

Item 6, ID # 32005 - 9/24/14 VOC meeting.

DRAFT LANGUAGE TO CREATE UMBRELLA BASIC LICENSE FOR FOOD VENDORS.

Changes are shown in ~~strike-out~~ and underline.

1. Create 9.13(3)(a)3., Umbrella Basic License, as follows:

(3) Application for any street vending license (except the Special Event vending license) shall be filed with the Director of Planning and Community and Economic Development or designee, shall contain such information as she/he may require, shall specify in detail the food, goods or services to be offered for sale, shall be approved by her/him if all applicable ordinance and regulation requirements have been met, and shall then be issued by the City Clerk. Licenses shall be issued and signed by the City Clerk and shall be conspicuously displayed at the place where such sales are being made. In addition to the Licenses in this section, special licenses are required for vending in the Mall/Concourse Vending Area, under Sec. 9.13(6), Late Night Vending under Sec. 9.13(6)(n), and High Density Vending Areas under Sec. 9.13(7). Street vending licenses are not transferable.

(a) Basic Street Vendor License Fees and Durations:

1. Basic Street Vendor License (Annual). One-hundred and fifty dollars (\$150) payable to the City Treasurer. Annual licenses shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.
2. Basic Street Vendor License (Monthly). Seventy-five dollars (\$75) payable to the City Treasurer. Such license shall be issued for thirty (30) days and shall set forth the date of expiration.
3. Umbrella Basic License (Mall/Concourse Food Vendors only.) Four-hundred (\$400) for an annual license, payable to the City Treasurer, issued on the fifteenth (15th) day of April or thereafter when applied for, and expiring on the fourteenth (14th) day of April following its issuance. This license is available to a licensed Mall/Concourse Food Vendor to provide the Basic licensing necessary for up to five (5) supplemental vendors working in the Food Vendor's vending site, per sec. 9.13(6)(e)1.b., who need not be named or listed on the umbrella license....

Questions about the maximum number of 5:

1. *if we don't require names, how would we know it is not more than five people? Who keeps track?*
2. *What is the purpose of the maximum number of 5 - what are we trying to restrict or control? How many total employees they can have for their cart? How many can be in the cart working at any one time? (How many people fit in the cart?) Under the current law, what was our purpose for having a maximum of 5 people as "supplemental" vendors, as long as they all held a Basic licenses? I think the practical result is that it restricts the number of employees. Maybe the city does not care how many people they employ. We just care about who is working in the cart.*

OR:

The Food Vendor shall provide the Street Vending Coordinator, in writing, the name, date of birth and address of each worker listed on the Umbrella Basic License, and any workers added to or deleted to the license during the licensing period, within fourteen (14) days of the change.

Questions:

1. *does this defeat the purpose of an umbrella license? I thought the purpose was to allow rotating employees without having to check in with the city?*
2. *Or is the purpose just to save the cost and hassle of purchasing more basic licenses?*
3. *Are the vendors willing to keep the list up to date?*
4. *What if they don't? how will we know? Does the city care?*

Compare to the current 14-day rule. The current rule requires the food vendor to notify Warren of the name and date of hire of anyone working as a supplemental vendor (i.e. taking money) during the 14 day grace period. I propose that the

city does not need this information for the grace period, especially if we are allowing an umbrella license without names. If the umbrella license can be used for an endless rotation of individuals, and the City does not wish to keep tabs on them, there is no need for names and date of hire of any supplemental vendor during their first 14 days of work. Either the Food Vendor buys them a Basic license, or puts them on the umbrella license. We could eliminate the 14 days completely.

2. Amend 9.13(6)(e)1.b.

b. Food Vendor. A Food Vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a food vendor may be a corporation, cooperative or partnership; however, the application and license shall designate a primary individual who is all regularly involved in all phases of the production process and who are responsible for the vending operation and who holds a valid street vending license issued pursuant to Sec. 9.13(1) herein.

Supplemental food vendors. A food vendor may employ up to five (5) supplemental vendors who need not be individually named on the application or license. Any supplemental vendors under this paragraph must hold valid basic street vendor licenses under Sec. 9.13(3) within fourteen (14) days of being employed by the food vendor, or be included as one of not more than five (5) individuals on a valid Umbrella Basic License held by the Food Vendor, described in sec. 9.13(3)(a)3.

Health licensing. All Food Vendors required to be licensed under Chapter 7 of the Madison General Ordinances shall obtain a food and drink permit and a mobile restaurant base license and operate from a licensed restaurant for food preparation, food storage and utensil cleaning activities. A Food Vendor shall be licensed to sell only the personally prepared food items indicated on the face of the license from one assigned food vending site. (Am. by Ord. 12,793, 4-9-01; ORD-09-00066, 4-2-09; ORD-13-00126, 7-10-13)

3. Amend 9.13(6)(e)1.c.

c. Persons Permitted at Arts and Crafts and Food Vending Sites. The individually licensed vendor, at least one of the primary individual vendors listed on an arts and craft vending license, or the primary individual designated on a license issued to a corporation, cooperative or partnership must be present at the vending site at all times during which items are displayed, offered for sale or sold. Properly-licensed supplemental vendors may also be present at food vending sites as described in Paragraph b. above. ~~In addition, new employees of food vendors may be present at food vending sites without holding a valid basic street vending license for fourteen (14) days from the date of hire as provided in b. above, provided that the food vendor provides written notice to the Street Vending Coordinator of the employee's name and date of hire. Such properly noticed new employees may assist the food vendor in vending activities, such as selling, offering for sale, accepting money, and engaging in prolonged commercial interactions with customers or engage in any other direct vending activities.~~ Other individuals ~~who are not licensed as primary or supplemental vendors and who are not new employees as provided above,~~ may be present at the vending site solely to assist. Activities such as operating vending vehicles, loading and unloading, food or drink preparation, or working on handcrafted items may be considered acceptable assistance activities. No unlicensed assistant or person not covered by an Umbrella Basic license shall sell, offer for sale, accept money, engage in prolonged commercial interactions or other transactions with customers or engage in any other direct vending activities. (Am. by Ord, 12,793, 4-9-01; ORD-13-00126, 7-10-13)

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Draft for discussion purposes only. All ordinances and regulation changes must be formerly introduced to the Common Council for consideration.