

<b>FROM</b>	NAME & TITLE	Steve Sharkey, Director
	AGENCY NAME & ADDRESS	Department of General Services 800 Abel Wolman Municipal Building
	SUBJECT	<b>CITY COUNCIL BILL 14-0305</b>

CITY of  
**BALTIMORE**  
**MEMO**



**TO**

DATE:

February 6, 2014

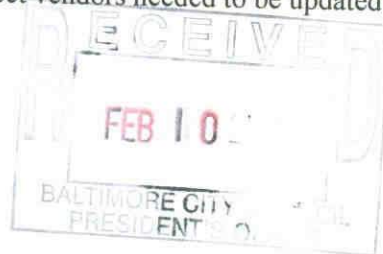
The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 – City Hall

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

The purpose of the Bill is to, among other things, transfer the powers of the Board of Licenses for Street Vendors to the Department of General Services; establish a Street Vendors Advisory Board and its composition; modify certain provisions governing the classifications, issuance, terms and renewal of licenses for street vendors; provide for all licenses and other fees to be set by the Board of Estimates; prohibit the operation of mobile vendors outside of certain designated zones; prohibit the operation of street vendors in certain areas of the City; define certain terms; set certain penalties; authorize Special Parking Enforcement Officers to issue environmental citations for violations of the laws, rules, and regulations of street vendors; provide for a special effective date; and generally relating to the licensing and regulating of street vendors.

The City's power to license, regulate, tax or suppress vending activities is contained in Article II {General Powers} §§ 17 and 23 of the Baltimore City Charter. Article VIII {Franchises} of the Charter governs the use of public spaces for private purposes. Private encroachment into these public areas may be temporary or permanent, stationary or mobile. Authority to use public areas for private purposes is granted by various public entities, including: The Mayor and City Council through ordinances; the Board of Estimates in granting Minor Privilege permits and setting franchise fees; the Board of Licenses for Street Vendors; the Department of Health in issuing food permits; and the State of Maryland in issuing licenses for Foot Peddlers, Traders, Trade Shows and Transient Vendors.

In 2011 the City launched a pilot program designating areas of Downtown where the mobile vending of food, or food trucks, could occur. Food trucks have become a popular means for quickly purchasing food in many cities. This trial period provided the opportunity to test locations, the popularity of these food services, ancillary issues of sanitation and curb space, and the potential for conflicting with or complementing brick and mortar restaurants. The pilot has been very successful with both vendors and customers, and has provided time to learn the practical considerations attendant to this type of mobile food vending. One result of the pilot was the recognition that the licensing of street vendors needed to be updated to accommodate this newer mobile vending business model.



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City Council Bill 14-0305 proposes revisions to Article 15 {Licensing and Regulation} Subtitle 17 of the Baltimore City Code (Edition 2000 as revised) which regulates the licensing of street vending. Ordinance 04-854 was the last time revisions to this section of the Code were considered by the City Council. The intent of this new legislation is to update the framework, operation and licensing performed under the auspices of the Board of Licenses for Street Vendors; improve coordination of rights-of-way usage; ensure adequate resources for licensing, regulating and enforcing street vending activities; and expand the economic opportunities of street vending in a controlled manner.

#### **The Board of Licenses for Street Vendors**

Ordinance 04-854 replaced the Board of Hucksters, Hawkers and Peddlers with the Board of Licenses for Street Vendors, and supplemented the Board with additional members appointed by the Mayor and by the City Council President. Licensure responsibility was expanded to include all of the City rather than just Downtown. Downtown was retained as a distinction for the purposes of various fees for licenses. The responsibility for issuing licenses was transferred from the Director of Finance to the newly created Board.

City Council Bill 14-0305 would change the Board's role to an advisory one, and the composition of the Board would include agencies that have licensure or enforcement roles with street vendors. Staffing and management responsibilities of the Board would shift from the Community Relations Commission to General Services. General Services already has a permitting function for Special Events, administering of the Minor Privilege permits, and preparation of franchise ordinance requests. Restructuring the Board provides the opportunity to better coordinate resources and personnel to carry out some of the management and regulatory components of the licensure. These changes would provide sufficient personnel to staff the Board to better coordinate rights-of-way usage for permits and for street vending licenses. The legislation lays the groundwork for a more simplified enforcement program that would include cross-trained inspectors; however, the changes proposed here, by themselves, may not ensure complete enforcement of vending requirements.

<b>Current Board Composition</b>	<b>Proposed Board Composition</b>
Director, Community Relations Commission	Director of General Services (Chair)
Director of Finance	Health Commissioner
Commissioner of Housing and Community Development	Deputy Director of Code Enforcement
	Police Commissioner
	Director of Recreation and Parks
	Director of Transportation
	President of Downtown Partnership
4 Members appointed by the Mayor	1 Member appointed by the Mayor
2 Members appointed by the Council President	1 Member nominated by the Council President and appointed according to Article IV § 6 of Charter

**Mobile Vendors**

Street vendors sell their wares from a stationary or from a mobile base. The proposed legislation clarifies a mobile vendor to be a person who sells their wares or services from "...a motor vehicle on City streets or private property within the City of Baltimore." Mobile vendors selling food products would be required to keep a detailed log book which must be made available upon request from a City inspector or enforcement officer. Ice cream trucks are a separate category of vendor and not included in the mobile vendor definition.

**Mobile Vending Zones**

At the request of General Services, the Director of Transportation would designate spaces on City streets as Mobile Vending Zones for use by licensed mobile vendors and could be limited by operational times, dates and days. When selecting these zones, the Transportation Director would consider the potential impact on vehicular and pedestrian traffic, ingress and egress of established businesses, parking needs, area businesses, and public safety and health. Street signage would include the hours and times reserved for mobile vendors. These zones would be the only areas where mobile vendors could operate. Mobile Vending Zones would be added to Article 31 {Transit and Traffic} for parking prohibitions and impoundment requirements. These restrictions would not apply to a mobile vendor participating in a farmers market located on public property. Smoking would be prohibited in any vehicle supporting or containing an operating mobile vendor.

General Services understands that, once created, certain Mobile Vending Zones will be more attractive than others due to their location and potential foot traffic. To provide a fair opportunity

to all licensed mobile vendors and to maximize the use of the zones, General Services will establish and publicize regularly scheduled rotations based on a public lottery system-style process. In addition, some zones may be able to accommodate multiple vendors based on intervals between the 6 a.m. and midnight period and the type of food or service vending being offered (e.g. Coffee/pastry vendor in the morning, lunch vendor mid-day, dinner or late snacks in the evening).

#### **Street Vending Requirements**

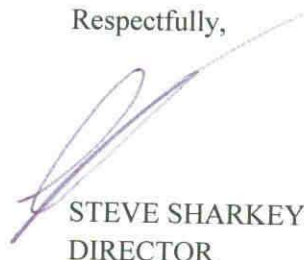
Street vendors would not be allowed to ply their trade between midnight and 6 a.m. unless the vendor is given specific permission to do so under conditions dictated by a Special Event permit. Street vendors would be prohibited from operating within two blocks of a designated City Market, and could not operate within 500 feet of a K-12 public or private school between the hours of 7 a.m. and 5 p.m. on school days. Stationary vendors would request a specific location in the right-of-way from the Board of Licenses for Street Vendors that would be approved or denied based on established criteria.

#### **Enforcement**

Violations of the Street Vendors Subtitle may be cited by Special Parking Enforcement Officers (parking violations), by General Services and Health inspectors through environmental citations, or by civil citations.

The Department of General Services believes that the provisions contained in City Council Bill 14-0305 will allow for an expanded and fair opportunity for Street Vendors and for new Mobile Vendors to receive licensure and to ply their trade. Vending businesses have the ability to start on a small scale and grow to multiple locations or to become brick and mortar businesses, offering local employment opportunities. Mobile vending can reach communities that may not have ready access to fresh food or easy transportation options to areas with food options. These vendors are not limited to just food delivery, but other community services as well. It is for these reasons that the Department of General Services supports passage of City Council Bill 14-0305.

Respectfully,



STEVE SHARKEY  
DIRECTOR