

12-0-0278

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 30 (BUSINESSES), ARTICLE XXIV (VENDING ON PRIVATE PROPERTY), DIVISION 2 (PERMITS), SECTION 30-1485 (TERM OF RENEWAL OF PERMITS), SO AS TO ALLOW PRIVATE PROPERTY VENDORS TO VEND AT ONE LOCATION IN EXCESS OF TWO YEARS BY APPLYING AGAIN FOR AN INITIAL VENDING PERMIT RATHER THAN A RENEWAL PERMIT; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

Date Referred: 2/20/12  
 Referred To: Public Safety  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

2/28/12  
 Date  
 Chair

Fav. Adv. Hold (see rev. side)  
 Action  
 Other

Members  
 Refer To

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
 Action  
 Other

Members  
 ADOPTEDBY

MAR 05 2012

COUNCIL

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
 Action  
 Other

Members

Refer To

Committee

Date

Chair

Fav. Adv. Hold (see rev. side)  
 Action  
 Other

Members

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED  
 MAR 05 2012  
 COUNCIL PRESIDENT PROTREM

CERTIFIED  
 MAR 05 2012  
 R. L. Dunbar  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 14 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



AN ORDINANCE

BY COUNCILMEMBER MICHAEL BOND

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 30, (BUSINESSES), ARTICLE XXIV, (VENDING ON PRIVATE PROPERTY), DIVISION 2 (PERMITS), SECTION 30-1485 (TERM OF RENEWAL OF PERMITS), SO AS TO ALLOW PRIVATE PROPERTY VENDORS TO VEND AT ONE LOCATION IN EXCESS OF TWO YEARS BY APPLYING AGAIN FOR A INITIAL VENDING PERMIT RATHER THAN A RENEWAL PERMIT; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to vending on private property; and

**WHEREAS**, the City of Atlanta Code of Ordinances currently prohibits certain permitted vendors from conducting business on a specified parcel beyond two years; and

**WHEREAS**, this provision creates a hardship for vendors; and

**WHEREAS**, the two (2) year restriction only serves to severely limit the vending activities of a single vendor, as it only eliminate vending from a site for ninety (90) days; and

**WHEREAS**, the City of Atlanta Code of Ordinances currently exempts those vendors who sell food items, as well as athletic and entertainment vendors from the two (2) year location restriction; and

**WHEREAS**, it is the desire of the City of Atlanta to allow private property vendors to continue to vend at one location in excess of two years where the City has assurance that the vendor meets the requirements of an initial permit as set forth in Section 30-1483 of the City of Atlanta Code of Ordinances, rather than a renewal permit, including, but not limited to continued assurance that the vendor has permission from the private property owner to continue vending.

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

**Section 1: That Chapter 30, Article XXIV, Division 2, Section 30-1485, of the City of Atlanta Code of Ordinances, which currently provides:**



**Sec. 30-1485. - Term and renewal of permits.**

- (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. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be two years. A vendor permit for a private property vending location will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. After a vendor has been issued a renewal permit to vend on the same parcel of land for an additional year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), may not vend at such location and may not renew a vending permit for such location for two years. At the expiration of the two-year vending term, the property owner shall not allow another vendor to vend on said property for a period of 90 days.
- (b) No applicant shall be issued more than one permit; provided that an applicant for a flea market vending permit may be issued a flea market vending permit in addition to any other permit.
- (c) After the initial permit fee for the first year 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 section 30-1486, the police department license and permits unit shall furnish the applicant with a renewal permit.
- (d) 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 and current addresses of proposed assistant vendors.
  - (7) The exact times during which the vendor intends to vend on the proposed property.
  - (8) City business license.
  - (9) A general description of the food, merchandise, services, or combination thereof to be sold or offered for sale at the proposed vending location, including whether the permit authorizes the sale or offering for sale of recordings.



be amended such as Chapter 30, Article XXIV, Division 2, Section 30-1485, of the City of Atlanta Code of Ordinances shall read as follows:

**Sec. 30-1485. - Term and renewal of permits.**

- (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. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be two years, **except as provided in subsection (b) of this section**. A vendor permit for a private property vending location will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. **Except as provided in subsection (b) of this section**, after a vendor has been issued a renewal permit to vend on the same parcel of land for an additional year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), ~~may not vend at such location and~~ may not renew a vending permit for such location for two years, **except as provided in subsection (b) of this section**. At the expiration of the two-year vending term, **except as provided in subsection (b) of this section**, the property owner shall not allow another vendor to vend on said property for a period of 90 days.
- (b) **If, after two years at one location, a vendor wishes to vend on that same parcel of land for another period up to two years, the vendor must secure a new initial permit as provided in sections 30-1483 and 30-1484. An initial permit issued in accordance with this subsection shall be otherwise subject to the provisions of this section, (30-1485), in the same manner as other initial permits.**
- (bc) No applicant shall be issued more than one permit; provided that an applicant for a flea market vending permit may be issued a flea market vending permit in addition to any other permit.
- (ed) After the initial permit ~~fee~~ for the first year 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 section 30-1486, the police department license and permits unit shall furnish the applicant with a renewal permit.
- (de) 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 and current addresses of proposed assistant vendors.
- (7) The exact times during which the vendor intends to vend on the proposed property.
- (8) City business license.
- (9) A general description of the food, merchandise, services, or combination thereof to be sold or offered for sale at the proposed vending location, including whether the permit authorizes the sale or offering for sale of recordings.

**Section 2:** This ordinance shall take effect immediately upon approval.

**Section 3:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

MAR 05, 2012  
MAR 14, 2012

RCS# 1773  
3/05/12  
2:21 PM

Atlanta City Council

CONSENT I

MONDAY, MARCH 5, 2012 AGENDA  
EXCEPT 12-R-0249  
ADOPT AS AMNDED

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 6

Y Smith	B Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	B Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	B Mitchell

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>	<b>03-05-12</b>
		<b>ITEMS ADVERSED ON CONSENT</b>
1. 12-O-0278 2. 12-O-0279 3. 12-O-0283 4. 12-O-0060 5. 12-O-0099 6. 12-O-0188 7. 12-O-0189 8. 12-R-0253 9. 12-R-0268 10. 12-R-0269 11. 12-R-0270 12. 12-R-0237 13. 12-R-0238 14. 12-R-0244 15. 12-R-0245 16. 12-R-0247 17. 12-R-0248 19. 12-R-0251 20. 12-R-0252 21. 12-R-0276 22. 12-R-0280 23. 12-R-0216 24. 12-R-0281 25. 12-R-0254 26. 12-R-0255 27. 12-R-0256 28. 12-R-0257 29. 12-R-0258 30. 12-R-0259 31. 12-R-0260 32. 12-R-0261 33. 12-R-0262 34. 12-R-0263 35. 12-R-0264	36. 12-R-0265 37. 12-R-0266 38. 12-R-0267	