

*DRAFT RESOLUTION FOR VOC DISCUSSION – August 31, 2016*

A RESOLUTION amending the “Regulations Governing Vending on the State Street Mall/Capitol Concourse” to create a demerit point for missing a day of the Food Cart Review, to modify the rules for a food vendor to move into another food vendor’s unoccupied site, eliminating the rule that Mall/Concourse food carts cannot be moved with a vehicle until after 2:30 p.m., and making various housekeeping changes regarding Food Cart Review point tabulation and appeals.

Drafted by: Lara M. Mainella, Assistant City Attorney

Date:

SPONSOR(S):

REFERRALS:

WHEREAS, Under sec. 9.13(6)(c) of the Madison General Ordinances, the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall and Capitol Concourse; and

WHEREAS, pursuant to Sec. 9.13(6)(c) the Common Council must approve the regulations promulgated by the VOC; and

WHEREAS, the regulations are published in documents entitled “Regulations Governing Vending on the State Street Mall/Capitol Concourse;” and

WHEREAS, at its meeting on \_\_\_\_\_ the VOC promulgated amendments to these Regulations as set forth below, using underlines to show new text and strike-outs to show deleted text;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approve the following amendments to the “Regulations Governing Vending on the State Street Mall/Capitol Concourse” recommended by the Vending Oversight Committee:

**1. Amend Sec. III. C. as follows:**

- C. Fall Food Vending Review. All applicants for Mall/Concourse Food Vendor licenses, including returning Mall/Concourse food vendors, shall be required to participate in an annual Food Vending Review. The Food Vending Review shall be conducted every year during the last week of September and the first week of October. During these weeks, reviews may take place Monday through Friday between 11:00 a.m. and 2:00 p.m., and on Saturday(s) between 8:00 a.m. and 12:00 p.m. In the event of severe weather, specific review days may be rescheduled upon notice to all participants. Returning food vendors will be reviewed in their regular sites during their regular business hours. New applicants will be assigned a site by the Street Vending Coordinator for review on a designated Saturday. New applicants may not be open for business to the regular public during this time. Participants will be penalized one (1) demerit point per day from their total Fall Food Cart Review score for missing any day of the assigned days of the Food Cart Review.

discontinued or on the quality or uniqueness of the vending presentation either abandoned or substantially changed. Such material change shall be grounds for suspension of the Mall/Concourse Vending License. Any applicant for license renewal who shall have been suspended for such reason during the previous vending year shall be penalized twenty (20) demerit points in the next food review process.

- Additionally, five (5) demerit points will be assessed for any of the following:
  - if a vendor has had his/her **vending cart or mobile base kitchen ordered by the public health department to suspend or cease all operations** for **seven (7)** or more consecutive days any length of time during the previous vending season.
  - if a vendor has had his/her **food and drink permit suspended** or revoked for a period of **seven (7)** or more consecutive days during the previous vending season.

5. **Amend Sec. IV. E. , Final Score Tabulation, as follows:**

E. Final Score Tabulation. Each review panelist must evaluate at least 80% of the applicant vendors on the score sheet (Appendix A) in order for the scores on their score sheet to be considered in the Final Score Tabulation. From those score sheets, the Director of the Department of Planning and Development, or designee, shall compute the average score for each applicant vendor. In computing the average score, the designee shall not include the highest and lowest score for each applicant. The designee shall add to the average score one (1) point for each year of an applicant's seniority (calculated under sec. IV.A.1.), with a maximum of seven seniority (7) points. The designee shall then subtract ~~one (1) point for each and any health or vending violation, citation or civil complaint ("demerit")~~ any demerit or violation points calculated under sec. IV.A.2. issued to the applicant within the twelve-month period beginning July 1 of the previous year and ending June 30 of the year the Review is held, to arrive at a final score. The designee shall establish a rank-ordered list for use in the final site assignment process based upon first, second and third-choice site preferences listed by the applicant on the Application for Mall/Concourse Food Vendor form. Applicants receiving a final score of seventy (70) or more points, including seniority and demerit points, will be eligible to be assigned a site.

8. **Amending Sec. IX, A. 1., Restrictions on Mobility, as follows:**

A. Restrictions on Mobility

1. Vending equipment and supplies shall be moved into the vending site by 11:00 a.m. if using a vehicle to move it, and manually if after 11:00 a.m. to and from sites manually between the hours of 11:00 a.m. and 2:30 p.m. Vendors may depart the vending site using a motorized vehicle whenever it is safe to do so, taking care to avoid interfering with pedestrians, and a vehicle may be used to move vending equipment at all other times or at any time in the event of severe weather. Any driving on the sidewalk or pedestrian walkway shall be done at a speed of less than 5 miles per hour and with due regard to the safety of pedestrian