



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1697

A SUBSTITUTE ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AS AMENDED BY THE ATLANTA CITY COUNCIL TO AMEND CHAPTER 30, ARTICLE XXIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES, (VENDING IN THE PUBLIC RIGHT-OF-WAY (PUBLIC PROPERTY VENDING), IN ORDER TO REMOVE KIOSKS FROM THE PUBLIC PROPERTY VENDING PROGRAM; TO PROVIDE FOR PREFERENTIAL CONSIDERATION FOR LEGACY KIOSK VENDORS IN THE ANTICIPATED UPCOMING REQUEST FOR PROPOSALS CONCERNING THE FUTURE USE OF THE KIOSKS; 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 are located at Chapter 30, Article XXIII of the City of Atlanta Code of Ordinances, (the Public Property Vending Code); and

WHEREAS, the City owns kiosks installed in the City’s right of way; and

WHEREAS, pursuant to the Public Property Vending Code, public property vending is authorized to take place within kiosks installed in the city’s right of way; and

WHEREAS, it is the desire of the City of Atlanta to increase its ability to develop innovative solutions for the use of the kiosk locations which both benefit small businesses and the citizens and visitors to the areas; and

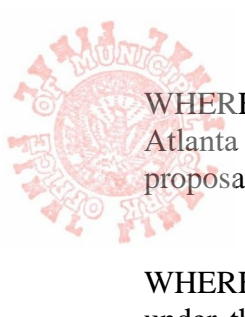
WHEREAS, in accordance with its power to license, regulate the use of and control public ways located in the City of Atlanta, the City of Atlanta desires to remove the kiosks from the Public Property Vending program; and

WHEREAS, the City desires to allow current kiosk operators, permitted in the 2020/2021 permit cycle, the opportunity to continue to vend at their permitted kiosk locations in accordance with the existing code through the 2023/2024 permit year, to facilitate a transition of the program; and

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WHEREAS, in anticipation of the close of the 2023/2024 permit year, it is the intention of the City of Atlanta to utilize the City's procurement process in order to publicly solicit certain requests for proposals concerning the future use of the kiosks; and

WHEREAS, in recognition of the unique and valuable experience kiosk operators permitted by the City under the current code would bring to any future program for the operation of the kiosks, the City desires to provide for preferential consideration for legacy kiosk vendors in the anticipated upcoming request for proposals concerning the future use of the kiosks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS:

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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

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:

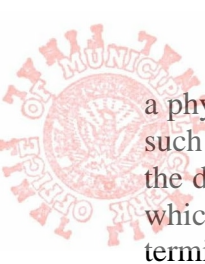
Assistant vendor means a person who assists a Vendor at the Vendor's assigned vending site.

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 either 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; or from spaces temporarily delineated, following the issuance of a weekly food truck vending pass pursuant to this article.

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peacetime 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.

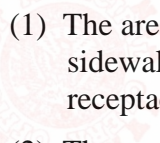
Lottery-type selection process means the process by which persons shall be selected to submit an application for a ~~vending cart or kiosk~~ valid vendor location. There shall be no consideration required for participation in the lottery-type selection process in which persons wishing to submit applications 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 ten percent 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:

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- (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;~~
- (32) 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 or 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 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 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.

Weekly food truck vending pass means the waterproof placard issued to food truck vendors wishing to vend in any non-metered designated food truck area during any particular week. Weekly food truck vending passes shall be issued by the city to food truck vendors on a first come, first served basis and shall expire at 12:00 a.m. of the Saturday of the week of issuance. Weekly food truck vending passes shall be no smaller than 8.5 × 11 inches, and shall clearly display:

- (1) The designated food truck area wherein they are operable; and
- (2) The dates during which they are operable.

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 30-1400 shall read as follows, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

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 15 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)~~ (j) 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.

- (~~H~~k) In designated food truck areas containing metered parking spaces, food trucks may only be open to and may only serve customers from the side of the truck facing the sidewalk, and 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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

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 motor vehicle, or shall locate directly outside the ~~kiosk~~ food truck, or motor vehicle 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 25-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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

Sec. 30-1405. - Aesthetic standards.

Vending is permitted from ~~kiosks~~, vending carts, food trucks, and motor vehicles in accordance with Section 30-1436 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 48 square feet (eight feet × 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;
- (h) Hitches attached to the cart must be removable and detached when in operation; and
- (i) If used, propane tanks must be enclosed.

SECTION 5: 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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

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 ten 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 ten percent 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 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. Persons 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 either to the parking restrictions contained in this article and Chapter 150, Article IV, Division 3; or to the issuance of a weekly food truck vending pass pursuant to this article, and shall not be entered into the lottery-type selection process.

SECTION 6: 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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

Sec. 30-1428. - Application.

- ~~(a) Except for persons who may submit applications for kiosk locations pursuant to section 30-1427(a), f~~ 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 section 30-1427.
 - e. A dimensional drawing that clearly shows the footprint and placement of the cart and the operating area.
 - f. The times during which the vendor 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 7: 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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

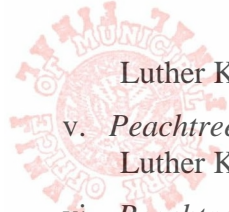
Sec. 30-1430. - Annual fees.

- (a) Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.
- (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 8: 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, (with permanent deletions in strikethrough font and permanent additions in bold underline font):

Sec. 30-1431. - Location.

- (a) Valid vendor locations are designated by the city as follows:
 - (1) *Phase 1:*
 - a. ~~19 Kiosks.~~ Reserved.
 - b. 13 Downtown vending cart locations:
 - i. *Lee Street:* Four retail vending cart locations on the east side of Lee Street south of Ralph David Abernathy Boulevard;
 - ii. *Washington Street:* One retail vending cart location on the southwest side of Washington Street and Mitchell Street;
 - iii. *Washington Street:* One retail vending cart location on the west side of Washington Street between Mitchell Street and Trinity Avenue;
 - iv. *Peachtree Street:* One retail vending cart location on the east side of Peachtree Street between Martin



Luther King Jr. Drive and Mitchell Street;

- v. *Peachtree Street*: One retail vending cart location on the west side of Peachtree Street between Martin Luther King Jr. Drive and Alabama Street;
- vi. *Peachtree Street*: One food vending cart location on the east side of Peachtree Street between Auburn Avenue and Edgewood Avenue;
- vii. *Peachtree Street*: One food vending cart location on Peachtree Street between Harris Street and Andrew Young International Boulevard;
- viii. *Broad Street*: One retail vending cart location on Broad Street SW between Martin Luther King Jr. Drive and Trinity Avenue;
- ix. *Baker Street*: One food vending cart location on the north side of Baker Street NW between Centennial Olympic Park Drive NW and Luckie Street NW;
- x. *West Peachtree Street*: One food vending cart location on the southwest corner of West Peachtree and Pine Street NE.

c. Government walk designated food truck area:

- i. *Central Avenue*: Four metered parking spaces (two food trucks) on the west side of Central Avenue between Trinity Ave and Mitchell Street.
- ii. *Mitchell Street*: Six metered parking spaces (three food trucks) on the south side of Mitchell Street between Central Avenue and Washington Street.
- iii. *Mitchell Street*: Six metered parking spaces (three food trucks) on the north side of Mitchell Street between Central Avenue and Washington Street.
- iv. *Mitchell Street*: Four metered parking spaces (two food trucks) on the south side of Mitchell Street between Pryor Street and Central Avenue.
- v. *Martin Luther King Jr. Drive*: Four metered parking spaces (two food trucks) on the south side of Martin Luther King Jr. Drive between Washington Street and Central Avenue.
- vi. *Pryor Street*: 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. *Pryor Street*: Four metered parking spaces (two food trucks) on the east side of Pryor Street between Mitchell Street and Trinity Avenue.
- viii. *Trinity Avenue*: Two metered parking spaces (one food truck) on the north side of Trinity Avenue 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. 12 Downtown vending cart locations:

- i. *Wall Street SW*: One food vending cart or retail vending cart location at the southeast corner of Wall Street SW at Peachtree Street NW;
- ii. *Broad Street NW*: One retail vending cart location on the west side of Broad Street NW, near the southwest corner with Walton Street NW;
- iii. *Walton Street NW*: One retail vending cart location on the north side of Walton Street NW, near the northeast corner with Broad Street NW;

- iv. *Andrew Young International Boulevard NW*: One food vending cart location at the southwest corner with Spring Street NW, adjacent to Walton Spring Park;
 - v. *Andrew Young International Boulevard NW*: One retail vending cart location at the southwest corner with Spring Street NW, adjacent to Walton Spring Park;
 - vi. *Andrew Young International Boulevard NW*: One retail vending cart near the northwest corner with Peachtree Street, in the curb extension; and;
 - vii. *Andrew Young International Boulevard NW*: One retail vending cart or food vending cart near the southwest corner with Peachtree Street, in the curb extension; and;
 - viii. *Edgewood Avenue SE*: One retail vending cart or food vending cart location at the northeast corner with Peachtree Center Avenue SE;
 - ix. *Decatur Street SE*: Two food vending cart locations at the southwest corner with Central Avenue SW; and
 - x. *Decatur Street SE*: One food vending cart or retail vending cart location at the northwest corner with Piedmont Avenue SE;
 - xi. *Decatur Street SE*: One food vending cart or retail vending cart location at the northeast corner with Piedmont Avenue SE; and
 - xii. *Andrew Young International Boulevard NW*: One food vending cart location in the street furniture zone on the south side of the street between Centennial Olympic Park Drive and Williams Street at a minimum distance of 30 feet from each street corner.
- 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.
- c. Broad Street Plaza designated food truck area:
- i. *Broad Street Plaza*: Eight temporarily delineated spaces located within Broad Street Plaza at 12 Broad Street NW, Atlanta, GA 30303, and located between the Five Points Marta Station and Marietta Street NW.
- d. Broad Street Arcade designated food truck area:
- i. *Broad Street SW*: Four metered parking spaces (two food trucks) on the east side of Broad Street SW between Martin Luther King Jr. Drive SW and Mitchell Street SW. Food trucks operating from this designated food truck area may operate from more than one-third of the metered parking spaces on Broad Street SW.
- (b) Valid vendor locations shall:
- (1) With the exception of food trucks vending within designated food truck areas, not be within 15 feet of street intersections or pedestrian crosswalks or 15 feet of building entrances/exits or within 50 feet of hotels/motels;
 - (2) With the exception of food trucks vending within designated food truck areas, not be within 15 feet of other valid vendor locations;
 - (3) With the exception of food trucks vending within the Broad Street Plaza designated food truck area, 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 15 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) (1) Within designated food truck areas containing metered parking spaces, 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, except as otherwise stated in this article.
- (2) 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.
- (e) Vending in the Broad Street Plaza designated food truck area is authorized on Fridays only.
- (f) Valid food truck vendors vending in the Broad Street Plaza designated food truck area must clearly display a weekly food truck vending pass issued by the City of Atlanta on their food trucks during the hours of operation. Weekly food truck vending passes shall be issued on a first served basis, and upon the payment of a \$68.00 fee. Weekly food truck vending passes shall expire at 12:00 a.m. of the Saturday of the week of issuance.

SECTION 9: All vendor permits issued for kiosk locations prior to December 31, 2020 shall remain in effect through the remainder of the term for which they were issued in accordance with the provisions of Chapter 30, Article XXIII of the City of Atlanta Code as they read and existed prior to the effective date of amendments reflected in this Ordinance. A vendor holding a valid vendor permit for a kiosk location issued prior to December 31, 2020 (“Eligible Vendor”) may renew such permit for the 2021/2022, 2022/2023, and 2023/2024 vending permit years pursuant to the terms of Chapter 30, Article XXIII as they read and existed prior to the effective date of amendments reflected in this Ordinance. Should an Eligible Vendor fail to renew their permit issued for a kiosk location on or before the March 1 deadline provide in City Code § 30-1429(a) for either the 2021/2022, 2022/2023, or the 2023/2024 permit years, such vendor shall have no further right to renew such permits and shall have no further right to vend from the kiosk. Beginning March 1, 2023, the City shall accept no further renewal applications for permits to vend at a kiosk location in accordance with the provisions of Chapter 30, Article XXIII of the City of Atlanta Code. Except as specifically provided herein, upon approval of this Ordinance, the City shall accept no further applications for vendor permits for a kiosk location.

SECTION 10: In recognition of the unique and valuable experience kiosk operators permitted by the City under the current code would bring to any future program for the operation of the kiosks, Eligible Vendors holding a valid permit for a kiosk location through the 2023/2024 permit year, shall be entitled to have 40 points added to their score out of 100 total points when evaluated in the anticipated Request for Proposals for new the kiosk program and when applying to retain their existing kiosk location.

SECTION 11: Except as provided herein, that the amendments reflected in this Ordinance shall become effective immediately upon approval. Specifically, the provisions of Chapter 30, Article XXIII as they read and existed prior to the amendments reflected in this Ordinance shall remain in effect as applicable to Eligible Vendors as described in Section 9 of this Ordinance.



SECTION 12: That all ordinances or parts thereof in conflict with this ordinance are hereby waived to the extent of the conflict.

SECTION 13: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 30, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.



A true copy,

Foris Webb III
Municipal Clerk

ADOPTED *as amended* by the Atlanta City Council
APPROVED per City Charter Section 2-403

JAN 19, 2021
JAN 28, 2021