

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

October 20, 2009
Adopt Under Rules
Suspension

Amending Section 9.13(1)(b)2. of the Madison General Ordinances to repeal the sunset provision making permanent the ban on street vending adjacent to schools, amending the provision so that vending is only prohibited on certain "arterial" or "collector" streets near schools, and creating a procedure for a licensed vendor to request permission from the Vending Oversight Committee to vend in these locations.

LEGISTAR # 16367

Drafted by: Lara Mainella

Date: December 3, 2009

SPONSORS: Aids. Skidmore, Verveer &
Pham-Remmele

DRAFTER'S ANALYSIS: This substitute ordinance deletes the sunset provision that would have repealed the ordinance prohibiting street vending adjacent to schools. Instead, this ordinance prohibits street vending adjacent and across the street from a school only on streets that are considered "arterials" or "collectors" with a speed limit of more than 25 miles per hour. Under this substitute ordinance, vending would be prohibited on both sides of a street meeting this criteria, if directly adjacent to school property. Additionally, if a licensed vendor wished to vend at one of these locations, the vendor could request permission from the Vending Oversight Committee, after providing written notification to the school in question, alder of the district and any neighborhood association. The Vending Oversight Committee could grant or deny permission based on criteria that considers the safety of the location.

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

Paragraph 2. entitled "Street Vending Near Schools Prohibited" of Subdivision (b) of Subsection (1) of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

- "2. Street Vending on Certain Streets Near Schools Prohibited. ~~Street Vending, as defined herein, is prohibited upon any highway, street, alley, sidewalk, public square or pleasure drive or other city right-of-way- pleasure drive, or portion thereof if the street is designated "arterial" or "collector" on the "Street Functional Class Map" maintained by the City Traffic Engineer, has a posted speed limit greater than 25 miles per hour, and is located directly adjacent to, or directly across the street, alley, highway or pleasure drive from any school property, unless approval to vend in that location is granted to the vendor under paragraph b. below.~~
- a. For purposes of this paragraph, "school property" includes all property owned or operated by a public school as defined in Wis. Stat. §115.01(1) or owned or operated by a private school as defined in Wis. Stat. §115.001(3r). ~~This subparagraph 9.13(1)(b)2. shall automatically repeal on December 10, 2009.~~
- b. Procedure for Approval to Vend Near Schools. A licensed vendor may apply to the Vending Oversight Committee (VOC) for permission to vend near a school where street

Approved as to form:

vending is prohibited by this section, by submitting a written application designed for this purpose to the Vending Coordinator, who shall place the application on the agenda of the next available VOC meeting. Prior to hearing the application, the VOC shall require proof that the vendor has notified, in writing, the official in charge of the school in question, the alder of the district where the school is located, and the neighborhood association registered with the City (if any), of the vendor's intent to apply for such permission and the date, time and place of the VOC meeting where the application will be heard. The written notification must be sent via electronic email, faxed or postmarked at least seven (7) days before the date of the meeting and copies must be provide to the VOC. The vendor must appear in-person at the VOC meeting for the VOC to consider his/her application. The VOC shall approve or deny the application to vend near a school based upon objective criteria that takes into account the proposed location of vending equipment, the speed limit on the street in question, vehicular and pedestrian traffic flow and safety, and issues of student safety, and shall render a verbal decision at the meeting."