



## Legislation Details (With Text)

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|------------------------|--|----------------------|-----------------------------|--------------|--|
| <b>File #:</b>         | 37777  | <b>Version:</b>      | 1                           | <b>Name:</b> | Amending Regulations - Vending on State Regulations Governing Vending - StateSt. |
| <b>Type:</b>           | Resolution   | <b>Status:</b>       | Passed                      |              |  |
| <b>File created:</b>   | 3/24/2015  | <b>In control:</b>   | VENDING OVERSIGHT COMMITTEE |              |  |
| <b>On agenda:</b>      | 5/19/2015  | <b>Final action:</b> | 5/19/2015                   |              |  |
| <b>Enactment date:</b> | 5/21/2015  | <b>Enactment #:</b>  | RES-15-00473                |              |  |
| <b>Title:</b>          | A RESOLUTION amending the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to allow Arts and Crafts vendors to temporarily move into unoccupied food vendor sites on Saturdays, eliminating the option for a food vendor to move into another food vendor's unoccupied site for the day on Saturdays, and clarifying procedure for new food vendors to begin vending mid-season after the Fall Food Cart Review. |                      |                             |              |  |
| <b>Sponsors:</b>       | Michael E. Verveer   |                      |                             |              |  |
| <b>Indexes:</b>        |  |                      |                             |              |  |
| <b>Code sections:</b>  |  |                      |                             |              |  |
| <b>Attachments:</b>    |  |                      |                             |              |  |

| Date      | Ver. | Action By                   | Action                    | Result |
|-----------|------|-----------------------------|---------------------------|--------|
| 5/19/2015 | 1    | COMMON COUNCIL              | Adopt                     | Pass   |
| 4/29/2015 | 1    | VENDING OVERSIGHT COMMITTEE |                           |        |
| 3/31/2015 | 1    | COMMON COUNCIL              | Referred                  |        |
| 3/24/2015 | 1    | Attorney's Office           | Referred for Introduction |        |

### Fiscal Note

No appropriation required.

### Title

A RESOLUTION amending the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to allow Arts and Crafts vendors to temporarily move into unoccupied food vendor sites on Saturdays, eliminating the option for a food vendor to move into another food vendor's unoccupied site for the day on Saturdays, and clarifying procedure for new food vendors to begin vending mid-season after the Fall Food Cart Review.

### Body

WHEREAS, Under sec. 9.13(6) of the Madison General Ordinances, the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall and Capitol Concourse; and

WHEREAS, pursuant to Sec. 9.13 the Common Council must approve the regulations promulgated by the VOC; and

WHEREAS, the regulations are published in documents entitled "Regulations Governing Vending on the State Street Mall/Capitol Concourse;" and

WHEREAS, at its meeting on February 25, 2015 the VOC promulgated amendments to these Regulations as set forth below, using underlines to show new text and strike-outs to show deleted text;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approve the following amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" recommended by the Vending Oversight Committee:

**1. Create Sec. II.F.1.b.iv. to allow arts/crafts vendors to use an unoccupied food vending site on Saturdays only:**

- “iv. Arts/Crafts vendor using unoccupied Food Vending site (Saturday only.) If an assigned Saturday-only food vending site remains unoccupied, as defined in sec. III.E., by the assigned vendor as of 7:30 a.m., an Arts and Crafts Vendor may use that site for the day.”

**2. Amend the definition of “Unoccupied Site” in Sec. III.E. as follows:**

“‘Unoccupied Site:’ A food vending site that has been assigned and accepted by a properly licensed food vendor for the vending season in question but not occupied by the vendor on a specific day. An Unoccupied food vending site may be filled by another licensed food vendor used temporarily for the day only by an Arts and Crafts vendor under the procedures in Section V.F II.F.1.b.iv.”

**3. Amend Sec. V.E. to allow new food vendors to begin vending mid-season if a site is available:**

E. Filling Vacant or New Sites During the Vending Season. When an assigned site is forfeited, relinquished, created, or otherwise becomes permanently vacant during the vending season, (April 15-April 14) the departmental designee shall inform all currently licensed Food Vendors of the vacancy. The responding food vendor with the highest score in the previous food cart review shall be assigned the site for the remainder of the vending season. Any subsequently vacated site shall be assigned using the same process until all food vending sites are filled. If vacant site(s) remain after this process, the departmental designee may offer the site to applicants on the waiting list according to their rank order or, November 1 or later, to a newly-licensed new food vendor who has completed the Fall Food Cart Review and qualified for a license, as described under the “winter site assignment” procedures in Paragraph E.2., below.

1. April 15 to October 14 (Summer): Sites that are Vacant (as defined in Sec. III.E.) or become vacant during this period (i.e. the summer vending season) shall be offered for assignment as described in paragraph E. above.

2. Winter (October 15-April 14):

Procedure to fill vacant or new food vending sites during vending season: If a food vending site is or becomes vacant (as defined in Sec. III.E.) or becomes vacant any time during the vending season, from October 15 through April 14 (i.e. the winter half of the season) the site shall be offered to currently-licensed food vendors or waiting list applicants under the procedures in Paragraph E. above. Beginning November 1 or later, if no such vendors are interested in the vacant site, the site may be offered to a first-time Mall/Concourse Food Vendor applicant who successfully completed the Fall Food Cart review and received a site assignment for the next vending season. The new vendor may be assigned to the vacant site and begin daily vending from that site on November 1 or later, anytime after the first VOC meeting following the Fall Food Cart Review. New vendors wishing to use this option must purchase all necessary vending licenses for the current season. The Mall/Concourse Food Vending license fee shall be prorated as set forth in Sec. 9.13(6)(h)3.a., MGO, which shall not be pro-rated.

If a first-time food vendor is assigned to a winter site under this procedure, the assignment does not count toward seniority and has no impact on the site assignments for the next vending season.

See Section III.D. for filling sites that remain unassigned after the Fall Food Review, for

the upcoming vending season.

**4. Amend Sec. V.F. to allow Arts/Crafts vendors to move into an unoccupied food vending site on Saturday, and to make other amendments regarding moving into unoccupied sites:**

**"F. Transferability of Site Assignments, Occupying Food Vending Sites for the Day.**

1. Transferability. Mall/Concourse Food Vending Site assignments are nontransferable between vendors, and shall be valid for the duration of the vending year, except as provided by ordinance or herein. A Mall/Concourse Food Vendor shall only use the site to which s/he was assigned after the most recent Food Cart Review, or under paragraph E. above ("Filling vacant or newly-created sites"), or under the procedures herein for moving into an assigned site that has been left unoccupied for the day. A vendor shall not occupy more than one (1) Mall/Concourse vending site at any given time.

2. Moving into Unoccupied Site During Current Vending Season. The definitions for "unassigned," "vacant" and "unoccupied" sites in Sec. III.E. apply to this section.

(a) April 15 to October 14 (Weekdays only): If an assigned food vending site remains unoccupied by the assigned vendor by 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday between April 15 and October 14, another properly licensed food vendor who has a site assignment on the Mall-Concourse for the current vending season may move into the unoccupied site at 4:00 p.m. or later, and vend from that site for the day.

(b) October 15 to April 14 (every day/Weekdays only) "Winter": If an assigned food vending site remains unoccupied by the assigned vendor by 4:00 11:00 a.m. on a Monday, Tuesday, Wednesday, Thursday or Friday any day of the week between October 15 and April 14, a currently-licensed food vendor may move into the unoccupied site at 4:00 11:15 a.m. or later, and vend from that site for the day. This option is available to food vendors with a current site assignment or first-time food vendors who complete the Fall Food Cart review and have received a Mall/Concourse site assignment for the upcoming vending season. ~~First-time vendors wishing to use this option must purchase all necessary vending licenses for the current season, which shall not be pro-rated. The use of this option by first-time vendors does not count toward seniority and has no impact on the site assignments for the next vending season.~~

(c) The option for a food vendor to occupy another food vendor's unoccupied site for the day is not available on Saturdays.

~~3. Filling Vacant sites During the Vending Season. See Section V.E. for procedure to fill vacant sites during the current vending season. See Section III.D. for filling sites that remain unassigned, after the Fall Food Review, for the upcoming vending season.~~

**5. Delete Section X, Saturday Vending Site Assignment:**

~~X. SATURDAY VENDING SITE ASSIGNMENT~~

The process for creation and assignment of the special, additional Saturday vending sites provided by Sec. 9.13(6)(f) and located as designated on the Mall/Concourse Vending Area Site Map attached as Exhibit I will be as follows:

- A. The Director of Planning and Development, or designee; and the Chair or designee of the VOC will establish and designate by number the location of the specific Saturday vending sites available, subject to the requirements of site location in sec. 9.13(6) of the Madison General Ordinances. The maximum number of Saturday-only sites shall be as set forth in sec. II. A. of these Regulations.
- B. Licensed vendors wishing to reserve one of these sites will make a written application in letter form no later than April 15, designating which site is desired and providing alternates. If there are any assignable/reservable sites remaining after that date, they may be assigned (or occupied) on a first come, first served basis.
- C. Subsequent to April 15, the Director of Planning and Development, or designee and the Chair or designee of the VOC will assign the Saturday food sites and the Saturday craft sites for which a reservation is requested, using the methods below. The decision of the VOC and Chair shall be final and not subject to the appeal procedures in Chapter 9 of the Madison General Ordinances. The Director of Planning and Development or designee may establish additional unassigned (unreserved) Saturday food and craft sites, in addition to those set forth in Sec. II. A., as necessary to accommodate vending requests and consistent with the safe and orderly movement of traffic and pedestrians. Any such sites shall be designated on the Mall/Concourse Vending Site map, Exhibit I. All carts shall be oriented on the sites so as to maximize safety and minimize crowding and shall be reoriented at the request of the Director of Planning and Development, or designee if necessary, for those reasons.
  - 1. Food Vendor Sites. Saturday food vending sites shall be assigned according to the procedures set forth in sec. V.
  - 2. Craft Vendor Sites. Saturday craft vendor sites will be assigned using the procedures described in sec. II. F. 1.
- D. The Mall/Concourse vending license of each vendor approved for a Saturday vending site shall designate the specific site that has been reserved. This license must be prominently displayed during all hours of Saturday vending.
- E. (Reserved for future use.)
- F. Vendors may occupy their assigned Saturday sites on the Capitol Square from 5:00 a.m. until fifteen minutes before public bus service resumes on the Capitol Square. All sites must be completely vacated by fifteen minutes before bus service resumes