



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 69380**

**File ID:** 69380

**File Type:** Ordinance

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** Attorney's  
Office/Approval  
Group

**File Created Date :** 01/19/2022

**File Name:** Repeal and Replace Section 9.13

**Final Action:**

**Title:** Creating Section 9.135, Sidewalk Cafe and Roadway Cafe Expansion Licenses, to create a new Roadway Cafe Expansion License and make the Streatery program for sidewalk cafes permanent, creating Section 9.136, Street Vending on the State Street Mall/Capitol Concourse, repealing Section 9.13, License for Selling on Public Streets and recreating Section 9.13 as Street Vending Licenses, and amending Sections 9.12, 1.08(3)(a), and 1.08(4), accordingly.

**Notes:** 6559sec9.13streatery

**Sponsors:** Satya V. Rhodes-Conway, Michael E. Verveer,  
Patrick W. Heck, Gary Halverson, Syed Abbas, Nasra  
Wehelie, Regina M. Vidaver and Charles Myadze

**Effective Date:**

**Attachments:** 69380 Body.pdf, Summary of Ordinance Changes.pdf,  
2-17-22 DCC Public Comment Streatery Program.pdf

**Enactment Number:**

**Author:** Lara Mainella

**Hearing Date:**

**Entered by:** jphelps@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	01/26/2022	Referred for Introduction				
	<b>Action Text:</b>	This Ordinance was Referred for Introduction					
	<b>Notes:</b>	Vending Oversight Committee (2/23/22); Transportation Commission (2/9/22); Transportation Policy and Planning Board (2/14/22); Downtown Coordinating Committee (2/17/22); Finance Committee (2/28/22); Board of Public Works (3/2/22); Common Council (3/15/22)					
1	COMMON COUNCIL	02/01/2022	Refer	VENDING OVERSIGHT COMMITTEE		02/23/2022	Pass
	<b>Action Text:</b>	A motion was made by Abbas, seconded by Carter, to Refer to the VENDING OVERSIGHT COMMITTEE. The motion passed by voice vote/other.					
	<b>Notes:</b>	Additional referrals to Transportation Commission, Transportation Policy and Planning Board, Downtown Coordinating Committee, Finance Committee, Board of Public Works.					
1	VENDING OVERSIGHT COMMITTEE	02/01/2022	Referred	TRANSPORTATIO N COMMISSION		02/09/2022	
	<b>Action Text:</b>	This Ordinance was Referred to the TRANSPORTATION COMMISSION					

<b>Notes:</b>					
1	VENDING OVERSIGHT COMMITTEE	02/01/2022	Referred	TRANSPORTATION POLICY AND PLANNING BOARD	02/14/2022
	<b>Action Text:</b> This Ordinance was Referred to the TRANSPORTATION POLICY AND PLANNING BOARD				
<b>Notes:</b>					
1	VENDING OVERSIGHT COMMITTEE	02/01/2022	Referred	DOWNTOWN COORDINATING COMMITTEE	02/17/2022
	<b>Action Text:</b> This Ordinance was Referred to the DOWNTOWN COORDINATING COMMITTEE				
<b>Notes:</b>					
1	VENDING OVERSIGHT COMMITTEE	02/01/2022	Referred	FINANCE COMMITTEE	
	<b>Action Text:</b> This Ordinance was Referred to the FINANCE COMMITTEE				
<b>Notes:</b>					
1	VENDING OVERSIGHT COMMITTEE	02/01/2022	Referred	BOARD OF PUBLIC WORKS	
	<b>Action Text:</b> This Ordinance was Referred to the BOARD OF PUBLIC WORKS				
<b>Notes:</b>					
1	TRANSPORTATION COMMISSION	02/09/2022	Return to Lead with the Recommendation for Approval	VENDING OVERSIGHT COMMITTEE	02/23/2022
	<b>Action Text:</b> McCahill moved to Return to Lead with the Recommendation for Approval, seconded by Myadze. With no further discussion, the motion passed by voice vote/other.				
<b>Notes:</b>					
1	TRANSPORTATION POLICY AND PLANNING BOARD	02/14/2022	Return to Lead with the Following Recommendation(s)	Attorney's Office/Approval Group	
	<b>Action Text:</b> Meghan Blake-Horst presented.				
	Keith Furman motioned to recommend adoption. Grant Foster seconded the motion. The motion passed by voice vote/other.				
<b>Notes:</b>					
1	DOWNTOWN COORDINATING COMMITTEE	02/17/2022	Return to Lead with the Recommendation for Approval	VENDING OVERSIGHT COMMITTEE	02/23/2022 Pass
	<b>Action Text:</b> A motion was made by Crabb, seconded by Plotkin, to Return to Lead with the Recommendation for Approval to the VENDING OVERSIGHT COMMITTEE. The motion passed by voice vote/other.				
	<b>Notes:</b> Crabb had a question about power cords, and was concerned about them laying across the sidewalk. Staff clarified that the draft ordinance states that they must be 9 feet above the sidewalk and covered by cord covers within café areas.				
1	VENDING OVERSIGHT COMMITTEE	02/23/2022	RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER		Pass

**Action Text:** A motion was made by Verveer and seconded by Barushok to recommend adoption of items 3, 4 and 5. After discussion the motion was amended by Verveer and seconded by Halverson to recommend adoption of item 4 with the following two Amendments. The motion was passed by a voice vote/other.

Amend 9.135(3)(g) and (h)5. regarding sidewalk cafe hours of operation to change the time that alcohol must be off the table from 1:00 a.m. to one hour prior to bartime.

Amending 9.135(6)(a) to allow a licensed Sidewalk Cafe holder without a roadway cafe expansion to securely store equipment in another establishment's roadway cafe expansion area with the permission of the roadway cafe expansion license holder. Subject to approval by the City Risk Manager.

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| 1 | FINANCE COMMITTEE     | 02/28/2022 |
| 1 | BOARD OF PUBLIC WORKS | 03/02/2022 |
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## Text of Legislative File 69380

### Fiscal Note

The proposed ordinance amendment creates Sidewalk Café and Roadway Café Expansion Licenses and establishes their fee structure, which is specified on page nine of the attachment titled “69380 Body.” This amendment allows the expansion of sidewalk cafes into the roadway, making permanent many aspects of the “Streatery” program. No other existing vending license fees are affected.

Based on the number of parking spaces used for “Streatery” cafés in 2020 and the average revenue for downtown spaces, the estimated revenue lost by the Parking Utility for the proposed café program is \$110,000, after accounting for the new roadway café revenue. The proposed fee structure will generate approximately \$72,000 for the Parking Utility with some additional revenue being realized by nearby parking ramps as vehicles are diverted from on-street parking. The General Fund is projected to realize additional revenue for administrative costs: \$19,000 through Traffic Engineering and \$15,000 through the Economic Development Division. No additional City appropriation is required for the proposed ordinance amendment.

### Title

Creating Section 9.135, Sidewalk Cafe and Roadway Cafe Expansion Licenses, to create a new Roadway Cafe Expansion License and make the Streatery program for sidewalk cafes permanent, creating Section 9.136, Street Vending on the State Street Mall/Capitol Concourse, repealing Section 9.13, License for Selling on Public Streets and recreating Section 9.13 as Street Vending Licenses, and amending Sections 9.12, 1.08(3)(a), and 1.08(4), accordingly.

### Body

**DRAFTER’S ANALYSIS:** This ordinance amendment creates a new section, 9.135, “Sidewalk Cafe and Roadway Cafe Expansion Licenses,” to allow expansion of sidewalk cafes into the roadway, making permanent many aspects of the “Streatery” program authorized on a temporary emergency basis at the beginning of the pandemic.

All information for sidewalk cafes is moved into new section 9.135. This Section describes eligibility, application process, operational rules, and allowable equipment for the following sidewalk cafe types: Regular Sidewalk Cafes on the State Street Mall/Capitol Concourse, Regular Sidewalk Cafes in other parts of the City, and new Roadway Cafe Expansion Licenses. The rules for new Roadway Cafe Expansion licenses are based on the existing Streatery program, with some changes. The Roadway Cafe Expansion License replaces the temporary Streatery approvals and may be issued seasonally (April 15-November 15), for the winter (November 16-April 14) or both. The fees for the new Roadway Cafe Expansion Licenses are

\$7.50/square foot on the Mall/Concourse and \$5.00/square foot in other parts of the City, with an additional \$5.35/square foot for winter on the Mall/Concourse and \$3.57/square foot for winter Citywide. There is an additional fee for Citywide cafes requesting outdoor storage in Table B. This square foot fee includes the fees for the Roadway Cafe Permit under new Sec. 10.30 (File No. 69379), which must be approved by the Traffic Engineer to qualify for a Roadway Cafe Expansion License, as well as costs associated with removal of on street metered parking spaces. This ordinance does not change the fees for a “regular” sidewalk cafe on the sidewalk.

This ordinance also reorganizes Sec. 9.13 without making substantive changes or changing existing license fees. All information for the State Street Mall/Capitol Concourse Vending Area (Food Carts, Arts/Craft, and Merchant Vending) is moved into another new section, 9.136, with no substantive changes to those licenses or their fees. Section 9.13 is repealed and recreated, with a new title, “Street Vending Ordinance.” All other information about other existing vending types and general rules for street vending will remain in Sec. 9.13. References to the Vending Coordinator are replaced with the Director of the Department of Planning and Community and Economic Development (abbreviated Director), with no actual change to the Vending Coordinator’s role. This ordinance authorizes the City Attorney to update cross references to Sec. 9.13 throughout the Madison General Ordinances, consistent with the changes made herein. This ordinance updates cross references in Sec. 9.12 (Vending Oversight Committee) and Sec. 1.08, creates a bail deposit of \$200 plus costs for citations for violating Sec. 9.135 and adds citation authority for the designee of the Department of Community and Planning and Economic Development (Street Vending staff) for new Secs. 9.135 and 9.136.

The following companion files relate to this ordinance and should be considered for adoption at the same time: File No. 69379 (Sec. 10.30, Roadway Cafe Permit), File No. 69382 (Chapter 28) and File No. 69381, a resolution that moves all information about sidewalk cafes out of the “Regulations Governing Street Vending on the State Street Mall/Capitol Concourse” into Sec. 9.135.

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

**See Legistar File 69380 - Body in Attachments.**