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14-O-1137

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3914

AN ORDINANCE BY

COUNCILMEMBER YOLANDA ADREAN

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE XXIII OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING ON PUBLIC PROPERTY), IN ORDER TO AUTHORIZE FOOD TRUCKS TO VEND ON THE STREETS OF THE CITY OF ATLANTA WITHIN DESIGNATED FOOD TRUCK AREAS; TO AMEND CHAPTER 150, ARTICLE IV, DIVISION 3, (PARKING METERS), SECTION 150-132 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXEMPT PERMITTED FOOD TRUCKS FROM PARKING TIME LIMITS WITHIN DESIGNATED FOOD TRUCK AREAS; AND FOR OTHER PURPOSES.

Councilmember Yolanda Adrean

ADOPTED BY

MAR 17 2014

COUNCIL

First Reading

Committee

Date

Chair

Referred To

Committee: Public Safety & L.A.

Date: March 11, 2014

Chair

Action: Fav, Adv, Hold (See rev.side)

Other

Members: Mary Norwood, Adrean, Cleta Winslow

Refer To

Committee

Date

Chair

Action: Fav, Adv, Hold (See rev.side)

Other

Members

Refer To

Committee

Date

Chair

Action: Fav, Adv, Hold (See rev.side)

Other

Members

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

MAR 17 2014

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

MAR 17 2014

Rhonda Dauphin Johnson

MUNICIPAL CLERK

☐ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1ST ADOPT 2ND READ & REFER

☑ PERSONAL PAPER REFER

Date Referred 3/3/14

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

MAYOR'S ACTION

APPROVED

MAR 26 2014

WITHOUT SIGNATURE BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

14-O-1137
14- -1137

AN ORDINANCE BY

COUNCILMEMBER YOLANDA ADREAN

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE XXIII OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING ON PUBLIC PROPERTY), IN ORDER TO AUTHORIZE FOOD TRUCKS TO VEND ON THE STREETS OF THE CITY OF ATLANTA WITHIN DESIGNATED FOOD TRUCK AREAS; TO AMEND CHAPTER 150, ARTICLE IV, DIVISION 3, (PARKING METERS), SECTION 150-132 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO EXEMPT PERMITTED FOOD TRUCKS FROM PARKING TIME LIMITS WITHIN DESIGNATED FOOD TRUCK AREAS; 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, it is the desire of the Atlanta City Council to provide an additional amenity for pedestrians, residents and visitors; and

WHEREAS, it is the desire of the Atlanta City Council to enhance the overall appearance and environment along public streets and pedestrian ways; and

WHEREAS, it is the desire of the Atlanta City Council to provide economic development opportunities for small entrepreneurs in the City; and

WHEREAS, it is the desire of the Atlanta City Council to promote and expand the pool of stable vendors who will enrich the City's ambiance and who will be assets to public security; and

WHEREAS, food truck vending has been authorized on private property within the City of Atlanta since 2011; and

WHEREAS, the City of Atlanta's private property food truck vending program is a proven success; and

WHEREAS, it is the desire of the Atlanta City Council to authorize food trucks to vend on the streets of the City of Atlanta within Designated Food Truck Areas; and

WHEREAS, it is the desire of the Atlanta City Council for food trucks to vend from metered parking spaces within Designated Food Truck Areas, to be subject to pay for the use of the spaces via the parking meters and to be exempt from parking time limits.

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

Section 1: That Chapter 30, Article XXIII, Division 1, Section 30-1400 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1400 shall read as follows:

Sec. 30-1400. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assistant Vendor means a person who assists a Vendor at the Vendor's assigned vending site.

Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Designated Food Truck Area **means a geographic area designated in this Article wherein permitted Food Truck vendors may vend from available metered parking spaces in accordance with this Article and in accordance with Division 3 of Chapter 150 of the City of Atlanta Code of Ordinances.**

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

(1) A war veteran must furnish satisfactory proof that the veteran has a physical handicap which is disabling to the extent of ten percent or more; that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable; and that the veteran's service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled, "An Act to Maintain the Credit of the United States," and commonly known as PL 2, 73rd Congress; or that some part of the veteran's service was rendered on or after December 7, 1941 and before December 31, 1946; or that some part of the veteran's service was rendered on or after June 27, 1950 and before January 31, 1955; or that some part of the veteran's service was rendered on or after August 5, 1946, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability or by letter or other written evidence from the United States Department of Veterans Affairs stating

the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served.

(2) A veteran of peacetime service in the United States armed forces must furnish proof that the veteran has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs stating the degree of disability or by written evidence, from the branch of armed forces of the United States in which such veteran served, that the veteran's service in the armed forces of the United States was terminated under conditions other than dishonorable.

(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.

Food Truck **means any motor vehicle used for vending of food items to the public from Designated Food Truck Areas.**

Items Permissible for Sale means items which may be offered for sale by and are limited to Tourist/traveler Convenience Items; Third Party Published (non-adult) Materials; Non-alcoholic Pre-packaged Beverages; Pre-Packaged Food; Prepared Food; Prepared Non-alcoholic Beverages; Spirit Merchandise; and cut single stem or bunched flowers. Items Permissible for Sale shall not include any tobacco products.

Kiosk means a Valid Vendor Location which is a fixed structure owned by the City, installed in the City's Right of Way. The City shall maintain the right to advertise in a Kiosk and the City shall manage the maintenance of a Kiosk, such maintenance to be covered by annual maintenance fees. The sale of Prepared Food and/or Prepared Non-alcoholic Beverages shall not be permitted from a Kiosk.

Licenses and Permits Unit means that unit of the Atlanta Police Department which enforces the ordinances applicable to public property vending or any other unit or division of the Atlanta Police Department assigned by the Chief of Police to undertake the duties of the License and Permits Unit.

Lottery-type Selection Process means the process by which persons shall be selected to submit an application for a **Vending Cart or Kiosk** Valid Vendor Location. There shall be no consideration required for participation in the Lottery-type Selection Process in which persons wishing to submit applications for ~~each~~ **the** Valid Vendor Locations shall be required to place their names in a separate drawing for each Valid Vendor Locations. No individual prospective Vendor may receive the ability to apply for more than 10% of the available Valid Vendor Locations through the Lottery-type Selection Process at one time. The Lottery-type Selection Process shall take place ~~annually~~ at which time **the City determines** ~~any~~ newly created or open **Vending Cart or Kiosk** Valid Vendor Locations shall be entered/re-entered therein.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Non-alcoholic Pre-packaged Beverages means beverages sealed in plastic or aluminum single serving containers excluding all beverages in glass containers, and excluding all alcoholic beverages as defined in Section 10-1, including but not limited to malt beverages, wine and distilled spirits.

Office of Revenue means the office of the City of Atlanta Department of Finance which issues permits for public property vending or any other unit or office of the Department of Finance assigned by the Chief Financial Officer to undertake the duties of the Office of Revenue.

Operating Area means:

(1) the area in which a Vendor may operate from a Vending Cart and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle;

(2) the parameters of the Kiosk;

(3) the parameters of the Food Truck.

Pre-Packaged Food means single serving sealed packaged foods including but not limited to candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the Fulton or DeKalb County Departments of Health.

Prepared Non-alcoholic Beverages means beverages prepared on site and which are not served in glass containers, and excluding all alcoholic beverages as defined in Section 10-1, including but not limited to malt beverages, wine and distilled spirits.

Prepared Food means food prepared on site, the sale of which requires authorization by the Fulton of DeKalb County Departments of Health.

Public property and "public space" both mean for the purpose of this article any property owned by the City of Atlanta within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.

Public property vending means vending activity as permitted on publicly owned property under the jurisdiction of the City of Atlanta other than on city-owned parks. Vending shall only be permitted in city-owned parks where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Spirit Merchandise means licensed branded merchandise or generic "Atlanta" branded merchandise. Merchandise shall be limited to shirts, hats, scarves and gloves.

Third Party Published (non-adult) Materials means periodicals, books, newspapers, and maps which have been published by a third-party and are not adult material as defined in Section 16-29.001.

Tourist/traveler Convenience Items means, weather-related supplies such as umbrellas, scarves, hats, gloves and ponchos); convenience toiletries; over-the-counter medicines; cell phone accessories; and third-party produced souvenirs that celebrate Atlanta landmarks, institutions, or other Atlanta icons.

Valid Vendor Location means an area which is authorized in this Article, in which vending can take place. Vending at a Valid Vendor Location shall only be permitted from Kiosks installed in the City's Right of Way, ~~and~~ Vending Carts that meet the standards set forth in this Article, **or from Food Trucks from metered parking spaces in Designated Food Truck Areas.** Other than Kiosks or approved Vending Carts **or Food Trucks**, vending will be prohibited from tables or semi-permanent or permanent structures.

Valid Vendor Permit means a permit issued by the **City of Atlanta** ~~Department of Finance's Office of Revenue~~. Such permit shall consist of a photo identification card which contains the Vendor's name, photograph, vending type and classification, authorized Valid Vendor Location(s) and time period for which such permit is valid.

Vending Cart means a cart which meets the following design requirements:

(1) Length of the cart may not exceed seven feet and width may not exceed four feet height-excluding canopies, umbrellas, or transparent enclosures-may not exceed five feet;

(2) Umbrellas or canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;

(3) Umbrellas or canopies may not exceed forty-eight square feet (eight feet x six feet);

(4) All carts must be mobile, and able to roll on wheels;

(5) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;

(6) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;

(7) The wheels located under the car are preferred, however projecting wheels must have fenders; and

(8) Hitches attached to the cart must be removable and detached when in operation.

(9) If used, propane tanks must be enclosed.

Vendor means any person who has been issued a Valid Vendor Permit.

Section 2: That Chapter 30, Article XXIII, Division 1, Section 30-1403 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1403 shall read as follows:

Sec. 30-1403. - Vending operational rules.

(a) Hours of operation shall be 7:00 a.m. to 12:00 a.m.

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

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

(d) Vendors may offer Items Permissible for Sale only.

(e) All Vendors shall display their Valid Vending Permits and any required copies of licensing agreements at the Valid Vendor Location.

(f) All Vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of Section 30-1402.

(g) Vending operations may not obstruct vehicular traffic flow except for up to fifteen minutes to load and unload Kiosks and/or Vending Carts and merchandise.

(h) Vending operations, **including but not limited to the display of merchandise and the provision of tables and/or chairs,** may not exceed the approved Operating Area.

(i) Vending Carts **and/or Food Trucks** shall not be left unattended or stored at any time in the Operating Area when vending is not taking place or during restricted hours of operation.

(j) The sale of Prepared Food and/or Prepared Non-alcoholic Beverages shall not be permitted from a Kiosk.

(k) The sale of branded Items Permissible for Sale a Vendor shall not be permitted absent a valid licensing agreement authorizing the Vendor to engage in such sales a copy of which must be maintained at the Valid Vendor Location.

(g) **Food Trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk. Food Trucks are prohibited from operating with their trucks open to the roadway.**

Section 3: That Chapter 30, Article XXIII, Division 1, Section 30-1404 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1404 shall read as follows:

Sec. 30-1404. - Littering.

All Vendors engaged in the sale of Pre-Packaged Food, Non-alcoholic Pre-packaged Beverages, Prepared Food, and/or Prepared Non-alcoholic Beverages shall affix to their Vending Cart, or shall locate directly outside the Kiosk **or Food Truck**, a receptacle for trash, which shall be maintained and emptied regularly and which shall be marked as being for trash. **Vendors engaged in the sale of the items permissible for sale listed in this Section are responsible for the removal of trash within a twenty-five foot radius surrounding the Vending Cart, Kiosk or Food Truck.**

Section 4: That Chapter 30, Article XXIII, Division 1, Section 30-1405 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1405 shall read as follows:

Sec. 30-1405. - Aesthetic standards.

Vending is permitted from Kiosks, ~~and~~ Vending Carts **and Food Trucks** only. **Vending Carts must comply with the following aesthetic standards:**

(a) Length of the cart may not exceed seven feet and width may not exceed four feet height-excluding canopies, umbrellas, or transparent enclosures-may not exceed five feet;

(b) Umbrellas or canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk;

(c) Umbrellas or canopies may not exceed forty-eight square feet (eight feet x six feet);

(d) All carts must be mobile, and able to roll on wheels;

(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;

(f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;

(g) The wheels located under the car are preferred, however projecting wheels must have fenders; and

(h) Hitches attached to the cart must be removable and detached when in operation.

(i) If used, propane tanks must be enclosed.

Section 5: That Chapter 30, Article XXIII, Division 2, Section 30-1426 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1426 shall read as follows:

Sec. 30-1426. – Vendor permit and business license required.

(a) No public property vending shall occur without a permit issued pursuant to this Article, except that no permit shall be required for persons selling newspapers at-large other than from a fixed location on public property.

(b) Public property vending shall be permitted only on the location **or Designated Food Truck Area** stated on the permit. This permit requirement is in addition to any general business license required or other special permission requirement.

(c) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1, are exempt from payment of business license fees, but must obtain such licenses.

(d) All Valid Vendor Permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location **or Designated Food Truck Area** at all times when the Vendor or assistant Vendor is present.

(e) All Valid Vendor Permits shall indicate if the permit authorizes the sale of licensed branded merchandise.

Section 6: That Chapter 30, Article XXIII, Division 2, Section 30-1427 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1427 shall read as follows:

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

(a) Persons permitted by the City of Atlanta to vend in Kiosks during the calendar year of 2012 may submit applications for permits to vend in accordance with this Article at the Kiosk locations at which they had been permitted to vend in 2012.

(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.

(c) No earlier than 31 days following the approval of this Ordinance, the Office of Revenue shall administer a Lottery-type Selection Process by which persons shall be selected to submit an application for a **Kiosk or Vending Cart** Valid Vendor Location.

(d) There shall be no consideration required for participation in the Lottery-type Selection Process.

(e) Persons wishing to submit applications for each **Kiosk or Vending Cart** Valid Vendor Location shall be required to place their names in a separate drawing for each **Kiosk or Vending Cart** Valid Vendor Location.

(f) No individual prospective Vendor may receive the ability to apply for more than 10% of the **Kiosk or Vending Cart** Valid Vendor Locations available in the Lottery-type Selection Process.

(g) The Lottery-type Selection Process shall take place ~~annually~~ at which time **the City has determined there are newly created or open Kiosk or Vending Cart Valid Vendor Locations which shall be entered/re-entered therein.** P~~p~~ersons wishing to submit application for any newly created or open **Kiosk or Vending Cart** Valid Vendor Locations shall be required to place their names in a separate drawing therefor. Vendors wishing to continue vending from a **Kiosk or Vending Cart** Valid Vendor Location at the time of the Lottery-type Selection process shall not be required to participate therein and shall instead be permitted to renew their permits to vend from the Valid Vendor Location pursuant to Section 30-1429.

(h) Designated Food Truck Areas shall be open to Food Truck Vendors on a first come first served basis subject to the parking restrictions contained in this Article and Chapter 150, Article IV, Division 3, and shall not be entered into the Lottery-type Selection Process.

Section 7: That Chapter 30, Article XXIII, Division 2, Section 30-1428 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1428 shall read as follows:

Sec. 30-1428. - Application.

(a) Except for persons who may submit applications for Kiosk locations pursuant to Section 30-1427 (a), following selection by the Lottery-type Selection Process, an application shall be required by all persons seeking issuance of a **Kiosk or Vending Cart** Valid Vendor Permit. **Applicants for Food Truck Valid Vendor Permits shall not participate in the Lottery-type Selection Process.** Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the Office of Revenue.

(b) Permit fees and applicable Maintenance fees are due and payable by money order, certified check or cashier's check if and when the application is approved by the Office of Revenue.

(c) The application shall, at a minimum, consist of the following data:

(1) Each applicant shall submit detailed data as follows:

a. Applicant's name and current address.

b. Applicant's previous addresses within the last five years.

c. Social security number.

d. Valid Vending location designated pursuant to Sec. 30-1427.

e. A dimensional drawing that clearly shows the footprint and placement of the cart and the Operating Area.

f. The ~~exact~~ times during which the Vendor ~~intends to~~ **estimates they will** vend on the proposed property.

g. GDOR retail identification tax number.

h. State issued picture identification.

i. City business license.

j. A general description of the Items Permissible for sale to be sold or offered for sale.

k. A valid licensing agreement authorizing the Vendor to engage in sales of licensed branded merchandise if applicable.

(2) All applicants shall furnish all data, information and records requested of them by the Office of Revenue within 30 days from the date of request. Failure to furnish such information within 30 days shall automatically dismiss, with prejudice, the application.

Section 8: That Chapter 30, Article XXIII, Division 2, Section 30-1429 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1429 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.

(b) No applicant may receive the ability to apply for more than ten percent of the Valid Vendor Locations available through the Lottery-type Selection Process.

(c) Vendors may present to the Office of Revenue 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 fees as indicated in section 30-1430, ~~the Office of Revenue shall furnish~~ the Vendor **shall be furnished** with a renewal permit.

(d) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in Section 30-1428.

Section 9: That Chapter 30, Article XXIII, Division 2, Section 30-1430 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1430 shall read as follows:

Sec. 30-1430. – Annual Fees.

(a) Annual permit fees and applicable annual Maintenance fees are due and payable **upon approval of the application** ~~if and when the application is approved by the Office of Revenue~~.

(b) The annual permit fee for all Valid Vendor Permits shall be $75.00.

(c) The annual maintenance fee for a Kiosk Valid Vendor Location shall be $2,500.00. In the year when the applicant for a Valid Vendor Permit submits their initial application, the annual maintenance fee shall be prorated from the date of the approval of the application.

Section 10: That Chapter 30, Article XXIII, Division 2, Section 30-1431 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1431 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 Downtown **Vending Cart** 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).

c. Government Walk Designated Food Truck Area:

i. Four metered parking spaces (two Food Trucks) on the west side of Central Avenue between Trinity Ave and Mitchell Street.

ii. Six metered parking spaces (three Food Trucks) on the south side of Mitchell Street between Central Avenue and Washington Street.

iii. Six metered parking spaces (three Food Trucks) on the north side of Mitchell Street between Central Avenue and Washington Street.

iv. Four metered parking spaces (two Food Trucks) on the south side of Mitchell Street between Pryor Street and Central Avenue.

v. Four metered parking spaces (two Food Trucks) on the south side of Martin Luther King Jr Drive between Washington Street and Central Avenue.

vi. Six metered parking spaces (three Food Trucks) on the west side of Pryor Street between Martin Luther King Jr Drive and

Mitchell Street. Food Trucks utilizing these spaces shall be subject to the posted rush hour parking restrictions.

vii. Four metered parking spaces (two Food Trucks) on the east side of Pryor Street between Mitchell Street and Trinity Avenue.

viii. Two metered parking spaces (one Food Truck) on the north side of Trinity Street between Central Avenue and Washington Street. Any Food Truck utilizing this space shall be subject to the posted rush hour parking restrictions.

(b) Valid Vendor Locations shall:

(1) With the exception of Food Trucks vending within Designated Food Truck Areas, ~~N~~not be within fifteen feet of street intersections or pedestrian crosswalks or fifteen feet of building entrances/exits or within fifty feet of hotels/motels;

(2) With the exception of Food Trucks vending within Designated Food Truck Areas, ~~N~~not be within fifteen feet of other Valid Vendor Locations;

(3) Not be within ~~1,5~~200 feet of permanent businesses selling the same or similar products as the Vendor;

(4) Provide a minimum of ~~nine~~ five feet of unobstructed pedestrian space;

(5) Not be within fifteen feet of a fire hydrant; and

(6) Not be within 600 feet of the closet property line of any public or private elementary, middle or high school.

(c) Within Designated Food Truck Areas, Food Trucks may operate from no more than one third of the metered parking spaces on each street on a block in accordance with Sections 150-132 and 150-133. Food Trucks may operate from two contiguous metered parking spaces within parking meter zones and shall not continue to occupy such spaces for a longer period of time than has been paid for. Food trucks shall not be the subject to the parking time limits referenced in Sections 150-132 and 150-133.

Section 11: That Chapter 30, Article XXIII, Division 2, Section 30-1433 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1433 shall read as follows:

Sec. 30-1433. - Denials, fines, suspensions and revocations.

(a) No Valid Vendor Permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny,

fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.

(b) Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.

(c) A denial, fine, suspension, revocation of any permit issued pursuant to this Article may be imposed for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application.

(2) Failure on the part of a Vendor to maintain initial eligibility qualifications.

(3) Failure to furnish any and all documentation requested by either the police department, the Office of Revenue or the license review board for purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.

(4) Any failure to comply with any requirement set forth in this Article.

(d) Any person whose permit is revoked may not reapply ~~until such time as the Lottery-type Selection Process shall occur~~ **until one year following the effective date of the revocation**.

(e) In addition to carrying out all other investigations as may be permitted under this article, the License and permits Unit shall investigate any alleged violation of this Article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury, and shall be accompanied by any supporting evidence.

Section 12: That Chapter 150, Article IV, Division 3, Section 150-132 of the City of Atlanta Code of Ordinances is hereby amended such that Section 150-132 shall read as follows:

Sec. 150-132. - Parking meter zones; time limits; fees.

(a) Parking meter zones are hereby established as follows:

(1) Business/government.

a. This is an area where parking is occupied by patrons of businesses or government offices with high need for turnover parking.

b. Enforcement days are Monday through Saturday.

c. Enforcement hours are 7:00 a.m. to 7:00 p.m.

d. Parking time limit is two hours.

(2) Mixed use.

a. This is an area where buildings have multiple uses which include both residential and commercial but do not historically have on-site parking.

b. Enforcement days are Monday through Friday.

c. Enforcement hours are 8:00 a.m. to 6:00 p.m.

d. Parking time limit is three hours.

(3) School/university.

a. This is an area where the majority of parking is occupied by attendees of post-secondary colleges and/or universities.

b. Enforcement days are Monday through Saturday.

c. Enforcement hours are 7:00 a.m. to 7:00 p.m.

d. Parking time limit is three hours.

(4) Entertainment/restaurant/hospital.

a. This is an area where the majority of parking is occupied by patrons of theaters, museums, restaurants, other entertainment venues, and hospitals.

b. Enforcement days are Monday through Saturday.

c. Enforcement hours are 7:00 a.m. to 10:00 p.m.

d. Parking time limit is four hours.

(b) The period of time of parking in areas designated as parking meter zones shall be registered by parking meters, and the charges which are reasonably necessary to defray the expenses incident thereto for this parking shall be as set out in subsection (c) of this section.

(c) Such meters shall provide for maximum time limits as indicated on each meter, where the maximum time limit at parking meters shall be determined by the parking meter zone. The fee in each instance shall be at the rate of $1.00 per half an hour of time allowed.

(d) Vehicles which have purchased a currently valid truck loading zone/parking meter pass pursuant to Atlanta City Code section 150-111(c) shall be permitted to park at all parking

meter spaces in the City of Atlanta without charge for a period not to exceed the maximum time limit indicated on each meter or 30 minutes, whichever is more.

(e) The municipal court is authorized to impose a civil monetary penalty against persons who violate this section in an amount not to exceed $1,000.00 for each such violation.

(f) Parking signage shall accurately reflect the City's Code of Ordinances provisions as applied to days and times of parking enforcement. If there is a conflict between on-street parking signage and associated parking meters with respect to days, hours of enforcement, and/or maximum parking times, the information contained in the parking signage shall apply.

(g) **Within Designated Food Truck Areas, Food Trucks permitted in accordance with Chapter 30, Article XXIII shall not be subject to the parking time limits contained in this Division, but must comply with all further provisions contained therein.**

Section 13: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

Section 14: This Ordinance shall become effective immediately upon its approval.

AAR

A true copy,

Deputy Clerk

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

RCS# 183
3/17/14
4:38 PM

Atlanta City Council

14-0-1137 AMEND COA CODE CH 30 VENDING ON PUBLIC PROPERTY;CH 150-132 FOOD TRUCK
ADOPT

YEAS:	12
NAYS:	1
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

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