



Legislation Details (With Text)

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Enactment date:	12/31/2009	Enactment #:	ORD-09-00171		
Title:	SUBSTITUTE - Amending Sections 9.13(2) and 9.13(3) to increase fees for special event umbrella vending licenses and allow applications to be filed with the Parks Division; amending Sec. 10.056(3)(a) to clarify the membership of the Street Use Staff Commission; amending Sec. 10.056(4)(a) to allow Street Use applications to be filed at the Parks Division; amending Sec. 10.056(4)(b) regarding the application deadlines; amending Sec. 10.056(5) regarding the street use permit application procedure, clarifying references to vending, and to create an administrative approval for small block parties; and amending Sec. 10.056(8)(b) of the Madison General Ordinances regarding insurance requirements for Street Use Permits.				
Sponsors:	Michael E. Verveer				
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Date	Ver.	Action By	Action	Result
12/15/2009	2	COMMON COUNCIL	Adopt	Pass
12/2/2009	2	VENDING OVERSIGHT COMMITTEE		
11/12/2009	2	STREET USE STAFF COMMISSION		
10/28/2009	1	VENDING OVERSIGHT COMMITTEE		
10/20/2009	1	COMMON COUNCIL	Referred	
10/20/2009	1	Parks Division	Refer	
10/13/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The Parks Division estimates that the increased fees will yield an estimated increase in General Fund revenues of \$4,250 annually. No additional staff resources will be required, as Parks already administers vending licenses for Park events and will be able to administer the additional vending licenses with existing resources.

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Body

DRAFTER'S ANALYSIS: This amendment makes some procedural changes to the special event "Street Use"

Permit procedure, as well as raising the permit fees for a “Special Event Umbrella Vending license.” Currently, the sponsor of a special event may obtain an “umbrella” license cover the street vending activities of all vendors participating in their event, and there are three categories of license based on the number of vendors. This amendment creates a fourth category based on number of vendors, increases the license fee for all categories, and makes the Parks Division the place to apply for such a license, rather than the City Clerk. This amendment also clarifies the membership of the Street Use Staff Commission, how the staff members are assigned, and clarifies that this commission is subject to Sec. 33.27(2)(a), MGO, regarding “Staff Committees.”

This amendment changes the location for Street Use Permit applications from the City Clerk to the Parks Division. (The Parks Division has administered this ordinance for many years.) The amendment allows for Street Use Permit applications to be filed online, using the Accela “ERP” permitting system once that system is operational. This amendment also creates a new administrative approval procedure for block parties of 1 or 2 blocks on residential, non-downtown streets. Such permits will continue to require a petition from the neighborhood but can be granted by Parks Division staff rather than going to a full Commission meeting. The deadlines for filing applications and deciding applications are clarified, and an option is created for an applicant to waive the requirement for their application to be decided no less than 5 days prior to the event. Finally, this amendment clarifies that the decision to require insurance for all street use permits is made by the City Risk Manager.

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

1. Subsection (2) of Section 9.13 entitled “License for Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(2) Special Event Umbrella License. ~~An umbrella special event vending license shall be obtained from the City Clerk for is available to cover the vending activities of all persons who will be vending solely as a participant in a special event for which a street use permit has been issued pursuant to Sec. 10.056 of these ordinances, and where such vending is an integral part of the event. Application for a Special Event vending license shall be issued in the name of the special event sponsor filed with the Parks Division on a form designed for that purpose. The event sponsor shall complete any application form required by the City Clerk, and shall provide to the clerk~~The application shall include a list of all participants who wish to vend will be vending during the event, proof that each participant holds of a State of Wisconsin seller’s permit (if required) as evidenced by the seller’s permit number or a statement from an employee of the state that a seller’s permit will be issued, and proof that the event sponsor holds adequate liability insurance as required in Sec. 9.13(6)(m). The license shall also be subject to any rules and regulations established pursuant to Sec. 9.13(6)(k). ~~The special event sponsor~~Special Event vending licenses shall be issued in the name of the special event sponsor, who shall be responsible for the conduct and supervision of all vending activities under the special event vending license, whether or not said event sponsor is present at the vending location, however this does not preclude enforcement of ordinance violations against individuals conducting the vending activities under such license. The fees for a special event vending license shall be as required under Sec. 9.13(3)(a) based on the number of vendors participating in the special event, and shall cover all street vending activities for the duration of the special event. The license shall make reference to the approved Street Use Permit and shall set forth the start and end times and date(s) of the event, the approved location of the special event, including vending locations, and shall be valid only during the date(s) and at the location(s) specified. Fees for a Special Event Vending License approved by the Parks Division are payable to the City Treasurer as follows:

<u>1-25 vendors</u>	<u>\$300</u>
<u>26-100 vendors</u>	<u>\$500</u>
<u>101-300 vendors</u>	<u>\$700</u>
<u>301 or more vendors</u>	<u>\$1200”</u>

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

“(3) Application for any street vending license (except the Special Event vending license) shall be filed with the Director of Planning and Community and Economic Development or designee, shall contain such

information as she/he may require, shall specify in detail the food, goods or services to be offered for sale, shall be approved by her/him if all applicable ordinance and regulation requirements have been met, and shall then be issued by the City Clerk. Licenses shall be issued and signed by the City Clerk and shall be conspicuously displayed at the place where such sales are being made. In addition to the Licenses in this section, special licenses are required for vending in the Mall/Concourse Vending Area, under Sec. 9.13(6), Late Night Vending under Sec. 9.13(6)(n), and High Density Vending Areas under Sec. 9.13(7). Street vending licenses are not transferable.

(a) ~~Licenses under this subsection shall be of three (3) classes, based upon duration, and paid to the City Treasurer.~~ Basic Street Vendor License Fees and Durations:

1. Basic Street Vendor License (Annual). One-hundred and fifty dollars (\$150) payable to the City Treasurer. Annual licenses shall be issued on the fifteenth (15th) day of April each year, or thereafter when applied for, and shall expire on the fourteenth (14th) day of April following its issuance.
2. Basic Street Vendor License (Monthly). Seventy-five dollars (\$75) payable to the City Treasurer. Such license shall be issued for thirty (30) days and shall set forth the date of expiration.
3. Special Event Vending License. ~~The special event vending license fee shall be based on the number of vendors participating in the special event, and shall cover all street vending activities for the duration of the special event. The license shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. Fees for a Special Event Vending License shall be paid to the City Treasurer as follows:~~

1 to 50 vendors	\$150
51 to 200 vendors	\$250
Over 201 vendors	\$350"

3. Subdivision (a) of Subsection (3) entitled "Street Use Staff Commission" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:

"(a) ~~The voting membership of the Street Use Staff Commission shall consist of a staff representatives of the Department of Public Works and Transportation, Police, Fire, Risk Management and Metro; the Divisions of Parks and Streets; the State Capitol Police and additional city staff as necessary from each of the following City departments or divisions:~~

~~Department of Public Works and Transportation:~~

1. Transportation/Traffic Engineering;
2. Parking Utility;
3. City Engineering;
4. Parks Division;
5. Parks Division-Mall Maintenance;
6. Streets Division;
7. Police Department;
8. Fire Department;
9. Risk Management (Comptroller);
10. Metro Transit; and
11. a representative from the State Capitol Police Department.

Commission coordination shall be provided by the Parks Division. Membership on this Staff Commission shall not require mayoral appointment or Common Council approval. For the City staff positions, the Department head shall designate an individual to serve on the Commission on a regular basis for an indefinite term. The Department head may assign another individual to attend and vote in the absence of the regularly-assigned staff person.

The Street Use Staff Commission is considered a "full" or "formal" committee under Sec. 33.27, MGO, and subject to all applicable provisions of that section, including Sec. 33.27(2)(a), MGO."

4. Subdivision (a) of Subsection (4) entitled "Application" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended by amending therein the following:

"(a) ~~An written application for a Street Use Permit shall be made on a form provided by the City Clerk or~~

~~Parks Division, and shall be filed with the City Clerk by mail, in-person at the Parks Division, or using other methods made available by the City (such as online) using the form provided by the Parks Division.~~ The application shall set forth the following information:"

5. Subdivision (b) entitled "Deadline for Applications" of Subsection (4) entitled "Application" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:
(b) Deadline for Applications.

1. An application to close three (3) or more blocks or to close a street or streets ~~which~~that will require any bus route detours or substantial rerouting of vehicular traffic shall be submitted not less than thirty (30) days prior to the beginning date of the proposed event.
2. An application to close less than three (3) blocks ~~which~~that will not require any bus route detour or substantial rerouting of vehicular traffic shall be submitted not less than fourteen (14) days prior to the beginning date of the proposed event.
3. The deadline for application filing may be waived if, based upon the proposed date, time, place, size, duration, anticipated number of participants, and City services required, there will be sufficient time prior to the event for the Staff Commission to hold a public meeting to objectively review the application and make a determination~~decision~~ under the standards of issuance herein within the timelines required by sub. (5)(f). In the case of an administrative review under 10.056(5)(b)5., the application deadline may be waived if there is sufficient time prior to the event for the Parks designee to conduct the administrative review and make a decision within the timelines required by sub. (5)(f).

6. Subsection (5) entitled "Application Process and Permit Requirements" of Section 10.056 entitled "Street Use Permit" is amended to read as follows:

"(5) Application Process and Permit Requirements.

- (a) ~~Upon receipt of a A Street Use Permit Application, the application fee under Sub. (7)(a), a petition, if required, and any additional materials, the City Clerk shall immediately forward the application and materials to the Community Events Coordinator of~~shall be submitted to the Parks Division, or other designee of the Parks Division currently providing team coordination for the Street Use Staff Commission. Only complete applications containing all of the information required under sub. (4)(a) shall be considered. The Street Use Staff Commission shall review all such applications within the time limits in sub. (5)(f), if the application was filed within the deadlines in sub. (4)(b), except those applications that qualify for administrative review shall be reviewed by the designee of the Parks Superintendent under sub. (5)(b)5., below.

(b) Permit Review.

1. The Staff Commission shall evaluate the application using the standards found in this ordinance. The Commission shall either approve the issuance of a Street Use Permit with conditions or deny the permit. The reasons for denial shall be set forth in writing and provided to the applicant immediately, unless the applicant is present at the meeting at which the permit is denied.
2. Conditions of the permit shall include those required by this ordinance and those determined by the Staff Commission to be appropriate to ensure the safety of the public and provide for an orderly event. The information supplied under sub. (4)(a), if approved by the Staff Commission, shall also become conditions of the permit.
3. When approved, the ~~City Clerk~~Parks Division shall issue the permit. The permit shall include all information required on the application and any conditions added to the application by the Staff Commission.
4. Duration of Permit. Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event or street closure requested, except that a single permit for identical street closures for more than one occasion over the course of twelve (12) months or less may be considered and approved as a single permit, if the appropriate fee is paid under Sec. 10.056(7)(a) herein. Any deviation from the approved conditions on a permit for more than one occasion shall be approved by the Street Use Staff Commission by submitting an amended application following all the application procedures and deadlines herein.

5. Administrative Review for Certain Applications. Applications for the use of not more than two (2) blocks of a residential, non-Mall/Concourse local street meeting all of the criteria of Sec. 10.056(4)(c), including the petition requirement, may be reviewed and approved administratively by a designee of the Parks Superintendent. Such applications shall be approved if the Parks designee finds that the Standards of Issuance and all other applicable criteria under this ordinance have been met, including the insurance provisions under 10.056(8). A decision on a permit under this section shall be made within the time limits in Sec. 10.056(5)(f).
- (c) Street Vending. ~~While the applicant shall be required to describe any proposed street vending activities on the application for a Street Use Permit, all street vending issues shall be controlled by Sec. 9.13 of these ordinances; including necessity of vending permits, selection of vendors, requests for "exclusive vending use" and the suspension of certain vending ordinances or regulations during the event; however, all street Vending activities, as defined in Sec. 9.13(1), MGO, are regulated by Sec. 9.13 of these ordinances and may require additional licenses administered by the Street Vending Coordinator. Sec. 9.13(6)(k) governs the options for a vendor to request suspension of certain vending rules and regulations and requests for "exclusive vending use" including invalidation of other vending licenses during an event. A Special Event Umbrella Vending license covering street vending activities of all vendors in an approved special event is available to event sponsors under Sec. 9.13(2), and administered by the Parks Division.~~
- (d) Alcohol Beverage Permit. If the applicant requests permission to sell beer or wine on a public street, the applicant shall follow the procedure for a Class B Picnic License under Sec. 38.05(9)(e) of the Madison General Ordinances.
- (e) Sound Amplification. The use of sound amplification equipment may be approved as part of the Street Use Permit; and if approved, a separate permit under Sec. 24.04(3) shall not be required. Any applicable time limits in Sec. 24.04(3) shall not apply to a Street Use Permit. The Staff Commission shall determine the times and conditions for use of amplified sound using the standards of issuance herein, except that the use of sound amplification equipment may only be approved between 408:00 a.m. and 11:00 p.m. Requests for sound amplification before 8:00 a.m. or after 11:00 p.m. may be considered and granted by the Staff Commission if the Notification or petition required under Sec. 10.056(5)(g) described the proposed hours for amplification; and if the Staff Commission makes a specific finding that the Standards of Issuance, including sub. (6)(i), will not be violated by the use of amplified sound before 8:00 a.m. or after 11:00 p.m."
- (f) Time Limit for Decision. The decision to approve or deny a Street Use Permit shall be made within twenty-one (21) days of the date a complete application properly filed under sub. (5)(a) is received, unless the applicant expressly agrees to a longer period of time. Except for applications filed fewer than fourteen (14) days prior to the event under sec. 10.056(4)(b)3., in no case shall the decision to approve or deny shall be made no fewer later than five (5) calendar days before the beginning of the proposed event, to allow a timely appeal as provided elsewhere in this section. An applicant may choose to voluntarily waive this 5-day decision deadline.
- (g) Notification Requirements.
The notices required by this paragraph shall be in addition to any petition that may be required under Sec. 10.056(4)(c), and any street vendor or other notifications required elsewhere in these Ordinances.
1. Notification by the Applicant.
- a. Residential Neighborhood Events of two (2) blocks or less. The applicant shall deliver written notices announcing an event for which a permit has been granted, to each occupant on the streets to be closed at least seven (7) days prior to the event, unless a petition is required. The applicant shall provide the Parks Division Staff Commission a sample of any written notice required under this paragraph. If a petition is required under sub. (4)(c), the circulation of the

- petition shall serve as the only notice required under this paragraph.
- b. Large Public Events of three (3) or more blocks, 10,000 or more estimated attendees and any event requiring bus detours or significant traffic rerouting. The applicant shall send a copy of the application to the alderperson(s) of the aldermanic district(s) where the street closure is requested and to any neighborhood association on file with the Department of Planning and Community and Economic Development, within five (5) days of filing the application. The notification shall include contact information for the applicant. The purpose of the notification shall be to exchange information and receive public comment about the details of the event. The applicant shall keep a record of all public comments and provide them at the Street Use Staff Commission meeting when the application is reviewed. If a permit is granted, the applicant shall also provide written notice announcing the event to each occupant on the street(s) to be closed, prior to the event. The applicant shall also promptly notify any merchants or building occupants identified by the Street Use Staff Commission, upon request of the Staff Commission. The applicant shall provide the Staff Commission a copy of the meeting announcement and other written notice(s) required under this paragraph.
 - c. 700 and 800 blocks of State Street. For events on the 700 or 800 blocks taking place during regular business hours, the applicant shall notify all of the business or educational occupants of both the 700 and 800 blocks, and include proof of that notification with their application. A list of occupants can be obtained from the Parks Division.
 - d. Notice. Notice of an event for which a permit has been granted shall be sufficient if provided to the owner or occupant of each building or use with street frontage or driveway access on the street or portion of streets to be closed.
2. Notification by the Street Use Staff Commission. The Street Use Staff Commission shall regularly report to Common Council members all Street Use Permits granted and denied. The Community Events Coordinator shall also notify the Street Vending Coordinator and other pertinent staff of permits that have been granted and denied, as needed.
7. Subdivision (b) of Subsection (8) entitled "Insurance" of Section 10.056 entitled "Street Use Permit" of the Madison General Ordinances is amended to read as follows:
 - "(b) The requirement of insurance shall be determined by the City Risk Manager according to objective standards including but not limited to the size and nature of the event, the number of expected participants, and the potential for physical injury or property damage caused by participants."