

AN ORDINANCE

BY COUNCILMAN MICHAEL J. BOND

12-0-1419

AN ORDINANCE TO AMEND SECTIONS 30-1464 (b), 30-1469 (b), 30-1484 AND 30-1491 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (VENDING ON PRIVATE PROPERTY) SO AS TO PROVIDE THAT PERSONS VENDING ON PRIVATE PROPERTY SHALL NOT BE REQUIRED TO APPLY FOR OR OBTAIN A SPECIAL USE PERMIT OR A SPECIAL ADMINISTRATIVE PERMIT AS PRESCRIBED BY SECTIONS 16-25.001 THROUGH 16-25.004 OF THE ZONING ORDINANCE; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, ambiguity exists as to whether persons vending on private property must apply for and obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance; and

WHEREAS, it is the purpose of this ordinance to remove that ambiguity and declare that such permits shall not be required.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: Code Sec. 30-1464. - Vending restrictions and prohibitions, which currently provides as follows:

(a)

In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:

(1)

Within 15 feet of any street intersection or pedestrian crosswalk.

(2)

Within ten feet of any driveway.

(3)

Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.

(4)

Within a minimum of nine feet of unobstructed pedestrian space.

(5)

Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(6)

Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

(b)

Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(c)

Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(d)

Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(e)

Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(f)

Any and all signage must comply with the City of Atlanta Sign Ordinance.

Is hereby amended by creating a new subsection (b) which shall provide as follows:

(b) Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

And by re-lettering subsections (b) through (f) as subsections (c) through (g), so that when amended, said Code Sec. 30-1464. - Vending restrictions and prohibitions, shall provide as follows:

(a)

In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:

(1)

Within 15 feet of any street intersection or pedestrian crosswalk.

(2)

Within ten feet of any driveway.

(3)

Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.

(4)

Within a minimum of nine feet of unobstructed pedestrian space.

(5)

Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(6)

Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

(b)

Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

(c)

Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(d)

Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(e)

Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(f)

Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(g)

Any and all signage must comply with the City of Atlanta Sign Ordinance.

Section 2: Sec. 30-1469. - Prohibitions and restrictions; athletic and entertainment vending,
which currently provides as follows:

(a)

In addition to the provisions set forth in subsection 16-28.008(10); persons vending on private property shall not be permitted to operate in the following areas:

(1)

Within 15 feet of any street intersection or pedestrian crosswalk.

(2)

Within ten feet of any driveway.

(3)

Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.

(4)

Within a minimum of nine feet of unobstructed pedestrian space.

(5)

Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(6)

Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

(b)

Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(c)

Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(d)

Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(e)

Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(f)

If signage is allowed no more than one sign which shall not exceed two by three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used. Handwritten signage is prohibited.

Is hereby amended by creating a new subsection (b) which shall provide as follows:

(b) Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

And by re-lettering subsections (b) through (f) as subsections (c) through (g), so that when amended, said Code Sec. 30-1469. - Prohibitions and restrictions; athletic and entertainment vending, shall provide as follows:

(a)

In addition to the provisions set forth in subsection 16-28.008(10); persons vending on private property shall not be permitted to operate in the following areas:

(1)

Within 15 feet of any street intersection or pedestrian crosswalk.

(2)

Within ten feet of any driveway.

(3)

Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.

(4)

Within a minimum of nine feet of unobstructed pedestrian space.

(5)

Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.

(6)

Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

(b)

Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

(c)

Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(d)

Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(e)

Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(f)

Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(g)

If signage is allowed no more than one sign which shall not exceed two by three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used. Handwritten signage is prohibited.

Section 3: Sec. 30-1484. - Application procedure, which currently provides as follows:

All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in subsection 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and a private property permission letter issued by the License and Permits Division of the Atlanta Police Department, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

Is hereby amended by designating the current language as subsection (a) and by creating a new subsection (b) which shall provide as follows:

(b) Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

So that when amended, said Sec. 30-1484 shall provide as follows:

Sec. 30-1484. - Application procedure.

(a) All private property vendor applications shall be reviewed by the bureau of buildings to determine compliance with applicable zoning regulations as stated in subsection 16-28.008(10). Subject to favorable determination and written verification by the bureau of buildings and a private property permission letter issued by the License and Permits Division of the Atlanta Police Department, the bureau of treasury, licensing and employee benefits shall issue the business license for the applicant. Upon completion of all prerequisites, the police department license and permits units shall then issue a permit.

(b) Persons vending on private property shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

Section 4: Sec. 30-1491. - Duties of permit holder, which currently provides as follows:

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 be 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.

(7)

No vendor or flea market vendor shall sell or offer for sale any illicit recordings.

(8)

No flea market promoter, operator, or owner shall permit any flea market vendor operating on the premises controlled by such flea market promoter, operator, or owner to sell or offer for sale any illicit recordings.

(9)

No flea market promoter, operator, or owner shall permit any flea market vendor operating on the premises controlled by such flea market promoter, operator, or owner to sell or offer for sale any services, merchandise, or combination thereof unless the vendor's vending permit photo identification card, and that of all assistant vendors, are displayed as required by section 30-1481(d).

Is hereby amended by adding a subsection (10) which shall provide as follows:

(10) A vendor shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

So that when amended, said Sec. 30-1491. - Duties of permit holder, shall provide as follows:

Sec. 30-1491. - Duties of permit holder.

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 be 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.

(7)

No vendor or flea market vendor shall sell or offer for sale any illicit recordings.

(8)

No flea market promoter, operator, or owner shall permit any flea market vendor operating on the premises controlled by such flea market promoter, operator, or owner to sell or offer for sale any illicit recordings.

(9)

No flea market promoter, operator, or owner shall permit any flea market vendor operating on the premises controlled by such flea market promoter, operator, or owner to sell or offer for sale any services, merchandise, or combination thereof unless the vendor's vending permit photo identification card, and that of all assistant vendors, are displayed as required by section 30-1481(d).

(10)

A vendor shall not be required to apply for or obtain a special use permit or a special administrative permit as prescribed by Sections 16-25.001 through 16-25.004 of the Zoning Ordinance.

Section 5: All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.