AN ORDINANCE

01- O-0793

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND ARTICLE XXIII, DIVISION I, SECTION 30-1409 SO AS TO IMPLEMENT PHASE II OF THE COMPREHENSIVE VENDING PLAN; TO REQUIRE THE USE OF UNIFORM VENDING CARTS FOR PUBLIC PROPERTY VENDING; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to develop a vending system which will enhance the overall appearance and Development along public streets, pedestrian ways and other public properties; and

WHEREAS, in order to effectuate its goal, the City of Atlanta through the Department of Planning, Development and Neighborhood Conservation is in the process of developing a set of ordinances, rules and regulations, which constitute and implement recommendations contained within the Comprehensive Vending Plan for the City of Atlanta; and

WHEREAS, in order to better plan, develop and test the ordinance, rules and regulations which will constitute the Comprehensive Vending Plan for the City of Atlanta and allow various organizations which are involved in or affected by the vending industry the opportunity to have input into its development, it is necessary to implement the guiding principles and concepts of the Comprehensive Vending Program in numerous incremental phases; and is not in the process of

WHEREAS, is now in the process of the City's Department of Planning, Development and Neighborhood Conservation implementing the procedures and policies contained within the proposed plan and

WHEREAS, the City has already conducted a vending cart pilot program (Phase I) to test drive various aspects regarding the use of standardized vending carts and provided recommendations for a more functional and aesthetically pleasing program and, as a result,

WHEREAS, the Comprehensive Vending Plan contains numerous concepts which would substantially change the current vending ordinance and the City's procedures regarding the regulation of vending in the City of Atlanta; and

WHEREAS, the City has determined that the implementation of a uniform cart program would improve the appearance of the vending stations throughout the City and would further promote economic opportunities and viability among vendors; and

WHEREAS, the City desires to continue the recommendations set forth within the comprehensive Vending Plan by the implementation of Phase II of said plan establishing a

program utilizing vending carts for remaining locations within the Five Points Vending District and,

WHEREAS, currently, the City's Code of Ordinances contains regulations which set out specific requirements for vendor stations which conflict with the uniform design standards set out in the proposed Comprehensive Vending Plan.

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. That Article XXIII, Division I, Section 30-1409 be amended to include a new section (j) that shall read as follows:

"Phase II" Requirements for vendor stations.

(j) Uniform design standards for public vending stations throughout the City shall be researched and developed by the Department of Planning, Development and Neighborhood Conservation. Uniform stations shall be pilot tested in each City vending district in several phases. The City desires to implement Phases II of the Comprehensive Vending Plan by establishing a program utilizing vending carts located at the Woodruff Park area. Implementation of Phase II shall begin two weeks after the date of approval by the Mayor and the official adoption of this ordinance. The following vending locations shall be included in Phase II.

Location 5-13 and 5-14. The east side of Peachtree Street from Ellis Street, south 100 yards (2 locations).
Location 5-15. The northeast corner of Peachtree Street and Auburn Avenue (1 location). Location 5-16. The southwest corner of Park Place and Auburn Avenue (1 location). Locations 5-17, 5-18, 5-19, 5-20, and 5-21. The east side of Peachtree Street from Auburn Avenue to Edgewood Avenue (5 locations). Location 5-22. The westside of Park Place between Auburn Avenue and Edgewood Avenue (1 location).
Location 5-23. The northwest corner of Park Place and Edgewood Avenue (1 location).
Location 5-24. The northwest corner of Park Place and Auburn Avenue (1 location).
Location 5-25, 5-26 and 5-27. The southwest corner of Forsyth Street and Carnegie Way (3 locations; 1 on Forsyth and 2 on Carnegie Way) (includes 1 location reserved for disabled veteran/blind person).

The Uniform Design Standards shall state how specialized vending equipment requirements for chilling beverages, displaying merchandise such as garments, and performing services (such as seating for painting portraits or performing readings) shall be accommodated in the site plan and equipment design for Food Permits, Merchandise Permits, and Service Permits, without penalties to the vendors. For Food and Service Permits, the design standards shall state how the designated vending station dimension will be expanded/adjusted to service customer seating and space to move and store auxiliary accessory chilling cases/containers.

The Uniform Design Standards shall state how the City will provide weatherization protective coverings or protective weatherization finishes to carts.

The Uniform Design Standards shall state the process whereby the City will coordinate the replacement or repair of vinyl or other ornamental coverings, drapes for carts at minimal cost to the vendors.

The Uniform Design Standards shall state how the combined storage and display capacity of the equipment and station site are to be coordinated to meet the needs of vendors with Food, Merchandise, and Service Permits and their customers.

The City will provide the option of assistance in transporting carts to and from storage.

Class C food vendors shall not be subject to the provision.

Each vendor participating in the pilot II equipment program shall provide "Pilot Test Data" to the Commissioner of Planning, Development and Neighborhood Conservation. Pilot Test Data shall include, but not be limited to, vendors information and data relevant to pilot testing various designs of vending equipment such as 2000 Baseline Historical Sales and Inventory figures which can be used for comparison during the pilot program period. A total listing of required Pilot Test Data information may obtained from the Commissioner's Office.

The Commissioner of Planning, Development and Neighborhood Conservation shall evaluate the vending districts which utilize vending carts on a quarterly basis for one year to determine whether the program is successful and meets the need of the vendors and the City of Atlanta. The Commissioner's evaluation of the program shall be based on criteria and recommendations set forth in the Comprehensive Vending Plan and shall include but not be limited by the following matters.

1. Functionality. The functionality of the program hardware (i.e., vending cart) regarding the storing of merchandise within the cart; transportation of carts to and from the storage areas; security surrounding merchandise sold on the vending cart; the temperament and ability of the carts to withstand changing weather patterns; the physical comfort level of vendors and their assistants while vending (i.e., adequate shelter, seating arrangement, etc.).

2. Enforcement. The interaction between the vendors participating in the cart program and the City of Atlanta Police Department and any other future vending code enforcement agencies.

3. Economic Development. Access by vendors to Atlanta Development Authority, UDAG, and Empowerment Zone loan monies. History and record of loan/grant award and disbursements within thirty days of the commencement of the pilot project period by publicity and privately financed agencies such as the Atlanta Development Authority and One Stop Capital Shop. History and record of Grant award and disbursement by the Empowerment Zone Corporation within thirty days of the commencement of the pilot project. Proof that financial assistance is provided in the amount and per repayment terms that will adequately meet the vendors' needs according to their business plans. A report as to how well the vendor achieved the goals of his or her business plan.

4. Training. Assistance from the City to the vendors regarding business plans, loan applications, retail market mix, and display. A record of hours of technical assistance in each of the following areas; business plans, loan applications, retail market mix and display, and merchandising techniques being provided to each vendor by the City.

5. Sale/ Business Impact. The effect of the new equipment design on sales for each vendor during the first year of the program, specifically demonstrating either increase or decrease in sales with the new vending carts in the pilot program, compared with prior year sales as reported to the state Department of Revenue and/or the city Business License Division.
   The Commissioner may at any time request that City Council pass legislation to extend the program to or within other vending districts. Prior to the extension of the program to any other district, the Commissioner shall first seek review and comment by the City's Vending Review Board.

Any vendor, other than Class C food vendors who vends in a location which is designed by ordinance to be included in the vending cart program, including those set forth in 30-1409(J) above, shall be required to sign a lease agreement with the City or its designee for the use of the carts. Such agreement shall list in details the rights and responsibilities of vendors and the City or its agents with respect to such carts. Prior to the implementation of the lease agreement the City's Vending Review Board shall have the opportunity to review and provide to the Commissioner of Planning, Development and Neighborhood Conservation, comments on any and all terms set forth in said agreement.

Terms to be reviewed and commented upon by the Vending Review Board shall include but not be limited to: rates for ground rent, equipment rent, storage rent, repair and maintenance warranties and liability insurance.
Said vendors shall not be required to pay additional fees for the use of such carts throughout 2001.

Disabled Individuals, Disabled Veterans, and Blind Persons shall continue to be exempt from payment of business license fees (as defined by O.C.G.A. 43-12-1), continue to have permit fees waived, and thus be required to only pay a $50.00 non-refundable application fee to operate a vending business on public property.

Any vendor, other than Class C food vendors, who vends in a vending location located within any district which is designated by ordinance to be included in the vending cart program, including those set forth in subsection (J) above, who does not vend from a vending cart obtained from the City shall be in violation of this ordinance and shall be subject to the payment of fines, and/or the suspension or revocation of their vending permit.

Any vendor, other than class C food vendors, who vends in a vending location which is not designated in this ordinance as part of a program utilizing vending carts shall continue to vend from public vending stations made of study construction and which fit within an area three feet in width by seven feet in length and eight feet in height. The stations shall be draped on all four sides. A single pole umbrella of not more than four feet in diameter and eight feet in height may be used if included in the dimensions.

The City shall designate storage areas for vending carts being used in vending districts where programs utilizing vending carts have been established. The City shall also designate the hours that each storage area shall be open for operation. Such storage areas shall be used by all vendors who vend at locations where vending cart programs are conducted to store their respective vending carts when not in use. Vendors shall be responsible for transporting carts to and from such storage areas. Prior to the designation of any storage area or hours of operation for a storage area, the City's Vending Review Board shall have the opportunity to review and provide comments to the Commissioner of Planning, Development and Neighborhood Conservation on any and all terms regarding said designation.

Terms to be reviewed and commented upon by the Vending Review Board shall include but not be limited to: terms and any costs associated with: program management and terms for program locations, hours and terms for access, procedures and arrangements for accommodating the needs of disabled vendors and those unable to lift 50 lbs. or more, reasonable transport distance limitations. The Vending Review Board shall establish a process for periodic evaluation of and vending appeals to amend the storage program.

Section 2. That all ordinance and/or parts thereof which conflict with this ordinance are hereby repealed.

RCS# 3298
11/19/01
5:22 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Ordinances #1 thru #17
Execept #8, #11, 18; Resol #1 through #2
FILE

#16) 01-O-0793

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	3

Y McCarty	B Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE

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(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND LEGAL ADMINISTRATION ~~COMMITTEE~~
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FILED BY
CITY COUNCIL

NOV 19 2001

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 6/4/01

Referred To: Public Safety & Legal Administration

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee P.S. & LA
Date 5/29/01
Chair C. T. Martin
Referred to

Committee	Committee
Date	Date
Chair C. T. Martin	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

Committee Public Safety & LA	Committee
Date 6.12.01	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members 9/4/01	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☐2nd ☐1st & 2nd Readings ☐3rd
☐Consent ☐V Vote ☐RC Vote

CERTIFIED
NOV 19 2001
ATLANTA CITY COUNCIL

CERTIFIED
NOV 19 2001
MUNICIPAL CLERK

MAYOR'S ACTION