



Legislation Details (With Text)

File #: 04554 **Version:** 1 **Name:** vendor equipment and electrical outlets
Type: Ordinance **Status:** Passed
File created: 9/13/2006 **In control:** VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)
On agenda: 10/17/2006 **Final action:** 10/17/2006
Enactment date: 11/2/2006 **Enactment #:** ORD-06-00147

Title: Amending Sections 9.13(6)(j)1.b. and 9.13(6)(j)4. of the Madison General Ordinances regarding placement of merchant vendor equipment on the State Street Mail/Capitol Concourse and Section 9.13(6)(l)2. of the Madison General Ordinances regarding vendors' use of electrical outlets.

Sponsors: Michael E. Verveer, Cindy Thomas

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/17/2006	1	COMMON COUNCIL	Adopt	Pass
9/27/2006	1	VENDING OVERSIGHT COMMITTEE (prior to 11-01-2007)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/19/2006	1	COMMON COUNCIL	Refer	
9/13/2006	1	Attorney's Office/Approval Group	Approved As To Form	
9/13/2006	1	Attorney's Office	Fiscal Note Required / Approval	
9/13/2006	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
9/13/2006	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No expenditure required.

Title

Amending Sections 9.13(6)(j)1.b. and 9.13(6)(j)4. of the Madison General Ordinances regarding placement of merchant vendor equipment on the State Street Mail/Capitol Concourse and Section 9.13(6)(l)2. of the Madison General Ordinances regarding vendors' use of electrical outlets.

Body

DRAFTER'S ANALYSIS: This ordinance clarifies that street vendors can only use the city's 110 volt outlets available on the mall/concourse, and not the 220 volt outlets. This ordinance also eliminates the option for a merchant with a business with two assigned street addresses to have two separate merchant vending licenses and two vending sites to display merchandise. Instead, the merchant must choose one site. This is intended to accompany changes made by resolution to the vending regulations, which will provide more flexibility for vendors with a large street frontage to display more merchandise. Finally, this ordinance clarifies that sidewalk café and merchant vending sites on State Street cannot be closer than 6 feet to the building face, when there are no "sparkle light poles" on the street, because sparkle poles are being removed as part of the State Street redesign.

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

1. Subparagraph b. of Paragraph 1 entitled "Use of Electricity" of Subdivision (j) entitled "Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes s" 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:

"b. Merchandise may only be displayed in specific sites defined by the street frontage of the street level merchant's or restaurant's place of business and otherwise complying with the requirements of Sec. 9.13, between the imaginary line connecting the sparkle light poles on one side (or no closer than six (6) feet to the building face, allowing a minimum of six (6) feet unobstructed pedestrian walkway, if there are no sparkle light poles) and no closer than two feet from the face of the adjacent street curb on the other side, in the specific location and configuration approved on the application pursuant to Sec. 9.13(6) ~~(4)~~ (i). This requirement applies to vending on State Street and the sidewalks on the outside of the streets comprising the Capitol Square."

2. Paragraph 4 entitled "Assignment of Merchant Vendor and Sidewalk Cafe Sites Among Street-Level and Non-Street Level Businesses" of Subdivision (j) entitled "Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes s" 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:

"4. Assignment of Merchant Vendor and Sidewalk Cafe Sites Among Street-Level and Non- Street Level Businesses.

- a. ~~Merchant vendors and sidewalk cafes shall be treated the same for purposes of site eligibility. These vending sites shall be allocated~~ determined as follows:
 - i. Contiguous Street-Level Businesses. A contiguously-located street-level merchant or restaurant, as defined in sec. 9.13(6)(e)2.a., shall apply for the appropriate merchant vendor or sidewalk cafe license and site by March 15 prior to the vending season. The site shall be assigned to that vendor if all other applicable licensing criteria is met.
 - ii. Corresponding Non-Street Level Businesses. If a merchant or sidewalk cafe' vending site is not assigned to the street-level business after March 15, any merchant or restaurant in the building including non-street level businesses defined in 9.13(6)(e)2.b. may apply for the appropriate license and site. Site assignments shall be issued on a first come, first served basis. In the event that more than one such application is received for the same sidewalk site on the same day, the site shall be assigned by lottery by the Director of Planning and Development or designee.
 - iii. Multiple Addresses. If a ~~business restaurant~~ has more than one street address abutting a public sidewalk that is otherwise available for ~~merchant vending or a sidewalk cafe~~, the ~~business restaurant~~ is eligible for a sidewalk café vending site at both addresses. Merchants with multiple street addresses must choose only one address (and corresponding street frontage) for a merchant vending site. If multiple business tenants use the same street addresses, the site(s) shall be allocated among street-level and non-street level businesses as described above."

3. Paragraph 2 entitled "Use of Electricity" of Subdivision (l) entitled "Miscellaneous Vending Restrictions" 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:

"2. Use of Electricity. Use of AC electricity may occur on the Mall/Concourse only upon compliance with this ordinance, the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and the rules and regulations of the Traffic Engineering Division. Except in emergency situations, ~~any the Traffic Engineer's rules or regulations effecting use of electricity applicable to vendors on the Mall/Concourse, including any changes in fee structure applicable to vendors,~~ shall be referred to the Vending Oversight Committee (VOC) before taking effect. ~~Any such rules and regulations and any changes in fee structure applicable to vendors, and~~ shall be approved by the Common Council after consideration of the recommendations of the VOC.

The following restrictions shall apply to electrical use by vendors on the Mall/concourse, in addition to the rules and regulations of the Traffic Engineering Division:

- a. Vendors shall only be eligible to use the city's 110 volt outlets.
- b. The use of generators to run equipment at vending sites located in the 700 and 800 blocks of the State Street Mall is strictly prohibited.
- c. ~~The Vendors~~ using AC electricity shall have a circuit breaker not exceeding 15 amps on line between his the appliance and the power source (City electric receptacle).
- d. Any other regulations for electrical use promulgated in the "Regulations Governing Vending on the State Street Mall/Capitol Concourse."