

**DRAFT ORDINANCE AMENDMENT
CREATING NEW RULES FOR LATE NIGHT VENDING
1-28-09 VOC MEETING**

1. AMEND SEC. 9.13(6)(N), LATE NIGHT VENDING:

(n) Late-night vending areas in the Mall/Concourse. The following areas are established for the purpose of street vending of food and drink only between the hours of 9:00 p.m. and 6:00 a.m. These areas shall be open to any vendor holding a valid street vendor license under Sec. 9.13(3) and a Late Night Vending license under 9.13(XXXX), ~~who offers for sale food and drink only,~~ and is otherwise properly licensed to sell food and drink. Vendors operating under this subdivision do not need a Mall/Concourse Vending License, need not participate in food cart reviews, and shall not be subject to any other portions of this ordinance or Regulations Governing Vending on the State Street Mall/Capitol Concourse adopted under Sec. 9.13(6)(c), except those listed in Sec. 9.13(4)(s) (safety requirements for non-Mall/Concourse food vending), Secs. 9.13(6)(k), (exclusive use and special events), (6)(l)2. (use of electricity) , (6)(l)3. (emergency vehicle access), (6)(l) 4. (relocation), and (6)(m) (insurance). Vendors operating ~~under this paragraph~~ as licensed Late Night Vendors are not considered Mall-Concourse Food Vendors.

Late Night Vending Areas: *the 4 areas will not change. the rules for 2 areas will change:*

1. **The 700 block of State Street.** *(will have assigned sites only, we propose using the daytime sites F8, F9, F10, F15, F16, F17 that are closest to State Street. The sites will be renumbered for late night. Current Library Mall food vendors will have right of 1st refusal to their own site. Daytime Library mall vendor closing time will be moved back to 8 pm to allow late night vendors in by 9 pm.)*
2. **The 400 block of North Frances Street** - *(will have assigned sites only - on the pedestrian area between the end of the cul-de-sac and State Street. Sites will be designated by official map. Vending from the roadway on Frances Street will no longer be allowed.)*
3. **The 400 block of North Broom Street** *(no changes, 1st come, first served)*
4. **The 100 and 300 blocks of West Johnson Street.** *(no changes, 1st come, 1st served)*

Late Night Vending Site Assignments: (this is NEW)

Late Night vending in the 700 block of State Street and the 400 block of North Frances Street shall be permitted only in assigned sites. The Director of the Department, or designee, shall establish vending sites in these two areas on an official map created for that purpose and available at the Office of Business Relations. Properly-licensed Late Night Vendors **may apply** (*to the city clerk or directly to Warren? check others*) for a site assignment using **an application form** created by the Director/designee. The Director/designee shall assign sites using a seniority system based upon the date the vendor was first issued a **regular street vendor license** under 9.13(3). For purposes of calculating seniority, any period of time the vendor's license (any type of city vending license issued under this ordinance) has been suspended or revoked under 9.13(8) shall be subtracted from the total length of time the vendor has been licensed.

Add seniority details similar to HDV or arts and crafts site assignment.

Save this current language for the 2 areas without assigned sites:

Occupancy of the late night vending areas in the 400 block of North Broom Street and the 100 and 300 blocks of West Johnson Street shall be on a first-come, first-served basis, except that any licensed Mall-Concourse vendor with an assigned site located within one of those two areas shall have priority within their assigned site. ~~There shall be no other established vending sites within these areas.~~

Keep this current language for all Late Night areas:

~~but~~ vendors and equipment are subject to the location requirements of Sec. 9.13(4) and any other applicable law. Vendors who vend from a vehicle on the street (permitted only in the Broom Street and Johnson Street areas) are also subject to all applicable traffic laws.

3. CREATE SEC. 9.13(6)(h)3.a.vi. AS FOLLOWS:

9.13(6) (h) Mall/Concourse Vending Licenses and Fees.

3. Vending licenses and fees under each category shall be as indicated below. A Mall/Concourse vending license shall be issued for the same duration as the regular Street Vending License required under Sec. 9.13(1) and issued to the vendor under Sec. 9.13(3). (Am. by Ord. 13,046, 4-9-02)

- a. Annual License - The fees for an Annual License shall be as follows:

vi. Late Night Vending License. See sec. 9.13(6)(n) for Late Night Vending license fees. Late Night Vendors are not considered Mall-Concourse vendors unless also separately licensed as a Mall-Concourse Food Vendor.

4. CREATE A NEW SECTION FOR LATE NIGHT LICENSE FEES IN 9.13(6)(N): (THIS IS NEW)

The fees for an annual Late Night Vending Licenses shall be as follows:

Regular sized food vending carts or stands: \$350
(CHECK - decide how to define regular sized carts. reference 9.13(4)(s)? regs?)

Small food carts, push-cart style, any food cart that is not capable of transporting a person as conveyance....: \$150

5. AMEND SEC. 9.13(6)(I)1., "HOURS," AS FOLLOWS:

9.13(6) (l) Miscellaneous Vending Restrictions.

1. Hours. The permitted hours for all vending on the State Street Mall/Capitol Concourse shall be from 5:00 a.m. to 1:00 a.m., with the following exceptions:
 - a. Permitted hours in the 700 block of State Street shall be from 5:00 a.m. to 8:00 p.m.
 - b. Permitted hours in the Late Night Vending areas shall be as established in Sec. 9.13(6)(n).
 - c. Permitted hours for vending may be modified pursuant to a resolution adopted by the Common Council under Sec. 9.13(6)(k).

All vending equipment shall be completely removed during the hours in which vending is not permitted as described above.

~~There shall be no vending and no sidewalk cafe shall be open for business on the State Street Mall/Capitol Concourse between the hours of 1:00 a.m. and 5:00 a.m., and All vending equipment (i.e. carts, tables, etc.) shall be removed by the vendor from the State Street Mall/Capitol Concourse during these hours except by express agreement to the contrary contained in a resolution adopted under Section 9.13(6)(k) of the Madison General Ordinances or except in the specific areas established for late night vending under Sec. 9.13(6)(n) herein.~~

6. AMEND SEC. 9.13(4)(s) AS NEEDED TO INCORPORATE MORE FOOD CART RULES FROM REGS., SUCH AS RULES FOR SET UP AND DRIVING ON THE SIDEWALK:

- (s) Safety Requirements for Non-Mall/Concourse Food Vending.
Street vendors licensed under Sec. 9.13(3) may sell food anywhere that vending is permitted with that license. Food carts are subject to inspection and regulation according to state and local health code requirements for food and drink service. Additionally, the following requirements found in the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall apply to all food vendors City-wide:
 - 1. Section VI, “Regulation of Vending Site Cleanliness and Safety.”
 - 2. Section VII, “Non-Cart Food Vendor Physical Specifications.”
 - 3. The following paragraphs only of Section VIII, “Regulation of Food and Non-Food Vending Carts:” Paragraph C., “Electricity,” and Paragraph E., “Fire Extinguishers.”
 - 4. Section IX, “Miscellaneous Regulations, Paragraph C. only - Restrictions on Food Preparation.
- (t) All food vending sites city-wide, whether for a vending cart or other non-cart apparatus, and including the Late-Night vending sites established under 9.13(6)(n), shall have dimensions of ten (10) feet by twelve (12) feet, unless another size is specifically created or established elsewhere in this ordinance or in the Regulations promulgated under this ordinance. (Cr. by ORD-06-00060, 5-2-06)