

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority under section 18(e) of Mayor-Commissioner Regulation 74-39, enacted December 13, 1974, as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619) and Mayor's Order 2010-91, dated May 27, 2010, hereby gives notice of intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, a new Chapter 5 (Vendors) of Title 24 of the District of Columbia Municipal Regulations.

This rulemaking amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking includes provisions governing vending licensure, vendor operations, the designation of sidewalk and roadway vending locations, public markets, vending development zones, street photography, and solicitation from the public space. In addition, the rulemaking amends the name of the chapter.

Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended to read as follows:

CHAPTER 5 VENDORS

SUBCHAPTER A: GENERAL PROVISIONS

500 PURPOSE

501 AGENCY RESPONSIBILITIES

SUBCHAPTER B: VENDING LICENSES, PERMITS, AND AUTHORIZATIONS

502 GENERAL LICENSURE REQUIREMENTS

503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES

504	VENDING BUSINESS LICENSE: APPLICATION & FEES
505	VENDING BUSINESS LICENSE: ISSUANCE
506	VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL
507	VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE
508	VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES
509	VENDING SITE PERMIT: APPLICATION
510	VENDING SITE PERMIT: ISSUANCE
511	VENDING SITE PERMIT: EXPIRATION AND RENEWAL
512	VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE
513	HEALTH INSPECTION CERTIFICATE: GENERAL
514	HEALTH INSPECTION CERTIFICATE: APPLICATION
515	HEALTH INSPECTION CERTIFICATE: ISSUANCE
516	HEALTH INSPECTION CERTIFICATE: SUSPENSION
517	FOOD PROTECTION MANAGER CERTIFICATE
518	PROPANE AND OPEN FLAME PERMIT
519	HOOD SUPPRESSION SYSTEM APPROVAL
SUBCHAPTER C: VENDING LOCATIONS PART 1: GENERAL	
520	VENDING LOCATIONS: GENERAL
PART 2: SIDEWALK VENDING LOCATIONS	
521	VENDING LOCATIONS: SIDEWALK VENDING
522	VENDING LOCATIONS: CENTRAL VENDING ZONE

- 523 VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE
- 524 VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES
- 525 VENDING LOCATIONS: NATIONALS PARK VENDING ZONE

PART 3: ROADWAY VENDING LOCATIONS

- 526 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
GENERAL
- 527 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
AUTHORIZED LOCATIONS
- 528 VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:
ADDITIONAL LOCATIONS

PART 4: ASSIGNMENT OF VENDING LOCATIONS

- 529 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS
- 530 ASSIGNMENT OF ROADWAY VENDING LOCATIONS

PART 5: MISCELLANEOUS

- 531 PUBLIC MARKETS
- 532 TEMPORARY RELOCATION OF VENDORS

SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND

INSPECTIONS PART 1: DESIGN STANDARDS

- 533 DESIGN STANDARDS: GENERAL
- 534 DESIGN STANDARDS: VENDING CARTS
- 535 DESIGN STANDARDS: VENDING VEHICLES
- 536 DESIGN STANDARDS: VENDING STANDS
- 537 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES

- 538 DESIGN STANDARDS: ADVERTISING
- 539 DESIGN STANDARDS: PHASE-IN PERIOD

PART 2: OPERATIONAL STANDARDS

- 540 OPERATIONAL STANDARDS: GENERAL
- 541 OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS
- 542 OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS
- 543 OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS
- 544 OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING
- 545 OPERATIONAL STANDARDS: FIRE SAFETY
- 546 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS

PART 3: INSPECTIONS

- 547 INSPECTIONS: FOOD PREPARATION AND HANDLING
- 548 INSPECTIONS: DESIGN STANDARDS
- 549 INSPECTIONS: FIRE SAFETY

PART 4: OTHER STANDARDS OF OPERATION

- 550 MAINTENANCE STANDARDS
- 551 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES
- 552 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS
- 553 EMPLOYEES OF LICENSED VENDORS

	<p>554 LITTERING</p> <p>555 DISPLAY OF SAMPLE ITEMS</p> <p>556 MOBILE ROADWAY VENDING</p> <p>557 PURCHASE OR RECEIPT OF STOCK</p> <p>558 PLACING VENDING BUSINESS LICENSES ON HOLD</p> <p>559 REQUIREMENT TO UPDATE INFORMATION</p> <p>SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS</p> <p>560 VENDING DEVELOPMENT ZONES</p> <p>561 SPECIAL EVENTS</p> <p>SUBCHAPTER F: SOLICITING</p> <p>562 SOLICITING: GENERAL PROVISIONS</p> <p>SUBCHAPTER G: MISCELLANEOUS PROVISIONS</p> <p>563 VENDING DEPOTS</p> <p>564 PENALTIES</p> <p>565 SEVERABILITY</p> <p>599 DEFINITIONS</p>	
	<p><u>SUBCHAPTER A: GENERAL PROVISIONS</u></p> <p>500 PURPOSE</p>	
500.1	<p>The provisions of this chapter are issued pursuant to the authority under section 18(e) of Mayor-Commissioner Regulation 74-39, enacted December 13, 1974, as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan 1 of 1986, effective August 21, 1986, the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), and Mayor’s Order 2010-91, dated May 27, 2010.</p>	
500.2	<p>This chapter shall provide guidelines for the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its</p>	<p>Are these “Guidelines” or “regulations”?</p>

	citizens.	
500.3	Nothing in this chapter is intended to interfere with the exercise of activities pursuant to the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 <i>et seq.</i>).	Good.
501	AGENCY RESPONSIBILITIES	
501.1	<p>The Director of the Department of Consumer and Regulatory Affairs (hereinafter “Director”) shall be responsible for:</p> <p>a) Coordinating all vending activities in the District of Columbia;</p> <p>(b) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;</p> <p>(c) Distributing Vending Site Permits for Vending Locations approved by the DDOT Director, pursuant to § 520;</p> <p>(d) Enforcing this chapter’s provisions, including the requirement that vendors vend only from their assigned Vending Locations; provided, that the Director shall not be responsible for enforcing the application of the Food Code to vendors.</p> <p>(e) Creating and maintaining a database of all vendors issued Vending Business Licenses, including any specific Vending Location assigned to each vendor;</p>	<p>Is “coordinating” business activity a legitimate function for the Director of DCRA? Or is DCRA's mandate to license and regulate? Obviously it is the latter, but to read these regulations (or “<i>guidelines</i>”) it looks like the former....</p> <p>If DDOT is responsible for approving sites, why isn't DDOT (in collaboration with OP) identifying them? What give DCRA this special expertise?</p> <p>We do not understand what this means....DCRA routinely enforces certain provisions of the Food Code when it comes to street vendors. Is DCRA planning to stop?</p> <p>Duplication of effort. DDOT has GIS capabilities, DCRA does not. Keeping track of</p>

	<p>(f) Designating the categories of merchandise or services that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of merchandise or services that may be vended at a specific Vending Location;</p> <p>(g) Establishing the authorized hours of operation for vendors and, where authorized under this chapter, establishing specific hours of operation at a specific Vending Location; and</p> <p>(h) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.</p>	<p>locations is the hard part. DCRA should be sending vendor information to DDOT.</p> <p>Wouldn't "the market" be a better arbitor of this than DCRA?</p> <p>Again, wouldn't "the market" tend to lead vendors to make rational decisions?</p> <p>Later, we note that the "standards" proposed are almost the same as those presently in place. Most observers would agree that these "standards" have not resulted in a high-quality outcome which should be the clear goal of these regulations.</p>
501.2	<p>The DDOT Director shall be responsible for:</p> <p>(a) Designating, modifying, and waiving, as appropriate, the standards for Vending Locations, pursuant to § 520 and § 528;</p> <p>(b) Approving locations on public space where public markets may be located;</p> <p>(c) Creating and maintaining a database and map of all designated Vending Locations; and</p> <p>(d) Assisting, as appropriate, with the enforcement of the provisions of this chapter.</p>	<p>As we read these regulations, there are no "standards" whatsoever for vending locations, merely locations where vending is prohibited. We believe DCRA is the wrong agency to set vending location standards, for they have no planning or retailing expertise. DDOT may not be the right agency to figure this out, either.</p>

501.3	<p>The Metropolitan Police Department (MPD) shall be responsible for:</p> <p>(a)Enforcing District laws and regulations prohibiting unlicensed vending activities;</p> <p>(b)Enforcing any criminal laws, including laws regarding assault, harassment, and intimidation, in connection with vending; and</p> <p>(c) Assisting with the enforcement of the provisions of this chapter.</p>	<p>By diminishing MPD's role in vending enforcement, DCRA sets the stage to expand its own internal enforcement staff. A classic bureaucratic maneuver...</p>
501.4	<p>The DOH Director shall be responsible for:</p> <p>(a)Designating the categories of food that may be vended under a specific class of Vending Business License and, where authorized under this chapter, designating specific categories of food that may be vended at a specific Vending Location;</p> <p>(b)Reviewing and either approving or denying applications for licenses or other certificates of authority required under the Food Code for the vending of food from public space;</p> <p>(c)Regularly inspecting food vending operations; and</p> <p>(d)Enforcing the application of the Food Code to vendors.</p>	<p>Looking at 503.1, the only class that allows food vending is a Class A license. This is far too coarse. Vendors who cook food should abide by one standard; vendors heating pre-cooked food should abide by another, and vendors selling non-potentially-hazardous food items (bottled water, candy bars) should be held to yet another standard. Section a) of this provision is lacks meaning because there is only one category of food licensure.</p>
501.5	<p>The Fire and Emergency Medical Services Department (FEMS) shall be responsible for:</p> <p>(a)Reviewing and issuing permits for the use of open flame and propane gas in food vending operations and conducting fire safety-related inspections of vending businesses; and</p> <p>(b)Enforcing District laws and regulations pertaining to any operational permits required under Title 12H of the District of Columbia Municipal Regulations.</p>	<p>Later in the regulations we see that FEMS also has to oversee electrical appliances. We believe that should be a DOH function...</p>
	<p><u>SUBCHAPTER B: VENDING LICENSES, PERMITS, AND OTHER AUTHORIZATIONS</u></p>	
502	GENERAL LICENSURE REQUIREMENTS	
502.1	No person shall vend any product, service, merchandise, or food from public	In theory, this is the right

	<p>space in the District of Columbia without obtaining and maintaining a valid:</p> <p>(a)Basic business license for vending (“Vending Business License”) issued by the Director, except as provided by § 502.3;</p> <p>(b)Vending Site Permit assigned pursuant to § 508, unless the vendor is a Mobile Roadway Vendor pursuant to § 556;</p> <p>(c)Health inspection certificate issued by the DOH Director, if the person vends food;</p> <p>(d)Food protection manager certificate and a DOH-issued certified food protection manager identification card, if the person vends food; provided, that a vendor may employ a person who holds a valid food protection manager certificate and DOH-issued certified food protection manager identification card; and</p> <p>(e)Permit from FEMS, if the vendor uses propane gas or solid fuels, such as wood pellets or charcoal.</p>	<p>approach. But the application of this approach, embodied in the remainder of this regulation, are fundamentally unworkable.</p>
502.2	<p>The licenses and permits required under § 502.1 shall be subject to any conditions imposed by the District agency issuing or assigning the license, permit, or certificate.</p>	<p>The conditions ought to be spelled out in regulation.</p>
502.3	<p>A Vending Business License shall not be required for:</p> <p>(a)Employees of licensed vendors;</p> <p>(b)Persons selling agricultural goods or farm products of their own raising at a public market licensed under § 531;</p> <p>(c)A person under eighteen (18) years of age, if the person holds a valid permit or other form of authorization issued by the District of Columbia Public Schools and is accompanied by a licensed vendor.</p> <p>(d)Certain vending activities authorized by the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code §§ 5-331.01 <i>et seq.</i>); or</p> <p>(e)Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event.</p>	<p>Ok</p> <p>ok</p> <p>ok</p> <p>Good</p> <p>ok</p>

503	VENDING BUSINESS LICENSE: CLASSES OF LICENSES	
503.1	<p>The Director shall issue the following classes of Vending Business Licenses:</p> <p>(a)Class A Licenses – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited under § 503.3, from public space; provided, that the vendor holds any food licenses and certificates required under Title 25 of the District of Columbia Municipal Regulations.</p> <p>(b)Class B Licenses – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and other than merchandise prohibited under § 503.3, from public space.</p> <p>(1)For the purposes of this subsection, the term “merchandise” shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants.</p> <p>(c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage farmers markets and other open markets on public or private space for the sale of agricultural goods and other farm products, or other food, merchandise, or services.</p> <p>(d)Class D Licenses – A Class D Vending Business License shall authorize a person to vend services from public space, including photography, shoe shining, and other such services as designated by the Director.</p>	<p>The basic structure of this licensing scheme makes sense.</p> <p>Merchandise ought to include non-potentially-hazardous food items.</p>
503.2	No person shall vend any items other than those allowable under the particular class of Vending Business License issued to the person.	
503.3	<p>No vendor shall sell the following categories of merchandise or food:</p> <p>(a)Live animals;</p> <p>(b)Power tools;</p> <p>(c)Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x18 in. X 20</p>	<p>Why no power tools at markets? Electric hand tools have willing sellers and willing buyers...</p> <p>Again, why the arbitrary limit?</p>

	<p>in.);</p> <p>(d)Rugs and carpets exceeding the surface area of the vendor’s vending cart or stand;</p> <p>(e)Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);</p> <p>(f)Alcoholic beverages or other alcoholic items for consumption;</p> <p>(g)Any drug, medicine, chemical, or compound or combination thereof restricted by the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code §§ 47-2885.01 <i>et seq.</i>);</p> <p>(h)A controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code §§ 48-901.02(4));</p> <p>(i)Drug paraphernalia, as the term is defined in section 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4- 419; D.C. Official Code § 48-101(3));</p> <p>(j) Any offensive merchandise, including pornographic or obscene materials;</p> <p>(k) Any counterfeit merchandise;</p> <p>(l)Any adulterated food, as the term is defined in Section A9901 of Title 25 of the District of Columbia Municipal Regulations; and</p> <p>(m) Any plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.</p>	<p>Especially at markets....</p> <p>Again, why the arbitrary limit?</p> <p>Again, why the arbitrary limit?</p> <p>ok</p> <p>ok</p> <p>ok</p> <p>ok</p> <p>ok</p> <p>ok</p> <p>ok</p> <p>ok</p>
504	VENDING BUSINESS LICENSE: APPLICATION & FEES	
504.1	An applicant for a Vending Business License shall meet all applicable business licensing criteria, shall file an application with DCRA, and shall pay all applicable fees.	

<p>504.2</p>	<p>Application for a Vending Business License shall be made on a form prescribed by DCRA and shall include the following information:</p> <p>(a)The name and address of the owner of the vending business;</p> <p>(b)The class of Vending Business License being sought;</p> <p>(c)A description of the type of merchandise, food, or service to be offered for sale;</p> <p>(d)A description of the vending vehicle, vending cart, or vending stand to be used;</p> <p>(e)An indication of the Vending Locations the applicant wishes to occupy, in their order of preference;</p> <p>(f)A Clean Hands Certification;</p> <p>(g)A copy of the applicant’s certificate of registration, issued by the Office of Tax and Revenue, designating the applicant’s sales and use tax number;</p> <p>(h)If the applicant is not a resident of the District of Columbia:</p>	<p>“or classes” - Let's avoid duplication of effort....</p> <p>If vending were ever to be properly planned in Washington, this becomes a very important provision.</p> <p>As does this.</p> <p>We cannot understand how this will work in practice, given DCRA's determination to assign sites by lottery, plus the provision that a licensed vendor can operate five distinct sites under one license...</p> <p>Good</p>
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	<p>(1)The name and address of a registered agent upon whom service of process and other legal notices may be delivered; or</p> <p>(2)A designation of the Mayor as the person who may accept service of process as well as other legal notices directed to the applicant;</p> <p>(i)If the applicant is applying for a Class A license, a health inspection certificate issued by the DOH Director (application for which shall be made on a form prescribed by the DOH Director); and</p> <p>(j)Any additional information required by the Director or, for Class A licenses, by the DOH Director.</p>	<p>We presume the “registered agent” must have a DC address. Otherwise, why this provision?</p> <p>This is unfair, and contrary to current practice. What this says is no man or woman can apply for a food vending business license without equipment. Many vendors rent food equipment. We say that the licensing of the individual vendor, and the approval of his or her equipment are two separate issues. DCRA approves the license. DOH approves the equipment. They are separate processes.</p> <p>The licensure requirements are actually spelled out in the DC Code. These regulations should be aligned with the Code regarding business licensure, and they are not. Vending business license applicants should only have to follow the current law.</p>
504.3	<p>No Vending Business License shall be issued by the Director if:</p> <p>(a)The person’s Vending Business License has been revoked;</p>	<p>This provision is both vague and overly restrictive.</p>

	<p>(b)The application for renewal of a Vending Business License has been denied under § 507; or</p> <p>(c)The person either has been:</p> <p>(1)Arrested or ticketed by MPD for vending without a license; or</p> <p>(2)Issued a notice of infraction by DCRA for vending without a license.</p>	<p>There is no indication about how far backward this goes...And we are well aware about the accuracy of DCRA's vending-related record-keeping through the years.</p> <p>The standard here, by the way, should be “convicted”...</p>
504.4	An applicant whose license application is rejected pursuant to § 504.3 shall not be eligible to receive a Vending Business License until one (1) year after the date of the revocation, denial, arrest, ticket, or notice of infraction.	<p>We are confused about the terminology. We assume that a “revocation” is permanent, and a “suspension” is temporary. Aside from that, we object to the lack of proportionality in this provision. A “revocation” is the same as a “denial” which is the same as an “arrest” which is the same as a “ticket” which is the same as a “notice of infraction”? In each case, the vendor must go for a full year without a license?</p>
504.5	No person shall be eligible to be issued a Vending Business License unless the person is at least eighteen (18) years of age.	
504.6	In addition to the application and endorsement fees for a basic business license, the fees charged for Vending Business Licenses shall be in the amounts listed in Chapter 5 of Title 17 of the District of Columbia Municipal Regulations.	
505	VENDING BUSINESS LICENSE: ISSUANCE	
505.1	Within forty-five (45) days of filing a complete application for a Vending Business License, the applicant shall be notified by the Director of the issuance or denial of the	There is NO reason why there needs to be a 45 day waiting

	license.	period to get a vending business license.
505.2	If the application is approved, the Director shall issue a Vending Business License to the applicant; provided, that if the applicant has applied for a Class A Vending Business License, no license shall be issued by the Director until the applicant has received all necessary licenses, permits, and authorizations from DOH and any other District agency.	To repeat our earlier criticism, the Vending Business License is a separate matter from getting the appropriate permits and approvals from DOH or FEMS.
505.3	The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.	No photo? No Date of Birth? This seems like it makes it impossible for an enforcement official to determine if the person holding the license is in fact the licensed individual.
505.4	All Vending Business Licenses shall be valid for two (2) years, unless a shorter time period is designated in writing by the Director.	Would this be a blanket designation, or an ad hoc designation for particular vendors? And are the fees pro-rated if the designated period is less than two years?
505.5	If the application is denied, the Director shall follow the procedures set forth in § 507.	
505.6	The Director may return an incomplete application to the applicant without either approving or denying the application.	
505.7	A Vending Business License will not be issued until a specific Vending Location has been designated for that license.	Except, we presume, for vendors who won't have locations, including roving food trucks, ice cream vendors, "roach coach" drivers, etc.
506	VENDING BUSINESS LICENSE: EXPIRATION AND RENEWAL	
506.1	Each Vending Business License shall be valid for the period designated on the license, unless the license is earlier revoked, suspended, or seized.	We believe DCRA's practice of "seizing" licenses before a conviction is almost certainly unconstitutional.

506.2	Not less than forty-five (45) days before the expiration of the Vending Business License, a licensee shall submit a renewal application to DCRA on a form prescribed by the Director.	Will a notice be sent to vendors as they are to other business license holders?
506.3	No application to renew a Vending Business License shall be approved if the applicant does not hold the valid licenses, permits, and registrations required for an initial applicant for a Vending Business License under § 504.	
506.4	If the license renewal application is not approved, the Director shall follow the procedures set forth in § 507.	Are there other grounds upon which the Director might refuse to renew a license other than those stated in Section 507?
506.5	Upon the expiration of a person's Vending Business License, the Director may immediately seize that person's Vending Business License, Vending Site Permit, and health inspection certificate.	Does the Director really have the authority to seize a health inspection certificate issued by a separate agency?
507	VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE	
507.1	<p>The Director may revoke or suspend a Vending Business License, or deny an application for the issuance or renewal of a Vending Business License, for any of the following:</p> <p>(a) Fraud, misrepresentation, or false statements contained in the license application;</p> <p>(b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, merchandise, or food;</p> <p>(c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:</p> <p>(1) The possession or sale of counterfeit merchandise; or</p> <p>(2) The offering for sale of illegal goods, substances, or services;</p> <p>(d) The vendor is vending at a location other than the vendor's assigned VendingLocation;</p> <p>(e) Violations of the Clean Hands Certification requirements;</p>	<p>This is completely arbitrary, and unconstitutionally vague. This provision says that the Director may randomly choose to revoke some licenses, and suspend others, for the exact same violation.</p> <p>It also says that every possible violation may result in a permanent revocation of the business license. There is no proportionality.</p> <p>No other business in Washington faces such regulatory uncertainty.</p>

	<p>(f) Fraud committed against the District government, such as failure to pay required sales and use taxes or attempting to transfer a Vending Business License or Vending Site Permit;</p> <p>(g) The vendor is found to have violated the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:</p> <p>(1) Sections 533 through 543;</p> <p>(2) Sections 545 through 559; or</p> <p>(3) Section 562; or</p> <p>(h) The vendor is found to have violated § 544 of this chapter.</p>	
507.2	<p>The Director may summarily suspend a Vending Business License, without prior notice to the vendor or an opportunity to be heard, for:</p> <p>(a) The possession, sale, or offering for sale of counterfeit merchandise;</p> <p>(b) The sale of adulterated food, as the term is defined in Section 9901 of Title 25 of the District of Columbia Municipal Regulations, when a determination is made by the DOH Director that the food is adulterated;</p> <p>(c) Failure to provide all required certificates of authority upon demand by an authorized District government official; or</p>	<p>We have serious concerns about portions of this section. There should be language about a “temporary suspension” rather than seizure. Or use the “On-hold” provision in Section 558</p> <p>a) DCRA should have to pass a burden of proof to show merchandise is counterfeit before seizing a vendor's license.</p> <p>b) A food vendor selling hazardous food should be shut down, under a temporary suspension, and if additional charges are to be brought, then DOH should bring them.</p> <p>c) Given the paperwork that DCRA requires vendors to carry, it is unweildy for vendors to</p>

	(d)Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor.	keep more than their license and health certificates on their stand. Vendors should be given a grace period to provide documentation beyond those mentioned above. d) This is far to vague to be fairly enforced.
507.3	With the exception of a summary suspension or seizure pursuant to § 507.2, any person whose Vending Business License is revoked or suspended under this section shall be provided notice of the Director’s intent to revoke or suspend the license and that they are entitled to appeal the revocation or suspension to the Office of Administrative Hearings.	
507.4	If a person’s Vending Business License is summarily suspended pursuant to § 507.2, or if a person’s application for initial issuance or renewal of a license is denied, the person may appeal the summary suspension or denial to the Office of Administrative Hearings.	Meanwhile, they are out of work for a period of weeks or months, and they have no control over the timing of the hearings, which DCRA itself can (and does) delay endlessly. That is why there needs to be a time-certain for a “temporary suspension”. That way a vendor can work until his guilt or innocence can be proven.
507.5	A notice issued by the Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.	
507.6	Upon revocation or suspension, including summary suspension, of a person’s Vending Business License, the Director may immediately seize the person’s Vending Business License and Vending Site Permit.	See above. This provision is completely one-sided in DCRA's favor. The choice offered a vendor is essentially this: we'll put you out of business for months on end, or you can just pay your \$2000 ticket. That is unjust.

507.7	A vendor shall surrender his or her Vending Business License and Vending Site Permit promptly to the Director upon revocation or suspension, including summary suspension, of the person's Vending Business License.	In 506.5 it says that DCRA takes the Health Inspection Certificate as well.
507.8	If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.	
508	VENDING SITE PERMIT: GENERAL REQUIREMENTS & FEES	
508.1	No person may vend from the public space in the District of Columbia without a Vending Site Permit issued by the Director pursuant to this chapter; provided, that Class C Public Market managers may manage vendors from public space upon the issuance of a Public Space Permit issued by DDOT.	Who licenses or manages or regulates vending-related activities that occur strictly on private space? Under what provisions of this Title? And why does DCRA, not DDOT, issue the permits for the use of public space authorized by the DDOT Director?
508.2	A Vending Site Permit shall not be required for: (a) Persons selling agricultural goods or farm products of their own raising at a public market licensed and, if required, permitted under § 531; or (b) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event.	
508.3	The Vending Site Permit shall authorize the permittee to occupy a specific Vending Location for the purpose of vending.	"Vending Location" needs to be clearly defined in the regulations, and on the individual site permits. We have seen vendors being ticketed for being only inches too close or too far from the curb.
508.4	A vendor may vend only at the assigned Vending Location as reflected on his or her Vending Site Permit.	
508.5	In addition to the authority in § 520.2, the Director, the DDOT Director, and MPD	With notice?

	may eliminate a Vending Location for public safety or transportation requirements, construction requirements, or Special Event operations.	
508.6	The Director may revoke a Vending Site Permit at any time and require the previously permitted vendor to vacate his or her Vending Location or relocate to another Vending Location pursuant to § 512.	Under what conditions is this power to be exercised?
508.7	The annual fee for a Vending Site Permit shall be five hundred and eighty-seven dollars (\$587).	This fee is too high for some sites, and not high enough for others. There needs to be some proportionality in the site fee structure.
508.8	The monthly fee for a monthly Vending Site Permit for Roadway vending at locations designated by § 526 shall be one hundred and twenty-three dollars (\$123) per lottery.	What is the permit fee for food vendors who tweet their locations, then move on?
508.9	The monthly fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be one hundred and twenty-three dollars (\$123) per lottery.	Shouldn't the fee be based on the number of home games?
509	VENDING SITE PERMIT: APPLICATION	
509.1	A person shall submit an application for a Vending Site Permit to the Director with the person's application for an initial Vending Business License.	
509.2	A licensed vendor may submit an application for a Vending Site Permit to the Director separately from an application for a Vending Business License if: (a)The vendor is seeking to change his or her Vending Location; or (b)The vendor is seeking to add an additional Vending Location.	
509.3	The application for a Vending Site Permit shall be made on a form prescribed by the Director and shall include such information and documents as may be required by the Director.	We continue to believe this process is completely unworkable.
510	VENDING SITE PERMIT: ISSUANCE	
510.1	Upon the submission of a completed application, the Director shall issue a Vending Site Permit if:	

<p>(a)The applicant holds:</p> <p>(1)A valid Vending Business License; or</p> <p>(2)A current receipt for payment of a Vending Business License;</p> <p>(b)The applicant has applied for a Vending Site Permit for an available Vending Location;</p> <p>(c)The applicant has been selected for the available Vending Location pursuant to a lottery or such other method of such selection authorized under this chapter, including through the creation of a Vending Development Zone; provided, that a vendor shall have a right of preference for the issuance of a Vending Site Permit for a Vending Location if:</p> <p>(1)The vendor received a site permit for the same location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252);</p> <p>(2)The vendor has vended in the location continuously and exclusively without sale, assignment, transfer, or other conveyance of the location to another vendor, whether sold,</p>	<p>Ok</p> <p>Why would a vendor have a receipt for payment, and not have the license in-hand?</p> <p>How will this be communicated?</p> <p>Lotteries are a completely inappropriate way to assign vendors to sites. No business would select a location based on a lottery of existing commercial space. We don't have the space here to explain how wrong-headed a lottery process is to assign vending sites.</p> <p>This process, by the way, missed a number of long-time vendors, and mysteriously opened up new sites for new vendors, even as a vending license moratorium was in place.</p> <p>DCRA has no way to know whether any transfers occurred,</p>
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	<p>assigned, transferred, or conveyed for money or anything of value; and</p> <p>(3)The vendor is vending in a location that is in compliance with this chapter.</p> <p>(d)The merchandise, food, or services is authorized to be vended at the available Vending Location;</p> <p>(e)The applicant provides a Clean Hands Certification; and</p> <p>(f)The applicant has paid all the required fees.</p>	<p>because they most certainly occurred privately. And what duration of time constitutes “continuously”?</p> <p>We find nothing in these regulations to specify the basis by which certain goods or services are “authorized” to be sold a certain locations. Who is this “central planner” that can maximize the utility for vending and for all other uses of public space? DCRA? And they do this by lottery?</p>
510.2	No more than one (1) vendor may occupy an assigned Vending Location, unless the Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.	As a matter of equity and fairness, a system to allow high value sites to be shared should be developed. Such a system has worked well at Fords Theater on 10 th Street.
11	VENDING SITE PERMIT: EXPIRATION AND RENEWAL	
511.1	A Vending Site Permit, other than for roadway vending or Nationals Park Vending Zone vending sites, shall be issued for a term of one (1) year unless a shorter time period is designated in writing by the Director.	Will the permit fee be adjusted if the term is reduced?
511.2	A vendor shall apply for renewal of the vendor’s Vending Site Permit, other than for roadway vending or Nationals Park Vending Zone vending sites, at least forty- five (45) days prior to the expiration date on the permit.	Same as before...Will DCRA mail a notice of renewal just as they do for other licensees?
511.3	Upon expiration of a vendor’s Vending Site Permit and in the absence of an application to renew the permit, the vendor shall immediately surrender the Vending Site Permit to the Director. If the Vending Site Permit is not immediately surrendered, the Director may	Does the Director have authority to seize DOH issued permits, as well, under 506.5?

	seize the expired Vending Site Permit. If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 558.	
512	VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE	
512.1	<p>The Director may summarily revoke or suspend a Vending Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if:</p> <p>(a)The Vending Location associated with the Vending Site Permit is not a location that is eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;</p> <p>(b)The Vending Location associated with the Vending Site Permit has been eliminated by the DDOT Director;</p> <p>(c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or</p> <p>(d)The vendor is operating in a manner that is in violation of the terms or conditions of the Vending Site Permit or in violation of this chapter.</p>	<p>This is a tautology. By definition, a vendor cannot GET a site permit that is not eligible. Can they?</p> <p>As defined how, and by whom? Do federal officials have standing to make such a determination? Under what regulations?</p> <p>There <i>are</i> no “terms or conditions” relating to performance at a Vending Site Permit in these regulations that we can find.</p>
512.2	In situations other than those enumerated in § 512.1, upon the suspension or revocation of a vendor's Vending Site Permit, the Director shall provide the vendor with written notice of the vendor's right to appeal and may immediately seize the Vending Site Permit and Vending Business License, pursuant to § 511.3.	Again, the vendor is out of business until the matter is resolved. The burden of proof ought to be on the government. Vendors are reasonable people, and safety is safety. Vendors

		recognize that during Presidential inaugurations or World Bank meetings, the rules need to change for security reasons. These regulations should be more clearly drafted.
512.3	A vendor shall promptly surrender his or her Vending Business License, pursuant to § 511.3, and Vending Site Permit to the Director upon revocation or suspension of the person's Vending Site Permit. If the surrendered or seized Vending Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 558	
512.4	If a vendor's Vending Site Permit is summarily suspended or revoked by the Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.	See comments above.
512.5	A notice issued by the Director under this section shall be mailed by first-class U.S. mail. If the notice establishes a specific date for a hearing, the notice shall be mailed at least ten (10) days prior to the date of the hearing.	
512.6	A vendor's Vending Site Permit may be suspended or revoked if the vendor has not conducted any vending for six (6) months at the Vending Location associated with the Vending Site Permit; provided, that this provision shall not apply to a vendor who has placed his or her Vending Business License on hold pursuant to § 558.	A Vending site that hasn't been worked for six months is not really an appropriate vending site. Or maybe the vending business assigned to the site is completely inappropriate at that location..See our comments on the "vending lottery" above....
512.7	If a vendor's Vending Business License is suspended or revoked, any Vending Site Permit associated with that Vending Business License shall also be suspended or revoked.	And thrown immediately back into the hopper? Or do we wait until the Office of Administrative Hearings has made their determination?
513	HEALTH INSPECTION CERTIFICATE: GENERAL	
513.1	No person shall vend food in the District unless a valid health inspection certificate has	

	been issued by DOH for the vending vehicle, cart, or stand from which the food is vended.	
513.2	A health inspection certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.	
513.3	A person shall not be issued a Class A Vending Business License or a Vending Site Permit for a Class A Vending Business License until the person receives a health inspection certificate from DOH.	This is backwards-- in the normal sequence of business, a business owner would a) identify his or her business; b) find a location where it might be successful; c) secure a lease on the space; d) secure equipment and permits (simultaneously). But under these regulations, that's impossible, because locations are determined "by lottery".
514	HEALTH INSPECTION CERTIFICATE: APPLICATION	
514.1	A person shall apply for a health inspection certificate with the information and documents required by, and pursuant to the procedures of, the DOH Director. The DOH Director may require that a vendor submit to DOH the business address of the supplier of all prepared foods that the person intends to vend.	This should be a separate process from Vending licensure.
515	HEALTH INSPECTION CERTIFICATE: ISSUANCE	
515.1	The DOH Director shall review and either approve or disapprove an application for the issuance of a health inspection certificate.	
515.2	A health inspection certificate shall not be granted until after: (a)An inspection of the vending vehicle, cart, or stand, and all equipment and utensils used in the food vending operation; (b)An inspection of the storage facilities for the vehicle, cart, or stand, all equipment and utensils, and the food supplies; (c)A review of the preparation and holding procedures for the food; and	This portion of the regulations needs to be cross-referenced with the requirements in Title 25 of the DCMR. And, by the way, those regulations need to be re-written to accommodate recent developments in food vending, as well.

	(d)DOH has issued its approval of any plans for health-related compliance.	
515.3	The DOH Director shall include the vehicle tag number of the vending vehicle or cart on the health inspection certificate.	
516	HEALTH INSPECTION CERTIFICATE: SUSPENSION	
516.1	A health inspection certificate, and the associated Class A Vending Business License, may be summarily suspended by the DOH Director for Food Code violations pursuant to Section A4409 of Title 25 of the District of Columbia Municipal Regulations.	Different food vending operations have different requirements. Vendors who do not need to wash, rinse and sanitize equipment should not be held to the same standards as those who do.
517	FOOD PROTECTION MANAGER CERTIFICATE	
517.1	No person shall operate a Class A vending business unless the person, or an individual employed by the person, holds a valid food protection manager certificate and a DOH-issued certified food protection manager identification card.	As we understand the Health regulations, a certified food protection manager needs to be <u>on-site</u> during each hour of operation.
517.2	Application for a food protection manager certificate and certified food manager identification shall be made to DOH on forms prescribed by the DOH Director.	
518	PROPANE AND OPEN FLAME PERMIT	
518.1	No person shall operate a vending vehicle, cart, or stand that uses propane without meeting the following standards: (a)The person shall hold a valid propane or open flame permit from FEMS; and (b)A vending vehicle, cart, or stand that uses propane cylinders in excess of sixty (60) pounds shall have received the approval of the Fire Marshal.	
518.2	Application for a propane permit shall be made to FEMS on a form prescribed by FEMS or the Fire Marshal.	
519	HOOD SUPPRESSION SYSTEM APPROVAL	

519.1	No person shall operate a vending vehicle, cart, or stand that includes a deep fryer (or other cooking equipment that would require a hood suppression system) unless the vehicle, cart, or stand is protected with a hood suppression system, that has been inspected and approved by FEMS.	
	<p><u>SUBCHAPTER C: VENDING LOCATIONS</u></p> <p><u>PART 1: GENERAL</u></p>	
520	VENDING LOCATIONS: GENERAL	
520.1	The DDOT Director shall designate locations on streets, sidewalks, and other public spaces where vending shall be permitted (“Vending Locations”).	Good. Seeing as how the current Director of DDOT used to be in the vending business, and still has a stake in “On-the-Fly”, (just as he does in “Zip Car”) we think it is a good news/bad news story. While others may complain about possible “conflicts of interest” on the part of the DDOT Director--we won't. Instead, we would argue for greater autonomy for the DDOT Director in designating vending sites. His experience should be valued in the determination of vending sites.
520.2	<p>The DDOT Director may eliminate a previously designated Vending Location if:</p> <p>(a)The DDOT Director determines that the designated Vending Location is no longer in compliance with District law or regulations;</p> <p>(b)The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or</p>	<p>If a vending business is operated in an unsafe manner, that means that the vending site needs to be eliminated?</p> <p>“Better served?” How is this</p>

	(c)The DDOT Director determines that the interests of the District or the public would be better served if the public space occupied by the Vending Location is designated for another use or for open space.	determination reached? Is there to be an appeals process?
520.3	The DDOT Director shall create and maintain an accurate and updated map of designated Vending Locations. This information shall be published on the websites of DDOT (ddot.dc.gov) and DCRA (dcra.dc.gov).	Good
	<u>PART 2: SIDEWALK VENDING LOCATIONS</u>	
521	VENDING LOCATIONS: SIDEWALK VENDING	
521.1	<p>The DDOT Director shall designate sidewalk Vending Locations in accordance with the following standards:</p> <p>(a)Sidewalk Vending Locations shall only be located along streets within:</p> <p>(1)The Central Vending Zone;</p> <p>(2)Neighborhood Vending Zones;</p> <p>(3)The Old Georgetown Vending Zone; and</p> <p>(4)The Nationals Park Vending Zone.</p>	<p>Did the DDOT Director actually sign off on these provisions?</p> <p>a) they don't allow the DDOT Director proper discretion. Our view is that the DDOT Director, given his history would quite likely do an excellent job of identifying “appropriate” vending sites.</p> <p>The separate licensing scheme for Central Vending Zone, versus the Neighborhood Vending Zones, including the Old Georgetown Zone, and the new National's Park Vending Zone, are basically archaic throwbacks to a former licensing scheme and which are no longer reflected in these regulations. There is no reason under these proposed regulation for those Zone distinctions to be maintained.</p>

<p>(b) No more than three (3) sidewalk Vending Locations shall be designated on any side of any city block;</p> <p>(c) No sidewalk Vending Location shall be designated:</p> <p>(1) In front of a predominately residential building outside the Central Vending Zone;</p> <p>(2) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;</p> <p>(3) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;</p> <p>(4) In a location that is on or that impedes free access to service or ventilation grates or covers;</p> <p>(5) On a restricted street designated in § 522.3; or</p> <p>(6) Within any area under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government.</p>	<p>Except, presumably, in so-called Vending Development Zones</p> <p>For residential buildings located on a corner, does that mean both facades are off limits?</p> <p>The length of these bus stop zones are defined elsewhere in the DCMR, but they are not clearly marked on-site. And in some cases, the bus stops on the street do not conform to the provisions in the DCMR. Which takes precedence?</p> <p>What does "impedes free access" mean?</p> <p>Depending upon how you read the Constitution and the Home Rule Charter, one could make the case that Congress, at the end of the day, has exclusive jurisdiction over the entire District of Columbia...</p>
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<p>(d) Within the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:</p> <ul style="list-style-type: none"> (1) A ten foot (10 ft.) clear passageway is maintained; (2) The street is specifically exempted in § 522; or (3) The DDOT Director waives this restriction pursuant to § 521.2. <p>(e) Outside the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:</p> <ul style="list-style-type: none"> (1) A seven foot (7 ft.) clear passageway is maintained; (2) The sidewalk is specifically exempted in §§ 523, 524, or 525; or (3) The DDOT Director waives this restriction pursuant to § 521.2. <p>(f) No sidewalk Vending Location shall be designated within:</p> <ul style="list-style-type: none"> (1) Twenty feet (20 ft.) of the driveway entrance to a police or fire station; (2) Ten feet (10 ft.) of any other driveway; (3) Ten feet (10 ft.) of an alley; 	<p>This is arbitrary. Clear space requirements should be based more on pedestrian traffic.</p> <p>This provision was inserted merely to benefit certain vendors. We prefer to see site-specific waivers rather than language in a regulation that is targeted to individuals.</p> <p>ok</p> <p>We prefer the old rule for intersections, and we think they should apply to alleys and driveways as well—10 feet on the approach side, five feet on the departure side. DCRA now proposes to allow 12 feet on the approach side of an intersection, and five feet on the departure side. We can live with that, but it should apply to alleys and</p>
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	<p>(4) Ten feet (10 ft.) of another sidewalk Vending Location;</p> <p>(5) Twenty feet (20 ft.) of the street-level entry to a Metrorail escalator;</p> <p>(6) Ten (10 ft.) of the street-level door to a Metrorail elevator;</p> <p>(7) A marked loading zone, entrance zone, or parking space designated for diplomatic parking;</p> <p>(8) One hundred feet (100 ft.) of the entrance to a courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator;</p> <p>(9) Five feet (5 ft.) of a fire hydrant;</p> <p>(10) One hundred feet (100 ft.) of the main entrance to a building that is predominantly used for a primary or secondary school, unless operations at the Vending Location are restricted to non-school days and time periods on school days that begin thirty (30) minutes after school has been dismissed at the end of the school day.</p> <p>(A) The DDOT Director may increase the minimum distance that a sidewalk Vending Location may be located from a specific school upon the written request of the</p>	<p>driveways as well</p> <p>This is arbitrary.</p> <p>What does this mean in practice? This places vending stands closer to Metro entrances than they are now!</p> <p>Same comment.</p> <p>Presumably the DDOT Director won't approve a request to prohibit vending within a half-mile of a courthouse or a school...</p>
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	<p>Chancellor of the District of Columbia Public Schools or the principal of the school.</p> <p>(11)Twelve feet (12 ft.) of any crosswalk when on the vehicle approach side of the crosswalk and Vending Location; and</p> <p>(12)Five feet (5 ft.) from any crosswalk when not on the vehicle approach side of the Vending Location and crosswalk.</p>	<p>There should be a definition of crosswalk added to these regulations.</p>
521.2	<p>Upon the request of the Director, the DDOT Director may waive the minimum passageway requirement of §§ 521.1(d) or 521.1(e) if the DDOT Director determines there will not be an adverse impact on, among other things, pedestrian circulation and public safety. The Director shall note on the Vending Site Permit the issuance of the waiver by the DDOT Director.</p>	<p>Shouldn't requests for waivers come from vendors, as a way to determine whether potential new sites might be opened?</p>
521.3	<p>The passageway required by §§ 521.1(d) and 521.1(e) shall be measured from the closest allowable projection of the vending cart or stand to the nearest building, private property line, or interruption of the public space by a public amenity or fixture, whichever is nearest.</p>	<p>This should be in the definitions section of the regulations.</p>
522	<p>VENDING LOCATIONS: CENTRAL VENDING ZONE</p>	
522.1	<p>The Central Vending Zone shall have the following boundaries:</p> <p>(a)Beginning at the northeast corner of Massachusetts Avenue, NW at 11th Street, NW;</p> <p>(b) East along the north curb of L Street, NW to the west curb of mid-block alley between 9th Street, NW and 10th Street, NW;</p> <p>(c) North along the center of the alley to the south curb of M Street, NW;</p> <p>(d) East along the south curb of M Street, NW to the west curb of 9th Street, NW;</p> <p>(e) North along the west curb of 9th Street, NW to the north curb of N Street, NW;</p> <p>(f) East along the north curb of N Street, NW to the east curb of 7th Street, NW;</p> <p>(g) South along the east curb of 7th Street, NW to the north curb of L Street, NW;</p> <p>(h) East along the north curb of L Street, NW to the east curb of 6th Street, NW;</p>	<p>First, we reject the idea that there needs to be any definition of Central Zone Vending or Neighborhood Zone Vending. Since permits are to be issued for each site, and since each site is unique, the DDOT Director should have discretion to open up sites in Commercial, Industrial, University and Government zones.</p>

(i) South along the east curb of 6th Street, NW to the north curb of Massachusetts Avenue, NW;

(j) East along the north curb of Massachusetts Avenue, NW to the west curb of North Capitol Street, NW;

(k) North along the west curb of North Capitol Street, NW to the north curb of Q Street, NW;

(l) East along the north curb of Q Street, NE to the west curb of Eckington Place, NE;

(m) North along the west curb of Eckington Place, NE to the north curb of R Street, NE;

(n) East along the north curb of R Street, NE in a straight line to the north curb of New York Avenue, NE;

(o) East along the north curb of New York Avenue, NE to the east curb of 9th Street, NE;

(p) South along the east curb of 9th Street, NE to the east curb of Brentwood Parkway, NE;

(q) South along the east curb of Brentwood Parkway, NE to the east curb of 6th Street, NE;

(r) South along the east curb of 6th Street, NE to the south curb of M Street, NE;

(s) West along the south curb of M Street, NE to the east curb of 5th Street, NE;

(t) South along the east curb of 5th Street, NE to the south curb of H Street, NE;

(u) West along the south curb of H Street, NE to the east curb of 3rd Street, NE;

(v) South along the east curb of 3rd Street, NE to the north curb of Independence Avenue, SE;

- (w) West along the north curb of Independence Avenue, SE to the east curb of 2nd Street, SE;
- (x) South along the east curb of 2nd Street, SE to the south curb of C Street, SE;
- (y) West along the south curb of C Street, SE to the east curb of 1st Street, SE;
- (z) South along the east curb of 1st Street, SE to the south curb of D Street, SE;
- (aa) West along the south curb of D Street, SE to the east curb of New Jersey Avenue, SE;
- (bb) South along the east curb of New Jersey Avenue, SE to the south curb of Interstate 695;
- (cc) East along the south curb of Interstate 695 to east curb of Water Street, SE;
- (dd) South from the east curb of Water Street, SE in a straight line to the west bank of the Anacostia River, SE;
- (ee) West along the north bank of the Anacostia River, SE to the east curb of 11th Street, SE;
- (ff) South along the east curb of 11th Street, SE to the east curb of Martin Luther King, Jr. Avenue, SE;
- (gg) South along the east curb of Martin Luther King, Jr. Avenue, SE to the north curb of Suitland Parkway, SE;
- (hh) North along Suitland Parkway, SE to the South Capitol Street Bridge;
- (ii) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;
- (jj) South along the west bank of the Anacostia River, SE to the east bank of the Potomac River, SW;

	<p>(kk)North along the east bank of the Potomac River, SW to the west curb of the Potomac Parkway to Rock Creek Parkway;</p> <p>(ll)North along Rock Creek Parkway in a straight line to the north curb of N Street, NW;</p> <p>(mm) East along the north curb of N Street, NW to the west curb of New Hampshire Avenue, NW;</p> <p>(nn)Northeast along the west curb of New Hampshire Avenue, NW to the west curb of 20th Street, NW;</p> <p>(oo)North along the west curb of 20th Street, NW to the north curb of P Street, NW;</p> <p>(pp)East along the north curb of P Street, NW to west curb of Dupont Circle, NW;</p> <p>(qq)North along the west curb of Dupont Circle, NW to the north curb ofMassachusetts Avenue, NW; and</p> <p>(rr)East along the north curb of Massachusetts Avenue, NW to the northeast corner of Massachusetts Avenue, NW and 11th Street, NW.</p>	
522.2	<p>The following streets in the Central Vending Zone shall be exempt from the requirement that a minimum ten foot (10 ft.) clear passageway be maintained; provided, that each of the following vending sites shall maintain a seven foot (7 ft.) clear passageway:</p> <p>(a)East and west sides of 19th Street, NW between Constitution Avenue, NW and C Street, NW;</p> <p>(b) East and west sides of 20th Street, NW between Constitution Avenue, NW and C Street, NW; and</p> <p>(c) East and west sides of 21st Street, NW between Constitution Avenue, NW and C Street, NW.</p>	See prior comment.
522.3	<p>Except for Vending Locations approved as part of a Vending Development Zone under § 560, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:</p>	<p>a) These restrictions are random on their face.</p> <p>b) Restricting vending sites through regulation reduces the</p>

- (a) East side of 2nd Street, SW between East Capitol Street and M Street, SE;
- (b) East side of 2nd Street, NE between K Street, NE and East Capitol Street;
- (c) East side of 10th Street, NW between E Street, NW and Pennsylvania Avenue, NW (Federal Bureau of Investigation building);
- (d) East side of 12th Street, NW between Constitution Avenue, NW and Pennsylvania Avenue, NW (Internal Revenue Service building (southern half of block) and Old Post Office building (northern half of block));
- (e) East side of 12th Street, NW between I Street, NW and K Street, NW;
- (f) East side of 12th Street, NW between New York Avenue, NW and G Street, NW;
- (g) East side of 13th Street, NW between L Street, NW and Massachusetts Avenue, NW;
- (h) East side of 14th Street, NW between Constitution Avenue, NW and D Street, NW (John A. Wilson Building, Ronald Reagan Building and International Trade Center, and Commerce Department building);
- (i) East side of 22nd Street, NW between F Street, NW and G Street, NW;
- (j) East side of 24th Street, NW between Pennsylvania Avenue, NW and L Street, NW;
- (k) East side of 24th Street, NW between Virginia Avenue, NW and G Street, NW;
- (l) East side of 25th Street, NW between H Street, NW and I Street, NW;
- (m) East side of 26th Street, NW between I Street, NW and K Street, NW;
- (n) East and west sides of Delaware Avenue, SW between M Street, SW and H Street, SW;
- (o) East and west sides of Half Street, SE between M Street, SE and I Street, SE;
- (p) East and west sides of Half Street, SW between M Street, SW and I Street, SW;

discretion of the DDOT Director to open new sites.
 c) Such a regulatory system does not account for the dramatic changes that occur over time in Washington DC.

(q)East and west sides of New Hampshire Avenue, NW between Virginia Avenue, NW and I Street, NW;

(r)East and west sides of 1st Street, SW between Independence Avenue, SW and Canal Street, SW;

(s)East and west sides of 1st Street, SW between M Street, SW and mid- block between M Street and N Street, SW;

(t)East and west sides of 2nd Street, SE between M Street, SE and D Street, SE;

(u)East and west sides of 3rd Street, SW between M Street, SW and I Street, SW;

(v)East and west sides of 5th Street, NW between H Street, NW and K Street, NW;

(w)East and west sides of 6th Street, SW between M Street, SW and G Street, SW;

(x)East and west sides of 8th Street, NW between E Street, NW and D Street, NW;

(y)East and west sides of 9th Street, NW between G Street, NW and H Street, NW;

(z)East and west sides of 21st Street, NW between C Street, NW and E Street, NW (State Department building);

(aa)East and west sides of 23rd Street, NW between C Street, NW and E Street, NW (State Department building);

(bb)East and west sides of 23rd Street, NW between L Street, NW and Washington Circle, NW;

(cc)East and west sides of 25th Street, NW between I Street, NW and K Street, NW;

(dd)East and west sides of 25th Street, NW between L Street, NW and M Street, NW;

(ee)East and west sides of 6th Street, NW between F Street, NW and H Street, NW;

- (ff) East and west sides of 7th Street, NW between F Street, NW and H Street, NW;
- (gg) East and west sides of 3rd Street, NW between F Street, NW and G Street, NW;
- (hh) East and west sides of 4th Street, NW between F Street, NW and G Street, NW;
- (ii) North side of D Street, NW between 3rd Street, NW and 4th Street, NW;
- (jj) North side of D Street, NW between 5th Street, NW and 9th Street, NW;
- (kk) North side of E Street, NW between 1st Street, NW and 2nd Street, NW;
- (ll) North side of E Street, NW between 3rd Street, NW and 4th Street, NW;
- (mm) North side of F Street, NW between 21st Street, NW and 22nd Street, NW;
- (nn) North side of N Street, NW between 21st Street, NW and New Hampshire Avenue, NW;
- (oo) North side of Pennsylvania Avenue, NW between 9th Street, NW and 10th Street, NW;
- (pp) North side of Virginia Avenue, NW between 23rd Street, NW and 24th Street, NW;
- (qq) North and south sides of C Street, SE between South Capitol Street, SE and 3rd Street, SE;
- (rr) North and south sides of C Street, SW between 6th Street, SW and South Capitol Street, SW;
- (ss) North and south sides of C Street, NW between 21st Street, NW and 23rd Street, NW;
- (tt) North and south sides of Connecticut Avenue, NW between N Street, NW and Dupont Circle, NW;
- (uu) North and south sides of D Street between 4th Street, SW and 3rd Street, SE;

(vv) North and south sides of E Street, SW between South Capitol Street and Interstate 395;

(ww) North and south sides of E Street, SW between 2nd Street, SW and 7th Street, SW;

(xx) North and south sides of E Street, NW between 5th Street, NW and 14th Street, NW;

(yy) North and south sides of E Street, NW between 21st Street, NW and 23rd Street, NW;

(zz) North and south sides of F Street, NW between New Jersey Avenue, NW and North Capitol Street, NW;

(aaa) North and south sides of H Street, NW between 6th Street, NW and Massachusetts Avenue, NW;

(bbb) North and south sides of H Street, NW between New Hampshire Avenue, NW and 24th Street, NW;

(ccc) North and south sides of I Street, SE in a straight line between South Capitol Street, SE and 3rd Street, SE;

(ddd) North and south sides of I Street, SW between 7th Street, SW and South Capitol Street, SW;

(eee) North and south sides of I Street, NW between 13th Street, NW and 16th Street, NW;

(fff) North and south sides of I Street, NW between 26th Street, NW and New Hampshire Avenue, NW;

(ggg) North and south sides of Jefferson Place, NW between 18th Street, NW and 19th Street, NW;

(hhh) North and south sides of K Street between Half Street, SW and 3rd Street, SE;

(iii) North and south sides of K Street, SW between Wesley Place, SW and Delaware Avenue, SW;

(jjj)North and south sides of K Street, NW between 25th Street, NW and 26th Street, NW;

(kkk)North and south sides of L Street in a straight line between 3rd Street, SW and 3rd Street, SE;

(lll)North and south sides of L Street, NW between 24th Street, NW and 25th Street, NW;

(mmm)North and south sides of M Street, NW between 21st Street, NW and Connecticut Avenue, NW;

(nnn)North and south sides of M Street, NW between 23rd Street, NW and 28th Street, NW;

(ooo) North and south sides of Massachusetts Avenue, NW between Thomas Circle, NW and 11th Street, NW;

(ppp)North and south sides of N Street, NW between 18th Street, NW and Bataan Street, NW;

(qqq) North and south sides of N Street, NW between 21st Street, NW and 25th Street, NW;

(rrr) North and south sides of Sunderland Place, NW between 19th Street, NW and 20th Street, NW;

(sss)North and south sides of F Street, NW between 6th Street, NW and 7th Street, NW (Verizon Center);

(ttt) North and south sides of H Street, NW between 6th Street, NW and 7th Street, NW (Verizon Center);

(uuu) North and south sides of G Street, NW between 3rd and 4th Streets, NW;

(vvv)North and south sides of F Street, NW between 3rd Street, NW and 4th Street, NW;

	<p>(www) South side of C Street, SW between 12th Street, SW and 14th Street, SW;</p> <p>(xxx) South side of E Street, NW between 9th Street, NW and 10th Street, NW;</p> <p>(yyy)South side of G Street, NW between 7th Street, NW and 9th Street, NW;</p> <p>(zzz)South side of G Street, NW between 23rd Street, NW and 24th Street, NW;</p> <p>(aaaa) South side of H Street, NW between 23rd Street, NW and 24th Street, NW;</p> <p>(bbbb) South side of K Street, NW between 24th Street, NW and 25th Street, NW;</p> <p>(cccc) West side of 5th Street, NW between D Street, NW and E Street, NW;</p> <p>(dddd) West side of 9th Street, NW between E Street, NW and Pennsylvania Avenue, NW;</p> <p>(eeee) West side of 17th Street, NW between Constitution Avenue, NW and C Street, NW;</p> <p>(ffff) West side of 17th Street, NW between D Street, NW and E Street, NW;</p> <p>(gggg) West side of 21st Street, NW between New Hampshire Avenue, NW and N Street, NW; and</p> <p>(hhhh) West side of 23rd Street, NW between Virginia Avenue, NW and G Street, NW.</p>	
524	VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES	
524.1	<p>The Neighborhood Vending Zones shall consist of the following streets:</p> <p>(a)Capitol Hill area:</p> <p>(1)H Street, NE from 3rd Street, NE to 15th Street, NE (Zones C-2-A,C-2-B, and C-3-A);</p>	<p>To repeat—the designation of these zones is random and obsolete. DCRA offers no justification for maintaining this obsolete structure.</p>

(2) Pennsylvania Avenue, SE from 2nd Street, SE to Potomac Avenue, SE (Zones C-2-A and C-2-B);

(3) 8th Street, SE from D Street, SE to I Street, SE (Zone C-2-A);

(4) 15th Street, NE from A Street, NE to East Capitol Street (Zone C-2-A);

(5) Benning Road, NE from Bladensburg Road, NE to Oklahoma Avenue, NE (Zones C-2-A and C-2-B); and

(6) East Capitol Street from 19th Street, SE to 22nd Street, SE (Zone GOV)

(A) Restriction: South side of East Capitol Street only.

(b) Far Northeast and Southeast area:

(1) Benning Road, SE from 44th Street, SE to A Street, SE (Zone C-3-A);

(2) Branch Avenue, SE from Q Street, SE to S Street, SE (Zone C-1);

(3) Central Avenue, SE from 56th Street, SE to Southern Avenue, SE (Zone C-1);

(4) Dix Street, NE from 60th Street, NE to Eastern Avenue, NE (Zone C-2-A);

(5) Minnesota Avenue, NE from Blaine Street, NE to Grant Street, NE (Zone C-3-A);

(6) Nannie Helen Burroughs Avenue, NE from 51st Street, NE to Division Avenue, NE (Zone C-1);

(7) Nannie Helen Burroughs Avenue, NE from Minnesota Avenue, NE to 48th Street, NE (Zone C-1 and C-M-1);

(8) Pennsylvania Avenue, SE from Alabama Avenue, SE to Fort Davis Street, SE (Zone C-2-A); and

(9) Pennsylvania Avenue, SE from Fairlawn Avenue, SE to 27th Street, SE (Zone C-2-A).

(c)Far Southeast and Southwest area:

(1)Martin Luther King, Jr. Avenue, SE from Good Hope Road, SE to Morris Road, SE (Zone C-3-A);

(2)Good Hope Road, SE from Martin Luther King, Jr. Avenue, SE to 13th Street, SE (Zone C-3-A);

(3)Naylor Road, SE from Alabama Avenue, SE to Denver Street, SE (Zone C-3-A);

(4)Naylor Road, SE from 30th Street, SE to Southern Avenue, SE (Zone C-1);

(5)Alabama Avenue, SE from 15th Street, SE to Stanton Road, SE (Zone C-1 and C-2-B);

(6)Livingston Road, SE from 3rd Street, SE to South Capitol Street, SE (Zone C-3-A);

(7)Martin Luther King, Jr. Avenue, SE from 4th Street, SE to Milwaukee Place, SE (Zone C-2-A);

(8)Martin Luther King, Jr. Avenue, SE from Upsal Street, SE to Halley Place, SE (Zone C-1);

(9)South Capitol Street from Martin Luther King, Jr. Avenue, SE to Chesapeake Street, SE (Zone C-2-A);

(10)Savannah Street, SE from 22nd Street, SE to 23rd Street, SE (Zone C-1); and

(11)Wheeler Road, SE from Wahler Place, SE to Barnaby Terrace, SE (Zone C-1).

(d)Mid-city area:

(1)Mount Pleasant Street, NW from Irving Street, NW to Park Road, NW (Zone C-2-A);

(2)7th Street, NW from Florida Avenue, NW to T Street, NW (Zone C-2-B);

(3)14th Street, NW from Columbia Road, NW to Meridian Place, NW (Zones C-2-A and C-3-A);

(4)6th Street, NW from Fairmont Street, NW to College Street, NW (Zone R-5-B)

(A)Restrictions:

(i)One (1) vendor 100 feet south of the Fairmont Street, NW curb;

(ii)Two (2) vendors 150 feet south of the Fairmont Street, NW curb; and

(iii)One (1) vendor 175 feet south of the Fairmont Street, NW curb.

(5)14th Street, NW from S Street, NW to Florida Avenue, NW (ZonesCR and C-3-A);

(6)Columbia Road, NW from Belmont Road, NW to Mozart Place, NW (Zone C-2-B);

(7)Georgia Avenue, NW from Euclid Street, NW to Rock Creek Church Road, NW (Zone C-2-A);

(8)Rhode Island Avenue, NW from T Street, NW to 1st Street, NW (Zone C-2-A); and

(9)Florida Avenue, NW from Rhode Island Avenue, NW to North Capitol Street.

(e)Near Northwest area:

(1)Florida Avenue, NW from Rhode Island Avenue, NW to North Capitol Street (Zone C-2-A);

(2)P Street, NW from 23rd Street, NW to Dupont Circle, NW (Zones C-2-A, C-2-C, and C-2-B);

(3)20th Street, NW from R Street, NW to S Street, NW (Zone C-3-B)

(A)Restriction: West side of 20th Street, NW only.

(4)17th Street, NW from Q Street, NW to Riggs Place, NW (Zone C-2-A);

(5)14th Street, NW from N Street, NW to U Street, NW (Zone C-3- A);

(6) 9th Street, NW from M Street, NW to P Street, NW (Zone C-2-A);

(7) 7th Street, NW from M Street, NW to N Street, NW (Zone C-2-B);
and

(8) 7th Street, NW from O Street, NW to Q Street, NW (Zone C-2-A).

(f) Rock Creek East area:

(1) Georgia Avenue, NW from Rock Creek Church, NW to Varnum Street, NW (Zones C-2-A and C-3-A);

(2) Blair Road, NW from Whittier Street, NW to 5th Street, NW (Zones C- M-1 and C-2-A);

(3) Georgia Avenue, NW from Fern Place, NW to Eastern Avenue, NW (Zone C-2-A);

(4) Georgia Avenue, NW from Gallatin Street, NW to Van Buren Street, NW (Zones C-2-A and C-3-A);

(5) Riggs Road, NE from South Dakota Avenue, NE to Chillum Place, NE (Zone C-2-A);

(6) Upshur Street, NW from 3rd Street, NW to Rock Creek Church Road, NW (Zone C-1); and

(7) 14th Street, NW from Buchanan Street, NW to Decatur Street, NW (Zones C-1 and C-M-1).

(g) Rock Creek West area:

(1) Connecticut Avenue, NW from Fessenden Street, NW to Nebraska Avenue, NW (Zone C-1);

(2) Connecticut Avenue, NW from Livingston Street, NW to Oliver Street, NW (Zone C-1);

(3) Connecticut Avenue, NW from Macomb Street, NW to Porter Street, NW (Zone C-2-A);

(4)Connecticut Avenue, NW from Van Ness Street, NW to Albemarle Street, NW (Zone C-3-A);

(5)Connecticut Avenue, NW from Calvert Street, NW to 24th Street, NW (Zones C-2-A and C-2-B);

(6)Connecticut Avenue, NW from Hawthorne Street, NW to Jewett Street, NW (Zone C-2-A);

(7)MacArthur Boulevard, NW from Cathedral Avenue, NW to Cathedral Avenue, NW (Zone C-1);

(8)MacArthur Boulevard, NW from Arizona Avenue, NW to Dana Place, NW (Zone C-2-A);

(9)MacArthur Boulevard, NW from V Street, NW to U Street, NW (Zone C-2-A);

(10)Massachusetts Avenue, NW from 48th Street, NW to 49th Street,NW (Zone C-2-A);

(11)New Mexico Avenue, NW from Embassy Park Drive, NW to Lowell Street, NW (Zone C-1);

(12)Ordway Street, NW from alley east of Connecticut Avenue, NW to alley west of Connecticut Avenue, NW (Zone C-2-A)

(A)Restriction: South side of Ordway Street, NW only.

(13)Wisconsin Avenue, NW from Albemarle Street, NW to Brandywine Street, NW;

(14)Wisconsin Avenue, NW from Harrison Street, NW to Western Avenue, NW (Zones C-2-A, C-2-B, and C-3-A);

(15)Wisconsin Avenue, NW from Macomb Street, NW to Idaho Avenue, NW;

(A)Restriction: West side of Wisconsin Avenue, NW only.

	<p>(16) Wisconsin Avenue, NW from Rodman Street, NW to 40th Street, NW (Zones C-1, C-2-A, and C-2-B); and</p> <p>(17) 24th Street, NW from Calvert Street, NW to Connecticut Avenue, NW (Zone C-2-A).</p> <p>(h) Upper Northeast area:</p> <p>(1) Allison Street, NE from Michigan Avenue, NE to Eastern Avenue, NE (Zone C-1);</p> <p>(2) Bladensburg Road, NE from L Street, NE to Mount Olivet Road, NE (Zone C-2-A);</p> <p>(3) Florida Avenue, NE from West Virginia Avenue, NE to Montello Avenue, NW (Zone C-2-A);</p> <p>(4) Mount Olivet Road, NE from West Virginia Avenue, NE to Trinidad Avenue, NE (Zone C-2-A);</p> <p>(5) Rhode Island Avenue, NE from Monroe Street, NE to Eastern Avenue, NE (Zone C-2-A);</p> <p>(6) Rhode Island Avenue, NE from 4th Street, NE to 10th Street, NE (Zones C-2-C, C-3-A, C-M-2, and M);</p> <p>(7) Rhode Island Avenue, NE from 13th Street, NE to 18th Street, NE (Zone C-2-A);</p> <p>(8) 12th Street, NE from Irving Street, NE to Randolph Street, NE (Zones C-1 and C-2-A); and</p> <p>(9) Benning Road, NE from Bladensburg Road, NE to Oklahoma Avenue, NE (Zones C-2-A and C-2-B).</p>	
525	VENDING LOCATIONS: NATIONALS PARK VENDING ZONE	
	<p>525.1 The streets listed in this section shall constitute the Nationals Park Vending Zone within which the DDOT Director may designate sidewalk Vending Locations; provided, that sidewalk Vending Locations shall be allowed on the following streets and in the following numbers:</p>	<p>Again, codifying streets and the number of vendors restricts the ability of the DDOT Director and the vending community to</p>

	<p>(a)East side of First Street, SE between N Street, SE and N Place, SE: two (2) Vending Locations;</p> <p>(b)East side of First Street, SE between N Place, SE and O Street, SE: two (2) Vending Locations;</p> <p>(c)West side of Half Street, SE between M Street, SE and N Street, SE: seven (7) Vending Locations; and</p> <p>(d)North side of N Street, SE between Half Street, SE and Van Street, SE: three (3) Vending Locations.</p>	respond to changes in the neighborhood and/or changes in the market.
525.2	The Director shall assign the Vending Locations in the Nationals Park Vending Zone by lottery.	Lotteries are not the best way to link vendors to vending sites.
525.3	Applicants may apply electronically, via designated computer kiosks, for each monthly lottery by visiting the DCRA Business Licensing Center which shall maintain information regarding the application process and qualifications.	This provision should not be in the regulations. Does this mean that a vendor “may” ONLY apply electronically?
525.4	Winners of each monthly lottery shall be notified by phone, first-class mail, electronic mail, or by being listed on the DCRA website (dcra.dc.gov).	
525.5	Legally licensed vendors at the Robert F. Kennedy Memorial Stadium shall receive a preference in the assignment of Vending Locations in the Nationals Park Vending Zone in the form of an additional entry in each lottery, and upon winning a Vending Location in the monthly lottery, shall be awarded a Vending Site Permit pursuant to the provisions of this chapter.	
	<u>PART 3: ROADWAY VENDING LOCATIONS</u>	
526	VENDING LOCATIONS: ROADWAY VENDING LOCATIONS: GENERAL	
526.1	Other than Mobile Roadway Vendors operating under the provisions of § 556, no vendor may vend in any roadway location other than an authorized Roadway Vending Location for which the Roadway Vendor holds a valid Vending Site Permit.	
526.2	A Mobile Roadway Vendor shall be subject to the provisions of § 556.	
527	VENDING LOCATIONS: ROADWAY VENDING LOCATIONS:	

	AUTHORIZED LOCATIONS	
527.1	<p>The authorized Roadway Vending Locations shall be on the streets and in the numbers set forth as follows:</p> <p>(a)400 Independence Avenue, SW (National Air & Space Museum): Numbers 1 through 6;</p> <p>(b)600 Independence Avenue, SW (National Air & Space Museum): Numbers 7 through 12;</p> <p>(c)700 Independence Avenue, SW (Hirshhorn Museum): Numbers 13 through 18;</p> <p>(d) 1400 Constitution Avenue, NW (National Museum of American History): Numbers 19 and 20;</p> <p>(e) 1200 Independence Avenue, SW (Freer and Sackler Gallery): Numbers 21through 22;</p> <p>(f) 600 Constitution Avenue, NW (National Gallery of Art): Numbers 23 through 26;</p> <p>(g)700 Constitution Avenue, NW (National Gallery of Art): Numbers 27 through 30;</p> <p>(h)900 Constitution Avenue, NW (National Museum of Natural History): Numbers 31 through 35;</p> <p>(i)1200 Constitution Avenue, NW (National Museum of American History): Numbers 36 through 41;</p> <p>(j)200 15th Street, NW (Ellipse East): Numbers 42 through 50;</p> <p>(k)400 15th Street, NW (Ellipse East): Numbers 51 through 59;</p> <p>(l)200 17th Street, NW (Ellipse West): Numbers 60 through 67;</p> <p>(m)400 17th Street, NW (Ellipse West): Numbers 68 through 69; and</p> <p>(n)500 17th Street, NW (State Place): Numbers 70 through 72.</p>	<p>This is the same defective scheme that has been rife with corruption, (buying and selling of sites, etc.) of which DCRA is well aware.</p> <p>This system has created a bad product. It diminishes the quality of our National Mall and the Smithsonian Institute. DCRA has clearly been captured by the roadway vending lobby, and proposes to keep a bad system going.</p>

	(o)1500 Constitution Avenue, NW: Numbers 73 through 74.	
527.2	The DDOT Director shall designate specific portions of the streets listed in § 527.1, in the number set forth in § 527.1, as authorized Roadway Vending Locations.	Roadway vendors are still exempt from paying for parking under this regulation—while other vendors must pay for their parking. It's another example of DCRA's regulatory capture by the roadway vending lobby.
528	VENDING LOCATIONS: ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS	
528.1	<p>The DDOT Director may designate additional Roadway Vending Locations to those authorized in § 527.1; provided, that no additional Roadway Vending Location shall be designated:</p> <p>(a) Within areas under the exclusive jurisdiction of the United States Park Police, the United States Capitol Police, or any other agency of the United States government;</p> <p>(b) Within a marked loading zone, entrance zone, parking space designated for diplomatic parking, or other curbside zone specifically designated and demarcated as being for transit use;</p> <p>(c) On a snow emergency route designated under Section 4024 of Title 18 of the District of Columbia Municipal Regulations;</p> <p>(d) Within forty feet (40 ft.) of an intersection;</p> <p>(e) Along the length of a Metrobus Stop Zone, a commuter bus zone, an intercity bus zone, or other curbside zone specifically designated and demarcated as being for transit use;</p> <p>(f) Within forty feet (40 ft.) of the driveway entrance to a police or fire station or within twenty feet (20 ft.) of any other driveway;</p>	<p>See our prior comment.</p> <p>This is draconian. Just prohibit roadway vendors from operating during snow emergencies...</p> <p>This should be 20 feet.</p> <p>This is far too restrictive, and restrictive without purpose.</p>

	(g) Within twenty feet (20 ft.) of an alley; or (h) Within forty feet (40 ft.) from any crosswalk.	Same comment. Same comment.
528.2	Mobile Roadway Vendors whose vending is limited to only fruits and vegetables shall be given first choice of each additional Roadway Vending Locations. Any additional Roadway Vending Location shall be allocated through a lottery separate from the one conducted pursuant to § 530 for the Roadway Vending Locations established by § 527.	We understand the desire to improve food options in DC, but this is not the right way to do it.
	<u>PART 4: ASSIGNMENT OF VENDING LOCATIONS</u>	
529	ASSIGNMENT OF NEW SIDEWALK VENDING LOCATIONS	
529.1	Unoccupied sidewalk Vending Locations shall be assigned to licensed sidewalk vendors through a lottery conducted by the Director.	Lotteries are not the right way to assign specific vendors to specific sites.
529.2	No vendor or person may participate in the lottery for sidewalk Vending Locations unless the vendor holds a Vending Business License or the person holds a current receipt of payment for a Vending Business License for sidewalk vending and is registered for the lottery.	
529.3	No holder of a Vending Business License shall be assigned more than five (5) sidewalk Vending Locations.	Is this saying that each vending business license holder should enter the lottery for each available vending location, and after each site is assigned to a vendor, all the names go back in the jar, and the next site is selected, and the process repeats until all the sites have names, but no vendor shall have his or her name pulled out of the jar more than 5 times?
529.4	No more than one (1) vendor may occupy an assigned Vending Location, unless the Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.	And under what conditions might that occur?

529.5	No lottery registration or Vending Location assignment may be transferred from a vendor to any other person.	Why not? It's the only way to make it possible for the right kind of vending to occur at the right kind of site. The lottery approach is similar to the story about an infinite number of monkeys typing...A good result is possible---but extraordinarily unlikely.
529.6	The Director may contract out the function of performing the lotteries for sidewalk Vending Locations.	Why should this be done? To avoid record-keeping requirements and eliminate FOIA requests?
529.7	No Vending Site Permit shall be distributed until full payment is received from the vendor or person.	
529.8	A vendor shall have thirty-five (35) days from the billing date to remit payment for the sidewalk Vending Locations the vendor has won. Failure to remit payment shall allow the Director to rescind the Vending Site Permit offer.	
529.9	The Director may lottery off unclaimed sidewalk Vending Locations until all sidewalk Vending Locations are leased.	This is the first time that the Vending Site permit is referred to as a "lease" Will the permit include lease terms in addition to the terms and conditions within these regulations?
530	ASSIGNMENT OF ROADWAY VENDING LOCATIONS	
530.1	For a period of one (1) year from the publication in the <i>District of Columbia Register</i> of a notice of final rulemaking adopting this chapter, the lottery for Roadway Vending Locations shall be overseen by MPD. Upon the expiration of the yearlong period, the lottery shall be overseen by the Director.	
530.2	Roadway Vending Locations shall be assigned as follows: (a)All Roadway Vending Sites shall be allocated by lottery;	First, lotteries are the wrong way to assign vendors to sites. Second, there is no market-oriented reason why food and

	<p>(b)The lottery shall be conducted monthly, with sites allocated for each week of the month;</p> <p>(c)There shall be equal allocation in the lottery of Class A and Class B licenses; and</p> <p>(d)No vendor shall be issued Roadway Vending Site Permits for more than two (2) Roadway Vending Sites.</p>	merchandise units should be equal in number.
530.3	No Roadway Vending Site Permit shall be distributed until full payment is received from the roadway vendor or person.	
530.4	A vendor shall have thirty-five (35) days from the billing date to remit payment for the Roadway Vending Sites the vendor has won. Failure to remit payment shall allow the Director to rescind the offer to the winning vendor.	Presumably the lotteries will be scheduled far enough in advance to unsure that a vendor pays before he or she works. But as an aside, under 507.1, wouldn't non-payment (or late payment) be a cause for suspension or revocation of the Vendor's license?
530.5	The Director may lottery off unclaimed Roadway Vending Sites until all Roadway Vending Sites are leased.	
530.6	The Director shall register licensed roadway vendors for participation in the lottery by assigning each vendor a registration number.	Let's just make this process as opaque and convoluted as possible to eliminate accountability
530.7	No vendor may participate in the lottery for Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.	
530.8	No vendor may operate on more than one (1) Roadway Vending Location per day, and only one (1) vendor may occupy an assigned Roadway Vending Location as described on the Roadway Vending Site Permit, unless otherwise specified by the Director on the Roadway Vending Site Permit.	
530.9	No lottery registration or Roadway Vending Location assignment or permits may	Practically speaking, this is a)

	be transferred from a vendor to any other person.	unenforceable, and b) counterproductive to achieving a good result on the street.
530.1	The Director may contract out the function of performing the lottery for Roadway Vending Locations.	See prior comment about outsourcing lottery functions
	<u>PART 5: MISCELLANEOUS</u>	
531	PUBLIC MARKETS	
531.1	No person shall operate or vend from a public market unless the public market is located on: (a)Public space approved by the DDOT Director; (b)Private space; or (c)A combination of both public space approved by the DDOT Director and private space.	
531.2	No person shall manage a public market on public or private space without holding a Class C Vending Business License.	
531.3	No business shall operate a market on public space without first obtaining a Public Space Permit from the DDOT Director.	
531.4	Each vendor operating at a public market managed by the holder of a Class C Vending Business License on public space shall be subject to all applicable license and health laws and regulations.	Vendors on private space are exempt from all regulations?
531.5	Each public market operated by the holder of a Class C Vending Business License that is operating on private space shall obtain a certificate of occupancy from the Director. Vendors operating at public markets under this subsection may be subject to applicable licensing laws and regulations.	On what grounds would a C of O be approved or denied? And we remain confused by this: vendors working at markets on private property either are, or are not, subject to which laws and regulations?
532	TEMPORARY RELOCATION OF VENDORS	
532.1	The Director, the DDOT Director, or MPD may order the temporary relocation of	

	a vendor from the vendor's permitted Vending Location in construction areas, for special events or transportation requirements, or other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.	
532.2	Any temporary relocation shall last only until such time as the original Vending Location is determined by the Director, the DDOT Director, or MPD to be useable again.	
532.3	A vendor subject to a temporary relocation shall be relocated by the Director to the closest available location that is deemed allowable for vending.	
532.4	In any situation where a temporary relocation will be for at least twenty-one (21) days, the Director shall issue the affected vendor a new Vending Site Permit for the new Vending Location.	
	<u>SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND INSPECTIONS</u>	
	<u>PART 1: DESIGN STANDARDS</u>	
533	DESIGN STANDARDS: GENERAL	
533.1	The Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.	
533.2	The provisions of sections 534, 535, 536, 537, and 538 shall not apply to activities licensed under § 503.1(c).	
534	DESIGN STANDARDS: VENDING CARTS	
534.1	<p>No vending cart, inclusive of any display or attachments allowed by this section, shall exceed the following dimensions unless specified by the Director on the Vending Site Permit:</p> <p>(a) Four feet six inches (4 ft. 6 in.) in width;</p> <p>(b) Seven feet (7 ft.) in length, unless the vendor vends food from the vending cart, in which case the cart shall not exceed eight feet (8 ft.) in length; and</p> <p>(c) Eight feet six inches (8 ft. 6 in.) in height.</p>	<p>These dimensions reflect the current regulation. They are arbitrary at best; they are too small to allow food carts to carry sufficient equipment and product; they eliminate the potential for appropriate weather protection, and they effectively serve to grandfather in worn-out equipment that should be replaced.</p>

534.2	<p>A vending cart shall be covered by either:</p> <p>(a)One (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and one half feet (4.5 ft.) in any direction from the body of the cart; or</p> <p>(b)One (1) canopy which shall not extend more than six inches (6 in.) in any direction from the body of the cart.</p>	<p>First, it should be “may be covered”; second, these dimensions are completely non-functional, as DCRA well knows.</p>
534.3	<p>Any umbrella or canopy used to cover a vending cart:</p> <p>(a)Shall be made of water-resistant canvas with wood or metal frames; and</p> <p>(b)Shall not contain any advertising other than advertising allowed under § 538.</p>	<p>Canvas? If DCRA wants to prohibit blue plastic tarps or sheets of plastic, fine. But waterproof canvas is not a good substitute...</p>
534.4	<p>No food or merchandise shall be hung or otherwise displayed from the sides or back of the vending cart.</p>	<p>First DCRA mandates overall dimensions that are far too small, and then they prohibit a vendor from displaying product (which they are required to carry) in the only available display areas.</p>
534.5	<p>No food, merchandise, or equipment hung or otherwise displayed on the front of the vending cart shall extend more than eight inches (8 in.) from the front of the vending cart or extend past the sides of the vending cart.</p>	<p>See prior comment.</p>
534.6	<p>All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart.</p>	<p>See prior comment.</p>
534.7	<p>The cart shall be placed on one (1) or more wheels; provided, that:</p> <p>(a)The wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter;</p> <p>(b)The wheels shall be a wood or metal frame with rubber trim for tires; and</p> <p>(c)The cart may include legs in addition to the wheel or wheels.</p>	<p>Why does DCRA want to grandfather in the current crop of worn-out hot dog carts, and prohibit workable food vending solutions? For example, the On the Fly carts are illegal under this provision, and yet they park on the sidewalk. The DC</p>

		Central Kitchen cart is another example of an over-size cart...
534.8	The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.	
535	DESIGN STANDARDS: VENDING VEHICLES	
535.1	No vending vehicle, inclusive of any display or attachments allowed by this section, shall exceed the followings dimensions unless otherwise authorized by the Director on the Vending Site Permit: (a)Eighteen feet six inches (18 ft. 6 in.) in length; (b)Eight feet (8 ft.) in width; and (c)Ten feet (10 ft.) in height, measured from bottom of the tire.	
535.2	A vending vehicle shall be covered by either: (a)One (1) or two (2) umbrellas, neither of which shall exceed six feet (6 ft.) in diameter nor extend more than three feet (3 ft.) in any direction from the body of the cart; (b)One (1) umbrella, which shall not exceed nine feet (9 ft.) in diameter nor extend more than four and a half feet (4.5 ft.) in any direction from the body of the cart; or (c)One (1) canopy which shall not extend more than four and a half feet (4.5 ft.) in any direction from the body of the cart.	This requires umbrellas or a canopy on top of a white truck. What is the purpose?
535.3	An umbrella or canopy used to cover a vending vehicle: (a)Shall be made of water-resistant canvas with wood or metal frames; (b)Shall not contain any advertising other than advertising allowed under § 538; and (c)Shall not extend higher than eight feet (8 ft.) from the ground or lower than seven feet (7 ft.) from the ground.	The truck can be 10 feet high, but the umbrella has to be between 7 and 8 feet from the ground. We don't quite understand how that works.

535.4	No food, merchandise, or equipment shall be hung or otherwise displayed from the sides or back of the vending vehicle.	
535.5	No food, merchandise, or equipment hung or otherwise displayed on the front of the vending vehicle shall extend more than twelve inches (12 in.) from the front of the vending vehicle or extend past the sides of the vending vehicle.	
535.6	All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within the body of the vending vehicle.	Given the size of the trucks, this, for once, is a workable standard.
535.7	All vending vehicles shall rest on inflated rubber tires.	
536	DESIGN STANDARDS: VENDING STANDS	
536.1	<p>The design and operation of all vending stands shall conform with the following requirements, unless otherwise authorized by the Director on the Vending Site Permit:</p> <p>(a)The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the Director, or a shoe- shine stand structure approved by the Director.</p> <p>(1)If the stand or structure is made of wood, the wood shall consist of weather-resistant lumber with two (2) coats of varnish or non-toxic paint;</p> <p>(b)The stand shall not exceed a maximum horizontal surface area of seven feet by four feet six inches (7 ft. x 4 ft. 6 in.);</p>	<p>Again, DCRA is grandfathering in—actually requiring-- a vending stand design that almost everyone agrees can and should be improved.</p> <p>A four-foot, six-inch wide table is a) not commercially available, and b) will not fit conveniently in a van or truck. Why is DCRA compelled to regulate the construction of a table that will be fully covered?</p> <p>Weather-resistant lumber is full of toxic chemicals. It is not meant to be handled on a daily basis.</p> <p>This is the current standard. Why not move to a 4x8 standard? The area is roughly</p>

	<p>(c)The surface area of the table (or the highest surface area of the stair- stepped structure) shall be at a height of between one foot (1 ft.) and four and a half feet (4.5 ft.);</p> <p>(d)The stand shall have a canopy that shall not exceed seven feet nine inches by five feet three inches (7 ft. 9 in. x 5 ft. 3 in.) and shall be comprised of water-resistant canvas or six (6) ply polyurethane material covering a metal or wood frame mounted above the stand.</p> <p>(1)The uppermost point of the canopy shall not exceed more than nine feet (9 ft.) in height and the lowest point on the canopy, inclusive of any canopy flap, shall not be less than seven feet (7 ft.) in height.</p> <p>(2) The canopy shall be clean and in good repair;</p> <p>(e)A skirt or tablecloth shall be attached to the table surface on all sides and shall extend from the table surface to no more than one inch (1 in.) from the sidewalk pavement. The skirt shall be clean and in good repair; and</p> <p>(f)No free standing racks or other free-standing forms of display shall be allowed around the stand.</p>	<p>the same and the materials are standardized at that diminsion.</p> <p>It is unclear, under this “standard” what exactly is allowed between the top of the table (4.5 feet) and the canopy. Are additional shelves allowed?</p>
537	DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES	
537.1	<p>All vending vehicles and vending carts that vend food shall be inspected and approved by the DOH Director as being of a design which is approved by, or is equivalent to a design approved by, the National Sanitation Foundation. All equipment used in the vehicle or cart for the vending of food shall be inspected and approved by the DOH Director as being of commercial grade and in compliance with National Sanitation Foundation standards or the equivalent.</p>	<p>The National Sanitation Foundation would tell you that equipment is either NSF certified, or isn't. Few of the food vending carts on the street today could meet NSF standards.</p>
537.2	<p>All vending vehicles and vending carts that vend food shall be designed and operated in accordance with all relevant food safety laws and may be required to include:</p> <p>(a)A fresh water tank with at least a five (5) gallon capacity or more;</p>	<p>The actual requirements should be based on the use of the unit. This regulation appears to give DOH flexibility in approving</p>

	<p>(b)A waste water tank with a capacity fifteen percent (15%) or larger than the required fresh water tank;</p> <p>(c)A three (3) compartment sink with hot and cold running water;</p> <p>(d)A separate hand washing sink with mixing faucet;</p> <p>(e)Walls, ceiling, and floors that are smooth and easily cleanable;</p> <p>(f)Natural or electrical lighting to provide a minimum of fifty (50) candles of light on work surfaces;</p> <p>(g)A generator-powered refrigerator that will maintain stored foods at forty- one degrees Fahrenheit (41° F) or below and that has sufficient holding capacity for one (1) day of operation;</p> <p>(h)A generator-powered freezer that will hold foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and</p> <p>(i)Adequate ventilation.</p>	<p>individual units for specific purposes. We hope that DOH is prepared to use that discetion thoughtfully.</p> <p>This is too limiting a requirement. For many purposes, a cold-plate is just as effective as a generator powered refrigerator.</p>
538	DESIGN STANDARDS: ADVERTISING	
538.1	No advertising, other than the name of the vending business and any food, merchandise, or service (including the price thereof) sold as part of the vending business, shall be placed on or adjacent to a vending vehicle, stand, or cart, including any canopy or umbrella or adjacent vehicle.	This says that signage can be placed “adjacent” to the vehicle, or (as we read this) signage may also be placed <i>on</i> an adjacent vehicle. Surely this is a mistake.
538.2	Advertising of any food, merchandise, or service (including the price thereof) sold as part of the vending business may be placed only on the front side of a vending vehicle or vending cart or on the front side of a vending stand skirt and shall not be placed on an umbrella or canopy or on the back or side (street side) of any vending vehicle or vending cart or on the back or side of a vending stand skirt.	What is the purpose of this regulation?

538.3	Advertising of the name of the vending business may be placed on the canopy, umbrella, vending stand skirt, or along the lower half of the front, side, or back of a vending vehicle or cart.	Does the “name” of the vending business have to be the same as the name of the licensed entity?
538.4	All advertising authorized under this section shall be mechanically printed and shall not be handwritten.	
539	DESIGN STANDARDS: PHASE-IN PERIOD	
539.1	Any vendor issued a Vending Business License prior to the date of publication in the <i>District of Columbia Register</i> of a notice of final rulemaking adopting this chapter, shall have until two (2) years from that date of publication to come into compliance with the following sections of this chapter: (a)Section 534.2; (b)Section 534.5; (c)Section 535.2; and (d)Section 535.5.	
	<u>PART 2: OPERATIONAL STANDARDS</u>	
540	OPERATIONAL STANDARDS: GENERAL	
540.1	A vendor shall ascertain, and at all times comply with, all District and federal laws and regulations applicable to the operation of a vending business.	
540.2	No vendor shall vend in public space after the expiration of the Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business and during any period when the vendor’s Vending Business License, Vending Site Permit, or any other license, permit, certificate, or authorization required for the lawful operation of the vendor’s vending business has been suspended or revoked.	
540.3	A vendor shall at all times obey posted traffic and parking signs.	
541	OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS	
	541.1Sidewalk and roadway vendors may operate only during the following hours: (a)Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.	These hours are overly restrictive in some circumstances. There is a

	(b)Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day; provided, that vendors operating in Residential Zones, as specified in the District of Columbia Zoning Regulations, shall not vend past 10:00 p.m. on any night of the week.	market to provide food for clientele leaving nightclubs at closing time—and there are common sense reasons why offering food to this market may improve public safety. This regulation prohibits that, for no good reason.
541.2	Notwithstanding § 541.1, the Vending Site Permit for each Vending Location in a Vending Development Zone shall establish the hours of operation for that Vending Location.	
542	OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS	
542.1	No vendor shall vend in a location that is not a Vending Location assigned to the vendor by the Director.	
542.2	A vendor shall place his or her vending stand or vending cart parallel to the curb, with the longest side of the vending stand or vending cart parallel to the curb and located two feet (2 ft.) from the curb face, unless otherwise specified by the Director on the Vending Site Permit.	DDOT should have great latitude to site stands most advantageously.
542.3	No vendor shall vend upon, or impede free access to, service and ventilation grates and covers or in any location that would not be an authorized Vending Location under § 521.1, unless specifically authorized by the Director or the DDOT Director.	The first half of this provision is already covered in 521.1(c)(4), and we do not understand the second half of this provision. “...would not be an authorized vending location...”? A vendor has a site permit for a specific site. By definition, it must therefore be “authorized”.
542.4	No vendor shall place his or her vending vehicle, vending stand, or vending cart in such a manner that it impedes passage of pedestrians along the sidewalks.	Technically, this standard is impossible to achieve. The clear passageway standards are set elsewhere in these regulations.

543	OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS	
543.1	All surplus merchandise, food, equipment, and other items related to the operation of a vending vehicle, vending stand, or vending cart shall be kept either in or under (or, in the case of a vending stand, on) the vending vehicle, vending stand, or vending cart.	We already discussed the fact that the size limitations and equipment requirements imposed under these regulations make it difficult for vendors to operate. This provision appears to eliminate the ability of vendors to sell beverages from in front of a cart. There just isn't room within the dimensions specified by DCRA to store adequate stock and operate.
543.2	No merchandise, food, equipment, or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or placed upon any public space adjacent to the vending vehicle, vending stand, or vending cart.	
543.3	No vendor shall place any vending equipment or related items upon, or in a place or manner impeding free access to, service and ventilation grates and covers in accordance with § 542.3.	
543.4	No merchandise, food, equipment or other items related to the operation of a vending vehicle, vending stand, or vending cart shall be stored or otherwise kept on the public space beyond the hours of operation of the vending business.	
544	OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING	
544.1	<p>All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:</p> <p>(a)An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246, ch. 25; D.C. Official Code §§ 48-101 <i>et seq.</i>);</p> <p>(b)Title 25 of the District of Columbia Municipal Regulations;</p> <p>(c)Any other applicable law or regulation related to the preparation, handling, transportation, or storage of food;</p>	

	<p>(e)Requirements of, and conditions imposed by, the health inspection certificate, including any plans or standards approved or imposed as part of the issuance of the health inspection certificate; and</p> <p>(d)Any applicable standards established by DOH.</p>	
544.2	No food vending equipment shall be used for purposes other than those authorized by the DOH Director.	
544.3	No food may be vended from a vending vehicle, cart, or stand unless there is a person who holds a valid food protection manager certificate and a DOH-issued certified food protection manager identification card on site at the time of the preparation, handling, and sale of the food.	
545	OPERATIONAL STANDARDS: FIRE SAFETY	
545.1	All vending vehicles equipped with cooking appliances shall have at least one (1) fire extinguisher with a minimum rating of 2A-10BC mounted in the cooking area.	
545.2	<p>All vending vehicles operating with propane shall meet the following standards:</p> <p>(a)All propane compartments shall be secured and placarded;</p> <p>(b)No smoking signs shall be posted on the vehicle; and</p> <p>(c)Propane or open flame permits shall be clearly posted on the vehicle.</p>	
546	OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS	
546.1	No vendor shall operate a loud speaker or sound amplifier, or play a radio, drum, or other musical instruments as a means of advertising in such a manner as to create a noise disturbance, as the term is defined in Section 2799 of Title 20 of the District of Columbia Municipal Regulations.	
546.2	Activities open to the public and provided for in Section 2805.2 of Title 20 of the District of Columbia Municipal Regulations are exempt from the limitations set forth in this section.	
	<u>PART 3: INSPECTIONS</u>	
547	INSPECTIONS: FOOD PREPARATION AND HANDLING	

547.1	The vendor's food preparation, handling, transportation, and storage operations shall be subject to inspection at any time to verify compliance with applicable provisions of the Food Code and any conditions imposed by the health inspection certificate.	
547.2	Each food vending business shall be inspected by the DOH Director at least once every six (6) months. Failure of an inspection shall be cause for summary suspension of the vendor's Vending Business License and Vending Site Permit pursuant to §§ 507 and 512.	
548	INSPECTIONS: DESIGN STANDARDS	
548.1	A vendor's vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the Director to verify compliance with applicable design standards required by this chapter.	
548.2	Failure to comply with design standards for vending vehicles, vending stands, or vending carts shall be cause for the summary suspension or revocation of a Vending Site Permit.	There is NO proportionality in these regulations. First DCRA crafts unworkable standards, full of gray areas open to interpretation, and then if a vendor mis-interprets a design regulation, his or her license shall be summarily seized, and potentially revoked. No other licensed business would dare operate with this level of oppressive enforcement hanging over their heads.
549	INSPECTIONS: FIRE SAFETY	
549.1	All vending vehicles, vending carts, or vending stands with deep fryers, propane or open flame, or any other electrical or cooking devices shall be inspected by FEMS at least once a year or as regularly as prescribed by the Fire Marshal.	
549.2	If a vending vehicle, vending cart, or vending stand fails an inspection performed pursuant to this section, the FEMS inspector may summarily seize the Vending Business License and Vending Site Permit and deliver it to the Director. The Director shall return the seized Vending Business License or Vending Site Permit to the licensee upon the licensee's vending vehicle, vending cart, or vending stand passing inspection by FEMS.	

	<u>PART 4: OTHER STANDARDS OF OPERATION</u>	
550	MAINTENANCE STANDARDS	
550.1	All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained in a safe, clean, and sanitary condition, and in good repair.	
550.2	All vending vehicles, vending carts, and vending stands, including canopies and umbrellas, shall be maintained so that the vending vehicle, cart, or stand remains at all times in compliance with the standards of this subchapter.	Does this apply during the “set up” and “tear-down” periods?
551	DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES	
551.1	A vendor shall conspicuously display on the vendor’s vending vehicle, vending cart, or vending stand, his or her: (a)Vending Business License; (b)Vending Site Permit; (c)Health inspection certificate; (d)Food protection manager certificate; (e)DCRA-issued vendor identification card; (f)DOH-issued certified food protection manager identification card; and (g)A propane or open flame permit, if the vendor uses propane in his or her operations.	How about “all applicable certifications of authority”...
551.2	The items required by § 551.1 shall be considered to be properly displayed when they are firmly attached to the vending vehicle or stand and are clearly visible to the public.	
551.3	No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.	
551.4	If a Vending Business License, Vending Site Permit, or health inspection certificate is displayed on a vending vehicle, vending cart, or vending stand other than the vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued, the Director or MPD may	This would technically be “vending without a license” and Under Section 504.3 and 504.4, this requires that the license be

	summarily impound or immobilize the vending vehicle, vending stand, or vending cart on which the Vending Business License, Vending Site Permit, or health inspection certificate is unlawfully displayed.	seized and the vendor to be ineligible for re-licensing for one year following the issuance of the ticket. Which version is correct?
551.5	If a summary impounding or immobilization occurs pursuant to § 551.5, the Director or MPD shall release the impounded or immobilized vending vehicle, vending stand, or vending cart upon the payment of a fine in an amount established by the Director and presentation of the vending vehicle, vending cart, or vending stand for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued.	Same comment as before....
551.6	Failure to display, or to provide to an authorized District government representative, any required certificates of authority may result in summary suspension of a vendor's license or site permit. The vendor's license or site permit shall be returned to the licensee upon the proper display or providing of the required certificates of authority.	At least this clarifies the meaning of 507.2(c)...
552	MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS	
552.1	All vending vehicles and vending carts: (a) Shall be registered and inspected by the District of Columbia Department of Motor Vehicles or by the motor vehicle department of another state or municipality with appropriate jurisdiction; (b) Shall display all current tags on the vehicle or cart; and (c) Shall not vend any food, merchandise, or services if the vehicle has temporary tags.	Why does DC not require that all vending equipment which conducts business in the District be registered and inspected IN DC? How can "roach coach" operators with Maryland tags routinely do business in DC with no District oversight?
552.2	Any vending vehicle not displaying current vehicle registration shall be subject to removal and shall subject the licensee to summary suspension of their Vending Business License and Vending Site Permit. The vendor's vehicle, Vending Business License and Vending Site Permit shall be returned to the licensee upon the proper display of current vehicle registration.	
553	EMPLOYEES OF LICENSED VENDORS	

553.1	No person shall work at a vending business unless the person is the licensed vendor of the vending business or is an employee or independent contractor of the vendor holding a valid Vendor Employee Identification Badge.	<i>Another</i> “Certificate of Authority”.... And the provision allowing “independent contractors” is exploitation of marginal people, waiting to happen....
553.2	The employing vendor shall follow all applicable District and federal employment laws and regulations.	
553.3	An employee or independent contractor of a vendor may operate the vendor’s Class A vending business without the vendor being present; provided, that the employee or independent contractor holds a valid food protection manager certificate and a DOH-issued certified food protection manager identification card.	Can Class B vendors have employees? This is unclear.
553.4	No person may act as an employee or independent contractor of a vendor unless that person holds a valid Vendor Employee Identification Badge issued by the Director.	Why should an “Independent Contractor” hold an “employee badge?” The two terms are wholly unrelated, and the responsibilities of an employer to an employee are completely different from those a business of a business owner and his or her “independent contractor”.
553.5	<p>A person shall apply for a Vendor Employee Identification Badge by submitting an application to the Director, on a form prescribed by the Director, which shall include:</p> <p>(a)The name, address, and telephone number of the person;</p> <p>(b)The name and license number of the vendor for whom the person will act as an employee or independent contractor;</p>	<p>No photograph?</p> <p>Vendor employees are required to have telephones, and that information then becomes public record controlled by DCRA?</p> <p>A person who seeks to be a vendor employee is required to purchase a separate badge, for \$55 each, for each vendor he or</p>

	<p>(c)The signature of the person;</p> <p>(d)The notarized signature of the vendor;</p> <p>(e)The application fee, which shall be fifty-five dollars (\$55.00); and</p> <p>(f)Any additional information or documentation required by the Director.</p>	<p>she works for?</p> <p>Notarized? Why?</p> <p>What other business is required to submit to this level of scrutiny when it comes to their employees? What possible public purpose(s) do these provisions futher?</p>
553.6	The Vendor Employee Identification Badge shall include the name of the employee or independent contractor of the vendor, a badge number, the name of the licensed vendor, and the Vending Business License number of the vendor.	
553.7	<p>An employee or independent contractor:</p> <p>(a)Shall conspicuously wear his or her Vendor Employee Identification Badge when the employee or independent contractor is operating the vendor’s vending business; and</p> <p>(b)Shall not represent any licensed vendor other than the vendor whose name appears on the employee’s or independent contractor’s Vendor Employee Identification Badge.</p>	And yet, Licensed Vendors themselves are not required to wear District authorized identification badges.
553.8	A vendor shall be held responsible for the actions of his or her employees and independent contractors, where such actions are related to the operation of the vending business and the Vending Business License, Vending Site Permit, and health inspection certificate of the vendor may be suspended or revoked based on those actions.	We'd agree with this provision and in fact would like to see it strengthened....
554	LITTERING	
554.1	Vendors shall keep sidewalks, roadways, and other public space adjoining and adjacent to their assigned Vending Location clean and free from paper, peelings, and refuse of any kind.	
554.2	All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public trash receptacles shall not be used for compliance with this section.	This should not apply to merchandise stands at all; and food vendors should be allowed

		to keep one or more free-standing trash containers.
555	DISPLAY OF SAMPLE ITEMS	
555.1	No vendor shall display any object (including signage) used as an example of merchandise or food for sale or to advertise merchandise, services, or food for sale unless the object conforms precisely to the merchandise or food being sold by the vendor at that particular Vending Location.	“Precisely”? Roadway vendors on the National Mall do not sell pretzels that are two feet wide.
556	MOBILE ROADWAY VENDING	
556.1	Unless specifically authorized by the Director, a roadway vending vehicle operating without a Vending Site Permit (a “Mobile Roadway Vending Vehicle”) shall remain moving at all times unless: (a)Signaled by a customer to stop to make a sale; or (b)Stopping to serve a queue of customers waiting exclusively and at a particular location for the vehicle.	We applaud the new food vendors who have entered the vending scene. We encourage their success.
556.2	After having been signaled by a customer, a Mobile Roadway Vending Vehicle shall not remain in any location for a period longer than necessary to make the sale; provided, that: (a)If the Mobile Roadway Vending Vehicle is parked and is not in operation, it shall have signage with letters at least eight inches (8 in.) in height stating “Closed” on the side of the vehicle facing the curb; and (b)Once it is not in operation, the Mobile Roadway Vending Vehicle may not re-open to serve customers at that same location.	We believe this is unenforceable. And unwise. Vendors who have invested \$thousands to introduce new food concepts, and a new, workable business model based on social networking, deserve support, not arbitrary regulations designed to equate high-end food vendors with popsicle trucks.
556.3	When stopped to make a sale, a Mobile Roadway Vending Vehicle shall be properly parked in a legal parking place and the vendor shall be responsible for payment of all applicable parking fees and for obeying all posted parking regulations.	So let them stay in the parking spot for one or two hours, as the meter allows, and do business! And to repeat, stationary

		roadway trucks on the Mall should pay for parking as well.
556.4	Mobile Roadway Vending Vehicles shall be subject to the design standards of § 535.	The canopy requirement adds no value to these regulations...
556.5	No mobile roadway vending business shall be transacted within one hundred feet (100 ft.) of a traffic circle.	Why? Parking spots are parking spots...
556.6	No mobile roadway vending business shall be located or transacted within forty feet (40 ft.) of any intersection or within any of the distances specified in this title; provided, that vehicles vending ice cream or other products likely to attract children as customers shall, when stopping to make a sale, park curbside outside of, but as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.	Again, what possible public purpose does this regulation achieve? And why is it better to allow ice cream vendors “likely to attract children” to park closer to intersections than other food vendors? And what does “likely to attract children” mean, exactly?
556.7	Only a vendor operating under a Class A license is authorized to vend under this section and he or she must be in the vehicle during its operation.	Discriminatory on its face against Class B vendors, and it also is confusing when considered against other provisions of this regulation which allow employees or “independent contractors”...
556.8	No Mobile Roadway Vending Vehicle subject to this section shall be parked within sixty feet (60 ft.) of a business with a fixed address that sells the same type of food.	This provision will be difficult to enforce...
557	PURCHASE OR RECEIPT OF STOCK	
557.1	No vendor may purchase or take delivery of stock from any public space, with the exception of perishable food items for consumption.	This is unworkable on its face. We have already described how the size restrictions that DCRA proposes to impose are too small to be workable. This provision prevents any vendor from

		accepting for delivery refills of necessities such as beverages or ice, or any other back-stock. No other business in the District is prevented from taking delivery of necessary supplies, except vendors under this provision.
557.2	No person may distribute stock to any vendor from any public space. Violation of this provision shall subject a wholesaler or distributor to the suspension or revocation of their business license.	It gets worse. Any wholesaler who seeks to supply a vendor may see his or her business license suspended or revoked. On what grounds—double parking? We have an idea—let's apply the same standard to every other business in DC, and let's see how far we get putting Fed Ex and UPS out of business!
558	PLACING VENDING BUSINESS LICENSES ON HOLD	
558.1	The Director shall create a process by which a vending business may put its Vending Business License on hold and subsequently retrieve it from hold status to avoid suspension or revocation of a Vending Site Permit.	We understand the purpose of this provision, but it is poorly drafted. It's purpose is to allow vendors who have immigrated to America, but whose families are overseas, to return to their families for extended periods, but to retain their right to their vending site during their absence. We believe that the provisions which allow vendors to engage “employees” or “independent contractors” to operate their vending businesses generally make Section moot. We can see exceptional

		circumstances under which a vendor may need to place his or her license “on hold” --but we are talking about public space, and we believe that market opportunities should not be wasted. Other vendors should be allowed to temporarily occupy spaces vacated by permit-holders who choose to put their permit “on hold”.
558.2	A Vending Business License may be placed on hold and in the possession of the Director during such times that the vending business is not in operation for seasonal purposes or emergent issues; provided, that the holder of the Vending Business License is in compliance with the Clean Hands Certification.	
558.3	While a Vending Business License is placed on hold pursuant to this section, there shall not be a stay on its expiration date and, to remain valid, it must be renewed on or before its expiration date, pursuant to § 506.	
558.4	A vendor, or any employee or independent contractor employed by the vendor, who vends any products, food, merchandise, or services while his or her Vending Business License is placed on hold shall be subject to the revocation of his or her Vending Business License.	
559	REQUIREMENT TO UPDATE INFORMATION	
559.1	If, pursuant to the provisions of this chapter, a vendor provided information to a District agency and that information changes, the vendor shall, within ten (10) business days after the change in information, provide updated information to the appropriate agency.	Will new certificates of authorization be issued with the updated information? And what will be the charge to the vendors who comply with this provision? And what will be the penalties to the vendors who don't?

	<u>SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS</u>	
560	VENDING DEVELOPMENT ZONES	
560.1	<p>The Director may establish Vending Development Zones (VDZ) to promote new and innovative vending practices designed to achieve the following objectives:</p> <p>(a) Provide opportunities for vendors to expand their creativity and entrepreneurship in both their products and their carts;</p> <p>(b) Expand vending opportunities for small and local businesses;</p> <p>(c) Improve the safety, appearance, and use of public space; and</p> <p>(d) Allow for greater expansion of the creative economy through the addition of entertaining and artistic business ventures in public space.</p>	
560.2	<p>Notwithstanding other provisions of this chapter, the Director shall allow a VDZ greater flexibility in complying with regulations governing the:</p> <p>(a) Location of vendors in public space;</p> <p>(b) Method for assigning Vending Locations;</p> <p>(c) Design standards for vending vehicles, vending carts, roadway vending, and vending stands;</p> <p>(d) Hours of operation;</p> <p>(e) Length of time for which a Vending Site Permit shall be issued; and</p> <p>(f) Performance and entertainment requirements.</p>	
560.3	<p>The Director may establish a VDZ upon the approval of an application submitted by a business association, community organization, or District government agency.</p>	<p>Why the limit on the types of entities that can seek to operate a Vending Development Zone? And we cannot understand why any DC agency has any business applying for, or operating, a</p>

		Vending Development Zone.
560.4	<p>The Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:</p> <p>(a)Department of Small and Local Business Development;</p> <p>(b)Department of Health;</p> <p>(c)Department of Transportation; and</p> <p>(d)Office of Planning.</p>	Good. This is the first mention of inter-agency consultation within this regulation.
560.5	<p>A VDZ application shall be reviewed in a two-part process:</p> <p>(a)The applicant shall submit five (5) hard copies or one (1) electronic copy of a pre-application to the Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:</p> <p>(1)Applicant’s mission, bylaws, process for electing officers, and public meeting requirements or, in the case of a Coordinating Agency, its mission and responsibilities;</p> <p>(2)Purpose and intent of establishing a VDZ, including aspects of placemaking and creative economy planning;</p> <p>(3)Map delineating the proposed boundaries of the VDZ and all current Vending Locations; and</p> <p>(4)Partner organizations collaborating on the application.</p> <p>(b)Upon verification of the items required by subsection (a), the Director shall approve</p>	<p>We are fundamentally opposed to DSLBD, DOH, DDOT,OP or DCRA (or any other DC agency) getting into the vending management business.</p>

	<p>the pre-application. Within ninety (90) calendar days of notification from the Director of pre-application approval, the applicant shall, in consultation with the Coordinating Agencies, prepare and submit five (5) hard copies or one (1) electronic copy of a VDZ application to the Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:</p> <p>(1)Description of the proposed innovative vending strategy;</p> <p>(2)A map showing proposed vending and public market locations;</p> <p>(3)Implementation plan that may include, but is not limited to:</p> <p>(A)Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;</p> <p>(B)Marketing strategy for placemaking, coordinated design, semi-permanent fixtures, entertainment, or creative economy programming;</p> <p>(C)Partnership opportunities; and</p> <p>(D)Diversity of products or services offered;</p> <p>(4)A plan for coordinating with existing vendors in the VDZ; and</p> <p>(5)Any other information required by the Director.</p>	
560.6	<p>The Director and Coordinating Agencies shall review VDZ applications to identify any issues that the applicant must resolve prior to further processing of the application.</p> <p>(a)The Director shall forward each VDZ application to the Coordinating Agencies for evaluation based upon:</p>	<p>The Coordinating Agencies are also eligible to be applicants! How can they independently review other applicants, when they may have their own application in place?</p>

	<p>(1) Compliance with objectives defined in § 560.1; and</p> <p>(2) Ability of the applicant to achieve the proposed innovative vending strategy.</p> <p>(b) Each Coordinating Agency shall review the application within forty-five (45) days and forward any issues to the Director.</p> <p>(c) The Director shall notify the applicant of any issues identified by a Coordinating Agency and the applicant shall work with the Coordinating Agencies to address all issues within thirty (30) days of receiving notification. The Coordinating Agencies shall notify the Director when all issues have been resolved.</p> <p>(d) The Director may deny an application if the applicant is unable to resolve any issues identified by the Coordinating Agencies.</p>	<p>Good and bad. The idea behind “Vending Development Zones” was based on the “Vending Demonstration Area” initially sponsored by the Downtown DC BID. “Regulatory flexibility” - which was a key concept in the “Demonstration Area” actually has spawned a number of new vending operations. All of them would be scofflaws under this proposed regulation. Vending Development Zones are necessary, largely because this regulation is so draconian and prescriptive.</p>
560.7	<p>Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall hold a hearing to solicit public comments on the VDZ application. The Director shall publish notice of the hearing in the <i>District of Columbia Register</i> and shall post copies of the application on the DCRA website at least fifteen (15) days before the hearing.</p>	
560.8	<p>Within forty-five (45) days after the public hearing, the Director shall either approve or</p>	

	deny the VDZ application based upon the information in the VDZ application and the findings from the public hearing.	
560.9	The Director shall assist in the implementation of the VDZ vending strategy. Vending Business Licenses and Vending Site Permits shall be issued consistent with the approved VDZ application. Pursuant to the VDZ vending strategy, the Director shall manage the site delegation and distribution of Vendor Locations to vendor site applicants.	
560.1	The Director may require the VDZ applicant or vendors in a VDZ to provide information or reports that are needed to assess long-term benefits or disadvantages of the innovative vending practices.	Good.
560.11	The Director may suspend or revoke a vendor's Vending Business License or Vending Site Permit if the vendor fails to comply with the VDZ vending strategy.	
560.12	<p>The Director shall discontinue a VDZ if:</p> <p>(a)The VDZ vending strategy fails to achieve the purpose and intent of the VDZ; or</p> <p>(b)The Director determines that it is not in the best interest of the public to continue the VDZ, based on such factors as:</p> <p>(1)Poor management of the VDZ;</p> <p>(2)Unsafe conditions resulting from the VDZ; and</p> <p>(3)Failure to follow or maintain the vending plan contained in the VDZ application.</p>	Is there a provision to allow a VDZ to amend its plan and change over time?
560.13	<p>The Director shall designate as a Vending Development Zone that area previously referred to as the vending demonstration area approved pursuant to rulemaking issued by DCRA on September 16, 2005 (52 DCR 8522-23); provided, that</p> <p>(a)The boundaries of this VDZ may be revised without the need for additional rulemaking; and</p> <p>(b)All agreements entered into by the Public Space Planning and Management Corporation and any licensed vendor in the area previously referred to as the vending demonstration area shall be assigned to the Downtown Business Improvement District.</p>	

561	SPECIAL EVENTS	
561.1	Persons who are authorized by the organizer of a licensed Special Event to vend within the boundaries of a licensed Special Event may vend without a Vending Business License or Vending Site Permit.	
561.2	A vendor authorized to vend within the boundaries of a licensed Special Event area shall comply with all applicable laws and regulations regarding the registration of vendor's business with the Office of Tax and Revenue and DCRA and shall comply with any standards imposed by DOH or other relevant agencies.	
	<u>SUBCHAPTER F: STREET PHOTOGRAPHY</u>	
562	STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS	
562.1	A vendor holding a Vending Business License for street photography (and each individual working as an employee or independent contractor of the vendor) shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph either at the time of the purchase of the photograph or within a time period specified on a card handed to the person at the time of the taking of the photograph.	
562.2	The card required by § 562.1 shall contain the following: (a)The name of the vendor; (b)The name of the employee or independent contractor (if any) taking the photograph; (c)The vendor's Vending Business License Number; (d)The employee's or independent contractor's Vendor Employee Identification Badge number; (e)The telephone number of the vendor; and (f)The time period within which the photograph shall be delivered.	
562.3	If the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.	
562.4	Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.	
	<u>SUBCHAPTER G: SOLICITING</u>	
563	SOLICITING: GENERAL PROVISIONS	
563.1	No person shall solicit any person from a street, sidewalk, or other public space,	

	<p>or in any way interfere with the free passage of any person along any street, sidewalk, or other public space, for the purpose of inducing that person to do any of the following:</p> <p>(a)Buy any merchandise, food, or service;</p> <p>(b)Patronize any hotel, motel, inn, or boarding house; or</p> <p>(c)Patronize any place of entertainment or amusement.</p>	
563.2	No person shall solicit any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District of Columbia, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and permitted to do so by the Mayor.	Isn't this provision obsolete?
563.3	No person shall, on any public highway in the District of Columbia, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided for in Title 18 of the District of Columbia Municipal Regulations.	OK.
563.4	No person shall remain in front of or enter any store or vending business where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person who may be in front of or who may have entered the store or vending business for the purpose of buying.	OK.
563.5	No person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, theatrical performance, opera, sporting event, or any entertainment of any kind, except in locations specifically designated for that purpose.	???
	<u>SUBCHAPTER H: MISCELLANEOUS PROVISIONS</u>	
564	VENDING DEPOTS	
564.1	<p>Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to the vendor:</p> <p>(a)Storage of the vending vehicle or cart;</p> <p>(b)Food preparation;</p> <p>(c)Basic maintenance and cleaning; and</p> <p>(d)Proper disposal of trash and food waste.</p>	Licensed restaurants ought to have authority to operate food cart out of their licensed kitchens. This regulation does not specifically allow that, and it should. The definition of “storage” should be defined, as

		should basic maintenance and cleaning. The current “vending depots” would improve if there were real competition.
564.2	The operator of a vending depot shall maintain a ledger that includes current information on the name, license number, and address of each vendor and supplier doing business with the operator. This ledger shall be made available during regular business hours for inspection by any duly authorized District government agent.	
564.3	The operator of a vending depot may offer additional services to a vendor, such as the wholesale sale of food or beverages or towing services; provided, that the vending depot shall not require that a vendor accept any additional services as part of the contract to provide the minimum services set forth in § 564.1.	Good
565	PENALTIES	
565.1	A person violating any provision of this chapter may be issued a civil infraction pursuant to Chapter 33 of Title 16 of the District of Columbia Municipal Regulations.	
565.2	A fine imposed under this section shall be imposed and adjudicated pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 <i>et seq.</i>).	
565.3	Any fines issued pursuant to this section may be in addition to the revocation or suspension of a vendor’s Vending Business License or Vending Site Permit	
565.4	If a person is convicted of violating any of the provisions of this chapter, he or she shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than ninety (90) days, or both, for each such offense convicted.	This says that the minimum fine for any infraction is \$500, or imprisonment for 90 days or less, or both. This provision is incongruent with various provisions of this regulation, and it is incongruent with the current law, which sets lesser penalties for more minor offenses, and it is incongruent with the fine structure that DCRA proposes to be adopted along with these regulations.

566	SEVERABILITY I	
566.1	If any provision of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance, the validity of the remainder of the provisions of this chapter, and the application of any provision in any other circumstance, shall not be affected; and to this end, the provisions of this chapter shall be severable.	
599	DEFINITIONS	We believe there are a number of terms that appear in these regulations that need to be defined. However, we will not attempt to do that here.
	Central Vending Zone – means the area delineated by the boundaries listed in § 522.1.	
	Clean Hands Certification – means the certification required by the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861 <i>et seq.</i>).	
	Coordinating Agencies – means the several District agencies identified in § 560.4.	
	Coordinating Agency – means any of the Coordinating Agencies.	
	Director – means the Director of the Department of Consumer and Regulatory Affairs.	
	DCRA – means the Department of Consumer and Regulatory Affairs.	
	DCRA Business Licensing Center – means the Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Second Floor.	
	DDOT – means the District Department of Transportation.	
	DDOT Director – means the Director of the District Department of Transportation.	
	DOH – means the Department of Health.	
	DOH Director – means the Director of the District Department of Health.	
	FEMS – means the District of Columbia Fire and Emergency Medical Services Department.	
	Fire Chief – means the Chief of the District of Columbia Fire and Emergency Medical Services Department.	
	Fire Marshal – means the Fire Marshal of the District of Columbia Fire and Emergency	

	Medical Services Department.	
	Fixture – means any District government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.	
	Food – means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum as defined in the Food Code.	
	Food Code – means Title 25 of the District of Columbia Municipal Regulations.	
	Metrobus Stop Zone – means that area of the public roadway specifically designated for the exclusive use of Metrobus in loading and unloading passengers.	
	Mobile Roadway Vendor – means a vendor licensed to vend at the locations designated in §527.1.	
	MPD – means the Metropolitan Police Department.	
	MPD Chief – means the Chief of the Metropolitan Police Department.	
	Nationals Park Vending Zone – means the Vending Locations designated in § 525.1.	
	Neighborhood Vending Zones – means any of the several areas delineated by the boundaries in § 524.1.	
	Old Georgetown – means the area delineated by the boundaries in § 523.1.	
	Old Georgetown Vending Zone – means the area designated by § 523.2.	
	Person – means any individual or business entity.	
	Public market – means a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site. The term “public market” may include a farmers market, flea market, antiques market, or other similar type of market.	
	Public space – means all publicly-owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.	
	Receipts for purchases – means copies of cash register receipts, sales receipts, sales or purchase invoices, copies of cancelled checks, or other means of determining purchases that is accepted by the Office of Tax and Revenue.	

	Records of sales – means cash register tapes, cash register receipts, written receipts, copies of sales checks, records of individual sales, or other means of determining sales that is accepted by the Office of Tax and Revenue.	
	Registered agent – means any person who maintains a residence or business address in the District of Columbia and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor.	
	Roadway vendor – means a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular travel.	
	School day – means the period from 9:00 a.m. to 3:00 p.m. on a regular instructional day during the school year of the District of Columbia Public Schools, as defined in Section 305 of Title 5 of the District of Columbia Municipal Regulations.	
	Sidewalk vendor – means a vendor at a sidewalk Vending Location who engages in business while occupying a portion of the street other than that reserved for vehicular travel.	
	Special Event – means an activity, such as shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location on public space and authorized by the Mayor, pursuant to D.C. Official Code §47-2826.	
	Street photography – means the business of taking photographs, for profit or gain, of any person or persons upon the streets, sidewalks, or other public spaces of the District of Columbia.	
	VDZ – shall have the same meaning as a Vending Development Zone.	
	Vending business – means a business venue for the vending of food, products, services, or merchandise and operated by a licensed vendor.	
	Vending Business License – means the basic business license with a vending endorsement issued by the Department of Consumer and Regulatory Affairs. Vending cart – means a wheeled, non-motorized, self-contained apparatus designed to be pulled by a vehicle or pushed by hand, designed to be operated from a sidewalk Vending Location, and from which food, products, merchandise, or services are intended to be vended.	

	Vending depot – means any business that supplies vendors with merchandise, products, or food items; or that, for a fee, stores vending stands, carts, or vehicles.	
	Vending Development Zone – means a specific vending area created pursuant to § 560.	
	Vendor Employee Identification Badge – means the badge issued by the Director of the Department of Consumer and Regulatory Affairs to a person employed by a licensed vendor pursuant to § 553.	
	Vending establishment – means the actual structure that will constitute the means by which a vendor will offer goods or food for sale to the public, including vending vehicles, vending stands, and vending carts.	
	Vending Location – means any of the locations in the public space identified by the Director of the District Department of Transportation as being suitable for vending.	
	Vending Site Permit – means the permit issued by the Director of the Department of Consumer and Regulatory Affairs allowing for vending from the public space.	
	Vending stand – means a table or other similar, approved structure used by a vendor for displaying merchandise, products, or food that is offered for sale, or offering a service in exchange for a fee.	
	Vending vehicle – means a wheeled, self-contained vehicle used for the purpose of selling food, merchandise, products, or services upon the area of a street generally reserved for vehicular traffic or vehicular parking. The term “vending vehicle” may include trailers and self-propelled vehicles.	
	Vendor – means any person engaged in selling goods and services exclusively from the public space and for the immediate delivery upon purchase.	