

AN AMENDMENT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: June 18, 2013
Amendment offered by: Councilmember Tommy Wells

to: "Vending Regulation Second Emergency Amendment Act of 2013" and "Vending Regulation Second Temporary Amendment Act of 2013"

Section: 3 Page: 1 Line(s): 25-26

Proposed Amendment:

Section 3(2) is amended to read as follows:

“(2) Section 535.2 (c) is amended to read as follows:

“(c)(1) Where the adjacent unobstructed sidewalk is less than six feet (6 ft.) wide.

“(2) For the purposes of this subsection, A permeable or point obstruction, such as a parking meter, is not considered an obstruction.”.

Rationale: To clarify ambiguities resulting from competing definitions put forth by agency officials related to how unobstructed sidewalk restrictions will be defined in order for the six-foot of unobstructed sidewalk rule to be consistently applied and enforced. Under the revised proposal, food trucks would be prohibited from vending anywhere outside an MRV Location where there is less than six feet of unobstructed sidewalk.

A recurring problem since DC officials first proposed the current regulations has been the lack of an explicit regulatory definition of what qualifies as an obstruction for the purposes of defining the measurement of the six foot rule (see Sec. 5353.2.).

In the past eight months since officials published the Third Proposed Rulemaking, DDOT and DCRA, the Restaurant Association of Metropolitan Washington, and the Food Truck Association have each had different understandings of what constitutes “unobstructed” sidewalk.

Furthermore, these understandings have changed over time; the overall confusion these differing definitions have sown will make it near impossible to consistently measure, enforce, and comply with this part of the rule. For these reasons, the DC Food Truck Association asks that the DC Council codify this amendment language, which comes directly from — and is consistent with — DCRA Director Nicholas Majett's testimony at the May 10 vending regulations hearing of the Committee on Business, Consumer and Regulatory Affairs.

Fiscal Impact: None. See attached.

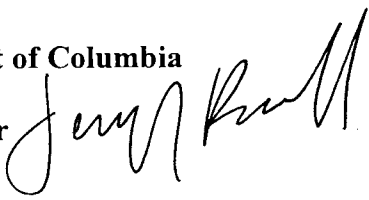
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff - Budget Director 

DATE: June 18, 2013

SHORT TITLE: "Vending Regulation Second Emergency/Temporary Amendment Act of 2013"

TYPE: Amendment #~~1~~2

REQUESTED BY: Councilmember Tommy Wells

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with enacting the emergency/temporary.

Background

This amendment would add a phrase to Section 3, item (2) stating that a permeable or point obstruction, such as a parking meter or tree box, would not be considered an obstruction for the purposes of these regulations.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.