



Legislation Text

File #: 12384, Version: 2

Fiscal Note

No appropriation is required.

Title

SUBSTITUTE - Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and the "Regulations Governing Vending in High Density Vending Areas" to prohibit unreasonable noise levels at vending carts and vending sites ~~on the Mall/Concourse and in late night vending areas.~~

Body

WHEREAS, Section 9.13(6) of the Madison General Ordinances provides that 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/Capitol Concourse; ~~and the number, size, location of vending sites therein; and~~

WHEREAS, Section 9.13(7) of the Madison General Ordinances provides that the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and food in High Density Vending Areas; and

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

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

WHEREAS, at its meetings on June 25, 2008 and October 29, 2008, the VOC promulgated amendments to the Mall/Concourse Regulations Governing Vending on the State Street Mall/Capitol Concourse and High Density Regulations as described below; 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 amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and "Regulations Governing Vending in High Density Vending Areas" ~~recommended by the VOC,~~ as follows:

1. CREATING Paragraph D. of Section IX., "MISCELLANEOUS REGULATIONS," of the "Regulations Governing Vending on the State Street Mall/Concourse" as follows:

"D. Noise Levels at Vending Site. Noise levels emanating from the vending cart or non-cart vending area shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be permitted at a noncart vending stand. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video display equipment, including speakers, shall be permitted at non-cart vending stand, nor affixed to or used outside a vending cart. This regulation shall apply in addition to the general rules regarding noise and amplification on the State Street Mall/Capitol Concourse found in Chapter 24 of the Madison General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this regulation shall not be interpreted to expand or contradict those ordinances. In the event

of a conflict, the more strict regulation or ordinance shall apply. This regulation shall apply to Late Night Vendors as well as Mall/concourse vendors.

2. CREATING Section IX., "NOISE LEVELS" of the "Regulations Governing Vending in High Density Vending Areas," as follows:

Noise Levels at Vending Site. Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification inside an enclosed vending cart only, and any music or other audio be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video display equipment, including speakers, shall be permitted at non-cart vending stands, nor affixed to or used outside a vending cart. This regulation shall apply in addition to the general restrictions regarding noise and amplification found in Chapter 24 of the Madison General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this regulation shall not be interpreted to expand or contradict those ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.