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3715

14-O-1099

(Do Not Write Above This Line)

AN ORDINANCE BY

AN ORDINANCE TO AMEND SECTION 30-1431 OF CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ORDER TO MAKE CERTAIN CORRECTIONS REGARDING PROVISIONS FOR DISABLED VETERANS AND BLIND PERSONS, THE DATE OF PERMIT RENEWAL, AND VENDOR LOCATIONS, REVEALED AS NECESSARY FOLLOWING THE IMPLEMENTATION OF PUBLIC PROPERTY VENDING PROGRAM; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 17 2014

COUNCIL

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

Date Referred 2/3/14

Referred To: Public Safety

Date Referred

Refferred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

Committee	Committee
Public Safety & L.A.	
Date: February 18, 2014	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

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

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings

☑ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

FEB 17 2014

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

FEB 17 2014

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

FEB 26 2014

WITHOUT SIGNATURE BY OPERATION OF LAW

489536-1

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1099

AN ORDINANCE BY

AN ORDINANCE TO AMEND SECTION 30-1431 OF CHAPTER 30, ARTICLE XXIII, (VENDING ON PUBLIC PROPERTY), IN ORDER TO MAKE CERTAIN CORRECTIONS REGARDING PROVISIONS FOR DISABLED VETERANS AND BLIND PERSONS, THE DATE OF PERMIT RENEWAL, AND VENDOR LOCATIONS, REVEALED AS NECESSARY FOLLOWING THE IMPLEMENTATION OF PUBLIC PROPERTY VENDING PROGRAM; 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, the City of Atlanta's Ordinances regulating the use of the public right of way for vending purposes is located at Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances; and

WHEREAS, following the implementation of the City's public property vending program in December 2013, certain amendments to the public property vending ordinance regarding locations for disabled veterans and blind persons, the date of renewal, and the phase 1 vendor locations have been revealed as necessary; and

WHEREAS, it is the desire of the Atlanta City Council to make these necessary amendments.

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

Section 1: That Chapter 30, Article XXIII, Section 30-1427(b) of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1427(b) shall read as follows:

Sec. 30-1427 – Lottery-type Selection Process.

(b) Any Kiosk locations for which applications have not been submitted by persons described in Subsection (a) of this Section within 30 days of the approval of this Ordinance shall be included in the Lottery-type Selection Process. **No fewer than 10 percent of the available Kiosk locations shall be reserved for disabled veterans and/or blind persons as described in Section 30-1435.**

Section 2: That Chapter 30, Article XXIII, Section 30-1429(a) of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1429(a) shall read as follows:

Sec. 30-1429. – Term and renewal of permits.

(a) A Valid Vendor Permit for a Valid Vendor 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 at the same location. **All Valid Vendor Permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual Maintenance fees are due and payable at the time of renewal.**

Section 3: That Chapter 30, Article XXIII, Section 30-1431(a) of the City of Atlanta Code of Ordinances is hereby amended to add a new subsection (a)(1)(viii) such that Section 30-1431(a) shall read as follows:

Sec. 30-1431. - Location.

(a) Valid Vendor Locations shall be designated by the City through the Office of Revenue before the Lottery-type selection process and are as follows:

(1) Phase 1:

a. 19 Kiosks.

b. **13**~~2~~ Downtown locations:

i. Five locations on the east side of Lee Street south of Ralph David Abernathy Blvd;

ii. One location on the southwest side of Washington St. and Mitchell St;

iii. One location on the west side of Washington St. between Mitchell St. and Trinity Ave;

iv. Two locations on the east side of Peachtree Street between Martin Luther King Jr. Drive and Mitchell Street;

v. One location on Broad Street SW between Martin Luther King Jr. Drive and Trinity Avenue;

vi. One location on the east side of Peachtree Street between Auburn Avenue and Edgewood Avenue (Vending of Prepared Food and Prepared Non-alcoholic Beverages shall only be permitted at this location);

vii. One location on Peachtree Street between Harris Street and Andrew Young International Boulevard (Vending of Prepared Food and Prepared Non-alcoholic Beverages shall only be permitted at this location);

viii. One location on the north side of Baker Street NW between Centennial Olympic Park Drive NW and Luckie Street NW (Vending of Prepared Food and Prepared Non-alcoholic Beverages shall only be permitted at this location);.

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

AAR

A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council **FEB 17, 2014**
APPROVED as per City Charter Section 2-403 **FEB 26, 2014**

RCS# 99
2/17/14
2:51 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS
EXCEPT 14-O-1072
ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	1

NV Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Norwood
Y Young	Y Shook	NV Bottoms	Y Dickens
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

+

		02-17-14
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	
1. 14-O-1068	34. 14-R-3154	
2. 14-O-1099	35. 14-R-3155	
3. 14-O-1055	36. 14-R-3156	
4. 14-O-1085	37. 14-R-3157	
5. 14-O-1086	38. 14-R-3158	
6. 14-O-1088	39. 14-R-3159	
7. 14-O-1096	40. 14-R-3160	
8. 14-O-1100	41. 14-R-3161	
9. 14-O-1083	42. 14-R-3162	
10. 14-O-1084	43. 14-R-3163	
11. 14-O-1094	44. 14-R-3164	
12. 14-R-3179	45. 14-R-3165	
13. 14-R-3180	46. 14-R-3166	
14. 14-R-3181	47. 14-R-3167	
15. 14-R-3182	48. 14-R-3168	
16. 14-R-3183	49. 14-R-3169	
17. 14-R-3140	50. 14-R-3170	
18. 14-R-3141	51. 14-R-3171	
19. 14-R-3142	52. 14-R-3172	
20. 14-R-3143	53. 14-R-3173	
21. 14-R-3145	54. 14-R-3174	
22. 14-R-3149	55. 14-R-3175	
23. 14-R-3190	56. 14-R-3176	
24. 14-R-3191	57. 14-R-3177	
25. 14-R-3192	58. 14-R-3178	
26. 14-R-3194		
27. 14-R-3195		
28. 14-R-3196		
29. 14-R-3198		
30. 14-R-3150		
31. 14-R-3151		
32. 14-R-3152		
33. 14-R-3153		