



Legislation Details (With Text)

File #: 63023 **Version:** 1 **Name:** Street Vending Snow Day Procedures
Type: Ordinance **Status:** Passed
File created: 11/12/2020 **In control:** Attorney's Office
On agenda: 12/1/2020 **Final action:** 12/1/2020
Enactment date: 12/15/2020 **Enactment #:** ORD-20-00116

Title: Amending sec. 9.13(6)(l)6. and 9.13(6)(l)1. to add Sidewalk Cafes and Merchant Vendors to the Snowfall Procedures for Vending on the State Street Mall/Capitol Concourse Vending Area, expand the snow removal procedures, and establish an early closing time for sidewalk cafes when needed for snow removal.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/1/2020	1	COMMON COUNCIL	Adopt	Pass
11/17/2020	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	
11/12/2020	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed resolution amends existing procedures related to snow removal that apply to food carts and arts and crafts vendors on the State Street Mall/Capitol Concourse Vending area to also apply to sidewalk cafes and merchant vendors. The Parks Division provides sidewalk snow removal services to the State Street Mall/Capitol Concourse Vending area, which are funded partially funded by property owners in that district. The resolution would enable the continuation of existing snow removal services. No additional appropriation is required.

Title

Amending sec. 9.13(6)(l)6. and 9.13(6)(l)1. to add Sidewalk Cafes and Merchant Vendors to the Snowfall Procedures for Vending on the State Street Mall/Capitol Concourse Vending Area, expand the snow removal procedures, and establish an early closing time for sidewalk cafes when needed for snow removal.

Body

DRAFTER'S ANALYSIS: This ordinance amends existing procedures that apply to Food Carts and Arts and Crafts Vendors when snow must be removed from their vending site on the Mall/Concourse. Under the current ordinance, those vendors must remove snow from their assigned site, cannot vend during a declared Snow Emergency, and must follow alternate rules when a "Vending Snow Day" is declared by Parks to provide extra time to remove snow and ice from the Mall Maintenance Service Area. This ordinance makes these rules applicable to sidewalk cafes and merchant vendors, meaning they must also remove snow and ice from their sites, cannot set up during a Snow Emergency and must follow alternate rules on a Vending Snow Day.

This ordinance also eliminates the rule that vendors in the 700-800 block must push snow inward and clarifies that both snow and ice must be removed. Finally this ordinance adds flexibility for Parks to choose the time of day that vending may resume on a Vending Snow Day and to require a sidewalk café to close by midnight if extra time for snow removal is needed.

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

1. Subparagraph d. of Paragraph 1. entitled "Hours" of Subdivision (l) entitled "Miscellaneous Vending Restrictions" 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 by amending therein the following:

"d. All vending equipment (including sidewalk cafés licensed under this section) shall be completely removed during the hours in which vending is not permitted, except that sidewalk café equipment shall be removed no later than thirty (30) minutes after the establishment closes, or at the time required for snow removal by sec. 9.13(6)(l)6.c.ii. if applicable, and Mall/Concourse Food Vendors with Saturday-only assigned food vending sites may park and leave food carts securely locked and unattended in the assigned sites between 12:00 a.m. and 5:00 a.m. on Saturdays only, from the third Saturday in April through the second Saturday in November."

2. Subparagraph e. of Paragraph 1. entitled "Hours" of Subdivision (l) entitled "Miscellaneous Vending Restrictions" 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 by amending therein the following:

"e. Sidewalk cafes on the Mall/Concourse may remain open until the establishment closes, subject to the provisions of Sec. 9.13(6)(j)3. regarding alcohol service, and subject to any other closing time required for snow removal in sec. 9.13(6)(l)6.c.ii."

3. Paragraph 6. entitled "Snowfall Procedures for Food, Arts/Crafts, and Late Night Vendors" of Subdivision (l) entitled "Miscellaneous Vending Restrictions" 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 by amending therein the following:

"6. Snowfall Procedures for Mall/Concourse Vendors Food, Arts/Crafts, and Late Night Vendors. The following procedures apply to all Licensed Mall/Concourse Vendors (Food, Arts and Crafts, Sidewalk Cafes and Merchant Vendors), Late Night Vendors in the 500 block of North Frances Street (Concrete Park) and any other LNV site on a sidewalk or sidewalk area. In this section "Vendor" shall refer to the license holder of any of these license types and "site" shall refer to the vendor's assigned vending site or the approved location of furniture, tables, enclosures, other approved equipment, and the approved perimeter of a sidewalk café or merchant vendor.

a. Snow Removal. If any Food or Arts and Crafts Vendor's assigned site has accumulated snow and ice when the vendor arrives, and the vendor wishes to set up the site, the vendor must clear the all snow and ice from the site before placing the cart or any other vending equipment in the site, and

Food and Arts and Crafts Vendors may not use another site nor otherwise alter the position of the cart or table from its approved position within the vendor's assigned site. Sidewalk cafes and Merchant Vendors shall not modify the approved perimeter or location of equipment within their approved site.

~~Vendors with sites on the Capitol Concourse or Municipal Building Vending Area shall push the snow toward, but not into, the road, and Vendors with sites in the 700 and 800 blocks of State Street shall push the snow toward the middle of the mall.~~

~~Vendors shall keep a four foot (4') perimeter around the vending cart, or equipment, approved Sidewalk Café enclosures and Merchant Vendor equipment clear from accumulating snow and ice at all times. This procedure also applies to Late Night Vendors in the 500 block of North Frances Street (Concrete Park) and any other LNV~~

site on a sidewalk or sidewalk area.

- b. Snow Emergencies. Mall/Concourse Licensed Vendors, Late Night Vendors in the 500 block of North Frances Street (Concrete Park) and any other LNV site on a sidewalk or sidewalk area, Mall/Concourse Food Vendors and Arts and Crafts Vendors shall not vend, set up any equipment or otherwise operate in their site on any day when the City has declared a snow emergency under Sec. 12.045(1).
- c. Street Vending Snow Day. The Superintendent of Parks or designee (Superintendent) may declare a "street vending snow day" when a full snow emergency under Sec. 12.045 has not been declared but additional time is needed for city staff to safely remove snow and ice from the streets and sidewalks within the Mall/Concourse Vending Area. When a Street Vending Snow Day has been declared, one or both of the following may occur;
 - i. Delayed set-up. Mall/Concourse Food Vending carts or equipment of any kind equipment cannot be placed before 11:00 a.m. or a later time if deemed necessary by the Superintendent and vendors are notified according to the procedure below. Such notification may extend for the entire day, and must be removed by 1:30 p.m., notwithstanding anything to the contrary in this Ordinance or the Regulations adopted thereto.
 - ii. Early Closing for Sidewalk Cafes. The Superintendent may also determine that Sidewalk Cafes must close and remove all equipment from the sidewalk by 12:00 a.m. to facilitate snow removal overnight.

The Parks Division will announce the snow day and the specific restrictions above no later than 8:00 a.m. of the affected day by:

- A. Emailing a current list of all affected vendors provided by the Street Vending Coordinator, and
 - B. Using a call-in telephone number or similar technology established for this purpose.
- d. Mall/Concourse Licensed Vendors shall also comply with all provisions of their approved snow removal plan (if any) approved pursuant to any resolution or ordinance that requires a snow removal plan. In the event of a conflict between par. a.-c. herein and an approved snow removal plan, the approved snow removal plan shall apply."