

DRAFT FOR DISCUSSION PURPOSES MAY 30, 2012 VOC

A RESOLUTION authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to change the entrance size for sidewalk cafes enclosures from a maximum of five feet to six feet.

Drafted by: Lara M. Mainella,  
Assistant City Attorney

Date:

SPONSOR(S): Alds. Resnick, Verveer

REFERRALS: VOC

WHEREAS, Under sec. 9.13(6) of the Madison General Ordinances, the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall and Capitol Concourse; and

WHEREAS, pursuant to Sec. 9.13 the Common Council must approve the regulations promulgated by the VOC; and

WHEREAS, the regulations are published in documents entitled "Regulations Governing Vending on the State Street Mall/Capitol Concourse;" and

WHEREAS, at meetings on (date) and (date) the VOC promulgated amendments to these Regulations to change the maximum width of a sidewalk café entrance from five feet to six feet; and

WHEREAS, said amendments are set forth in this Resolution using underlines to show new text and strike-outs to show deleted text;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approve the following amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" recommended by the Vending Oversight Committee:

**1. Amending Section XIII., "SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS," Paragraph B, subparagraph 5. of the Regulations Governing Vending on the State Street Mall/Capitol Concourse as follows:**

**XIII. SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS**

**B. Sidewalk Café Furniture, Other Equipment and Signage**

5. Enclosures. All sidewalk cafés shall be enclosed on all sides. Enclosures shall have at least one (1) and not more than two (2) unobstructed entrances of at least three (3) feet and no more than ~~five~~ six (6) feet in width.. Enclosures shall be between thirty-six (36) and forty-two (42) inches in height, may be flush to the ground, and the bottom of the structure shall be no more than six (6) inches from the ground. All sides of the enclosure shall be constructed of a stable, rigid, wind-resistant, self-supporting framework, capable of maintaining all furniture and other objects within the confines of the café and free from any supporting structures which may cause a tripping hazard either within or outside of the café. Hanging elements such as chains or ropes shall not be considered sufficiently stable enclosures under this paragraph. The café owner should take into consideration the café

furniture design (see B.1. above) and the overall urban design of the area when planning and installing the enclosures. Where sidewalk cafés may be located next to a building, (see MGO 9.13(6)(j)(2).e.) the building wall may serve as one side of enclosure and additional connecting enclosures shall be flush against the building wall. For all other cafés, the interior face of the enclosure on the street side shall be no closer than two (2) feet from the curb or the pavement markings delineating the edge of the roadway if there is not a raised curb. All enclosures, whether required or voluntarily erected, must be removed daily.

Additionally, all enclosure material must be weatherproofed, attractive and in good repair. All enclosure materials shall be maintained in an attractive and presentable condition. Enclosures that become weathered or worn shall be repaired or replaced within sixty (60) days of written notification from the Vending Coordinator or other designee of the Department. Failure to comply with the written notice may result in further enforcement action; however, nothing in this paragraph shall limit the authority of the City to enforce violations of this or any other regulation through citation or other means.