

AN ORDINANCE BY

COUNCILMEMBER C. T. MARTIN

02-0169

**AN ORDINANCE TO AMEND SECTIONS 30-1485, 30-1491 AND 16-28.008(10) OF THE ATLANTA CITY CODE SO AS TO ALLOW A VENDOR PERMITTED TO CONDUCT BUSINESS ON A SPECIFIC PARCEL OF PRIVATE PROPERTY TO CONDUCT BUSINESS AT THAT LOCATION INDEFINITELY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in regulating vending on private property; and

**WHEREAS**, the Atlanta City Code currently prohibits a permitted vendor from conducting business on specific parcel of private property beyond one year; and

**WHEREAS**, the aforementioned prohibition was enacted as part of the City of Atlanta's preparation for the 1996 Summer Olympics; and

**WHEREAS**, the necessity of said prohibition no longer exists; and

**WHEREAS**, the prohibition has created a hardship for vendors; and

**WHEREAS**, the City of Atlanta does not wish to cause unnecessary harm to vendors or impede commerce;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

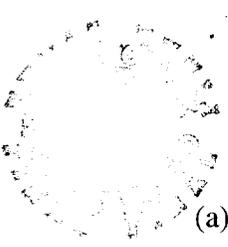
**SECTION 1:**

Section 30-1485 which currently states:

- (a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. Pursuant to city Code section 16-28.008(10), the length of time that a vendor on private property may remain on such property shall be one year. A vendor permit for a private property vending location will be issued for a 45-day period and will expire on the 45th day. When the 45-day permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another 45-day period. After a vendor has been issued renewal permits to vend on the same parcel of land for one year, the vendor may no longer vend at such location and may not renew vending permits for such location. Each year, on the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a new initial application from and the appropriate initial permit fee.

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- (b) Vendors conducting a vending business out-of-doors on private property within any zoning district in which such activities are permitted by the city's zoning code, shall be regulated by the provisions of section 16-28.008(10).
  - (c) No applicant shall be issued more than one permit. Each vendor may have two assistants who shall first obtain assistant vendor permits from the police department licenses and permits unit. At no time shall more than three vendors or assistant vendors be present at the assigned vending location.
  - (d) Each vendor shall be responsible for the on-site activities of the vendor's assistants.
  - (e) After the initial permit fee for the first 45 days expires, vendors may present to the police department an application for a renewal permit. Upon a review and approval of the renewal application by the appropriate agencies, satisfaction of all other license and permit requirements, and upon payment of the appropriate fee as indicated in this subsection, the police department license and permits unit shall furnish the applicant with a renewal permit. Fees for renewal permits shall be \$25.00 for merchandise, food and combination permits; \$20.00 for services permits and \$15.00 for assistant vendors.
  - (f) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the following data:
    - (1) Applicant's name and current address.
    - (2) Applicant's previous addresses within the last five years.
    - (3) Social security number.
    - (4) Vending location sought, including exact location on such property.
    - (5) Size of the proposed vending station, if applicable, i.e., length, width, and height.
    - (6) Names of proposed assistant vendors.
    - (7) The exact times during which the vendor intends to vend on the proposed property.
    - (8) City business license.

*is amended by deleting said section and substituting in lieu thereof the following:*



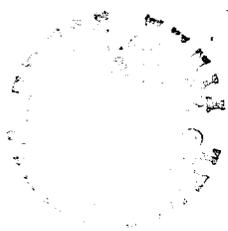
- (a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. A vendor permit for a private property vending location will be issued for a one year period. Each year, no later than 30 days prior to the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a renewal application form and the appropriate permit fee.
  
- (b) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the following data:
  - (1) Applicant's name and current address.
  - (2) Applicant's previous addresses within the last five years.
  - (3) Social security number.
  - (4) Vending location sought, including exact location on such property.
  - (5) Size of the proposed vending station, if applicable, i.e., length, width, and height.
  - (6) Names of proposed assistant vendors.
  - (7) The exact times during which the vendor intends to vend on the proposed property.
  - (8) City business license.
  
- (c) Upon a review and approval of the renewal application by the appropriate agencies, satisfaction of all other license and permit requirements, and upon payment of the appropriate fee as indicated in section 30-1486, the police department license and permits unit shall furnish the applicant with a renewal permit.
  
- (d) No applicant shall be issued more than one permit.

**SECTION 2:**

Section 30-1491 which currently states:

Every person authorized to vend under this article shall:

- (1) Comply with all laws and regulations applicable to the operation of a vending business;

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- (2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked; and
  - (3) Surrender the vendor permit promptly to the police department's license and permit section upon its expiration, or upon revocation or suspension.

*is amended by deleting said section and substituting in lieu thereof the following:*

Every person authorized to vend under this article shall:

- (1) A vendor shall comply with all laws and regulations applicable to the operation of a vending business;
- (2) A vendor shall refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked;
- (3) A vendor shall surrender the vendor permit promptly to the police department's license and permit section upon its expiration, or upon revocation or suspension.
- (4) A vendor shall have no more than two assistants who shall first obtain assistant vendor permits from the police department licenses and permits unit. At no time shall more than three vendors or assistant vendors present at the assigned vending location.
- (5) A vendor conducting a vending business out-of-doors on private property within any zoning district in which such activities are permitted by the city's zoning code, shall be regulated by the provisions of section 16-28.008(10).
- (6) A vendor shall be responsible for the on-site activities of the vendor's assistants.

**SECTION 3:**

Section 16-28.008(10) which currently states:

- (10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:
  - (a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.
  - (b) They must have a valid city business license unless otherwise exempted by city ordinance.



- (c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.
- (d) The business may not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.
- (e) Such business shall not be conducted on or from vacant lots.
- (f) The length of time that such vendors may remain on any private parcel of land shall be one (1) year.

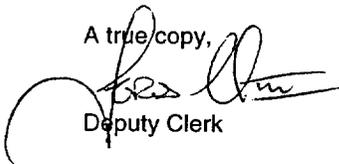
*is amended by deleting said section and substituting in lieu thereof the following:*

- (10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:
  - (a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.
  - (b) They must have a valid city business license unless otherwise exempted by city ordinance.
  - (c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.
  - (d) The business may not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.
  - (e) Such business shall not be conducted on or from vacant lots.

**SECTION IV:**

That all ordinances or parts or ordinances in conflict herewith are hereby repealed.

A true copy,



Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

FEB 04, 2002  
FEB 12, 2002

RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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02-0-0169

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AN ORDINANCE BY

COUNCILMEMBER C. T. MARTIN

AN ORDINANCE TO AMEND SECTIONS 30-1485, 30-1491 AND 16-28.008(10) OF THE ATLANAT CITY CODE SO AS TO ALLOW A VENDOR PERMITTED TO CONDUCT BUSINESS ON A SPECIFIC PARCEL OF PRIVATE PROPERTY TO CONDUCT BUSINESS AT THAT LOCATION INDEFINITELY; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 04 2002

COUNCIL

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

Date Referred 1/22/02

Referred To: Public Safety & Legal Admin.

Date Referred

Referred To:

Date Referred

Referred To:

Committee  
Date  
Chair  
Referred to

Public Safety  
1/29/02  
C. T. Martin  
Action: Fav. Adv. Hold (see rev. side)  
Other:  
Members: [Signatures]

Committee  
Date  
Chair  
Action: Fav. Adv. Hold (see rev. side)  
Other:  
Members

Committee  
Date  
Chair  
Action: Fav. Adv. Hold (see rev. side)  
Other:  
Members

Committee  
Date  
Chair  
Action: Fav. Adv. Hold (see rev. side)  
Other:  
Members

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav. Adv. Hold (see rev. side)

Other:

Members

Refer To

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

CERTIFIED

CERTIFIED  
FEB 04 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED  
FEB 04 2002

MUNICIPAL CLERK

[Signature]

MAYOR'S ACTION

[Signature]

FEB 12 2002

AYC