



Legislation Details (With Text)

**File #:** 23300      **Version:** 1      **Name:** UW Football Game Day Vending  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/13/2011      **In control:** VENDING OVERSIGHT COMMITTEE  
**On agenda:** 8/2/2011      **Final action:** 8/2/2011  
**Enactment date:** 8/11/2011      **Enactment #:** ORD-11-00111

**Title:** Creating Sec. 9.13(11) of the Madison General Ordinances, UW Football Game Day Vending Area, establishing procedures for assignment of street vending sites in this new vending area and prohibiting street vendors from using equipment within this area except from an assigned site.

**Sponsors:** Scott J. Resnick, Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. Vending Map 7-27-11.pdf

| Date      | Ver. | Action By                        | Action                    | Result |
|-----------|------|----------------------------------|---------------------------|--------|
| 8/2/2011  | 1    | COMMON COUNCIL                   | Adopt                     | Pass   |
| 7/27/2011 | 1    | VENDING OVERSIGHT COMMITTEE      |                           |        |
| 7/19/2011 | 1    | COMMON COUNCIL                   | Referred                  |        |
| 7/13/2011 | 1    | Attorney's Office/Approval Group | Referred for Introduction |        |

**Fiscal Note**

No noteworthy fiscal impact is anticipated.

**Title**

Creating Sec. 9.13(11) of the Madison General Ordinances, UW Football Game Day Vending Area, establishing procedures for assignment of street vending sites in this new vending area and prohibiting street vendors from using equipment within this area except from an assigned site.

**Body**

DRAFTER'S ANALYSIS: This ordinance would allow the Vending Oversight Committee (VOC) to create a new restricted street vending area near Camp Randall stadium, to control the location of merchandise vendors on busy streets located outside the perimeter of the existing Camp Randall High Density Vending Area. The new vending area will only exist on days when the UW has a home football game. On all other days, the area will be open for regular/basic street vending. The vending sites will be primarily for merchandise. The Vending Coordinator will be authorized to approve food vending if space allows. A vendor holding a "basic" street vending license may apply for an assigned site for the football season and can only set up equipment for street vending within the assigned sites. However, persons conducting street vending entirely on-foot, without any equipment set-up, will not be required to remain in an assigned site. There will be no additional license fee for an assigned site in this area. The perimeter of the restricted game day area and the location of the sites will be shown on an official map that will be submitted to the VOC for approval.

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

Subsection (11) entitled "UW Football Game Day Vending Area" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is created to read as follows:

"(11) UW Football Game Day Vending Area. The purpose of the UW Football Game Day vending area is to establish assigned sites for Basic Street Vending on Regent Street and other streets near Camp Randall Stadium on days when there is a UW home football game. This area is outside the perimeter

of the Camp Randall High Density Area but close enough to the stadium to require assigned vending sites due to the very high volume of vehicle and pedestrian traffic on UW home football game days.

- (a) Vending Area. The UW Football Game Day Vending Area shall be established within a perimeter specified on an official vending area map, approved by the Vending Oversight Committee (VOC) and maintained in the Office of Business Resources. The VOC shall approve perimeter of the area by approving the official map at meeting of the VOC. Any subsequent changes to the perimeter shall be voted on by the VOC at a properly-noticed meeting.
- (b) Dates and Times. The UW Football Game Day Vending Area is only in effect from 12:00 a.m. to 11:59 p.m. on days when the University of Wisconsin Football team has a home game at Camp Randall Stadium. The time restrictions applicable to city-wide vending in residential areas in Sec. 9.13(4)(r) apply to all street vending in this area, including on game days.
- (c) Vending License Required. Every person working or performing vending activities at an assigned site in this area must hold a valid basic street vendor license under Sec. 9.13(3). No additional vending license is required. No person shall vend (as defined in Sec. 9.13(1)) in the UW Football Game Day Vending Area without the licenses required hereunder.
- (d) Vending From Assigned Sites Only, Site Size, Locations. All street vending in this area shall be from assigned sites only and is prohibited in any other location within the vending area, with the exception of vendors holding a valid basic street vending license and conducting entirely mobile vending of non-food items only, without the placement of any equipment, merchandise or other supplies on the ground. Such licensed street vendors may vend merchandise in this area with or without an assigned site, in compliance with all other applicable requirements of Sec. 9.13, MGO. The Vending Coordinator shall recommend and the VOC shall establish and make changes to the number and location of assigned vending sites on the official map adopted under par. (a) above. Once established by the VOC, a site may be limited to food or non-food only by the Vending Coordinator. The default vending site size for this area shall be four feet by eight feet (4' x 8') for non-food and ten feet by twelve feet (10' x 12') for food, unless another size is specified on the official map. All vending activities must take place within the dimensions of the assigned site. All applicable provisions of Sec. 9.13(4) not in conflict with this section shall apply to vending in this area.
- (e) Type of Vending Permitted in Regent Street UW Football Game Day Vending Area. Any items that may be sold with a basic street vending license may be sold in this vending area, subject to applicable health codes and other laws, and subject to the Vending Coordinator's designation of the site as a food-only or non-food only, under Sec. 9.13(11)(d) above.
- (f) Equipment. All equipment must fit into the footprint of the assigned vending site and must comply with all applicable provisions of Sec. 9.13(4) not in conflict with this section.
- (g) No Electrical Sites. There will be no electrical sites, all equipment must be self-powered.
- (h) Application, Site Assignment Procedure.
  1. Application. Applications for a site assignment in the UW Football Game Day Vending Area shall be filed at the Office of Business Resources, using an application form created by the Vending Coordinator. To be guaranteed an assigned site for the first home football game, applications shall be filed by the last Friday in July. Applications will be accepted after this date and throughout the UW Football season if spaces remain available. Site assignments are valid for the duration of the UW football season. Once approved, the vendor must accept the assigned site in writing and obtain a current Basic Street Vendor license within ten (10) calendar days of receiving notification of the site assignment, or will forfeit the site assignment. Only one (1) UW Football Game Day Vending Area site will be assigned per vendor, and site assignments are not transferrable.
  2. Site Assignment (Seniority System). Site assignment shall be determined by consecutive years of seniority. Seniority shall be calculated by counting the number of consecutive, uninterrupted years the applicant has purchased a basic street vendor license (of any duration) under Sections 9.13(3)(a)1. or 2., counting backwards from the

present and subtracting any demerit points. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season) without losing seniority, but that year will not be counted toward the vendor's total number of years of seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site. For individual applicants, the name on the application and the basic street vendor license used for seniority must be the same. If the applicant is a business organization, the basic street vendor license used for seniority must be in the name of an officer, member, partner, or the sole proprietor of the business. If more than one applicant has held a basic street vendor license for the same number of years, the date, and if necessary, time of day the license was issued, will determine seniority. If the date and/or time is not available, seniority will be determined by a coin toss conducted by the Vending Coordinator or designee. Applicants shall list three (3) site preferences on the application. The vendor with the most seniority (minus any demerit points) will be assigned his/her first preferred site, the next vendor assigned to his/her first available preferred site, and so on; until all applicants have been assigned a late night site or until the sites are full. If applicants remain after all sites are filled, a waiting list will be created, using the same seniority system. Late applicants and vendors who forfeit their UW Football Game Day Vending Area assignment will be placed at the bottom of the waiting list. Any site that becomes available after initial site assignments have been made shall be offered to the highest-ranking vendor on the waiting list.

3. Demerit Points. One (1) year of seniority will be subtracted for each demerit point described below:
  - a. One (1) demerit point will be assessed for any violation of Sec. 9.13, the Regulations adopted thereto, or any other violation listed in Sec. 9.13(8)(a) (except for serious health code violations described below). A violation counts as a demerit point if charged in a citation or civil or criminal complaint with a date of violation in the previous vending season.
  - b. Serious Health Code Violations. Five (5) demerit points will be assessed if the applicant's food and drink permit has been suspended or revoked for seven (7) or more consecutive days during the previous vending season, or if the applicant's vending cart or mobile base kitchen has been ordered by the public health department to suspend or cease all operations for seven (7) or more consecutive days during the previous vending season.
  - c. For purposes of Sec. 9.13(6)(n)5.a. and b., violations issued to the person named on the basic street vending license, the holder of the mobile cart license (s), if applicable, and the person or business listed as the applicant for the Southeast Campus vending site will all be counted.
  - d. If an applicant's vending license has ever been suspended or revoked under Sec. 9.13(8), the number of days the license was been suspended or revoked shall be subtracted from the total number of days counted for seniority. Suspensions or revocations against the person named on the basic street vending license and the person or business applying for the late night vending license shall be counted.

(i) Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the UW Football Game Day Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency."