



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 39140

File ID: 39140

File Type: Ordinance

Status: Council New Business

Version: 2

Reference:

Controlling Body: DOWNTOWN COORDINATING COMMITTEE

File Created Date : 06/30/2015

File Name: Restructuring sidewalk cafe license fees

Final Action:

Title: AN ALTERNATE Amending Sections 9.13(5)(c) and 9.13(6)(h)3.a.iv. of the Madison General Ordinances to create a per-square-foot license fee for all sidewalk cafés and increasing the license fees for Mall/Concourse sidewalk cafes in the State Street Mall/Capitol Concourse Vending Area.

Notes: 5708sq.ft.lic.feeALT

Agenda Number: 1.

Sponsors: Michael E. Verveer

Effective Date:

Attachments: Sidewalk Cafe fees staff report.7.1.15, BID_BOD_LegID39140_SidewalkCafeFeesReport.pdf, BID_BOD_AUG15_SpeakerRegistrations.pdf, Fromagination.Madison Common Council.Ordinance Amdt. 39140.08.18.15.pdf, Version 1

Enactment Number:

Author: Lara Mainella

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1	06/30/2015	Michael May	Approved as to Form
1	07/01/2015	Laura Larsen	Approve
2	09/16/2015	Michael May	Approved as to Form
2	09/16/2015	David Schmiedicke	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	06/30/2015	Referred for Introduction				
	Action Text:	This Ordinance was Referred for Introduction					
	Notes:	Board of Estimates, Vending Oversight Committee, Downtown Coordinating Committee, Economic Development Committee					
1	COMMON COUNCIL	07/07/2015	Referred	VENDING OVERSIGHT COMMITTEE			Pass
	Action Text:	A motion was made to Referred to the VENDING OVERSIGHT COMMITTEE. The motion passed by voice vote/other.					
	Notes:	Additional referrals to Vending Oversight Committee, Downtown Coordinating Committee, Economic Development Committee					
1	VENDING OVERSIGHT COMMITTEE	07/07/2015	Refer	BOARD OF ESTIMATES			
	Action Text:	This Ordinance was Refer to the BOARD OF ESTIMATES					
	Notes:						
1	VENDING OVERSIGHT COMMITTEE	07/07/2015	Refer	DOWNTOWN COORDINATING COMMITTEE		09/17/2015	
	Action Text:	This Ordinance was Refer to the DOWNTOWN COORDINATING COMMITTEE					
	Notes:						
1	VENDING OVERSIGHT COMMITTEE	07/07/2015	Refer	ECONOMIC DEVELOPMENT COMMITTEE		09/16/2015	
	Action Text:	This Ordinance was Refer to the ECONOMIC DEVELOPMENT COMMITTEE					
	Notes:						
1	DOWNTOWN COORDINATING COMMITTEE	08/20/2015	Re-refer	DOWNTOWN COORDINATING COMMITTEE		09/17/2015	Pass
	Action Text:	A motion was made by Crabb, seconded by Zellers, to Re-refer to a DOWNTOWN COORDINATING COMMITTEE future meeting. The motion passed by voice vote/other.					
	Notes:	Greg Frank requested the referral of this item to a future meeting so that business owners could try to propose a compromise solution that would be acceptable to both café owners and the Mayor.					
1	ECONOMIC DEVELOPMENT COMMITTEE	09/16/2015	Return to Lead with the Following Recommendation(s)	VENDING OVERSIGHT COMMITTEE			Pass
	Action Text:	A motion was made by DeMarb, seconded by King, to Return to Lead with the Following Recommendation(s) to the VENDING OVERSIGHT COMMITTEE: Recommend approval of the Alternate Resolution, with the requirement that all increased fee revenue be used for such activities as improving the downtown pedestrian experience, additional support of Mall Maintenance, and creating/providing programming for State Street and the Capitol Square. The motion passed by the following vote:					
	Notes:	Recommend approval of the Alternate Resolution, with the requirement that all increased fee revenue be used for such activities as improving the downtown pedestrian experience, additional support of Mall Maintenance, and creating/providing programming for State Street and the Capitol Square.					
1	DOWNTOWN COORDINATING COMMITTEE	09/17/2015	Return to Lead with the Recommendation for Approval	BOARD OF ESTIMATES			Pass
	Action Text:	A motion was made by Verveer, seconded by Hirsch, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES,. The motion passed by the following vote:					
	Notes:	Ordinance Version 1(for discussion purposes only): A motion by Carbine/Verveer to approve version 1 of the ordinance. The motion failed on a voice vote with Frank recusing.					

Ordinance Version 2: A motion by Verveer/Hirsch to recommend adoption of Version 2.
Aye: Vereveer, Zellers, Crabb, Hirsch, Mayer; No: Carbine, Covert; Recusal: Frank; Not voting: Torkildson (chair),
(Plotkin, McClendon - alternates)

- 2 BOARD OF ESTIMATES 09/28/2015
- 2 VENDING OVERSIGHT 09/30/2015
COMMITTEE

Text of Legislative File 39140

Fiscal Note

Version 1 Fiscal Note

The proposed amendment will shift the permit fee schedule for sidewalk cafés from a per chair model to a square footage fee structure. Under the proposed amendment annual licenses for sidewalk café permits within the Mall/Concourse Area will be \$13 per square foot. This change will be phased in over the course of two years; during 2016 and 2017 the fee will be \$5 per square foot. During 2016 and 2017 under the \$5 fee, the projected increase in revenue is approximately \$42,910. Once fully implemented at \$13/square foot, the projected increase in revenue is \$198,167 annually.

The increased fee revenue would be incorporated into the General Fund; however, it is the Mayor's intent that these funds be used for such activities as improving the downtown pedestrian experience, additional support for Mall Maintenance, and creating/providing programming for State Street and the Capitol Square. These funds would be prioritized and authorized during the annual operating budget process.

Alternate Version Fiscal Note

Fiscal note pending.

Title

AN ALTERNATE Amending Sections 9.13(5)(c) and 9.13(6)(h)3.a.iv. of the Madison General Ordinances to create a per-square-foot license fee for all sidewalk cafés and increasing the license fees for Mall/Concourse sidewalk cafes in the State Street Mall/Capitol Concourse Vending Area.

Body

DRAFTER'S ANALYSIS: The ordinance changes the sidewalk café license fee structure. Currently, the annual license fee is determined by the number of chairs that can be seated in the café. Under this ordinance, the fee would be calculated using the square foot measurement of the approved café space. Beginning with the adoption of this ordinance and through the 2016 vending season, the license fee for sidewalk cafes within the Mall/Concourse Vending Area would increase to \$4.50 per square foot. The fee would increase to \$5.00/square foot for the 2017 season and \$5.50/square foot for the 2018 season and thereafter. License fees for sidewalk cafes outside of the Mall/Concourse area ("Citywide" cafes) would convert to \$3 per square foot immediately, which is roughly the equivalent fee as is paid now under the existing method.

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

1. Subdivision (c) entitled "License Fees" of Subsection (5) entitled "Citywide (Non-Mall/Concourse) Sidewalk Cafe Licenses" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(c) License Fees. The fee for a Citywide Sidewalk Café vendor license shall be the same

as for a Sidewalk Café on the Mall/Concourse, under 9.13(6)(h), and the information required to be displayed on the license shall also be the same. The annual license fee for a Citywide Sidewalk Café vendor license shall be three dollars (\$3.00) per square foot of the café's approved dimensions, as measured by the Vending Coordinator. The information required to be displayed on the license shall be the same as for a Sidewalk Café on the Mall/Concourse, under 9.13(6)(h) Annual licenses shall be issued on the fifteenth (15th) day of April each year or thereafter when applied for and shall expire on the fourteenth (14th) day of April of the year following its issuance. The license fee shall be paid to the City Treasurer."

2. Subsubparagraph iv. entitled "Sidewalk Cafes" of Subparagraph a. entitled "Annual License" of Paragraph 3. of Subdivision (h) entitled "Mall/Concourse Vending Licenses and Fees" 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 to read as follows:

"iv. Sidewalk Cafes: Except as indicated in v. below, the annual sidewalk café license fee shall be determined by the size of the café, based on the number of chairs shown on the approved sidewalk café application; using a fee-per-square foot of the café's approved dimensions measured by the Vending Coordinator, as follows:

9 or fewer chairs: \$400/year

10 to 15 chairs: \$550/year

16 to 20 chairs: \$650/year

21 or more chairs: \$750/year

Remainder of 2015 vending season: Four dollars and fifty cents (\$4.50) per square foot.

2016 vending season: Four dollars and fifty cents (\$4.50) per square foot.

2017 vending season: Five dollars (\$5.00) per square foot.

2018 vending season and thereafter: Five dollars and fifty cents (\$5.50) per square foot."