

MEMORANDUM

June 12, 2015

TO: County Council

FROM: Josh Hamlin, Legislative Attorney 

SUBJECT: **Introduction:** Bill 32-15, Vendors – Hours and Places of Operation

Bill 32-15, Vendors – Hours and Places of Operation, sponsored by Lead Sponsors Councilmembers Riemer and Navarro, and Co-Sponsor Council Vice President Floreen, is scheduled to be introduced on June 16, 2015. A public hearing is tentatively scheduled for July 14 at 1:30 p.m.

Bill 32-15 would define “food service truck” and provide that vendors operating food service trucks may conduct business from 5:00 a.m. to 10:00 p.m. Currently, food truck operators are subject to the same allowed hours of operation as all other vendors under section 47-2(d):

Except for a prearranged appointment or with the Director's approval, a vendor must not conduct business before 9 a.m. nor after sunset. In this Section, "sunset" means the time established by the U.S. Naval Observatory for Washington D.C. and vicinity.

Background

The idea for this Bill originated in the Wheaton High School Innovation Lab, where students learn project management skills via a curriculum developed by Chief Innovation Officer Dan Hoffman, in partnership with MCPS. Students in the Innovation Lab select the projects they work on with guidance from the Chief Innovation Officer and a co-teacher at Wheaton High School, and use their skills to test out new ideas outside of the classroom. In the past, students have worked on projects with social media start-ups and developed new curriculum. In this case, they are addressing a challenge faced by small businesses - specifically food truck operators - in the County. They have engaged with the Chambers of Commerce, food truck operators and the Department of Permitting services to gather information and develop a solution that they feel will allow food truck operators to better serve the growing market for their product.

The students recognized that the current law restricts food truck operators to serving only lunch during the winter months, and largely precludes them from serving breakfast at all. They also recognized that the reliance on “sunset” as limit on evening operation created some confusion. To solve this problem, they recommended extending the operating hours for food trucks, both in

the morning and the evening, to the specific times of 5:00 a.m. and 10:00 p.m. respectively. The solution embodied in this Bill was formulated by students based on their research and perspective, and not at the request of any of the various parties with whom they have consulted.

This Bill will be part of a pilot program of a new Council open government initiative, in partnership with the OpenGov Foundation.¹ As part of the Council's consideration of the Bill, it will be posted on <https://montgomerycountymd.mymadison.io/> for review, comment and suggested changes by members of the public. This tool expands upon other recent steps taken by the Council to increase the amount of on-line information available to the public and increase public awareness and participation in the legislative process. The Council will evaluate the effectiveness the tool based on its experience with Bill 32-15.

This packet contains:

Bill 32-15

Legislative Request Report

Circle #

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¹ <http://opengovfoundation.org/the-madison-project/>

Bill No. 32-15
Concerning: Vendors - Hours and
Places of Operation
Revised: 04/07/2015 Draft No. 1
Introduced: June 16, 2015
Expires: December 16, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Riemer and Navarro
Co-Sponsor: Council Vice President Floreen

AN ACT to:

- (1) amend the hours of operation allowed for vendors operating food service trucks;
and
- (2) generally amend the County law regarding vendors.

By amending

Montgomery County Code
Chapter 47, Vendors
Sections 47-1 and 47-2

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

56 right-of-way within 500 feet of any public or private elementary or
57 secondary school.

58 *Approved:*

59 _____
George Leventhal, President, County Council Date

60 *Approved:*

61 _____
Isiah Leggett, County Executive Date

62 *This is a correct copy of Council action.*

63 _____
Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 32-15

Vendors – Hours and Places of Operation

DESCRIPTION:	Bill 32-15 would amend the hours of operation allowed for vendors operating food service trucks.
PROBLEM:	Vendors using food trucks are restricted to operating between 9:00am and sunset, meaning that for parts of the year they can only serve lunch. This limitation hurts the viability of operating a food truck in the County
GOALS AND OBJECTIVES:	Create a provision in the law which extends the hours in which vendors using food trucks may operate, while retaining the existing hours of operation for other vendors.
COORDINATION:	Department of Permitting Services
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Josh Hamlin, 240-777-7892
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Violation of Chapter 47 is a class A violation