OFFICE OF THE CITY ADMINISTRATOR

CORRECTED NOTICE OF FOURTH PROPOSED RULEMAKING

The City Administrator, on behalf of the Mayor, pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, effective December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293), Reorganization Plan No. 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; Sections 101(b), 2002(b), and 2 of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1998 (D.C. Law 12-86; D.C. Official Code §§ 47-2851.04(c)(1), 47-2851.05(d), and 47-2851.12 (2005 Repl.; 2012 Supp.)); Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2007 Repl.; 2012 Supp.)); and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of intent to adopt, in not less than twenty-one (21) days from the date of publication of this notice in the *D.C. Register*, or upon approval of this rulemaking by the Council of the District of Columbia, whichever occurs later, a new Chapter 5 (Vendors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR), and amendments to Chapter 5 (Basic Business License Schedule of Fees) of DCMR Title 17 (Business, Occupations and Professions), and to Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of DCMR Title 16 (Consumers, Commercial Practices, and Civil Infractions).

The public comment period has been abbreviated due to the voluminous record of comments submitted to the previous three notices of proposed rulemaking, the forty-five (45) days of public comments for the previous notice of proposed rulemaking, and the need to expedite review of the proposed regulations by the Council of the District of Columbia.

This rulemaking amends vending regulations in order to achieve the safe, efficient, and effective management of vending throughout the District of Columbia. This rulemaking amends the name of the chapter and 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 fee for a Class C business license and establishes a schedule of fines for vending business license civil infractions.

The proposed regulations have been revised to: (1) clarify the requirements for Class C licensees to operate public markets; (2) clarify provisions of the Vending Site Permits; (3) define and identify provisions of the Mobile Roadway Vending Site Permit; (4) adjust the boundaries of the Central Vending Zone; (5) amend the authorized locations of roadway vending locations; (6) amend the design standards for vending carts and vending vehicles; (7) amend the requirements for littering and customer lines; (8) amend the provisions regarding roadway vending to clarify the distinction between stationary roadway vending and mobile roadway vending; (9) add new requirements for mobile roadway vending locations; (10) outline the assignment of mobile roadway vending locations; (11) amend the requirements establishing and discontinuing a

Vending Development Zone; (12) clarify provisions for soliciting in public space; (13) amend the requirements on accepting inventory or stock in the public space; (14) clarify the requirements of a vending depot; (15) amend the penalties provision; and (16) correct typographical errors, including the omission of provisions on street photography from the table of contents.

In order to allow for greater public transparency, the City Administrator has directed the Department of Consumer and Regulatory Affairs to coordinate the receipt of comments regarding all aspects of this rulemaking and to post on its website (http://dcra.dc.gov) a document which shows all changes made between the October 5, 2012, Third Notice of Proposed Rulemaking (59 DCR 11496) and this Corrected Fourth Notice of Proposed Rulemaking.

This Corrected Fourth Notice of Proposed Rulemaking supersedes the Third Notice of Proposed Rulemaking published at 59 DCR 11496 and the Fourth Notice of Proposed Rulemaking published at 60 DCR 2869.

All comments submitted in response to the Fourth Notice of Proposed Rulemaking (60 DCR 2869) will be added to the record of comments submitted in response to this Corrected Notice.

Chapter 5 (Vendors and Solicitors) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations is amended to read as follows:

CHAPTER 5: VENDORS

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SUBCHAPTER A: GENERAL PROVISIONS

500 PURPOSE

500.1 The provisions of this chapter are issued pursuant to the authority under Sections 5 and 18 of Mayor-Commissioner Regulation No. 74-39, enacted December 13, 1974 (21 DCR 1285), as amended by the Vendors Regulation Amendments Act of 1978, effective June 30, 1978 (D.C. Law 2-82; 24 DCR 9293); Reorganization Plan No. 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.

500.2 This chapter shall regulate the implementation and execution of the vending and soliciting laws and related health, traffic, and safety concerns of the District and its 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 *et seq.* (2008 Repl.)).

501 AGENCY RESPONSIBILITIES

501.1 The Director of the Department of Consumer and Regulatory Affairs (DCRA Director) shall be responsible for:

(a) Coordinating all vending activities in the District of Columbia;

(b) Reviewing applications for, and issuing, Vending Business Licenses to vendors in the District;

(c) Distributing Vending Site Permits for Vending Locations approved by the District Department of Transportation (DDOT) Director (DDOT Director) as meeting the standards established by the DDOT Director, pursuant to §§ 525, 532, and 535;

(d) Enforcing this chapter's provisions, including the requirement that vendors vend only from their assigned Vending Locations; provided, that the Department of Health (DOH) Director (DOH Director) shall be responsible for the application and enforcement of Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR) to food vendors holding Class A and Class C Vending Business Licenses;

(e) Creating and maintaining a database of all vendors issued Vending Business Licenses, including any specific Vending Location assigned to each vendor;

(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;

(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

(h) Establishing standards regarding the design, maintenance, and operations of vendors and vending equipment.

501.2 The DDOT Director shall be responsible for:

(a) Designating, modifying, and waiving, as appropriate, the standards for Vending Locations, pursuant to § 524, § 532, and §§ 533 through 537;

(b) Approving locations on public space where public markets may be located and issuing public space permits for public markets on public space;

(c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.3 The Metropolitan Police Department (MPD) shall be responsible for:

(a) Enforcing District laws and regulations prohibiting unlicensed vending activities;

(b) Enforcing any criminal laws, including laws regarding assault, harassment, and intimidation, in connection with vending; and

(c) Assisting, as appropriate, with the enforcement of the provisions of this chapter.

501.4 The DOH Director shall be responsible for:

(a) Designating the categories of food that may be vended in accordance with Subtitle A (Food and Food Operations) of Title 25 of the District of Columbia Municipal Regulations (DCMR);

(b) Reviewing and either approving or denying applications for food vendors holding Class A and Class C Vending Business Licenses or other certificates of authority required in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR for the vending of food from public or private spaces;

(c) Inspecting food vending operations and vending depots in accordance with Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(d) Enforcing the application of Subtitle A (Food and Food Operations) of Title 25 of the DCMR to food vendors.

501.5 The Fire and Emergency Medical Services Department (FEMS) shall be responsible for:

(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

(b) Enforcing District laws and regulations pertaining to any operational permits required under Subtitle H (Fire Code Supplement) of Title 12 of the DCMR.

SUBCHAPTER B: VENDING LICENSES, PERMITS, AND OTHER AUTHORIZATIONS

502 GENERAL LICENSURE REQUIREMENTS

502.1 No person shall vend any product, service, or merchandise from public space in the District of Columbia without obtaining and maintaining a valid:

(a) Basic business license for vending (Vending Business License) issued by the DCRA Director, except as provided by § 502.3;

(b) Vending Site Permit assigned pursuant to § 508 if the vendor is located on a public sidewalk, pursuant to § 530 if the vendor is a Stationary Roadway Vendor, or pursuant to § 533 if the vendor is a Mobile Roadway Vendor.

502.2 In addition to the requirements specified in § 501, no person shall vend food from public or private space in the District of Columbia without obtaining and maintaining a valid:

(a) Health inspection certificate issued by the DOH Director;

(b) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.1 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(c) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; provided, that a vendor without such certification may employ a person who holds a valid:

(1) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203.3 of

Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(2) Certified Food Protection Manager Identification Card issued by DOH in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(d) Required food safety analyses and plans in accordance with § 3701 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(e) Permit from FEMS, if the vendor uses propane gas, open flames, or solid fuels such as wood pellets or charcoal.

502.3 The licenses and permits required under §§ 502.1 and 502.2 shall be subject to any conditions imposed by the District agency issuing or assigning the license, permit, or certificate.

502.4 A Vending Business License shall not be required for:

(a) Employees of licensed vendors, but such employees shall be required to obtain and display at all times a Vendor Employee Identification Badge pursuant to § 564.1;

(b) Persons selling agricultural goods, farm products, or other related products of their own raising or production, or that are locally raised or produced, at a public market licensed under § 541;

(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;

(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 *et seq.* (2008 Repl.)); or

(e) Persons authorized to sell products, merchandise, food, or services at a licensed or permitted Special Event, as that term is defined in § 599.

502.5 A Vending Business License is issued only to the licensee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

503 VENDING BUSINESS LICENSE: CLASSES OF LICENSES

503.1 The DCRA Director shall issue the following classes of Vending Business Licenses:

(a) Class A Licenses – A Class A Vending Business License shall authorize a person to vend food, other than food prohibited from public or private

space under § 503.3(a) or (m); provided, that the vendor holds any food licenses and certificates required under Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

(b) Class B Licenses – A Class B Vending Business License shall authorize a person to vend merchandise, other than food and merchandise prohibited from public space under § 503.3. For the purposes of this subsection, the term "merchandise" shall include non-hazardous and non-controlled cut flowers, dried flowers, and potted plants;

(c) Class C Licenses – A Class C Vending Business License shall authorize a person to manage public markets on public or private space for the sale of agricultural goods and other farm products, or other food as designated by the DOH Director, and other non-food merchandise or services as designated by the DCRA Director; and

(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 the DCRA Director designates.

503.2 No person shall vend any items other than those allowed under the particular class of Vending Business License issued to the person.

503.3 No vendor shall sell or public market manager allow the sale of the following categories of merchandise or food:

(a) Live animals;

(b) Power tools;

(c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);

(d) Rugs and carpets exceeding the surface area of the vendor's vending cart or stand;

(e) Household appliances, including refrigerators, microwave ovens, dishwashers, stoves, and televisions with screen sizes greater than seven inches (7 in.);

(f) Alcoholic beverages or other alcoholic items for consumption;

(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 *et seq.* (2005 Repl.));

(h) A controlled substance as defined in § 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) (2009 Repl.));

(i) Drug paraphernalia, as the term is defined in § 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101(3) (2012 Supp.));

(j) Any merchandise that is pornographic or obscene;

(k) Any counterfeit merchandise;

(l) Any adulterated food, as the term is defined in § 9901 of Title 25, Subtitle A (Food and Food Operations) of the DCMR;

(m) Categories of foods that are determined by DOH to be not "generally recognized as safe" (GRAS) as interpreted by the United States Food and Drug Administration (FDA); and

(n) Any plants, other than non-controlled and non-hazardous cut flowers, dried flowers, and potted plants.

504 VENDING BUSINESS LICENSE: APPLICATION AND 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.

504.2 Application for a Vending Business License shall be made on a form prescribed by DCRA and shall include the following information:

(a) The name and address of the owner of the vending business;

(b) The class(es) of Vending Business License being sought;

(c) A description of the type of merchandise or service to be offered for sale;

(d) A description of the vending vehicle, vending cart, or vending stand to be used (not applicable to Class C license applicants), including an eight inch by ten inch (8 in. x 10 in.) color photograph of such vehicle, cart, or stand, if available at the time of application or when approved pursuant to § 570 as part of a vending development zone;

(e) An indication of the Vending Locations the applicant wishes to occupy, in their order of preference (not applicable to Class C license applicants);

(f) A Clean Hands Certification;

(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;

(h) If the applicant is not a resident of the District of Columbia:

(1) The name and address of a registered agent upon whom service of process and other legal notices may be delivered; or

(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;

(i) If the applicant is applying for a Class A or Class C license, the applicant shall complete all forms required by:

(1) DCRA, as specified in §§ 504.1 and 504.2; and

(2) DOH, as specified in § 502.2;

(j) A valid telephone number;

(k) A passport-sized color photograph of the applicant, if the applicant himself or herself will be vending; and

(l) Any additional information required by the DCRA Director or by the DOH Director for Class A or Class C licenses.

504.3 The DCRA Director shall not issue a Vending Business License if:

(a) The applicant's Vending Business License has been revoked within the past one (1) year;

(b) The application for renewal of a Vending Business License has been denied under § 507; or

(c) The applicant has been:

(1) Convicted for vending without a license;

(2) Issued a notice of infraction by DCRA for vending without a license;

(3) Convicted for a criminal offense committed while vending with a license;

(4) Issued a notice of infraction by DOH for vending without a food vending license; or

(5) Failed to pay fines for violations of Subtitle A (Food and Food Operations) of Title 25 of the DCMR issued by DOH.

504.4 An applicant whose license application is rejected pursuant to §§ 504.3(a), (b), or (c)(1) through (c)(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.

504.5 An applicant must be at least eighteen (18) years of age to be eligible to be issued a Vending Business License; provided, that such age restriction shall not preclude an individual from becoming an employee of a duly licensed Vendor and being issued a Vendor Employee Identification Badge pursuant to § 564.

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 (Basic Business License Schedule of Fees) of Title 17 of the DCMR.

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 DCRA Director of the issuance or denial of the license.

505.2 If the application is approved, the DCRA Director shall issue a Vending Business License to the applicant; provided, that if the applicant has applied for a Class A or Class C Vending Business License, no license shall be issued by the DCRA Director until the applicant has received all necessary licenses, permits, and authorizations from DOH and any other District agency.

505.3 The Vending Business License shall include the vendor's name, the class of license, and the date of expiration.

505.4 Except for Class A and Class C Food Vending Licenses, all Vending Business Licenses shall be valid for two (2) years from the date of issuance, unless the DCRA Director designates a shorter time period in writing.

505.5 If the application is denied, the DCRA Director shall follow the procedures set forth in § 507.

505.6 The DCRA Director and DOH Director shall 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 Vending Location has been designated pursuant to §§ 538-540.

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.

506.2 Not less than forty-five (45) days before the expiration of a Vending Business License, the licensee shall submit a renewal application to DCRA on a form prescribed by the DCRA Director, and by the DOH Director if vending food, as specified in § 504.2(i).

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 DCRA Director shall follow the procedures set forth in § 507.

506.5 Upon the expiration of a person's Vending Business License, the DCRA Director may seize that person's Vending Business License, Vending Site Permit, health inspection certificate, and FEMS propane and open flame permit.

507 VENDING BUSINESS LICENSE: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

507.1 The DCRA 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:

(a) Fraud, misrepresentation, or false statements contained in the license application;

(b) Fraud, misrepresentation, or false statements made in connection with the selling of any product, service, or merchandise, as determined by the DCRA Director, or the misrepresentation or adulteration of food, as determined by the DOH Director;

(c) Violation of any District law or regulation governing the operation of the vending business, including, but not limited to:

(1) The possession or sale of counterfeit merchandise; or

(2) The offering for sale of illegal goods, substances, or services;

(d) The vendor is vending at a location other than the vendor's assigned Vending Location;

(e) Violations of the Clean Hands Certification requirements;

(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, Vending Site Permit, or a Mobile Roadway Vending Site Permit to another person in violation of §§ 502.5, 510.4, and 514.3, respectively;

(g) The vendor is found to have committed the same violation of the following sections of this chapter six (6) or more times in a continuous twelve (12) month period:

(1) §§ 544 through 554;

(2) §§ 556 through 568; or

(3) § 571; or

(h) The vendor is found to have violated § 555 of this chapter.

507.2 The DCRA Director may summarily suspend and seize a Vending Business License, without prior notice to the vendor or an opportunity to be heard, for:

(a) The possession, sale, or offering for sale of counterfeit merchandise;

(b) The sale of adulterated food, as the term is defined in § 9901 of Subtitle A of Title 25 of the DCMR, when a determination is made by the DOH Director that the food is adulterated;

(c) Failure to provide all required certificates of authority upon demand by an authorized District government official;

(d) Any activity or condition that constitutes a threat to the public health or safety, including the health or safety of the vendor; or

(e) Failure to pay fines assessed by the Office of Administrative Hearings for violations of Subtitle A of Title 25 of the DCMR issued by DOH.

507.3 Except for a summary suspension or seizure pursuant to § 507.2, upon the suspension or revocation of a vendor's Vending Business License under this section, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings.

507.4 If a person's Vending Business License is summarily suspended pursuant to § 507.2, or pursuant to DCMR Title 25, Subtitle A, § 4409 by the DOH Director for Food Code violations, 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.

507.5 A notice issued by the DCRA 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) business 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 DCRA Director may immediately seize the person's Vending Business License and Vending Site Permit.

507.7 A vendor shall surrender his or her Vending Business License and Vending Site Permit within seven (7) days from the date of the receipt of the notice in § 507.5.

507.8 If a person's Vending Business License is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to the Office of Tax and Revenue, DDOT, MPD, and, if the business holds a Class A License, to DOH.

507.9 If a person's Vending Business License is summarily suspended or seized pursuant to § 507.2(e) and in accordance with DCMR Title 25, Subtitle A, § 4714, the DOH Director shall provide notice of the summary suspension or seizure to DCRA, the Office of Tax and Revenue, DDOT, and MPD.

508 VENDING SITE PERMIT: GENERAL REQUIREMENTS AND FEES

508.1 No person may vend from the public space in the District of Columbia without a Vending Site Permit issued by the DCRA Director pursuant to this chapter; provided, that a holder of a Class C Vending License may manage vendors from public space upon the issuance of a public space permit to the holder by DDOT and Mobile Roadway Vending vehicles may vend pursuant to § 533.

508.2 A Vending Site Permit shall not be required for:

(a) Persons selling agricultural goods, farm products, or other related products of their own raising or production, or that are locally raised or produced, at a public market licensed and, if required, permitted pursuant to this chapter; 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.

508.4 A vendor may vend only at the assigned Vending Location stated on his or her Vending Site Permit.

508.5 In addition to the authorities cited in § 524, the DCRA Director, the DDOT Director, or MPD may eliminate a Vending Location without prior notice for public safety or transportation reasons, construction requirements, or Special Event operations.

508.6 The DCRA Director may revoke a Vending Site Permit and require the previously permitted vendor to vacate his or her Vending Location or relocate to another Vending Location pursuant to § 512.

508.7 The annual fee for a Vending Site Permit for sidewalk vending locations shall be six hundred dollars ($600).

508.8 The fee for a monthly Vending Site Permit in the Nationals Park Vending Zone shall be one hundred twenty-five dollars ($125) per monthly lottery, as described in § 529.

508.9 The fee for a monthly Vending Site Permit for stationary roadway vending at Vending Locations designated by § 530 shall be four hundred and fifty dollars ($450) per monthly lottery.

508.10 The annual fee for a Mobile Roadway Vending site permit shall be three hundred dollars ($300) as described in § 533.

509 VENDING SITE PERMIT: APPLICATION

509.1 A person shall submit an application for a Vending Site Permit to the DCRA 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 DCRA 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 DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

510 VENDING SITE PERMIT: ISSUANCE

510.1 Upon the submission of a completed application, the DCRA Director shall issue a Vending Site Permit if:

(a) The applicant holds:

(1) A valid Vending Business License; or

(2) A current receipt for payment of all relevant Vending Business License fees;

(b) The applicant has identified and applied for a Vending Site Permit for a Vending Location that meets DDOT standards, pursuant to §§ 524-528, or through the creation of a Vending Development Zone, pursuant to § 570;

(c) A vendor shall have a right of preference for the issuance of a Vending Site Permit for a Vending Location if:

(1) The individual 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; 54 DCR 3037);

(2) The individual has vended in the location continuously and exclusively without sale, assignment, transfer, or other conveyance of the location to another vendor or individual, whether sold, assigned, transferred, or conveyed for money or anything else of value; and

(3) The vendor is vending in a location that is in compliance with this chapter;

(d) The merchandise, food, or services is authorized to be vended at the available Vending Location;

(e) The applicant provides a Clean Hands Certification; and

(f) The applicant has paid all the required fees.

(g) The DCRA Director may use a lottery to assign Vending Site Permits for designated unoccupied Vending locations, if necessary.

510.2 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.

510.3 The Vending Site Permit shall delineate the specific site, zone, dates and times of validity.

510.4 A Vending Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

511 VENDING SITE PERMIT: EXPIRATION AND RENEWAL

511.1 A Vending Site Permit, other than for stationary 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 DCRA Director.

511.2 A vendor shall apply for renewal of the vendor's annual Vending Site Permit, other than for stationary roadway vending or Nationals Park Vending Zone vending sites, at least forty-five (45) days prior to the expiration date on the permit.

511.3 Upon expiration of a vendor's Vending Site Permit and in the absence of an application to renew the permit, the Vending Site Permit shall no longer be valid and the vendor shall immediately surrender the Vending Site Permit to the DCRA Director. If the Vending Site Permit is not immediately surrendered, the DCRA Director may 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 to § 568.

512 VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

512.1 The DCRA 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:

(a) The Vending Location associated with the Vending Site Permit is not eligible for authorization as a Vending Location under this chapter or any other applicable law or regulation;

(b) The DDOT Director has eliminated the Vending Location associated with the Vending Site Permit;

(c) The Vending Location, or the vending-related activities at the Vending Location, constitute a threat to public safety; or

(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, including an attempt to transfer, convey, or sell the Vending Site Permit to another person.

512.2 Except for a summary revocation or suspension pursuant to § 512.1, upon the suspension or revocation of a vendor's Vending Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings, and may immediately seize the Vending Site Permit and Vending Business License, pursuant to § 511.3.

512.3 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 § 568.

512.4 If a vendor's Vending Site Permit is summarily suspended or revoked by the DCRA Director pursuant to § 512.1, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

512.5 A notice issued by the DCRA 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 § 568.

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.

512.8 If a person's Vending Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

513 MOBILE ROADWAY VENDING SITE PERMIT: APPLICATION

513.1 A person seeking to vend pursuant to § 533 shall submit an application for a Mobile Roadway Vending (MRV) Site Permit to the DCRA Director with the person's application for an initial Vending Business License.

513.2 The application for a MRV Site Permit shall be made on a form prescribed by the DCRA Director and shall include such information and documents as may be required by the DCRA Director and the District agency issuing or assigning the license, permit, or certificate.

514 MOBILE ROADWAY VENDING SITE PERMIT: ISSUANCE

514.1 Upon the submission of a completed application, the DCRA Director shall issue a MRV Site Permit if:

(a) The applicant holds

(1) A valid Vending Business License; or

(2) A current receipt for payment of all relevant Vending Business fees;

(b) The applicant provides a Clean Hands Certification; and

(c) The applicant has paid all the required fees.

514.2 The MRV Site Permit shall permit MRV vehicles to vend from legal parking spaces in public space.

514.3 A MRV Site Permit is issued only to the permittee and may not be sold, transferred, conveyed, or otherwise assigned to any other person.

515 MOBILE ROADWAY VENDING SITE PERMIT: EXPIRATION AND RENEWAL

515.1 A MRV Site Permit shall be issued for a term of one (1) year unless another time period is designated in writing by the DCRA Director.

515.2 A MRV shall apply for renewal of the MRV Site Permit at least forty-five (45) days prior to the expiration date on the permit.

515.3 Upon expiration of a MRV Site Permit and in the absence of an application to renew the permit, the MRV Site Permit shall no longer be valid and the vendor shall immediately surrender the MRV Site Permit to the DCRA Director. If the MRV Site Permit is not immediately surrendered, the DCRA Director may seize the expired MRV Site Permit. If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant to § 568.

516 MOBILE ROADWAY VENDING SITE PERMIT: DENIAL, SUSPENSION, REVOCATION, AND SEIZURE

516.1 The DCRA Director may summarily revoke or suspend a MRV Site Permit at any time, without prior notice to the vendor or an opportunity to be heard, if the vendor is operating in a manner that is in violation of the terms or conditions of the MRV Site Permit or in violation of this chapter, including an attempt to transfer, convey, or sell the MRV Site Permit to another person.

516.2 Except for a summary revocation or suspension pursuant to § 516.1, upon the suspension or revocation of a vendor's MRV Site Permit, the DCRA Director shall provide the vendor with written notice of that action and of the vendor's right to appeal to the Office of Administrative Hearings and may immediately seize the MRV Site Permit and Vending Business License, pursuant to § 515.3.

516.3 If the surrendered or seized MRV Site Permit is the only permit associated with the Vending Business License, the vendor's Vending Business License shall be put on hold pursuant § 568.

516.4 If a vendor's MRV Site Permit is summarily suspended or revoked by the DCRA Director under this section, the vendor may appeal the summary suspension or revocation to the Office of Administrative Hearings.

516.5 A notice issued by the DCRA 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.

516.6 If a vendor's Vending Business License is suspended or revoked, any MRV Site Permit associated with that Vending Business License shall also be suspended or revoked.

516.7 If a person's MRV Site Permit is revoked or suspended (including summarily suspended) under this section, the DCRA Director shall provide notice of the revocation or suspension to DDOT, MPD, and, if the business holds a Class A License, to DOH.

517 HEALTH INSPECTION CERTIFICATE: GENERAL

517.1 No person shall vend food in the District unless DOH has issued a valid health inspection certificate for the vending vehicle, cart, or stand, or public market from which the food is vended.

517.2 A health inspection certificate shall be valid for six (6) months or until the time of the next inspection, whichever is earlier.

517.3 A person shall not be issued a Class A or Class C Vending Business License, or a Vending Site Permit for a Class A or Class C Vending Business License, until the person receives a health inspection certificate from DOH.

518 HEALTH INSPECTION CERTIFICATE: APPLICATION

518.1 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 as required in Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR.

519 HEALTH INSPECTION CERTIFICATE: ISSUANCE

519.1 The DOH Director shall review and either approve or disapprove an application for the issuance of a health inspection certificate.

519.2 A health inspection certificate shall not be granted until after:

(a) An inspection of the vending vehicle, cart, or stand, or public market, and all equipment and utensils used in the food vending operation;

(b) An inspection of the storage facilities for the vehicle, cart, or stand, or public market, all equipment and utensils, and the food supplies;

(c) A review and approval of the preparation and holding procedures for the food, including overnight refrigeration and overall compliance with Chapter 37, Subtitle A of Title 25 of the DCMR; and

(d) DOH has issued its approval of any plans for food safety code compliance in accordance with Subtitle A of Title 25 of the DCMR.

519.3 The DOH Director shall include the vehicle tag number of the vending vehicle or cart on the health inspection certificate.

520 HEALTH INSPECTION CERTIFICATE: SUMMARY SUSPENSION

520.1 A health inspection certificate, and the associated Class A and Class C Vending Business License, may be summarily suspended by the DOH Director for Food Code violations pursuant to DCMR Title 25, Subtitle A, § 4409.

520.2 If a person's health inspection certificate is revoked or suspended, including summarily suspended under this section, the DOH Director shall provide notice of the revocation or suspension to DCRA, DDOT, and MPD.

521 FOOD PROTECTION MANAGER CERTIFICATE

521.1 No person shall operate a Class A vending business unless that person, or an individual employed by that person, holds a valid:

(a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, in accordance with DCMR Title 25, Subtitle A, § 203.1; and

(b) DOH-issued a Certified Food Protection Manager Identification Card, in accordance with DCMR Title 25, Subtitle A, § 203.3.

521.2 Application for a food protection manager certificate and certified food manager identification card shall be made to DOH on forms and in the manner prescribed by the DOH Director.

522 PROPANE AND OPEN FLAME PERMIT

522.1 No person shall operate a vending vehicle, cart, or stand that uses propane, open flames, or solid fuels such as wood pellets or charcoal, 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 pounds (60 lbs.) shall have received the approval of the Fire Marshal.

522.2 Application for a propane or open flame permit shall be made to FEMS on a form and in the manner prescribed by FEMS or the Fire Marshal.

523 HOOD SUPPRESSION SYSTEM APPROVAL

523.1 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.

SUBCHAPTER C: VENDING LOCATIONS

PART 1: GENERAL

524 VENDING LOCATIONS: GENERAL

524.1 The DDOT Director shall approve Vending Locations that meet the standards for locations on streets, sidewalks, and other public spaces where vending may be permitted pursuant to §§ 525, 532, 533 and 535. Proposed sidewalk Vending Locations may be submitted to the DDOT Director by DCRA or as part of a vendor's Vending Site Permit application.

524.2 The DDOT Director may eliminate a previously designated Vending Location if:

(a) The DDOT Director determines that the designated Vending Location is no longer in compliance with District law or regulations;

(b) The DDOT Director determines that the operation of a vending business at the location constitutes a threat to the public safety; or

(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.

524.3 The DDOT Director may eliminate a Vending Location assigned to a vendor under § 510.1; provided, that the vendor shall have the opportunity, within thirty (30) days of the elimination of the Vending Location, to identify a location that the vendor believes meets the criteria under §§ 524-528; provided further, that if the identified location is approved by the DDOT Director, the vendor shall be issued a new Vending Site Permit for the new Vending Location by the DCRA Director at no cost to the vendor.

524.4 The DDOT Director shall re-evaluate a Vending Location when a vendor issued a Vending Site Permit under § 510.1(c) ceases to vend at that Vending Location. In its re-evaluation, the DDOT Director shall utilize the provisions of § 524.2.

PART 2: SIDEWALK VENDING LOCATIONS

525 VENDING LOCATIONS: SIDEWALK VENDING

525.1 All sidewalk Vending Locations shall be in accordance with the following standards:

(a) Sidewalk Vending Locations shall only be located along streets within:

(1) The Central Vending Zone;

(2) Neighborhood Vending Zones;

(3) The Old Georgetown Vending Zone; and

(4) The Nationals Park Vending Zone.

(b) No more than three (3) sidewalk Vending Locations shall be designated on any side of any city block;

(c) No sidewalk Vending Location shall be designated:

(1) In front of a predominately residential building outside the Central Vending Zone;

(2) On the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza;

(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;

(4) In a location that is on or that impedes free access to service or ventilation grates or covers;

(5) On a restricted street designated in § 526.3; or

(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;

(d) Within the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:

(1) A ten foot (10 ft.) clear passageway is maintained;

(2) The street is specifically exempted in § 526; or

(3) The DDOT Director waives this restriction pursuant to § 525.2;

(e) Outside the Central Vending Zone, sidewalk vending shall be prohibited on sidewalks unless:

(1) A seven foot (7 ft.) clear passageway is maintained;

(2) The sidewalk is specifically exempted in §§ 527, 528, or 529; or

(3) The DDOT Director waives this restriction pursuant to § 525.2;

(f) No sidewalk Vending Location shall be designated within:

(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;

(4) Ten feet (10 ft.) of another sidewalk Vending Location;

(5) Twenty feet (20 ft.) of the street-level entry to a Metrorail escalator;

(6) Ten (10 ft.) of the street-level door to a Metrorail elevator;

(7) A marked loading zone, entrance zone, or parking space designated for diplomatic parking, or other curbside location restricted for certain vehicles or uses;

(8) One hundred feet (100 ft.) of the entrance to a District or federal courthouse, or within such greater distance as may be designated by the DDOT Director upon the written request of the courthouse administrator;

(9) Ten feet (10 ft.) of a fire hydrant;

(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 at least thirty (30) minutes after school has been dismissed at the end of the school day. 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 Chancellor of the District of Columbia Public Schools or the principal of that school;

(11) Twelve feet (12 ft.) of any crosswalk when on the vehicle approach side of the Vending Location and crosswalk;

(12) Five feet (5 ft.) from any crosswalk when not on the vehicle approach side of the Vending Location and crosswalk; and

(13) Five feet (5 ft) from a building's marked fire control room.

525.2 Upon the request of the DCRA Director, the DDOT Director may waive the minimum passageway requirement of §§ 525.1(d) or 525.1(e) if the DDOT Director determines there will not be an adverse impact on, among other things, pedestrian circulation and public safety. The DCRA Director shall note on the Vending Site Permit the issuance of the waiver by the DDOT Director.

525.3 The passageway required by §§ 525.1(d) and 525.1(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.

526 VENDING LOCATIONS: CENTRAL VENDING ZONE

526.1 The Central Vending Zone shall have the following boundaries:

(a) Beginning at the northeast corner of Massachusetts Avenue, NW, at 11th Street, NW;

(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;

(c) North along the center of the alley to the south curb of M Street, NW;

(d) East along the south curb of M Street, NW, to the west curb of 9th Street, NW;

(e) North along the west curb of 9th Street, NW, to the north curb of N Street, NW;

(f) East along the north curb of N Street, NW, to the east curb of 6th Street, NW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(u) West along the north curb of Independence Avenue, SE, to the east curb of 2nd Street, SE;

(v) South along the east curb of 2nd Street, SE, to the south curb of C Street, SE;

(w) West along the south curb of C Street, SE, to the east curb of 1st Street, SE;

(x) South along the east curb of 1st Street, SE, to the south curb of D Street, SE;

(y) West along the south curb of D Street, SE, to the east curb of New Jersey Avenue, SE;

(z) South along the east curb of New Jersey Avenue, SE, to the south curb of Interstate 695;

(aa) East along the south curb of Interstate 695 to east curb of Water Street, SE;

(bb) South from the east curb of Water Street, SE, in a straight line to the west bank of the Anacostia River, SE;

(cc) West along the north bank of the Anacostia River, SE, to the east curb of 11th Street, SE;

(dd) South along the east curb of 11th Street, SE, to the east curb of Martin Luther King, Jr. Avenue, SE;

(ee) South along the east curb of Martin Luther King, Jr. Avenue, SE, to the north curb of Suitland Parkway, SE;

(ff) North along Suitland Parkway, SE, to the South Capitol Street Bridge;

(gg) West along the South Capitol Street Bridge to the east bank of the Anacostia River, SE;

(hh) South along the west bank of the Anacostia River, SE, to the east bank of the Potomac River, SW;

(ii) North along the east bank of the Potomac River, SW, to the west curb of the Potomac Parkway to Rock Creek Parkway;

(jj) North along Rock Creek Parkway in a straight line to the north curb of N Street, NW;

(kk) East along the north curb of N Street, NW, to the west curb of New Hampshire Avenue, NW;

(ll) Northeast along the west curb of New Hampshire Avenue, NW, to the west curb of 20th Street, NW;

(mm) North along the west curb of 20th Street, NW, to the north curb of P Street, NW;

(nn) East along the north curb of P Street, NW, to west curb of Dupont Circle, NW;

(oo) North along the west curb of Dupont Circle, NW, to the north curb of Massachusetts Avenue, NW; and

(pp) East along the north curb of Massachusetts Avenue, NW, to the northeast corner of Massachusetts Avenue, NW and 11th Street, NW.

526.2 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:

(a) East and west sides of 19th Street, NW, between Constitution Avenue, NW and C Street, NW;

(b) East and west sides of 20th Street, NW, between Constitution Avenue, NW and C Street, NW; and

(c) East and west sides of 21st Street, NW, between Constitution Avenue, NW and C Street, NW.

526.3 Except for Vending Locations approved as part of a Vending Development Zone under § 570, no sidewalk Vending Locations shall be designated on the following streets in the Central Vending Zone:

(a) East side of 2nd Street, NE, between K Street, NE, and East Capitol Street;

(b) East side of 10th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW (Federal Bureau of Investigation building);

(c) 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));

(d) East side of 12th Street, NW, between I Street, NW, and K Street, NW;

(e) East side of 12th Street, NW, between New York Avenue, NW, and G Street, NW;

(f) East side of 13th Street, NW, between L Street, NW, and Massachusetts Avenue, NW;

(g) 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);

(h) East side of 22nd Street, NW, between F Street, NW, and G Street, NW;

(i) East side of 24th Street, NW, between Pennsylvania Avenue, NW, and L Street, NW;

(j) East side of 24th Street, NW, between Virginia Avenue, NW, and G Street, NW;

(k) East side of 25th Street, NW, between H Street, NW, and I Street, NW;

(l) East side of 26th Street, NW, between I Street, NW, and K Street, NW;

(m) East and west sides of Delaware Avenue, SW, between M Street, SW, and H Street, SW;

(n) East and west sides of Half Street, SE, between M Street, SE, and I Street, SE;

(o) East and west sides of Half Street, SW, between M Street, SW, and I Street, SW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ee) East and west sides of 7th Street, NW, between F Street, NW, and H Street, NW;

(ff) East and west sides of 3rd Street, NW, between F Street, NW, and G Street, NW;

(gg) East and west sides of 4th Street, NW, between F Street, NW, and G Street, NW;

(hh) North side of D Street, NW, between 3rd Street, NW, and 4th Street, NW;

(ii) North side of D Street, NW, between 5th Street, NW, and 9th Street, NW;

(jj) North side of E Street, NW, between 1st Street, NW, and 2nd Street, NW;

(kk) North side of E Street, NW, between 3rd Street, NW, and 4th Street, NW;

(ll) North side of F Street, NW, between 21st Street, NW, and 22nd Street, NW;

(mm) North side of N Street, NW, between 21st Street, NW, and New Hampshire Avenue, NW;

(nn) North side of Pennsylvania Avenue, NW, between 9th Street, NW, and 10th Street, NW;

(oo) North side of Virginia Avenue, NW, between 23rd Street, NW, and 24th Street, NW;

(pp) North and south sides of C Street, SE, between South Capitol Street, SE, and 3rd Street, SE;

(qq) North and south sides of C Street, SW, between 6th Street, SW, and South Capitol Street, SW;

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

(ss) North and south sides of Connecticut Avenue, NW, between N Street, NW, and Dupont Circle, NW;

(tt) North and south sides of D Street SE/SW between 4th Street, SW, and 3rd Street, SE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vvv) South side of C Street, SW, between 12th Street, SW, and 14th Street, SW;

(www) South side of G Street, NW, between 7th Street, NW, and 9th Street, NW;

(xxx) South side of G Street, NW, between 23rd Street, NW, and 24th Street, NW;

(yyy) South side of H Street, NW, between 23rd Street, NW, and 24th Street, NW;

(zzz) South side of K Street, NW, between 24th Street, NW, and 25th Street, NW;

(aaaa) West side of 5th Street, NW, between D Street, NW, and E Street, NW;

(bbbb) West side of 9th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW;

(cccc) West side of 17th Street, NW, between Constitution Avenue, NW, and C Street, NW;

(dddd) West side of 17th Street, NW, between D Street, NW, and E Street, NW;

(eeee) West side of 21st Street, NW, between New Hampshire Avenue, NW, and N Street, NW; and

(ffff) West side of 23rd Street, NW, between Virginia Avenue, NW, and G Street, NW.

527 VENDING LOCATIONS: OLD GEORGETOWN VENDING ZONE

527.1 Except as specifically provided in § 527.2, no vendor shall vend on any sidewalk on public space within the area known as Old Georgetown enclosed by the following continuous boundary:

(a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;

(b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, NW, and Whitehaven Parkway, NW, to 35th Street, NW, south along the middle of 35th Street, NW, to Reservoir Road, NW, west along the middle of Reservoir Road, NW, to Glover-Archbold Park;

(c) Bounded on the west by Glover-Archbold Park from Reservoir Road, NW, to the Potomac River; and

(d) Bounded on the south by the Potomac River and the Rock Creek and Potomac Parkway.

527.2 The streets listed in this subsection shall constitute the Old Georgetown Vending Zone within which the DDOT Director may approve sidewalk Vending Locations; provided, that sidewalk Vending Locations shall be allowed only:

(a) Within fifty feet (50 ft.) of the intersections of the cross streets with Wisconsin Avenue, NW;

(b) On the sidewalks designated in paragraph (d);

(c) In the directions from Wisconsin Avenue, NW, designated in paragraph (d), unless they are sites or markets authorized by the creation of a Vending Development Zone; and

(d) At the following locations:

(1) Northern sidewalk of P Street, NW, east of Wisconsin Avenue, NW;

(2) Northern sidewalk of P Street, NW, west of Wisconsin Avenue, NW;

(3) Northern sidewalk of O Street, NW, east of Wisconsin Avenue, NW;

(4) Northern sidewalk of O Street, NW, west of Wisconsin Avenue, NW;

(5) Northern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;

(6) Southern sidewalk of Dumbarton Street, NW, east of Wisconsin Avenue, NW;

(7) Northern sidewalk of N Street, NW, west of Wisconsin Avenue, NW (two (2) Vending Locations);

(8) Southern sidewalk of N Street, NW, west of Wisconsin Avenue, NW;

(9) Southern sidewalk of N Street, NW, east of Wisconsin Avenue, NW;

(10) Northern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW; and

(11) Southern sidewalk of Prospect Street, NW, west of Wisconsin Avenue, NW.

528 VENDING LOCATIONS: NEIGHBORHOOD VENDING ZONES

528.1 The Neighborhood Vending Zones shall consist of the following streets:

(a) Capitol Hill area:

(1) H Street, NE, from 3rd Street, NE, to 15th Street, NE (Zones C-2-A, C-2-B, and C-3-A);

(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) East Capitol Street from 19th Street, SE, to 22nd Street, SE (Zone GOV): The following restriction applies:

(A) Only the south side of East Capitol Street shall be included in the Neighborhood Vending Zone;

(b) Far Northeast and Southeast area:

(1) Benning Road, NE/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). The following restrictions apply:

(A) One (1) vendor in the first one hundred feet (100 ft.) of 6th Street, NW, south of the Fairmont Street, NW, curb;

(B) Two (2) vendors in the next fifty feet (50 ft.) of 6th Street, NW; and

(C) One (1) vendor in the next twenty-five feet (25 ft.) of 6th Street, NW.

(5) 14th Street, NW from S Street, NW, to Florida Avenue, NW (Zones CR 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

(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). The following restriction applies:

(A) Only the west side of 20th Street, NW, shall be included in the Neighborhood Vending Zone;

(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 S 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, at 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). The following restriction applies:

(A) Only the south side of Ordway Street, NW, shall be included in the Neighborhood Vending Zone;

(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. The following restriction applies:

(A) Only the west side of Wisconsin Avenue, NW, shall be included in the Neighborhood Vending Zone;

(16) Wisconsin Avenue, NW, from Rodman Street, NW, to 40th Street, NW (Zones C-1, C-2-A, and C-2-B); and

(17) 24th Street, NW, from Calvert Street, NW, to Connecticut Avenue, NW (Zone C-2-A); and

(h) Upper Northeast area:

(1) Allison Street, NE, from Michigan Avenue, NE, to Eastern Avenue, NE (Zone C-1);

(2) Bladensburg Road, NE, from L Street, NE, to Mount Olivet Road, NE (Zone C-2-A);

(3) Florida Avenue, NE, from West Virginia Avenue, NE, to Montello Avenue, NW (Zone C-2-A);

(4) Mount Olivet Road, NE, from West Virginia Avenue, NE, to Trinidad Avenue, NE (Zone C-2-A);

(5) Rhode Island Avenue, NE, from Monroe Street, NE, to Eastern Avenue, NE (Zone C-2-A);

(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);

(7) Rhode Island Avenue, NE, from 13th Street, NE, to 18th Street, NE (Zone C-2-A);

(8) 12th Street, NE, from Irving Street, NE, to Randolph Street, NE (Zones C-1 and C-2-A); and

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

529 VENDING LOCATIONS: NATIONALS PARK VENDING ZONE

529.1 The streets listed in this section shall constitute the Nationals Park Vending Zone, in which sidewalk Vending Locations shall be allowed on the following streets and in the following numbers:

(a) East side of First Street, SE, between N Street, SE, and N Place, SE – two (2) Vending Locations;

(b) East side of First Street, SE, between N Place, SE, and O Street, SE – two (2) Vending Locations;

(c) West side of Half Street, SE, between M Street, SE, and N Street, SE – seven (7) Vending Locations; and

(d) North side of N Street, SE, between Half Street, SE, and Van Street, SE – three (3) Vending Locations.

529.2 The DDOT Director may, at his or her discretion, approve additional sidewalk Vending Locations in the Nationals Park Vending Zone in addition to those listed in § 529.1.

529.3 The DCRA Director shall assign the Vending Locations in the Nationals Park Vending Zone by lottery.

529.4 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.

529.5 Winners of each monthly lottery shall be notified by phone, first-class mail, or electronic mail, and by being listed on the DCRA website (http://dcra.dc.gov).

PART 3: STATIONARY ROADWAY VENDING LOCATIONS

530 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: GENERAL

530.1 A Stationary Roadway Vendor must vend from a fixed location with a valid Vending Site Permit in an assigned Roadway Vending Location as designated in § 531;

530.2 A Stationary Roadway Vendor may not vend in any roadway location other than the authorized Roadway Vending Location for which the Stationary Roadway Vendor holds a valid Vending Site Permit.

531 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS

531.1 The authorized Stationary Roadway Vending Locations shall be on the streets and in the numbers set forth as follows:

(a) 400 Independence Avenue, SW (National Air & Space Museum) – Location numbers one (1) through six (6);

(b) 600 Independence Avenue, SW (National Air & Space Museum) – Location numbers seven (7) through twelve (12);

(c) 700 Independence Avenue, SW (Hirshhorn Museum) – Location numbers thirteen (13) through eighteen (18);

(d) 1400 Constitution Avenue, NW (National Museum of American History) – Location numbers nineteen (19) and twenty (20);

(e) 1200 Independence Avenue, SW (Freer and Sackler Gallery) – Location numbers twenty-one (21) through twenty-two (22);

(f) 600 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-three (23) through twenty-six (26);

(g) 700 Constitution Avenue, NW (National Gallery of Art) – Location numbers twenty-seven (27) through thirty (30);

(h) 900 Constitution Avenue, NW (National Museum of Natural History) – Location numbers thirty-one (31) through thirty-five (35);

(i) 1200 Constitution Avenue, NW (National Museum of American History) – Location numbers thirty-six (36) through forty-one (41);

(j) 200 15th Street, NW (Ellipse East) – Location numbers forty-two (42) through fifty (50);

(k) 400 15th Street, NW (Ellipse East) – Location numbers fifty-one (51) through fifty-nine (59);

(l) 200 17th Street, NW (Ellipse West) – Location numbers sixty (60) through sixty-seven (67);

(m) 400 17th Street, NW (Ellipse West) – Location numbers sixty-eight (68) through sixty-nine (69);

(n) 500 17th Street, NW (State Place) – Location numbers seventy (70) through seventy-two (72);

(o) 1500 Constitution Avenue, NW – Location numbers seventy-three (73) through seventy-four (74); and

(p) 2100 H Street, NW – Location numbers seventy-five (75) through seventy-six (76).

531.2 The DDOT Director shall designate specific portions of the streets listed in § 531.1, in the numbers set forth in § 531.1, as authorized Stationary Roadway Vending Locations.

532 VENDING LOCATIONS: STATIONARY ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS

532.1 The DDOT Director, in consultation with the DCRA Director, may designate Stationary Roadway Vending Locations in addition to those authorized in § 531.1; provided, that no additional Stationary Roadway Vending Location shall be designated:

(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;

(b) Within a loading zone, entrance zone, parking space designated for diplomatic parking, or other curbside zone restricted for certain vehicles or uses;

(c) On a snow emergency route designated under § 4024 of Chapter 40 (Traffic Signs and Restrictions at Specific Locations) of Title 18 (Vehicles and Traffic) of the DCMR;

(d) Within forty feet (40 ft.) of an intersection;

(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;

(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;

(g) Within twenty feet (20 ft.) of an alley;

(h) Within forty feet (40 ft.) of any crosswalk;

(i) Between the south side of Independence Avenue and the north side of Constitution Avenue, bounded by Rock Creek Parkway on the west and 4th Street NE/SE on the east; or

(j) Five feet (5 ft) from a building's marked fire control room.

532.2 Upon the designation of additional Stationary Roadway Vending locations, a lottery shall be conducted by the DCRA Director to assign these Stationary Roadway Vending locations. Any Stationary Roadway Vending Locations not assigned during this lottery shall be included in the lottery conducted pursuant to § 539.

PART 4: MOBILE ROADWAY VENDING LOCATIONS

533 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: GENERAL

533.1 A Mobile Roadway Vending (MRV) vehicle operating in public space under this section shall have either an individual holding a valid Class A, Class B, or Class D Vending Business License or an individual holding a valid Vendor Employee Identification Badge, issued pursuant to § 564, inside the vehicle at all times while the vehicle is in operation.

533.2 A MRV Site Permit shall be required for each MRV vehicle, whether vending from a designated MRV location or any legal parking space in the District.

533.3 A MRV vehicle must be legally parked and pay all appropriate meter fees in order to vend from public space.

533.4 A MRV vehicle shall not include an ice cream vending vehicle, as defined in § 599.

533.5 A MRV shall not vend on any residential block designated as Residential Permit Parking unless specifically authorized by a Special Event permit.

533.6 To vend in a designated MRV location during the designated hours pursuant to § 534, a MRV vehicle shall be required to participate in a monthly MRV location

permit lottery. If a MRV vehicle, with a valid MRV Site Permit, does not participate in the monthly MRV location permit lottery, the MRV shall still be authorized to vend from public space pursuant to § 535.

533.7 No mobile roadway vending shall be authorized within five hundred feet (500 ft.) of a designated MRV location during the designated hours, except within another designated MRV location or with written approval from DCRA.

534 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS

534.1 The DCRA Director shall propose MRV locations to be designated, where MRV vehicles, with valid MRV Site Permits, may park in order to vend from public space. The DDOT Director shall review and, if approved, shall designate the MRV locations.

534.2 Each MRV location shall be designated by the DDOT Director with appropriate signage.

534.3 Only MRV vehicles may park within each designated MRV location during the hours of 10:30 a.m. to 2:30 p.m. on weekdays.

534.4 There shall be no parking, standing, or stopping in any designated MRV location from 10:00 a.m. to 10:30 a.m. on weekdays except District government holidays, unless authorized by the DDOT Director.

534.5 A MRV vehicle may park within a designated MRV location for no more than the four (4) hours per day designated by § 534.3.

534.6 The DCRA Director shall propose the following general areas to be reviewed by the DDOT Director for designation as MRV locations:

(a) McPherson Square;

(b) Farragut Square;

(c) Franklin Square;

(d) Foggy Bottom;

(e) University of the District of Columbia – Van Ness campus;

(f) George Washington University;

(g) L'Enfant Plaza;

(h) Historic Anacostia;

(i) Navy Yard;

(j) Metro Center;

(k) Union Station;

(l) Southwest Waterfront;

(m) Federal Center SW;

(n) Folger Park/Eastern Market;

(o) West End;

(p) Judiciary Square;

(q) American University;

(r) Howard University;

(s) Gallaudet University;

(t) Catholic University/Trinity College;

(u) NoMa;

(v) Minnesota/Benning, NE;

(w) Friendship Heights; or

(x) Other additional areas.

534.7 A MRV vehicle parked in a designated MRV location shall be subject to the design standards of § 544.

534.8 Notwithstanding any standards created pursuant to § 544.1, a MRV vehicle may not exceed:

(a) Eighteen feet six inches (18 ft. 6 in.) in length;

(b) Eight feet (8 ft.) in width; and

(c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

534.9 A designated MRV location shall not be established:

(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;

(b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;

(c) 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;

(d) 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;

(e) Within twenty feet (20 ft.) of an alley;

(f) Within forty feet (40 ft.) of any crosswalk;

(g) Ten feet (10 ft.) of a fire hydrant;

(h) Any of the locations enumerated in § 535.3;

(i) Any location that is not a legal parking space;

(j) Any location that is immediately adjacent to a duly permitted sidewalk café; or

(k) Five feet (5 ft.) from a building's marked fire control room.

535 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: ADDITIONAL LOCATIONS

535.1 A MRV vehicle operating outside of a designated MRV location established pursuant to § 534 shall:

(a) Vend in a legal parking space that meets the requirements of § 535.2;

(b) Pay all parking meter fees; and

(c) Obey all posted time restrictions.

535.2 A MRV vehicle operating outside of a designated MRV location shall not park and vend:

(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;

(b) Within a designated loading zone, entrance zone, parking space designated for diplomatic parking, valet parking, or other curbside zone restricted for certain vehicles or uses;

(c) Where the adjacent unobstructed sidewalk is less than ten feet (10 ft.) wide in the Central Business District or seven feet (7 ft.) wide outside the Central Business District;

(d) 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;

(e) 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;

(f) Within twenty feet (20 ft.) of an alley;

(g) Within forty feet (40 ft.) of any crosswalk;

(h) Ten feet (10 ft.) of a fire hydrant;

(i) Any of the locations enumerated in § 535.3;

(j) Any location that is not a legal parking space;

(k) Any location that is immediately adjacent to a duly permitted sidewalk café;

(l) Five feet (5 ft.) from a building's marked fire control room; and

(m) Within an area designated as a Stationary Roadway Vending Location.

535.3 A MRV vehicle operating under this section shall not vend at the following locations:

(a) Constitution Avenue NE/NW between 23rd Street, NW, and 2nd Street, NE;

(b) Independence Avenue SE/SW between 23rd Street, NW, and 2nd Street, NE;

(c) 17th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;

(d) 15th Street, NW/SW, between Independence Avenue, SW, and H Street, NW;

(e) 14th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;

(f) 7th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;

(g) 4th Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;

(h) 3rd Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW;

(i) 1st Street, NE/SE, between Constitution Avenue, NE, and Independence Avenue, SE;

(j) East Capitol Street, NE, between 1st Street, NE, and 2nd Street, NE;

(k) Madison Drive, NW, between 15th Street, NW, and 3rd Street, NW;

(l) Jefferson Drive, SW, between 15th Street, SW, and 3rd Street, SW;

(m) Pennsylvania Avenue, NW, between 15th Street, NW, and 1st Street, NW;

(n) Maryland Avenue, SW, between Independence Avenue, SW, and 1st Street, SW; and

(o) 1st Street, NW/SW, between Constitution Avenue, NW, and Independence Avenue, SW.

536 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: APPLICATION FOR NEW LOCATIONS

536.1 A person may submit a request to the DCRA Director to create a new designated MRV location, provided that the person specifies a location that is not in conflict with the above standards. All requests are subject to DCRA and DDOT review and approval.

537 VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: DIRECTORS' DISCRETION

537.1 The DCRA or DDOT Director has the discretion to propose, modify, or remove a designated MRV location at any time.

PART 5: ASSIGNMENT OF VENDING LOCATIONS

538 ASSIGNMENT OF SIDEWALK VENDING LOCATIONS

538.1 Designated unoccupied sidewalk Vending Locations identified by the DCRA Director and approved by the DDOT Director may be assigned to licensed sidewalk vendors through a lottery conducted by the DCRA Director. No vendor or applicant may participate in a lottery for unoccupied sidewalk Vending Locations unless the vendor holds a Vending Business License or the person holds a current receipt for payment of Vending Business License fees for sidewalk vending and is registered for the lottery.

538.2 In addition to the lottery conducted pursuant to § 538.1, a vendor may, when submitting an application for a Vending Site Permit pursuant to § 510.1(b), identify a potential sidewalk Vending Location that the vendor believes meets the DDOT standards in §§ 524-528. If the DDOT Director approves the location as an authorized sidewalk Vending Location, that Vending Location shall be assigned to the vendor who first identified it on his or her completed and accepted Vending Site Permit application.

538.3 No holder of a Vending Business License shall be assigned more than five (5) sidewalk Vending Locations.

538.4 No more than one (1) vendor may occupy an assigned Vending Location, unless the DCRA Director specifies on the Vending Site Permit that the Vending Location is subject to a shared site agreement between several licensed vendors.

538.5 No lottery registration or Vending Location assignment may be transferred, sold, conveyed, or assigned from the assigned vendor to any other person. Any attempt to transfer a lottery registration or Vending Location assignment will disqualify from the lottery both the vendor seeking to transfer the registration and the person seeking to obtain it.

538.6 The DCRA Director may contract out the function of performing the lotteries for sidewalk Vending Locations.

538.7 No Vending Site Permit shall be distributed until full payment is received from the vendor or person.

538.8 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the sidewalk Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the Vending Site Permit offer.

539 ASSIGNMENT OF STATIONARY ROADWAY VENDING LOCATIONS

539.1 For a period of one (1) year from the publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, MPD shall oversee

the lottery for stationary roadway Vending Locations. Upon the expiration of the yearlong period, the DCRA Director shall oversee the lottery.

539.2 Stationary Roadway Vending Locations shall be assigned as follows:

(a) All Stationary Roadway Vending Locations shall be allocated by lottery;

(b) The lottery shall be conducted monthly, with Vending Locations allocated to a vendor by the following days of the week:

(1) Monday;

(2) Tuesday;

(3) Wednesday;

(4) Thursday;

(5) Friday;

(6) Saturday; or

(7) Sunday.

(c) There shall be equal allocation in the lottery of Class A and Class B licenses; and

(d) No vendor shall be issued Stationary Roadway Vending Site Permits for more than two (2) Stationary Roadway Vending Sites at any one time.

539.3 No Stationary Roadway Vending Site Permit shall be distributed until full payment is received from the roadway vendor or person.

539.4 A vendor shall have thirty-five (35) calendar days from the billing date to remit payment for the Stationary Roadway Vending Locations the vendor has won. Failure to remit payment shall allow the DCRA Director to rescind the offer to the winning vendor.

539.5 The DCRA Director may lottery off unclaimed Stationary Roadway Vending Locations until all Stationary Roadway Vending Locations are awarded.

539.6 The DCRA Director shall register licensed roadway vendors, which may include both stationary roadway vendors and mobile roadway vendors, for participation in the lottery by assigning each vendor a registration number.

539.7 No vendor may participate in the lottery for Stationary Roadway Vending Locations unless the vendor holds a valid Vending Business License for roadway vending and is registered for the lottery.

539.8 No vendor may operate on more than one (1) Stationary Roadway Vending Location per day, and only one (1) vendor may occupy an assigned Stationary Roadway Vending Location as described on the Stationary Roadway Vending Site Permit, unless otherwise specified by the DCRA Director on the Stationary Roadway Vending Site Permit.

539.9 No lottery registration or Stationary Roadway Vending Location assignment or permits may be transferred from a vendor to any other person.

539.10 The DCRA Director may contract out the function of performing the lottery for Stationary Roadway Vending Locations; provided that the lottery may be subject to any government-required audit or review.

540 ASSIGNMENT OF MOBILE ROADWAY VENDING LOCATIONS

540.1 MRV location permits for each MRV vehicle shall initially be determined by a monthly lottery with each lottery assigning a MRV vehicle to a specific MRV location and for a specific day of the month.

540.2 The DCRA Director shall establish the format of the MRV location permit lottery program and may modify the format, as necessary, to improve efficiency or to incorporate technological advancements.

540.3 The lottery shall be conducted monthly, with MRV locations allocated to MRV vehicles by the following days of the week:

(a) Monday;

(b) Tuesday;

(c) Wednesday;

(d) Thursday; and

(e) Friday.

540.4 A MRV vehicle shall register for the MRV location permit lottery by the MRV vehicle's vehicle registration number and Vending Business license number. No vendors will be eligible for MRV location permit lottery in months when their Vending Business license will expire without renewal.

540.5 There shall be only one (1) MRV location permit lottery entry per MRV vehicle.

540.6 Prior to each monthly lottery, MRV vendors shall have the option to list the available MRV locations in order of their preference; this information will serve as the MRV vendor's lottery preference request.

540.7 In addition to the standard MRV location permit lottery entry, the DCRA Director may create a lottery program for MRV vehicles to vend from multiple established MRV locations for specific hours on specific days of the week during each month.

540.8 The non-refundable lottery application fee for the monthly MRV location permit lottery shall be $25 per MRV vehicle and shall be paid prior to a MRV vehicle submitting monthly MRV location preferences.

540.9 The monthly MRV location permit fee shall be $150 per MRV vehicle and shall be paid in full prior to the MRV vehicle being authorized to vend from the designated MRV location assigned via the monthly lottery.

540.10 A MRV vendor not participating in the monthly MRV location permit program may vend from any legal parking space, in compliance with its Vending Site Permit and §§ 534 and 535.

PART 6: MISCELLANEOUS

541 PUBLIC MARKETS

541.1 No person shall operate or vend from a public market unless the public or private 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.

541.2 No person shall manage a public market on public or private space without holding a Class C Vending Business License.

541.3 No Class C Vending Business License holder shall operate a public market on public space without first obtaining a Public Space Permit from the DDOT Director.

541.4 Each person operating at a public market managed by the holder of a Class C Vending Business License on public or private space shall be subject to all applicable license and health laws and regulations.

541.5 No Class C Vending Business License holder shall operate a public market on public or private space without first obtaining a DOH health inspection certificate and food safety compliance inspection in accordance with Subtitle A of Title 25 of the DCMR.

541.6 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 DCRA Director.

541.7 A person who is authorized by the Class C Vending Business License holder to operate at a public market may operate without a Vending Business License or Vending Site Permit; provided, that the person shall:

(a) Comply with all applicable laws and regulations regarding the registration of the person's business with the Office of Tax and Revenue and DCRA; and

(b) Comply with any standards imposed by DOH or other relevant agencies.

541.8 A Class C Vending Business License holder shall maintain records of all persons operating at each public market managed by the licensee.

542 TEMPORARY RELOCATION OF VENDORS

542.1 The DCRA 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 any other situations where the Vending Location is either unavailable or creates a threat to the public health, safety, or welfare.

542.2 Any temporary relocation shall last only until such time as the original Vending Location is determined by the DCRA Director, the DDOT Director, or MPD to be useable again.

542.3 A vendor subject to a temporary relocation shall be relocated by the DCRA Director to the closest available location that is deemed allowable for vending.

542.4 In any situation where a temporary relocation will be for at least twenty-one (21) calendar days, the DCRA Director shall issue the affected vendor, at no cost, a new Vending Site Permit for the new Vending Location.

543 ICE CREAM ROADWAY VENDORS

543.1 No ice cream vending vehicle shall remain in any one (1) place for a period longer than necessary to make sale after having been approached or stopped for that purpose.

543.2 When stopped, an ice cream vending vehicle shall be legally parked.

543.3 No ice cream roadway vending business shall be transacted within one hundred feet (100 ft.) of the roadway of a traffic circle.

543.4 When stopping to make a sale, ice cream roadway vending vehicles that are likely to attract children as customers shall park curbside or as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

SUBCHAPTER D: DESIGN STANDARDS, OPERATIONAL STANDARDS, AND INSPECTIONS

PART 1: DESIGN STANDARDS

544 DESIGN STANDARDS: GENERAL

544.1 The DCRA Director may develop design standards for vending vehicles, vending stands, and vending carts in addition to those set forth in this chapter.

544.2 The provisions of §§ 545, 546, 547, 548, 549, 553, 554, and 559 shall not apply to activities licensed and permitted under § 503.1(c).

545 DESIGN STANDARDS: VENDING CARTS

545.1 No vending cart, including any display on or attachments to the cart allowed by this section, shall exceed the following dimensions unless specified by the DCRA Director on the Vending Site Permit:

(a) Four feet six inches (4 ft. 6 in.) in width, unless the vendor vends food from the vending cart, in which case the vending cart shall not exceed five feet (5 ft.) in width;

(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

(c) Eight feet six inches (8 ft. 6 in.) in height, measured from the bottom of the tire.

545.2 A vending cart shall be covered by either:

(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

(b) One (1) canopy which shall not overhang more than six inches (6 in.) in any direction from the body of the cart.

545.3 Any umbrella or canopy used to cover a vending cart:

(a) Shall be made of water-resistant canvas with wood or metal frames; and

(b) Shall not contain any advertising other than advertising allowed under § 549.

545.4 No food or merchandise shall be hung or otherwise displayed from the back of the vending cart.

545.5 No food or merchandise, hung or otherwise displayed on the front of the vending cart, shall extend more than two feet (2 ft.) from the front of the vending cart or extend past the sides of the vending cart.

545.6 All food, merchandise, and equipment, other than food or merchandise hung or displayed on the front of the vending cart, shall be contained within or beneath the body of the vending cart; provided, that up to two (2) coolers or containers with food may be placed immediately adjacent to the vending cart, at least four inches (4 in.) off the ground, and in compliance with DOH food storage regulations; and provided further, that the total size of the coolers or containers taken together shall not exceed the length of the cart (eight feet (8 ft.)).

545.7 The cart shall be placed on one (1) or more wheels; provided, that:

(a) The wheels shall not exceed two feet eight inches (2 ft. 8 in.) in diameter;

(b) The wheels shall be a wood or metal frame with rubber trim for tires; and

(c) The cart may include stabilizing legs in addition to the wheel or wheels.

545.8 The vending cart shall be equipped with a chock to be used to prevent the cart from rolling or moving.

546 DESIGN STANDARDS: VENDING VEHICLES

546.1 No vending vehicle, including any display on or attachments to the vehicle allowed by this section, shall exceed the followings dimensions unless otherwise authorized by the DCRA Director:

(a) Eighteen feet six inches (18 ft. 6 in.) in length;

(b) Eight feet (8 ft.) in width; and

(c) Ten feet six inches (10 ft. 6 in) in height, measured from bottom of the tire.

546.2 No food, merchandise, or equipment shall be hung or otherwise displayed from the non-serving side or back of the vending vehicle.

546.3 All food, merchandise, and equipment, other than the serving window flap or awning shall be firmly attached to the body of the vending vehicle and shall not

project more than twelve inches (12 in.) from the body of the vehicle when serving and must be retracted when not serving.

546.4 All vending vehicles shall rest on inflated tires.

547 DESIGN STANDARDS: VENDING STANDS

547.1 The design and operation of all vending stands shall conform with the following requirements, unless otherwise authorized by the DCRA Director on the Vending Site Permit:

(a) The stand shall consist of a wood, plastic, or metal table with attached folding legs, a stair-stepped structure approved by the DCRA Director, or a shoe-shine stand structure approved by the DCRA Director. 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;

(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.);

(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.);

(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. 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, measured from the sidewalk pavement. The canopy shall be clean and in good repair;

(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

(f) No free standing racks or other free-standing forms of display shall be allowed around the stand.

548 DESIGN STANDARDS: FOOD VENDING CARTS AND VEHICLES

548.1 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.

548.2 If DCRA waives any design standard for a food vending cart or vehicle that is not in compliance with §§ 545, 546, 547, or 548, a written waiver approving the non-compliant cart or vehicle shall be issued by DCRA, MPD, and DDOT to the DOH Director prior to DOH either conducting a food safety code compliance inspection pursuant to Subtitle A of Title 25 of the DCMR or issuing a health inspection certificate.

548.3 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:

(a) A fresh water tank with at least a five gallon (5 gal.) capacity or more for food vending carts;

(b) A fresh water tank with at least a thirty-eight gallon (38 gal.) capacity or more for food vending vehicles;

(c) A waste water tank with a capacity fifteen percent (15%) or larger than the required fresh water tank;

(d) A three (3) compartment sink with hot and cold running water;

(e) A separate hand washing sink with mixing faucet;

(f) Walls, ceiling, and floors that are smooth and easily cleanable;

(g) Natural or electrical lighting to provide a minimum of fifty (50) candles of light on work surfaces;

(h) 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;

(i) A generator-powered freezer that will hold stored foods at zero degrees Fahrenheit (0° F) or below and that has sufficient holding capacity for one (1) day of operation; and

(j) Adequate ventilation.

549 DESIGN STANDARDS: ADVERTISING

549.1 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 a vending vehicle, stand, or cart, including any canopy or umbrella.

549.2 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.

549.3 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.

550 DESIGN STANDARDS: PHASE-IN PERIOD

550.1 Any vendor issued a Vending Business License prior to the date of publication in the *District of Columbia Register* of a notice of final rulemaking adopting this chapter, shall have until one (1) year from that date of publication to come into compliance with the following subsections of this chapter:

(a) Subsection 545.2; and

(b) Subsection 545.5.

PART 2: OPERATIONAL STANDARDS

551 OPERATIONAL STANDARDS: GENERAL

551.1 A vendor shall comply with all District and federal laws and regulations applicable to the operation of a vending business.

551.2 No vendor shall vend in public space:

(a) 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; or

(b) 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.

551.3 A vendor shall, at all times, obey posted traffic and parking signs.

552 OPERATIONAL STANDARDS: AUTHORIZED HOURS OF OPERATIONS

552.1 Vendors may operate only during the following hours:

(a) Sunday through Thursday, from 5:00 a.m. to 10:00 p.m.; and

(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.

552.2 Notwithstanding § 552.1, the Vending Site Permit for each Vending Location in a Vending Development Zone shall establish the hours of operation for that Vending Location.

553 OPERATIONAL STANDARDS: PLACEMENT OF VENDING VEHICLES, VENDING CARTS, AND VENDING STANDS

553.1 No vendor shall vend in a location that is not a Vending Location assigned to the vendor by the DCRA Director.

553.2 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 DCRA Director on the Vending Site Permit.

553.3 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 § 525.1, unless specifically authorized by the DCRA Director or the DDOT Director or as part of a Vending Development Zone.

553.4 No vendor shall drive a vehicle onto or over a curb with the purpose of dropping off or picking up a vendor cart for towing.

553.5 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.

554 OPERATIONAL STANDARDS: PLACEMENT OF EQUIPMENT AND RELATED ITEMS

554.1 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.

554.2 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.

554.3 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 § 553.3.

554.4 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.

555 OPERATIONAL STANDARDS: FOOD PREPARATION AND HANDLING

555.1 All preparation, handling, transportation, and storage of food vended under this chapter shall be in compliance with:

(a) An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code §§ 48-101 *et seq.* (2009 Repl. & 2011 Supp.));

(b) Subtitle A (Food and Food Operations) of Title 25 (Food Operations and Community Hygiene) of the DCMR;

(c) Any other applicable law or regulation related to the preparation, handling, transportation, or storage of food;

(d) 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

(e) Any applicable standards established by DOH.

555.2 No food vending equipment shall be used for purposes other than those authorized by the DOH Director.

555.3 No food may be vended from a vending vehicle, cart, or stand unless there is a person in charge on site at the time of the preparation, handling, and sale of the food who holds a valid:

(a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR;

556 OPERATIONAL STANDARDS: FIRE SAFETY

556.1 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.

556.2 All vending vehicles operating with propane or open flames shall meet the following standards:

(a) All propane compartments shall be secured and placarded;

(b) "No Smoking" signs shall be posted on the vehicle; and

(c) Propane or open flame permits shall be clearly posted on the vehicle.

557 OPERATIONAL STANDARDS: USE OF AMPLIFICATION SYSTEMS

557.1 No vendor shall operate a loud speaker or sound amplifier, or play a radio, drum, or other musical instrument as a means of advertising in such a manner as to create a noise disturbance, as that term is defined in DCMR Title 20, § 2799.

557.2 Activities open to the public and provided for in DCMR Title 20, Subsection 2805.2, are exempt from the limitations set forth in this section.

PART 3: INSPECTIONS

558 INSPECTIONS: FOOD PREPARATION AND HANDLING

558.1 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 Subtitle A of Title 25 of the DCMR and any conditions imposed by the health inspection certificate.

558.2 Each food vending business shall be inspected by the DOH Director at least once every six (6) months. Failure to pass an inspection shall be cause for summary suspension of the vendor's Vending Business License and Vending Site Permit pursuant to §§ 507, 512, and 516.

559 INSPECTIONS: DESIGN STANDARDS

559.1 A vendor's vending vehicle, vending stand, or vending cart shall be subject to inspection at any time by the DCRA Director to verify compliance with applicable design standards required by this chapter.

559.2 Failure to comply with design standards for vending vehicles, vending stands, or vending carts may be cause for the issuance of a civil infraction or the summary suspension or revocation of a Vending Site Permit.

560 INSPECTIONS: FIRE SAFETY

560.1 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 the Fire Marshal prescribes.

560.2 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 DCRA Director. The DCRA Director shall return the seized Vending Business License or Vending Site Permit to the licensee only upon the licensee's vending vehicle, vending cart, or vending stand passing FEMS inspection.

PART 4: OTHER STANDARDS OF OPERATION

561 MAINTENANCE STANDARDS

561.1 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.

561.2 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.

562 DISPLAY OF LICENSES, PERMITS, AND CERTIFICATES

562.1 A vendor shall conspicuously display on the vendor's vending vehicle, vending cart, or vending stand, or public market, as required, in Chapter 37, Subtitle A of Title 25 of the DCMR, 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 or open flames in his or her operations.

562.2 The items required by § 562.1 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.

562.3 No person shall alter, mutilate, forge, or illegally display any license, permit, or other certificate of authority issued pursuant to this chapter.

562.4 If a Vending Business License, Vending Site Permit, or health inspection certificate is displayed by a vendor or on a vending vehicle, vending cart, or vending stand other than that of the vendor, vending vehicle, vending stand, or vending cart for which the Vending Business License, Vending Site Permit, or health inspection certificate was issued, the DCRA Director or MPD may 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.

562.5 If a summary impounding or immobilization occurs pursuant to § 562.4, the DCRA Director or MPD shall release the impounded or immobilized vending vehicle, vending stand, or vending cart to the vendor upon the payment of a fine in an amount established by the DCRA Director.

562.6 Failure to display any required certificates of authority, or to provide those certificates to an authorized District government representative, may result in summary suspension of a vendor's Vending Business License or Vending Site Permit and the impounding or immobilizing of the vending vehicle, vending stand, or vending cart. The vendor's license or site permit shall be returned to the licensee upon the proper display or provision of the required certificates of authority.

563 MOTOR VEHICLE REGISTRATION AND INSPECTION OF VENDING VEHICLES AND CARTS

563.1 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.

563.2 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.

564 EMPLOYEES OF LICENSED VENDORS

564.1 No individual shall work at a vending business unless the individual is the licensed vendor of the vending business or is an employee of the vendor holding a valid Vendor Employee Identification Badge.

564.2 The employing vendor shall follow all applicable District and federal employment laws and regulations.

564.3 An employee of a vendor may operate the vendor's Class A or Class D vending business without the vendor being present; provided, that the employee holds a valid:

(a) Food Protection Manager Certificate issued by the Conference of Food Protection Standards for Accreditation of Food Protection Manager Certification Programs in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR; and

(b) DOH-issued a Certified Food Protection Manager Identification Card in accordance with § 203 of Subtitle A (Food and Food Operations) of Title 25 of the DCMR.

564.4 No individual may act as an employee of a vendor unless that individual holds a valid Vendor Employee Identification Badge issued by the DCRA Director.

564.5 An individual shall apply for a Vendor Employee Identification Badge by submitting an application to the DCRA Director, on a form prescribed by the DCRA Director, which shall include:

(a) The name, address, photograph, and telephone number of the individual;

(b) The name and license number of the vendor for whom the individual will act as an employee;

(c) The signature of the individual;

(d) The notarized signature of the vendor;

(e) The application fee, which shall be fifty-five dollars ($55); and

(f) Any additional information or documentation required by the DCRA Director.

564.6 The Vendor Employee Identification Badge shall include the name of the employee of the vendor, a badge number, the name of the licensed vendor, and the Vending Business License number of the vendor.

564.7 An employee shall conspicuously wear his or her Vendor Employee Identification Badge when the employee is operating the vendor's vending business.

564.8 An individual may represent more than one (1) licensed vendor; provided, that the individual:

(a) Has a Vendor Employee Identification Badge for each licensed vendor that employs the individual; and

(b) Displays the Vendor Employee Identification Badge for the respective licensed vendor while working at that vendor's vending business.

564.9 A licensed 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, either singularly or in combination, the Vending Business License, Vending Site Permit, Vendor Employee Identification Badge, and health inspection certificate of the vendor may be suspended or revoked based on those actions.

565 LITTERING AND CUSTOMER LINES

565.1 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.

565.2 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.

565.3 A vendor shall ensure that waiting customers do not completely block the public sidewalk. A vendor shall comply with this subsection by asking customers, through verbal communication and signage on the vehicle, to not impede pedestrian access along the public sidewalks.

565.4 The DCRA Director may enter into agreements with other District agencies, public-private partnerships, or other District government-authorized or –licensed entities to assist with waste management issues related to vending businesses.

566 DISPLAY OF SAMPLE ITEMS

566.1 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 to the merchandise or food being sold by the vendor at that particular Vending Location.

567 PURCHASE OR RECEIPT OF STOCK

567.1 No vendor shall purchase any inventory stock from public space.

567.2 No vendor shall take delivery of any inventory stock in public space, with the exception of perishable food items for consumption and ice.

568 PLACING VENDING BUSINESS LICENSES ON HOLD

568.1 The DCRA Director shall create a process by which a vending business may voluntarily put its Vending Business License on hold and subsequently retrieve it from hold status to avoid suspension or revocation of a Vending Site Permit.

568.2 A Vending Business License may be placed on hold and in the possession of the DCRA 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.

568.3 Placement of a Vending Business License and/or Vending Site Permit on hold pursuant to this section shall not stay the expiration date of either the license or site permit and, to remain valid, it must be renewed on or before its expiration date, pursuant to § 506.

568.4 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.

569 REQUIREMENT TO UPDATE INFORMATION

569.1 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.

SUBCHAPTER E: VENDING DEVELOPMENT ZONES AND SPECIAL EVENTS

570 VENDING DEVELOPMENT ZONES

570.1 The DCRA Director may establish Vending Development Zones (VDZ) to promote new and innovative vending practices designed to achieve the following objectives:

(a) For communities to utilize vending and public markets to create unique and attractive destinations and increase foot traffic in commercial corridors;

(b) For communities to have expanded capability to manage vending and public markets in unique high-density hospitality zones;

(c) Provide opportunities for vendors to expand their creativity and entrepreneurship in both their products and their carts, stands, or vehicles;

(d) Expand vending and public market opportunities for small and local businesses;

(e) Improve the safety, appearance, and use of public space;

(f) Allow for greater expansion of the creative economy through the addition of entertainment and artistic business ventures in public space;

(g) Attract retail to emerging corridors by bringing new retail energy to neighborhoods; and

(h) Strengthen the retail base and create opportunities for vibrant retail streets and corridors and ensure shoppers have a greater selection of products and services.

570.2 Notwithstanding other provisions of this chapter and of Chapter 13 of Title 19 of the DCMR, the DCRA Director shall allow a VDZ greater flexibility in complying with regulations governing the:

(a) Location of vendors in public space, provided, that no category of Vending Business License is specifically excluded;

(b) Method for assigning Vending Locations, including the exclusion of any roadway vending vehicle that is not expressly included by Vending Site Permit in the VDZ;

(c) Design standards for vending vehicles, vending carts, roadway vending vehicles, and vending stands;

(d) Hours of operation;

(e) Length of time for which a Vending Site Permit shall be issued; and

(f) Special performance and entertainment requirements of Chapter 13 of Title 19 of the DCMR.

570.3 The DCRA Director may establish a VDZ upon the approval of an application submitted by a business association, community organization, Advisory Neighborhood Commissions (ANCs), Business Improvement Districts (BIDs), or District government agency.

570.4 The DCRA Director shall administer the process for reviewing applications in consultation with the following Coordinating Agencies:

(a) Department of Small and Local Business Development;

(b) Department of Health;

(c) District Department of Transportation; and

(d) Office of Planning.

570.5 A VDZ application shall be reviewed in a two (2)-part process:

(a) The applicant shall submit five (5) hard copies or one (1) electronic copy of a pre-application to the DCRA Director who shall forward a copy to each Coordinating Agency. The pre-application shall include the following information:

(1) The applicant's mission, bylaws, process for electing officers, and public meeting requirements where applicable or, in the case of a Coordinating Agency, its mission and responsibilities;

(2) The purpose and intent of establishing a VDZ, including aspects of placemaking and creative economy planning;

(3) A map delineating the proposed boundaries of the VDZ and all current Vending Locations; and

(4) Where applicable, any partner organizations collaborating on the application.

(b) Upon verification of the items required by paragraph (a), the DCRA Director shall approve the pre-application. Within ninety (90) calendar days of notification from the DCRA 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 DCRA Director. The application shall demonstrate how the purpose and intent of the proposed VDZ will be realized and include the following:

(1) A description of the proposed innovative vending strategy or expanded management opportunity;

(2) A map showing proposed vending and public market locations;

(3) An implementation plan that may include, but is not limited to:

(A) Financial assistance, equipment assistance, storage assistance, technical advice, or business planning support for existing and potential new vendors;

(B) Marketing strategy for placemaking, coordinated design, semi-permanent fixtures, entertainment, or creative economy programming;

(C) Partnership opportunities; and

(D) Diversity of products or services offered;

(5) A plan for coordinating with existing vendors and businesses located within the proposed VDZ; and

(6) Any other information that the DCRA Director requires.

570.6 The DCRA Director and coordinating agencies shall review VDZ applications to identify any issues that the applicant must resolve prior to further processing of the application. Additionally:

(a) The DCRA Director shall forward each VDZ application to the Coordinating Agencies for evaluation based upon:

(1) Compliance with objectives defined in § 570.1; and

(2) The ability of the applicant to achieve the proposed innovative vending strategy;

(b) Each Coordinating Agency shall review the application concurrently within forty-five (45) days and forward any issues to the DCRA Director;

(c) The DCRA Director shall notify the applicant in writing or electronically 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 written or electronic notification. The Coordinating Agencies shall notify the Director when all issues have been resolved; and

(d) The Director may deny an application if the applicant is unable to resolve any issues identified by the Coordinating Agencies within the forty-five (45-) day time period set forth in Subsection (b), but extend the forty-five (45-) day period for good cause.

570.7 Within forty-five (45) days of receiving favorable reports from all coordinating agencies, DCRA shall publish notice of the proposed vending development zone in the District of Columbia Register. Within forty-five (45) days of publication of notice in the *D.C. Register*, DCRA shall hold a public hearing to solicit public comments on the VDZ application. The DCRA Director shall publish notice of the hearing in the *District of Columbia Register*, give notice of the hearing to the affected Advisory Neighborhood Commission, and post copies of the application on the DCRA website at least fifteen (15) calendar days before the hearing.

570.8 Within forty-five (45) days after the public hearing, the DCRA Director shall either approve or deny the VDZ application based upon the information in the VDZ application and the findings from the public hearing.

570.9 The DCRA 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 DCRA Director shall manage the site delegation and distribution of Vendor Locations to vendor site applicants.

570.10 The DCRA 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.

570.11 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.

570.12 The Director shall discontinue a VDZ if:

(a) The VDZ vending strategy fails to achieve the purpose and intent of the VDZ; or

(b) The Director determines that it is not in the best interest of the public to continue the VDZ, based on such factors as:

(1) Poor management of the VDZ;

(2) Unsafe conditions resulting from the VDZ; and

(3) Failure to follow or maintain the vending plan contained in the VDZ application.

570.13 Before the DCRA Director discontinues a VDZ, the DCRA Director shall provide written notice to the businesses, organizations, or agencies administering the VDZ of the intent to discontinue the VDZ and the reasons for the discontinuance.

570.14 Within forty-five (45) days of receiving the written notice from the DCRA Director, the businesses, organizations, or agencies administering the VDZ shall cure the identified reasons for the discontinuance of the VDZ. The DCRA Director, at his or her discretion, may extend the forty-five (45) day period for good cause.

571 SPECIAL EVENTS

571.1 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.

571.2 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.

SUBCHAPTER F: STREET PHOTOGRAPHY

572 STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS

572.1 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.

572.2 The card required by § 572.1 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 and a statement that if the photograph is not delivered within the time period specified on the card, the vendor shall refund the purchase price.

572.3 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.

SUBCHAPTER G: SOLICITING

573 SOLICITING: GENERAL PROVISIONS

573.1 No person shall solicit any person from a street, sidewalk, or other public space, 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:

(a) Buy any merchandise, food, or service;

(b) Patronize any hotel, motel, inn, or boarding house; or

(c) Patronize any place of entertainment or amusement.

573.2 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, for the purpose of securing a passenger or passengers for transportation for hire, unless properly licensed and permitted to do so by the Mayor.

573.3 No person shall, on any public highway in the District, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided for in Title 18 of the DCMR.

573.4 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.

573.5 Unless issued a valid Class D Vending Business License or engaged in a transaction with a Class D Vending Business Licensed vendor, no person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District for any sightseeing bus tours of any kind.

573.6 Class D Vendors may only sell tickets in areas designated for that specific purpose, pursuant to § 573.7.

573.7 Class D license holders who provide sightseeing bus services are authorized to vend from public space within ten feet (10 ft.) of a sign designating a stop of the sightseeing bus for which the person is selling tickets; provided, that the sign has been permitted and approved by the DDOT Director pursuant to § 3306 of Chapter 33 of Title 24 of the DCMR. No structure or fixture, including "A" frame signs, podiums, kiosks, or any other material, whether temporary or permanent, shall be placed in public space.

SUBCHAPTER H: MISCELLANEOUS PROVISIONS

574 VENDING DEPOT REQUIREMENTS

574.1 Vending depots servicing vending vehicles or carts with Class A Vending Business Licenses shall provide all of the following services to a vendor in accordance with Chapter 37, Subtitle A (Food and Food Operations) of Title 25 of the DCMR:

(a) Storage of the vending vehicle or cart;

(b) Food preparation, including approved food handling areas, as needed;

(c) Proper storage of inventory, such as food, utensils and supplies;

(d) Basic maintenance and cleaning, including:

(1) Hot and cold water;

(2) Sloped and properly drained cleaning area;

(3) Potable water; and

(4) Electrical outlets; and

(d) Proper disposal of trash and food waste, such as garbage and liquid.

574.2 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 in accordance with § 3701, Subtitle A of Title 25 of the DCMR.

574.3 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 § 574.1.

574.4 The operator of a vending depot shall:

(a) Comply with all applicable laws and regulations regarding registration of the person's business with the Office of Tax and Revenue and DCRA;

(b) Obtain all necessary business licenses from DCRA; and

(c) Comply with the Subtitle A of Title 25 of the DCMR and all applicable standards imposed by DOH or other relevant agencies.

575 PENALTIES

575.1 A person violating any provision of this chapter may be issued a civil infraction pursuant to Chapter 33 of Title 16 of the DCMR.

575.2 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, *et seq.* (2007 Repl. & 2012 Supp.)).

575.3 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.

576 SEVERABILITY

576.1 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

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Central Vending Zone – the area delineated by the boundaries listed in § 526.1.

Clean Hands Certification – 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, *et seq.* (2012 Supp.)).

Coordinating Agencies – the several District agencies identified in § 570.4.

Coordinating Agency – any of the Coordinating Agencies.

DCRA Director – the Director of the Department of Consumer and Regulatory Affairs.

DCRA – the Department of Consumer and Regulatory Affairs.

DCRA Business Licensing Center – the Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Second Floor, Washington, D.C. 20024.

DDOT – the District Department of Transportation.

DDOT Director – the Director of the District Department of Transportation.

DOH – the Department of Health.

DOH Director – the Director of the District Department of Health.

FEMS – the District of Columbia Fire and Emergency Medical Services Department.

Fire Chief – the Chief of the District of Columbia Fire and Emergency Medical Services Department.

Fire Marshal – the Fire Marshal of the District of Columbia Fire and Emergency Medical Services Department.

Fixture – any District government-authorized furniture or equipment that is secured or permanently affixed to the public right-of-way or other public space.

Food – 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 – Subtitle A (Food and Food Operations) Title 25 of the District of Columbia Municipal Regulations.

Ice cream vending vehicle - a vending vehicle, vending cart, or vending stand from which pre-packaged ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for the purposes of vending in public space.

Metrobus Stop Zone – that area of the public roadway specifically designated for the exclusive use of Metrobus in loading and unloading passengers.

Mobile Roadway Vendor - a vendor who operates a vending business in locations, pursuant to the requirements of §§ 533 through 536, while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular parking.

Mobile Roadway Vending location – A vending location containing at least three parking spaces, and designated by appropriate signage.

Mobile Roadway Vending vehicle – A self-propelled vending vehicle.

MPD – the Metropolitan Police Department.

MPD Chief – the Chief of the Metropolitan Police Department.

Nationals Park Vending Zone – the Vending Locations designated in § 529.1.

Neighborhood Vending Zones – any of the several areas delineated by the boundaries in § 528.1.

Old Georgetown – the area delineated by the boundaries in § 527.1.

Old Georgetown Vending Zone – the area designated by § 527.2.

Person – any individual or business entity.

Public and private market – 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 terms "public market" and "private market" may include a farmers market, flea market, antiques market, or other similar type of market.

Public space – 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.

Registered agent – 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 – 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 parking.

School day – 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 DCMR Title 5, Subtitle E, § 305.

Sidewalk vendor – a vendor at a sidewalk Vending Location who engages in business while occupying a portion of the public right of way other than that reserved for vehicular travel.

Special Event – 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 (2005 Repl.).

Stationary roadway vendor – a vendor who operates a vending business while occupying a fixed location with a valid vending site permit in an assigned roadway vending location as designated in § 531;

Street photography – the business of operating on public space and taking photographs, for profit or gain, of any person or persons upon public space with the intent to immediately, or within a reasonably brief time, deliver the photograph to the purchaser.

VDZ – shall have the same meaning as a Vending Development Zone.

Vending business – a business venue for the vending of food, products, services, or merchandise and operated by a licensed vendor.

Vending Business License – the basic business license with a vending endorsement issued by the Department of Consumer and Regulatory Affairs.

Vending cart – 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 – any business that supplies vendors with merchandise, products, or food items, or that, for a fee, stores, services or maintains vending stands, carts, or vehicles.

Vending Development Zone – a specific vending area created pursuant to § 570.

Vendor Employee Identification Badge – the badge issued by the Director of the Department of Consumer and Regulatory Affairs to a person employed by a licensed vendor pursuant to § 564.

Vending establishment – 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 – 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 – the permit issued by the Director of the Department of Consumer and Regulatory Affairs allowing for vending from the public space at a specified Vending Location.

Vending stand – 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 – 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 – any person engaged in selling goods and services exclusively from the public space and for the immediate delivery upon purchase.

Chapter 5 (Basic Business License Schedule of Fees) of Title 17 (Business, Occupations and Professions) of the DCMR is amended as follows:

Subsection 516.1 is amended to read as follows:

516.1 The Director shall charge fees for business license categories with a General Business endorsement as follows:

(a) Charitable solicitation: $280;

(b) Cooperative association: $37;

(c) General business: $200; and

(d) Street vendor (Class C): $433.

Chapter 33 (Department of Consumer & Regulatory Affairs (DCRA) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the DCMR is amended by adding a new Section 3313 (Vending Business License Infractions) to read as follows:

3313 VENDING BUSINESS LICENSE INFRACTIONS

3313.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) 24 DCMR § 502.1 (failure to have and maintain general license requirements);

(b) 24 DCMR §§ 503.3(f), (g), (h), and (i) (selling alcohol, drugs, controlled substances, or drug paraphernalia);

(c) 24 DCMR § 507.1 (suspension or revocation of license for the enumerated violations);

(d) 24 DCMR § 512.1 (suspension or revocation of vending site permit for the enumerated violations);

(e) 24 DCMR §516 (suspension or revocation of Mobile Roadway vending site permit for the enumerated violations);

(e) 24 DCMR § 535.1(vending in an unauthorized roadway vending location);

(f) 24 DCMR § 541.1 (vending from an unauthorized public market);

(g) 24 DCMR § 541.2 (managing a public market without a Class C vending business license);

(h) 24 DCMR § 551.2 (vending after the expiration of a vending business license, vending site permit, or any other required license, permit, certificate or authorization); and

(i) 24 DCMR § 562.3 (alteration, mutilation, forgery, or illegal display of any license, permit, or certificate of authority).

3313.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 24 DCMR §§ 503.3 (a), (j), (k), and (l) (selling animals, offensive merchandise, or counterfeit merchandise);

(b) 24 DCMR § 508.4 (vending at unauthorized vending location);

(c) 24 DCMR § 517.1 (vending without a health inspection certificate issued by the Department of Health);

(d) 24 DCMR § 521.1 (vending without a Department of Health-issued food protection manager certificate or food protection manager identification card);

(e) 24 DCMR § 522.1 (vending without a propane or open flame permit issued by the Fire and Emergency Medical Services Department);

(f) 24 DCMR § 523.1 (vending without a hood suppression system approved by the Fire and Emergency Medical Services Department);

(g) 24 DCMR § 527.1 (vending at unauthorized vending locations in the Old Georgetown vending zone);

(h) 24 DCMR § 533.7 (mobile vending within 500 feet of designated MRV location);

(i) 24 DCMR § 534.5 (vending in designated MRV location beyond the authorized hours of operation);

(j) 24 DCMR § 538.5 (transfer of sidewalk vending lottery registration or sidewalk vending location assignment);

(k) 24 DCMR § 539.9 (transfer of roadway vending lottery registration or roadway vending location assignment);

(l) 24 DCMR § 540 (mobile vending in an unassigned designated MRV location);

(m) 24 DCMR § 540.5 (transfer of designated MRV location permit assignments, without approval);

(n) 24 DCMR § 538.1 (vending in unassigned vending location);

(o) 24 DCMR § 543 (ice cream vendor remaining in one place longer than necessary to make a sale after being approached or stopped for that purpose)

(p) 24 DCMR § 556.1 (vending without fire extinguisher);

(q) 24 DCMR § 556.2 (failure to adhere to propane operating standards);

(r) 24 DCMR § 562.6 (failure to provide license, permits, or certificates to authorized District government representative);

(s) 24 DCMR §§ 562.4 and 562.5 (vending license, permits, or certificates placed on an unauthorized vending vehicle, cart, or stand);

(t) 24 DCMR § 563.1 (failure of vending vehicle or cart to be registered and displaying current tags);

(u) 24 DCMR § 571.2 (failure of vendor vending at licensed special event to comply with business registration and license requirements);

(v) 24 DCMR § 573 (unauthorized soliciting);

(w) 24 DCMR § 573.6 (buying or selling tickets in an area not designated for that purpose); and

(x) 24 DCMR § 574 (vending depot operating requirements).

3313.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 24 DCMR § 552.1 (vending beyond the authorized hours of operation);

(b) 24 DCMR § 557.1 (vending while creating a noise disturbance); and

(c) 24 DCMR §§ 564.1, 564.3, 564.4, and 564.7 (failure to adhere to vendor employee operating requirements).

3313.4 Violation of any of the following provisions shall be a Class 5 infraction:

(a) 24 DCMR § 503.2 (vending items not authorized under the vending business license class);

(b) 24 DCMR § 525.1(d) (vending at unauthorized locations in the central vending zone);

(c) 24 DCMR § 525.1(e) (vending at unauthorized locations outside the central vending zone);

(d) 24 DCMR § 525.1(f) (vending at unauthorized vending locations);

(e) 24 DCMR § 545 (failure to adhere to vending cart design standards);

(f) 24 DCMR § 546 (failure to adhere to vending vehicle design standards);

(g) 24 DCMR § 5547 (failure to adhere to vending stand design standards);

(h) 24 DCMR §548 (failure to adhere to food vending cart or vehicle design standards);

(i) 24 DCMR § 549 (failure to adhere to advertising design standards);

(j) 24 DCMR § 551.3 (vending while violating traffic or parking restrictions);

(k) 24 DCMR §§ 553.2, 553.3, and 553.4 (placement of vending vehicles, carts, or stands);

(l) 24 DCMR § 554 (placement of equipment and related items);

(m) 24 DCMR § 562.1 (failure to conspicuously display all vending-related licenses, permits, and other certificates);

(n) 24 DCMR § 565.1 (vending while failing to maintain vending location free from litter);

(o) 24 DCMR §§ 560, 561, 562, and 563 (failure to adhere to mobile roadway vehicle operating standards);

(p) 24 DCMR § 567 (purchase or receipt of stock in public space)

(q) 24 DCMR § 569.1 (failure to provide updated information);

(r) 24 DCMR § 572 (failure to adhere to street photography operating standards); and

(s) Any provision of the vending business license regulations promulgated pursuant to the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; 56 DCR 6619), which is not cited elsewhere in this section.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at DCVendingRegs@dc.gov, not later than twenty-one (21) days after publication of this notice in the *D.C. Register*. All comments submitted in response to the Fourth Notice of Proposed Rulemaking (60 DCR 2869) will be added to the record of comments submitted in response to this Corrected Notice. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar ($1) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at http://dcra.dc.gov by going to the "Featured News" section on the main page.