

**CITY OF MADISON, WISCONSIN**

AN 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 a.m., eliminating Zones A and B and prohibiting Late Night Vending on a 1-block radius around the intersection of University and Frances.

Drafted by: Lara Mainella

Date: July 6, 2017

SPONSOR: Mayor Soglin

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 ordinance amendment changes the closing time from 4 a.m. to 3 a.m. This amendment also creates a zone where no late night vending can occur, around the intersection of University Avenue and Frances Street, and therefore eliminates current Zones A and B. Late night vending sites are assigned on an annual basis from April 15 - April 14. This amendment will eliminate two sites effective upon adoption of this ordinance. Zones A and B are currently occupied by licensed late night vendors.

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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~~3:00 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:. Late Night Vending shall be prohibited and no Late Night Vending area may be established in the following places: the 500 and 600 blocks of University Avenue, the 400 block of North Frances Street and the 300 block of South Frances Street, and the 400 block of West Gilman Street.

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.~~

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.”~~

3. 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).”