



## Legislation Text

File #: 11451, 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 require vendors to maintain sidewalk café furniture and equipment in an attractive and presentable condition, and to repair or replace weathered or worn furniture or equipment within 60 days of a written notice from the vending staff.

### 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 April 30 and June 25 2008, 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 XIII., SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS, paragraphs B. 1. and B. 5., as follows:**

**B. Sidewalk Café Furniture, Other Equipment and Signage**

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. All sidewalk café furniture and equipment shall be maintained in an attractive and presentable condition. Items that become weathered or worn shall be repaired or replaced within sixty (60) days of written notification from the Vending Coordinator or other designee of the Department. Failure to comply with the written notice may result in further enforcement action, however nothing in this paragraph shall limit the authority of the City to enforce violations of this or any other regulation through citation or other means.

Plastic furniture is prohibited. Furniture or enclosures containing some elements of resin may be approved, depending upon the quality and integrity of design. The 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.

5. Enclosures. 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. Where sidewalk 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 cafés, 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.

Additionally, all enclosure material must be weatherproofed, attractive and in good repair. All enclosure materials shall be maintained in an attractive and presentable condition. Enclosures that become weathered or worn shall be repaired or replaced within sixty (60) days of written notification from the Vending Coordinator or other designee of the Department. Failure to comply with the written notice may result in further enforcement action, however nothing in this paragraph shall limit the authority of the City to enforce violations of this or any other regulation through citation or other means.