



Legislation Text

File #: 39900, Version: 1

**Fiscal Note**

No fiscal impact.

**Title**

Amending Section 9.13(4)(j) and (s) of the Madison General Ordinances regarding ice cream vending trucks.

**Body**

DRAFTER'S ANALYSIS: As the City's street vending ordinance has evolved, a maximum size restriction of 10 x 12 feet has been placed on all street vending equipment, city-wide. All equipment, food carts, etc., must fit within a 10 x 12 footprint. This has created confusion regarding ice cream trucks. This ordinance clarifies that the 10 x 12 footprint does not apply to an ice cream vendor that holds a valid city street vending license and the necessary health department licensing. All other applicable street vending rules and licensing requirements continue to apply, including those regulating food cart vendors on the State Street Mall/Capitol Concourse-ice cream trucks are not eligible to vend in that area or in other specially regulated vending areas under Sec. 9.13, MGO.

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

1. Subdivision (j) entitled "Appearance of Vending Site and Equipment" of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(j) Appearance of Vending Site and Equipment. Vendors must maintain their vending site areas and vending equipment in a clean and hazard-free condition.

1. Vending Site Perimeter. For purposes of this requirement, the maximum size of the "vending site" shall be the actual dimensions of an assigned site, or a perimeter of not more than ten by twelve feet (10' x 12') around the vendor if vending in an area where an assigned site is not required, except that ~~a the following are not subject to this vending site size restriction:~~
  - a. Mobile Grocery Stores. A mobile grocery store, as defined in Sec. 28.211, if owned and operated by a non-profit entity and operating as a street vendor with a Basic Street Vendor license, ~~is not subject to the vending site size restriction.~~ The vending site size for a mobile grocery store shall be determined by the size of the mobile grocery store vehicle.
  - b. Ice Cream Trucks. A street vendor selling ice cream, ices, and/or frozen confections from a licensed motor vehicle, if meeting all licensing requirements of Public Health Madison and Dane County and holding a Basic Street Vending License. The vending site size shall be determined by the size of motor vehicle.
2. Equipment. All equipment present at the vending site shall be completely contained within the perimeter of the vending site and no equipment shall extend or be placed outside this perimeter, except as may be allowed elsewhere in this ordinance or the Regulations, and except that a mobile grocery store, defined in Sec. 28.211 and owned and operated by a non-profit entity, when operating with a Basic Street Vendor license, may use stairs or similar equipment necessary to facilitate customers access to and from the mobile grocery store. Equipment placement is further restricted by other provisions in 9.13(4).

Unless otherwise specified, each vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. Vendors vending from an enclosed cart or push cart are limited to the equipment listed above and may not use any additional freestanding equipment, however umbrellas or awnings securely attached to the cart may be used. If using vending apparatus other than a cart, a mobile grocery or an ice

cream truck, one (1) freestanding tent or similar structure may be used but must maintain a minimum vertical clearance of seven (7) feet measured from ground level to the lowest point of the tent or other structure and a maximum height of eleven (11) feet at the highest point. Any freestanding structures of any kind shall be sufficiently wind-resistant and securely anchored. No part of any equipment, whether attached or detached, shall protrude beyond the perimeter of the vending site (as defined herein.)

3. Equipment Appearance. All equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces of all equipment shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface."

2. Subdivision (s) entitled "Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements" of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(s) Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements.

1. Applicability. This subsection (4)(s) applies to vendors selling food in areas other than the Mall/Concourse and High Density Vending areas, except ice cream truck vendors as described in Sec. 9.13(4)(j)1.b. All food vendors are subject to inspection, regulation and licensing according to state and local health code requirements for food and drink service. When used in this sub. (4)(s), "mobile grocery store" shall mean a mobile grocery store as defined in Sec. 28.211, owned and operated by a non-profit entity, operating with a Basic Street Vendor license.
2. Equipment Size in Food Vending Sites.
  - a. All food vending carts, stands or other allowable food vending equipment, including those of Late Night food vendors, shall be of a size that fits entirely within the dimensions of the "vending site" perimeter as required by 9.13(4)(j)1. Unless otherwise specified, each food vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. All food vendors shall provide a trash receptacle of at least 10 (ten) gallons within their vending site for customer use. Mobile grocery stores are exempt from this provision.
  - b. ~~A mobile grocery store is not subject to the vending site size restrictions or equipment limitations in Sec. 9.13(4)(s)2.a. above. The vending site size for a mobile grocery store shall be determined by the size of the vending vehicle.~~
3. Equipment Placement and Appearance. See 9.13(4)(j) and other applicable provisions of 9.13(4).
4. Additional Regulations Applicable to Citywide Food Vendors: In addition to the other provisions of 9.13(4), the following parts of the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall apply to all street vendors selling food, City-wide, except these regulations do not apply to food vendors in High Density Vending areas (see 9.13(7) and Regulations therein) or to ice cream trucks as described in Sec. 9.13(4)(j)1.b.:
  - a. Section VI, "Regulation of Vending Site Cleanliness and Safety."
  - b. Section VII, "Non-Cart Food Vendor Physical Specifications." Mobile grocery stores are exempt from this provision.
  - c. The following paragraphs only of Section VIII, "Regulation of Food and Non-Food Vending Carts:" Paragraph B. (Physical Specifications) 4. and 5. only, except mobile grocery stores are exempt from all of Sec. VIII, Paragraph B., Paragraph C., (Electricity) and Paragraph E. (Fire Extinguishers).
  - d. Section IX, "Miscellaneous Regulations," Paragraph A. (Restrictions on Mobility), (except mobile grocery stores), Paragraph B. (Removal of Carts and Equipment), except mobile grocery stores are exempt from Paragraphs B.1. and 2., and Paragraph C. (Restrictions on Food Preparation), except mobile grocery stores are exempt from Paragraphs C.2. and 3."