



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: 4 Page: 1

Proposed Amendment: Section 4 is amended to read as follows:

"Sec. 4. (a) Chapter 33 of Title 16 of the District of Columbia Municipal Regulations is amended to enact proposed rule section 3313, transmitted by the Mayor on March 8, 2013 and published at 60 DCR 2869 to establish new rules for vendors.

(b) Section 3313.1 is amended by striking the second subsection (e) and inserting a new subsection (e-1) to read as follows:

"(e-1) 24 DCMR 535.1 (a) (Vend in a legal parking space that meets the requirements of 535.2);"

(c) Section 3313.4 is amended by adding a new subsection (d-1) to read as follows:

"(d-1) 24 DCMR § 535.1(b) (Pay all parking meter fees) and (c) (Obey all posted time restrictions);".

Rationale: To reduce the \$2,000 fine that food trucks potentially are subject to for parking at an expired meter to the same amount that other street vendors face for similar infractions.

Sec. 3313.1(e) creates confusion because it makes parking at an expired meter a Class 1 infraction subject to a \$2,000 fine on the first offense, a \$4,000 fine on the second offense, an \$8,000 fine on the third offense, and a \$16,000 fine on the fourth and subsequent offenses. Elsewhere within the regulations, parking at an expired meter is a Class 5 infraction subject to a \$50 fine on the first offense, a \$100 fine on the second offense, a \$200 fine on the third offense, and \$400 on the fourth and subsequent offenses.

Having a District-wide 6-foot unobstructed sidewalk rule and a 200-foot restriction on food trucks located near lottery-assigned MRV Locations makes it essential that mobile vending parking fines serve as a deterrent to potential violators while not being so excessive so as to unreasonably punish those same violators. Imposing a Mobile Roadway Vendor fine of \$2,000 for a non-moving parking violation is excessive, particularly when viewed in light of what other street vendors pay for similar infractions. *See, e.g.*, 16 DCMR § 3313.4(j)(stating that vendors who violate traffic or parking restrictions are committing a Class 5 infraction).

Amending this Class 1 infraction to a Class 5 infraction by moving it to Sec. 3313.4 will ensure that the fines Mobile Roadway Vendors face are in line with fines paid by other vendors. Class 5 Infractions are \$50 on the first offense, \$100 on the second offense, \$200 on the third offense, and \$400 on the fourth and subsequent offenses.

Fiscal Impact: None. See attached.

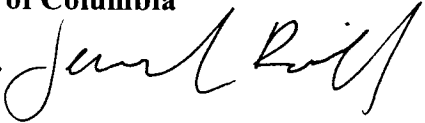
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



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

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 reduce the proposed \$2,000 fine that food trucks would be subject to for parking at an expired meter to the same amount other street vendors face for similar infractions.

The FIS on the "Vending Business License Regulation Resolution of 2013" issued by the OCFO on March 4, 2013 estimated that the new vendor fees would generate approximately \$730,000 annually. The estimate is based upon expected collections of five new fees; the increase in the parking meter infraction was not included in the revenue projections. Additionally, the OCFO FIS states, "because there is not enough information at this time to reliably estimate what surplus revenues will be, and because surplus revenues would not lapse into the General Fund for use on other priorities, this resolution does not have an impact on the budget and financial plan." As such, the proposed reduction for a parking meter violation will not have a fiscal impact.

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.