

**AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND 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.**

**Workflow List:**

Atlanta City Council	Completed	02/05/2014 6:04 PM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

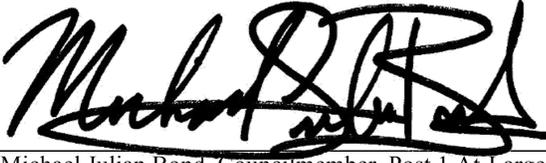
02/03/14 Atlanta City Council

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action <i>See Authentication Page Attachment</i></p>	

CITY COUNCIL  
ATLANTA, GEORGIA

14-O-1099

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond". The signature is stylized and written over a horizontal line.

Michael Julian Bond, Councilmember, Post 1 At-Large

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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 11. Banton*, 264 U.S. 140, 144 (1924); *ScbleJinger 11. Cify ~{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 L'CIII, 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

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AN ORDINANCE BY



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- (1) Phase 1:
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  - b. **132** 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;
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AAR