



Legislation Details (With Text)

File #: 13112 **Version:** 1 **Name:** Vendor noise
Type: Ordinance **Status:** Passed
File created: 12/22/2008 **In control:** VENDING OVERSIGHT COMMITTEE (prior to 8-4-2009)
On agenda: 2/24/2009 **Final action:** 2/24/2009
Enactment date: 3/14/2009 **Enactment #:** ORD-09-00037
Title: Amending Sections 9.13(4)(s) and 9.13(6)(n) and creating Sec. 9.13(4)(v) to make noise restrictions applicable to all vendors city-wide.
Sponsors: Michael E. Verveer, Thuy Pham-Remmele
Indexes:
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Date	Ver.	Action By	Action	Result
2/24/2009	1	COMMON COUNCIL	Adopt	Pass
1/28/2009	1	VENDING OVERSIGHT COMMITTEE (prior to 8-4-2009)		
1/6/2009	1	COMMON COUNCIL	Referred	
12/22/2008	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending Sections 9.13(4)(s) and 9.13(6)(n) and creating Sec. 9.13(4)(v) to make noise restrictions applicable to all vendors city-wide.

Body

DRAFTER'S ANALYSIS: This ordinance creates a prohibition against unreasonable noise at street vending sites, and creates specific requirements for the use of amplified music at vending carts, vending stands, etc. The new restrictions are applicable to all licensed street vendors city-wide. This ordinance is not intended to conflict with the State Street amplification procedure, nor the existing general ordinances regarding noise levels. This is being added to the Street Vending ordinance at the request of vending staff and the VOC to give vendors more notice of the rules regarding noise at their sites.

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

1. Subdivision (s) entitled "Safety Requirements for Non-Mall/Concourse Food Vending" of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(s) Safety Requirements for Non-Mall/Concourse Food Vending. Street vendors licensed under Sec. 9.13 (3) may sell food anywhere that vending is permitted with that license. Food carts are subject to inspection and regulation according to state and local health code requirements for food and drink service. Additionally, the following requirements found in the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall apply to all food vendors City-wide:

1. Section VI, "Regulation of Vending Site Cleanliness and Safety."
2. Section VII, "Non-Cart Food Vendor Physical Specifications."
3. The following paragraphs only of Section VIII, "Regulation of Food and Non-Food Vending

Carts:" Paragraph C., "Electricity," and Paragraph E., "Fire Extinguishers."

4. Section IX, "Miscellaneous Regulations," Paragraph C., ~~only~~ "Restrictions on Food Preparation," and Paragraph D., "Noise Levels at Vending Sites."

2. Subdivision (n) entitled "Late-night vending areas in the Mall/Concourse" of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(n) Late-night vending areas in the Mall/Concourse. The following areas are established for the purpose of street vending of food and drink only between the hours of 9:00 p.m. and 6:00 a.m. These areas shall be open to any vendor holding a valid street vendor license under Sec. 9.13(3), who offers for sale food and drink only, and is otherwise properly licensed to sell food and drink. Vendors operating under this subdivision do not need a Mall/Concourse Vending License, need not participate in food cart reviews, and shall not be subject to any other portions of ~~this ordinance~~ Sec. 9.13(6) or the Regulations Governing Vending on the State Street Mall/Capitol Concourse adopted under Sec. 9.13(6)(c), except those listed in Sec. 9.13(4)(s) (safety requirements for non-Mall/Concourse food vending), Secs. 9.13(6)(k), (exclusive use and special events), (6)(l)2. (use of electricity) , (6)(l)3. (emergency vehicle access), (6)(l) 4. (relocation), and (6)(m) (insurance). Vendors operating under this paragraph are not considered Mall-Concourse Food Vendors.

Occupancy of these vending areas shall be on a first-come, first-served basis, except that any licensed Mall-Concourse vendor with an assigned vending site located within one of the late-night areas shall have priority within their assigned site. There shall be no other established vending sites within these areas, but vendors and equipment are subject to the ~~location~~ requirements of Sec. 9.13(4) and any other applicable law. Vendors who vend from a vehicle on the street are also subject to all applicable traffic laws. The late night vending areas shall be as follows:

1. The 700 block of State Street.
2. The 400 block of North Frances Street
3. The 400 block of North Broom Street
4. The 100 and 300 blocks of West Johnson Street."

3. Subdivision (v) entitled "Noise Levels at Vending Site" of Subsection(4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is created to read as follows:

"(v) Noise Levels at Vending Site. Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers. No sound amplification shall be permitted at a non-cart vending stand. Vendors utilizing an enclosed vending cart may use amplification inside an enclosed vending cart only, and any music or other audio shall be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video equipment, such as speakers and video display monitors, shall be permitted at a non-cart vending stand, nor affixed to or used outside a vending cart. This ordinance shall apply in addition to the general restrictions regarding noise and amplification found in Chapter 24 of the Madison General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply."