



## Legislation Text

File #: 24764, Version: 1

### Fiscal Note

There will likely be a small increase in General Fund revenues of perhaps \$500 - \$1,000 annually derived from permit fees and forfeitures.

### Title

Creating Section 9.53, and amending Sections 10.25, 1.08(3)(a), and 1.08(4) of the Madison General Ordinances to allow information tables and vending of expressive items on city sidewalks, creating permits and designated sites for the same, creating permits for mobile vending of expressive items, and establishing bail deposits for violations.

### Body

DRAFTER'S ANALYSIS: Section 10.25(1) currently prohibits the placement of articles on the sidewalk and terrace. The list of prohibited items includes "any cask, box, crate, wood, stone, plank, boards, goods, wares, merchandise, ashes, bottles, cans or other substances or materials." This has the effect of prohibiting the use of tables to distribute literature or other expressive items on city sidewalks. The street vending ordinance (Sec. 9.13) prohibits on-street sales without a street vending license. In the areas surrounding the Capitol and State Street, a street vending license is only available for homemade food and handcrafted items, and vending can only be conducted from assigned sites. Food vendors compete for a site through the annual, juried, food cart review process. Craft vendors choose from among a limited number of sites. The sites are established by the Vending Oversight Committee. Street vending in other parts of the city is also limited to assigned sites only and certain days of the week (i.e. Southeast Campus, Camp Randall High Density, UW Game Day vending areas.) This ordinance creates a new process so that persons wishing to use a table to hand out literature or other noncommercial materials, collect signatures or petitions, or vend expressive items, can do so and not violate Sec. 10.25 or the street vending ordinances. Specifically, this ordinance would: (1) clarify the current prohibition against placing articles on the sidewalk; (2) create a new "T" permit to allow the use of a table to display and disseminate information about political, philosophical, religious, ideological or any other noncommercial messages or causes, petition for signatures or seek donations for the same; (3) create a new "E" permit to allow vending of non-food expressive items that are inextricably intertwined with a political, philosophical, religious, ideological or other noncommercial cause, such as newspapers, books, recordings, bumper stickers, buttons, hats, T-shirts, posters or signs that display a written noncommercial message; (4) create designated sites for T and E permits in the regulated vending areas such as the Mall/Concourse, Southeast Campus, Camp Randall High Density and UW Game Day vending areas; (5) allow T and E permits for tabling in unregulated vending areas throughout the city; and (6) create a new "M" permit for mobile vending of "expressive items" city-wide. The "M" permit is needed in the Mall/Concourse vending area where currently, street vending can only occur from assigned sites. This ordinance sets forth the City's substantial governmental interests in protecting traffic and pedestrian safety as well as visual aesthetics of the city streetscape. These new permits will be available for a nominal fee on a daily, monthly or annual basis and will be administered by the Vending Coordinator. This ordinance creates administrative procedures for the permits, eliminates Sections 10.25(1) and (2), incorporating some of Sec. 10.25(1) into new Sec. 9.53(1), and creates bail deposits and enforcement authority for violations of new Sec. 9.53.

\*\*\*\*\*

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

**SEE ATTACHMENTS - BODY**