



Legislation Text

File #: 12168, Version: 1

Fiscal Note

No significant fiscal impact is anticipated.

Title

Amending sec. 9.13(1) to clarify the licensing requirements and definition of “street vending,” creating sec. 9.13(8)(d) to prohibit street vending while suspended or revoked, and amending sec. 9.13(9), penalties.

Body

DRAFTER’S ANALYSIS: This ordinance clarifies the definition of street vending, and the activities that require a “regular” street vending license. Under sec. 9.13, there are several different types of street vending licenses: “regular” street vendor, special event vendor, mall/concourse food, mall/concourse arts & crafts, merchant vendor, sidewalk café, and high density vendors. This amendment applies only to the basic “regular” street vendor license which is required of all vendors city-wide, including Late Night Food Vendors. The “regular” street vending license is currently \$120 per year. There are additional licensing rules that apply to the specially-licensed Mall/Concourse Food Vendors which are not affected by this amendment.

This amendment also creates a prohibition against vending while a street vending license is suspended or revoked, in an effort to make clear that a vendor may not vend while his or her license is under suspension, and revises the penalty section to include this prohibition. Individuals can currently be cited for vending without the appropriate license but this creates an additional violation for vending while suspended.

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

- 1. Subsection (1) of Section 9.13 entitled “License for Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“9.13 LICENSE FOR SELLING ON PUBLIC STREETS.

- (1) It shall be unlawful for any person to vend, sell or offer for sale or procure the sale of any services, goods, wares, tokens, or foodstuffs, or any other article of any kind by putting up a booth, preparing or setting up the vending cart, stand or equipment, preparing food, beverage or articles for sale, or stopping a vehicle or person on foot, interacting with potential customers in or around the vending site, taking names for the purpose of making future sales, offering applications or other materials for future sales, or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any such articles or services upon any highway, street, alley, sidewalk, or public square, unless such person shall have first applied for and obtained at the appropriate street vending license or a special event vending license required by this Ordinance. Such license shall enable holders to conduct their business in all enumerated areas subject to the limitations of this section and Section 10.056 of these ordinances.

For purposes of this subsection and the licenses described under 9.13(3)(a), “vending” includes the activities described above and any other activity that furthers the vending operation at the vending site, whether or not the vending cart or stand is open for business. “Vending” does not include the act of delivering the cart, equipment, or necessary equipment and supplies to and from the vending site. However, unlicensed individuals shall not remain in or around a vending cart, stand or site for any length of time, whether open or closed for business, unless expressly permitted under another subsection of this Ordinance or unless they are customers waiting to be served. Subsections 9.13(6) and (7) set forth specific criteria for

licensing and persons permitted at the vending site in specific vending areas. In case of a conflict between this subsection and subs. (6) and (7), subs. (6) and (7) shall control.

No vending license or special event vending license shall be denied for reasons prohibited under Sec. 39.03(5) of the Madison General Ordinances.”

2. Subdivision (d) entitled “Vending While License is Suspended or Revoked Prohibited” of Subsection (8) entitled “Procedure for Revocation, Suspension or Nonrenewal of Vending License” of Section 9.13 entitled “License for Selling on Public Streets” the Madison General Ordinances is created to read as follows:

“(d) Vending While License is Suspended or Revoked Prohibited. No person or business whose vending license issued under Sec. 9.13 has been suspended or revoked under sub. (8) shall participate in street vending as described in 9.13(1), or conduct any other activity for which the license in question is required, while that license is suspended or revoked. Any such violation shall be punishable by forfeiture under Sec. 9.13(9) and this penalty shall be in addition to any other penalty or consequence available under these Ordinances.”

3. Subsection (9) entitled “Enforcement; Penalties” of Section 9.13 entitled “License for Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(9) Enforcement; Penalties. The Director of Planning and Community and Economic Development, or designee, is authorized to enforce the provisions of Sec. 9.13 and any regulations adopted pursuant to the procedures set forth in Sec. 9.13. Any person or licensee violating any provision of Sec. 9.13 ~~(1), (2), (3), (4), (5), (6), (7), Madison General Ordinances,~~ or the regulations adopted pursuant to these sections hereto shall be subject to a forfeiture of not less than thirty dollars (\$30) nor more than three hundred dollars (\$300.00) for each separate violation of the ordinance or regulation.

Nothing in this subsection shall bar or in any way affect proceedings under Section 9.13(8) entitled “Procedure for Revocation, Suspension or Nonrenewal of Vending License.” Neither shall proceedings under Section 9.13(8) bar the City from prosecuting for violations ~~under this subsection of Sec. 9.13 or any other law or ordinance.~~