

**CITY OF ATLANTA
GEORGIA**

**ORDINANCE
20-O-1696**

A SUBSTITUTE ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND THE PUBLIC PROPERTY VENDING CODE TO PROVIDE A PROCESS FOR ESTABLISHING AND REMOVING DESIGNATED FOOD TRUCK AREAS AND THE ACCOMPANYING CRITERIA; TO PROMOTE OPPORTUNITIES FOR SMALL BUSINESSES AND AN INCREASE IN FOOD ACCESS FOR UNDERSERVED AREAS OF THE CITY; 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 Public Property Vending Code authorizes food trucks to vend in the city’s on-street right of way in designated food truck areas; and

WHEREAS, the city’s on-street right-of-way designated food truck areas are limited to a four square block area in downtown, “Government Walk”; and

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

WHEREAS, it is the desire of the City of Atlanta to provide an additional amenity for pedestrians, residents and visitors; and

WHEREAS, it is the desire of the City of Atlanta to provide more options in underserved neighborhoods with limited prepared food availability; and

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

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

WHEREAS, it is the desire of the City of Atlanta to increase the city's on-street right-of-way designated food truck areas beyond "Government Walk"; and

WHEREAS, it is the desire of the City of Atlanta to authorize an administrative process for adding additional on-street right-of-way designated food truck areas; and

WHEREAS, an administrative process will provide greater flexibility, transparency, efficiency and community engagement in the designation of new on-street right-of-way food truck areas.

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

SECTION 1: Chapter 30, Article XXIII, Division 1, Section 30-1400 of the City of Atlanta Code of Ordinances is hereby amended such that the definition of "designated food truck area" shall read as follows with permanent deletions in strikethrough font and permanent additions in underline font:

~~*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.~~

Designated food truck area means a geographic area designated by the authority of the Commissioner of the Department of City Planning as granted by this article, wherein permitted food truck vendors may vend.

SECTION 2: Chapter 30, Article XXIII, Division 1, Section 30-1400 of the City of Atlanta Code of Ordinances is hereby amended to remove the definition of "weekly food truck vending pass" as follows with permanent deletions in strikethrough font:

~~*Weekly food truck vending pass* means the waterproof placard issued to food truck vendors wishing 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 3: Chapter 30, Article XXIII, Division 1, Section 30-1400 of the City of Atlanta Code of Ordinances is hereby amended such that the definition of “valid vendor location” shall read as follows with permanent deletions in strikethrough font:

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.

SECTION 4: Chapter 30, Article XXIII, Division 1, Section 30-1403, subsection (a) of the City of Atlanta Code of Ordinances is hereby amended such that subsection (a) shall read as follows with permanent additions in underline font:

- (a) Hours of operation shall be 7:00 a.m. to 12:00 a.m. or as established by the Commissioner the Department of City Planning in accordance with Section 30-1431 and designated by signage in designated food truck areas.

SECTION 5: Chapter 30, Article XXIII, Division 2, Section 30-1426, subsection (b) of the City of Atlanta Code of Ordinances is hereby amended such that subsection (b) shall read as follows with permanent deletions in strikethrough font and permanent additions in underline font:

- (b) Except for vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles as prescribed in Section 30-1436 and food truck vendors operating in designated food truck areas, public property vending shall be permitted only on the location ~~or designated food truck area~~ stated on the permit. This permit requirement is in addition to any general business license required or other special permission requirement.

SECTION 6: Chapter 30, Article XXIII, Division 2, Section 30-1427, subsection (h) of the City of Atlanta Code of Ordinances is hereby amended to read as follows with permanent deletions in strikethrough font:

- (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, or to those contained in 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 7: Chapter 30, Article XXIII, Division 2, Section 30-1431 subsection (a)(1)(c) of the City of Atlanta Code of Ordinances is hereby removed with permanent deletions in strikethrough font as follows:

- e. ~~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.~~

SECTION 8: Chapter 30, Article XXIII, Division 2, Section 30-1431, subsection (a)(2), subparagraph (c) of the City of Atlanta Code of Ordinances is hereby amended to remove subparagraph (c) as follows with permanent deletions in strikethrough font:

e. ~~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.~~

SECTION 9: Chapter 30, Article XXIII, Division 2, Section 30-1431, subsection (a)(2), subparagraph (d) of the City of Atlanta Code of Ordinances is hereby amended to remove subparagraph (d) as follows with permanent deletions in strikethrough font:

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.~~

SECTION 10: Chapter 30, Article XXIII, Division 2, Section 30-1431, subsection (a) of the City of Atlanta Code of Ordinances is hereby amended to add paragraph (a)(3) to be entitled “Designated Food Truck Areas” as follows with permanent additions in underlined font:

(3) Designated Food Truck Areas

a. The Commissioner of the Department of City Planning shall be hereby authorized to administratively establish and remove designated food truck areas, to establish hours of operation for each designated food truck area, and to implement administrative rules to designate food truck areas. Designated food truck areas shall be established in accordance with the following criteria including, but not limited to:

- i. There are no parking restrictions that conflict with food truck vending including, but not limited to loading zones, no parking signs and no stopping signs;
- ii. The proposed location is permitted within all zoning classifications except for a single-family or two-family residential zoning district. Designated food truck areas must be at least 200 feet from any single-family or two-family residential zoning district;
- iii. The proposed location may be in the right-of-way adjacent to all City of Atlanta parks, regardless of zoning classification;
- iv. The proposed location may be in the right-of-way adjacent to all MARTA rail stations, regardless of zoning classification;
- v. The proposed location must allow for sufficient area for food truck parking;
- vi. There is at least five available feet of pedestrian space between the sidewalk curb and any building exterior doors to allow for pedestrian passage;
- vii. The proposed location is on a City of Atlanta owned street; and
- viii. The proposed location complies with any other applicable governmental parking restrictions.

b. The Department of City Planning shall provide a public notice of at least 14 days for the establishment of, or 60 days for the removal of, a designated food truck area. Upon the establishment of a designated food truck area by the Commissioner of the Department of City Planning, the Department of Transportation shall post signage at the location indicating food trucks as a permissible use and the permissible hours of operation.

SECTION 11: Chapter 30, Article XXIII, Division 2, Section 30-1431, subsections (b),(c),(d),(e), and (f) of the City of Atlanta Code of Ordinances are hereby amended as follows with permanent deletions in strikethrough font and permanent additions in underline font:

- (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 areas, 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; ~~and~~
 - (7) Comply with any other applicable governmental parking restrictions.
- (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.~~
- (1) 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 12: All ordinances and parts of ordinances in conflict herewith are hereby waived only to the extent of the conflict.

SECTION 13: This ordinance shall be effective immediately upon approval.

SECTION 14: 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.