

**ORDINANCE NO. 289  
OF THE  
CITY OF FRUITLAND**

**AN ORDINANCE OF THE CITY OF FRUITLAND TO BE KNOWN AS THE FLEA AND FARMERS' MARKETS ORDINANCE REGULATING THE NUMBER AND LOCATION OF SAME, REQUIRING A LICENSE FOR THE SPONSORING ENTITY, AND PENALIZING VIOLATIONS AS A MUNICIPAL INFRACTION.**

WHEREAS, the Improved Order of Redmen, Tony Tank Tribe No. 149, 103 Clyde Avenue, P. O. Box 131, Fruitland, Maryland has appeared before the Planning Commission with a request that it be permitted to hold periodic flea markets on its property and to explore how that would be regulated; and

WHEREAS, there is no specific ordinance which deals with flea markets, but the Planning Commission was of the opinion that there were issues which should be addressed; and

WHEREAS, the Planning Commission recommended that the issue be taken up with the City Council, and that it consider at that time farmers' markets as well; and

WHEREAS, the City Council has considered whether and how flea and farmers' markets should be regulated; and

WHEREAS, it is the purpose and intent of this Ordinance to regulate flea and farmers' market sales so they do not become offensive to neighbors and citizens while retaining the right and opportunity of citizens and organizations in the City to sponsor such market sales.

SECTION 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF FRUITLAND, MARYLAND, as follows:

A. DEFINITIONS.

1. "Flea Market:" A type of bazaar that rents or provides space with or without tables or booths to vendors to sell merchandise, generally consisting of vendor made products, used goods, cheap items, collectibles, and antiques. Such markets may be held indoors, but are commonly held in parking lots, fields, or under tents.

2. "Farmers' Market:" A physical retail marketplace intended to sell food, produce, and other farm goods directly from farmers, growers, bakers and cooks to consumers. In other aspects a farmers' market is the same as a flea market.

3. "Vendor:" A person, organization or entity sometimes referred to as ""Exhibitor" which sells goods at a flea or farmers' market.

4. "Host:" The person or entity, sometimes referred to as "sponsor," who provides, organizes and manages a flea or farmers' market.

B. 1. Any organization, resident or property owner who is desirous of sponsoring a flea or farmers' market sale on any property or premises within the City of Fruitland, shall first obtain a license therefor from the office of the City of Fruitland Finance Department, which said license shall be obtained at least five (5) business days before the date of the first sale.

2. That the fee for such license shall be Ten Dollars (\$10.00) per each sale day or Fifty Dollars (\$50.00) annually, with such number of sales as permitted herein; PROVIDED, HOWEVER, that nothing contained herein shall require an individual or organization which is otherwise exempt from obtaining a trader's license under Maryland Code, Business Regulations Article, Trader's License, § 17-1804, *et seq.* to obtain such license. Any sponsor which is so exempt shall nonetheless be required to obtain a license as set forth above, but no fee shall be collected by City.

3. Any organization or person covered by the terms of Section 1 above shall make an application for license which shall state the name and address of the sponsor/applicant(s), the name and address of the owner(s) of the property on which each sale is to be held, the day(s) on which each sale is to be held, and stating the name and contact information for at least two (2) responsible people.

4. No flea or farmers' market sale shall exceed two (2) consecutive days, nor two (2) days in any one (1) week. Such markets may only operate between the hours of 8:00 a.m. and sunset.

C. DISPLAY OF MERCHANDISE.

1. No merchandise for sale nor tables nor booths for display of same shall be placed so as to be visible from neighboring public streets prior to the first day of the sale, and shall not remain on the property so as to be visible from neighboring streets more than two (2) hours after the end of the sale. When sales are scheduled for two (2) consecutive days, removal shall apply only for the second day of sale.

2. No cards, posters, signs or banners shall be displayed more than five (5) days before the sale date(s) and must be removed two (2) hours after end of sale.

SECTION 2. Flea and farmers' markets shall be permitted only in the following zoning districts:

1. C-4 Highway Business District;
2. C-5 Shopping Center Business District;
3. M-1, Light Industrial District;

4. M-2, Industrial Park District; and

5. At a church or fraternal or service's organization's property in any district, so long as the organization meets the area requirements of Section 3 below.

SECTION 3. No market may be held unless there is available not less than three (3) acres of space, either indoors, outdoors or a combination thereof, including adequate space available for parking in a safe manner. No indoor market may violate fire regulations.

SECTION 4. Each market shall have available a minimum of one (1) restroom or portable toilet facility.

SECTION 5. Each market must have direct access to or indirect access within one hundred (100) yards to Fruitland Boulevard (U.S. Route 13); Cedar Lane; Division Street east of railroad tracks; Camden Avenue; St. Lukes Road; Brown Street, or Sharps Point Road.

SECTION 6. The sponsor and vendors of a flea or farmers' market are subject to the terms of Maryland Code, Business Regulations Article, Trader's License, § 17-1804, *et seq.*

SECTION 7.

1. Penalties: Anyone who shall violate the provisions hereof, shall be in violation hereof and thereby subject to a citation for a municipal infraction resulting in a fine of Fifty Dollars (\$50.00) for the first infraction and One Hundred Dollars (\$100.00) for each infraction thereafter, with each day constituting a separate infraction.

2. Evidence of Violation of Notice: Any card, poster, sign or banner advertising the time and location of a flea or farmers' market sale, or any newspaper advertisement of said sale, which on its face is in violation for an unlicensed sale or at an impermissible time or day, shall be admissible as evidence of a violation of this Ordinance.

The above Ordinance was introduced and given first reading before the City Council of the City of Fruitland, Maryland at its regularly scheduled City Council Meeting held on the 10th day of April, 2018, and finally passed at a regular scheduled meeting of the City Council held on the 8th day of May, 2018, having been published and a public hearing held as required by law in the intervening time.

ATTEST:

CITY COUNCIL OF THE  
CITY OF FRUITLAND:

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Raye Ellen Thomas, City Clerk

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Darlene Kerr, President

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Gloria J. Ortiz, Treasurer

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Roland H. Palmer, Sr.

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Charles S. Nichols

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Mark Miciotto

Effective Date: \_\_\_\_\_