

# JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

**James Kraft, Chair**

**NOTE:** *This table of proposed amendments is NOT final. The Judiciary and Legislative Investigations Committee intends to consider these proposals at the April 29, 2014 work session for City Council Bill 14-0305. Constituents are encouraged to attend the work session to be held at 9:30 am in the City Council Chambers and/or submit amendments to be considered by the committee to [Marguerite.Murray@baltimorecity.gov](mailto:Marguerite.Murray@baltimorecity.gov).*

| No. | Amendment   | Response | Author              |
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| 1   | (page 4, ll. 12-17) amend to [delete]:<br><br>(F) Mobile Vendor<br><br>(1) In general.<br><br>“Mobile vendor” means any person that sell, distributes, or offers to sell or distribute food products, other merchandise [of any kind], or services [of any kind] from a motor vehicle on City streets or private property within the City of Baltimore. |          | Councilwoman Clarke |

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| 2 | <p>Page 4 line 16 strike “motor” 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 food products, merchandise or services under the definition of mobile vendor.</p> | <p>This assumption does not reflect our intent. We plan to treat motor truck peddlers—commonly referred to as food trucks or motor truck peddlers—differently than we do other vendors who may be mobile. For example we do not intend to treat the vendor who has a horse drawn cart or bicycle and wagon the same as we would treat a sandwich truck.</p> | DOT                 |
| 3 | <p>(page 4, after line 19)<br/><br/>(2)Exclusions.<br/><br/>“Mobile vendor” does not include an ice cream truck <u>or horse-drawn vehicle.</u></p>  |   | Councilwoman Clarke |
| 4 | <p>page 5 line 15 delete the words “of any kind”</p>  |   | Councilwoman Clarke |
| 5 | <p>Page 5 line 18 delete “(1) any animal-drawn wagon”</p>   |   | Councilwoman Clarke |
| 6 | <p>Page 5 line 19, strike “or” and add: <u>any bicycle; or</u></p>  |   | DOT                 |

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| 7 | <p>(page 6, ll. 2 - 8)</p> <p>(a) DEPARTMENT may adopt.</p> <p>Amend to <u>add</u> (page 6, before line 4):</p> <p><u>After a public hearing for mobile vendors and affected business and neighborhood organizations, [T] the</u><br/> ...DEPARTMENT may adopt <u>the proposed</u> rules and regulations subject to this hearing, <u>including agreed upon amendments</u>, to carry out this subtitle.</p> | <p>The “affected businesses or neighborhood organizations” are still unknown because no spots have yet been determined for us to know what the affected areas are. The department will work with the public on the rules and regs once a draft is completed. There are also posting and public comment period requirements. If this does not satisfy, the department recommends the language proposed below in amendment 8.</p>   | Councilwoman Clarke |
| 8 | <p>Page 6 lines 7—8 add language so that the section reads “<u>and posted on the City’s website</u>” before [they] <u>this ordinance</u> takes effect.</p>   | <p>this is standard language for Legislative reference concerning every rule and regulation in the Code.</p> <p>in addition, amend section 17--4 after line 5 to read:</p> <p><u>(b) Public notice and comment.</u><br/> <u>The Director must first publish the proposed rules and regulations and provide adequate public notice and opportunity for public comment.</u></p> <p><u>(c) Filing with Legislative Reference.</u><br/> <u>A copy of all rules and regulations adopted by the Director under this subtitle must be filed with the Department of Legislative</u></p> | Councilwoman Clarke |

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|   |  | <u>Reference at least 30 days before they take effect.</u>   |                     |
| 9 | (page 6, after line 14)<br>Amend to <u>add</u> :<br><br><u>(b) No Mobile Vending Zone may be located within the minimum distances required of individual vendors in Article 15. Subtitle 17.</u> | This would reverse the language that would give the City the flexibility, if it needed it, to place a mobile vending zone in an area that could potentially be within 300 feet of a restaurant. While it is likely that the overwhelming majority of City neighborhoods and business areas would be opposed to establishment of an operating space less than 300 feet from a particular restaurant, there are locations where, after public notice and discussion, may work. The proposed amendment would eliminate those opportunities. Because we do not know the location of these zones today taking away the possibility of this flexibility could be problematic. We will have to strike a balance and find a workable compromise through dialogue with stakeholders. The community engagement process of establishing operating zones and engaging community and business stakeholders—like is done with zipcar—will address which spaces can be established with support or limited impact and which spaces are not feasible. The amendment would strip us of flexibility and therefore we cannot accept it. | Councilwoman Clarke |

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| 10 | (page 6 after line 14) Amend to add:<br>(C) <u>No Mobile Vendor Zone may be located closer than the minimum distance from schools as provided in 17-38.</u>  |  | Councilwoman Clarke |
| 11 | (page 6, ll. 9-29 and page 7, ll.1-3)<br><br>Amend to <u>add</u> or delete (page 6, ll. 12-13)<br><br>(1) In general<br>At the Department's request [,] <u>and after public notice to affected business and neighborhood organizations,</u> the Director of Transportation may designate spaces on City streets or other public property as "Mobile Vending Zones" for the exclusive use of Mobile Vendors <u>during designated hours.</u> |  | Councilwoman Clarke |
| 12 | Page 6 section 17-5 line 14. Add (2) <u>The Department of General Services retains the right to relocate mobile vending zones at any time due to emergencies.</u>  | revise to " <u>The Department of General Services retains the right to temporarily relocate or suspend mobile vending zones at any time due to emergencies or to further public safety, public health interests or for City operations where required.</u> " | Parking Authority   |

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| 13 | <p>Page 6 section 17-5 line 14 add <u>(3) The Department of General Services may rescind any Mobile Vending Zone, either due to abuse of the use of space or for the convenience of City operations.</u></p>  |  | Parking Authority   |
| 14 | <p>(2)Required considerations.</p> <p>Amend to <u>add</u> (page 6, line 22):</p> <p>(IV) [ area businesses] <u>the concerns after public notice and hearing of affected businesses, residents, and the business and neighborhood organizations representing them.</u></p> | <p>The spirit of this amendment and language we support. It is for this reason that we included, at the Law Department’s recommendation, the “required considerations” section to explain in the bill how we would use this power and to spell out the process to show that there are required standards and considerations in establishing operating spaces. More specifically, this is why we included the last required consideration—“area businesses.” The City is justified in its actions and use of these powers if it there is an expressed public safety interest. We are using this language but certainly in the language included in the bill which currently reads that in determining where to establish zones the City “must include an assessment of the zones potential impact on ...area businesses” believe this language goes far enough to address any concern. the City could be sued if we were using this authority to establish or deny spaces based on the desire to protect existing businesses. A number of Cities have already been sued for this. we are on the same page</p> | Councilwoman Clarke |

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|    |   | with regard to intent. If this does not satisfy and an amendment is necessary here, we recommend adding the words “residents and” to (page 6 (2) line 22 so that it reads “ <u>AREA RESIDENTS AND BUSINESSES</u> ”  |  |
| 15 | Amend to [delete] (page 6, ll. 23-25)<br>Time-limited zones.<br><br>The mobile vending zones designated under this section may be set aside for the use of mobile vendors [at all times or] for limited times, dates, and days.                                       | should read delete “limited” on line 25 and add “ <u>specified</u> ”  | Councilwoman Clarke                          |
| 16 | Page 7 after lines 1—3 add: “ <u>and (1) are subject to public hearing before adoption and before any subsequent adoption of proposed Mobile Vending Zones which are subject to written protest.</u> ”  | the rules and regulations are already subject to public notice and comment as agreed to in previous amendment 8 on page 6.  | Councilwoman Clarke                          |
| 17 | page 7 section 17-5 (D) revise line 3 to add the words “ <u>AND TIMELINE</u> ” so that the section reads “ The rules and regulations under this subtitle must establish a process <u>AND TIMELINE</u> for requesting, establishing and removing mobile vending zones. | This amendment reflects the understanding of the Mobile Vendors association that there will be an opportunity to provide input on rules and regulations before the bill is implemented and their desire that the rules and regs address timing of establishing zones. | The Maryland Mobile Food Vendors Association |

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| 18 | Page 7 section 17-10 line 25 add<br><u>Parking Authority of Baltimore City</u>  |  | Parking Authority   |
| 19 | 17-16. Classes and scope of licenses.<br><br>Amend to <u>add</u> (page 9, line 3):<br><br><u>Before adopting [In] its proposed rules and regulations for review by affected businesses, residents, and the organizations representing them, the DEPARTMENT [MAY] SHALL:</u> | This is addressed in the amendment 8 on page 6 of the bill on rules, regs and public comment.<br><br>We incorporated the following 3 actions regarding the rules and regs: 1) to amend the bill to delay the effective date until the rules and regs are filed with Legislative Reference, 2) to amend the section on rules and regs with language consistent with that used for the establishment of rules and regs for stormwater fees, and 3) a public comment period on the rules and regs | Councilwoman Clarke |
| 20 | Page 9 section 17-16 line 2 add<br><br><u>(Licenses Not Transferable) License are non-transferable</u>  |  | Parking Authority   |
| 21 | (b) Required considerations<br><br>Amend to <u>add</u> and delete (page 9, ll. 20 & 21):<br><br>(1) the proximity to a proposed vending location or area <u>and the concerns</u> of schools, religious institutions, parks, [and] residences [;]                            | on line 24 after “the public” add “ <u>and related comment and feedback from area schools, businesses, institutions and residents.</u> ”   | Councilwoman Clarke |



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|    | <u>, businesses and the organizations representing them.</u>  |  |                              |
| 22 | Page 10 line 4 , after “conveyance” add: <u>“appurtenances including but not limited to signs, tables, chairs or decorations</u>  | delete “decorations”   | Department of Transportation |
| 23 | Page 10 line 7 after “vehicle” add “trailer or combination of vehicle and trailer”  | Rewrite page 10 section 17-17 (b) (2) to read: “The Department may not issue a new or renewal license for a mobile vendor to operate out of any vehicle <u>whose total operating space, including generator, hitch, trailer or other vehicle attachment exceeds 25 feet in length.</u> “ | Department of Transportation |
| 24 | Page 10 section 17-18 line 12—14 retain this language so that the fee mechanism remains set by legislation  | These fees should be set by the Board of Estimates   | Parking Authority            |
| 25 | Page 10 section 17-18 line 17 add:<br><u>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 applicants 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</u> | item (b) (6) addresses this and gives the authority to incorporate any information required by the department on its application.<br><br>These more detailed application requirements we will address administratively in establishing the required information for applicants.          | Parking Authority            |

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|    | <p><u>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</u></p>   |  |                   |
| 26 | <p>Page 10 section 17-18 (c ) Verification line 26, add <u>“Applications must be signed. If the applicant organization is a sole proprietorship it must be signed by the owner; if for a partnership it must be signed by an authorized partner; and if for a corporation, limited liability company or similar entity, it must be signed by an authorized officer.”</u></p>                                 |  | Parking Authority |
| 27 | <p>Page 10. Add a section which reads <u>“Qualifications (a) In general To qualify for a street vendor license, an applicant must meet the requirements of this section. (b) Prior infractions</u></p> <p><u>Neither the applicant nor any of the applicant’s employees or other agents may have committed and act or omission with the preceding 12 months that, under Part IV of this subtitle, is</u></p> | <p>Insurances such as maintenance of liability insurance coverage will be addressed in rules and regulations and application form and requirements. We support the intent.</p> | Parking Authority |

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|    | <p><u>cause for the denial, suspension, or revocation of a street vendor license.</u></p> <p><u>(c) The applicant must have and maintain liability insurance coverage.</u></p>  |   |                     |
| 28 | <p>17-20. Temporary licenses.</p> <p>Amend to <u>add</u> and [delete] (page 11, ll. 17 &amp; 18 and after line 18):</p> <p>(2) A temporary license may be renewed for ... 1 [or more additional] 4-day period[s] and payment of an additional license fee for [each] <u>the</u> renewal period.</p> | <p>This amendment would hamper the ability for the department to renew a temporary license. This is problematic for two reasons: 1) temporary licenses are not currently a problem and we have seen no evidence that we should anticipate this presenting problems—this is not the issue with food trucks in the city and, 2) these temporary licenses are for charitable, civic or educational activities, not operating business licenses of food trucks. The urge to restrict the department’s ability to issue a renewal license for charitable or civic activities is unclear.</p> | Councilwoman Clarke |
| 29 | <p>17-20. Temporary licenses.</p> <p>(page 11, after line 18)</p> <p><u>(3) Additional renewal periods require approval by the Director after consultation with affected businesses, residents, and organizations representing them.</u></p>  | <p>This proposed language would force the Director of the Department (not his designee but the director himself) to issue any renewal for a civic or charitable) and it injects business associations, residents and other undefined groups as a formal part of the review and approval process for the renewal of a civic or charitable activity in the right of way. This should not be codified. It is unclear who would monitor this or what penalties apply to</p>   | Councilwoman Clarke |

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|    |  | violation of this rule.   |                                   |
| 30 | page 12 Section 17-24 include a description of the vehicle to which the license is issued, on the badge  | This is an operational detail about which we have been engaging different agencies and cities about the most effective way to issue vendor license identification.  | Parking Authority                 |
| 31 | page 12 Section 17-24 add <u>“the Department of General Services shall be responsible for the maintenance of a list of current licenses and that list shall be shared with the Department of Transportation”</u> | should read “The Department of General Services shall be responsible for maintaining a list of current licenses.”   | Parking Authority                 |
| xx |  | Advise Chair of need, when we get to page 22, of need to go back to pages 14, 15, 16 on prohibited conduct as related to parking enforcement  |                                   |
| 32 | on page 14 section 17-28 lines 11--21<br>on line 11 amend to insert <u>“street vendors and”</u> before Ice Cream Trucks<br>on line 13 insert <u>“street vendor nor”</u> before Ice Cream Truck                   | This amendment is required to support a system that would allow mobile vendors to operate outside of mobile vending zones but with distance restrictions. It returns the original neighborhood protections. | DGS                               |
| 33 | Page 14 section 17-28 line 15 after the words “ at a given location” add   | after line 17 add   | Tammy Radtke Miss Twist Ice Cream |

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|    | <p><u>“unless serving customers.”</u></p>  | <p><u>“Exception for Ice Cream Trucks”</u></p> <p><u>“No Ice Cream Truck may stand or park his or her vehicle for more than 15 minutes at a given location unless serving immediate customers.”</u></p>  |   |
| 34 | <p>Page 15 section 17-32 lines 17--19 (A) delete and replace with <u>EXCEPT AS LIMITED BY SECTIONS § 17-33(A), § 17-36, § 17-37, § 17-38, and § 17-39 A MOBILE VENDOR MAY SELL ANY LICENSED FOOD PRODUCT, OTHER MERCHANDISE, OR SERVICE FROM A PROPERLY PERMITTED MOTOR VEHICLE WHILE LEGALLY PARKED ON ANY STREET</u></p> | <p><b>On page 15 section 17-32 lines 15--27 delete the entire section.</b></p> <p>This is the industry’s compromise and a reasonable one. Here their position is that they accept the restrictions on 300 foot brick and mortar distance, on the operating hours, on the distance from city markets, on the distance from schools, and on the distance from farmers markets and even on a distance restriction we are offering from any city established designated spots or zones in exchange we want to continue to operate at any meter that does not violate the above distance restrictions. However, in order for this approach to work the prohibited distance from the established zones or spots must be appropriate and the language on enforcement realistic.</p> <p>For these reasons the bill should be amended to make the distance restrictions in blocks rather than feet in a new section on page 17 add <u>“Mobile Vendors Near Mobile Vending</u></p> | <p>The Maryland Mobile Food Vendors Association</p> |

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|    |   | <p><u>Zone” (A) General</u></p> <p><u>A Mobile Vendor may not park a motor vehicle for the purpose of selling any food product, other merchandise or service, within 2 city blocks of a Mobile Vending Zone.</u></p>   |   |
| 35 | <p>Page 15 section 17-32 add</p> <p>Except as limited by sections 17-33 (A), 17-36, 17-37, 17-38 and 17-39 A Mobile Vendor may sell any licensed food product, other merchandise or service from a properly permitted motor vehicle legally parked on any street.</p> | <p>This amendment should be rejected as the language and intent is addressed in amendment by DGS to delete section 17-32 lines 15--27 and the DGS recommended amendment to add on page 17 a section “Mobile Vendors Near Mobile Vending Zone”</p>  | <p>Anthony Richardson,<br/>Iced Gems</p>            |
| 36 | <p><b>17-33. Mobile vendors - „,NEAR retail store.</b></p> <p>Amend to [delete] in its entirety (page 15, ll. 28-33 and page 16, ll. 1-5)</p>   | <p>given the reasonable compromise amendment presented to allow mobile vending zones but place distance restrictions on operating too close to those zones in exchange for not having a zones only approach where established city zones represent the only place where trucks can vend, the distance from brick and mortar establishments must remain in place.</p> | <p>Councilwoman Clarke</p>                          |
| 37 | <p>page 15 section 17-33 line 30--33 and page 16 lines 1--2 delete and replace with:</p>  | <p>The intent of this amendment we agree with. However, because we have addressed it with proposed amendments from DGS on page 17</p>  | <p>The Maryland Mobile Food Vendors Association</p> |

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|    | <p><u>EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A MOBILE VENDOR MAY NOT PARK A MOTOR VEHICLE FOR THE PURPOSE OF SELLING ANY FOOD PRODUCT, OTHER MERCHANDISE, OR SERVICE WITHIN 300 FEET OF A FOOD TRUCK ZONE OR ANY OPEN RETAIL BUSINESS ESTABLISHMENT THAT IS PRIMARILY ENGAGED IN SELLING THE SAME TYPE OF FOOD PRODUCT, OTHER MERCHANDISE, OR SERVICE AS THAT OFFERED BY THE VENDOR.</u></p> | <p>in amendment 39 addressing the distance restriction from mobile vending zones and incorporating this language and intent there, including the amendment proposed by MMFVA would be redundant.</p>   |                      |
| 38 | <p>Page 16 remove section 17-36 and allow DGS to set operational times as part of rules and regulations</p>   |  | Downtown Partnership |
| 39 | <p>on page 17 after line 3, add a section entitled <u>“Mobile Vendors Near Mobile Vending Zone”</u> (A) General</p> <p><u>A Mobile Vendor may not park a motor vehicle within 2 city blocks of a Mobile Vending Zone</u></p>  | <p>This amendment is required to provide an easily enforceable distance restriction from any established mobile vending zone. this is necessary under a system in which designated mobile vending zones are not the only operating locations to which mobile vendors are restricted.</p> | DGS                  |

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| 40 | on page 17 section 17-38 line 7 delete the word “500 feet” and insert “ <u>TWO CITY BLOCKS</u> ”  | supports the establishment of a single enforcement standard to ease enforcement and help eliminate the need to measure out 300 feet in order to carry out enforcement.   | DGS                                      |
| 41 | on page 17 section 17-39 line 16 delete the word “300 feet” and insert “ <u>TWO CITY BLOCKS</u> ”   | Consistent with the desire to standardize and ease enforcement we are recommending changing the distance restriction from 300 feet for farmer’s markets to 2 city blocks. This would continue to allow a food truck to participate as part of a farmers market where invited by and issued written permission by the market organizer but would make the distance restriction for all other mobile vendors a standard and more easily enforceable 2 city blocks. It would help establish a single enforcement standard for the many of the distance restrictions--food truck zone, farmers markets, city markets, schools. | DGS                                      |
| 42 | on page 18 section 17-44. lines 20--22 delete and replace with<br><br><u>(B) MANDATORY REVOCATION. ON A STREET VENDORS 3rd VIOLATION WITHIN 1 YEAR OF ANY PROVISION OF PART IV OF THIS SUBTITLE, THE DEPARTMENT MUST REVOKE THAT STREET VENDORS</u> | This is reasonable. The City retains the right to suspend a license after 1 or 2 violations and the proposed language is more in line with what is originally intended. If the 3 violations happen over the course of 10 years or 15 years the language, if not amended would require the City still to suspend.   | Maryland Mobile Food Vendors Association |



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|    | <u>LICENSE</u>   |   |                     |
| 43 | <p>17-45. Administrative appeals (pp. 18, ll. 26-29 and page 19, ll, 1-10)</p> <p>Propose to amend by <u>adding</u> new paragraph (page 19, after line 10):</p> <p><u>(d) Stay of operations.</u></p> <p><u>The department's issuance of a denial, suspension, or revocation of a license is effective immediately and requires subject operations to cease throughout the appeal process and until such time as the Zoning Board issues a written decision in favor of the appellant.</u></p> |   | Councilwoman Clarke |
| xx |  | Advise Chair of need to go back to pages 14, 15, 16 |                     |

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| 44 | On page 22 strike lines 19—21 | <p>Revise to limit the area of enforcement of Parking Control Agents to the following sections: 17-28 ice cream truck parking on page 14, to section 17-32 on page 15, to section 17-36 on page 16, to section 17-38 on page 17</p> <p>Revise page 15 section 17-32 (a) lines 17—18 to add the language “<u>stop or park for the purpose to</u>” after the words “A mobile vendor may not”</p> <p>Revise page 16 section 17-36 lines 24—25 to add the following language to the end of line 25. “ <u>This includes stopping or parking on public property, any street, any park and within any designated mobile vending zone.</u>”</p> <p>The Parking Control Agents are not intended or expected to issue citations for food license violations. This language in the bill is intended to take advantage of existing parking enforcement resources on the streets because many of the prohibited behaviors under discussion result from the parking location of motor truck vendors. The ability to issue citations for motor truck peddlers parked in a zone without the proper license is akin to the authority to enforce parking restrictions in residential parking permit areas. It is the first of many important steps in establishing enforcement resources for this program that</p> | Department of Transportation |
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|    |  | address the current disjointed nature of enforcement.   |                              |
| 45 | On page 23 strike lines 21—28  |   | Department of Transportation |
| 46 | Amend Section 4 (page 24, ll. 7--8) to <u>add</u> : "... this Ordinance takes effect on the 150 <sup>th</sup> day after the date it is enacted [.]<br><br><u>, or upon the date of posting on the City's website the approved Rules and Regulations pertaining to Article 15, Subtitle 17 in its entirety, whichever date is the latest.</u> | should read<br><br>"this ordinance takes effect on the 150 <sup>th</sup> day after the date it is enacted, <u>or upon the date of posting by Legislative Reference of the Rules and Regulations pertaining to Article 15 Subtitle 17 in its entirety, whichever date is latest.</u> " | Councilwoman Clarke          |