



Legislation Text

File #: 81955, Version: 1

Fiscal Note

No City appropriation required.

Title

Amending Section 9.135(9) of the Madison General Ordinances to allow Mall/Concourse Sidewalk Cafes to store equipment overnight in the sidewalk cafe area from April 15 to November 15.

Body

DRAFTER'S ANALYSIS: This ordinance allows sidewalk cafes in the State Street Mall/Capitol Concourse Vending Area who do not have a roadway expansion to store sidewalk cafe equipment overnight in their approved sidewalk cafe area. This is allowed for some sidewalk cafes in other parts of the City but not for cafes in the Mall/Concourse without a roadway area. With this amendment, only equipment that is too heavy to be moved and/or capable of being secured together and locked may be stored on the sidewalk. This option will be available from April 15 to November 15 without an additional license fee.

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

1. Subdivision (a) entitled "Regular Mall/Concourse" of Subsection (9) entitled "Removal and Storage of Sidewalk Cafe Equipment After Hours" of Section 9.135 entitled "Sidewalk Café and Roadway Cafe Expansion Licenses" of the Madison General Ordinances is amended as follows:

- “(a) Regular Mall/Concourse. A Regular Mall/Concourse Sidewalk Cafe without a Roadway Cafe must completely remove from the right-of-way all equipment associated with the sidewalk cafe, including enclosures, during hours that the cafe is not operating, ~~or store such equipment no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day,~~ with the following exceptions:
 1. Approved equipment may be stored in their Roadway Cafe Expansion Area as permitted by sub. (9)(c) below.
 2. Between April 15 and November 15, sidewalk cafes that do not have a Roadway Expansion may store their approved equipment, except the equipment listed in sub. b. below, outside within the approved perimeter of the regular sidewalk cafe during hours when the cafe is not operating. Equipment must be safely stored and secured as required by sub. a. below, no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business, must be completely removed for sidewalk maintenance when required by the City and must comply with the snowfall procedures in sub. (10)(a). Applicants must request outdoor storage under this section when applying for an annual Sidewalk Cafe License and if approved, the storage will be noted as part of the Sidewalk Cafe License.
 - a. Safe and Secure Storage. Tables, chairs and any other moveable equipment to be stored outside must be gathered or stacked neatly together so that no equipment extends outside the approved perimeter of the Sidewalk Cafe Permit, secured with a chain or similar device, and locked, such that all stored items cannot be moved, but nothing shall be locked or tied to any City amenity (tree, bench, hardscape, etc.).

- b. Mall/Concourse Sidewalk Cafe Equipment that cannot be stored outside overnight:
 - i. Umbrellas.
 - ii. Any moveable equipment that cannot be safely stored and secured as required by sub. a. above, such as small items.
 - c. Heater and Propane Tank Storage. When heaters have been approved and overnight storage is permitted under this Section, the following shall apply:
 - i. Heaters. Electric Heaters must be unplugged or disconnected from power, and propane heaters must have the propane tanks disconnected and removed from propane heaters, prior to the heater being stored in the roadway cafe overnight.
 - ii. Propane Tanks. Propane tanks shall not be stored anywhere in the cafe area or public right-of-way after hours. The use of propane heaters shall require an approved propane tank storage plan under Sec. 9.135(5)(h).
3. Equipment may be stored in another establishment's licensed Roadway Cafe Expansion Area, with permission from that establishment, demonstrated to the Director's satisfaction, and in compliance with all requirements of Sec. 9.135(9)(b)2.b., c. and d., and with such storage approved as part of the Sidewalk Cafe License for the cafe requesting the storage. All such equipment must be removed from the site no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day.
4. Sidewalk cafes having permanent facilities approved through a maintenance agreement do not have to remove the permanent equipment that is approved through that process.”

2. Subdivision (b) entitled “Regular Citywide” of Subsection (9) entitled “Removal and Storage of Sidewalk Cafe Equipment After Hours” of Section 9.135 entitled “Sidewalk Café and Roadway Cafe Expansion Licenses” of the Madison General Ordinances is amended as follows:

- “(b) Regular Citywide. A Regular Citywide Sidewalk Cafe without a Roadway Cafe must completely remove from the right-of-way all equipment associated with the sidewalk cafe, including enclosures, during hours that the cafe is not operating, except for the exceptions noted below. All such equipment must be removed from the site no later than thirty (30) minutes after the close of business until not sooner than one (1) hour prior to being open for business each day, with the following exceptions:
- 1. Citywide sidewalk cafes having permanent facilities approved through a maintenance agreement do not have to remove the permanent equipment that is approved through that process.
 - 2. Outdoor storage in Sidewalk/Terrace. On a case-by-case basis, the Director may approve a citywide sidewalk cafe to store some or all of its cafe equipment within the perimeter of its approved sidewalk cafe, if in the opinion of the Director, there is enough room, for an additional license fee set forth in Table B. All such equipment shall be safely secured and stored as required by Sec. 9.135(89)(c)2.c.”