

LEGISTAR #53821 – Substitute Body

DRAFTER'S ANALYSIS: First, this amendment increases the license fees for all street vending types except sidewalk cafes, merchant vendors, TOSVOD and basic umbrella licenses, effective for the 2019-2020 vending season, which runs from April 15 to April 14. The new license fees for each license type are shown on Table 1, and a chart comparing the current and new base license fees is an attachment to this legislative item. Secondly, this amendment creates a due date for vending license applications and a system of late fees for both filing a late application and for late payment of the license fee. The due dates and associated fees are also shown in new Table 1. Vendors who apply late will be charged a late application fee, and vendors who fail to purchase their license, once approved, by the due date will owe a late payment fee. This is designed to encourage more timely applications and discourage vendors from vending without a license. This new system applies to all types of street vending: sidewalk cafes, food carts, merchant vendors, arts and crafts vendors, "basic" street vending, Southeast Campus, Camp Randall, Late Night Vending, and the TOSVOD. This ordinance makes several housekeeping changes consistent with the new fee structure and to streamline information so that all license fees, due dates and durations will be found in Table 1. This ordinance also eliminates references to the City Clerk because street vending licenses are no longer processed by the Clerk, and removes confusing statements about paying the City Treasurer. Payments are still made to the Treasurer but processed online or at the Office of Business Resources where the Street Vending Coordinator is housed. Finally, this ordinance increases the fee for an annual "Table" permit from \$25 to \$30.

This Substitute was created to change the proposed increase to the Southeast campus license fee from \$300 to \$400.

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

1. Subdivision (a) of Subsection (1) of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is created to read as follows:

"(a) Table 1 sets forth the license fees and additional information for each street vending license type authorized by this ordinance.

1. License Type and Fee. Each vending license type shall have the fee shown in Table 1.
2. License Duration. All license types in Table 1 are annual licenses unless otherwise noted. Annual licenses run from April 15 or the date issued, if later, and expire on April 14. Monthly licenses have a duration of 30 days from the date issued. Camp Randall High Density Vending licenses run for the duration set forth in Sec. 9.13(7)(e)1.
3. Application Due Date. Each license type shall be applied for by the Application Due Date in Table 1. Applications filed after the Application Due Date shall be subject to the late application fee in Table 1, if applicable. The Application Due Date and late fees shall not apply to a first-time vendor seeking a license mid-season (where available), or an application for an Umbrella Basic license from a licensed vendor transitioning to an umbrella license mid-season, or other circumstances deemed appropriate by the Street Vending Coordinator.
4. Payment Due Date. Once approved, each license type shall be purchased by the applicant no later than the Payment Due Date in Table 1. Payment shall include the license fee and any late application fee. Applicants who pay for their license after the payment due date shall pay the late payment fee in Table 1, addition to the license fee and any other fees owed for the license in question.
5. Payment Process. Payment instructions will be provided upon completion of the review process and notification of license approval. An approved license shall not be valid until payment is received.

Table 1. Vending License Types and Fees.

MGO	License Type	License Fee	Application Due Date	Late Application Fee	Payment Due Date	Late Payment Fee
-----	--------------	-------------	----------------------	----------------------	------------------	------------------

9.13(3)(a)1.	Basic Street Vending Annual	\$ 250.00	February 1	\$ 50.00	April 1	\$ 75.00
9.13(3)(a)2.	Basic Street Vending Monthly	\$ 150.00	February 1	N/A	April 1	\$ 75.00
9.13(3)(a)4.	Basic Street Vending Umbrella (Mall Food or Citywide Food)	\$ 600.00	February 1	\$ 150.00	April 1	\$ 75.00
9.13(7)(c)	Camp Randall High Density Food (duration: UW home game football season)	\$ 750.00	July 1	\$ 150.00	August 1	\$ 75.00
9.13(7)(c)	Camp Randall High Density Goods (duration: UW home game football season)	\$ 600.00	July 1	\$ 120.00	August 1	\$ 75.00
9.13(11)(h)	UW Game Day - site assignment (duration: UW home game football season)	N/A	July 1	N/A	N/A	N/A
9.13(6)(n)	Late Night Vending	\$ 650.00	April 1	\$ 125.00	License issuance	N/A
9.13(6)(e)1.b.	Mall Food Vending	\$ 1,250.00	February 1	\$ 250.00	April 1	\$ 75.00
9.13(6)(h)3.a.	Mall Food Vending – Prorated	\$ 750.00	Nov. 1 or later	N/A	License issuance	N/A
9.13(6)(e)1.a.	Mall Arts/Craft Annual	\$ 500.00	February 1	\$ 100.00	April 1	\$ 75.00
9.13(6)(h)2.c.	Mall Arts/Craft Reserved Site	\$ 150.00	February 1	N/A	April 1	\$ 75.00
9.13(6)(e)1.a.	Mall Arts/Craft Monthly	\$ 150.00	February 1	N/A	April 1	\$ 75.00
9.13(6)(e)5.	Merchant Vending	\$ 250.00	February 1	\$ 62.50	April 1	\$ 75.00
9.13(10)	Southeast Campus	\$ 400.00	February 1	\$ 50.00	April 1	\$ 75.00
9.13(6)(h)3.b.	Sidewalk Café - Mall/Concourse	\$5.50/sq. ft ¹	February 1	\$ 250.00	April 1	\$ 75.00
9.13(5)	Sidewalk Café - Citywide	\$3.00/sq. ft	February 1	\$ 250.00	April 1	\$ 75.00
9.13(12)	TOSVOD	\$ 50.00	February 1	N/A	April 1	\$ 75.00

¹ Sidewalk Cafes on the Mall/Concourse may be subject to varied initial license fees. See 9.13(6)(h)3.b.

2. The introductory paragraph of Subsection (3) of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(3) Basic Street Vending License. A Basic Street Vending License entitles the licensee to conduct street vending activities (as defined in Sec. 9.13(1)) on streets and sidewalks in the City, consistent with Sec. 9.13(4) and other applicable requirements herein. Application for ~~any a~~ Basic street vending license (except the Special Event vending license) shall be filed with the Director of Planning and Community and Economic Development or designee, ~~shall contain such information as she/he may require, shall specify in detail the food, goods or services to be offered for sale, by the application deadline in Table 1, and shall include all information required by this ordinance and the Director.~~ A Basic license shall be approved and issued by her/him if all applicable ordinance and regulation requirements have been met. Licenses shall be conspicuously displayed at the place where such sales are being made.

Other Vending License Types. In addition to the Basic ~~licenses~~ licenses in this subsection (3), special licenses and/or site assignments are required for vending in the following areas: Mall/Concourse Vending Area, under Sec. 9.13(6), Late Night Vending under Sec. 9.13(6)(n), High Density Vending Areas under Sec. 9.13(7), Southeast Campus Vending Area under Sec. 9.13(10), ~~and UW Football Game Day Vending Area under Sec. 9.13(11), and TOSVOD under Sec. 9.13(12).~~ Street vending licenses are not transferable. Basic Street Vendor License holders selling a ticket for admission to a sporting event, concert performance, or similar event (“ticket”), shall also annually obtain a photo identification badge for twenty five dollars (\$25) through the Madison Police Department. The badge shall be prominently displayed on the vendor’s person at all times while vending tickets and shall not be displayed without a valid Basic Street Vendor License. In order to lawfully vend tickets, an individual must hold both a valid Basic Street Vending License and a current identification badge.”

3. Subdivision (a) entitled “Basic Street Vendor License Fees and Durations” of Subsection (3) of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(a) Basic Street Vendor License Fees and Durations:-

1. Basic Street Vendor License (Annual). ~~Two hundred dollars (\$200) payable to the City Treasurer.~~ License fees and late fees for a Basic annual license are set forth in Table 1. Annual licenses shall ~~be issued on the fifteenth (15th) day of April each year, or thereafter when applied for,~~ run from April 15 or the date issued (if issued after April 15) and shall expire on ~~the fourteenth (14th) day of April~~ April 14th of the year following its issuance.
2. Basic Street Vendor License (Monthly). ~~One hundred (\$100) payable to the City Treasurer.~~ License fees for a monthly Basic license are set forth in Table 1. Such license shall be issued for thirty (30) days and shall set forth the date of expiration.
3. Basic Street Vendor Community Service Rebate. Certain vendors may qualify for a community service credit toward future street vending license fees as follows:
 - a. For every five (5) hours a mobile grocery store as defined in Sec. 9.13(4)(s) is in operation within an NRT (Neighborhood Resource Team) target neighborhood during the calendar year, the vendor is eligible for a ten percent (10%) rebate of fees paid for Basic Street Vendor license(s) purchased for the mobile grocery for the vending season that began in that calendar year, up to a total of one hundred dollars (\$100) per Basic license or fifty percent (50%) of the total vending license fees, whichever is greater. The rebate(s) earned will be applied toward the next street vending license(s) purchased by that vendor.
 - b. Eligible Neighborhoods. An NRT target neighborhood, for purposes of this vending license rebate only, is a neighborhood within a geographical area identified as a focus area on a map maintained by the City for that purpose, and subject to the approval of the Mayor, except that downtown NRT target neighborhoods are not eligible.
 - c. Rebate Procedure. Eligible vendors may request the license fee rebate by recording the date(s) and hours of operation in an NRT target neighborhood on a form provided by the Street Vending Coordinator. A single form recording all hours for the calendar year, approved by an NGT (Neighborhood Guidance Team) leader of the applicable neighborhood and signed by the vendor, must be filed with the Street Vending Coordinator not later than December 1 of the calendar year for which the rebate is requested. The Vending Coordinator shall apply the rebate as a credit toward future street vending license(s) purchased by the same vendor. The rebate is not transferrable to other vendors. Subject to approval by the Finance Director, the license fee credit shall have no expiration. A vendor may request a refund rather than a credit if the vendor can demonstrate circumstances that satisfy the Street Vending Coordinator and the Mayor that s/he will not be operating as a street vendor in the next vending season and a refund is appropriate. The rebate and refund procedures, including the December 1 request deadline, are subject to approval of the Finance Director.
4. Umbrella Basic License (Mall/Concourse Food Vendors only). Six hundred dollars (\$600) for an annual license, payable to the City Treasurer, issued on April 15 or thereafter when applied for, and expiring on April 14 following its issuance. This license is available to a licensed Mall/Concourse Food Vendor to provide the basic licensing necessary for any supplemental vendors working in the Food Vendor's vending site, per Sec. 9.13(6)(e)1.c. The Food Vendor shall provide the Street Vending Coordinator, in writing, the name, date of birth and address of each worker listed on the Umbrella Basic License, and any workers added to or deleted to the license during the licensing period, within fourteen (14) days of the change.”

4. Subdivision (b) entitled "Application" of Subsection (5) entitled "Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(b) Application. Establishments holding a food and drink ~~permit license~~, and meeting the eligibility criteria in sub. (a), may apply for a Citywide Sidewalk Cafe License by the deadline established in Table 1. The Vending Coordinator or designee shall inspect the proposed café location for compliance with sub. (a) and to make placement suggestions upon receipt of application, or prior to submission, if requested by the applicant. The application procedure for a Citywide sidewalk café shall be the same as for Sidewalk Cafes on the Mall/Concourse, under 9.13(6)(i)."

5. Subdivision (c) entitled "License Fees" of Subsection (5) entitled "Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(c) License Fees. The annual license fee for a Citywide Sidewalk Café vendor license shall be three dollars (\$3.00) per square foot of the café's approved dimensions, as measured by ~~the Vending Coordinator~~ city staff. The square footage of any tree grate or other obstruction that is considered unusable in the opinion of the Vending Coordinator shall be subtracted from the total square footage of the café for fee purposes. Late application and late payment fees for a Citywide Sidewalk café license are set forth in Table 1. ~~The information required to be displayed on the license shall be~~ license shall include the same information as for a Sidewalk Café on the Mall/Concourse, under 9.13(6)(h) ~~Annual licenses shall be issued on the fifteenth (15th) day of April each year or thereafter when applied for and shall expire on the fourteenth (14th) day of April of the year following its issuance. The license fee shall be paid to the City Treasurer.~~"

6. Subdivision (h) entitled "Mall/Concourse Vending Licenses and Fees" 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" of the Madison General Ordinances is amended to read as follows:

"(h) Mall/Concourse Vending Licenses and Fees.

1. Categories of Mall/Concourse Vending Licenses:
 - a. Mall/Concourse Food Vending Licenses issued to food vendors.
 - b. Arts and Crafts Vending Licenses issued to arts and crafts vendors.
 - c. Sidewalk Cafe Licenses issued to establishments eligible for sidewalk cafes.
 - d. Merchant Vendor Licenses issued to contiguously-located, street-level merchants or corresponding non-street-level merchants in the same building by order of priority established in Sec. 9.13(6)(h)4. below.
2. Additional License Requirements for the Mall/Concourse.
 - a. Basic License. Food Vendors, Arts and Crafts Vendors and individuals working in ~~the vending sites~~ (except helpers as described in Sec. 9.13(6)(e)1.c.ii.) must also hold a Basic Street Vending license or Umbrella Food Vending License, if applicable, under Sec. 9.13(3). Merchant Vendors and Sidewalk Cafes do not require a Basic Street Vending License.
 - b. Health Licensing. All food vendors required to be licensed under Chapter 7 of the Madison General Ordinances shall obtain a the appropriate food and drink ~~permit license~~ and a mobile restaurant base license and operate from a licensed restaurant for food preparation, food storage and utensil cleaning activities.
 - c. Optional site reservation fee for Arts/Crafts Vendors.
 - i. Saturday-only craft vendors may reserve a site by paying the site reservation fee set forth in Table 1. This allows the vendor to reserve a specific vending site until 7:30 a.m. at the Saturday craft vending area, which site shall be assigned to them by the Director of Planning and Community and Economic Development or designee pursuant to the

regulations on Saturday Vending Site Assignment adopted pursuant to Section 9.13(6)(c) and (f).

- ii. Daily craft vendors may reserve a site by paying the site reservation fee set forth in Table 1. This allows the vendor to reserve a specific craft vending site on the 400, 500, and 700 blocks of State Street until 11:00 a.m. each day, which shall be assigned to them by the Director of Planning and Community and Economic Development, or designee, and be subject to the to the regulations adopted pursuant to Section 9.13(6)(c) and (f).

- 3. Fees. The duration, license fees, application and payment deadlines for all Mall/Concourse vending licenses types and fees are as set forth below in Table 1. All fees are paid to the City Treasurer. Additional information regarding specific license types is below:

- a. Annual License. Annual licenses shall be issued on April 15 of each year or thereafter when applied for and shall expire on April 14 of the year following its issuance.

- i. Food Vendors. one thousand dollars (\$1000) for the full season and In addition to the annual license in Table 1, a pro-rated to five hundred dollars (\$500) for a license is available for the fee shown in Table 1 for a Mall/Concourse Food Vending license issued November 1 or later to a first-time food vendor, as described in Sec. V.E. of the Regulations Governing Vending on the State Street Mall/Capitol Concourse.

- ii. Arts and Craft Vendors. four hundred dollars (\$400.)

- iii. Merchant Vendors. two hundred fifty dollars (\$250), except as indicated in v. below.

- ivb. Sidewalk Cafes.

- i. Standard Annual Fees. The standard annual license fee for a Mall/Concourse sidewalk café license fee shall be determined by the size of the café using a fee five dollars and fifty cents (\$5.50) per-square foot of the café's approved dimensions, as measured by the Vending Coordinator/designee. The square footage of any tree grate or other obstruction that is considered unusable in the opinion of the Vending Coordinator shall be subtracted from the café's total square footage for fee purposes. Except as indicated in v. below, the annual fees shall be as follows: Alternative fees for special circumstances are set forth in paragraphs ii.-iv, below.

Remainder of 2015 vending season: Four dollars and fifty cents (\$4.50) per square foot.

2016 vending season: Four dollars and fifty cents (\$4.50) per square foot.

2017 vending season: Five dollars (\$5.00) per square foot.

2018 vending season and thereafter: Five dollars and fifty cents (\$5.50) per square foot.

- vii. 400 Block West Gilman Street. The annual fee for a sidewalk café located in the 400 block of West Gilman shall be three dollars (\$3.00) per square foot effective with the 2016 vending season.

- iii. Cafes Adjacent to Street Vending Sites. If a Saturday-only street vending site (established on the official map) is located adjacent to an establishment that qualifies for a sidewalk café, and the size of the café is reduced on Saturdays by the presence of the street vending site, the café's annual license fee shall be reduced by five percent (5%) for that vending season. The license shall be approved for both the full size and the reduced Saturday size.

- iv. Construction Discount. For sidewalk cafes located on a block or series of blocks that experiences public road construction under a City of Madison Public Works contract during any portion of the vending season, the

annual fee for that vending season shall be 33% of the total as calculated above. A vendor shall be entitled to this reduced fee if, at the time the vendor applies for the annual license, the Common Council has adopted a resolution approving plans and specifications for a phase of road construction to take place anytime during the vending season in question.

vi. ~~Late Night Vending License. See Sec. 9.13(6)(n) for Late Night Vending license fees.~~

~~bc. Monthly License. Only arts and crafts vendors are eligible for a Monthly License. The fee shall be as follows:~~

~~i. Arts and Crafts Vendors, one hundred twenty-five dollars (\$125). Monthly licenses shall expire thirty (30) days from the date of issuance.~~

~~c. Additional Mall/Concourse Vending Fees. In addition to the license fees set forth above, there shall be the following additional fees:~~

~~i. Saturday-Only Arts/Crafts Site Reservation . A separate site reservation fee of one hundred dollars (\$100) for craft vendors who wish to reserve a specific vending site until 7:30 a.m. at the Saturday craft vending area which site shall be assigned to them by the Director of Planning and Community and Economic Development or designee pursuant to the regulations on Saturday Vending Site Assignment adopted pursuant to Section 9.13(6)(c) and (f).~~

~~ii. Daily Arts/Crafts Site Reservation . A separate site reservation fee of one hundred dollars (\$100) dollars for craft vendors who wish to reserve a specific craft vending site on the 400, 500, and 700 blocks of State Street until 11:00 a.m. each day, which shall be assigned to them by the Director of Planning and Community and Economic Development, or designee, and be subject to the to the regulations adopted pursuant to Section 9.13(6)(c) and (f).~~

d. (R. by ORD-07-00137, 10-18-07)

e. Non-Profit Exemption. Qualified non-profit organizations, otherwise meeting the criteria for Mall/Concourse vending, may apply for an annual license under subparagraph (h)3.a. and may be exempt from paying the annual license fee, upon approval of the Vending Oversight Committee.

4. A licensed Mall/Concourse vendor shall inform the designee of the Director of the Department of Planning and Community and Economic Development of any change of address of the vendor or the primary vendor named on the license, in writing, occurring during the license period.

5. Each Mall/Concourse Vending License shall contain such information on its face as may be required by the Street Vending Coordinator and the Regulations for Vending on State Street Mall/Capitol Concourse.

6. ~~In addition to other permits, t~~The Mall/Concourse Vending License shall be conspicuously displayed by the vendor at the vending area occupied by the vendor all times while vending.

7. Paragraph 1. entitled "Application" of Subdivision (i) entitled "Procedures For Granting a Mall/Concourse Vending License" 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" of the Madison General Ordinances is amended to read as follows:

"1. Application. All applications for a Mall/Concourse Vending License shall follow the procedures set forth hereunder unless a different procedure is established for a particular category of vending ~~or for vending in a particular specified area. In addition, the Vending Oversight Committee (VOC) may establish additional or distinct procedures and criteria for the granting of licenses under any vending category including, without limitation, the establishment of a committee to review applicants for any one or more category or class of vending license or aspect or regulation of a category or class.~~

- a. Application for a Mall/Concourse Food Vending License or Arts And Crafts Vending License shall be filed with the Director of Planning and Community and Economic Development, or designee, by the Application Due Date established in Table 1 and shall contain such information as shall be required by regulation and such additional information as s/he shall require in order to determine whether the requirements of the ordinance have been met. Such additional information may include but shall not be limited to documentation or other evidence, such as invoices for raw materials, demonstrations or explanations of design or production techniques, which evidence or illustrate that the item in question is handcrafted or personally prepared. An application for a Mall/Concourse Food vending license shall not be accepted unless the applicant has first participated in the Food Cart Review set forth in the Regulations Governing Vending on the State Street Mall/Capitol Concourse.
- b. Application for a Mall/Concourse Sidewalk Cafe or Merchant Vendor License shall be filed with the Director of Planning and Community and Economic Development, or designee on a form ~~prescribed by the Vending Oversight Committee (VOC)~~ designed for that purpose. The application for new and returning sidewalk cafes shall include a scale drawing of the site, including the location of all trees, poles, benches, gratings, and other amenities or obstructions, and the location of the proposed furniture and other vending equipment. All applications shall be accompanied by a photograph, catalogue page(s) or detailed renderings of the tables, chairs barriers or other furniture or equipment being considered for use, including the location and number of chairs, with dimensions and color included. The application shall also contain any information required by regulation or by the Director of Planning and Community and Economic Development.
- c. Any applicant for a Sidewalk Cafe License who wishes to sell alcohol beverages must also follow the procedures set forth in Chapter 38 for obtaining an alcohol beverage permit. All actions by the ALRC shall also require the approval of the Common Council.
- d. ~~A copy of the Application and all attachments shall be transmitted by the Director of Planning and Community and Economic Development, or designee, to the City Clerk."~~

8. Paragraph 2. entitled "Initial Determination Appeal and Review" of Subdivision (i) entitled "Procedures For Granting a Mall/Concourse Vending License" 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" of the Madison General Ordinances is amended to read as follows:

2. Initial Determination Appeal and Review. Upon receipt of an application for a license the Director of Planning and Community and Economic Development, or designee, shall review all applications for a vending license under this section for compliance with the applicable ordinance(s) and regulations, and shall make a determination ~~within ten (10) days of the date of the application~~ using the procedures below.
 - a. Upon receipt of a completed application, if all the applicable requirements are clearly and unambiguously met in the opinion of the Director of Planning and Community and Economic Development, or designee, and all applicable fees paid, the appropriate license shall be promptly approved and issued. by her/him and issued by the City Clerk, ~~with the following exceptions: an applicant for a Food Vendor License must first participate and obtain a satisfactory rating in an annual Food Vending Review pursuant to regulations established under this chapter, and no applicant who has been issued one (1) or more health ordinance citation or civil complaint or two (2) or more vending ordinance citations or complaints may participate in the Fall Food Vending Review nor be issued a Food Vending License.~~
 - b. If the Director of Planning and Community and Economic Development or designee determines that the applicable requirements of the ordinance and regulations are not met, s/he shall deny the license and state the reasons in writing to the applicant within ten (10) business days of the date of the application. The applicant may re-apply in order to address the reasons for denial or may appeal the denial to the Common Council by filing a written notice of the appeal with the Director, within five (5) days of the Director's written determination. The Director shall refer the appeal to the VOC for a hearing. The

applicant shall be notified in writing of the time, date and place of the hearing at least ten (10) days prior to the hearing, unless both parties agree in writing to shorter notice.

- c. The sole issue at the hearing shall be whether the correct decision was made by the Director of Planning and Community and Economic Development, or designee, based on the information contained in the application and any supporting documentation submitted with it. New or additional information shall not be grounds for an appeal and any such information shall not be allowed at the hearing. Such information, however, may be the basis of a re-application to the Director of Planning and Community and Economic Development, or designee, under this Chapter. At any such hearing the parties shall have the opportunity to question witnesses, may call witnesses in her or his own behalf or may be represented by counsel. All testimony shall be recorded. The Committee shall report its findings and recommendations in writing to the Common Council which shall convene to consider the report and recommendations. After due consideration of the Committee's report and any evidence presented, the Common Council may by majority vote affirm, reverse, or modify the decision of the Director of Planning and Community and Economic Development, or designee, and shall issue its decision in writing. If no decision is made within sixty (60) days from the date of filing the Notice of Appeal, the appeal shall be deemed denied. If the application is approved, the Director of Planning and Community and Economic Development, or designee, shall sign the application and the license shall be issued by the City Clerk upon proper payment of fees.
- d. The decision of the Common Council shall be a final determination and shall be subject to review in court as may be provided by law. Any person aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination.
- e. Any approval by the Director of Planning and Community and Economic Development, or designee, or Common Council of any category of Mall/Concourse vending license shall be deemed to be a conditional approval in the absence of approval by other necessary City agencies."

9. Subparagraph c. of Paragraph 6. entitled "Late Night Vending License Fees" of Subdivision (n) entitled "Late Night Vending (LNV) Areas" 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" of the Madison General Ordinances is created to read as follows:

"c. Late payment fees shall be as set forth in Table 1."

10. The introductory paragraph of Subdivision (e) entitled "Application for High Density Vending Licenses and Fees" of Subsection (7) entitled "Regulations and Procedures for Vending in High Density Vending Areas" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(e) Application for High Density Vending Licenses and Fees. Application for a High Density Vending License shall be filed with the designee of Director of Planning and Community and Economic Development by the deadline set in Table 1 and shall contain the name ~~and photograph~~ of the individual responsible for all activities at the vending site, any other information ~~as the Clerk or required by the~~ Director of Planning and Community and Economic Development, or designee and the Regulations Governing Vending in the High Density Vending Area. Only one (1) High Density Vending License may be issued to a vendor as defined in Sec. 9.13(7)(d) for each High Density Vending Area during any single vending period. ~~All license fees shall be paid to the City Treasurer.~~ The following types of High Density Vending licenses are available:"

11. Paragraph 1. entitled "Camp Randall Football Season License" of Subdivision (e) entitled "Application for High Density Vending Licenses and Fees" of Subsection (7) entitled "Regulations and Procedures for Vending in High Density Vending Areas" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

“1. Camp Randall Football Season License. A football season license shall be effective only in the Camp Randall High Density Vending Area and only on the days on which official University of Wisconsin football games are held at the stadium. ~~The fee shall be four hundred seventy-five dollars (\$475) for vendors selling goods/services and six hundred dollars (\$600) for vendors selling food~~ license fee, late application fee and late payment fee for both food and goods/services vendors are set forth in Table 1. Such license shall set forth the exact days on which such business may be carried on.”

12. Subdivision (f) entitled “Vending Licenses Required” of Subsection (10) entitled “Southeast Campus Vending Area” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(f) Vending Licenses Required. ~~An two hundred dollar (\$200) annual Southeast Campus Vending Area license, and a Basic Street Vendor license (or Umbrella Basic License if eligible), shall be required to vend in this area. The Southeast Campus license will be valid from April 15 to April 14 and only available to those assigned a site in this area. The license fees, application and payment deadlines, and license duration are set forth in Table 1.~~ Additionally, every person working or performing vending activities at an assigned site in this area must hold a valid basic street vendor license, or be listed on an Umbrellas Basic license under Sec. 9.13(3). No person shall vend (as defined in Sec. 9.13(1)) in the Southeast Campus Vending area without the licenses required hereunder.”

13. Paragraph 1. entitled “Application” 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” of the Madison General Ordinances is amended to read as follows:

“1. Application. ~~Vendors holding a basic street vendor license may apply~~ Application for a site assignment and a Southeast Campus Vending License ~~at shall be made with~~ the Office of Business Resources, using an application ~~form created by the Vending Coordinator~~ process designed for that purpose. Applications must be filed ~~no later than April 4~~ by the Application Due Date in Table 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 Southeast Campus license~~ within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment, and shall purchase the license by the due date in Table 1. Failure to use an assigned vending site by June 1st will result in forfeiture of the site assignment. Only one (1) Southeast Campus site will be assigned per vendor, and site assignments are not transferrable.”

14. Subdivision (g) entitled “Vending Licenses Required” of Subsection (12) entitled “Top of State Vending Overlay District Area” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(g) Vending Licenses Required. ~~A fifty dollar (\$50)~~ An annual TOSVOD license, and a Basic Street Vendor license, shall be required to vend from a TOSVOD site. TOSVOD license fees and late payment fees are set forth in Table 1. ~~The A~~ TOSVOD license will be valid from April 15 to April 14 and must be purchased prior to using the reservation process in sub. (h)2. Additionally, every person working or performing vending activities at an assigned site in this area must hold a valid Basic Street Vendor license under Sec. 9.13(3). Merchant Vendors defined in Sec. 9.13(6)(h)1.b. holding a valid merchant vending license and vendors holding a valid Mall/Concourse Arts and Crafts vending license under Sec. 9.13(6)(e)1.a. are exempt from paying the TOSVOD license fee in this paragraph and will be issued TOSVOD licenses upon meeting application requirements established by the Director. A separate sidewalk café license shall be required for Satellite Sidewalk cafés under sub. (d)7.d. herein. No person shall vend, as that term is defined in Sec. 9.13(1), in the Top of State Vending Overlay District without the license(s) required hereunder.”

15. Paragraph 1. entitled "Application" of Subdivision (h) entitled "Application, Site Assignment Procedure" of Subsection (12) entitled "Top of State Vending Overlay District Area" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"1. Application. Vendors may apply for a Basic Street Vendor license and a TOSVOD license through an application process established by the Office of Business Resources, by the Application Due Date in Table 1. The Director shall establish an application process for those holding a current Sidewalk Café, Merchant Vending or Arts/Crafts license wishing to vend in the TOSVOD."

16. Paragraph 5. entitled "Café Furniture" of Subdivision (d) entitled "Café Placement and Dimensions" of Subsection (5) entitled "Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"5. Café Furniture. Maximum table size and furniture configuration shall be as required by Table 42. below."

17. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the new title of Table 2, Sec. 9.13(5)(d)5.

18. Paragraph 1. entitled "T Site Annual - \$25" of Subdivision (a) entitled "T Permit Fees" of Subsection (10) entitled "T and E Permit Application, Fees" of Section 9.54 entitled "Equipment Placement on Sidewalks and Terraces, Permits for Information Tables and Expressive Street Vending of the Madison General Ordinances is amended to read as follows:

"1. T Site Annual - \$2530. Annual permits shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance."