


F R O M	NAME & TITLE	William M. Johnson, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 14-0305		

TO

The Honorable President and Members
of the City Council
c/o Karen Randle
Room 400 City Hall

February 14, 2014

I am herein reporting on City Council Bill 14-0305, Mobile and Other Street Vendors – Licensing and Regulation, for transferring the powers of the Board of Licenses for Street Vendors to the Department of General Services (DGS); 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 of 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.

The Department of Transportation (DOT) supports this bill. DOT respectfully requests the following amendments.

1. On page 4, line 16, strike “motor.”
 - a. This clarifying amendment is proposed because the definition for “vehicle” offered in § 17-1(K) includes motor vehicles, among other vehicles. This amendment is suggested assuming that the intent of the “mobile vendor” definition is to include any vehicle that sells, distributes or offers to sell or distribute food products, merchandises or services under the definition of “mobile vendor.”

2. On page 5, line 19, strike “or;” and add:

“(3) ANY BICYCLE; OR”

On page 5, line 20, strike “3” and add “4”.

 - a. This amendment is offered because it is assumed that the intent is to include bicycles.

3. On page 10, line 4, after “conveyance,” add:

“APPURTENANCES INCLUDING BUT NOT LIMITED TO SIGNS, TABLES, CHAIRS, OR DECORATIONS,”

- a. This amendment is intended to permit DGS to regulate the size, shape, design and dimensions of any appurtenance that a mobile vendor may place in the public right of way, such as tables, chairs, inflatable palm trees, tall inflatable flailing tube men, etc. Regulating or prohibiting appurtenances in the right of way may become necessary for ADA compliance, among other considerations.
4. On page 10, line 7, after “vehicle,” add: “, TRAILER, OR COMBINATION OF VEHICLE AND TRAILER”
 - a. This amendment is intended to authorize DGS to regulate food truck-trailer combinations that are unduly long.
 5. On page 22, strike lines 19-21.
 6. On page 23, strike lines 21-28.
 - a. Amendments 5 and 6 strike the language allowing Special Parking Enforcement Officers, or Parking Control Agents (PCAs) to serve as Code Enforcement Officers and issue environmental and civil citations. PCAs are not authorized, trained or equipped to issue environmental or civil citations. PCAs are authorized under Public Local Law § 16-16B only to “enforce parking ordinances, laws and regulations.” The provisions in this bill that PCAs would enforce include § 6-17.1(B) (“no person may park a vehicle in a mobile vending zone... unless the person has been issued, and is displaying, a valid mobile vendor’s license); and a violation of a posted sign (e.g., a food truck operating in a Mobile Vending Zone outside of the posted permitted hours). Under the Public Local Law, PCAs cannot issue a citation to a food truck for a violation concerning food or other service delivery; PCAs can only enforce parking laws. Since parking violations are generally misdemeanor criminal offenses and adjudicated in District Court, not the Environmental Control Board, there is no reason for PCAs to have authority to issue environmental or civil citations.

Thank you for this bill and opportunity to comment.

Respectfully,



William M. Johnson
Director

WMJ/BZ