

First Reading 3. 21. 16
Second Reading 4. 4. 16

ORDINANCE 2016- 6

AN ORDINANCE TO AMEND CHAPTER 62, ENTITLED PEDDLER AND SOLICITORS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 62 OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND, ENTITLED PEDDLERS AND SOLICITORS, BE, AND IT IS HEREBY, AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTION 62-7, BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTION 62-8(a) AND (b), AND BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTIONS 62-10(b) AND (d), AS FOLLOWS:

Sec. 62-7 Performing and Vending in Designated Spaces

To address the findings and purposes set forth in this Ordinance and to preserve the Boardwalk's history of fostering Performances and other expressive activity, the Town Director shall establish in the available space on the Boardwalk's most congested areas, that is, between and including South First Street and Ninth Street, but excluding the Street Ends located at N. Division Street and Dorchester Street, Designated Spaces where persons can Perform and Vend. Only Performers and Vendors seeking to utilize those Street Ends located between and including South First Street and Ninth Street will be subject to the allocation and selection system for Designated Spaces described in this Chapter. Persons who are distributing Expressive Materials, but are not Vendors shall not be subject to the requirements of this Section. The allocation and selection for Designated Spaces shall only be in effect from May 1 through September 15 of each year.

Sec. 62-8 Allocation and Selection of Designated Spaces

- (a) The Director shall designate spaces on the Boardwalk between and including South First Street and Ninth Street, referred to as the Designated Spaces. The City Council by Resolution shall approve or disapprove the spaces designated by the Director. The Designated Spaces as so approved by the City Council shall be the Designated Spaces for purposes of this Chapter. The Designated Spaces will be available for use in accordance with a lottery selection system for two periods of use; the first period shall be Monday through Thursday and the second period shall be Friday through Sunday. There shall be no more than three Designated Spaces per street end, and the size of each of the

Designated Spaces shall not exceed 100 square feet in dimension.

- (b) The Designated Spaces will be available, by lottery, for selection once a week, on Mondays at the Office of the Town Clerk. All selections must occur on Mondays one week in advance of using the desired Designated Space, so Performers and Vendors seeking to use a space on Monday through Thursday and Friday through Sunday they must sign up for that space on the Monday of the prior week. Persons seeking to obtain a designated space shall arrive at the Office of the Town Clerk between 9:00 a.m. and 9:30 a.m. and the drawing shall commence at 9:30 a.m. When name is drawn, Performers and Vendors select space for both periods of time, but each time period must be for a different designated space. There shall be two drawings, one for 10 x 10 spaces and the other for remaining 10 x 10 spaces and all other designated spaces. In the first drawing of 10 x 10 spaces only Performers and Vendors, who actually require that much space for his/her performance and vending. Any spaces not taken in the lottery shall be available on a first come first serve basis until Friday at 3:00 p.m. Designated Spaces can be shared between two (2) Performers or Vendors, concurrently or separately. The desire to share a space can be communicated the day of the lottery as participation forms are drawn or until the selection period closes on Friday at 3:00 p.m. The Performer or Vendor who was initially assigned the particular space must notify the Clerk, in person or by phone, of their desire to share a space with another performer. The second performer must arrive at the Office of the Clerk to complete a lottery participation form. No Performers or Vendors can utilize a designated space for more than a two week period.

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Sec. 62-10 Rules and Regulations Governing Performing and Vendors

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- (b) No Performer or Vendor shall allow anything in his/her Designated Space to extend beyond the boundaries of the Designated Space or place anything adjacent to his/her Designated Space or obstruct or impede the access areas between the Designated Spaces. No Performer or Vendor shall occupy the same designated space for more than two consecutive weeks.
- (d) No Performer or Vendor shall place or allow any item exceeding six feet above ground, or allow any Street End or Designated Space to be enclosed, or affix props or equipment to the Boardwalk surface. Performers and Vendors can utilize an umbrella for sun shade however it must be removed at sundown. Signage or advertising on the umbrella is prohibited.

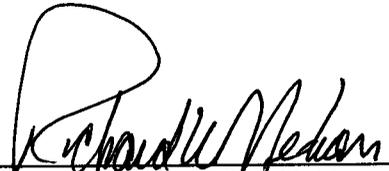
INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on March 21, 2016.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on April 4, 2016.

ATTEST:

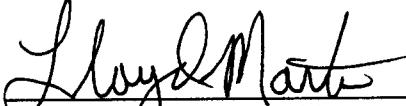


DIANA L. CHAVIS, Clerk

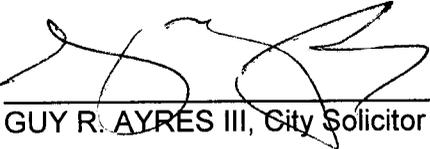


RICHARD W. MEEHAN, Mayor

Approved as to form:



LLOYD MARTIN, President



GUY R. AYRES III, City Solicitor



MARY P. KNIGHT, Secretary