

AN ORDINANCE BY

COUNCILMEMBERS KEISHA LANCE BOTTOMS, C.T. MARTIN, AND  
H. LAMAR WILLIS

**AN ORDINANCE TO REPEAL CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ITS ENTIRETY; TO REPEAL THE PRIOR VERSION OF CHAPTER 30, ARTICLE XXIII IN ITS ENTIRETY; TO CREATE A NEW ORDINANCE TO GOVERN VENDING IN THE PUBLIC RIGHT OF WAY (PUBLIC PROPERTY VENDING); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta Charter provides that the City of Atlanta may lease, regulate the use of, and control public ways located in the City of Atlanta. Atlanta City Charter, 2-102(c)(14); and

**WHEREAS**, “[t]he streets [and public ways] belong to the public and are primarily for the use of the public in the ordinary way. Their use for the purposes of gain is special and extraordinary, and, generally at least, may be prohibited or conditioned as the legislature deems proper.” *Packard v. Banton*, 264 U.S. 140, 144 (1924); *Schlesinger v. City of Atlanta*, 129 S.E. 861, 867 (1925) (individuals do not have the inherent right to conduct their private businesses in the streets and public property of a city, and a city may prohibit such business activities); and

**WHEREAS**, it is the desire of the City of Atlanta to fully revise how public property vending has been allowed in the city;

**WHEREAS**, the City’s new public property vending regulations are based on national best practices, (including an examination of vending regulations in Portland, Oregon, Denver, Colorado, Chicago, Illinois, New York, New York, Charlotte, North Carolina, and Kansas City, Missouri); and

**WHEREAS**, the objectives of the new public property vending regulations are to serve and protect the health, safety and welfare of the general public; to establish a uniform set of rules and regulations related to vending the public right of way which are fair and equitable; to develop a vending system which will enhance the overall appearance and environment along public streets, pedestrian ways and other public properties; to provide economic development opportunities for small entrepreneurs in the city; and to promote stable Vendors who will enrich the city’s ambiance and who will be assets to public security; and

**WHEREAS**, vending shall be limited to the existing Kiosks installed in the city’s right of way and uniform carts with defined dimensions and which must be maintained at certain quality standards; and

**WHEREAS**, the new public property vending system shall minimize regulatory costs while ensuring consistent and fair compliance with state laws though vesting the

authority to issue permits with the City of Atlanta's Department of Finance's Office of Revenue; and

**WHEREAS**, under the new public property vending system vending locations are selected based on a pre-vetted list of sites within the City's right of way including the Kiosk locations; and

**WHEREAS**, consistent enforcement of the new public property vending system shall be ensured through enforcement by the Atlanta Police Department's Licenses and Permits Unit; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**Section 1:**

**Section 2:**

**Section 3:** That Chapter 30, Article XXIII shall read as follows:

**Section 4:** This Ordinance shall become effective immediately upon its approval.

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AAR