



## Legislation Text

File #: 61270, Version: 1

### Fiscal Note

No City appropriation required.

### Title

A Resolution amending the “Regulations Governing Vending on the State Street Mall/Capitol Concourse” to allow an umbrella or tent in Merchant Vending sites on the State Street Mall/Capitol Concourse, to support the “Streatory” program.

### Body

WHEREAS, Under sec. 9.13(6)(c) of the Madison General Ordinances, the Vending Oversight Committee (VOC) promulgates regulations governing all street vending activities on the State Street Mall and Capitol Concourse, including sidewalk cafés and merchant vending sites; and

WHEREAS, pursuant to Sec. 9.13(6)(c) the Common Council must approve the regulations; and

WHEREAS, the regulations are published in the “Regulations Governing Vending on the State Street Mall/Capitol Concourse;” and

WHEREAS, on June 16, 2020 the Common Council adopted Resolution File No. 60695 authorizing a “Streatory” program, and as part of that program the City has begun soft closure of State Street on the weekends to facilitate pedestrian access to restaurants, bars and retail, including access to outdoor sidewalk retail displays of merchants holding a Merchant Vending license; and

WHEREAS, a Merchant Vending license allows merchants to display merchandise for sale on the sidewalk outside of a business on the Mall/Concourse but the current regulations do not allow umbrellas or tents; and

WHEREAS, normally the VOC would recommend changes to the Regulations but due to the Covid-19 pandemic and MGO 33.01(10)(c), the VOC has not been meeting and licensed Merchant Vendors would like to use umbrellas and tents as soon as possible; and

WHEREAS, the VOC Chair supports the need to make these changes without convening a meeting of the Vending Oversight Committee;

NOW, THEREFORE, BE IT RESOLVED that the Common Council approves the following amendments to the Regulations Governing Street Vending on the State Street Mall/Capitol Concourse:

### 1. Creating paragraph 5., Umbrella, and paragraph 6., Pop-up Tents, in Section XIII.C, Merchant Vendors Equipment and Display Unit:

#### C. Merchant Vendors Equipment and Display Units

In addition to the restrictions found in sec. 9.13(6)(j)1., and elsewhere in these Regulations, the following standards shall apply to all merchant vendors on the State Street Mall/Capitol Concourse (Mall/Concourse):

5. Umbrella. One (1) umbrella may be used in a licensed merchant vending area to provide cover for an attendant and only when the attendant is present within the site, and only if no pop-up tent is used. The umbrella must be securely anchored in such a way that sudden bursts of wind will not lift it out of its holder and otherwise capable of withstanding windloads. Umbrella color and design should be consistent with the other

merchant vending equipment and urban design of the area, shall not include any decorative lighting, and shall be maintained in good repair. The umbrella height, when open, shall provide a vertical clearance of not less than seven (7) feet measured from ground to the lowest point of the umbrella so as to provide safe pedestrian clearance and the umbrella circumference, when open, shall not exceed the area occupied by the allowable merchant vending equipment to which it is mounted, or a maximum of 6 feet, and shall not project beyond the boundaries of the approved merchant vending area. Any graphics, signage, or logos shall comply with Chapter 31 of the Madison General Ordinances, any other applicable ordinances, and applicable state law.

6. Pop-up Tents. In lieu of an umbrella, and if space allows, a merchant vendor may use one (1) pop-up tent within the licensed merchant vending area for shading and protection from the elements of not more than 10' x 10' in area. Eligibility for a pop-up tent shall be determined in the sole discretion of the Street Vending Coordinator based on factors including the available space, proximity to street amenities and other previously-approved licensed vending spaces. No signage of any kind shall be displayed on the pop-up tent.

When a pop-up tent is approved, the following requirements apply, however, if there is a change to the applicable City ordinance, state law or regulation or national or international fire code that establishes these regulations ("applicable fire codes"), the applicable fire code shall apply.

- a. No staking of tents is permitted.
- b. All tent legs must be weighted, minimum of 40lbs per leg
- c. Items that make acceptable weights:
  - 5 gallon bucket full of water, sand, or concrete
  - 4" PVC pipe at least 36" long filled with concrete
  - Large commercially available tent weights
  - Sandbags or salt bags 40lbs or heavier
- d. Weights must be on the ground and not dangling
- e. For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.
- f. Shall not leave unsecured tents at any time.
- g. Heaters of any kind shall not be used under tents or umbrellas.
- h. Smoking is prohibited under tents and shade structures.
- i. Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.

## **2. Amending paragraphs 2. and 3. of Section XIII.B, Sidewalk Café Furniture, Other Equipment and Signage:**

### **XIII. SIDEWALK CAFES AND MERCHANT VENDORS - SPECIAL REQUIREMENTS**

#### **B. Sidewalk Café Furniture, Other Equipment and Signage**

2. Umbrellas must be securely anchored in such a way that sudden bursts of wind will not lift them out of their holders and shall otherwise be capable of withstanding windloads. Umbrella color and design should be consistent with the café furniture and urban design of the area and maintained in good repair. The umbrella circumference, when open,

umbrellas used should shall not exceed the area covered occupied by the tables and chairs that it covers. The umbrella height, when open, shall provide a vertical clearance of not less than seven (7) feet measured from ground to the lowest point of the umbrella so as to provide safe pedestrian clearance.

3. Any ~~street graphics, or other signage or logos,~~ including on umbrellas, shall comply with Chapters 28 and 31 of the Madison General Ordinances, any other applicable ordinances, and applicable state law.

**3. Amending paragraph D., Vending Cart and Vending Site Signage, Awnings, Etc. of Section VIII., as follows:**

D. Vending Cart and Vending Site Signage, Awnings, Etc.

- 1 . Height, vertical clearance and area. The use of canopies, awnings, tents and umbrellas within a vending site shall be such as to maintain a vertical clear space of seven (7) feet measured from ground level to the lowest point of the canopy, awning, tent entrance or umbrella in all areas accessible to customers so as to provide safe pedestrian clearance. The extremities of such canopies, awnings or umbrellas shall not protrude beyond the external boundary of the legal vending site in which they are located. See also sections XIII.C. 5. and 6. for regulations for umbrellas and tents in Merchant Vending sites.
2. Signs or other items of equipment, whether of rigid or non-rigid construction, attached to the vending cart shall be securely fastened to the cart and, except for the trailer hitch, axle, and any hinged-fold out counter not exceeding 12 inches, shall not exceed the greatest dimensions of the vending cart in any direction. and shall be securely fastened to the cart. This does not apply to the trailer hitch, axle and hinged, fold-out counters not exceeding twelve (12) inches, but these also shall be securely fastened to the cart. Signs shall not advertise any other business or product, nor any menu item that was not approved as part of the vendor's Food Review and on the vendor's Food Vendor license.
3. Any freestanding tent, umbrella or awning shall be securely anchored as required elsewhere in these regulations and fit totally within the vending site.
4. ~~Use of canopies, awnings, tents, umbrellas or carts at additional Saturday Vending Sites established in the street at the intersection of State Street/Mifflin Street/Carroll Street is prohibited without the prior approval of the Vending Oversight Committee.~~
5. All signage, tents, awnings, umbrellas and canopies, where allowed, must be maintained in good repair.