

# City of Madison Vending Oversight Committee Meeting

## Street Vending Staff Report

### April - June 2025

*Unless otherwise noted, the below statistics are current as of 6/18/25*

#### **Art & Craft:**

**Applications Received/In Process – 2**

**License Issued - 98**

#### **Enforcement:**

Staff have encountered a troupe of Spray Paint artists that have caused a great deal of challenge for our office in the past. They have continually insisted that their activity does not constitute a violation of MGO 9.13(1) displaying a sign which reads “free art” despite also offering displays offering artwork for payment and information of the various payment methods they accept. A final warning has been issued to the vendor in question with a standing order that any further activity by them or their affiliates without proper licensing will result in citation.

A longtime Art & Craft vendor had been discovered assuming a food vending site different than their own in the State Street Mall area without any attempts to communicate their interest in moving and potentially displaced the food vendor which had paid for and been assigned the site that had been occupied. While investigating, it was admitted that they had been conducting in this behavior more than said observed instance and became obstinate when presented with the facts of their violation. Due to the vendors tenure, their admittance of this behavior on several instances, and their behavior when questioned, this rose to the need to issue a final warning and informing them that further instances will be met with citation.

**Comments:** There has been a continued steady influx of A&C License applications with several prospective vendors making appointments with staff for approvals to apply which has necessitated the first-ever waiting list for A&C licensing. Staff has been required more than ever on especially large vendor turn-outs to use authority on Market weekends to set vendors in sites that are not indicated on our vending maps to accommodate every vendor who has shown up.

Staff have been receiving inquiries related to non-local vendors wanting to sell products outside of Camp Randall during the upcoming concerts. We anticipate this to be an incredibly challenging environment to navigate and look to use it as an opportunity to learn and prepare for the possibility of this as a new normal occurrence.

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#### **Merchant Vending:**

**Applications Received/In process – 1**

**License Issued - 8**

**Enforcement:** The first Vape/THC shop on State Street has applied for and received their Merchant Vending license. While there have been some reports from the community, competing businesses, and inquiries from MPD- the business in question has primarily been operating in compliance of their license agreement. Staff have reached out to address the orientation of their set-up, and questions have come up regarding their creative use of signage that staff is investigating deeper. However, as it stands, the business in question have been using their Merchant Vending license as intended, to draw business into their store, and we have been assured and observed that no transactions have taken place outside the

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establishment. This development has proven to take up a significant amount of staff time to ensure that the business has been operating in good faith. Continued monitoring of this situation is still required.

**Comments:** ~~As a result of the complaints from competing businesses, we have been informed that the business mentioned above has been operating outside days approved and outlined in the MGO, and staff is looking further into the language, and possible changes that need to be made.~~

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#### **Sidewalk Cafes & Roadway Café:**

##### **Applications Received/in process – 22**

Sidewalk Café ONLY applications - 6

Sidewalk & Roadway Café applications – 16

##### **License Issued - 55**

##### **Enforcement:**

Several café operators have required reminders regarding Outdoor Overnight Storage Procedures. Additionally, both new and existing applicants have been setting up cafés without active licenses, despite standing requests for required information. We continue to educate new applicants on all necessary requirements, emphasizing attention to detail in diagrams, compliance with equipment standards, and other guidelines. Roadway café approvals remain a slow process, as in previous years, but progress is being made.

The Borough Beer Co. installed a large steel pergola over their Sidewalk Café space without prior communication with our office, Building Inspection, the Engineering Division, or any other agency that would typically review and approve such modifications. The unapproved structure required swift, coordinated action across multiple departments to ensure its removal. In addition to violating the terms of their Sidewalk Café License, the pergola was installed directly on small concrete pavers, presenting not only code violations but also a potentially hazardous and unstable condition. Additionally, the approved fencing was removed, and large unapproved planters were installed in their place.

While unapproved changes to café equipment are not uncommon, this instance stands out as a particularly egregious example of unilateral decision-making that undermines public safety and the cooperative intent of our licensing program. A citation from our office was issued for this violation.

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#### **Food Cart Vending**

##### **Mall Food Vending**

##### **Mall Concourse Applications in process – 1**

##### **Mall Concourse Licenses Issued - 31**

##### **Enforcement:**

Citations have been issued to repeat violators for leaving their vehicles on-site while vending in the State Street Mall. Several reminders were also necessary to ensure vendors provided required public trash receptacles and kept their carts clear of the designated emergency access lane.

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#### **Comments:**

Staff have been working closely with vendors to encourage participation near State Street on farmers market weekends. Several clarifications have been needed regarding the food cart corral, which operates on a first-come, first-served basis for load-in order. This approach is intended to streamline coordination and accommodate increased demand for art and craft vending spaces.

While vendor interest has been somewhat inconsistent, there remains significant opportunity at this site. We continue to emphasize that consistency is key—regular presence in the corral helps build public awareness and expectations, ultimately benefiting vendors' business. That said, participation is voluntary, and our role is to offer access to a potentially lucrative location.

Additionally, we've encountered recurring issues with the truck loading zone in front of Walgreens on East Main Street, where DCFM vendors and others have parked large vehicles illegally. This has obstructed licensed vendors from accessing their assigned Saturday vending sites.

As of this meeting, Parking has installed the permanent no-parking signs for the stalls along East Mifflin and North Carroll. Staff are working with Parking Utility to update loading zone signage around the Square to assist with the load-in/out issues we have had near a few vending sites.

#### **Southeast Campus Vending**

**Southeast Campus Applications in process – 0**

**Southeast Campus License Issued - 5**

**Enforcement:** Nothing to report.

**Comment:** Many of the consistent Southeast Campus (SEC) vendors have already applied, paid for, and been issued licenses. This location has historically seen increased interest from new or returning applicants once students return for the academic year. As in past seasons, we anticipate additional applications to come in later in the year.

#### **State Street Night Vending**

**State Street Night Vending Applications Submitted/in process – 1**

**State Street Night Vending License Issued - 3**

**Enforcement:** Nothing to report.

**Comment:** Staff has been working closely with prospective vendors in the State Street Night Vending (SSNV) program to ensure they obtain the required PHMDC licensing before proceeding with City of Madison licensing. We have emphasized to applicants that consistency is key—while initial visits may be slow, maintaining a regular presence will help build public awareness and participation as the community begins to expect and rely on their presence.

#### **Citywide Vending**

**Licenses Issued: 66**

Umbrella: 54

Basic: 12

**Basic Street Vending Applications Received/In process: 9**

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Umbrella Street Vending Licenses ONLY (no high-density vending licenses) – 7

Street Vending License (food only and not high-density vending) – 2

#### **Enforcement:**

Staff continue to address various enforcement issues related to food vending operations in violation of Madison General Ordinances. One ongoing concern involves reports of food carts operating in residential neighborhoods after 9:00 PM, generating excessive noise, activity, and disruption. These situations are typically addressed on a complaint basis; when complaints are received, staff investigate, identify the vendor involved, and follow up accordingly.

Additionally, staff have received complaints regarding vendors operating in unapproved locations without proper Free-Standing Vending approvals. This remains a challenging area of enforcement, as Free-Standing Vending approvals fall under the authority of the City's Zoning Department. Many new and experienced vendors frequently seek new locations to expand their businesses and customer base. Despite staff's ongoing education efforts, some vendors mistakenly believe that obtaining permission from a property owner or manager is sufficient to begin vending. This misconception has required significant staff resources to continually educate both vendors and property owners about the necessity of zoning approvals, which can be a lengthy process that many ultimately choose not to pursue. However, as other vendors see this activity, it continues the pattern of assumption that it is okay to do the same elsewhere.

Staff have also identified a growing number of individuals advertising food vending operations via social media who appear to lack the required licensing from Public Health Madison & Dane County (PHMDC). Staff have documented over a dozen such individuals who may be operating under a form of "extended delivery" — preparing food in private homes and delivering orders directly to customers citywide. These operators often conceal their locations and conduct transactions exclusively through direct messaging on social media platforms, making verification of health licenses particularly difficult. This presents significant public health concerns. Staff are actively working with PHMDC to improve information sharing, coordinate enforcement efforts, and either bring these individuals into compliance through legitimate business pathways or, where necessary, take appropriate actions to halt unsafe operations.

#### **Comment:**

Staff observed many vendors operating outside Madison West High School over the lunch hour. Based on the posted no parking area, vending outside of West will need to be revisited over the summer. During one site visit staff observed a few unlicensed vendors. These vendors were contacted directly to move through the licensing process.

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#### **Basic Street Vending License (not food):**

License Applications Received/In process - 0

**Enforcement:** We received a complaint that an individual found to be vending non-food goods in the City right-of-way last year near the area of Vitense Golfland had been operating again this year despite addressing the situation in person last year. A follow-up was made and no such activity has been reported or observed since.

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**Comments:** Staff have been in conversation with a prospective vendor wanting to sell Vape/THC products from a mobile unit under a Street Vending License. Staff are reviewing if this type of product/operations can be approved to make sales in the right-of-way under a Street Vending License.

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#### **TOSVOD – Top of State Vending Overlay District**

TOSVOD application in process – 1

**Enforcement:** Nothing to report.

**Comments:** The Wisconsin Historical Museum construction has eliminated 7 TOSVOD sites. The future of these sites and the area is currently in the planning stages. On 2/19/25 Staff organized a focus group of City licensed Art & Craft and Food Cart vendors. The Planning Department lead the discussion to review the scope and timeline of the project and hear ideas and needs of vendors. We had 15 register and 6 that attended.

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#### **Game Day Vending**

**Enforcement:** Nothing to report.

**Comments:** Staff have been collecting a list of vendors who are looking to vend this up-coming Game Day Season.

Staff are working with vendors who want to sell outside Camp Randall on the dates there is a concert in Camp Randall.

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#### **Banners Permits:**

Number of individual organizations that have applied for a Banners Permit – 25

Number of individual Banners Permits in process or issued – 47

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#### **TEM Permits:**

Number of Tabling Permits issued – 202

Number of Tabling Permits at fees due – 75

#### **Comments:**

Staff have been in active communication with a representative of our largest TEM permit applicant group, the Jehovah's Witnesses, who historically account for a significant portion of our workflow for this permit type. We have advised them to begin submitting applications on March 1, with the understanding that processing will progress as capacity becomes available from other license categories and as weather conditions improve to support TEM permit activities.

Additionally, while this permit category had reached near complete-saturation levels with site availability in the previous year, we anticipate a more reasonable site availability for prospective TEM permit holders this coming season.

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#### **Ongoing Business:**

- Staff have been participating in conversations surrounding the future of the space surrounding The Wisconsin Historical Museum and how might it facilitate vending activities going forward.
- With the newly permanent status of the Carts in Parks program, staff have been coordinating with the Parks Department to explore additional opportunities to offer City Licensed Vendors in parks City-Wide. A very robust calendar of vending opportunities has been created and all food vendors with a Street Vending License have been added to the program and sent the guidelines for vending in City of Madison Parks.
- Imminent work to be done to refresh the spray-painted markers which help to clearly identify vending sites in the Mall/Concourse.
- Staff will provide more details on the VOC/EDC merger at the July meeting.