

ORDINANCE 23-1700-1125

CITY OF MANASSAS PARK

Motion: Councilmember Amaya

Second: Councilmember Hampton

Date: August 29, 2023

AN ORDINANCE

TO AMEND CHAPTER 14, LICENSED, OF THE CODE OF THE CITY OF MANASSAS PARK, VIRGINIA, TO PROVIDE FOR AN UMBRELLA LICENSE FOR PEDDLERS AND ITINERANT MERCHANTS AT CERTAIN EVENTS

BE IT ORDAINED by the Governing Body of the City of Manassas Park, Virginia, that:

1. Section 14-1, Definitions, of Article I, In General, of Chapter 14, Licenses, of the Code of the City of Manassas Park, Virginia, is hereby amended to change the definition of “Peddler”, to read as follows:

“Sec. 14-1. - Definitions.

* * * * *

“Peddler” means any person who carries from place to place any goods, wares or merchandise and offers to sell or barter the same, or actually sells or barter the same. The term “peddler” shall not apply to a peddler at wholesale or to those who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. A dairyman who uses upon the streets of the city one or more vehicles may sell and deliver from his vehicles, milk, butter, cream and eggs in the city without procuring a peddler’s license.

* * * * *

2. Article II, General License Tax Schedule, of Chapter 14, Licenses, of the Code of the City of Manassas Park, Virginia, is hereby amended to add a new Section 14-48.1, to read as follows:

“Sec. 14-48.1. - Umbrella license for itinerant merchants and peddlers.

- (a) The sale of goods, wares, merchandise, food, and services in the city by merchants, peddlers and vendors (i) at a special event permitted under section 24-5 or section 17.1-29 and sponsored by a nonprofit charitable organization, or (ii) at an event on city property or within city streets and/or sidewalks sponsored by a city department, board or agency, with the consent of the city manager, are hereby recognized as distinct activities. Any such organization or city department, board, or agency conducting such an event may obtain an umbrella license from the commissioner of the revenue that will satisfy the business license requirement for business transacted by all registered merchants,

peddlers, and vendors at the event. For any other business conducted in the city by any such merchant, peddler, or vendor, the appropriate license required by this chapter must be obtained.

(b) The cost of the umbrella license described in subsection (a) above shall be as follows:

(1) An annual license fee of \$500.00, which will apply to an unlimited number of events as described in subsection (a) above during the calendar year when the license is obtained, regardless of the number of participating merchants, peddlers and vendors at any one event; or,

(2) A per event license fee of \$10.00 per participating merchant, peddler, or vendor; provided, however, that regardless of the number of merchants, peddlers, and vendors, the cost of such license shall not be less than \$50.00 nor more than \$500.00 for any one event.

(c) As used in this section, a "nonprofit charitable organization" means a nonprofit corporation organized for charitable purposes that has been designated by the Internal Revenue Service as a 501(c)(3) organization, a civic organization as defined in Virginia Code § 57-48, or a nonprofit church or other religious body.

(d) For purposes of this section, a person shall be considered a merchant, peddler, or vendor at a special event or city-sponsored event only if he or she (i) has registered with the event organizer, and (ii) only conducts business within the boundaries of the area in which the event is held.

(e) Any organization or city department, board, or agency issued an umbrella license pursuant to this subsection shall, within ten days of the last day of the event for which such license was issued, file with the commissioner of the revenue on a form prescribed by the commissioner, a final accounting of the merchants, peddlers, and vendors who actually conducted business at the event.

(f) The provisions of this section are applicable only to the activities of temporary or transient merchants, peddlers, and vendors, and shall not be applicable to other licensable activities, including, but not limited to, persons operating amusement and recreation parks, circuses, carnivals, or concerts. Any person who does business at a special event conducted by a qualifying nonprofit organization or a city-sponsored event and is not registered as a merchant, peddler, or vendor for the event shall be considered a peddler or itinerant merchant as defined in this chapter, and shall be required to pay the applicable business license tax.”

3. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.

4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

5. This Ordinance shall be effective upon its adoption.

Approved August 29, 2023

Jeanette Rishell, Mayor

Lana A Conner, City Clerk

Ayes: Amaya, Hampton, Carrera, Javed, Moore Mensing, Rishell