



## Legislation Text

File #: 25633, Version: 3

### Fiscal Note

No significant fiscal impact is anticipated.

### Title

2<sup>nd</sup> SUBSTITUTE Amending Section 9.13(2) to make special event umbrella vending license available for city-sponsored events, amending Sections 9.13(6)(k)1., 3., and 4. to eliminate the public hearing requirement for resolutions authorizing exclusive vending rights during special events, amending Sections 9.13(6)(l)4., 9.13(7)(h), 9.13(10)(h) and 9.13(11)(i) to allow the City to relocate or establish temporary vending sites and temporary license fees.

### Body

DRAFTER'S ANALYSIS: This ordinance amendment clarifies that a special event umbrella vending license can be used to cover the vending activities of vendors participating in a city-sponsored event, and when the event is sponsored entirely by the city, there is no fee for the special event umbrella license. This ordinance also streamlines the procedure for exclusive use resolutions for special events. Under the current ordinance, two resolutions are required for each special event seeking to invalidate vending licenses, select vendors and adopt special rules for sales during the event. This amendment would allow those things to be approved with one resolution per event instead of two. Under current ordinance, the Council must hold a "public hearing" on each of those resolutions. "Public Hearing" in this context simply means that members of the public can speak on the item for 5 minutes instead of 3, and the resolutions must be heard during the "public hearing" portion of the council meeting and cannot be adopted on the consent agenda. This ordinance would eliminate the "public hearing" requirement, meaning that public speakers can speak for 3 minutes instead of 5, the resolutions do not have to be included under the "public hearing" part of the Council agenda, and could be placed on the consent agenda. Each resolution would still be considered at a public meeting of the Common Council (and any referral committee) and members of the public can still register to speak for or against such resolutions. Finally, this ordinance creates a procedure for the Parks Superintendant, with approval of the Director of Planning, Community and Economic Development, to relocate and/or create additional temporary vending sites in the Southeast Campus Vending Area, High Density Vending areas, UW Football Game Day Vending Area, Mall/Concourse Vending area, and Late Night Vending areas, and charge an additional license fee for temporary vending, when in the best interests of the City. The current ordinance allows relocation or elimination of existing sites only. This amendment would allow the city to create additional sites, and an additional fee, on a temporary basis, in each area of the city where street vending is restricted to assigned sites.

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

1. Subsection (2) entitled "Special Event Umbrella License" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(2) Special Event Umbrella License. An umbrella Special Event Vending License is available to cover the street vending activities of all persons who will be vending solely as a participant in a special event for which a street use permit has been issued pursuant to under Sec. 10.056, MGO, of these ordinances, or a city-sponsored event. Application for a Special Event Vending License shall be filed with the Parks Division on a form designed for that purpose. The application shall include a list of all participants who will be vending during the event, proof that each participant holds of a State of Wisconsin seller's permit (if required) as evidenced by the seller's permit number or a statement from an employee of the state that a seller's permit will be issued, the name of the event sponsor and proof that the event sponsor holds adequate liability insurance as required in Sec. 9.13(6)(m). The license shall also be subject to any rules and regulations established pursuant to Sec. 9.13(6)(k). Special Event Vending

Licenses shall be issued in the name of the special event sponsor, who shall be responsible for the conduct and supervision of all vending activities under the Special Event Vending License, whether or not said event sponsor is present at the vending location, however this does not preclude enforcement of ordinance violations against individuals conducting the vending activities under such license. The fees for a Special Event Vending License shall be based on the number of vendors participating in the special event, and shall cover all street vending activities for the duration of the special event. The license shall make reference to the approved Street Use Permit and shall set forth the start and end times and date(s) of the event, the approved location of the special event, including vending locations, and shall be valid only during the date(s) and at the location(s) specified. Fees for a Special Event Vending License approved by the Parks Division are payable to the City Treasurer as follows:

1-25 vendors	\$350
26-100 vendors	\$575
101-300 vendors	\$800
301 or more vendors	\$1350
<u>City-sponsored event</u>	<u>(No fee if entirely sponsored by the City)</u>

2. Paragraph 1. entitled "Authority" of Subdivision (k) entitled "Vending and Exclusive Vending Rights During Special Events" 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:

"1. Authority. During a special event the Common Council may by resolution ~~and after public hearing~~ suspend specifically enumerated vending ordinances or regulations on any street, alley, sidewalk or public square and on designated portions of the Mall/Concourse which are established pursuant to this Ordinance. Alternative rules and procedures may be established by the Common Council for the special event. This subdivision does not apply to special events which occur solely at the podium area of the 700 block of State Street or in the 800 block of State Street."

3. Paragraph 3. entitled "Invalidation of Vending Licenses - "Exclusive Vending Use" of Subdivision (k) entitled "Vending and Exclusive Vending Rights During Special Events" 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:

"3. Invalidation of Vending Licenses - "Exclusive Vending Use". To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk or public square or on any part or all of the State Street Mall/Capitol Concourse, the Common Council may by resolution ~~and after public hearing~~ reserve up to ten (10) days during any vending year when street vending licenses will not be valid at a particular location and when some or all categories of Mall/Concourse vending or sidewalk cafe licenses will not be valid within the perimeter of a special event. Such action shall not be taken by the Common Council, however, unless the sponsor of the special event satisfactorily demonstrates that special conditions exist which warrant granting the exclusive vending rights. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Common Council shall take precedence over any conflicting vending ordinance or regulation to the contrary."

4. Paragraph 4. entitled "Notice Procedure for Invalidation of Vending Licenses" of Subdivision (k) entitled "Vending and Exclusive Vending Rights During Special Events" 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. Notice Procedure for Invalidation of Vending Licenses. For each such specific day during which certain or all street vending licenses or Mall/Concourse vending licenses have been declared to be not valid, the Common Council may by ~~separate resolution and after public hearing~~, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event sponsor shall provide written notice of the public hearing Common Council meeting date(s) at least one (1) week before the hearing meeting, to the following: the

Superintendent of Parks, or designee; the Director of Planning and Community and Economic Development or designee; and any vendor or sidewalk cafe licensee(s) on file with the Department of Planning and Community and Economic Development within the perimeter of the proposed special event area. The written notice shall contain an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Common Council as to any specific day during which a street vending license or a Mall/Concourse vending license will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Street vending licenses and non-Mall/Concourse sidewalk cafe licenses shall be subject to invalidation for up to ten (10) days each vending year at any one location as provided in this subdivision. Any Mall/Concourse vending or sidewalk cafe license issued pursuant to Section 9.13(6) of the Madison General Ordinances shall be subject to invalidation for up to ten (10) days each vending year as provided in this subdivision. A fee of twenty-five dollars (\$25) for each block for which Exclusive Vending Rights is requested shall be charged."

5. Paragraph 4. Entitled "Relocation of 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 to read as follows:

"4. Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to relocate designated vending sites elsewhere on the State Street Mall/Capitol Concourse or to eliminate them in the interest of public safety during construction or emergencies and as elsewhere provided in these ordinances. In the event that the Superintendent of Parks or designee requires the relocation or elimination of a vending site for maintenance, cleaning or construction, s/he or designee shall notify the Department of Planning and Community and Economic Development. The Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area when deemed in the best interests of the City, however this procedure shall not be used in place of any of the procedures in Sec. 9.13(6)(k). Any vendor operating in such temporary sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency."

6. Paragraph 4. entitled "Relocation of Vendors" of Subdivision (h) entitled "Miscellaneous Regulations" of Subsection (7) entitled "Regulations and Procedures for Vending in High Density Vending Areas" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"4. Relocation of Vendors. The Director of Planning and Community and Economic Development or designee has the authority to relocate designated vending sites elsewhere in the high density vending area or to eliminate them in the interest of public safety during construction or when temporary bus stops or routes are added on streets in high density vending areas and, as necessary, so as to avoid interference with activities and equipment which are part of a special event for which a street use permit has been issued pursuant to Sec. 10.056 of the Madison General Ordinances. Additionally, the Superintendant of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in these vending areas when deemed in the best interests of the City. Any vendor operating in such temporary sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this paragraph shall limit the authority of the Police to temporarily relocate or remove a vending site in the case of an emergency."

7. Subdivision (h) entitled "Relocation of Vendors" of Subsection (10) entitled "Southeast Campus Vending Area" of Section 9.13 entitled "License for Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(h) Relocation of Vendors. The Director of Planning and Community and Economic Development and the

Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the Southeast Campus Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. The Superintendent of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area and offer such sites to licensed vendors for a daily license fee, when deemed in the best interests of the City. Any vendors operating in such sites must hold all licenses required for Southeast Campus vending and, if applicable, pay any additional daily license fee established by the Superintendent of Parks. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency.”

8. Subdivision (i) entitled “Relocation of Vendors” of Subsection (11) entitled “UW Football Game Day Vending Area” of Section 9.13 entitled “License for Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(i) Relocation of Vendors. The Director of Planning and Community and Economic Development and the Chief of Police, or designees, have the authority to temporarily relocate vending sites elsewhere within the UW Football Game Day Vending Area, or to eliminate them in the interest of public safety during construction or emergencies or for other reasons expressly provided elsewhere in these ordinances. Additionally, the Superintendent of Parks, with approval of the Director of Planning and Community and Economic Development, may relocate vending sites and create additional, temporary sites in this vending area when deemed in the best interests of the City. Any vendor operating in such temporary food sites must hold all licenses required for vending in the relocated or temporary site and, if applicable, pay any additional daily license fee established by the City. Nothing in this ordinance shall be construed to limit the authority of the police to temporarily relocate or eliminate a vending site in the case of an emergency.”