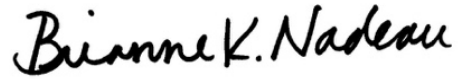




Councilmember Robert C. White, Jr.



Councilmember Brianne K. Nadeau



Councilmember Elissa Silverman

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Vending Regulations Act of 2009 to allow the Mayor to establish sidewalk vending zones for sidewalk vendors to legally operate, to establish the Columbia Heights Sidewalk Vending Zone, and to waive unpaid licensing-related civil citations for sidewalk vendors who obtain a sidewalk vending zone individual license or registers with a sidewalk vending zone manager.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sidewalk Vending Zones Amendment Act of 2020”.

Sec. 2. The Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*) is amended as follows:

(a) Section 9 (D.C. Official Code § 37-131.08) is amended by adding a new subsection

(c) to read as follows:

31 “(c) A person who violates the provisions of this act or any regulations issued pursuant to
32 this act from vending exclusively from a sidewalk shall be exempt from the criminal penalties
33 provided in subsection (b) of this section.”.

34 (b) New sections 12 and 13 are added to read as follows:

35 “Sec. 12. Sidewalk vending zones and licensing.

36 “(a) The Mayor may establish sidewalk vending zones with at least 3 designated vending
37 spaces within each zone. A sidewalk vending zone shall:

38 “(1) Limit the number of sidewalk vendors allowed in each vending space to a
39 number determined by the Mayor;

40 “(2) Permit sidewalk vendors to move from one vending space to another within
41 the same sidewalk vending zone;

42 “(3) Deny entry to additional sidewalk vendors if the sidewalk vending zone has
43 reached maximum capacity;

44 “(4) Require all sidewalk vendors to conspicuously display their sidewalk vending
45 zone individual license, sidewalk vending zone manager license, or proof of registration with a
46 sidewalk vending zone manager; and

47 “(5) Require all sidewalk vendors to vend from a temporary table or a cart that
48 contains no motor or open fires, is able to be moved by hand, and is no more than 3 ft. in width
49 and 6 ft. in length.

50 “(b) Members of the public may submit a written request to the Mayor for the
51 establishment of a sidewalk vending zone, the establishment of vending spaces within a proposed
52 sidewalk vending zone, or the establishment of or changes to vending spaces within an existing
53 sidewalk vending zone. The Mayor shall solicit community input and respond in writing to this

54 request in a public forum within 60 days. If the request is denied, the written response shall
55 provide an explanation for the decision.

56 “(c) Notwithstanding the requirements of sections 3 through 5 of this act, a person shall
57 not vend from a sidewalk vending zone unless:

58 “(1) The person holds a basic business license properly endorsed as provided in
59 section 3(c) of this act and holds a sidewalk vending zone individual license or a sidewalk
60 vending zone manager license; or

61 “(2) The person has registered with a sidewalk vending zone manager.

62 “(d) The Mayor may issue:

63 “(1) A sidewalk vending zone manager license to a person who:

64 “(A) Is a non-profit entity, headquartered in the District, that is familiar
65 with the needs of the vendor population it seeks to manage, or a vendor-organized cooperative;

66 “(B) Holds a basic business license properly endorsed as provided in
67 section 3(c) of this act;

68 “(C) Holds public liability insurance and agrees to cover all sidewalk
69 vendors that have registered with the sidewalk vending zone manager; and

70 “(D) Assumes liability for any penalty assessed for any vending violation
71 incurred by a registered sidewalk vendor.

72 “(2) A sidewalk vending zone individual license to a person who:

73 “(A) Holds a basic business license properly endorsed as provided in
74 section 3(c) of this act;

75 “(B) Holds public liability insurance; and

76 “(C) Is compliant with all health laws and regulations; and

77 “(e) A sidewalk vending zone manager:
78 “(1) May register sidewalk vendors under its sidewalk vending zone manager
79 license;
80 “(2) Shall maintain an updated list of sidewalk vendors who they have registered;
81 “(3) May charge an annual administrative fee of no more than \$50 per registrant;
82 “(4) Shall take reasonable action to ensure that every registered sidewalk vendor
83 is compliant with all health laws and regulations; and
84 “(5) May discontinue the registration of a sidewalk vendor who violates any
85 provision of this Chapter.
86 “(f) Sidewalk vendors shall:
87 “(1) Be exempt from obtaining permits for the occupation of public space, public
88 rights of way, and public structures pursuant to D.C. Official Code § 10-1141.03.
89 “(2) Only vend in the sidewalk vending zones for which:
90 “(A) They hold a sidewalk vending zone manager license;
91 “(B) They hold sidewalk vending zone individual license; or
92 “(C) The sidewalk vending zone manager with whom they are registered
93 holds a sidewalk vending zone manager license.
94 “(g) The Mayor shall collect as a biennial fee:
95 “(1) No less than \$1,500 for each sidewalk vending zone in which a sidewalk
96 vending zone manager operates; and
97 “(2) No less than \$70 for each sidewalk vending zone individual license that is
98 issued.

99 “(h) A license or registration provided under subsections (c) through (e) of this section
100 shall constitute a revocable license and a sidewalk vendor shall not acquire a property interest in
101 the license or registration.

102 “(i)(1) There is established an amnesty program for any person liable for unpaid
103 licensing-related civil citations under section 9 of this act. The amnesty program shall be
104 available for one year following its establishment.

105 “(2) The amnesty program shall forgive all unpaid licensing-related civil citations
106 from 5 years prior to the effective date of this act to any person who obtains a sidewalk vending
107 zone manager license, a sidewalk vending zone individual license, or registers with a sidewalk
108 vending zone manager.

109 “(3) A person may file an application for amnesty with the Mayor that includes:

110 “(A) A copy of each citation accrued; and

111 “(B) A copy of the person’s sidewalk vending zone manager license,
112 sidewalk vending zone individual license, or proof of registration with a sidewalk vending zone
113 manager.

114 “(4) The Mayor shall publicize, for one year, the terms and conditions of the
115 amnesty program.”.

116 “(j) For purposes of this section, the terms:

117 “(1) “Sidewalk vending zone manager” means a District-based person who holds
118 a valid sidewalk vending zone manger license.

119 “(2) “Sidewalk vending zone” means a location on sidewalks designated by the
120 Mayor or by this act with 3 or more designated vending spaces at which a person may vend.
121 designated section of the District in which there are 3 or more designated vending spaces.

122 “(3) “Sidewalk vendor” means a person who sells goods or food from a temporary
123 table or a cart on the sidewalk.

124 “(4) “Vending space” means a designated area within a sidewalk vending zone
125 where sidewalk vendors may operate. A vending space includes a sidewalk, public space, public
126 plaza, parks, public realm, or private space with the correct Certificate of Occupancy.

127 “(j) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure
128 Act, approved October 21, 1958 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*) shall issue
129 rules to implement this section within 120 days after the date when this act goes into effect.

130 “Sec. 12. Establishment of the Columbia Heights Sidewalk Vending Zone.

131 “(a) There is established the Columbia Heights Sidewalk Vending Zone, comprised of the
132 geographic area bounded by a line that begins on the northeast corner of the intersection of
133 Irving Street, N.W. and 17th Street, N.W., north along 17th Street, N.W. to the northwest corner
134 of 17th Street, N.W. and Park Road, N.W., east along Park Road, N.W., until the northwest
135 intersection with 14th Street, N.W., north along the west side 14th Street, N.W. until the
136 northwest corner of 14th Street, N.W. and Oak Street, N.W., and south along the east side of
137 14th Street, N.W., to the northeast corner of 14th Street, N.W. and Irving Street, N.W., and west
138 along Irving Street, N.W. until the 17th Street, N.W. intersection.

139 “(b) The vending spaces within the Columbia Heights Sidewalk Vending Zone shall be:

140 “(1) Space I (Lamont Plaza at Lamont Street, N.W., 17th Street, N.W., and Mt.
141 Pleasant Street, N.W.), located at Lot 800 in Square 2608W, with a limit of 12 vendors;

142 “(2) Space II (Triangle Park at Park Road, N.W., Pine Street, N.W., and 16th
143 Street, N.W.), located at Lot 803 in Square 2675W, with a limit of 16 vendors;

144 “(3) Space III (Triangle Park at Oak Street, N.W., Ogden Street, N.W., and 14th
145 Street, N.W.), located at Reservation 310B, with a limit of 6 vendors;

146 “(4) Space IV (Civic Plaza at Kenyon Street, N.W., 14th Street, N.W., and Park
147 Road, N.W.), located at Lot 834 in Square 2843, with a limit of 15 vendors;

148 “(5) Space V (NE Columbia Heights Station, northeast corner of 14th Street,
149 N.W., and Irving Street, N.W., the sidewalk area southeast of Columbia Heights Station
150 entrance/exit), located at Lot 871 in Square 2848, with a limit of 5 vendors; and

151 “(6) Space VI (Triangle park at 16th ST NW, 15th St. NW and Irving St. NW),
152 located at Reservation 565, with a limit of 3 vendors.

153 Sec. 3. Fiscal impact statement.

154 The Council adopts the fiscal impact statement in the committee report as the fiscal
155 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
156 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

157 Sec. 4. Effective date.

158 This act shall take effect after approval by the Mayor (or in the event of veto by the
159 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
160 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
161 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
162 Columbia Register.