



Legislation Text

File #: 25236, Version: 1

Fiscal Note

There may be a small increase in General Fund revenues derived from licensing fees.

Title

Authorizing amendments to the “Regulations Governing Vending on the State Street Mall/Capitol Concourse” to create Spray Paint Artists vending sites and rules for Arts and Crafts vendors to operate as Spray Paint Artists.

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;

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

WHEREAS, the regulations are published in a document entitled “Regulations Governing Vending on the State Street Mall/Capitol Concourse”;

WHEREAS, at meetings in 2011 the VOC heard public testimony regarding spray paint artists and discussed the issue, and on January 25, 2012, the VOC promulgated amendments to the Regulations to allow 2 new craft vending sites to be set up specifically for arts/craft vendors wishing to perform spray paint art and sell the paintings from their vending site;

WHEREAS, references to the International Fire Code have been included in the new regulations as recommended by the City Fire Marshal to ensure that outdoor spray painting on public sidewalks is performed in compliance with applicable fire codes; and

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

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 Section II.E., “Classification of Vending Sites,” of the Regulations Governing Vending on the State Street Mall/Capitol Concourse as follows:

II. FOOD AND CRAFT VENDING SITES

E. Classification of Vending Sites

There shall be three (3) classifications of vending sites:

1. Vending sites for the sale of handcrafted goods (Craft vending sites). Craft vending sites shall be of three categories: Regular craft vending sites, Spray Paint Artist sites, and craft sites for the sale of handcrafted goods by Senior Citizens (i.e., licensed arts and crafts vendors who are 60 years of age or older).
2. Vending sites for the sale of personally prepared food and beverages (food vending sites).
3. ~~Vending sites for the sale of handcrafted goods by Senior Citizens (i.e., licensed arts and crafts vendors who are 60 years of age or older).~~

2. Amending Sec. II.F.1. of the Regulations Governing Vending on the State Street Mall/Capitol Concourse as follows:

F. Allocation and Assignment of Vending Sites

1. Arts & Crafts. All Mall/Concourse Arts and Crafts vending sites shall be numbered and designated as Daily or Saturday-only sites, as shown on Exhibit 1. All Arts & Crafts vending sites (Daily and Saturday) are available to be reserved for an additional

reservation fee by vendors purchasing an annual Arts & Crafts license. The annual license fee and additional reservation fees are described in sec. 9.13(6)(h). The following procedure applies to all Arts & Craft vendors, except for Spray Paint Artists, whose sites shall be assigned according to Section II.F.1.e.

3. Creating Sec. II.F.1.e. of the Regulations Governing Vending on the State Street Mall/Capitol Concourse as follows:

e. Spray Paint Artist Sites: The Vending Coordinator shall recommend to the VOC for approval not more than two (2) Arts & Crafts vending sites of 10 feet by 12 feet for licensed Arts & Crafts vendors to operate as Spray Paint Artists. A vendor may prepare and sell homemade paintings or drawings, as defined herein, by applying spray paint to paper, fabric or other media at the vending site, in accordance with the following:

i. Vendor may only use cans of aerosol spray paint that comply with all applicable health, fire and environmental codes. No power equipment of any kind shall be used to dispense or apply the paint, such as air-brushing and/or air compressing equipment.

ii. All spray paint activities shall be conducted entirely within the boundaries of the designated Spray Paint Artist vending site.

iii. The vendor shall keep the site prepared and protected to assure that no paint or other substance gets on the sidewalk, terrace, street surface, landscaping of any kind, amenity or any other surface or equipment, whether publicly or privately owned. Any paint or other substance found on or near the vending site shall be presumed to have resulted from the vendor's spray painting operation.

iv. Spray paint art prepared and sold at the site must meet all other definitional requirements for homemade/handcrafted goods established elsewhere in these Regulations and sec. 9.13 of the Madison General Ordinances.

v. If using paint or substance that results in a "flammable finish" as defined in Chapter 15 of the International Fire Code adopted through Chapter 34 of the Madison General Ordinances ("IFC"), the aggregate surface area to be sprayed shall not exceed nine (9) square feet in area (IFC 1504.9.1.)

vi. If using paint that meets the definition of a "flammable liquid," "combustible liquid," or results in a "flammable finish," as defined in the International Fire Code:

a. No sources of ignition, such as electrical equipment or wiring, as defined in the International Fire Code, are allowed in the site or within five (5) feet of the site. Vendor shall post a sign to inform persons who gathers around the site of this rule and if a person violates it, cease spray paint activities until the person leaves or removes the source of ignition. Vendor or the person violating the rule can be cited for violating this paragraph or the fire code.

b. No smoking of any kind, open flames or sparks are allowed within the site or within twenty (20) feet of the site. Vendor shall post the site with "No Smoking" sign(s) as required by the IFC and include the 20-foot rule on the sign and if any person violates it, vendor will cease spray paint activities until the person leaves or extinguishes the source of smoke, flame or sparks. Vendor or the person violating the rule can be cited for violating this paragraph or the fire code.

vii. Crowds at Vending Site. The VOC will choose the location of Spray Paint Artist sites to minimize interference with other vendors, merchants and building occupants, and to allow sufficient sidewalk area for vendors' customers to watch the vendors paint without blocking sidewalk access. However, it is the vendor's responsibility to ensure that a crowd does not gather to the point that pedestrian traffic is obstructed. An unobstructed walkway of not less than six (6) feet shall be maintained between any person gathering at the vending site and the adjacent curb. Vendor is responsible to monitor crowd size and if necessary, ceasing spray paint activities until the crowd size is reduced or the obstruction cleared. Vendor or the person violating the rule can be cited for violating this paragraph or other applicable ordinances such as obstructing the sidewalk.

viii. Spray Paint Artist Site Assignment: Spray Paint sites will be available on a first-come, first-served basis to vendors holding an annual or monthly Arts and Crafts Vending license. A licensed Arts/Crafts vendor may apply with the Vending Coordinator at any time after January 1 for the upcoming vending season (April 15-April 14), stating the vendor's site preference. If both Spray Paint Sites are assigned for the entire vending season (or for the month for which a monthly license-holder is requesting a site) a waiting list will be established. If a Spray Paint Site becomes available during the vending season, it will be offered to the first

vendor on the waiting list, and so on.