



Legislation Details (With Text)

File #: 25157 **Version:** 1 **Name:** Spray paint
Type: Ordinance **Status:** Passed
File created: 1/31/2012 **In control:** VENDING OVERSIGHT COMMITTEE
On agenda: 5/1/2012 **Final action:** 5/1/2012
Enactment date: 5/10/2012 **Enactment #:** ORD-12-00064
Title: Amending Sections 9.13(6)(e)1.a. and 9.13(6)(f) of the Madison General Ordinances to establish special spray paint artist sites as a category of Arts/Crafts vendor on the Mall/Concourse.
Sponsors: Scott J. Resnick, Michael E. Verveer
Indexes:
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Date	Ver.	Action By	Action	Result
5/1/2012	1	COMMON COUNCIL	Adopt	Pass
2/29/2012	1	VENDING OVERSIGHT COMMITTEE		
2/7/2012	1	COMMON COUNCIL	Referred	Pass
1/31/2012	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending Sections 9.13(6)(e)1.a. and 9.13(6)(f) of the Madison General Ordinances to establish special spray paint artist sites as a category of Arts/Crafts vendor on the Mall/Concourse.

Body

DRAFTER'S ANALYSIS: This ordinance is a companion to resolution ID# 25236 which amends the Regulations Governing Vending on the State Street Mall/Capitol Concourse. That resolution creates a new category of Arts & Crafts vendors, Spray Paint Artists, and criteria for vendors to use spray paint in their vending site. This ordinance makes modifications to the Street Vending Ordinance to recognize the new category of arts/crafts vendor. This ordinance and ID # 25236 should be considered together and final action taken at the same time.

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

1. Subparagraph a. entitled "Arts and Crafts Vendor" of Paragraph 1. entitled "Art and Crafts or Food Vendor" of Subdivision (e) entitled "Definitions" 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:

"a. Arts and Crafts Vendor. An Arts and Crafts Vendor is defined as one (1) or two (2) individuals who offer for sale only 'handcrafted goods' as defined in Sec. 9.13(6)(e)3. if both individuals are solely and regularly involved in both the production and the sale of the goods. In addition, an Arts and Crafts Vendor may be a corporation, cooperative or partnership provided that no more than two (2) people are all solely and regularly involved in all phases of both the production and the sale of the goods. The names of all such individuals shall be listed on the application and license. An Arts and Crafts Vendor shall be licensed to sell only the handcrafted goods indicated on the face of the license from one arts and crafts vending site. "Arts and Crafts Vendor" also includes a vendor meeting the criteria in this

paragraph operating as a Spray Paint Artist as described in the Regulations, Section II.F.1.e. All sections of this ordinance applicable to an Arts and Crafts vendor (or “craft” vendor) shall apply to a Spray Paint Artist unless explicitly stated otherwise.

2. Subdivision (f) entitled “Arts/Crafts and Food Vending Sites” 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:

“(f) Arts/Crafts and Food Vending Sites. The Vending Oversight Committee (VOC) shall determine, by regulation, the number, size and location of food vending sites and arts and crafts vending sites for each vending year. Each vending site may be occupied by only one vendor at a time except for craft vending sites on the 700 and 800 blocks of the State Street Mall where, at the discretion of the first craft vendor occupying an individual vending site, the site may be shared with additional craft vendors. Notwithstanding the foregoing, an Arts and Crafts Vendor operating as a Spray Paint Artist may not share a site with another craft vendor, shall operate only within a designated Spray Paint site, and follow all site assignment procedures specific for Spray Paint Artists established in the Regulations or elsewhere in this ordinance. A vendor may not occupy more than one vending site at any given time. In addition, the VOC shall determine the method for allocating or assigning food vending sites among licensed food vendors and the method for allocating or assigning arts and crafts vending sites among licensed arts and crafts vendors. The mere possession of a valid food or arts and crafts vending or sidewalk cafe license by a vendor shall not in and of itself entitle the vendor to the use of a vending site on a specific day or a minimum number of days during the vending year, and each Mall/Concourse vending license shall be issued subject to the regulations promulgated by the VOC and approved by the Common Council regarding allocation or assignment of vending sites. Failure to become fully licensed and approved or to consistently use the assigned site by May 1st of a given vending year shall be grounds for the site to be assigned to another vendor for the remainder of that vending year.

Special Saturday vending areas shall be created, by regulation, designating an increased number of vending sites on the Mall/Concourse for use on Saturdays. These vending sites are for crafts and food and will be in addition to the existing vending sites, but will in no way infringe upon the yearly assigned food sites. During Saturday special events, any rules for ‘Exclusive Vending Rights’ during the special event adopted by the Common Council under Sec. 9.13(6)(k) shall apply to all vendors.”