

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED July 19, 2011 FROM THE FLOOR

REFERRED _____
VOC, EDC _____

Creating Secs. 9.13(1)(b)3., 4. and 5. of the Madison General Ordinances to prohibit street vending on city streets and sidewalks immediately surrounding the Dane County Alliant Energy Center, prohibiting street vending on bicycle paths, bicycle ways, and recreational trails owned, operated or maintained by the City, and creating a procedure to temporarily prohibit street vending in specific locations throughout the city during conventions.

Drafted by: Lara Mainella

Date: July 19, 2011

SPONSOR: Mayor Soglin

DRAFTER'S ANALYSIS: This ordinance amendment would prohibit street vending on all city streets and sidewalks surrounding the Dane County Alliant Energy Center campus. The campus is on county land but many streets surrounding it are in the City of Madison. Currently, street vending on these streets is permitted year-round with a "basic" street vendor license. This amendment would prohibit vending on the streets identified in new Sec. 9.13(1)(b)4. This ordinance would also prohibit street vending on any bike path or recreational trail owned, maintained or operated by the City. There is an exception to recognize the long-time vending sites near Camp Randall stadium that intersect with portions of the Southwest Path. Finally, this ordinance would create a procedure to allow the Common Council to adopt a resolution to temporarily prohibit street vending in areas that the Council finds are important gateways or entry ways to the city, for the purpose of promoting the success of a convention or other event held at the Alliant Energy Center or other government-owned convention centers such as the Monona Terrace.

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

1. Paragraph 3. entitled "Street Vending Prohibited on Bicycle Paths, Bicycle Ways and Recreational Trails" of Subdivision (b) 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:

"3. Street Vending Prohibited on Bicycle Paths, Bicycle Ways and Recreational Trails. Notwithstanding anything to the contrary in this ordinance, street vending is prohibited on any bicycle path, bicycle way or other recreational trail owned, operated or maintained by the City of Madison, whether paved or unpaved or any other surface. This prohibition applies to the entire width of any right-of-way or other property lines designated for or associated with the bicycle path, bicycle way, or other recreational trail. This prohibition does not apply to vending sites in the Camp Randall High Density Vending Area that have been approved under procedures required elsewhere in this ordinance and in accordance with any agreement(s) regarding the maintenance or use of the Southwest Commuter Bike Path to which the City is a party."

Approved as to form:

2. Paragraph 4. entitled "Street Vending Prohibited Around the Alliant Energy Center of Dane County" of Subdivision (b) 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:

"4. Street Vending Prohibited Around the Alliant Energy Center of Dane County. Notwithstanding anything to the contrary in this ordinance, street vending is prohibited on the street, sidewalk, or any portion of the highway right-of-way property lines of the following streets: East Olin Avenue east from Park Street to John Nolen Drive; East Lakeside Street east from Colby Street; John Nolen Drive south from East Lakeside Street to the West Beltline Highway; all of the John Nolen Drive Service Road; North Rusk Avenue south from Bram Street; all of Quann-Olin Parkway; all of Wingra Creek Parkway; and all of Olin-Turville Court."

3. Paragraph 5. entitled "Temporary Prohibition of Basic Street Vending for Conventions" of Subdivision (b) 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:

"5. Temporary Prohibition of Basic Street Vending for Conventions. The Common Council finds that it is in the interest of the City to encourage the integrity, comprehensiveness and success of certain conventions and events taking place at Dane County's Alliant Energy Center campus or other government-operated convention centers located in or adjacent to the City of Madison. Therefore, the Common Council may by resolution, after referral to the Vending Oversight Committee, declare up to fifteen (15) days during any calendar year during which street vending will be prohibited at particular locations throughout the City that have been identified as major entry ways to the City and/or adjacent to the Dane County Alliant Energy Center campus or other location(s) where a business convention or similar event is taking place. Any such resolution shall include the date(s) and time(s) of the prohibition, geographic boundaries and a map or diagram of the temporary prohibition zone and a finding by the Common Council that the prohibition is necessary to ensure the success and integrity of the event. This procedure may not be used to prohibit vending in the State Street Mall/Capitol Concourse, High Density Vending, Southeast Campus Vending, UW Football Game Day Vending or Late Night Vending areas or to prohibit vending in an area where a Street Use Permit has already been approved under Section 10.056.

a. Notice Procedure for Temporary Basic Street Vending Prohibition. The organization or individual requesting a temporary vending prohibition under this section shall provide written notice of the date, time and place of the Vending Oversight Committee and Common Council meetings where such resolution will be considered to: The Street Vending Coordinator; Director of Planning and Community and Economic Development; the Superintendent of Parks; and all persons holding a Basic Street Vending License on file with the Department of Planning and Community and Economic Development and City Clerk. The written notice shall be provided not less than seven (7) business days prior to the meeting. To be effective such a resolution must be adopted not less than four (4) weeks prior to the start date of the temporary prohibition and published by the City Clerk in the same manner as is provided for the adoption of an ordinance. The publication notice shall include a diagram of the temporary prohibition zone.

b. Violation. No person shall conduct any vending activities, as defined in Section 9.13(1), within a location and during a time when street vending has been temporarily prohibited under this section."