

A RESOLUTION

20-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 18, 2013

To declare the existence of an emergency with respect to the need to approve the remaining proposed regulations for vendors that were transmitted by the Mayor on March 8, 2013, along with the Vending Business License Regulation Resolution of 2013 (PR 20-125).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Vending Regulation Approval Emergency Declaration Resolution of 2013”.

Sec. 2. The Council of the District of Columbia finds that:

(1) In 2009, the Council passed the Vending Regulation Act of 2009, which authorized the Mayor to regulate vending in the District but required the proposed rules be submitted for Council review.

(2) The fourth proposed rulemaking, PR 20-0125, the Vending Business License Regulation Resolution of 2013, was introduced in the Office of the Secretary by Chairman Mendelson at the request of the Mayor on March 8, 2013.

(3) The Committee on Business, Consumer and Regulatory Affairs held a public roundtable on PR 20-0125 on May 10, 2013, at which time it became clear that the Department of Consumer and Regulatory Affairs had delayed enforcing the outdated laws during the 4-year long rulemaking process in anticipation of the new regulations.

(4) On June 4, 2013, the Council passed the Vending Regulation Emergency Amendment Act of 2013 (Bill 20-306), which approved certain uncontroversial sections of the proposed rules transmitted by the Mayor on March 8, 2013 and published at 60 DCR 2869, but did not approve the proposed rules for Mobile Roadway Vendors.

(5) Pursuant to section 11 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.10); D.C. Official Code § 47-2851.04(c)(1)); and section 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 § 2-1801.05), the remaining proposed rules transmitted by the Mayor will be deemed disapproved on June 22, 2013 if the Council does not act before that time, leaving Mobile Roadway Vendors without a regulatory structure.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Vending Regulation Emergency Approval Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.