

TRANSMITTAL MEMO

TO: Bernard "Jack" Young, City Council President
FROM: Peter Little, Executive Director
DATE: January 30, 2014
RE: City Council Bill 14-0305



PARKING
OF BALTIMORE CITY
AUTHORITY

I am herein reporting on City Council Bill 14-0305 introduced by Council President Young at the request of the Administration (Department of General Services).

The purpose of this bill is to transfer the powers of the Board of Licenses for Street Vendors to the Department of General Services; establishing a Street Vendors Advisory Board; modifying the provisions governing the classifications, issuance, terms, and renewal of licenses for street vendors; providing for all license and other fees to be set by the Board of Estimates; prohibiting the operation of mobile vendors outside of certain designated zones; providing for the designation and classification of mobile vending zones; placing a restriction on the maximum length of vehicles used by mobile vendors after certain dates; modifying the prohibitions on the operation of street vendors in residential areas, near schools, and near retail establishments selling similar products; allowing for the inclusion of certain mobile vendors near or in farmers' markets; prohibiting the operation of mobile vendors during certain hours; prohibiting the operation of street vendors near City markets; requiring certain mobile vendors to keep detailed logbooks; prohibiting parking to private vehicles in mobile vending zones; prohibiting smoking in mobile vending vehicles; defining certain terms; creating certain exceptions; setting certain penalties; authorizing Special Parking Enforcement Officers to issue environmental citations for violations of the laws, rules, and regulations governing street vendors; correcting and clarifying related provisions; providing for a special effective date; and generally relating to the licensing and regulation of street vendors.

Mobile Food Vendors (aka Food Trucks) have grown in popularity in the city to the extent that if left unregulated will create negative impacts to public health, traffic, and on-street parking supply. The Baltimore City Parking Authority (PABC) is pleased that the Department of General Services has recognized this issue and has undertaken needed steps to legislate mobile food vending practices, as well as updating regulations association with street vending in general.

The Baltimore City Parking Authority has reviewed the proposed legislation and, although we are in favor of its intent, we cannot fully support the bill as written. The following are general concerns and recommendations to the bill:



F/A

Person

PABC recommends that, wherever necessary, capitalize "Person" to encompass the full definition and not otherwise exclude businesses entities.

Vehicle

The definition of vehicle should address those vehicles that may be a combination of a main vehicle and any attachments that are used, such as generators or hitches. Such attachments affect the overall linear curb length utilized by the vendor. The Parking Authority recommends including any combination of vehicles listed in §17-5 (K)(1-3) that operate in unison under a single street vendor; and any combination of primary vehicle and associated or supportive attachment, extensions, or containers.

§17-5 Mobile Vending Zones

PABC recommends that the bill state:

- That the Department of General Services retains the right to relocate Mobile Vending Zones at any time due to emergencies.
- That the Department of General Services has the right to rescind any Mobile Vending Zone, either due to abuse for the use of the space, or for the convenience of City operations.
- A maximum linear curb length that the City will provide for a Mobile Vending Zone.

§17-10 Board Established

PABC requests that the Board also include a designee from our agency. As the organization assigned the responsibility of managing most of the City's on-street parking resources, PABC believes that it would be beneficial to the City for a representative from our agency to be involved in decisions made by the Board.

Part III. Licensing

We recommend a section as follows:

Qualifications

(a) In general

To qualify for a street vendor license, an applicant must meet the requirements of this section.

(b) Prior infractions.

Neither the applicant nor any of the applicant's employees or other agents may have committed an act or omission with the preceding 12 months that, under Part IV of this subtitle, is cause for the denial, suspension, or revocation of a street vendor license.

(c) The applicant must have and maintain liability insurance coverage

§17-16 Classes and scope of licenses

The PABC recommends that the dimensions of containers and vehicles be considered for each class of license.

We also recommend that this section state that the licenses are non-transferrable.

§17-18 Applications

PABC recommends that a required application fee remain in the legislation and should cover the costs to the City for the distribution and evaluation of application; monitoring the use of the spaces; and investigations into complaints.

Contents

PABC recommends that the contents required also include information pertaining to the applicant's liability and qualifications. The required contents are not sufficient enough to address the applicant's liability and qualifications. The following details are recommended:

- the applicant's FULL LEGAL name and any trade name(s) under which it operates;
- the street address, telephone number, and email address of the applicant's principal place of business, any other places of business in the City, and other Person involved with the business that has the power to direct management decisions.
- proof of liability insurance and, if operating a motorized vehicle, automotive insurance;
- license plate number
- For mobile vendors, certification that the vehicle has passed all state required inspections
- Make, model, year, and dimensions of vehicle.

Verification

To better hold the principals of the company liable, it is recommended the applications be signed...

If sole proprietorship, by its owner; if for a partnership, by an authorized partner; and if for a corporation, limited liability company, or similar entity, by an authorized officer.

§17-20 Temporary Licenses

The Parking Authority recommends that a fee be associated with temporary licenses and that a limit be set to the number of renewals within a given period

§17-24 Vendor Identification-In general

To prevent identification badges from being transferred between vehicles, it is recommended that a description of the vehicle, to which the license is issued, also be included on the badge.

It is also recommended that Part III include the Department of General Services' duties with regard to the issuance of licenses and the maintenance of a list of current licensees that is shared with the Department of Transportation.

Part IV Prohibited Conduct

It is recommended that "licensed" precede any reference to a mobile vendor within this part.

The Parking Authority also recommends that a section be added that would prohibit mobile vendors from idling or cruising as they attempt to acquire a location for business.

Part V Penalties; Enforcement

It is recommended that this section address the procedures for the possibility of 3rd party complaints and grievances.

The Parking Authority appreciates the opportunity to comment on this legislation. We support passage of this legislation if the items noted above can be addressed.