



Legislation Text

File #: 08799, 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 assess demerit points for Food Vendors who have been shut down by the Health Department during the previous vending season, and to eliminate a reference to the two-vendor limit on hotdog/sausage vendors.

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, 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 meeting on October 31, 2007, the VOC promulgated amendments to the Regulations Governing Vending on the State Street Mall/Capitol Concourse 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" recommended by the VOC, as follows:

1. Amending Section IV., "FOOD VENDING REVIEW JUDGING GUIDELINES AND SITE ASSIGNMENT CRITERIA," Paragraph A., "Initial Application Review," as follows:

2. Violations/Demerit Points. Violation demerit points are determined by calculating the total number of prior-year violations by the vendor of sec. 9.13, any of the regulations adopted therein, or the other ordinance violations listed in Sec. 9.13(8)(a) Madison General Ordinances. Each such violation considered shall be documented by a citation/civil complaint.

For the purposes of these guidelines, a "violation" also includes a vendor's failure to vend or discontinuance of any item listed on the application or a substantial change in vending presentation where a vendor's past rating was based in whole or in part on the quality and uniqueness of the item(s) either not sold or discontinued or on the quality or uniqueness of the vending presentation either abandoned or substantially changed. Such material change shall be grounds for suspension of the Mall Vending License. Any applicant for license renewal who shall have been suspended for such reason during the previous vending year shall be penalized twenty (20) demerit points in the next food review process.

Additionally, five (5) demerit points will be assessed for any of the following:

- if a vendor has had his/her vending cart or mobile base kitchen ordered by the public health department to suspend or cease all operations for seven (7) or more consecutive days in the previous vending season.

- if a vendor has had his/her food and drink permit suspended or revoked for a period of seven (7) or more consecutive days.

2. Repealing Section V. "Food Vendor Site Assignment," Paragraph C.:

C. ~~A food vendor proposing to vend both personally prepared food items and sausages (hot dogs, bratwurst, etc.) pursuant to Sec. 9.13(6)(e)7. e may receive approval to vend only the personally prepared food items and not sausages, if two other vendors who offer sausages have scored higher in the cart review ratings and have accepted site assignments. (Reserved)~~