



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 12384

File ID: 12384	File Type: Resolution	Status: Items Referred
Version: 1	Reference:	Controlling Body: VENDING OVERSIGHT COMMITTEE
Lead Referral: VENDING OVERSIGHT COMMITTEE	Cost:	File Created Date : 10/21/2008
File Name: Regulations governing vending on State Street/Mall		Final Action:
<p>Title: Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to prohibit unreasonable noise levels at vending carts and vending sites on the Mall/Concourse and in late night vending areas.</p>		
Notes:		
Code Sections:		CC Agenda Date: 10/28/2008
Indexes:		Agenda Number: 5
Sponsors: Michael E. Verveer and Thuy Pham-Remmele		Enactment Date:
Attachments:		Enactment Number:
Author: Lara M. Mainella, Assistant City Attorney		Hearing Date:
Entered by: sobrien@cityofmadison.com		Published Date:

Approval History

Version	Date	Approver	Action
1	10/22/2008	Daniel Bohrod	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	10/21/2008	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Vending Oversight Committee				
1	COMMON COUNCIL	10/28/2008	Referred	VENDING OVERSIGHT COMMITTEE			
	Action Text:		This Resolution was Referred to the VENDING OVERSIGHT COMMITTEE				
	Notes:						

1 VENDING OVERSIGHT 10/29/2008
COMMITTEE

Action Text: Verveer moved and Schenkel seconded that this item be recommended for adoption, but only after Hansen's suggestion that the law be applied Citywide.

Notes:

1 VENDING OVERSIGHT 12/10/2008
COMMITTEE

Action Text: This item primarily pertains to the use and control of music, noise or any amplification in food carts, but without a reference to specific decibel levels. Mainella pointed out that this was a draft of a substitute resolution and that it would have to become an actual substitute before it was sent to the Common Council as a VOC recommendation. Schenkel moved and Rockwell seconded that Mainella make the appropriate updates. The motion passed.

Notes:

Text of Legislative File 12384

Fiscal Note

No appropriation is required.

Title

Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to prohibit unreasonable noise levels at vending carts and vending sites on the Mall/Concourse and in late night vending areas.

Body

WHEREAS, Section 9.13(6) of the Madison General Ordinances provides that 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/Capitol Concourse; and the number, size, location of vending sites therein; and

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

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

WHEREAS, at its meeting on June 25, 2008, the VOC promulgated amendments to the Regulations Governing Vending on the State Street Mall/Capitol Concourse as described below; and

WHEREAS, said amendments are set forth in this Resolution using underlines and strike-outs to show changes as appropriate.

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

1. CREATING Paragraph D. of Section IX., "MISCELLANEOUS REGULATIONS," as follows:

"D. Noise Levels at Vending Site. Noise levels emanating from the vending cart or non-cart vending area shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be permitted at a noncart vending stand. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video display equipment, including speakers, shall be permitted at non-cart vending stand, nor affixed to or used outside a vending cart. This regulation shall apply in addition to the general rules regarding noise and amplification on the State Street Mall/Capitol Concourse found in Chapter 24 of the Madison General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this regulation shall not be interpreted to expand or contradict those ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply. This regulation shall apply to Late Night Vendors as well as Mall/concourse vendors.”

Editor's Note: Sections 9.13(4)(s) and 9.13(6)(n), MGO, will have to be amended to make this regulation applicable to Late Night Vendors who are not also licensed as mall/concourse vendors. Section 9.13 will also require amendment to make this applicable to City-wide vendors.