

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

January 18, 2011
Vending Oversight
Committee

Amending Sections 9.13(6)(n)4.b. and 9.13(10)(g)2. of the Madison General Ordinances to revise the method of counting the years of seniority for Late Night and Southeast Campus street vendors.

Drafted by: Lara Mainella

Date: January 10, 2011

SPONSOR: Alders Pham-Remmele & Verveer

DRAFTER'S ANALYSIS: This ordinance amendment clarifies the method of counting the number of consecutive years of seniority for Late Night vending licenses and Southeast Campus vending licenses. Both licenses currently use the "seniority system" to create a priority system for assignment of vending sites. This ordinance clarifies that only consecutive years of licensing may be counted for determining seniority; but the ordinance also creates a "sabbatical" option so that a vendor may take one vending season "off" and not more than two vending seasons off in a 3-year period, without losing their seniority status. This change is being made for all types of street vending licenses that use the seniority system.

Editor's Note: There is a companion Resolution making the same changes to the Regulations Governing Vending on the State Street Mall/Capitol Concourse and in High Density Vending areas. This ordinance and that resolution should be considered together so that, if adopted, the change is made consistently across all types of vending licenses.

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

1. Subparagraph b. entitled "Assigned Late Night Sites" of Paragraph 4. entitled "Application, Site Assignment" of Subdivision (n) entitled "Late-Night Vending Areas in the Mall/Concourse" of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" is amended to read as follows:

"b. Assigned Late Night Sites: Applications for an assigned site (Library Mall or Frances Street only) must be filed no later than April 1 to be eligible for site assignment for the upcoming vending season (April 15-April 14). The vendor must accept the site in writing and purchase a Late Night Vending License within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment. Failure to use an assigned vending site by June 1st will result in forfeiture of the site assignment. Only one (1) Late Night site will be assigned per vendor, and site assignments are not transferrable.

Late Night Site Assignment Procedure. The Vending Coordinator shall establish vending sites in the Library Mall and Frances Street areas consistent with Secs. 9.13(6)(n)3.a. and b., on an official map available at the Office of Business Resources,

Approved as to form:

Mall/Concourse food vendors with an assigned site in one of these areas will have first priority to use their site for Late Night vending, but must follow the application process in Sec. 9.13(6)(n)4.b. and purchase a Late Night Vending License.

All other applicants shall be ranked according to a seniority system, ~~using the date the vendor was first issued a basic street vendor license under ss. 9.13(3)(a) 1. or 2., minus any demerit points (see Sec. 9.13(6)(n)3.)~~ Seniority shall be calculated by counting the number of consecutive, uninterrupted years that the vendor has purchased a Basic Street Vendor license (of any duration) issued under Secs. 9.13(3)(a) 1. or 2., counting backwards from the present, and subtracting any demerit points (see Sec. 9.13(6)(n)5.). However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing consecutive years of seniority, but one (1) year will be subtracted from the vendor's total seniority. If a vendor takes more than two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the name on the late night application and the basic street vendor license used for seniority must be the same. If the late night license applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant was issued a basic license on the same date, the time of day that the license is created ~~issuance~~ will determine seniority. If the time is not available, seniority will be determined ~~alphabetically using the last name on the basic street vendor license.~~ by a coin toss conducted by the Vending Coordinator or designee. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a late night site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their Late Night assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list."

2. Paragraph 2. entitled "Site Assignment (Seniority System)" of Subdivision (g) entitled "Application, Site Assignment Procedure" of Subsection (10) entitled "Southeast Campus Vending Area" of Section 9.13 entitled "License for Selling on Public Streets" is amended to read as follows:

"2. Site Assignment (Seniority System). Site assignment shall be ~~determined by consecutive years of seniority.~~ Seniority shall be calculated by counting the number of consecutive, uninterrupted years the applicant has purchased a basic street vendor license (of any duration) under Sections 9.13(3)(a)1. or 2., counting backwards from the present and subtracting any demerit points. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing consecutive years of seniority, but one (1) year will be subtracted from the vendor's total seniority. If a vendor takes more than two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the name on the Southeast Campus application and the basic street vendor license used for seniority must be the same. If the applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant has held a basic street vendor license for the same number of years, the date, and if necessary, time of day the license was issued, will determine seniority. If the date and/or time is not available, seniority will be determined ~~alphabetically using the last name on the basic street vendor license~~ by a coin toss conducted by the Vending Coordinator or designee. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a late night site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their Southeast Campus assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list."