

A SUBSTITUTE ORDINANCE BY COUNCIL MEMBER DEBI STARNES

AN ORDINANCE TO: [i] AMEND AND CLARIFY CITY OF ATLANTA CODE OF ORDINANCES § 138-46 “PERMIT”, CONCERNING THE OWNER OR LESSEE OF PROPERTY ABUTTING A CITY SIDEWALK TO, AT ITS OWN RISK, REMOVE FROM THE SIDEWALK ANY PUBLICATION VENDING DEVICE THAT IS NOT PERMITTED PURSUANT TO DIVISION 5. “VENDING DEVICES AND TELEPHONES OF THE CITY’S CODE OF ORDINANCES; [ii] IMPOSE A MORATORIUM ON THE PERMITTING OR INSTALLATION OF ANY NEW PUBLICATION VENDING DEVICES ON ANY PART OF A CITY SIDEWALK; [iii] AND FOR OTHER PURPOSES.

WHEREAS, the City has enacted numerous Ordinances (“Newsbox Ordinances”), Chapter 5. Sections 138-44 through 53 of the City’s Code of Ordinances, regulating the permitting, placement, location and maintenance of publication vending devices on City sidewalks;

WHEREAS, the Newsbox Ordinances require that each publication vending device be permitted by the City prior to its placement on any City sidewalk, as well as impose additional conditions on publication vending devices;

WHEREAS, certain owners and lessees of property abutting City sidewalks have complained to the City, from time to time, that numerous un-permitted publication vending devices are located on their sidewalks, compromising the esthetics and functionality of those sidewalks, as well as posing hazards to the pedestrians using the sidewalks;

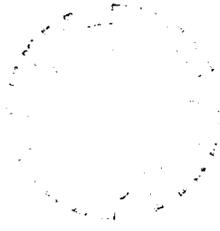
WHEREAS, the City desires to amend certain of the Newsbox Ordinances to make it clear that such Ordinances do not prohibit owners or lessees of property abutting a City sidewalk from removing, at their own risk, un-permitted publication vending devices;

WHEREAS, the City further desires to impose a moratorium on any further permitting or placement of publication vending devices on any City sidewalk for a period 180 days, to commence on the date the City’s Mayor approves this Ordinance;

NOW, THEREFORE, be it ordained by the Council of the City of Atlanta as follows:

Section 1. Section 138-46 of the City’s Code of Ordinances is amended by adding a new section at the end of it to read as follows:

“(e) Nothing in this Section will prohibit the owner or lessee of property abutting a City sidewalk upon which is placed publication vending devices that have not been permitted by the City from,



after due diligence and inquiry to the City to determine that a permit has not been issued, removing any such illegal publication vending devices. The decision to remove any publication vending device by such an abutting property owner or lessee is at its own risk and the City will incur no liability to the abutting property owner or lessee or the owner or lessee of the publication vending device removed.”

Section 2. The City further imposes a moratorium on any further permitting or placement of publication vending devices on any City sidewalk for a period 180 days, to commence on the date this Ordinance is approved by the City’s Mayor.

Section 3. Any ordinance or part of an ordinance in conflict with this Ordinance is repealed to the extent of such conflict.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
 1668; Except CDHR #6-#10
 RECON/READOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

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

CONSENT I

10/07/02 Council Meeting

ITEMS ADOPTED ON CONSENT**AGENDA**

1. 02-O-1538
2. 02-O-1549
3. 02-O-1554
4. 02-O-1466
5. 02-O-1253
6. 02-O-1575
7. 02-O-1576
8. 02-O-1582
9. 02-O-1447
10. 02-O-1545
11. 02-O-1261
12. 02-O-1534
13. 02-R-1662
14. 02-R-1669
15. 02-R-1709
16. 02-R-1711
17. 02-R-1712
18. 02-R-1713
19. 02-R-1633
20. 02-R-1664
21. 02-R-1667
22. 02-R-1673
23. 02-R-1469
24. 02-R-1642
25. 02-R-1644
26. 02-R-1649
27. 02-R-1714
28. 02-R-1727
29. 02-R-1650
30. 02-R-1651
31. 02-R-1652
32. 02-R-1653
33. 02-R-1654
34. 02-R-1655
35. 02-R-1656
36. 02-R-1657
37. 02-R-1658
38. 02-R-1659
39. 02-R-1660
40. 02-R-1718
41. 02-R-1719
42. 02-R-1698
43. 02-R-1699
44. 02-R-1700
45. 02-R-1701

ITEMS ADVERSED**ON CONSENT AGENDA**

53. 02-R-1675
54. 02-R-1676
55. 02-R-1677
56. 02-R-1678
57. 02-R-1679
58. 02-R-1680
59. 02-R-1681
60. 02-R-1682
61. 02-R-1683
62. 02-R-1684
63. 02-R-1685
64. 02-R-1686
65. 02-R-1687
66. 02-R-1688
67. 02-R-1689
68. 02-R-1690
69. 02-R-1691
70. 02-R-1692
71. 02-R-1693
72. 02-R-1694
73. 02-R-1696
74. 02-R-1697

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666; 02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

02-0-1261

(Do Not Write Above This Line)

An Ordinance by Councilmembers Debi Starnes, Felicia A. Moore, Mary Norwood, Carla Smith, Clair Muller, Ceasar C. Mitchell and Ivory Lee Young, Jr.:

An Ordinance to amend Code 138, Streets, Sidewalks and the Public Right-of-Way, to allow property owners to assist the City in disposing of illegal newspaper boxes in front of their property.

ADOPTED BY

OCT 07 2002

COUNCIL

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

Date Referred 7/1/02

Referred To: City Utilities

Date Referred 9/16/02

Referred To: City Utilities

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee City Utilities
 Date 7/9/02
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

Committee City Utilities
 Date 10.7.2002
 Chair Clair Muller
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: UN subjects to
 Members Clair Muller, Felicia Moore, Mary Norwood, Carla Smith, Ivory Lee Young, Jr.
 Refer To _____

Committee City Utilities
 Date 9/16/02
 Chair Clair Muller
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members Clair Muller, Felicia Moore, Mary Norwood, Carla Smith, Ivory Lee Young, Jr.
 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

OCT 07 2002
Clair Muller
 MUNICIPAL CLERK

OCT 07 2002
Clair Muller
 MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Handley
 OCT 16 2002
 MAYOR