



Legislation Details (With Text)

**File #:** 16367      **Version:** 3      **Name:** Repeal school vendor sunset  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/21/2009      **In control:** VENDING OVERSIGHT COMMITTEE  
**On agenda:** 12/8/2009      **Final action:** 12/15/2009  
**Enactment date:** 12/31/2009      **Enactment #:** ORD-09-00172

**Title:** SECOND SUBSTITUTE Creating Section 9.13(1)(b)2. of the Madison General Ordinances to create a prohibition against street vending on certain “arterial” or “collector” streets near schools, and creating a procedure for a licensed vendor to request permission from the Vending Oversight Committee to vend in these locations.

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**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Floor Intro, 2. Version 1, 3. Version 2, 4. 12-15-09 item 67 registration forms.pdf, 5. Handout: 11/18/09 Board of Ed-CC Liaison Mtg

Date	Ver.	Action By	Action	Result
12/15/2009	3	COMMON COUNCIL	Adopt	Pass
12/2/2009	2	VENDING OVERSIGHT COMMITTEE		
11/24/2009	1	PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)	Return to Lead with the Following Recommendation(s)	Pass
11/19/2009	1	PUBLIC SAFETY REVIEW COMMITTEE	Return to Lead with the Following Recommendation(s)	Pass
11/18/2009	1	BOARD OF EDUCATION - COMMON COUNCIL LIAISON COMMITTEE (prior to 6/12/2012)	Return to Lead with the Recommendation for Approval	Pass
11/3/2009	1	COMMON COUNCIL	Referred	Pass
10/29/2009	1	VENDING OVERSIGHT COMMITTEE	Refer	
10/29/2009	1	VENDING OVERSIGHT COMMITTEE	Refer	
10/29/2009	1	VENDING OVERSIGHT COMMITTEE	Refer	
10/21/2009	1	Attorney's Office/Approval Group	Referred for Introduction	
10/20/2009	1	COMMON COUNCIL	Refer	

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

SECOND SUBSTITUTE Creating Section 9.13(1)(b)2. of the Madison General Ordinances to create a prohibition against street vending on certain “arterial” or “collector” streets near schools, and creating a procedure for a licensed vendor to request permission from the Vending Oversight Committee to vend in these locations.

**Body**

DRAFTER'S ANALYSIS: The prohibition against street vending adjacent to school property "sunsetting" on December 10, 2009. This substitute ordinance would recreate the prohibition against vending adjacent to schools, with modified criteria: vending would be prohibited only on streets that are considered "arterials" or "collectors" with a speed limit of more than 25 miles per hour. Under this substitute ordinance, vending would be prohibited on both sides of a street meeting this criteria, if directly adjacent to school property (public and private elementary and secondary schools). Additionally, if a licensed vendor would like to vend at one of these locations, the vendor could request permission from the Vending Oversight Committee, after providing written notification to the school in question, alder of the district and any neighborhood association. The Vending Oversight Committee could grant or deny permission based on criteria that considers the safety of the location.

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

Paragraph 2. entitled "Street Vending Near Schools Prohibited" 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:

- "2. Street Vending on Certain Streets Near Schools Prohibited. Street vending is prohibited upon any highway, street, alley, sidewalk, pleasure drive, or portion thereof if the street is designated "arterial" or "collector" on the "Street Functional Class Map" maintained by the City Traffic Engineer, has a posted speed limit greater than 25 miles per hour, and is located directly adjacent to, or directly across the street, alley, highway or pleasure drive from any school property, unless approval to vend in that location is granted to the vendor under paragraph b. below.
  - a. For purposes of this paragraph, "school property" includes all property owned or operated by a public school as defined in Wis. Stat. §115.01(1) or owned or operated by a private school as defined in Wis. Stat. §115.001(3r).
  - b. Procedure for Approval to Vend Near Schools. A licensed vendor may apply to the Vending Oversight Committee (VOC) for permission to vend near a school where street vending is prohibited by this section, by submitting a written application designed for this purpose to the Vending Coordinator, who shall place the application on the agenda of the next available VOC meeting. Prior to hearing the application, the VOC shall require proof that the vendor has notified, in writing, the official in charge of the school in question, the alder of the district where the school is located, and the neighborhood association registered with the City (if any), of the vendor's intent to apply for such permission and the date, time and place of the VOC meeting where the application will be heard. The written notification must be sent via electronic email, faxed or postmarked at least seven (7) days before the date of the meeting and copies must be provide to the VOC. The vendor must appear in-person at the VOC meeting for the VOC to consider his/her application. The VOC shall approve or deny the application to vend near a school based upon objective criteria that takes into account the proposed location of vending equipment, the speed limit on the street in question, vehicular and pedestrian traffic flow and safety, proximity and effect on the surrounding residential neighborhood, and issues of student safety, and shall render a verbal decision at the meeting."

EDITOR'S NOTE: Former Sec. 9.13(1)(b)2., MGO, which was repealed effective December 10, 2009, was as follows:

- "2. Street Vending Near Schools Prohibited. Vending, as defined herein, is prohibited upon any highway, street, alley, sidewalk, public square or pleasure drive or other city right-of-way located directly adjacent to, or directly across the street, alley, highway or pleasure drive from any school property. For purposes of this paragraph, "school property" includes all property owned or operated by a public school as defined in Wis. Stat. §115.01(1) or owned or operated by a private school as defined in Wis. Stat. §115.001(3r). This subparagraph 9.13(1)(b)2. shall automatically repeal on December 10, 2009."