

**THE VENDING OVERSIGHT COMMITTEE'S
REGULATIONS GOVERNING VENDING
IN HIGH DENSITY VENDING AREAS**

Established pursuant to sec. 9.13(7)(g), Madison General Ordinances
Current through Resolution No. RES-11-00622, enacted July 7, 2011.

I. PURPOSE, AUTHORITY, APPLICATION.

The purpose of these regulations is to provide for the orderly performance of selling in areas which because of special circumstances, including but not limited to the location, the proximity of a business district or public building, the intensity and density of vending, the amount of pedestrian and/or vehicular traffic, the proximity of fairgrounds, parks, stadiums or other areas where special events are held, require special regulations and restrictions to protect the health, safety and general welfare of the public and to maintain the good order of the City.

These regulations are established pursuant to sec. 9.13(7) of the Madison General Ordinances. In the event that any part of sec. 9.13 (except those sections which apply only to areas other than High Density Vending areas) conflicts with these regulations, sec. 9.13 shall be controlling.

These regulations apply only to vending within High Density Vending areas as defined in sec. 9.13(7) of the Madison General Ordinances.

II. HIGH DENSITY VENDING AREAS

High Density Vending Areas shall be as defined in section 9.13(7)(b) of the Madison General Ordinances. The Vending Oversight Committee (“VOC”) has the authority pursuant to Section 9.13(7) of the Madison General Ordinances to establish the number, size and location of vending sites within each high density area, subject to Common Council approval.

The number, size and location of vending sites within each high density area shall be determined by maps attached to these Regulations and numbered as Exhibits to these Regulations. Any amendment to the size or location of an existing vending site, and any creation or deletion of vending sites within a High Density Area, shall be made by amendment to the Exhibit(s) upon recommendation of the VOC and with Common Council approval pursuant to sec. 9.13(7)(g) unless a different procedure is established by subsequent ordinance amendment.

A. Langdon Street High Density Vending Area:

1. Location. The Langdon Street High Density Vending Area is defined in Section 9.13(7)(b)1. of the Madison General Ordinances. The available vending sites within the area are as marked on the High Density Vending Area - Langdon Street map attached hereto as Exhibit 1, consistent with sec. 9.13(7) and approved by the Common Council; attached as an Exhibit and numbered accordingly. Sites shall be designated by letter.
 2. Vending Permitted in the Langdon Street High Density Vending Area. Street vending shall be limited to the sale of goods and services only, no food products shall be offered for sale in the Langdon Street High Density Vending Area.
- B. Camp Randall High Density Vending Area: The Camp Randall High Density Vending Area shall be as defined in Section 9.13(7)(b)2. of the Madison General Ordinances. The available vending sites within the area are as marked on the Camp Randall High Density Vending Areas map, attached hereto as Exhibit 2. Sites shall be designated by letter.
1. Sites A through N shall be restricted to the sale of goods and services only, including apparel, objects, or services; and no food or beverages shall be offered for sale; except that pre-packaged food products that require no heat or refrigeration and pre-packaged beverages may be sold from these sites, but in no case shall any heating or cooling equipment requiring a power source be operated at the site.
 2. Sites O through S may be used for the sale of goods and services as in sites A through N, and also may be used for the preparation and sale of food and beverages; however the operation of open grills and cooking, heating, or refrigerated apparatus is restricted to sites O, P, Q, R and S.

III. VENDING SITES

Each vending site for all high density vending areas covered under these Regulations shall have the dimensions which are specifically indicated for the site on vending sites map for the particular high density vending area in which the vending site is located, with the longer dimension parallel to the street. No vending equipment or merchandise may be placed or displayed outside the perimeter of the vendor's vending site. All vendors must operate entirely within the limits of the designated officially approved vending site; however, the vendor is permitted to stand outside of the perimeter of the site while performing vending activities. A space of at least one (1) foot shall be maintained between individual vending sites in any vending location.

The site dimension set forth on the vending sites map may vary from vending site to vending site when necessary to maintain the required distances from parking meters, loading zones, crosswalks and curb edges or in order to meet other requirements set forth herein or in Sec. 9.13 of the Madison General Ordinances. Each specific vending site will

be clearly designated by marks and numbers or letters on the pavement, where appropriate.

IV. REGULATION OF VENDING SITE CLEANLINESS

In addition to the requirements set forth in sec. 9.13(4) of the Madison General Ordinances, the following regulations shall apply to all high density vending sites covered under these regulations:

- A. Vendors must maintain their vending sites in a clean and hazard-free condition.
- B. Food vendors, where allowed, shall provide a trash receptacle in their vending site available for public use.
- C. Vendors may not use City trash receptacles for the deposit of vendor trash.

V. VENDING EQUIPMENT

- A. All merchandise and food, where allowed, shall be neatly displayed on clothing racks, tables or kept inside vending carts. Shelves may be used in conjunction with vending tables provided that they do not exceed the height of the tables.
- B. Vending tables shall not exceed two and one half (2-1/2) feet in width or twelve (12) feet in length.
- C. Signs or other items of equipment attached to a vending cart or table shall not exceed the greatest dimensions of the cart or table in all directions 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, which may be attached to a vending cart, but these also shall be securely fastened to the cart.
- D. Electrical power will be allowed only at vending sites specifically designated for electricity. No electrical outlets are available at sites A through S within the Camp Randall High Density vending area, as indicated on Exhibit 2.
- E. The use of canopies, awnings 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 canopy, awning, or umbrella, with the height not to exceed ten (10) feet measured from ground level to its highest point. 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. All canopies, awnings and umbrellas must be made of a sturdy and safe material and must be anchored in such a way that sudden bursts of wind will not dislodge them.

- F. The vertical height of any vending cart shall not exceed then (10) feet measured from the ground level to the point in the cart including signage, if any.
- G. All vending equipment shall be maintained in good repair and in hazard-free condition.
- H. Motor vehicles shall not be driven over nor parked on curbs, off the roadway, on the sidewalk, sidewalk area, or terrace. Vendors and assistants shall obey all applicable parking and traffic ordinances contained in Chapter 12 of the Madison General Ordinances, including those contained in the Wisconsin Statutes and adopted by reference, while loading and unloading, setting up and taking down vending equipment. Any restriction on the use of motor vehicles contained within these regulations which is more strict than Chapter 12 of the Ordinances shall apply.
- I. In the Camp Randall vending area, vendors must load and unload and remove their vehicles from their sites at least two hours before kick-off of the game or the beginning of the event at Camp Randall Stadium, observing all applicable parking and traffic ordinances. In addition to the restrictions created by applicable parking and traffic ordinances, no vehicles may be allowed in the vicinity of the vending site during the period of 2 hours before the game/event through 30 minutes after the game/event, and vehicles may not return to the vending site for loading and unloading or any other activity until at least 30 minutes after kick-off or the end of the event.
- J. High Density Vendors may leave their vending site unattended during lawful vending hours for not more than ninety (90) minutes.

VI. ALLOCATION AND ASSIGNMENT OF VENDING SITES

- A. Camp Randall High Density Vending Site Assignment. Site assignment for Camp Randall High Density Area shall be determined by seniority.

How to calculate Seniority for Camp Randall High Density Vendors:

Seniority shall be calculated by counting the number of vending seasons that the vendor purchased and used a Camp Randall High Density Vending License (of any duration), counting backwards from the present. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season or failing to vend at all during the season) without losing consecutive years of seniority, but that year will not be counted toward the vendor's total seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site.

Sites will be assigned based upon a chronological rank-ordered list with the vendor with the most years of seniority ranked number 1, and so on.

If more than one vendor share the same number of years of seniority, rank order will be determined by the date and time of day the license is created, or by a coin toss conducted by the Vending Coordinator or designee if the date and time of the license is not available. Each vendor will be assigned a number to indicate their rank. Each vendor shall indicate three (3) site preferences on their Application for High Density Vending License using the number or letter designating the sites as indicated on the most recent Camp Randall High Density Vending Area map. The Director of the Department of Planning and Development, or designee, shall assign sites beginning with the highest-ranking vendor assigned to his/her first preference, the next highest ranking vendor assigned to his/her first preference, or if that site has already been assigned, his/her next-highest preference, and so on; until all qualified applicants have received an assigned site. When all sites have been assigned by seniority, a rank-ordered waiting list shall be created based on the date that additional applications were received by the departmental designee. There shall be a separate waiting list for Goods vendors and Food vendors. Any site that becomes available after initial site assignments have been made shall be offered to the currently-licensed high density vendors according to their rank order, and/or assigned to the next applicant on the appropriate list (if any).

1. Camp Randall High Density Vendors must purchase their HDV license no later than the Friday of the week before the week of the first home UW football game of the season. Failure to purchase the license by that date will result in the vendor forfeiting their site assignment and being placed at the bottom of the waiting list (if any). Forfeited sites may be offered to the other currently licensed Camp Randall high density vendors according to their rank order, and/or the next applicant on the waiting list.
2. An otherwise eligible vendor may not be assigned to more than one vending site at the same time.
3. A vendor's site assignment is not transferable; except as follows:
 - a. If a currently-licensed vendor is offered the chance to move to a site that has been forfeited under par. 1. above, or
 - b. If a vendor to whom a space has been assigned notifies the Director of Planning and Development or designee, in writing, that he/she is unable or does not wish to have the assignment, the Director of Planning and Development or designee may offer the site to currently-licensed vendors according to their rank order, and/or those on the waiting list according to rank order.

B. (Par. B., Camp Randall High Density Vending Lottery, deleted by Res. No. 60243, February 18, 2003.)

C. **Langdon Street High Density Vending Site Assignment:**

1. Langdon Street High Density Vending Area.

- a. Site Assignment. Site assignment for the Langdon Street High Density Area shall be determined by seniority.

How to calculate Seniority for Langdon Street High Density Vendors:

Seniority shall be calculated by counting the number of vending seasons that the vendor has purchased and used a Langdon Street High Density Vending license (of any duration) counting backwards from the present. However, a vendor may take one (1) vending season as a sabbatical (not purchase a license that season or failing to vend at all during the season) without losing consecutive years of seniority, but that year will not be counted toward the vendor's total seniority. If a vendor takes two (2) sabbaticals in a three (3) year period, the vendor will lose all years of seniority and be placed at the bottom of the seniority list upon their next application for a site.

Tie Breakers: If more than one vendor share the same number of years of seniority, rank order will be determined by the date and time of day the license is created, or by a coin toss conducted by the Vending Coordinator or designee if the date and time of the license is not available. Each vendor will be assigned a number to indicate their rank. Each vendor shall indicate three (3) site preferences on their Application using the number or letter assigned to each site as indicated on the most recent Langdon Street High Density Vending Area map. The Director of the Department of Planning and Development, or designee, shall assign sites beginning with the highest-ranking vendor assigned to his/her first preference, or if that site has already been assigned, his/her next-highest preference, as so on.

- b. Filling Unoccupied Assignment Sites. If a Langdon Street High Density vending site remains unoccupied by 1:00 p.m. on any day, another licensed Langdon St. high density vendor may occupy that site for the day. In the event that more than one vendor wishes to use the unoccupied site, the priority system established in paragraph (a) above will be used, and the assigned rank number(s)

will determine which vendor has priority to occupy the unoccupied site.

2. Other Campus High Density Vending Areas. The procedure for site assignment for Camp Randall High Density Vending Area, above, shall be used for any other Campus High Density Vending Areas established pursuant to these regulations or the ordinances unless another procedure is established by regulation or ordinance.

VII. VENDING LICENSE

Each high density vending area license shall contain a recent photograph of the vendor and shall also have the following information in its face:

- A. Duration of the validity of license including expiration date.
- B. Name, address and photo of the individual responsible for all the activities at the vending site.
- C. The high density vending area for which the license has been issued.
- D. Whether electrical service is authorized.

In addition, the vendor shall be prepared to display upon demand by any law enforcement officer or person authorized to administer the high density vending regulations official written documentation showing the designation or number of the assigned vending site and the specific monthly or biweekly period during which the vendor is authorized to vend at the site.

VIII. ALCOHOLIC BEVERAGES

Under no circumstances shall any alcoholic beverages, liquor, beer, intoxicating beverages be offered for sale from a vending site within the High Density Vending Area.

IX. NOISE LEVELS

Noise Levels at Vending Site. Noise levels emanating from the vending site shall be kept to a minimum, shall not be directed toward the street or sidewalk, and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants, and customers,. No sound amplification inside an enclosed vending cart only, and any music or other audio be kept to a volume such that it cannot be heard outside of the cart beyond the first customer in line at the window or service area.

No audio or video display equipment, including speakers, shall be permitted at non-cart vending stands, nor affixed to or used outside a vending cart. This regulation shall apply in addition to the general restrictions regarding noise and amplification found in Chapter 24 of the Madison General Ordinances. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this regulation shall not be interpreted to expand or contradict those ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.