

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

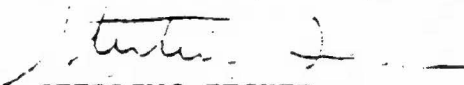
July 14, 1978

D.C LAW 2-82

"Vendors Regulation Amendments Act
of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 2-217 on first and second readings March 21, 1978, and April 4, 1978, respectively. Following the signature of the Mayor on April 21, 1978, this legislation was assigned Act No. 2-179, published in the May 5, 1978, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 2-82, effective June 30, 1978.


STERLING TUCKER
Chairman of the Council

(Vol. 24, D.C. Register, 9293, May 5, 1978)

D. C. LAW

2-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 30, 1978

To amend Police Regulation 74-39, governing vending in the District of Columbia, with respect to the licensing and regulation of vendors and the operation of vending businesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Vendors Regulation Amendments Act of 1978".

Sec. 2. "A Regulation Governing Vending Businesses in Public Space", approved December 13, 1974 (Regulation No. 74-39), is amended as follows:

(a) Section 4 of such regulation is amended by inserting the following definitions in alphabetical order:

"New vendor" - A person who has not previously operated as a vendor in the District of Columbia and who has no outstanding sales tax liability or use tax liability owed to the District of Columbia.

"Registered Agent" - Any person who is a District of Columbia resident and is authorized by the vendor and agrees to accept service of process and legal notices on behalf of the vendor.

"School day - The day shall begin at 9:00 a.m. and end at 3:00 p.m. unless otherwise determined by the Board of Education pursuant to Title 31, D.C. Code, sec. 101 et seq.".

(b) Section 7(b)(2) of such regulation is amended to read as follows:

"(2) The class of license applied for, a description of the type of article, merchandise, or food to be offered for sale and a description of the vending vehicle, cart, stand, or other equipment to be used;".

(c) Section 7(b)(4) of such regulation is amended as follows:

(1) by striking out the subparagraph designation

"(A)";

(2) by inserting the following at the end thereof:

"The prepayment of estimated sales tax levied on a new vendor who is a resident of the District of Columbia shall not exceed one hundred dollars (\$100).".

(d) Section 7(b)(5) is amended to read as follows:

"If the applicant is a non-resident of the District of Columbia, he shall provide the name and address of a District of Columbia registered agent upon whom service of process and other legal notices may be made. If

there is no such registered agent, then the Mayor shall be authorized to accept service of process as well as other legal notices directed to the applicant."

(e) Section 9 of such regulation is amended as follows:

(1) by amending the section heading to read as follows:

"Inspection of Food Vending Businesses."

(2) by striking out in subsection (1) "Each vehicle or stand from which food products are vended shall first be inspected by and receive a certificate from the Commissioner" and inserting in lieu thereof "The equipment used in vending food products shall first be inspected by and receive a certificate from the Mayor";

(3) by amending subsection (b) to read as follows:

"(b) Each food vending business shall be inspected at least twice a year.";

(4) by amending subsection (c) to read as follows:

"(c) For each food vending operation which conforms to the requirements of this regulation, the owner thereof shall be issued a certificate of inspection which shall expire at the time of the next inspection."; and

(5) by amending subsection (d) as follows:

(A) striking out "vehicle or stand" in the first sentence and inserting in lieu thereof "vending operation"; and

(B) amending the second sentence to read as follows:

"Such certificate shall be recognized as valid only when the particular food authorized on the certificate is being sold."

(f) Section 10 of such regulation is repealed, and the remaining sections renumbered accordingly.

(g) Section 10 of such regulation (as renumbered) is amended to read as follows:

(SECTION 10. Issuance of License. "Not later than forty-five (45) days after filing a completed application for a vending business license, the applicant shall be notified by the Mayor of his decision on the issuance or denial of the license. If the issuance of a license is approved, the Mayor shall provide the applicant with a certificate of authority. If the issuance is not approved, the Mayor shall follow the procedures set forth in section 15 of this regulation."

(h) Section 11 of such regulation (as renumbered) is amended to read as follows:

"SECTION 11. Renewal of License. "All licenses granted pursuant to this regulation shall be valid for the entire licensing period unless revoked or suspended prior to expiration. Application to renew a license shall be made not later than forty-five (45) days before the expiration of the current license. If renewal of the license is approved, the Mayor shall furnish the applicant with a certificate of authority on or before the date of expiration of the current license. If the license renewal application is not approved, the Mayor shall follow the procedures set forth in section 16 of this regulation.".

(i) Section 12 of such regulation (as renumbered) is amended to read as follows:

"SECTION 12. Display of Certificates of Authority.

"(a) All certificates of authority to vend shall be properly and conspicuously displayed at all times during the operation of the vending business. Such certificates shall be deemed to be properly displayed when they are attached to the outer garment of the vendor and clearly visible to the public. Certificates of health inspection shall be deemed to be properly displayed when they are firmly attached to the vending vehicle or stand and clearly visible to the public.

"(b) Every licensee or holder of a certificate of authority issued pursuant to this regulation shall exhibit the same for examination upon demand by any authorized representative of the District of Columbia government.

"(c) No person shall fraudulently alter, mutilate, forge, or illegally display any certificate of authority issued pursuant to this regulation."

(j) Section 14 of such regulation (as renumbered) is amended by adding the following sentence at the end thereof: "Such records shall be produced only after reasonable prior notice to the vendor during normal business hours and need not be in the immediate possession of the vendor to whom the quest for production is made."

(k) Section 18 of such regulation (as renumbered) is amended as follows:

(1) by amending subsection (a) to read as follows:

"(a) No vendor shall vend within the same square block of the grounds of any hospital, nursing home, skilled care facility, or related institution; or within three hundred (300) feet of any part of the grounds of any elementary or secondary school prior to the beginning of the school day and continuing in time until one half (1/2) hour after such school has been dismissed at the end of the school day.";

(2) by striking out the last sentence in paragraph (2) of subsection (d) the words "However, nothing herein shall prohibit the Commissioner from removing, modifying, or adding to the list.";

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(4) by inserting a new subsection (e) to read as follows:

"(e) The Mayor is authorized, after hearing, to determine the areas upon the highways and in the public spaces of the District of Columbia in which vending may take place; the types of vending which may take place therein; and the standards which must be followed by vendors with respect to such vending. The areas so determined, and all additions to and deletions from such areas, including those areas specified in subsection (d) of this section, shall be published in the District of Columbia Register."; and

(5) by amending subsection (i) (as redesignated) to read as follows:

"(i) The Mayor shall determine the minimum distances which must exist between sidewalk vending businesses.".

(1) Section 19 of such regulation (as renumbered) is amended:

(1) by striking the last sentence in subsection (a); and

(2) by adding the following new subsection:

"(d) The Mayor shall designate roadway sites and develop standards governing the use of roadway sites.".

(m) Section 20 of such regulation (as renumbered) is amended to read as follows:

"(a) All preparation, storage, handling, transportation and service of food vended by licensees approved under this regulation shall be in compliance with this regulation and the Health Regulations of the District of Columbia (Title 8, D.C.R.R.).

"(b) No person licensed to vend any food which may be potentially hazardous (perishable) shall operate a vending vehicle unless it is equipped with a refrigerant or facilities sufficient to maintain such food at a temperature of forty-five (45) degrees fahrenheit or less.

"(c) No fish, poultry, or other animal shall be cleaned in a food vending vehicle or on or at a stand, nor shall their entrails be removed. Neither shall such products be cut, processed, or otherwise prepared in a food vending operation.

"(d) Each vendor shall submit to the Mayor the address of the supplier of all prepared foods vended.

"(e) No food vending equipment shall be used for purposes other than those authorized by the Mayor, unless the Mayor has first approved such other use in writing."

(n) Section 21(a) of such regulation (as renumbered) is amended to read as follows:

"(a)(1) No sidewalk vending vehicle, stand, or merchandise display, other than those used for food vending purposes, shall be wider than four (4) feet, longer than seven (7) feet, or higher than three (3) feet six (6) inches.

"(2) No sidewalk vending vehicle, cart, or stand used to vend food shall be wider than four (4) feet, longer than seven (7) feet, or higher than seven (7) feet. Any part of such vehicle or stand which is more than four (4) feet six (6) inches in height, shall be composed of clear or transparent material, the purpose of which shall be to protect the quality of the food dispensed therefrom."

(o) Such regulation is amended by striking out "Commissioner" and "Mayor-Commissioner" wherever they appear and inserting in lieu thereof "Mayor" in each such place.

Sec. 3. This act shall take effect immediately following the period provided for Congressional review of acts of this

Council in section 602(c)(1) of the District of Columbia
Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: Bill 2-217

First Reading Action: 3-21-78

☒ VOICE VOTE: Adopted Unanimously (All present)

Robert Williams
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SHACKLETON									
Indication Vote A. 3-21-78 M. Y. Not Young														

Secretary to the Council

Amended First Reading Action: _____

☐ VOICE VOTE: _____

Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SHACKLETON									
Indication Vote A. 2-21-78 M. Y. Not Young														

Secretary to the Council

Final Reading or Emergency Action: 4-4-78

☒ VOICE VOTE: Adopted Unanimously (5abs) Barry, Mason, Shackleton, D Moore and J Moore

Robert Williams
Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.	COUNCIL MEMBER	AYE	NAY	N.V.	AB.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAK									
DIXON					SHACKLETON									
Indication Vote A. 2-21-78 M. Y. Not Young														

Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: Bill 2-217

Presented to the Mayor: APR 7 1978

Robert Williams
Secretary to the Council

Action of the Mayor: 21 APR 1978

☒ Approved: ☐ Disapproved;
☐ Disapproved in part --*Reference
Document: _____
*Budget Actions.

Martin Luther King 21 APR 1978
Mayor of the District of Columbia

☐ Returned Without Action

----- Executive Secretary, D. C.

Enacted without Mayor's Signature _____

----- Secretary to the Council

Council Reenactment: _____

☐ VOICE VOTE: _____

----- Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	ALL	COUNCIL MEMBER	AYE	NAY	N.Y.	ALL	COUNCIL MEMBER	AYE	NAY	N.Y.	ALL
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLARK									
DEKON					SHACKLETON									
----- Indefinite Vote A. Rejected N. Y. Not Voted														

----- Secretary to the Council

Presented to the President: _____

----- Secretary to the Council

Action of the President: _____

☐ Reenactment Approved

☐ Mayor's Veto Sustained

President of the U. S.

Robert Williams

----- Secretary to the Council

Submitted to the Congress: MAY 2 1978

Senate Action: _____

Resolution Number: _____

House Action: _____

Resolution Number: _____

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action: _____

D. C. Law No. _____ Effective Date _____

----- Secretary to the Council