City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

**02- 0 -0591**

AN ORDINANCE TO AMEND THE 1982 CITY OF ATLANTA ZONING ORDINANCE, AS AMENDED, SO AS TO AMEND SECTION 16-28.008(10) SO AS TO PERMIT A VENDOR PERMITTED TO CONDUCT BUSINESS ON A SPECIFIC PARCEL OF PROPERTY TO CONDUCT BUSINESS AT THAT LOCATION INDEFINITELY.

**WHEREAS**, the City of Atlanta has an interest in regulating vending on private property; and

**WHEREAS**, the Atlanta City Code currently prohibits a permitted vendor from conducting business on specific parcel of private property beyond one year; and

**WHEREAS**, the necessity of said prohibition no longer exists; and

**WHEREAS**, the prohibition has created a hardship for vendors; and

**WHEREAS**, the City of Atlanta does not wish to cause unnecessary harm to vendors or impede commerce; and

**WHEREAS**, by virtue of Ordinance 02-0-0169, adopted by City Council February 4, 2002 and approved by the Mayor February 12, 2002, the City Council has previously amended related sections of the City Code to facilitate this amendment of the City's Zoning Ordinance;

Now, therefore, be it ordained by the Council of the City of Atlanta, Georgia as follows:

**SECTION 1. That Section 16-28.008 (10) which currently states:**

(10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:

(a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.

(b) They must have a valid city business license unless otherwise excepted by city ordinance.

(c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.

(d) The business may not be conducted within the required front and side setbacks required by the zoning district in which the business is operated.

(e) Such business shall not be conducted on or from vacant lots.

(f) The length of time that such vendors may remain on any private parcel of land shall be one (1) year.

**is amended by deleting said section and substituting in lieu thereof the following:**

(10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:

(a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.

(b) They must have a valid city business license unless otherwise exempted by city ordinance.

(c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.

(d) The business my not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.

(e) Such business shall not be conducted on or from vacant lots.

**SECTION 2:**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

CITY COUNCIL
ATLANTA, GEORGIA

REC'D MAR 21 2002

AN ORDINANCE BY

COUNCILMEMBER C. T. MARTIN

02-O-0169

**AN ORDINANCE TO AMEND SECTIONS 30-1485, 30-1491 AND 16-28.008(10) OF THE ATLANTA CITY CODE SO AS TO ALLOW A VENDOR PERMITTED TO CONDUCT BUSINESS ON A SPECIFIC PARCEL OF PRIVATE PROPERTY TO CONDUCT BUSINESS AT THAT LOCATION INDEFINITELY; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta has an interest in regulating vending on private property; and

**WHEREAS,** the Atlanta City Code currently prohibits a permitted vendor from conducting business on specific parcel of private property beyond one year; and

**WHEREAS,** the aforementioned prohibition was enacted as part of the City of Atlanta's preparation for the 1996 Summer Olympics; and

**WHEREAS,** the necessity of said prohibition no longer exists; and

**WHEREAS,** the prohibition has created a hardship for vendors; and

**WHEREAS,** the City of Atlanta does not wish to cause unnecessary harm to vendors or impede commerce;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:**

Section 30-1485 which currently states:

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. Pursuant to city Code section 16-28.008(10), the length of time that a vendor on private property may remain on such property shall be one year. A vendor permit for a private property vending location will be issued for a 45-day period and will expire on the 45th day. When the 45-day permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another 45-day period. After a vendor has been issued renewal permits to vend on the same parcel of land for one year, the vendor may no longer vend at such location and may not renew vending permits for such location. Each year, on the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a new initial application from and the appropriate initial permit fee.

(b) Vendors conducting a vending business out-of-doors on private property within any zoning district in which such activities are permitted by the city's zoning code, shall be regulated by the provisions of section 16-28.008(10).

(c) No applicant shall be issued more than one permit. Each vendor may have two assistants who shall first obtain assistant vendor permits from the police department licenses and permits unit. At no time shall more than three vendors or assistant vendors be present at the assigned vending location.

(d) Each vendor shall be responsible for the on-site activities of the vendor's assistants.

(e) After the initial permit fee for the first 45 days expires, vendors may present to the police department 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 fee as indicated in this subsection, the police department license and permits unit shall furnish the applicant with a renewal permit. Fees for renewal permits shall be $25.00 for merchandise, food and combination permits; $20.00 for services permits and $15.00 for assistant vendors.

(f) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the following data:

(1) Applicant's name and current address.

(2) Applicant's previous addresses within the last five years.

(3) Social security number.

(4) Vending location sought, including exact location on such property.

(5) Size of the proposed vending station, if applicable, i.e., length, width, and height.

(6) Names of proposed assistant vendors.

(7) The exact times during which the vendor intends to vend on the proposed property.

(8) City business license.

***is amended by deleting said section and substituting in lieu thereof the following:***

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. A vendor permit for a private property vending location will be issued for a one year period. Each year, no later than 30 days prior to the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a renewal application form and the appropriate permit fee.

(b) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the following data:

(1) Applicant's name and current address.

(2) Applicant's previous addresses within the last five years.

(3) Social security number.

(4) Vending location sought, including exact location on such property.

(5) Size of the proposed vending station, if applicable, i.e., length, width, and height.

(6) Names of proposed assistant vendors.

(7) The exact times during which the vendor intends to vend on the proposed property.

(8) City business license.

(c) 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 fee as indicated in section 30-1486, the police department license and permits unit shall furnish the applicant with a renewal permit.

(d) No applicant shall be issued more than one permit.

**SECTION 2:**

Section 30-1491 which currently states:

Every person authorized to vend under this article shall:

(1) Comply with all laws and regulations applicable to the operation of a vending business;

(2) Refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked; and

(3) Surrender the vendor permit promptly to the police department's license and permit section upon its expiration, or upon revocation or suspension.

***is amended by deleting said section and substituting in lieu thereof the following:***

Every person authorized to vend under this article shall:

(1) A vendor shall comply with all laws and regulations applicable to the operation of a vending business;

(2) A vendor shall refrain from engaging in any vending business after the expiration of the vendor permit and during any period when it has been suspended or revoked;

(3) A vendor shall surrender the vendor permit promptly to the police department's license and permit section upon its expiration, or upon revocation or suspension.

(4) A vendor shall have no more than two assistants who shall first obtain assistant vendor permits from the police department licenses and permits unit. At no time shall more than three vendors or assistant vendors present at the assigned vending location.

(5) A vendor conducting a vending business out-of-doors on private property within any zoning district in which such activities are permitted by the city's zoning code, shall be regulated by the provisions of section 16-28.008(10).

(6) A vendor shall be responsible for the on-site activities of the vendor's assistants.

**SECTION 3:**

Section 16-28.008(10) which currently states:

(10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:

(a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.

(b) They must have a valid city business license unless otherwise exempted by city ordinance.

(c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.

(d) The business may not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.

(e) Such business shall not be conducted on or from vacant lots.

(f) The length of time that such vendors may remain on any private parcel of land shall be one (1) year.

***is amended by deleting said section and substituting in lieu thereof the following:***

(10) Peddlers and itinerant vendors: Peddlers and itinerant vendors conducting business out-of-doors on private property may conduct such business only in compliance with the following:

(a) They must have the written expressed consent of the owner to use the business property on which they propose to operate.

(b) They must have a valid city business license unless otherwise exempted by city ordinance.

(c) The business use must be a use that is otherwise allowed within the zoning district in which the peddlers or itinerant vendors operate the business.

(d) The business may not be conducted within the required front and side yard setbacks required by the zoning district in which the business is operated.

(e) Such business shall not be conducted on or from vacant lots.

**SECTION IV:**

That all ordinances or parts or ordinances in conflict herewith are hereby repealed.

A true copy,

Deputy Clerk

**ADOPTED** by the Council FEB 04, 2002
**APPROVED** by the Mayor FEB 12, 2002