

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend, on a temporary basis, Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to authorize the Director of the Department of Transportation to designate street vending sites, charge street vendors rental fees, issue public space permits to street vendors, establish insurance requirements for the use of public space by street vendors, waive vending stand locations, and develop design standards for vending stands, food carts and roadway vehicles, and to authorize the Director of the Department of Consumer and Regulatory Affairs to coordinate vending activities in the District of Columbia; to amend the Department of Transportation Establishment Act of 2002 to authorize the Director of the Department of Transportation to issue public space occupancy permits and charge public space rental fees to vendors and for sidewalk cafes; and to amend section 47-2834(c) of the District of Columbia Official Code to authorize the Director of the Department of Consumer and Regulatory Affairs to establish appropriate license fees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Amendment Act of 2006”.

Sec. 2. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 501 (24 DCMR § 501) is amended as follows:

(1) Subsection 501.15 is amended by striking the word “Director” and inserting the phrase “Director of the Department of Transportation” in its place.

(2) Subsection 501.16 is amended to read as follows:

“501.16 The Director of the Department of Transportation shall determine all vending site locations, including the addition, deletion, and relocation of a vending site. The listing of

sidewalk vending sites in the central vending zone and the neighborhood commercial zones or any other subzones established by the Director of the Department of Transportation, roadway vending sites, and the fee schedule for public space rental shall be adopted by the Director of the Department of Transportation by regulation. The Director of the Department of Transportation may revoke any public space permit issued pursuant to this chapter at any time and require the permittee to vacate.”.

(3) A new subsection 501.19 is added to read as follows:

“501.19 The Director of the Department of Consumer and Regulatory Affairs shall be authorized to coordinate all vending activities in the District of Columbia, including the distribution of public space permits authorized by the Director of the Department of Transportation. District residents shall receive preference points. The Director of the Department of Consumer and Regulatory Affairs and the Director of the Department of Transportation shall consult with each other for the efficient issuance of vending public space permits.”.

(b) Section 502.2 (24 DCMR § 502.2) is amended by adding a new second sentence to read as follows:

“502.2 No person, so licensed, may vend from public space in the District of Columbia without a public space occupancy permit authorized by the Department of Transportation pursuant to subsection 501.16 and D.C. Official Code § 50-921.04(4)(G).”.

(c) Section 510.24 (24 DCMR § 510.24) is amended to read as follows:

“510.24 The provisions of this chapter shall not apply to vending designs or sites approved for evaluation in a vending demonstration zone hereafter created and authorized. When authorizing vending demonstration zones designated by the Director of the Department of Consumer and Regulatory Affairs, the Director of the Department of Transportation may waive the provisions of section 510 and 515 (Restricted Vending Locations) if the Director of Transportation determines that waiver is in the public interest.”.

(d) Section 512.1 (24 DCMR § 512.1) is amended to read as follows:

“512.1 The Director of the Department of Transportation, with the approval of the Director of the Department of Consumer and Regulatory Affairs, shall have the authority develop design standards for vending stands, food carts (including ice cream), and roadway vehicles.”.

Sec. 3. Section 5(4) of The Department of Transportation Establishment Act of 2002, D.C. Law 14-137, May 21, 2002 (D.C. Official Code § 50-921.04), is amended as follows:

Note,
§ 50-921.04

(a) Subparagraph (E) is amended by striking the word “and” at the end.

(b) Subparagraph (F) is amended by inserting the word “and” at the end.

(c) A new subparagraph (G) is added to read as follows:

“(G) Authorize permits and establish permit fees to occupy public space, for distribution by the Director of the Department of Consumer and Regulatory Affairs,

including permits and fees for sidewalk cafes and sidewalk and roadway vendors; and”.

Note,
§ 47-2834

Sec. 4. Section 47-2834(c) of the District of Columbia Official Code is amended to read as follows:

“(c) The Director of the Department of Consumer and Regulatory Affairs may, by rule, establish and revise every 2 years a site specific schedule of license fees to replace the fees listed under subsection (a) of this section to reflect the adoption of a regulatory system that assigns specific vending sites and assesses a license fee that reflects the administrative cost of licensure and periodic inspection of food and merchandise vendors.”.

Sec. 5. Rulemaking.

Pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Department of Transportation, the Department of Consumer and Regulatory Affairs, the Department of Health, and the Metropolitan Police Department may promulgate rules specific to their vending responsibilities, incorporating the best practices for the planning, cart design, management, site identification, fees and applicable taxes, and enforcement of sidewalk and roadway vendors to ensure public health and safety. **The proposed rules shall be submitted to the Council for a 30-day period of review. If the Council does not approve or disapprove the proposed rules by resolution within the 30-day review period, the proposed rules shall be deemed disapproved.** In no event shall there be an interpretation of this section that rulemaking shall be necessary for the issuance of licenses or permits.

Sec. 6. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia