Legislation Details (With Text)

File #:	39386	**Version:**	1	**Name:**	Establishing library facility catering permit
Type:	Ordinance			**Status:**	Passed
File created:	7/21/2015			**In control:**	MADISON PUBLIC LIBRARY BOARD
On agenda:	9/1/2015			**Final action:**	9/1/2015
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Title: Creating Section 8.125 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a library facility catering permit.

Sponsors: Barbara Harrington-McKinney

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/1/2015	1	COMMON COUNCIL	Adopt	Pass
7/30/2015	1	MADISON PUBLIC LIBRARY BOARD	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/21/2015	1	COMMON COUNCIL	Refer	Pass
7/21/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

Fiscal note pending.

Title

Creating Section 8.125 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a library facility catering permit.

Body

DRAFTER'S ANALYSIS: This ordinance creates a library facility catering permit system. This permit system is in addition to the existing catering services authorized through the Request for Proposals (RFP) process. This will make City library facilities more inclusive and equitable by providing greater catering options for the City's customers. This ordinance will allow catering opportunities at library facilities by minority-owned caterers who otherwise are unable to offer those services under existing practice, and is therefore in line with the City's equity goals. The library will charge a permit fee to recover the City's administrative costs of overseeing the catering program.

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

1. Section 8.125 entitled "Library Facility Catering Permit" of the Madison General Ordinances is created to read as follows:

"**8.125 LIBRARY FACILITY CATERING PERMIT.**

(1) Library Facility Catering Permit Required. No person may provide catering services at a library facility without a valid library facility catering permit issued under this section or contrary to any conditions thereof.

Catering services may also be made available at any library facility by agreement between the City and a caterer following a request for proposals process approved by the Common Council.

(2) Definitions. For the purposes of this section, the following definitions apply:

(a) Catering Services. Food and non-alcohol beverage services provided by a person

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where the food and beverages are fully or partially prepared, stored and handled off-site, and then served by that person on-site.

(b) Gross Catering Sales. A permittee's gross sales of catering services provided at a library facility pursuant to a permit issued under this section.

(c) Library Facility. A public facility located within a public library that contains a kitchen or other area designated for storing, handling and preparing food or beverages. This definition does not extend to public libraries that lack a kitchenette.

(3) Classes of Permits.

(a) Annual Permit. An annual permit shall be valid from January 1 through December 31 of the calendar year. A permit may be issued for the upcoming calendar year no earlier than December 1 of the preceding year.

(b) Single-Event Permit. A single-event permit shall be valid only for the date(s) and facility stated therein.

(c) Multiple-Facility Permit. An annual permit may be issued for multiple library facilities, provided the permittee meets the requirements set forth in this ordinance for each library facility.

(4) Permit Application. An application for a library facility catering permit shall be made in writing to the Library Director on forms supplied by the Library and shall detail the name and address of the person or organization seeking the permit, the library facility, or facilities, for which the permit is being sought, the class of permit being sought, and the dates for which a permit is being sought. The application may include any other information as may be required by the Library Director. The application shall include an application fee, the certificate of insurance as required under sub. (6)(f), and an agreement to abide by all conditions set forth in sub. (6). An application for a permit shall be made at least thirty (30) days prior to the date the applicant intends to provide catering services at a library facility. A late permit application may be accepted at the Library Director's discretion.

(5) Permit Fee. A reasonable fee for each class of library facility catering permits shall be set by the Library Board. The fee shall be paid to the Library and shall be adjusted from time-to-time to allow the City to recover its costs of administering the library facility catering program consistent with the requirements of Wis. Stat. § 66.0628. This fee may be different for each library facility, and may include a late fee for untimely applications and a facility orientation session fee that differentiates between group sessions and individual sessions.

(6) Permit Conditions. Every permit issued under this section is subject to the following permit conditions:

(a) Compliance with Laws and Rules. A permittee shall abide by all federal, state, and local laws, ordinances and regulations, as well as the specific library facility rules and conditions. Every permit granted under this section is subject to the permittee maintaining a valid food and drink permit from Public Health Madison and Dane County.

(b) Facility Orientation. Prior to performing any catering services at the library facility, the permittee must undergo a facility orientation session with Library staff. This orientation session shall be required of each permittee annually, except that Library staff may waive this requirement at their discretion. No facility orientation session fee shall apply if this requirement is waived.

(c) Facility Usage Fee. In exchange for allowing permittee's use of the City's library facilities to offer their catering services, a permittee shall agree, as a condition of the permit, to remit to the City twelve percent (12%) of the permittee's gross catering sales arising from catering activities at the permitted library facilities as a usage fee. This amount shall be remitted to the City within ten (10) days of a catering service event, or as otherwise agreed to by the Director and the permittee. The permitttee shall provide the City any documentation necessary to substantiate the payment made.

(d) Special Conditions. The Library may require any other special conditions of a permit that are necessary to protect the City's property, and the health, safety, and welfare of the public. Any such special conditions shall be indicated in writing as an addendum to

the permit, and, for annual permits, may be imposed on an event-by-event basis. A permittee may challenge a proposed special condition by appealing the proposed condition to the Library Director.

(e) Indemnification. As a condition of the granting of the permit, the permittee shall agree to hold harmless, defend, and indemnify the City, its officers, officials, employees and agents, from and against all claims, suits, liability, damages, expenses and penalties arising from the permittee's operations or use of the library facilities pursuant to a permit granted under this Section, whether caused by or contributed to by the negligence of the City, its officers, officials, employees and agents.

(f) Insurance. At the time of the application, the permittee shall be required to furnish a Certificate of Insurance to the City of Madison Risk Manager, on a form acceptable to the City, providing evidence of commercial general liability insurance with minimum limits of one million dollars ($1,000,000) per occurrence, naming the City of Madison, its officers, officials, agents and employees named as additional insureds. The City of Madison Risk Manager reserves the right to require higher limits and other coverage terms and conditions at his/her discretion. Applicant shall keep required insurance in full force and effect throughout the term of the permit. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. This insurance condition may be waived in those instances where the City of Madison Risk Manager, in consultation with the City Attorney's office, determines that this requirement can be waived.

(7) Revocation of Permit. In the event that the permittee fails to abide by any of the conditions of the permit, the City shall provide written notice to the permittee of the violation of the permit conditions, and give the permittee at least five (5) days to cure the violation. If permittee fails to cure the violation, the permit shall be revoked and the permittee shall not be eligible for a new library facility vending permit for at least twelve (12) months, unless otherwise approved by the Library Director. However, if a determination is made that revocation is reasonably necessary to protect the health, safety or welfare of the public, the Library Director may immediately revoke a permit granted under this section.

(8) Appeal. An appeal of the Library Director's decision to deny or revoke a permit under this section, or impose a special condition of a permit under this section, shall be made in writing and state the reasons for the denial, revocation, or special condition. This decision may be appealed to the Library Board by providing written notice of the appeal to the City Clerk within thirty (30) days of the mailing of the notice to the applicant, and must state the reasons for the appeal. The Library Board shall hear the appeal at its next meeting, unless the notice is received within ten (10) days of the next meeting at which point the hearing shall be at the following meeting. At the hearing, the Library Board shall either affirm the action of the Library Director, or overturn the action upon a showing that the requirements of this ordinance have been met. If the decision is upheld, the Library Board shall, at its next meeting, adopt a written determination of its decision, which decision shall be sent to the appellant within ten (10) days of the determination. Appeal of the Library Board's decision shall be by Certiorari to Circuit Court and shall be commenced within thirty (30) days of the date of the decision sought to be reviewed or be waived.

(9) Violations. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than fifty dollars ($50) nor more than five hundred dollars ($500) for each offense. Each day or portion thereof that a violation exists or continues shall be considered a separate offense."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

"Offense	Ord. No./Adopted	Statute No.	Deposit
Catering at a library facility without or contrary to a valid library facility		8.125(1)	$200

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catering permit."

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.