

ARLINGTON COUNTY CODE

Chapter 30

PEDDLERS, VENDORS AND CANVASSERS

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It shall be unlawful for any person to engage in the business of peddler, vendor or canvasser as defined in this chapter, within the limits of Arlington County, Virginia, without first obtaining a permit as provided herein. (7-15-61; Ord. No. 85-39, 11-16-85)

§ 30-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Canvasser” means one who travels from place to place seeking orders for merchandise, goods, food or services with or without samples by traveling from place to place within the County.

“County” means Arlington County, Virginia.

“County Manager” means the County Manager of Arlington County, Virginia or his designee.

“Kiosk” is as defined and regulated by the Arlington County Zoning Ordinance.

“Peddler” means one who moves from place to place within the County and offers merchandise, goods, food or services for sale or barter.

“Service road (frontage road)” means a roadway contiguous to and generally paralleling a street or highway designed to collect and distribute traffic desiring to cross, enter, or leave such street or highway, and to furnish access to property which would otherwise be isolated due to the controlled access design of the street or highway.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn including any wheeled conveyance.

“Vendor” means one who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the County. “Vending” is the act of offering merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the County.

(7-15-61; 10-9-61; 5-28-78; 6-27-78; 9-29-79; Ord. No. 85-39, 11-16-85; Ord. No. 08-16, 7-21-08)

§ 30-2.1. Exemption from Permit Requirements.

A. The following shall be exempt from the permit requirements of this chapter:

1. Persons selling fresh farm products;
2. Persons selling newspapers;
3. Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Arlington County for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes;
4. Peddlers or vendors of religious, political or other First-Amendment protected materials; and
5. Persons participating in an open-air market as defined and permitted in the Arlington County Zoning Ordinance.

B. All persons qualifying for exemptions from this section must present proof of such qualification and be granted exemption from the permit requirements of this chapter as provided in § 30-3.B. Such persons shall not be exempt from the provisions of §§ 30-7 through 30-11 of this chapter.

(Ord. No. 85-39, 11-16-85; Ord. No. 91-35, 9-28-91; Ord. No. 08-16, 7-21-08; Ord. No. 13-03, 4-23-13.)

§ 30-3. Application for Permit or Exemption.

A. Applicants for permits under this chapter must file with the County Manager a sworn application in writing (in duplicate) on a form to be furnished by the County, which shall give the following information:

1. Name, social security number (optional), and description of the applicant.
2. Address.
3. Name and address of Virginia registered agent, if there is a registered agent for the business.
4. A brief description of the nature of the business and the goods to be sold.
5. If employed, the name and address of the employer, federal employment identification number (optional), together with a written employment contract or other written document from the employer establishing the exact relationship.
6. The length of time during the current year when the peddling, vending, or canvassing will take place in the County.
7. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.

8. Proof of Virginia retail sales tax registration and the retail sales tax number issued, if applicable:
9. The finger and thumb prints of the applicant shall be taken at the time of application.
10. The names of at least two (2) persons who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to promptly evaluate such character and business responsibility.
11. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation, the nature of the offense and the penalty affixed therefor.
12. The application shall provide two (2) recent front facing passport size photographs which accurately depict the applicant's appearance at the time of application.
13. All permits issued after March 1, 2002, shall expire on February 28th of the following year.

B. At the time of filing of the application, a fee of twenty dollars (\$20.00) shall be paid to the County Manager, to cover the cost of investigation and processing of the application.
(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-4. Investigation and Issuance.

Upon receipt of such application, the original shall be referred to the County Manager, who shall make an investigation of the applicant's business responsibility and character.

A. Unless the County Manager determines otherwise after his investigation, he shall, within forty-five (45) days following the date of the filing of the application, issue the applicant a license.

B. After investigation and finding that the health, safety, and welfare of the public so demands, the County Manager may refuse to issue a license to an applicant for reasons including, but not limited to, the following:

1. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application.
2. Fraud, misrepresentation or intentional false statement of material or relevant facts contained in the application.
3. Lack of necessary permits or licenses to conduct the business proposed to be conducted.

C. The County Manager shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and deliver to the applicant his permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said applicant, the kind of goods to be sold thereunder, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, vending or canvassing. The County Manager shall keep a permanent record of all permits issued.

D. In determining whether the applicant's character and business responsibility is satisfactory, the County Manager, or his designee, shall consider evidence revealed by the investigation which shows honesty, reliability, and knowledge of the business to be engaged-in. A license shall be denied or revoked if the applicant is shown to be dishonest, immoral or substantially lacking in business reliability and responsibility. In the event the results of the initial investigation are unclear as to the nature of the applicant's character and business responsibility, an additional investigation of the applicant shall be made.
(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-5. Transfer.

No permit or exemption letter issued under the provisions of this ordinance shall be used by any person other than the one to whom it was issued.

(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-6. Renewal.

Permits issued under the provisions of this chapter shall be valid for the period requested, which shall in no event exceed one (1) year. All permits renewed after March 1, 2002, shall expire on February 28th of the following year, unless sooner revoked or suspended as provided. The holder of any permit may seek renewal thereof upon the filing of a written renewal application. The renewal application shall reflect any information changed from the previous year's application and it shall be approved upon verification by the County Manager that the applicant for renewal has complied with the laws of Arlington and the Commonwealth.

(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-7. Reserved.

Editors Note: Ord. No. 00-32, adopted Dec. 10, 2000, repealed § 30-7, which pertained to loud noises and speaking devices.

§ 30-8. Use of the Streets and Other Public Places--Vending or Canvassing from a Stationary Location.

No peddler, vendor, or canvasser shall have any exclusive right to any location on public property, unless operating from an established kiosk; nor shall he or she:

- A. Be permitted a stationary location on any sidewalk unless at least ten (10) feet of the sidewalk remains clear for pedestrian traffic;
- B. Be permitted a stationary location closer than ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location;
- C. Be permitted to occupy a space greater than eight (8) feet long, five (5) feet wide, and seven (7) feet six (6) inches high on a sidewalk, excluding umbrellas, unless operating from an established kiosk;
- D. Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- E. Make any sale or delivery to any person while such person is standing in the roadway;
- F. Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
- G. Conduct business from any highway service road or center median strip of any boulevard street;
- H. Restrict access to any legally parked vehicle;
- I. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
- J. Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and 6:30 a.m.; however, a vendor operating from an established kiosk may conduct business until 10:00 p.m.;
- K. Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and 6:30 a.m.; or

L. Display any kiosk items for sale or have any display racks (or similar items) more than two (2) feet from the kiosk between the hours of 10:00 p.m. and 6:30 a.m. or during any non-business hours.

Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

(9-29-79; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 87-14, 5-16-87; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 08-16, 7-21-08; Ord. No. 13-03, 4-23-13.)

§ 30-9. Same--Vending from Vehicles.

It shall be unlawful for peddlers, vendors, or canvassers or any other person to park or stop a vehicle on or alongside the roads, highways and streets of Arlington County for the purpose of selling, soliciting the sale of, displaying or offering for sale any goods, wares or other merchandise in or from the vehicles except under the following conditions:

- A. The vehicle is parked or stopped only for the purpose of making house to house sales; or
- B. The vehicle is stopped to make sales to persons, between the hours of 7:00 a.m. and 8 p.m., in which case the vehicle must stop only in a space where motor vehicle parking is permitted pursuant to Chapter 14.2 of this Code and may remain stopped for:
 - 1. No longer than five (5) minutes for vehicles stopped within one hundred (100) feet of any public school between the hours of 11:00 a.m. and 2:00 p.m. on days the school is open for student instruction; and
 - 2. No longer than the lesser of two (2) hours or the lawful time limit prescribed for the respective parking meter zone as defined by Chapter 14.2 of the Arlington County Code for all other vehicles, (i.e. one (1) hour of vending permitted from a parking space in a parking meter zone in which parking is limited to one (1) hour). When the same vehicle is observed to be in the same location that it was in after an initial observation of the vehicle in that location, then it shall be presumed that the vehicle has not moved from that location since the initial observation;

After the expiration of the vending period set forth above, the vehicle must either cease vending or be moved, at a minimum, to another space where motor vehicle parking is permitted pursuant to Chapter 14.2 of this Code, or twenty-five (25) feet in the absence of marked spaces; or

C. The vehicle is stopped in an area that the County Manager has designated as temporary parking areas for a farmer's market adjacent to land zoned so as to permit a farmer's market, provided that no parking spaces may be designated for this purpose for more than twenty (20) hours in any week; or

D. The vehicle is stopped in an area designated by the County Manager as a street vending zone pursuant to § 30-10 herein. Any vehicle parked in a street vending zone must be appropriately sized to legally park within a parking space as defined by Chapter 14.2 of this Code.

(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 08-16, 7-21-08; Ord. No. 13-03, 4-23-13.)

§ 30-10. Same--Designation of Street Vending Zones.

A. Whenever it appears, after a survey of land use activity, parking resources and a traffic engineering study, that there is a need to do so, the County Manager may designate street vending zones within the County for use by peddlers and vendors in compliance with the following criteria:

1. A zone or zones may be created in any Metro Station Area of the County, as defined in the Arlington County General Land Use Plan, that contains at least one million (1,000,000) square feet of office space or in any commercial or industrial area of the County, as defined by the Arlington County General Land Use Plan;
2. The total area designated as street vending zones or zone in each area may not exceed one hundred thirty-five (135) feet in length and eight (8) feet in width; and
3. A zone shall only be located adjacent to sidewalks at least ten (10) feet in width.

B. The hours of operation within each street vending zone shall be set by the County Manager so as not to interfere with pedestrian and vehicle traffic, but in no case shall vending in street vending zones be permitted between 7:30 a.m. and 9:00 a.m. on weekday mornings nor between 4:00 p.m. and 6:00 p.m. on weekday afternoons.

C. Street vending zones designated by the County Manager shall be subject to review and renewal at least every two (2) years after each designation and the County Manager may renew, remove or alter the site or size of zones after such review unless removal or alteration is required sooner by a change in conditions in the area where the zone is designated.

(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 08-16, 7-21-08; Ord. No. 13-03, 4-23-13.)

§ 30-11. Door-to-Door Sales Hours.

Door-to-door sales or canvassing shall only take place between the hours of 9:00 a.m. and 8:00 p.m.
(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-12. Exhibition of Permit Exemption Letter.

Peddlers, vendors, or canvassers are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request.
(7-15-61; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-13. Records.

The County Manager shall maintain a record for each permit issued, and record the reports of violation thereon.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-14. Revocation of Permit.

A. Permits issued under the provision of this chapter may be revoked by the County Manager after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or intentional false statement contained in the application for permit.
2. Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia).
3. Conviction of any crime involving fraud in the conduct of his or her business.
4. Any violation of this chapter or of Chapter 11 of the Arlington County Code.

B. Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically

the grounds of the revocation and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his last known address at least five (5) days prior to the date set for hearing.
(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-15. Appeal.

A. Any person aggrieved by the action of the County Manager, or his designee, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the Clerk of the County Board within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.

B. The Clerk of the County Board shall notify the County Manager of the filing of an appeal.

C. Upon filing an appeal, the party aggrieved shall be entitled to a hearing by a hearing examiner who shall be a lawyer admitted to practice in the Commonwealth of Virginia employed for the purpose of conducting such hearings by the County Board. The time and place of the hearing shall be scheduled by the hearing examiner at any time after the filing of an appeal upon notice by the hearing examiner mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the hearing examiner from time to time and place to place at the time of any hearing by an order made sua sponte, on motion of the party to the action, or on motion of the County Attorney.

D. The party shall have the right to present his case in person or by counsel licensed to practice law in the Commonwealth of Virginia.

E. The hearing examiner shall consider the case record as well as statements offered by an interested party and shall determine whether the County Manager abused his discretion under the rules and standards set forth in this chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions.

(7-15-61; Ord. No. 85-35, 8-17-85; Ord. No. 85-39, 11-16-85; Ord. No. 86-12, 5-17-86; Ord. No. 90-1, 1-16-90)

§ 30-16. Penalty for Violation of Chapter.

Any person violating any provision of this chapter shall be guilty of a Class 1 misdemeanor.
(7-15-61; 9-29-79; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 91-34, 9-18-91)

§ 30-17. Severance Clause.

The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand, notwithstanding the invalidity of any part.

(7-15-61; Ord. No. 90-1, 1-16-90)