



Legislation Details (With Text)

File #: 08813 **Version:** 1 **Name:** Amend State Street Mall Concourse Regulations
Type: Resolution **Status:** Passed
File created: 1/15/2008 **In control:** VENDING OVERSIGHT COMMITTEE (prior to 8-4-2009)
On agenda: 3/4/2008 **Final action:** 3/4/2008
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Title: Amending the "Regulations Governing Vending on the State Street Mall/Concourse" to allow first-time food vendors to be eligible for vacant food vending sites on the Mall/Concourse during the winter vending season following their completion of the Fall Food Review, and clarifying the procedure for filling vacant and unoccupied sites and different stages during the vending season.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/4/2008	1	COMMON COUNCIL	Adopt	Pass
1/30/2008	1	VENDING OVERSIGHT COMMITTEE (prior to 8-4-2009)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/22/2008	1	COMMON COUNCIL	Refer	
1/15/2008	1	Attorney's Office	Referred for Introduction	

Fiscal Note

There may be some additional General Fund revenues generated from licensing fees, but any such amounts would likely be minimal.

Title

Amending the "Regulations Governing Vending on the State Street Mall/Concourse" to allow first-time food vendors to be eligible for vacant food vending sites on the Mall/Concourse during the winter vending season following their completion of the Fall Food Review, and clarifying the procedure for filling vacant and unoccupied sites and different stages during the vending season.

Body

1. D. Unassigned Food Vending Sites Available to Qualified Returning Vendors. If any food vending sites remain unassigned (for upcoming vending season) after the completion of the Fall Food Vending Review, but before March 31, qualified returning food vendors may apply for the unassigned site(s) by filing an application under sec. XI. This procedure is only available through March 31 and applications must be filed by March 31 to qualify for this procedure. Any such unassigned sites in the upcoming vending season may be filled by a qualified returning food vendor upon the recommendation of the Street Vending Coordinator with the approval of the Vending Oversight Committee ("VOC") and the decision must be made with notice to the applicant by April 15. The process under this paragraph shall not be used if more than one returning vendor applies for the same vacant site. A "qualified returning food vendor" under this paragraph is one who meets the following criteria:

1. The vendor must have participated in the previous season's Fall Food Vending Review, or Spring Review if one was conducted, and obtained a score of 70 or higher, or a satisfactory score under previous scoring systems; and

2. There must be no significant changes to the cart or apparatus; and
3. There must be no significant changes to the menu; and
4. The vendor must not have received any citations, complaints, or demerits within the last 12 month period, as described in sec. IV.D.; and
5. The vendor must be available to appear before the VOC to describe the vendor's proposal for operation and menu, and present photographs of the care or apparatus if requested.

2. Amending Section III., "Additional Procedures for Food Vending Site Assignment," Paragraph E., as follows:

E. Definitions. For purposes of Mall/Concourse Food Vendors, the following terms shall have the meanings defined below:

"Vending Season:" April 15-April 14

"Unassigned Site:" A food vending site created by the VOC and listed on the official map (Exhibit 1) but that has not been assigned to a vendor for the next vending season after the completion of the Fall Food Vending Review. An unassigned food vending site for the next vending season is eligible for assignment to a food vendor only under Section III.D. If an unassigned site is not filled under the procedures of Sec. III.D., it becomes a Vacant Site.

"Vacant Site:" A food vending site created by the VOC and listed on the official map (Exhibit 1) that has not been assigned to any food vendor during the vending season in question. A site is also considered vacant if any of the following happens during the vending season: it is officially relinquished or forfeited, the vendor's license is revoked, or a new site is created. A Vacant food vending site is eligible for assignment only under Section V.E.

"Unoccupied Site:" A food vending site that has been assigned and accepted by a properly licensed food vendor for the vending season in question but not occupied by the vendor on a specific day. An Unoccupied food vending site may be filled by another licensed food vendor only under the procedures in Section V.F.2.

3. Amending Section V., "Food Vendor Site Assignment." Paragraph E., as follows:

V.E. Filling Vacant or New Sites During the Vending Season. When an assigned site is forfeited, relinquished, created, or otherwise becomes permanently vacant during the vending season, (April 15-April 14) the departmental designee shall inform all currently licensed Food Vendors of the vacancy. The responding food vendor with the highest score in the previous food cart review shall be assigned the site for the remainder of the vending season. Any subsequently vacated site shall be assigned using the same process until all food vending sites are filled. If vacant site(s) remain after this process, the departmental designee may offer the site to applicants on the waiting list according to their rank order or to a newly-licensed food vendor under the "winter site assignment" procedures in Paragraph E.2., below.

1. April 15 to October 14 (Summer): Sites that are Vacant (as defined in Sec. III.E.) or become vacant during this period (i.e. the summer vending season) shall be offered for assignment as described in paragraph E. above.

2. Winter (October 15-April 14): If a food vending site is vacant (as defined in Sec. III.E.) or become vacant from October 15 through April 14 (i.e. the winter half of the season) the site shall be offered to currently -licensed food vendors or waiting list applicants under the procedures in Paragraph E. above. If no such vendors are interested in the vacant site, the site may be offered to a first-time Mall/Concourse Food Vendor applicant who successfully completed the Fall Food Cart review and received a site assignment for the next vending season. The new vendor may be assigned to the vacant site and begin daily vending from that site anytime after the first VOC meeting following the Fall Food Cart Review. New vendors wishing to use this

option must purchase all necessary vending licenses for the current season, which shall not be pro-rated.

If a first-time food vendor is assigned to a winter site under this procedure, the assignment does not count toward seniority and has no impact on the site assignments for the next vending season.

V.F. 1. Transferability of Site Assignments. Mall Concourse Food Vending Site assignments are nontransferable and shall be valid for the duration of the vending year, except as provided by ordinance or herein. A Mall/Concourse Food Vendor shall only use the site to which s/he was assigned after the most recent Food Cart Review under paragraph E. above ("Filling vacant or newly-created sites"), or under the procedures herein for moving into an assigned site that has been left unoccupied for the day. A vendor shall not occupy more than one (1) Mall/Concourse vending site at any given time.

2. Moving into Unoccupied Site During Current Vending Season. The definitions for "unassigned," "vacant" and "unoccupied" sites in Section III.E. apply to this section. ~~A properly licensed Mall Concourse Food Vendor who has been assigned a site on the Mall Concourse may, on a daily basis, move into another food vending site or be assigned to a vacant site on the Mall Concourse under the following circumstances:~~

(a) April 15 to October 14 (weekdays only): If an assigned food vending site remains unoccupied by the assigned vendor by 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday between April 15 and October 14, another properly licensed food vendor who has a site assignment on the Mall Concourse for the current vending season may move into the unoccupied site at 4:00 p.m. or later, and vend from that site for the day.

(b) October 15 to April 14 (every day) "Winter": If an assigned food vending site remains unoccupied by the assigned vendor by 10:30 a.m. any day of the week between October 15 and April 14, ~~properly~~ a currently-licensed food vendor may move into the unoccupied site at 10:30 a.m. or later, and vend from that site for the day. This option is available to food vendors with a current site assignment or first-time food vendors who complete the Fall Food Cart review and have received a Mall/Concourse site assignment for the upcoming vending season. First-time vendors wishing to use this option must purchase all necessary vending licenses for the current season, which shall not be pro-rated. The use of this option by first-time vendors does not count toward seniority and has no impact on the site assignments for the next vending season.

3. Filling Vacant sites During the Vending Season, See Section V.E. for procedure to fill vacant sites during the current vending season. See Section III.D. for filling sites that remain unassigned, after the Fall Food Review, for the upcoming vending season.