# CITY COUNCIL
# ATLANTA, GEORGIA

14-O-1203

**AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND TO AMEND CHAPTER 30, ARTICLE XXIII OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING ON PUBLIC PROPERTY), IN ORDER TO AUTHORIZE PUBLIC PROPERTY VENDING IN SPECIFICALLY DESIGNATED CITY OWNED PARKS, TO EXEMPT VALID PUBLIC PROPERTY VENDORS AUTHORIZED TO VEND IN VALID VENDOR LOCATIONS IN CITY-OWNED PARKS FROM PARK VENDING FEES; TO ADD 13 DOWNTOWN VENDING CART LOCATIONS AND 3 FOOD VENDING CART LOCATIONS IN HARDY IVY PARK; AND FOR OTHER PURPOSES.**

**Workflow List:**

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|---|---|---|
| Atlanta City Council | Completed | 04/23/2014 7:46 PM |
| Public Safety & Legal Administration Committee | Pending | |

**HISTORY:**

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| 04/21/14 | Atlanta City Council | REFERRED WITHOUT OBJECTION |

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|---|---|---|
| **RESULT:** | **REFERRED WITHOUT OBJECTION** | **Next: 4/29/2014 3:00 PM** |

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| **RESULT:** | **REFERRED WITHOUT OBJECTION** | **Next: 4/29/2014 3:00 PM** |

| Certified by Presiding Officer | Certified by Clerk |
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| | |
| Mayor's Action<br>*See Authentication Page Attachment* | |

LEGISLATION HISTORY – BLUE BACK

**CITY COUNCIL**
**ATLANTA, GEORGIA**

14-O-1203

**SPONSOR SIGNATURES**

Michael Julian Bond, Councilmember, Post 1 At-Large

**AN ORDINANCE BY COUNCILMEMBER MICHAEL J. BOND TO AMEND CHAPTER 30, ARTICLE XXIII OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING ON PUBLIC PROPERTY), IN ORDER TO AUTHORIZE PUBLIC PROPERTY VENDING IN SPECIFICALLY DESIGNATED CITY OWNED PARKS, TO EXEMPT VALID PUBLIC PROPERTY VENDORS AUTHORIZED TO VEND IN VALID VENDOR LOCATIONS IN CITY-OWNED PARKS FROM PARK VENDING FEES; TO ADD 13 DOWNTOWN VENDING CART LOCATIONS AND 3 FOOD VENDING CART LOCATIONS IN HARDY IVY PARK; 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)(I4); 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, Section 30 1431 sets forth the pre vetted list of Valid Vendor Locations where public property vending may take place; and

WHEREAS, it is the desire of the Atlanta City Council to amend Section 30 1431 to authorize l3 additional downtown Vending Cart locations and 3 Food Vending Cart Locations in Hardy Ivy Park; and

WHEREAS, it is the desire of the Atlanta City Council that Valid Vendors who have been permitted pursuant to Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances, who are authorized to vend in City owned Parks, and have thus, paid all fees associated therewith, not be subject to the Park Vending Fees contained in Section llO3 of the City of Atlanta Code of Ordinances, such fees being applicable to persons vending in parks who are not Valid Vendors permitted in accordance with Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances.

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

Section 1: That Chapter 30, Article XXlll, Division I, 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.

(I) 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. § 43 122 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43122, as amended.

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

*Food Vending Cart* means a Vending Cart at which Prepared Food, Prepared Non alcoholic Beverages, Pre/packaged Food and Non/alcoholic Pre/packaged Beverages may be offered for sale.

*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 Prepackaged Beverages; Prepackaged 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 \Nay. 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 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 at which time the City determines 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 Prepackaged 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 10l, 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:

(I) 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-I, 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 and in specifically designated city-owned parks. Other than where specifically designated, 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.

*Retail Vending Cart* means a Vending Cart at which Items Permissive for Sale other than Prepared Food and Prepared Non alcoholic Beverages may be offered for sale.

*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, 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. 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 designated either as a Food Vending Cart or a Retail Vending 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 arc 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 2, Section 301431 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30 1403 shall read as follows:

Sec. 301431 tion.

(a) Valid Vendor Locations shall be designated by the City and are designated by the City as follows:

(I) Phase 1.

a. 19 Kiosks.

b. 14.; Downtown Vending Cart locations:

i. FWe Four Retail Vending Cart locations on the east side of Lee Street south of Ralph David Abernathy Blvd;

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

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

iv. *Two* locations One Retail Vending Cart location on the east side of Peachtree Street between Martin Luther King Jr. Drive and Mitchell Street;

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

vi. One Food Vending Cart 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 Food Vending Cart 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 Food Vending Cart 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);

ix. One Retail Vending Cart location on the west side of Peachtree Street between Martin Luther KingJr. Drive and Alabama St;

x. One Food Vending Cart location on the southwest corner of West Peachtree and Pine Street NE.

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.

(2) Phase 2:

a. 13 Downtown Vending Cart locations:

i. One Food Vending Cart *or* Retail Vending Cart location at the southeast corner of Wall St. SW at Peachtree St. NW;

ii. One Retail Vending Cart location on the west side of Broad St. NW, near the southwest corner with Walton St. NW;

iii. One Retail Vending Cart location on the north side of Walton St. NW, near the northeast corner with Broad St. NW;

iv. One Food Vending Cart location at the southwest corner with Spring St. NW, adjacent to Walton Spring Park;

v. One Retail Vending Cart location at the southwest corner with Spring St. NW, adjacent to Walton Spring Park;

vi. One Food Vending Cart *or* Retail Vending Cart location at the southwest corner with Andrew Young International Blvd. NW;

vii. One Retail Vending Cart location at the northwest corner with Marietta St;

viii. One Retail Vending Cart location at the southwest corner with Marietta St;

ix. One Retail Vending Cart *or* Food Vending Cart location at the northeast corner with Peachtree Center Ave. SE;

x. Two Food Vending Cart locations at the southwest corner with Central Ave. SW; and

xi. One Food Vending Cart *or* Retail Vending Cart location at the northwest corner with Piedmont Ave. SE; and

xii. One Food Vending Cart *or* Retail Vending Cart location at the northeast corner with Piedmont Ave SE.

b. 3 Hardy Ivy Park Food Vending Cart locations:

i. One Food Vending Cart location inside the circular hardscaped area of the park;

ii. One Food Vending Cart location inside the rectangular hardscaped portion of the park that contains a double row of trees; and

iii. One Food Vending Cart location adjacent to the southern entrance to the rectangular hardscaped portion of the park that contains the double row of trees.

(b) Valid Vendor Locations shall:

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

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

(4) Provide a minimum of 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.

(d) Valid Vendors authorized to vend in Valid Vendor Locations within City owned Parks are not subject to the Park Vending Fees listed in Section llO3 of the City of Atlanta Code of Ordinances.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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

AAR

Attachment: DOC31 (14-O-1203 : PUBLIC PROPERTY VENDING)

AN ORDINANCE BY

COUNCILMEMBER

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE XXIII OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING ON PUBLIC PROPERTY), IN ORDER TO AUTHORIZE PUBLIC PROPERTY VENDING IN SPECIFICALLY DESIGNATED CITY-OWNED PARKS, TO EXEMPT VALID PUBLIC PROPERTY VENDORS AUTHORIZED TO VEND IN VALID VENDOR LOCATIONS IN CITY-OWNED PARKS FROM PARK VENDING FEES; TO ADD 13 DOWNTOWN VENDING CART LOCATIONS AND 3 HARDY IVY PARK LOCATIONS; 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,** Section 30-1431 sets forth the pre-vetted list of Valid Vendor Locations where public property vending may take place; and

**WHEREAS,** it is the desire of the Atlanta City Council to amend section 30-1431 to authorize 13 additional downtown Vending Cart locations and 3 Food Vending Cart Locations in Hardy Ivy Park; and

**WHEREAS,** it is the desire of the Atlanta City Council that Valid Vendors who have been permitted pursuant to Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances, who are authorized to vend in City-owned Parks, and have thus, paid all fees associated therewith, not be subject to the Park Vending Fees contained in Section 110-3 of the City of Atlanta Code of Ordinances, such fees being applicable to persons vending in parks who are not Valid Vendors permitted in accordance with Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances.

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.

***Food Vending Cart*** **means a Vending Cart at which Prepared Food, Prepared Non-alcoholic Beverages, Pre-packaged Food and Non-alcoholic Pre-packaged Beverages may be offered for sale.**

*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 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 at which time the City determines 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~~ **and in specifically designated** city-owned parks. **Other than where specifically designated,** ~~V~~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.

***Retail Vending Cart*** **means a Vending Cart at which Items Permissive for Sale other than Prepared Food and Prepared Non-alcoholic Beverages may be offered for sale.**

*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, 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. 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 **designated either as a Food Vending Cart or a Retail Vending 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.

<u>Section 2:</u> That Chapter 30, Article XXIII, Division 2, Section 30-1431 of the City of Atlanta Code of Ordinances is hereby amended such that Section 30-1403 shall read as follows:

**Sec. 30-1431. - Location.**

(a) Valid Vendor Locations ~~shall be designated by the City and~~ **are designated by the City** as follows:

(1) Phase I:

a. 19 Kiosks.

b. **14**~~3~~ Downtown **Vending Cart** locations:

i. ~~Five~~ **Four Retail Vending Cart** locations on the east side of Lee Street south of Ralph David Abernathy Blvd;

ii. One **Retail Vending Cart** location on the southwest side of Washington St. and Mitchell St;

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

iv. ~~Two locations~~ **One Retail Vending Cart location** on the east side of Peachtree Street between Martin Luther King Jr. Drive and Mitchell Street;

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

vi. One **Food Vending Cart** 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 **Food Vending Cart** 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 **Food Vending Cart** 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)~~;

ix. **One Retail Vending Cart location on the west side of Peachtree Street between Martin Luther King Jr. Drive and Alabama St;**

x. **One Food Vending Cart location on the southwest corner of West Peachtree and Pine Street NE.**

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.

(2) Phase 2:

a. 13 Downtown Vending Cart locations:

i. One Food Vending Cart *or* Retail Vending Cart location at the southeast corner of Wall St. SW at Peachtree St. NW;

ii. One Retail Vending Cart location on the west side of Broad St. NW, near the southwest corner with Walton St. NW;

iii. One Retail Vending Cart location on the north side of Walton St. NW, near the northeast corner with Broad St. NW;

iv. One Food Vending Cart location at the southwest corner with Spring St. NW, adjacent to Walton Spring Park;

v. One Retail Vending Cart location at the southwest corner with Spring St. NW, adjacent to Walton Spring Park;

vi. One Food Vending Cart *or* Retail Vending Cart location at the southwest corner with Andrew Young International Blvd. NW;

vii. One Retail Vending Cart location at the northwest corner with Marietta St;

viii. One Retail Vending Cart location at the southwest corner with Marietta St;

ix. One Retail Vending Cart *or* Food Vending Cart location at the northeast corner with Peachtree Center Ave. SE;

x. Two Food Vending Cart locations at the southwest corner with Central Ave. SW; and

xi. One Food Vending Cart *or* Retail Vending Cart location at the northwest corner with Piedmont Ave. SE; and

xii. One Food Vending Cart *or* Retail Vending Cart location at the northeast corner with Piedmont Ave SE.

b. 3 Hardy Ivy Park Food Vending Cart locations:

i. One Food Vending Cart location inside the circular hardscaped area of the park;

ii. One Food Vending Cart location inside the rectangular hardscaped portion of the park that contains a double row of trees; and

iii. One Food Vending Cart location adjacent to the southern entrance to the rectangular hardscaped portion of the park that contains the double row of trees.

(b) Valid Vendor Locations shall:

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

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

(4) Provide a minimum of 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.

(d) **Valid Vendors authorized to vend in Valid Vendor Locations within City-owned Parks are not subject to the Park Vending Fees listed in Section 110-3 of the City of Atlanta Code of Ordinances.**

<u>Section 3:</u> That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

<u>Section 4:</u> This Ordinance shall become effective immediately upon its approval.

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AAR