



Legislation Details (With Text)

File #:	69380	Version:	3	Name:	Repeal and Replace Section 9.13
Type:	Ordinance	Status:	Passed		
File created:	1/19/2022	In control:	VENDING OVERSIGHT COMMITTEE		
On agenda:	3/29/2022	Final action:	3/29/2022		
Enactment date:	4/8/2022	Enactment #:	ORD-22-00015		
Title:	SECOND SUBSTITUTE - Creating Section 9.135, Sidewalk Cafe and Roadway Cafe Expansion Licenses, to create a new Roadway Cafe Expansion License and make the Streatery program for sidewalk cafes permanent, creating Section 9.136, Street Vending on the State Street Mall/Capitol Concourse, repealing Section 9.13, License for Selling on Public Streets and recreating Section 9.13 as Street Vending Licenses, and amending Sections 9.12, 1.08(3)(a), and 1.08(4), accordingly.				
Sponsors:	Satya V. Rhodes-Conway, Michael E. Verveer, Patrick W. Heck, Gary Halverson, Syed Abbas, Nasra Wehelie, Regina M. Vidaver, Charles Myadze, Sheri Carter				
Indexes:					
Code sections:					
Attachments:	1. 69380 Body Version 3, 2. 69380 Body Version 2, 3. 69380 Body Version 1, 4. Summary of Ordinance Changes, 5. 2-17-22 DCC Public Comment Streatery Program, 6. 69380 Version 1, 7. BID.Streatery.Statement.2022.FINAL				

Date	Ver.	Action By	Action	Result
3/29/2022	3	COMMON COUNCIL	Adopt with the Recommendation(s)	Pass
3/2/2022	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
2/28/2022	2	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/23/2022	1	VENDING OVERSIGHT COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
2/17/2022	1	DOWNTOWN COORDINATING COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/14/2022	1	TRANSPORTATION POLICY AND PLANNING BOARD - ended 3/2023	Return to Lead with the Following Recommendation(s)	
2/9/2022	1	TRANSPORTATION COMMISSION	Return to Lead with the Recommendation for Approval	
2/1/2022	1	VENDING OVERSIGHT COMMITTEE	Referred	
2/1/2022	1	VENDING OVERSIGHT COMMITTEE	Referred	
2/1/2022	1	VENDING OVERSIGHT COMMITTEE	Referred	
2/1/2022	1	VENDING OVERSIGHT COMMITTEE	Referred	
2/1/2022	1	VENDING OVERSIGHT COMMITTEE	Referred	
2/1/2022	1	COMMON COUNCIL	Refer	Pass

Fiscal Note

The proposed ordinance amendment creates Sidewalk Café and Roadway Café Expansion Licenses and establishes their fee structure, which is specified on page nine of the attachment titled “69380 Body.” This amendment allows the expansion of sidewalk cafes into the roadway, making permanent many aspects of the “Streatory” program. No other existing vending license fees are affected.

Based on the number of parking spaces used for “Streatory” cafés in 2020 and the average revenue for downtown spaces, the estimated revenue lost by the Parking Utility for the proposed café program is \$38,000, after accounting for the new roadway café revenue. The proposed fee structure will generate approximately \$72,000 for the Parking Utility with some additional revenue being realized by nearby parking ramps as vehicles are diverted from on-street parking. The General Fund is projected to realize additional revenue for administrative costs: \$19,000 through Traffic Engineering and \$15,000 through the Economic Development Division. No additional City appropriation is required for the proposed ordinance amendment.

Title

SECOND SUBSTITUTE - Creating Section 9.135, Sidewalk Cafe and Roadway Cafe Expansion Licenses, to create a new Roadway Cafe Expansion License and make the Streatory program for sidewalk cafes permanent, creating Section 9.136, Street Vending on the State Street Mall/Capitol Concourse, repealing Section 9.13, License for Selling on Public Streets and recreating Section 9.13 as Street Vending Licenses, and amending Sections 9.12, 1.08(3)(a), and 1.08(4), accordingly.

Body

DRAFTER’S ANALYSIS: This ordinance amendment creates a new section, 9.135, “Sidewalk Cafe and Roadway Cafe Expansion Licenses,” to allow expansion of sidewalk cafes into the roadway, making permanent many aspects of the “Streatory” program authorized on a temporary emergency basis at the beginning of the pandemic.

All information for sidewalk cafes is moved into new section 9.135. This Section describes eligibility, application process, operational rules, and allowable equipment for the following sidewalk cafe types: Regular Sidewalk Cafes on the State Street Mall/Capitol Concourse, Regular Sidewalk Cafes in other parts of the City, and new Roadway Cafe Expansion Licenses. The rules for new Roadway Cafe Expansion licenses are based on the existing Streatory program, with some changes. The Roadway Cafe Expansion License replaces the temporary Streatory approvals and may be issued seasonally (April 15-November 15), for the winter (November 16-April 14) or both. The fees for the new Roadway Cafe Expansion Licenses are \$7.50/square foot on the Mall/Concourse and \$5.00/square foot in other parts of the City, with an additional \$5.35/square foot for winter on the Mall/Concourse and \$3.57/square foot for winter Citywide. There is an additional fee for Citywide cafes requesting outdoor storage in Table B. This square foot fee includes the fees for the Roadway Cafe Permit under new Sec. 10.30 (File No. 69379), which must be approved by the Traffic Engineer to qualify for a Roadway Cafe Expansion License, as well as costs associated with removal of on street metered parking spaces. This ordinance does not change the fees for a “regular” sidewalk cafe on the sidewalk.

This ordinance also reorganizes Sec. 9.13 without making substantive changes or changing existing license fees. All information for the State Street Mall/Capitol Concourse Vending Area (Food Carts, Arts/Craft, and Merchant Vending) is moved into another new section, 9.136, with no substantive changes to those licenses or their fees. Section 9.13 is repealed and recreated, with a new title, “Street Vending Ordinance.” All other information about other existing vending types and general rules for street vending will remain in Sec. 9.13. References to the Vending Coordinator are replaced with the Director of the Department of Planning and Community and Economic Development (abbreviated Director), with no actual change to the Vending Coordinator’s role. This ordinance authorizes the City Attorney to update cross references to Sec. 9.13 throughout the Madison General Ordinances, consistent with the changes made herein. This ordinance updates cross references in Sec. 9.12 (Vending Oversight Committee) and Sec. 1.08, creates a bail deposit of \$200 plus costs for citations for violating Sec. 9.135 and adds citation authority for the designee of the Department of Community and Planning and Economic Development (Street Vending staff) for new Secs. 9.135 and 9.136. The substitute ordinance changes the time that alcohol service must stop in all sidewalk

cafes on Fridays and Saturdays from 1:00 a.m. to 1:30 a.m., and changes the storage rules for Mall/Concourse Sidewalk Cafes that don't have a Roadway Expansion, to allow them to store their equipment overnight in another establishment's Roadway Cafe, with permission. The second substitute ordinance makes a change to allow a Sidewalk Cafe to be placed closer than two feet from the adjacent street curb on low volume streets of not more than 25 miles per hour, with the approval of the Traffic Engineer.

The following companion files relate to this ordinance and should be considered for adoption at the same time: File No. 69379 (Sec. 10.30, Roadway Cafe Permit), File No. 69382 (Chapter 28) and File No. 69381, a resolution that moves all information about sidewalk cafes out of the "Regulations Governing Street Vending on the State Street Mall/Capitol Concourse" into Sec. 9.135.

The Common Council of the City of Madison do hereby ordain as follows:

See Legistar File 69380 - Body Version 3 in Attachments.