tableware may be kept in the sidewalk café.

9. All clean food service equipment, utensils or tableware must be covered at all times.

10. The sidewalk café shall be accessible to the disabled and the operator shall at all times comply with all applicable federal, state and/or Town ordinances and regulations concerning accessibility and non-discrimination in the provision of service.

11. The sidewalk café shall not obstruct any fire exit, fire escape, fire hydrant, building sprinkler systems, fire receptacle or any other required ways or means of ingress and egress. In no event shall the operator or the operation of the sidewalk café interfere with the passage of

pedestrians or reduce the open portion of the public sidewalk to less than five (5) feet, clear of all obstructions, measured from the edge of the sidewalk closest to the curb, streetlight, parking meter or other fixture. In addition, no seating or other equipment shall be closer than five (5) feet from any tree or government sign.

12. In no event shall the operator or the operation of, or placement of equipment for the sidewalk café, obstruct access to any bus stop, crosswalk, mailbox, curb cut or other public property.

The equipment shall not obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether the placement of equipment obstructs access to any of the foregoing shall be the sole determination of the Town.

13. Outdoor equipment materials and finishes shall be durable, smooth and easily cleaned and shall be maintained in good condition.

14. Pets shall not be allowed within the boundaries of the sidewalk café.

15. The operator shall not place outdoor equipment in the sidewalk café during inclement weather, including during rain or storm events, during weather conditions attended by wind that would likely or reasonably move or blow equipment to any area outside the boundaries of the sidewalk café.

16. The operator shall provide the Town, in a form acceptable to the Town's Attorney, the following:

a. an agreement to indemnify, defend and hold harmless the Town for any and all claims for liability or damages arising from the operation of the sidewalk café; and

b. a certificate of general liability insurance and workers compensation insurance. The amount of the required general liability coverage shall not be less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate. The Town shall be named

as an additionally insured on the face of the certificate.

17. The operator shall be responsible for the maintenance, cleanliness and upkeep of the sidewalk used for the sidewalk café and the replacement of damaged public property, including, but not limited to, brick pavers. No furniture or other outdoor equipment may be attached by any means to the sidewalk or any other public property. Maintenance shall include daily cleaning of the sidewalk by the operator.

18. The operator may not store furniture or outdoor equipment on the sidewalk between the hours of 8:00 p.m. to 11:00 a.m. of any day and/or non-business hours and/or when the sidewalk café is not open or being operated.

19. The seating area where alcoholic beverages are sold or consumed shall be enclosed by a border or other means of defining the sidewalk café and shall be supervised at all times by the operator. No alcoholic beverages may be removed from the sidewalk café, except to the interior of the restaurant or other building business premises.

B. Submittal Requirements.

The following shall be submitted at the time of the application:

1. A completed application form, including a letter from the building owner, if applicable, consenting to the applicant's use of the premises, if a tenant, lessee, or who is otherwise authorized to use of owner's property, for a sidewalk café.

2. The application fee of \$100.00.

3. The drawing [Scale 1" = 5'] or site plan, as provided under § 5.24.030, B., illustrating the location of the proposed sidewalk café and all items required and showing the placement of every item of furniture or equipment to be used as part of the sidewalk café.

4. A Plat of Survey of the property, which shall include the right-of-way between the building and the curb.

5.24.050 Terms of permit and renewal; Revocation; Termination.

A. Term. A sidewalk café permit shall be valid for a term of one (1) year. A renewal application shall provide the same information as an original application, but copies of the initial site plan may be used if there are no changes.

B. Revocation. A sidewalk café permit may be suspended or revoked by the Town for a violation of the permit or for a violation by the operator of any federal or state law or regulation, and/or Town ordinance or regulation attributable to the operation of the sidewalk café.

C. Permit not personal property. The permit issued by the Town for a sidewalk café shall not constitute the personal property of the operator and the Town shall retain ownership at all times. The Town reserves the right to terminate any sidewalk café permit or to completely eliminate this type of permit upon thirty (30) days written notice to the operator.

If the sidewalk café subsequently becomes subject to any change or amendment to the Elkton Zoning Ordinance regulations, the change or amendment, as applicable, shall apply to each sidewalk café regardless of the date of establishment or initial date of permit issuance by the Town. No sidewalk café shall be deemed at any time to be a legal nonconforming use.

5.24.060 Annual permit fee.

The annual fee for a sidewalk café shall be \$50.00. The fee shall be due upon the Town's approval of the application for a sidewalk café and upon issuance of the permit.

5.24.070 Violation – Penalty.

A person violating this Chapter, convicted thereof, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00).