



Legislation Text

File #: 21018, Version: 1

**Fiscal Note**

No noteworthy fiscal impact is anticipated.

**Title**

Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to require Mall/Concourse Food Vendors to offer the full selection of approved menu items whenever open for business, to clarify the rules for menu signs on the cart, to prohibit changes in signage, and prohibit signs from being displayed above or to the side of the food vending carts.

**Body**

WHEREAS, Under sec. 9.13(6) of the Madison General Ordinances, the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall and Capitol Concourse; and

WHEREAS, pursuant to Sec. 9.13 the Common Council must approve the regulations promulgated by the VOC; and

WHEREAS, the regulations are currently published in documents entitled "Regulations Governing Vending on the State Street Mall/Capitol Concourse;" and

WHEREAS, at its meetings on July 28, and October 5, 2010, the VOC promulgated amendments to the Regulations regarding changes in menu by licensed Mall/Concourse Food Vendors; and

WHEREAS, said amendments are set forth in this Resolution using underlines and strike-outs to show changes as appropriate;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approve the following amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" recommended by the Vending Oversight Committee:

**1. Amending the REGULATIONS GOVERNING VENDING ON THE STATE STREET MALL/CAPITOL CONCOURSE, Section VIII, REGULATION OF FOOD AND NON-FOOD VENDING CARTS, section B.5, as follows:**

B. Physical Specifications - Vending carts shall conform to the following specifications:

5. Signage: The vending cart must have a sign prominently displayed ~~which that~~ identifies the cart by its business name, and a sign that lists all of the food and beverage menu items approved as part of that vendor's Food Vendor license, ~~and with prices.~~ The menu sign shall not change from day to day. No other signage is permitted. No signage shall be displayed above the highest point of the cart structure nor shall the signage project horizontally beyond the limits of the cart.

**2. Amending the REGULATIONS GOVERNING VENDING ON THE STATE STREET MALL/CAPITOL CONCOURSE, Section VIII, REGULATION OF FOOD AND NON-FOOD VENDING CARTS, section D.2, as follows:**

D. Vending Cart and Vending Site Signage, Awnings, Etc..

2. Signs or other items of equipment, whether of rigid or non-rigid construction, attached to the vending cart shall not exceed the greatest dimensions of the vending cart in any direction and shall be securely fastened to the cart. This does not apply to the trailer hitch, axle and hinged, fold-out counters

not exceeding twelve (12) inches, but these also shall be securely fastened to the cart. Signs shall not advertise any other businesses or product, nor any menu item that was not approved as part of the vendor's Food Review and on the vendor's Food Vendor license. ~~non-personally prepared product.~~

**3. Amending the REGULATIONS GOVERNING VENDING ON THE STATE STREET MALL/CAPITOL CONCOURSE, Section VIII, REGULATION OF FOOD AND NON-FOOD VENDING CARTS, section B.2., as follows:**

2. The vertical height of the cart shall not exceed ten (10) feet measured from the ground level to the highest point in the cart including signage or other equipment, if any. However, no signage shall be displayed above the highest point of the cart structure nor shall any signage project horizontally beyond the limits of the cart.

**4. Amending the REGULATIONS GOVERNING VENDING ON THE STATE STREET MALL/CAPITOL CONCOURSE, Section IX, MISCELLANEOUS REGULATIONS, section C., as follows:**

C. Restrictions on Food Preparation, Menu Changes

1. All entree preparation from raw ingredients must be done at the restaurant base. Food handling in the food cart shall be limited to minor food assembly, such as combining previously prepared ingredients for sandwiches or entrees, heating or serving or preparing fruit drinks from fresh fruit. Major food preparation, such as chopping and cooking other than reheating or frying, is strictly prohibited in the food carts.

2. In the event more than one food vendor uses the same restaurant base, each licensed vendor must insure that all its activities remain separate and distinct from the other vendor(s), including but not limited to its business organization, food preparation, inventory and stock.

3. Licensed Mall/Concourse Food vendors shall offer their full selection of menu items approved on their Mall/Concourse Food Vending License whenever operating under that license. Minor changes in menu may be approved by the Vending Coordinator under the process in section XII. D. herein.

**5. Amending the REGULATIONS GOVERNING VENDING ON THE STATE STREET MALL/CAPITOL CONCOURSE, Section XII., VENDING LICENSE REQUIREMENTS, section D., as follows:**

D. ~~Designation~~ A list of categories of hand-crafted goods to be offered for sale or in the case of food vendors, designation a list of all personally-prepared food items to be offered that have been approved for sale by that vendor. Minor changes in food items (such as adding or changing a beverage approvable under 9.13(6)(e)7., or a change to an ingredient in an approved food item) may be approved by the Vending Coordinator, ~~made~~ provided the change does not substantially alter the nature and character of the vending operation as previously rated by the Food Review Panel. ~~All R requests~~ for changes in designated goods and food must be accompanied by a ten dollar (\$10.00) license change fee and require written approval of the Vending Coordinator. ~~Director of Planning and Development, or designee.~~

Editor's note: The definition of "personally prepared food" includes only certain food and beverages and is found in section 9.13(6)(e)7. , MGO:

7. Personally Prepared Food. Personally prepared food is food or beverage produced by the vendor from raw or basic ingredients, changing the nature, form, shape or function. Any food sold on the Mall/ Concourse shall comply with City and State Health Regulations. In addition, the category 'personally prepared food' shall

include the following:

- a. Fruit sold by the piece or in individual-sized portions.
- b. Condiments and other incidental ingredients given free with personally prepared food, but not including commercially packaged, prepared or produced drinks.
- c. Coffee if prepared and brewed from beans roasted and ground by the vendor and tea brewed from loose ingredients by the vendor.
- d. Food grown or raised by vendor.
- e. Hotdogs, bratwurst or other sausages, and commercially produced buns.
- f. Milk in individual portion sized containers.
- g. Commercially produced soda water beverages in containers not made of glass or other shatterable material sold in conjunction with a personally prepared food item. Soda water beverage as used herein means all beverages commonly known as soft drinks or soda water.