



Legislation Details (With Text)

File #: 53621 **Version:** 1 **Name:** Umbrella Basic License for non-Mall/Concourse food vendors
Type: Ordinance **Status:** Passed
File created: 10/23/2018 **In control:** Attorney's Office/Approval Group
On agenda: 10/30/2018 **Final action:** 12/4/2018
Enactment date: 12/15/2018 **Enactment #:** ORD-18-00129
Title: Amending 9.13(3)(a)4. of the Madison General Ordinances to create an Umbrella Basic License for non-Mall/Concourse food vendors and making housekeeping changes.
Sponsors: Michael E. Verveer, Zach Wood
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
12/4/2018	1	COMMON COUNCIL	Adopt	Pass
11/28/2018	1	VENDING OVERSIGHT COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
11/28/2018	1	VENDING OVERSIGHT COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/30/2018	1	COMMON COUNCIL	Refer	Pass
10/23/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

The proposed amendment makes an umbrella license available to food vendors in other parts of the City, not just the State Street Mall/Capitol Concourse. Currently, 54 food vendors within the Mall/Concourse have the option between a basic street vending license (\$200) and an umbrella license (\$600). Fourteen of these 54 food vendors currently have an umbrella license. The proposed amendment would expand the umbrella option so that all 81 current food vendors within the City, and any future licensed vendors, will be able to choose between a basic license and umbrella license. No additional City appropriation is required.

Title

Amending 9.13(3)(a)4. of the Madison General Ordinances to create an Umbrella Basic License for non-Mall/Concourse food vendors and making housekeeping changes.

Body

DRAFTER'S ANALYSIS: Currently, all persons working in a food vending cart must purchase a \$200 annual "Basic" Street Vending license, except for certain workers who perform tasks such as delivering supplies and do not exchange money or interact with customers. An umbrella license is available for Mall/Concourse Food vendors to cover all workers under one \$600 license. This amendment would make that same option available for food vendors who are vending in other parts of the city, not just the State Street Mall/Capitol Concourse. This amendment also makes housekeeping changes to clarify that merchant vendors and sidewalk café license holders do not require a Basic license and moves insurance information to another section.

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

1. Paragraph 4. entitled "Umbrella Basic License (Mall/Concourse Food Vendors only)" of Subdivision (a) entitled "Basic Street Vendor License Fees and Durations" of Subsection (3) of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

- "4. Umbrella Basic License (Mall/Concourse Food Vendors Vending Only). Six hundred dollars (\$600) for an annual license, ~~payable to the City Treasurer,~~ issued on April 15 or thereafter when applied for, and expiring on April 14 following its issuance. This license is available to:
- a. ~~a~~A licensed Mall/Concourse Food Vendor to provide the basic licensing necessary for any supplemental vendors working in the Food Vendor's vending site, per Sec. 9.13(6)(e)1.c. The Food Vendor shall provide the Street Vending Coordinator, in writing, the name, date of birth and address of each worker to be listed on the Umbrella Basic License, and any workers added to or deleted to the license during the licensing period, within fourteen (14) days of the change.
 - b. A vendor holding an individual Basic Street Vending license who sells food only, under a Basic license for vending in locations where no other vending license type is required. Such vendors may obtain an Umbrella Basic License to provide the basic licensing for workers meeting the definition of a "supplemental food vendor" under Sec. 9.13(6)(e)1.c. The vendor shall provide the Street Vending Coordinator, in writing, the name, date of birth and address of each worker to be listed on the Umbrella Basic License, and any workers added to or deleted to the license during the licensing period, within fourteen (14) days of the change. New employees and helpers, as defined in Sec. 9.13(6)(e)1.c., may be employed according to the provisions of that section.

2. Paragraph 4. entitled "Licensed Mall/Concourse 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:

- "4. Licensed Mall/Concourse Vendor. A Mall/Concourse vendor is a Food Vendor, Arts and Crafts Vendor, Merchant Vendor or Sidewalk Café, ~~as those terms are defined within Sec. 9.13(6)(e) to whom who holds a valid Mall/Concourse vending license issued under Sec. 9.13(6)(h). has been issued pursuant to this section. In addition, to be considered a fully licensed Mall/Concourse vendor under this section, the vendor must hold a valid basic street vendor license issued pursuant to Sec. 9.13(3) herein, and must have adequate liability insurance in force as required in Sec. 9.13(3) herein. Persons acting solely as the primary designated vendor of a corporation, cooperative or partnership, assistants under Sec. 9.13(6)(e)1.c., or supplemental food vendors under Sec. 9.13(6)(e)1.b. are not required to provide separate proof of insurance, and persons acting solely as assistants are not required to hold a basic street vendor license under Sec. 9.13(3).~~"

3. Subdivision (m) entitled "Liability Insurance" 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:

- "(m) Liability Insurance. To hold a valid license, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a Certificate of Insurance, on a form acceptable to the City, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the City of Madison, its employees and agents as additional insureds, with minimum limits of one million dollars (\$1,000,000.00) in the aggregate. The Certificate of Insurance shall provide thirty (30) days written notice to the City upon cancellation, or nonrenewal or material change in the policy. Persons acting solely as the primary designated vendor

of a corporation, cooperative or partnership, assistants under Sec. 9.13(6)(e)1.c.i., and supplemental food vendors and helpers defined in Sec. 9.13(6)(e)1.c.ii. are not required to provide separate proof of insurance.

To hold a valid sidewalk cafe license or merchant vendor license, the vendor must have in full force adequate liability insurance. Adequate liability insurance is insurance the terms and conditions of which shall at minimum comply with those terms and conditions specified in the first paragraph 4 of this subdivision (m) and may include any additional terms and conditions required by the City ~~Real Estate office~~ Risk Manager or agreement of the parties.”