



City of Madison

Legislative File Number 16591 (version 1)

Title

Amending Sec. 9.13(4)(j) regarding the appearance of vending sites and equipment; amending 9.13(4)(s) regarding equipment and safety rules for non-mall/concourse food vendors; repealing and recreating sec. 9.13(4)(t) and creating secs. 9.13(6)(l)5. and 9.13(7)(h)6. to clarify that vending site dimensions are subject to change due to construction; and repealing sec. 9.13(4)(u).

Body

DRAFTER'S ANALYSIS: This ordinance creates some new rules for "city wide" vending site equipment, and reorganizes those rules within 9.13(4). The ordinance clarifies that the maximum site dimension is 10x12 feet for food and other vendors who are not vending from an assigned site. All vending equipment must be contained within this maximum site dimension. This amendment creates a new rule limiting vendors who sell food from a cart to the use of their cart, one chair, and one garbage can. Attached umbrellas or awnings can be used with carts. Detached tents or other structures can be used when using something other than a cart for vending, but all equipment must fit within the site perimeter and height limits. This amendment also creates standards for the appearance of all vending equipment. All equipment must be clean, hazard free, in good repair and presentable condition, without chipping paint, holes or other noticeable defects. (Under current ordinance, only the appearance of licensed mall/concourse food vending carts was regulated.) Finally, this amendment explains that the dimensions of a vending site for any vendor with an assigned site are subject to change, due to construction or installation of city public amenities.

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

1. Subdivision (j) of Subsection (4) entitled "General Restrictions on Vending" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

- "(j) Appearance of Vending Site and Equipment. Vendors must maintain their vending site areas and vending equipment in a clean and hazard-free conditions.
1. Vending Site Perimeter. For purposes of this requirement, the maximum size of the "vending site" shall be the actual dimensions of an assigned site, or a perimeter of not more than ten by twelve feet (10' x 12') around the vendor if vending in an area where an assigned site is not required.
 2. Equipment. All equipment present at the vending site shall be completely contained within the perimeter of the vending site and no equipment shall extend or be placed outside this perimeter, except as may be allowed elsewhere in this ordinance or the Regulations. Equipment placement is further restricted by other provisions in 9.13(4). Unless otherwise specified, each vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. Vendors vending from an enclosed cart or push cart are limited to the equipment listed above and may not use any additional freestanding equipment, however umbrellas or awnings securely attached to the cart may be used. If using vending apparatus other than a cart, one (1) freestanding tent or similar structure may be used but must maintain a minimum

vertical clearance of seven (7) feet measured from ground level to the lowest point of the tent or other structure and a maximum height of eleven (11) feet at the highest point. Any freestanding structures of any kind shall be sufficiently wind-resistant and securely anchored. No part of any equipment, whether attached or detached, shall protrude beyond the perimeter of the vending site (as defined herein.)

3. Equipment Appearance. All equipment used at the vending site shall be in a clean, sanitary, hazard-free condition and maintained in a presentable appearance and in good repair, without noticeable holes or other structural defects. Visible exterior surfaces of all equipment shall be maintained so as to prevent chipping, cracking or other deterioration of the paint or exterior surface. “

1. Subdivision (s) entitled “Safety Requirements for Non-Mall/Concourse Food Vending” of Subsection (4) entitled “General Restrictions on Vending” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“(s) ~~Safety Requirements for Non-Mall/Concourse Food Vending. Equipment Size. Safety Requirements. Street vendors holding a basic street vendor license under Sec. 9.13(3) may sell food anywhere that vending is permitted with that license.~~

1. Applicability. This subsection (4)(s) applies to vendors selling food in areas other than the Mall/Concourse and High Density Vending areas. All food vendors are subject to inspection, regulation and licensing according to state and local health code requirements for food and drink service.
2. Equipment size in food vending sites. All food vending carts, stands or other allowable food vending equipment, including those of Late Night food vendors, shall be of a size that fits entirely within the dimensions of the “vending site” perimeter as required by 9.13(4)(j)1. Unless otherwise specified, each food vendor vending from an enclosed cart or push cart may only use the vending cart, one (1) chair, and one (1) trash receptacle. All food vendors shall provide a trash receptacle of at least 10 (ten) gallons within their vending site for customer use.
3. Equipment Placement and Appearance. See 9.13(4)(j) and other applicable provisions of 9.13(4).
4. Additional Regulations applicable to Citywide Food Vendors: In addition to the other provisions of 9.13(4), the following requirements found in parts of the Regulations Governing Vending on the State Street Mall/Capitol Concourse shall also apply to all street vendors selling food, City-wide, except these regulations do not apply to food vendors in High Density Vending areas (see 9.13(7) and Regulations therein):
 - 1a. Section VI, “Regulation of Vending Site Cleanliness and Safety.”
 - 2b. Section VII, “Non-Cart Food Vendor Physical Specifications.”
 - 3c. The following paragraphs only of Section VIII, “Regulation of Food and Non-Food Vending Carts:” Paragraph B. (Physical Specifications) 4. and 5. only, Paragraph C., (Electricity,) and Paragraph E., (Fire Extinguishers.)
 - 4d. Section IX, “Miscellaneous Regulations,” Paragraph A. (Restrictions on Mobility), Paragraph B. (Removal of Carts and Equipment) and Paragraph C. (Restrictions on Food Preparation.)”

2. Subdivision (t) entitled “Size of Food Vending Carts and Equipment” of Subsection (4) entitled “General Restrictions on Vending” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is repealed and recreated to read as follows:

“(t) Changes to Assigned Vending Site Dimensions. The approved dimensions of any assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.”

4. Paragraph 5. entitled “Changes to Vending Site Dimensions” 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” is created to read as follows:

“5. Changes to Vending Site Dimensions. The approved dimensions of a sidewalk café under 9.13(5) or (6), a merchant vending site or other assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions (including sidewalk cafes and merchant vending sites) are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.”

5. Paragraph 6. entitled “Changes to Vending Site Dimensions” of Subdivision (h) entitled “Miscellaneous Restrictions” 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” is created to read as follows:

“6. Changes to Vending Site Dimensions. The approved dimensions of a sidewalk café under 9.13(5) or (6), a merchant vending site or other assigned street vending site are not guaranteed to remain available. Public construction, street improvements or redesign may result in a vending site being moved, reduced in size or eliminated at any time. All vending site dimensions (including sidewalk cafes and merchant vending sites) are subject to change if the City makes changes to the construction of the sidewalk and/or streetscape that affect the vending site, including but not limited to the addition or removal of planters, trees, benches, bike racks, bus shelters, sculptures, or any other public amenity.”

6. Subdivision (u) of Subsection (4) entitled “General Restrictions on Vending” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is hereby repealed.

Editor’s Note: 1. Sec. 9.13(4)(t) currently reads as follows:

“(t) Size of Food Vending Carts and Equipment. All food vending carts, stands and equipment, including those of Late Night food vendors, shall fit entirely within a 10’ x 12’ footprint unless another size (smaller or larger) is specified elsewhere in this ordinance, the Regulations promulgated under this ordinance, or the maps created by Regulation.”

2. Sec. 9.13(4)(u) currently reads as follows:

“(u) All food vendors shall provide a trash receptacle of at least 10 (ten) gallons or larger within their vending site, available for customer use.”

Fiscal Note

No significant fiscal impact is anticipated.

