

ORDINANCE NO. 42-A

An Ordinance to amend the operations of the Open-Air Market for Leonardtown.

Section 1: Definitions

An open-air market is a designated area where on designated days and times, growers and producers may sell directly to the public, in accordance with applicable State and Town regulations. The Town shall have the right to relocate or discontinue the market, to specify the days and times of its use, and to stipulate what may or may not be sold at the market.

Section 2: Growers and Producers

A grower or producer is any person offering for sale articles for human consumption, such as fruits, vegetables, edible grains, nuts and berries, apiary products, eggs and seafood items, or non-edible articles, such as cut or potted flowers and plants and local homemade arts and crafts, which articles have been raised, prepared, or caught by the grower or producer, members of his family, or by persons in his employ. Sale of any type of meat, poultry, and refrigerated dairy products shall be prohibited.

Section 3: Supervision and Control of the Market

3-1 A Market Master shall be appointed by the Commissioners of Leonardtown and shall serve at the pleasure of the Commissioners at such compensation as the Commissioners shall fix, from time to time.

3-2 The Market Master shall review the application of any grower or producer offering articles for sale, issue permits, and collect fees therefore, assign spaces to growers and producers, maintain the market cleanliness, enforce the market regulations under the direction of the Commissioners of Leonardtown, and establish a system of bookkeeping for the market in conjunction with the system used by the Secretary - Treasurer of the Town of Leonardtown.

3-3 No grower or producer shall sell or offer for sale any product without first having obtained a permit therefore. No grower or producer shall be eligible for more than one permit. A permit granted hereunder is not transferable. Each permit shall be valid for a period of one (1) day and the daily fee for such permit shall be set by the Commissioners.

3-4 The permit shall be retained by the Market Master and be made available upon request by a duly authorized representative of the Town.

3-5 Peddler's licenses will not be valid during the hours of operation of the Open-Air Market. Any peddler wishing to sell at that time will be required to obtain an Open-Air Market permit.

Section 4: Application Required

An applicant for a permit to sell goods within the market shall submit to the Market Master, together with the required fee, an application in writing containing the following information:

1. Name, address, and phone number of the applicant
2. Products for which a sale permit is sought
3. Source of products
4. A warranty that such products are fit for human consumption or use
5. Certificate of production as provided in Section 5

Section 5: Assignment of Spaces - Certificates of Production

Space shall be assigned in accordance with the order in which permit applications are filed with the Market Master. Permit fees shall be paid in advance of occupancy. Seller shall submit, in advance of occupancy, an affidavit certifying that articles offered for sale are of the grower's or producer's own raising, production, or catch.

Section 6: General Regulations

6-1 Permitees shall not

1. Sell or offer any articles according to weight except in accordance with the established standards for weight of the State of Maryland.
2. Sell apiary products, maple sugars and syrups, or any processed food unless properly labeled.
3. Sell or offer any unwholesome food or spoiled article.
4. Attract attention to his goods by hawking or crying out.
5. Transport or display food without adequate protection against contamination. Delivery trucks and other equipment used for transportation and display shall be kept clean at all times.
6. Allow any waste, garbage, or any other refuse to remain on or near his space after the closing hours of any market day.
7. Sell any goods for on-site consumption.
8. Clean, cook, or prepare any items on site.
9. Possess in an opened container any alcoholic beverage in the market.

6-2 Animals or pets shall not be allowed in the market.

6-3 Motorized vehicles other than those of the sellers, the Market Master, or officials of Leonardtown shall not be allowed in the market.

6-4 The hours and days of operation for the market shall be designated by the Commissioners.

Section 7: Notice of Violation; Payment of Fee; Right to Trial

7-1 The Market Master or any officer of the Leonardtown Police Department, the Maryland State Police, the St. Mary's County Sheriff's Department, designated official, or the Commissioners of Leonardtown, who discovers in the Town any person, firm, or corporation in violation of the provisions of the rules and regulations of the market, may deliver a citation to the person, firm, or corporation in violation. A copy of the citation shall be retained by the Market Master or the officer and such citation shall bear his certification, under penalty of perjury, attesting to the truth of the matter therein set forth; in addition, such citation shall notify the reader:

1. Of the nature of the violation.
2. Of the location where and the time when the violation is said to have occurred.
3. Of the amount of the violation fee assessed pursuant to Subsection 7-2 hereof and calculated on the basis of the officer's observations.
4. Of the manner, location, and time in which such fee may be paid to the Commissioners of Leonardtown.
5. Of the violation of Subsection 7-2 hereof attaching to the failure of such payment.
6. Of the fact that should he desire to stand trial on the alleged violation, he must so notify the Commissioners of Leonardtown in writing of such intention within the time allotted for payment of the violation fee.

7-2 To cover the administrative costs involved, a fee in the amount of \$50.00 for each citation issued under the provisions of Subsection 7-1 is hereby imposed. Such fee is payable, by the person, firm, or corporation receiving the citation within fifteen (15) days, Saturday, Sunday, and Federal holidays excepted, to the Commissioners of Leonardtown. It shall be unlawful for any person, firm, or corporation receiving such citation to fail to pay said fee within the said fifteen (15) day period and such failure shall be considered a misdemeanor punishable upon conviction by a fine of not more than \$100.00 or imprisonment in the County Jail for not more than thirty (30) days or both.

7-3 Each day of violation shall be deemed a separate offense. Notwithstanding the provisions of Subsection 7-1 and Subsection 7-2, the Market Master may, in his discretion, revoke the permit of any individual, firm, or corporation violating the provisions of the Open-Air Market Rules and Regulations.

Section 8: Powers and Duties

It shall be the duty of the Commissioners of Leonardtown or designated official to review the activities of the market and make such operating rules and regulations as necessary to govern the operations of the market.

Section 9: Finances

There is hereby created a "Market Fund." All fees and other revenue derived from the Open-Air Market shall be accounted for and immediately turned over to the Town Secretary or Treasurer and deposited in the Market Fund. Expenses for the market shall be approved and paid by the Commissioners of Leonardtown from the Market Fund.

Section 10: Conflict with Other Ordinances

Any person, firm, or corporation lawfully acting pursuant to a permit issued under this Ordinance shall be exempt during the term of said permit from the provisions of Ordinance No. 36 enacted on December 9, 1968 by the Commissioners of Leonardtown.

Section 11: Effective Date

This Ordinance is effective January 25th, 1983.

PASSED AND ENACTED BY THE COMMISSIONERS OF LEONARDTOWN THIS 25th DAY OF JANUARY, 1983.

Frederick J. McWilliams
Frederick J. McWilliams, President

Payrone Mattingly
Payrone Mattingly

Benedict D. Duke, Jr.
Benedict D. Duke, Jr.

Suzanne Henderson
Suzanne Henderson

Betty Russell
Betty Russell

Attest:

Christine M. Guy
Christine M. Guy, Secretary