

City of Madison Vending Oversight Committee Meeting

Street Vending Staff Report

August – October 2024

Unless otherwise noted, the below statistics are current as of 10/25/24

Art & Craft:

Licenses Issued – 81

Applications In process – 1

Enforcement:

- Staff has initiated an active inquiry with UW Licensing Office. This is due to an increase of UW related items that vendors are creating for sale with questionable approval and appropriate licensing from the UW.
- Staff has been observing and following up with vendors who have been conducting in questionable activity regarding the extent of booth helpers' activity and whether they are involved in "prolonged activity with the public" for the purposes of making or securing sales in violation of licensing requirements.

Comments:

Staff is still receiving inquiries and interest in Art & Craft Licensing, and many have opted to wait until next season due to limited number of weekends left in the current season. The two in process have opted to dive in and take out 30 days licenses to take advantage of the final weeks of market before winter.

Merchant Vending:

Licenses Issued – 6

Applications In process – 0

Enforcement: Nothing to report

Comments: Nothing to report

Sidewalk Cafes & Roadway Café:

Licenses Issued – 81

Sidewalk Café ONLY applications - 59

Sidewalk & Roadway Café applications – 22

Applications in process – 0

Enforcement:

- Tutto with a touch of Sass: Final written warning due to having not paid for their Sidewalk Café Fees after several iterations, diagrams, and measurements were redone and finally agreed upon. Staff visited in person to have payment submitted and to answer some final questions.
- Draper Brothers: Final Warning due to no response or action taken after numerous attempts to reach out to ownership about the new Grey Goose umbrella included with their café equipment in violation with MGO and improper storage regarding Outdoor Overnight Storage.

Comments: Official full Outdoor Overnight Storage compliance in the Mall Concourse achieved September 25th! Continual compliance has been observed on a once or twice weekly basis since!

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Roadway Cafes will be removed from the right-of-way by 11/15. Additionally, outdoor overnight storage will end for the season.

Food Cart Vending:

Mall Concourse Licenses Issued – 33

Mall Concourse Applications Submitted/in process – 0

Enforcement: None

Comments: 2024 Food Cart Review completed

Southeast Campus License Issued – 7

Southeast Campus Applications Submitted/in process – 1

Enforcement: The Walking Jerk is closing their business. They offered their SEC site to another food cart that set up. Staff observed this and educated the business set-up that sites are not transferable.

Additional follow-up will be done with the Walking Jerk to educate them that sites and licenses are not transferable.

Comment: No additional comments

State Street Night Vending License Issued – 4

State Street Night Vending Applications Submitted/in process – 0

Enforcement: None

Comment: This program is having difficulty as the businesses who have taken out a license have not been consistent with being present in their sites on State Street Mall. It appears there was not enough business for their efforts at the beginning of the season and thus they have opted not to keep trying for the entire season as far as we have heard.

Citywide Vending

Umbrella Street Vending Licenses ONLY (no high-density vending licenses issued) – 47

Street Vending License (food only and not high-density vending) – 12

Enforcement:

- Staff had been contacted by Bryan Johnson from the Streets Division while actively fielding a conflict between the operators of Sista's Chicken & Fish and Robert Pierce who runs the Southside Farmers Market. Sista's who had been parked in a legal parking space on Wingra and Park St., which happened to be the same block that Robert's Farmers Market had been taking place, had been subject to Robert's complaints that it could not possibly be legal for them to be conducting in such activity so close in proximity to his event without paying to be within his event.

Robert was educated on vending rules and that a Street Use Permit would be required if he wanted to reserve the parking lane for his event.

- At the beginning of August, staff received noise complaints from residents along Regent St. due to After Hours Taqueria's placement and crowd sizes. Staff conducted a site visit to the area at their time of service to better understand the situation.

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There appears to have been some communication between After Hours and those who have issued a complaint and they have come to an agreement to ensure those issuing a complaint aren't disturbed to the same extent going forward.

After Hours Taqueria have been fully operating in compliance of their Licensed requirements the entire time save for a minor adjustment to the sound levels of the music emanating from within their food cart.

Staff continue to monitor vending in that area and will meet with the individuals that have complained.

- Rosados Tacos, a newly licensed food cart was observed operating in Francis St. Plaza and a complaint was sent from the BID. They had been informed numerous times that with their Basic Street Vending license that they were not allowed to vend anywhere within the High Density Vending locations that had been communicated over several correspondences via email while processing their license.

Staff followed up with cart operator and further educated them on the limits of their license and where they could and could not vend. They expressed frustration on being left out of the food cart review despite missing the FCR application deadline by a matter of weeks before their cart was licensed to operate in the City of Madison. Staff informed them of next year's FCR timelines and that we would ensure they receive information for the 2025 FCR determining the 26-27 season.

- Residents of the Groveland Terrace cross from La Follette High School had reached out to our office informing us of a food cart who had been operating in front of their home during the school's lunch hour and the trash that had been left behind.

When monitor conducted a site visit, Mattie's Nachos was on site and it was found that the cart did not have the required trash receptacle outside of their cart during service, their generator was operating well above the 60 decibel limit set by the MGO, and they had been open for service in a Drop-off and Pick-up only zone in violation of their requirement that they serve only from a legal parking location. Staff sent a follow up education email to Mattie's Nachos of things that had to be fixed.

- This event had also coincided with a larger issue of food vendors at MMSD schools that our office has already been monitoring and the situation around parking. Since all schools in the area have no parking signs, no vendor should be vending outside of a school. Staff is brainstorming ways to remedy this situation to allow vendors to serve legally in these locations to the benefit of school staff, students, and surrounding businesses inundated with student activity during the lunch hour.

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- At Demetral field, a Madison Parks location that has been included in the Carts in Parks program and is across from East Highschool. Our office received complaints that the food carts serving students in that area have been blocking the bike path with their lines. Staff is conducted regular visits to Demetral field during the lunch hour in order to observe the situation and educate vendors on where to park their carts to ensure the bike path remains unobstructed.

Basic Street Vending License (not food):

Street Vendor License issued – 7

Street Vendor License in process - 2

Enforcement: None

Comments: Staff continue to look for sites that are appropriate for citywide vending for non-food vendors. The applicants who have fallen into this category have a desire to vend mass-produced and not handmade goods outside of the High-Density Vending areas. Unfortunately, most desirable locations with the type of pedestrian traffic to support this type of vending have either been on private property or grassy areas of the terraced rights-of-way adjacent to sidewalks that currently are not permissible.

TOSVOD – Top of State Vending Overlay District

TOSVOD License Issued – 1

TOSVOD License in Process – 0

Game Day Vending:

Camp Randall Game Day Vending Area – 0

Camp Randall Game Day High Density Food – 7

Camp Randall Game Day High Density Goods - 3

Game Day Ticket Sellers – 4

Enforcement:

Unlicensed Ticket Sellers have been incredibly difficult to enforce the last few home games. Staff acquired police assistance for the UW vs. Purdue game. Continual denial of activity, providing false names, verbal accosting, and avoidance has made licensing and follow-up challenging. Staff is strategizing ways to deter unlicensed ticket sellers to bring them into the conversation and steps towards compliance.

T-shirt sellers from North Brunswick Management Group have not completed the licensing process prior to operating on game days. Staff has shut down activity on one street to only find them set back up on another. Final Warning letter has been sent.

Comments:

Rotary South has been using “Parcel B” as an area to allow unrelated organizations to set up pop-up stands such as Rotary “after hours” to sell beads for donation and most recently an unrelated vendor to attempt to sell wholesale prepackaged Stella’s breads, sodas, and other food goods for personal gain.

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Staff is actively working to understand and address this activity.

Banners:

Number of individual organizations that have received a Banners Permit – 27

Number of individual Banners Permits in process or issued – 25

TEM Permits:

Number of Tabling Permits issued – 601

Number of Tabling Permits at fees due – 32

Comments:

With ongoing Jehovah’s Witness recruitment, there has been a steady addition to T-Permits for the season.

Additionally, the closer we have gotten to the election, the more that different Political Organizations have sought out T-Permits or have been encountered in high density vending areas operating unlicensed. T and E sites throughout the Mall Concourse have seen near-complete saturation.

Ongoing Business:

Staff is actively working to address several complaints received due to the music playing non-stop on a loop from the Veteran’s Museum building. It appears the building owners have installed external speakers to facing the top of State Street. We have been inquiring how this specific instance falls under questions of jurisdiction regarding the Madison General Ordinance rules of amplification and how to best address it.

Staff have encountered an individual who frequently sets up multiple amplifiers, keyboard, and guitar in various locations on State Street to play amplified music.