

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 37.**  
**WEIGHTS, MEASURES, AND MARKETS.**

**CHAPTER 1A.**  
**VENDING REGULATION.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 1A. VENDING REGULATION.**

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**TABLE OF CONTENTS**

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[§ 37-131.01. Definitions.](#)

[§ 37-131.02. Vending from public space.](#)

[§ 37-131.03. Vending locations.](#)

[§ 37-131.04. Assignment of vending locations.](#)

[§ 37-131.05. Vending development zones.](#)

[§ 37-131.06. Public markets.](#)

[§ 37-131.07. Fees and funding.](#)

[§ 37-131.08. Penalties.](#)

[§ 37-131.09. Establishment of the Citywide Vending Task Force.](#)

[§ 37-131.10. Rules.](#)

# CHAPTER 1A. VENDING REGULATION.

## § 37-131.01. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Fund" means the Vending Regulation Fund established by § 37-131.07(b).
- (2) "Public market" means a vending operation that takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, or services provided onsite, which vending operation includes a farmers market, flea market, or antique market.
- (3) "Vending locations" means the specific locations designated by the Mayor on sidewalks, roadways, and other public space at which a person may vend.
- (4) "Vending site permit" means a permit or other authorization issued by the Mayor for a vending location.

(Oct. 22, 2009, D.C. Law 18-71, § 2, 56 DCR 6619.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Amendments of Section*

Section 2(a) of D.C. Law 19-144 added pars. (1A) and (2A) to read as follows:

"(1A) 'Healthy food vendor' means a vendor that sells only unprocessed, unfrozen, whole, raw fruits and vegetables that have not been combined with other ingredients; provided, that the Mayor, by rule, may expand this definition to include other healthy food items."

"(2A) 'Underserved area' means a historically underutilized business zone, as defined by section 3(p)(1) of the Small Business Act, approved July 18, 1958 (72 Stat. 384; 15 U.S.C. § 632(p)(1))."

Section 5(b) of D.C. Law 19-144 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

For temporary (90 day) amendment of section, see § 2(a) of Fresh Healthy Mobile Cart Vending Pilot in Underserved Areas Emergency Amendment Act of 2012 (D.C. Act 19-325, March 18, 2012, 59 DCR 2261).

#### *Legislative History of Laws*

Law 18-71, the "Vending Regulation Act of 2009", as introduced in Council and assigned Bill No. 18-257, which was referred to the Committee on Public Services and Consumer Affairs. The bill was adopted on first and second readings on June 30, 2009, and July 14, 2009, respectively. Signed by the Mayor on July 28, 2009, it was assigned Act No. 18-167 and transmitted to both Houses of Congress for its review. D.C. Law 18-71 became effective on October 22, 2009.

#### *Delegation of Authority*

Transfer of Authority for Vending Regulation, see Mayor's Order 2009-106, June 16, 2009, (56 DCR 6853).

## § 37-131.02. VENDING FROM PUBLIC SPACE.

(a) Except as set forth in subsection (b) of this section, a person shall not vend from a sidewalk, roadway, or other public space unless the person holds:

- (1) A basic business license properly endorsed as provided in subsection (c) of this section;

- (2) A vending site permit, or other authorization issued by the Mayor, setting forth the specific location on public space from which the person may vend; and
  - (3) Such other licenses, permits, and authorizations that the Mayor may require by rule.
- (b) The Mayor may authorize the following persons to vend from public space without a basic business license or vending site permit:
- (1) An employee or youth assistant of a licensed vendor;
  - (2) A person vending at a licensed special event; and
  - (3) A person vending at a public market that has been issued a valid permit by the Mayor.
- (c)(1) An endorsement to vend food pursuant to this chapter shall be issued as a Food Establishments: Retail endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.
- (2) An endorsement to vend merchandise or engage in street photography pursuant to this chapter shall be issued as a General Sales endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(Oct. 22, 2009, D.C. Law 18-71, § 3, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

##### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

##### *Delegation of Authority*

Delegation of Authority Pursuant to the Vending Regulation Act of 2009, see Mayor's Order 2010-91, June 4, 2010 (57 DCR 4911).

## **§ 37-131.03. VENDING LOCATIONS.**

- (a) The Mayor shall designate the specific vending locations on sidewalks, roadways, and other public spaces where a person may vend.
- (b) A person shall not vend from a location on a sidewalk, roadway, or other public space other than a vending location designated by the Mayor unless the person is vending at a special event or public market that has been issued a valid license or permit by the Mayor; provided, that notwithstanding any other provision of this chapter, vending locations established pursuant to section 6(c-1)(3) of the Vending Regulation Temporary Act of 2008, effective June 5, 2008 (D.C. Law 17-172; 55 DCR 9144), and the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), shall remain designated vending locations unless:
  - (1) The space is to be used for a public purpose, including a roadway or public transportation needs, or to protect public safety; or
  - (2) The use of the real property in the immediate vicinity of the vending location changes and the Mayor determines, in his or her reasonable discretion, that the vending location is incompatible with such use.
- (c) No more than 350 vending locations shall be established in Ward 2 at any time; provided, that vending locations on the National Mall shall not be included in this limitation.
- (d) An authorization from the Mayor shall not be required for vending activities subject to § 5-331.05(h).

(Oct. 22, 2009, D.C. Law 18-71, § 4, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Amendments of Section*

Section 2(b) of D.C. Law 19-144, in subsec. (c), substituted "provided, that vending locations on the National Mall and healthy food vendors located in underserved areas shall not be included in this limitation" for

"provided, that vending locations on the National Mall shall not be included in this limitation".

Section 5(b) of D.C. Law 19-144 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

For temporary (90 day) amendment of section, see § 2(b) of Fresh Healthy Mobile Cart Vending Pilot in Underserved Areas Emergency Amendment Act of 2012 (D.C. Act 19-325, March 18, 2012, 59 DCR 2261).

#### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

#### *Delegation of Authority*

Delegation of Authority Pursuant to the Vending Regulation Act of 2009, see Mayor's Order 2010-91, June 4, 2010 (57 DCR 4911).

### **§ 37-131.04. ASSIGNMENT OF VENDING LOCATIONS.**

(a) A vendor shall not vend from a vending location without first obtaining a vending site permit from the Mayor.

(b) Vending locations shall be assigned by lotteries conducted by the Mayor, unless:

(1) The Mayor establishes an alternate means of assignment by rule;

(2) The vending location is located in a vending development zone, in which case the vending location may be assigned by lottery or such other means as may be established for the vending development zone; or

(3)(A) The vending location was permitted pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), and was assigned to an existing, licensed vendor.

(B) A vending location identified in subparagraph (A) of this paragraph shall remain assigned to the existing, licensed vendor; provided, that the vendor's license status remains in effect and in good standing.

(c) Vendors who are licensed as of October 22, 2009, and had been, at any time, assigned a vending location pursuant to section 6(c-1)(3) of the Vending Regulation Temporary Act of 2008, effective June 5, 2008 (D.C. Law 17-172; 55 DCR 5377), shall be given a preference in lotteries conducted by the Mayor for assigning those vending locations. The lotteries shall be conducted monthly or on an alternative schedule as determined by the Mayor.

(d) Notwithstanding any provision of this section, a vending site permit shall constitute a revocable license and a vendor shall not acquire a property interest in the vending site permit.

(Oct. 22, 2009, D.C. Law 18-71, § 5, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Amendments of Section*

Section 2(c) of D.C. Law 19-144 added subsec. (b-1) to read as follows:

"(b-1) Notwithstanding subsection (b) of this section, the Mayor may issue up to 15 vending site permits to healthy food vendors located in underserved areas; provided, that if a vendor receiving a vending site permit ceases to be a healthy food vendor, the Mayor shall revoke the permit. "

Section 5(b) of D.C. Law 19-144 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

For temporary (90 day) amendment of section, see § 2(c) of Fresh Healthy Mobile Cart Vending Pilot in Underserved Areas Emergency Amendment Act of 2012 (D.C. Act 19-325, March 18, 2012, 59 DCR 2261).

*Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.05. VENDING DEVELOPMENT ZONES.**

The Mayor may establish vending development zones, upon application and after public notice, in which the Mayor may waive the regulatory provisions, such as the design standards, the standards for designation of vending locations, and the procedure for assigning vending locations, otherwise applicable to vendors; provided, that the Mayor shall establish, by rule, a procedure for reviewing applications for the establishment of a vending development zone.

(Oct. 22, 2009, D.C. Law 18-71, § 6, 56 DCR 6619.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

*Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.06. PUBLIC MARKETS.**

The Mayor may require the permitting of public markets on public space and may require the licensing of managers of public markets on public space and private space.

(Oct. 22, 2009, D.C. Law 18-71, § 7, 56 DCR 6619.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

*Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.07. FEES AND FUNDING.**

(a) The Mayor may establish fees, by rule, for the application for, and issuance of, each license, permit, and authorization required under this chapter or the rules issued pursuant to this chapter. The Mayor may establish the fees based on the class of license, vending location, or other relevant factors.

(b)(1) There is established as a nonlapsing fund the Vending Regulation Fund, which shall be used solely for the purposes set forth in paragraph (4) of this subsection.

(2) The following shall be deposited into the Fund:

(A) Fees paid for the application for, and issuance or renewal of, a basic business license endorsed for vending;

(B) Fees paid for the application for, and issuance or renewal of, a vending site permit or other

licenses, permits, or authorizations issued by the Mayor under this chapter;

(C) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Fund;

(D) Any other funds designated by law or rule to be deposited into the Fund; and

(E) Interest on funds deposited in the Fund.

(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (4) of this subsection, subject to authorization by Congress.

(4) Funds in the Fund may be used to pay the costs of administering this chapter, including costs associated with the application for, and issuance and renewal of, a basic business license as set forth in paragraph (2)(A) of this subsection, and the administration and enforcement of any rules issued under this chapter.

(Oct. 22, 2009, D.C. Law 18-71, § 8, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

##### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.08. PENALTIES.**

The Mayor may establish civil penalties for the violation of this chapter and rules promulgated pursuant to this chapter, including the establishment of civil penalties pursuant to Chapter 18 of Title 2.

(Oct. 22, 2009, D.C. Law 18-71, § 9, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

##### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.09. ESTABLISHMENT OF THE CITYWIDE VENDING TASK FORCE.**

(a) Within 30 days after October 22, 2009, the Mayor shall create and convene the Citywide Vending Task Force ("Task Force"), consisting of representatives from the street vendor, small business, downtown business, and other affected communities, including District residents.

(b) The Task Force shall evaluate existing vending laws and rules to ensure maximum comprehensiveness, uniformity, and fairness for all stakeholders. Specifically, the Task Force shall consider issues of grandfather clauses, insurance fees, lottery selection, and possible clarification of existing grounds of revocation of a vending license.

(c) Within 120 days after October 22, 2009, the Task Force shall conclude its work by presenting a report and recommendation to the Council on its specific findings, including a legislative recommendation on whether to establish a permanent vending commission.

(Oct. 22, 2009, D.C. Law 18-71, § 10, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) addition, see § 10(a) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

##### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.

### **§ 37-131.10. RULES.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement this chapter, including rules regulating the location, the design, and the maintenance of vendor carts, stands, vehicles, and other equipment, and rules requiring that persons vending from public space maintain insurance in such form and amount as may be required by the Mayor. The proposed rules shall be submitted to the Council for a 60-day period of review, excluding weekends, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 60-day review period, the proposed rules shall be deemed disapproved.

(Oct. 22, 2009, D.C. Law 18-71, § 11, 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 18-71, see notes following § 37-131.01.