

“Extended Delivery” - DRAFT ORDINANCE AMENDMENT FOR DISCUSSION – 7/31/19 VOC

1. Creating sec. 9.13(1)(b)5., Extended Delivery Prohibited:

5. Extended Delivery Prohibited.

a. Defintion. Extended Delivery is a type of street vending where food or beverage is delivered by vehicle, on foot, or any other means, to more than five (5) customers at the same place and time and the delivery is made to the customers on the public street, sidewalk, alley, square or other part of the highway right-of-way. It is not considered extended delivery if the customers take delivery of the food or beverage on private property or inside a building.

b. Prohibition. No person shall engage in the activity of Extended Delivery within any specialized vending area.*

NOTES:

* Ask VOC whether “extended delivery” should be prohibited in the specialized vending areas only, or city-wide. Discuss why the concerns are mainly in the specialized vending areas.

* Not prohibiting it city-wide means that a person could do “extended delivery” with a Basic license, if also compliant with all applicable health codes. As currently drafted, this would be allowed.

* A person doing Extended Delivery on private property, regularly, at the same place, would be considered “Free Standing vending” under the Zoning code. The vendor and property owner would need to follow the new Freestanding Vending zoning rules.

2. Amend 9.13(1) as follows: This amendment adds Extended Delivery to the definition of Street Vending and makes some housekeeping changes:

(1) Unless otherwise provided in a subsection of this ordinance, it shall be unlawful for any person, upon any highway, street, alley, sidewalk, or public square, to vend, sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth, preparing or setting up the a vending cart, truck, stand or equipment, preparing food, beverage or articles for sale, stopping a vehicle or person on foot, interacting with potential customers in or around the vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, **making an Extended Delivery as defined in sub. (1)(b)5.**, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services upon any highway, street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained the appropriate license(s) required by this Ordinance.

For purposes of this subsection and the licenses described under 9.13(3)(a), "vending" includes the activities described above and any other activity that furthers the vending operation at the vending site, whether or not the vending cart, truck or stand is open for business.

"Street Vending" does not include the act of delivering the cart, truck, equipment, or necessary equipment and supplies to and from the vending site. However, unlicensed individuals shall not remain in or around a vending cart, stand or site for any length of time, whether open or closed for business, unless expressly permitted under another subsection of this Ordinance or unless they are customers waiting to be served.

~~Subsections 9.13(6), (7), (10) and (11), set forth~~ Specific criteria for licensing and persons permitted at the vending site within specialized vending areas are set forth elsewhere in this ordinance. in specific vending areas. In case of a conflict between this subsection and the requirements for a specialized vending area, the requirements for the specialized vending area in question shall control. ~~subs. (6), (7), (10) and (11), subs. (6), (7), (10) and (11) shall control.~~

No license issued under this Ordinance shall be denied for reasons prohibited under Sec. 39.03(5) of the Madison General Ordinances.

NOTES:

** highlighted items are housekeeping / clean-ups, and contingent on similar clean-ups being adopted in the Full Sized Food truck ordinance.*

TENTATIVE TIMELINE FOR VOC AND COMMON COUNCIL DELIBERATIONS ON "EXTENDED DELIVERY"

- July 31 VOC meeting- Informal draft review #1 - public input taken
- Sept. 3 or 17 – ordinance introduced to Common Council. No public input at this meeting.
- Sept. 25 VOC meeting – official review of ordinance at VOC – public input taken.
- Oct. 15 - Common Council meeting for adoption – public input taken

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DATE: July 24, 2019

This is an unofficial draft for discussion purposes only. Official amendments to the Madison General Ordinances must be put into final form, be approved and signed by the City Attorney, and introduced and adopted by the Common Council.