

**CITY OF MADISON, WISCONSIN**

AN ALTERNATE ORDINANCE \_\_\_\_\_

PRESENTED  
REFERRED

July 11, 2017  
VOC

Amending 9.13(6)(n) of the Madison General Ordinances to reduce the closing time for Late Night food vending from 4 a.m. to 3:30 a.m., creating new Late Night Vending Zone F, creating a process for trial period late night vending zones for the 2017-2018 season, and eliminating Late Night Vending Zones A and B.

LEGISTAR # 47964

Drafted by: Lara Mainella

Date: August 28, 2017

SPONSOR: Alders Verveer & Wood

DRAFTER'S ANALYSIS: Under current law, street vendors holding a Late Night Vending license and a site assignment in one of the five Late Night Vending areas can sell food from vending carts from 9 p.m. to 4 a.m. daily. This alternate ordinance amendment changes the closing time from 4 a.m. to 3:30 a.m. This alternate amendment eliminates current Late Night Vending Zones A and B. This alternate amendment creates new Zone F on North Lake Street at University Avenue, and creates a process for "trial" late night vending zones to be established only during the 2017-2018 season. Trial zone(s) can be added to the Late Night Vending map without Vending Oversight Committee (VOC) approval.

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

1. Paragraph 1. 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 amended as follows:

"1. Certain areas within the Mall/ Concourse and downtown area are established for vending food and drink between the hours of 9:00 p.m. and ~~4:00~~3:30 a.m.  
Vendors operating as licensed Late Night Vendors are not considered Mall-Concourse Food Vendors, do not need a Mall/Concourse Vending License, and need not participate in the food cart review. Vendors operating as licensed Late Night Vendors are not subject to other portions of Section 9.13(6) or the Regulations Governing Vending on the State Street Mall/Capitol Concourse adopted under Sec. 9.13(6)(c), except Secs. 9.13(6)(k), (exclusive use and special events), (6)(l)2. (use of electricity), (6)(l)3. (emergency vehicle access), (6)(l) 4. (relocation), (6)(m) (insurance), and those Regulations listed in Sec. 9.13(4)(s) (safety requirements for non-Mall/Concourse food vending). Late Night vending is subject to Sec. 9.13(4), all other applicable portions of this Ordinance, and applicable traffic and parking laws."

2. Paragraph 3. entitled "Late Night Vending Areas" 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 amended by amending therein as follows:

**Approved as to form:**

- “3. Late Night Vending Areas:. The Late Night Vending Areas established herein shall be shown on an official map kept on file at the Office of Business Resources (“official LNV map”). The available late night vending areas are as follows:
- a. ~~Zone A: 300 Block of North Frances. Zone A is located on the west side of the 300 block of North Frances Street as shown on the official LNV map approved by the VOC and on file at the Office of Business Resources (“official LNV map”). A maximum of one (1) licensed Late Night Vendor may vend from a legal parking space within Zone A at any one time. Only a licensed Late Night Vendor who has been assigned to Zone A may vend in Zone A, and the vendor will be assigned to this zone by seniority under Sec. 9.13(6)(n)4.b.~~  
2017-2018 Trial Zones. During the 2017-2018 vending season, the Director, or designee, with the written approval of the Chief of Police or designee, may establish Late Night Vending Zones within or outside the Mall/Concourse Vending Area (but not in a residential zoning district) that provide adequate legal parking space(s) for currently licensed late night vendor(s) who agree to move from their assigned Zone or site to the Trial Zone for some or all of the vending season. Only a licensed Late Night Vendor who has been assigned to a trial zone may vend in a trial zone. Assignment of a vendor to a trial zone shall be at the discretion of the Street Vending Coordinator. Any such trial zones shall cease to exist when vending licenses expire on April 14, 2018.
  - b. ~~Zone B: 400 Block of West Gilman. Zone B is located on the south side of the street in the 400 block of West Gilman Street, near University Avenue, as shown on the official LNV map. A maximum of one (1) licensed Late Night Vendor may vend from a legal parking space within Zone B at any one time. Only a licensed Late Night Vendor who has been assigned to Zone B may vend in Zone B, and a vendor will be assigned to the zone by seniority under Sec. 9.13(6)(n)4.b.~~ (Reserved for Future Use.)”

3. Subparagraph f. entitled “Zone F: Lake and University” of Paragraph 3. entitled “Late Night Vending Areas” 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:

- “f. Zone F: North Lake Street and University Avenue. Zone F is located on the west side of the 300 block of North Lake Street in the northern-most parking stall at the intersection with University Avenue. A maximum of one (1) licensed Late Night Vendor may vend from a legal parking space within Zone F at any one time. Only a licensed Late Night Vendor who has been assigned to Zone F may vend in Zone F. During the 2017-2018 vending season, the vendor will be assigned to the zone by the Street Vending Coordinator. Thereafter, the vendor will be assigned to the zone by seniority under Sec. 9.13(6)(n)4.b.”

4. Paragraph 7. entitled “Violations” 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 amended as follows:

- “7. Violations. No person shall conduct the activities for which an LNV license is required herein without having been issued a valid LNV license, and no person shall vend in any LNV zone or site without being assigned to that zone or site, and no person shall vend from a location other than a valid Late Night Vending Area during hours when street vending is not permitted elsewhere in this ordinance. For those areas listed in Sec. 9.13(6)(n)3., no person shall vend in a location other than one of the assigned sites. No person shall violate any other provision of Sec. 9.13(6)(n).”