



## Legislation Text

File #: 07360, Version: 1

### Fiscal Note

No significant fiscal impact is anticipated.

### Title

Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to include locally produced media as handcrafted goods, to allow some resin furniture in sidewalk cafes and to allow temporary changes to sidewalk café and merchant vending site layouts for accessibility.

### 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 meetings on March 28, May 30, and July 25, 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. The "PROVISIONS FOR SPECIFIC HANDCRAFTED GOODS" are amended as follows:

COMPACT DISCS (CD'S) Compact Discs (CD's) of any kind are not considered handcrafted goods under this section unless the recording was made or produced locally.

"Compact Discs, Digital Video Discs (DVDs) or any other forms of recorded digital or analog media that are created or compiled by the arts and crafts vendor are considered handcrafted goods under this section."

2. Amending Section XIII. , "SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS," Paragraph B., "Sidewalk Café Furniture, Other Equipment and Signage," subparagraph 1. as follows:

"1. Tables in sidewalk cafes shall be no more than thirty-two (32) inches in diameter unless otherwise authorized by the VOC based on the size and configuration of the site. All tables and chairs must be removed daily unless permitted to remain pursuant to a privilege in streets permit. Tables and chairs must be weatherproofed, attractive and in good repair and made of a sturdy and safe material. ~~Resin or Plastic~~ furniture is prohibited. Furniture or enclosures containing some elements of resin may be approved, depending upon the quality and integrity of design. The ~~café owner~~ vendor should take into consideration the urban design of the area when planning furniture design. It is recommended that the furniture be representative of the business establishing the café."

3. Creating Section XIII. , "SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS," Paragraph B., "Sidewalk Café Furniture, Other Equipment and Signage," subparagraph 6., as follows:

"6. Decorative Lighting. Low-voltage, battery or solar powered light strings or other decorative lighting may be used on sidewalk café enclosures and umbrellas. Any such lighting shall be securely fastened to the enclosure or umbrella, so that it does not blow or swing in the wind, and shall not hang in such a way to create a hazard. No such lighting or other decorative features or cords shall be strung from the building or any public amenity. In no case shall any lighting or other electrical devices that must be plugged in to a power source, or any extension cords, be used within the café, on an umbrella, or on the surrounding sidewalk, for any reason."

4. Creating 4. Section XIII. , "SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS," Paragraph D., "Accessibility to Sidewalk Café and Merchant Vendor Sites," as follows:

D. Accessibility to Sidewalk Café and Merchant Vendor Sites. The enclosure and equipment placement requirements of this Section XIII. and Sec. 9.13 may be modified as needed to provide a Reasonable Accommodation as may be required by law. Regardless of whether a Reasonable Accommodation is requested or required, Sidewalk Café operators and Merchant Vendors may temporarily modify sidewalk café enclosures, furniture, or other vending equipment, including temporarily modifying the approved boundaries or required enclosures of a sidewalk café or merchant vendor site, to make the vending site physically accessible to a customer. Any equipment or enclosure that is moved for this purpose shall be returned to its approved location once the accommodation or modification is no longer needed. However, no modification or accommodation under this paragraph shall decrease the minimum pedestrian walkway on the public sidewalk nor the minimum distance from the adjacent street curb or pavement markings delineating the edge of the roadway if there is no raised curb, as required in sec. 9.13 and elsewhere in these Regulations.

5. Amending Section XIII. , "SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS," Paragraph A. 2., "ADA Compliance," as follows:

"2. ADA compliance. The proposed arrangement of furniture and equipment shall comply with any applicable Americans with Disabilities Act (ADA) design and access standards and allow safe and comfortable movement of customers within the site. See also Paragraph D. of this Section, allowing temporary adjustments to sidewalk café and merchant vendor sites to accommodate persons with disabilities."