



Legislation Details (With Text)

File #: 26422 **Version:** 1 **Name:** Mobile grocery vending
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File created: 5/15/2012 **In control:** VENDING OVERSIGHT COMMITTEE
On agenda: 6/12/2012 **Final action:** 6/12/2012
Enactment date: 6/21/2012 **Enactment #:** ORD-12-00081
Title: Amending Sections 9.13(4)(d), (j)1., (j)2., (s)1., (s)2. and (s)4. of the Madison General Ordinances to change certain vending site size and equipment restrictions for "basic" street vending to allow a mobile grocery store trailer to conduct street vending.
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Indexes:

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Attachments:

Date	Ver.	Action By	Action	Result
6/12/2012	1	COMMON COUNCIL	Adopt	Pass
5/30/2012	1	VENDING OVERSIGHT COMMITTEE		
5/15/2012	1	COMMON COUNCIL	Refer	Pass
5/15/2012	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No expenditure is required.

Title

Amending Sections 9.13(4)(d), (j)1., (j)2., (s)1., (s)2. and (s)4. of the Madison General Ordinances to change certain vending site size and equipment restrictions for "basic" street vending to allow a mobile grocery store trailer to conduct street vending.

Body

DRAFTER'S ANALYSIS: This ordinance amendment creates exceptions from city-wide street vending equipment and size restrictions. Currently, any street vendor operating with a "Basic" street vending license in areas of the city outside of the special regulated vending areas must fit all vending equipment with a 10 by 12 foot perimeter, cannot place any equipment on unpaved surfaces, is limited to a cart, chair and garbage can, and subject to other equipment rules. This ordinance amendment creates exceptions to those rules for a "mobile grocery store" trailer as will be defined in Chapter 28 by a companion ordinance amendment, when such trailer is operating as a street vendor with a "Basic" street vending license. "Basic" street vending is only permitted outside the Mall/Concourse, High Density and other special regulated vending areas. A mobile grocery store operating in compliance with the zoning code and Sec. 9.13 will not be considered a "food cart" for purposes of the Mall/Concourse regulations and will not be permitted to conduct street vending in the Mall/Concourse or any other regulated vending area of the City. When operating on a city street, the mobile grocery store will require a Basic Street vendor license and must comply with other vending ordinances not amended herein, including applicable parking laws.

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

1. Subdivision (d) 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:

“(d) All street vending equipment and displays shall be placed only upon paved surfaces, except for specifically assigned vending sites in the Camp Randall High Density Vending Area under Sec. 9.13(7), and in otherwise lawful locations for Basic Street Vending on Regent Street from West Washington Avenue to Breese Terrace, and equipment adjacent to a mobile grocery store, as defined in Sec. 28.03(2), if the mobile grocery store is owned and operated by a non-profit entity and operating as a street vendor with a Basic Street Vendor license from a lawful parking space on the street . For purposes of this paragraph, a paved surface includes concrete, asphalt, cement, brick, pavers, or other impervious surface.”

2. Paragraph 1. entitled “Vending Site Perimeter” of Subdivision (j) entitled “Appearance of Vending Site and Equipment” 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:

“1. Vending Site Perimeter. For purposes of this requirement, the maximum size of the “vending site” shall be the actual dimensions of an assigned site, or a perimeter of not more than ten by twelve feet (10’ x 12’) around the vendor if vending in an area where an assigned site is not required, except that a mobile grocery store, as defined in Sec. 28.03(2), if owned and operated by a non-profit entity and operating as a street vendor with a Basic Street Vendor license, is not subject to the vending site size restriction. The vending site size for a mobile grocery store shall be determined by the size of the mobile grocery store vehicle.”

3. Paragraph 2. entitled “Equipment” of Subdivision (j) entitled “Appearance of Vending Site and Equipment” 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:

“2. Equipment. All equipment present at the vending site shall be completely contained within the perimeter of the vending site and no equipment shall extend or be placed outside this perimeter, except as may be allowed elsewhere in this ordinance or the Regulations, and except that a mobile grocery store, defined in Sec. 28.03(2) and owned and operated by a non-profit entity, when operating with a Basic Street Vendor license, may use stairs or similar equipment necessary to facilitate customers access to and from the mobile grocery store. Equipment placement is further restricted by other provisions in 9.13(4).

Unless otherwise specified, each vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. Vendors vending from an enclosed cart or push cart are limited to the equipment listed above and may not use any additional freestanding equipment, however umbrellas or awnings securely attached to the cart may be used. If using vending apparatus other than a cart, one (1) freestanding tent or similar structure may be used but must maintain a minimum vertical clearance of seven (7) feet measured from ground level to the lowest point of the tent or other structure and a maximum height of eleven (11) feet at the highest point. Any freestanding structures of any kind shall be sufficiently wind-resistant and securely anchored. No part of any equipment, whether attached or detached, shall protrude beyond the perimeter of the vending site (as defined herein).”

4. Paragraph 1. entitled “Applicability” of Subdivision (s) entitled “Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements” 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:

“1. Applicability. This subsection (4)(s) applies to vendors selling food in areas other than the Mall/Concourse and High Density Vending areas. All food vendors are subject to inspection, regulation and licensing according to state and local health code requirements for food and drink service. When used in this subsection (4)(s), “mobile grocery store” shall mean a mobile grocery store as defined in Sec. 28.03(2), owned and operated by a non-profit entity, operating with a Basic Street Vendor license.”

5. Paragraph 2. entitled “Equipment Size in Food Vending Sites” of Subdivision (s) entitled “Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements” 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:

“2. Equipment Size in Food Vending Sites.

- a. All food vending carts, stands or other allowable food vending equipment, including those of Late Night food vendors, shall be of a size that fits entirely within the dimensions of the “vending site” perimeter as required by 9.13(4)(j)1. Unless otherwise specified, each food vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. All food vendors shall provide a trash receptacle of at least 10 (ten) gallons within their vending site for customer use. Mobile grocery stores are exempt from this provision.
- b. A mobile grocery store is not subject to the vending site size restrictions or equipment limitations in Sec. 9.13(4)(s)2.a. above. The vending site size for a mobile grocery store shall be determined by the size of the vending vehicle.”

6. Paragraph 4. entitled “Additional Regulations Applicable to Citywide Food Vendors” of Subdivision (s) entitled “Non-Mall/Concourse Food Vending, Equipment Size, Safety Requirements” 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:

- “4. Additional Regulations Applicable to Citywide Food Vendors: In addition to the other provisions of 9.13 (4), the following parts of the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall apply to all street vendors selling food, City-wide, except these regulations do not apply to food vendors in High Density Vending areas (see 9.13(7) and Regulations therein):
- a. Section VI, “Regulation of Vending Site Cleanliness and Safety.”
 - b. Section VII, “Non-Cart Food Vendor Physical Specifications.” Mobile grocery stores are exempt from this provision.
 - c. The following paragraphs only of Section VIII, “Regulation of Food and Non-Food Vending Carts:” Paragraph B. (Physical Specifications) 4. and 5. only, except Mobile grocery stores are exempt from all of Sec. VIII, Paragraph B., Paragraph C., (Electricity) and Paragraph E. (Fire Extinguishers).
 - d. Section IX, “Miscellaneous Regulations,” Paragraph A. (Restrictions on Mobility), (except mobile grocery stores), Paragraph B. (Removal of Carts and Equipment), except mobile grocery stores are exempt from Paragraphs B. 1. and 2., and Paragraph C. (Restrictions on Food Preparation), except mobile grocery stores are exempt from Paragraphs C.2. and 3.”