

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED _____ VOC _____

Amending Sections 9.13(1) and 9.13(6)(e)1.c. of the Madison General Ordinances to provide two-week grace period for food vendor to license assistant.

DRAFT

Drafted by: John Strange

Date: January 29, 2013

SPONSOR:

DRAFTER'S ANALYSIS: This Amendment provides a two-week grace period for licensed food vendors who hire employees to have their employees licensed. This will allow vendors a brief evaluation period to evaluate an employee's performance before incurring the expense of an additional vending license for that person. During the 14 day grace period, new employees will be allowed to engage in regular vending activities.

The Common Council of the City of Madison do hereby ordain as follows:

9.13 LICENSE FOR SELLING ON PUBLIC STREETS.

(1) Unless otherwise provided for in a subsection of this ordinance, it shall be unlawful for any person to vend, sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth, preparing or setting up the vending cart, stand or equipment, preparing food, beverage or articles for sale, stopping a vehicle or person on foot, interacting with potential customers in or around the vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services upon any highway, street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained the appropriate license(s) required by this Ordinance.

For purposes of this subsection and the licenses described under 9.13(3)(a), "vending" includes the activities described above and any other activity that furthers the vending operation at the vending site, whether or not the vending cart or stand is open for business. "Vending" does not include the act of delivering the cart, equipment, or necessary equipment and supplies to and from the vending site. However, unlicensed individuals shall not remain in or around a vending cart, stand or site for any length of time, whether open or closed for business, unless expressly permitted under another subsection of this Ordinance or unless they are customers waiting to be served. Subsections 9.13(6) and (7) set forth specific criteria for licensing and persons permitted at the vending site in specific vending areas. In case of a conflict between this subsection and subs. (6) and (7), subs. (6) and (7) shall control.

No license issued under this Ordinance shall be denied for reasons prohibited under Sec. 39.03(5) of the Madison General Ordinances.
(Am. by Ord. 12,009, Adopted 1-6-98; Am. by ORD-08-00130, 11-22-08)

Approved as to form:

(6)(e)

Definitions.

1. Art and Crafts or Food Vendor. To be eligible for a license for the sale of handcrafted goods or personally prepared food a vendor must be:
 - a. Arts and Crafts Vendor. An Arts and Crafts Vendor is defined as one (1) or two (2) individuals who offer for sale only 'handcrafted goods' as defined in Sec. 9.13(6)(e)3. if both individuals are solely and regularly involved in both the production and the sale of the goods. In addition, an Arts and Crafts Vendor may be a corporation, cooperative or partnership provided that no more than two (2) people are all solely and regularly involved in all phases of both the production and the sale of the goods. The names of all such individuals shall be listed on the application and license. An Arts and Crafts Vendor shall be licensed to sell only the handcrafted goods indicated on the face of the license from one arts and crafts vending site. "Arts and Crafts Vendor" also includes a vendor meeting the criteria in this paragraph operating as a Spray Paint Artist as described in the Regulations, Section II.F.1.e. All sections of this ordinance applicable to an Arts and Crafts vendor (or "craft" vendor) shall apply to a Spray Paint Artist unless explicitly stated otherwise. (Am. by Ord. 13,064, 4-9-02; Ord. 13,272, 3-11-03; ORD-12-00064, 5-9-12)
 - b. Food Vendor. A Food Vendor is an individual who offers for sale only personally prepared food for which that individual is regularly involved in all phases of both the production and the sale of the food. In addition, a food vendor may be a corporation, cooperative or partnership; however, the application and license shall designate a primary individual who is all regularly involved in all phases of the production process and who are responsible for the vending operation and who holds a valid street vending license issued pursuant to Sec. 9.13(1) herein. A food vendor may employ up to five (5) supplemental vendors who need not be individually named on the application or license. Any supplemental vendors under this paragraph must hold valid basic street vendor licenses under Sec. 9.13(3) within 14 days of being employed by the food vendor. All food vendors required to be licensed under Chapter 7 of the Madison General Ordinances shall obtain a food and drink permit and a mobile restaurant base license and operate from a licensed restaurant for food preparation, food storage and utensil cleaning activities. A Food Vendor shall be licensed to sell only the personally prepared food items indicated on the face of the license from one assigned food vending site. (Am. by Ord. 12,793, 4-9-01; ORD-09-00066, 4-2-09)
 - c. Persons Permitted at Arts and Crafts and Food Vending Sites. The individually licensed vendor, at least one of the primary individual vendors listed on an arts and craft vending license, or the primary individual designated on a license issued to a corporation, cooperative or partnership must be present at the vending site at all times during which items are displayed, offered for sale or sold. ~~In addition, p~~Properly-licensed supplemental vendors may also be present at food vending sites as described in Paragraph b., above. In addition, new employees of food vendors may be present at food vending sites without holding a valid basic street vending license for 14 days from the date of hire as provided in b. above, provided that the food vendor provides written notice to the Street Vending Coordinator of the employee's name and date of hire. Such properly noticed new employees may assist the food vendor in vending activities, such as selling, offering for sale, accepting money, and engaging in prolonged commercial interactions with customers or engage in any other direct vending activities, and eOther individuals who are not licensed as primary or supplemental ~~other individuals~~ vendors and who are not new employees as provided above ~~who are not licensed as vendors~~, may be present at the vending site solely to assist. Activities such as operating vending vehicles, loading

and unloading, food or drink preparation, or working on handcrafted items may be considered acceptable assistance activities. No unlicensed assistant shall

sell, offer for sale, accept money, engage in prolonged commercial interactions or other transactions with customers or engage in any other direct vending activities. (Am. by Ord, 12,793, 4-9-01)