



Legislation Text

File #: 17587, Version: 1

Fiscal Note

There may be a minor increase in General Fund revenues of less than \$500 annually derived from additional licensing fees. The additional administrative burden can be absorbed within existing staff resources.

Title

Creating Section 9.13(10) of the Madison General Ordinances to create a “Southeast Campus Vending Area” as shown on an official map, with specifically assigned vending sites based on seniority, a \$50 additional license fee, and to prohibit street vending in all other locations within this vending area.

Body

DRAFTER'S ANALYSIS: This ordinance amendment would create a new restricted vending area called the Southeast Campus Vending Area. The perimeter of the area is determined by an official vending map that must be approved by the Vending Oversight Committee and adopted by the Common Council as part of the ordinance. The proposed area is located between the Mall/Concourse and Camp Randall High Density Vending areas, bordered by Randall Ave, Regent Street, West Washington, Broom Street and Southeast Campus (as shown in red on the map). This area is currently unrestricted, meaning that vendors holding a basic street vending license may vend from any lawful location. This ordinance would allow street vending from assigned sidewalk sites only (currently 9 sites), and only during the hours of 9:00 a.m. to 8:00 p.m. All other street vending would be prohibited, including from vehicles in legal parking spots on the street. The designated vending sites would be assigned based on seniority. The VOC would have authority to change the location and number of sites. A \$50 annual license would be required for an assigned site, in addition to the Basic Street Vendor license.

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

Subsection (10) entitled “Southeast Campus Vending Area” of Section 9.13 entitled “License For Selling On Public Streets” of the Madison General Ordinances is created to read as follows:

“(10) Southeast Campus Vending Area. The Southeast Campus Vending Area is established due to circumstances present within this geographic location, including but not limited to the proximity of business, university, and residential uses, buildings situated primarily with zero setbacks, high volume of pedestrian traffic, varying sidewalk space, and the volume of vehicle traffic, making this area appropriate to limit street vending to assigned sites only with regulations in addition to the city-wide vending requirements elsewhere in this ordinance.

- (a) Vending Area. The Southeast Campus Vending Area shall be established within a perimeter specified on an official vending area map, approved by the Vending Oversight Committee and maintained in the Office of Business Resources. The Vending Oversight Committee (VOC) shall approve the perimeter of the area by approving the official map. Any subsequent changes to the perimeter shall be upon the recommendation of the VOC to the Common Council as an amendment of this ordinance.
- (b) Limited Hours. Vending in the Southeast Campus Vending area shall be from 9:00 a.m. to 8:00 p.m. Vending at any other time in this area is prohibited.
- (c) Type of Vending Permitted in Southeast Campus Vending Area, Equipment. Vending in this area shall be limited to food vending and vending of any non-food items. Equipment permitted within the vending site shall be limited to the following: for food vendors, one food cart, table or stand as allowed for the size of the assigned site, one trash receptacle required by Sec. 9.13(4) (u), and one portable chair may be used. For non-food vendors, one cart, stand or table and one portable chair may be used. All other equipment or loose items are prohibited.
- (d) Vending From Assigned Sites Only, Site Size, Locations. Vending in this area shall be from

assigned sites only and is prohibited in any other location. The Vending Coordinator shall recommend and the Vending Oversight Committee (VOC) shall establish the number and location of vending sites in the Southeast Campus Vending Area consistent with Sec. 9.13(4) on an official map that shall be maintained by and available at the Office of Business Resources. The VOC may approve subsequent changes to the number and location of vending sites. Any changes to the vending sites shall take effect ten (10) business days after the VOC meeting at which the change was approved. The vending site size shall be the default of 10x12 feet under Sec. 9.13(4)(t), or 4 x 8 feet, and the size shall be specified on the official map. Some sites may be restricted to use by push-cart food vendors only. "Push-cart" shall have the meaning given in Sec. 9.13(6)(n)6.a. (Late Night Vending). All vending activities must take place within the dimensions of the assigned site. All applicable provisions of Sec. 9.13(4) not in conflict with this section shall apply to vending in this area.

- (e) No electrical sites. There will be no electrical sites, all carts/equipment must be self-powered.
- (f) Vending Licenses Required. A fifty dollar (\$50) annual Southeast Campus Vending Area license, and a Basic Street Vendor license, shall be required to vend in this area. The Southeast Campus license will be valid from April 15 to April 14 and only available to those assigned a site in this area. Additionally, every person working or performing vending activities at an assigned site in this area must hold a valid basic street vendor license under Sec. 9.13(3). No person shall vend (as defined in Sec. 9.13(1)) in the Southeast Campus Vending area without the licenses required hereunder.
- (g) Application, Site Assignment Procedure.
 1. Application. Vendors holding a basic street vendor license may apply for a site assignment and a Southeast Campus Vending License at the Office of Business Resources, using an application form created by the Vending Coordinator. Applications must be filed no later than April 1 to be eligible for site assignment for the upcoming vending season (April 15-April 14). The vendor must accept the site in writing and purchase a Southeast Campus license within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment. Failure to use an assigned vending site by June 1st will result in forfeiture of the site assignment. Only one (1) Southeast Campus site will be assigned per vendor, and site assignments are not transferrable.
 2. Site Assignment (Seniority System). Site assignment shall be by consecutive years of seniority. Seniority shall be calculated by counting the number of consecutive, uninterrupted years the applicant has purchased a basic street vendor license under Sections 9.13(3)(a)1. or 2., counting backwards from the present. For individual applicants, the name on the Southeast Campus application and the basic street vendor license used for seniority must be the same. If the applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant has held a basic street vendor license for the same number of years, the date, and if necessary, time of day the license was issued, will determine seniority. If the date and/or time is not available, seniority will be determined alphabetically using the last name on the basic street vendor license. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a late night site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their Southeast Campus assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list.
 3. Demerit Points. One (1) year of seniority will be subtracted for each demerit point

described below:

- a. One (1) demerit point will be assessed for any violation of Sec. 9.13, the Regulations adopted thereto, or any other violation listed in Sec. 9.13(8)(a) (except for serious health code violations described below). A violation counts as a demerit point if charged in a citation or civil or criminal complaint with a date of violation in the previous vending season.
- b. Serious Health Code Violations: Five (5) demerit points will be assessed if the applicant's food and drink permit has been suspended or revoked for seven (7) or more consecutive days during the previous vending season, or if the applicant's vending cart or mobile base kitchen has been ordered by the public health department to suspend or cease all operations for seven (7) or more consecutive days during the previous vending season.
- c. For purposes of Sec. 9.13(6)(n)5.a. and b., violations issued to the person named on the basic street vending license, the holder of the mobile cart license (s), if applicable, and the person or business listed as the applicant for the Southeast Campus vending site will all be counted.
- d. If an applicant's vending license has ever been suspended or revoked under Sec. 9.13(8), the number of days the license was been suspended or revoked shall be subtracted from the total number of days counted for seniority. Suspensions or revocations against the person named on the basic street vending license and the person or business applying for the late night vending license shall be counted.

(h) Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the Southeast Campus Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency."