



## Legislation Text

File #: 01622, Version: 1

### Fiscal Note

No Fiscal Impact is anticipated.

### Title

Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to allow sidewalk cafes to be located next to the building on the Capitol Square, and to remove some outdated language.

### 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, the VOC, at its regular meeting on June 29, 2005, promulgated amendments to the Regulations Governing Vending on the State Street Mall/Capitol Concourse to allow sidewalk cafes on the capitol square to be placed next to the building face, and requested the Regulations to be amended to accomplish that result; 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 XIII., A. 3. as follows:

3. Equipment placement. All tables and chairs in a sidewalk café must be placed in front of the business and within the extended property lines which run at right angles to the street of the business establishment associated with the sidewalk café, ~~as shown on the diagram.~~

Sidewalk cafes may not be located nearer than two (2) feet from the curb. Except for sidewalk cafes described in MGO sec. 9.13(6)(j)2.e., within the 100 block of Martin Luther King Jr. Boulevard, sidewalk cafes must be no closer to the building line opposite the curb than the glitter lights located on the State Street Mall and Capitol Concourse or the tree line on the approaches thereto and must allow at least six (6) feet of unobstructed pedestrian way between the building face and the site. ~~Sidewalk cafes within the 100 block of Martin Luther King Jr. Boulevard shall be located next to the building face as described in See MGO sec. 9.13(6)(j)2.e. for additional placement options for cafes on certain streets.~~ of the Madison General Ordinances.

2. Amending Section XIII. B. 5. as follows:

~~5. Prior to April 15, 2003, the perimeter of the sidewalk café site shall be enclosed on three sides, the street side being one, by an enclosure of not less than 30 nor more than 40 inches high, to ensure that tables, chairs and other equipment do not encroach into prohibited sidewalk or street areas. All enclosures, whether required or voluntarily erected, must be removed daily, be made of a sturdy, safe material and be maintained in a safe and sound condition. The café owner should take into consideration the café furniture design and the overall urban design of the area when planning and installing the enclosures. The interior face of the enclosure on the street side shall be no closer than two (2) feet from the curb or the pavement markings delineating the end of the sidewalk and beginning of the roadway if there is raised curb.~~  
Enclosures. ~~As of April 15, 2003,~~ All sidewalk cafés shall be enclosed on all sides. Enclosures shall have at least one (1) and not more than two (2) unobstructed entrances of at least three (3) feet and no more than five (5) feet in width. Enclosures shall be between thirty-six (36) and forty-two (42) inches in height, may be flush to the ground, and the bottom of the structure shall be no more than six (6) inches from the ground. All sides of the enclosure shall be constructed of a stable, rigid, wind-resistant, self-supporting framework, capable of maintaining all furniture and other objects within the confines of the café and free from any supporting structures which may cause a tripping hazard either within or outside of the café. Hanging elements such as chains or ropes shall not be considered sufficiently stable enclosures under this paragraph. The café owner should take into consideration the café furniture design (see B. 1. above) and the overall urban design of the area when planning and installing the enclosures.

~~For Where sidewalk cafés within portions of the Mall/Concourse where cafés may be located next to a building, (see MGO 9.13(6)(j)2.e.)~~ the building wall may serve as one side of enclosure and additional connecting enclosures shall be flush against the building wall. For all other cafes, the interior face of the enclosure on the street side shall be no closer

than two (2) feet from the curb or the pavement markings delineating the edge of the roadway if there is not a raised curb. All enclosures, whether required or voluntarily erected, must be removed daily.