



Vending in the Public Right of Way: Vendor Briefing

November 14, 2013



Policy overview: City's right of way vending policy

Program Policy Objectives:

- Serve and protect the health, safety and welfare of the general public;
- Provide an amenity for pedestrians, residents, and visitors
- Establish a uniform set of rules and regulations related to vending in the public right of way which are fair and equitable;
- Enhance the overall appearance and environment along public streets, pedestrian ways and other public properties;
- Provide economic development opportunities for small entrepreneurs in the city; and
- Promote stable vendors who will enrich the city's ambiance and who will be assets to public security



Phase I proposed street vending policy executive summary

- In an effort to craft a more thoughtful and effective vending policy to address vending in the City's right of way, the recommendations for a new ordinance are based upon best practice research
- The recommendations are based on national best practices, public safety goals of the administration, and are crafted to improve customer service to our citizens
- In this first phase, the city has identified 19 kiosk locations and 12 additional locations where vending will be permitted
- The recommendations identify parameters within a number of specific policy lenses, including:
 - **Items allowable for sale**
 - **Appearance**
 - **Cost and administration**
 - **Locations**
 - **Enforcement**



Policy proposal details



Proposed street vending policy: items permissible for sale

Key terms	Rationale
<p>1. <u>Tourist or traveler convenience items:</u></p> <ul style="list-style-type: none"> • Weather-related supplies: umbrellas, scarves, hats, gloves, ponchos • Convenience toiletries such as toothpaste, toothbrushes, hand soap, etc. • Over-the-counter medicines such as aspirin, ibuprofen, antacid, etc. • Cellphone accessories such as chargers, batteries, minute cards, etc. • 3rd-party produced souvenirs that celebrate Atlanta landmarks, institutions, or other city icons 	<ul style="list-style-type: none"> • Improves service to citizens and visitors
<p>2. <u>Third Party published, non-explicit materials:</u> periodicals, newspapers, maps</p>	<ul style="list-style-type: none"> • Provides standard citizen and visitor service
<p>3. <u>Non-alcoholic Beverages</u> – water and other beverages, plastic or aluminum sealed single serve containers (no glass)</p>	<ul style="list-style-type: none"> • Provides standard citizen and visitor service • Products limited to plastic and aluminum to prevent breakage and support City’s recycling goals • Eliminates need for Department of Health oversight
<p>4. <u>Foods:</u></p> <ul style="list-style-type: none"> • Single serve sealed package foods (candy, popsicles, chips/bagged snacks); • Foods that need to be heated on site (hot dogs, pretzels, coffee, etc) 	<ul style="list-style-type: none"> • Initial policy focuses foods that can be vended from a cart that meets appearance guidelines; follow on policy will provide for vending from a Food Truck • Vendor must ensure that they are in compliance with any Fulton County Health Dept. regulations
<p>5. <u>Spirit Merchandise</u></p> <ul style="list-style-type: none"> • Licensed brand merchandise or merchandise branded with Atlanta, sport teams, or iconic Atlanta institutions • Must obtain full approvals of organization for merchandise sold; proof of agreement will be required at time of permitting and must be maintained on site at vending location • Allowable merchandise limited to: shirts, hats, scarves, gloves 	<ul style="list-style-type: none"> • Prevents counterfeit items from being sold • Promotes city spirit
<p>6. <u>Cut Flowers, single-stem or bunched</u></p>	<ul style="list-style-type: none"> • National best practice
<p>7. <u>Seasonal and Holiday items</u></p>	<ul style="list-style-type: none"> • Provides popular citizen and visitor service • Promotes city spirit



Proposed street vending policy: appearance

Key terms	Rationale
Appearance	
<p>1. Vending will be permitted only from official kiosks and carts that meet standards outlined in this ordinance*. Other than in official kiosks, vending will be prohibited from tables, semi-permanent or permanent structures <i>*Possibly requires a change to the private property vending ordinance</i></p>	<ul style="list-style-type: none"> • Helps ensure consistent enforcement • Enhances attractiveness of pedestrian environment through consistent look and feel • Increases mobility of vending equipment; important given prohibition of semi-permanent and permanent structures • Increases public safety
<p>2. All carts/signage must publicly display valid permit and applicable licenses</p>	<ul style="list-style-type: none"> • Assures public that vendor has been vetted and is allowed to vend; • Allows for easier enforcement by APD
<p>3. A dimensional drawing that makes clear the footprint and placement of the cart must be included in the permit application, and is subject to approval by City <i>prior</i> to permit issuance. (For existing vending devices, 5" x 7" color photos may be provided in addition to the above-described drawing.)</p>	<ul style="list-style-type: none"> • Enhances attractiveness of pedestrian environment; • Ensures use of good composition, quality materials, and design • Improves City's ability to enforce vending policies and ensure proper pedestrian environment



Proposed street vending policy: appearance, continued

Key terms	Rationale
<p>Appearance, continued</p>	
<p>4. All items must be sold from vending cart; specific size requirements and standard design for all carts are as follows:</p> <ul style="list-style-type: none"> • Operating area shall not exceed 28 square feet of sidewalk , including the area of the vending cart, and, when externally located, the operator and trash receptacle; • Length of the cart shall not exceed seven ft, width shall not exceed 4 ft and height - excluding canopies, umbrellas, or transparent enclosures - shall not exceed five feet; • Umbrellas or canopies shall have a minimum clearance of seven feet and a maximum height of nine feet six inches above the sidewalk; • Umbrellas or canopies not to exceed forty-eight square feet (8 ft by 6 ft); • All carts must be mobile, and able to roll on wheels; • Design, materials ,and colors are to be of high quality (natural wood or metal products) and considerate of the immediate surroundings of the proposed location; • Materials must be in a good state of repair (working order, no peeling paint, no visible defects or areas requiring maintenance); • Wheels located under the cart are preferred (such as casters), projecting wheels must have fenders; • Hitches attached to cart must be removable and detached when in operation; • If used, propane tanks should be enclosed 	<ul style="list-style-type: none"> • Modeled after Portland, OR ordinance (best practice) • Enhances attractiveness of pedestrian environment; • Ensures use of good composition, quality materials, and design • Allows for greater mobility, which improves safety and supports enforcement • Ensures consistent and equitable space utilization



Proposed street vending policy: cost and administration guidelines

Key terms	Rationale
Cost and Administration	
1. Permitting will be issued by the Office of Revenue; one primary point of entry for all customers requiring permits	<ul style="list-style-type: none"> • Provides for a primary point of contact for permitting with the City; streamlines process • Allows city to accept payment through consolidated system
2. Permit Application fees \$75/permit for all vending locations*; \$50 background check fee and \$20 finger printing fee; additional maintenance fee of \$2,500/year required for kiosk locations <i>* Per State law, disabled veterans, able to provide proof of status, will be exempt from application fees</i>	<ul style="list-style-type: none"> • Application fees will cover permitting function • Permit Fees incorporate all administrative and enforcement costs • Fees for Kiosks will incorporate cost to City of kiosk maintenance
3. Permits issued for specified vending location; vendor can hold multiple permits with total number of permits per vendor limited to no more than 10% of available vending locations	<ul style="list-style-type: none"> • Allows City to manage and maintain control over program through limits on number of vendors and locations; • Multiple permits for vendors provides additional business opportunity for vendors
4. All vendors required to have auditable point-of-sale system to track and report on sales revenue and appropriate taxation in compliance with State law <i>To be amended in private property vending policy to ensure regulatory alignment</i>	<ul style="list-style-type: none"> • Allows the City to fairly and consistently apply state law and reliably collect and account for tax revenues • New technologies provide a range of low cost POS options • New technology developments in POS systems have created several low cost options (lowest cost options are based on per transaction fee with no upfront costs; cost can be passed onto customer)



Proposed street vending policy: cost and administration guidelines

Key terms	Rationale
Cost and Administration, continued	
5. Permits to be re-issued for previous kiosk vendors in good standing	<ul style="list-style-type: none"> • Ensures that Vendors that were in kiosks and had built businesses in those locations are able to return to the previous locations
6. Permits offered for remaining Phase 1 locations on a lottery basis for each individual location; renewable each one year period; non-transferrable; applicants are required to list total desired number of locations on application with individual vendors limited to no more than 10% of available locations	<ul style="list-style-type: none"> • Ensures fairness in permitting process • Allows greater access for a larger number of small businesses
7. For kiosk locations only: City retains ownership of kiosk, including rights to advertise in kiosks; City manages all external maintenance which is covered by annual maintenance fees. Vendors will be provided access to breaker panels, etc., for self-maintenance if required	<ul style="list-style-type: none"> • Streamlines repair process, allows vendors to self-correct minor issues without having to interrupt business or wait on City response



Proposed street vending policy: locations

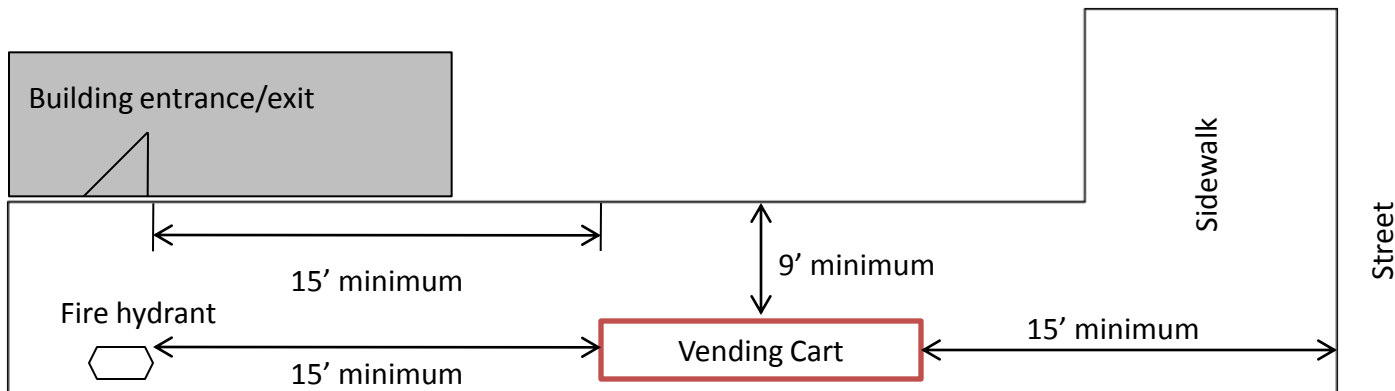
Key terms	Rationale
Locations*	
1. Vending will only be permitted in specific, defined locations <ul style="list-style-type: none"> • <i>Phase 1 locations include 19 City-owned Kiosks as well as 12 proposed locations in Downtown *</i> • <i>Phase 2 locations to include the Beltline and additional spaces established through assessment of City right-of-way space</i> • <i>City vending will not be permitted at MARTA locations (pending discussions with MARTA management)</i> 	<ul style="list-style-type: none"> • Phased approach helps City effectively manage and enforce program through roll-out • Defined locations allows City to maintain control over program • Allows for APD to locate vendors more easily to ensure compliance with regulations
2. No vending in general right of way between 12am-7am	<ul style="list-style-type: none"> • No change from prior vending ordinance • Promotes vendor/public safety

* See Appendix for a detailed list of proposed vending locations; locations being vetted by DPW



Proposed street vending policy: locations

Key terms	Rationale
<p>Locations*</p> <p>3. Distance requirements mirror requirements of private vending policy:</p> <ul style="list-style-type: none"> • Not w/in 15' of street intersection/pedestrian walkway or 15' of building entrance/exit or 50' of hotel/motel • Not w/in 15' of another vending locations • 1,500 feet of permanent business selling same or similar product • Minimum of 9' unobstructed pedestrian space • No vending location shall be within 15 feet of a fire hydrant • No vending location shall be within 600 feet of the closest property line of any public or private elementary, middle or high school • Vending operations shall not unduly obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise • A person engaged in food vending shall affix to the vending cart a receptacle for litter which shall be maintained and emptied regularly (not into City trashcans) 	<ul style="list-style-type: none"> • No change from prior vending ordinance • Provides for pedestrian and traffic safety • Minimizes affect on brick and mortar businesses



* See Appendix for a detailed list of proposed vending locations; locations being vetted by DPW



Proposed street vending policy: enforcement

Category	Rationale
Key terms	
1. The License & Permits Unit within APD, which handles the permitting process for a number of other trades, would be the primary unit responsible for inspecting/citing vendors as needed	<ul style="list-style-type: none"> • While permitting for vending will take place through the Office of Revenue, the License & Permits Unit within APD is best qualified to oversee inspections and the issuance of citations as a result of non-conformance to policy
2. For Phase 2, APD will also train its Path Force personnel on the vending legislation to allow Path Officers who are riding their bicycles on the Atlanta Beltline every day, to conduct inspections and issue citations as needed	<ul style="list-style-type: none"> • Due to the uniqueness of the Beltline – that being vehicular traffic is discouraged – Path Force officers are uniquely suited to enforce vending on the Atlanta Beltline
3. Failure to comply with any provisions of the ordinance that result in a the finding of a violation, will be penalized, as follows*: <ul style="list-style-type: none"> • First violation: fine of up to \$100 • Second violation: minimum fine of \$100, up to \$1000 and/or suspension, up to revocation of permit • Third violation within a 24 month period: revocation of permit 	<ul style="list-style-type: none"> • Penalties are structured to be in line with comparable city penalties • Provides for the ability of City to increase penalties for multiple offenders
4. Any appeals against APD enforcement will be managed through existing License Review Board procedures	<ul style="list-style-type: none"> • Follows existing processes to ensure smooth operations

* Permits may be suspended or revoked by APD for reasons listed in Ordinance Sec. 30-1489, which include: failure to maintain initial qualifications, fraud, misrepresentation or false statements contained in the application , or with the selling of any article, merchandise, produce or permissible food item



Application Requirements

Check List of Vending Application Requirements

To obtain a public right of way vending permit in the City of Atlanta, all vendors must provide the following information when submitting an application:

- Applicant name and current address
- Applicant previous addresses within the last five years
- Social security number
- Valid Vending location designated pursuant to Sec. 30-1427 of the Atlanta Code of Ordinances
- A dimensional drawing that clearly shows the footprint and placement of the cart and the Operating Area
- The exact times during which the Vendor intends to vend on the proposed property
- GDOR retail identification tax number (Sales Tax ID number)
- State issued picture identification
- City business license
- General description of the items permissible for sale to be sold or offered for sale at vending location
- Valid licensing agreement authorizing the Vendor to engage in sales of licensed branded merchandise (if applicable)



Payment Schedule

Vending Fees

Application fees	\$145/year
Permit application fee for vending from an approved cart or kiosk:	\$75/year
Criminal background check fee:	\$50/year
Fingerprint fee:	\$20/year
Maintenance fee for vending from a City of Atlanta kiosk:	\$2,500/year*

Payment Schedule

- All application fees, including permit, criminal background check and fingerprinting are due at the time an application is submitted
- Maintenance fees for kiosk locations are due at the time the permit is approved; 2013 fees will be prorated at a rate of \$6.85/day
- Vending permit year begins on March 1st; at that time all vendors must complete the renewal process and pay the associated application fees (\$145) and maintenance fees (\$2500)

** Only those businesses vending out of a City-owned kiosk are subject to maintenance fee in addition to fees associated with permit application, background check and finger printing.*



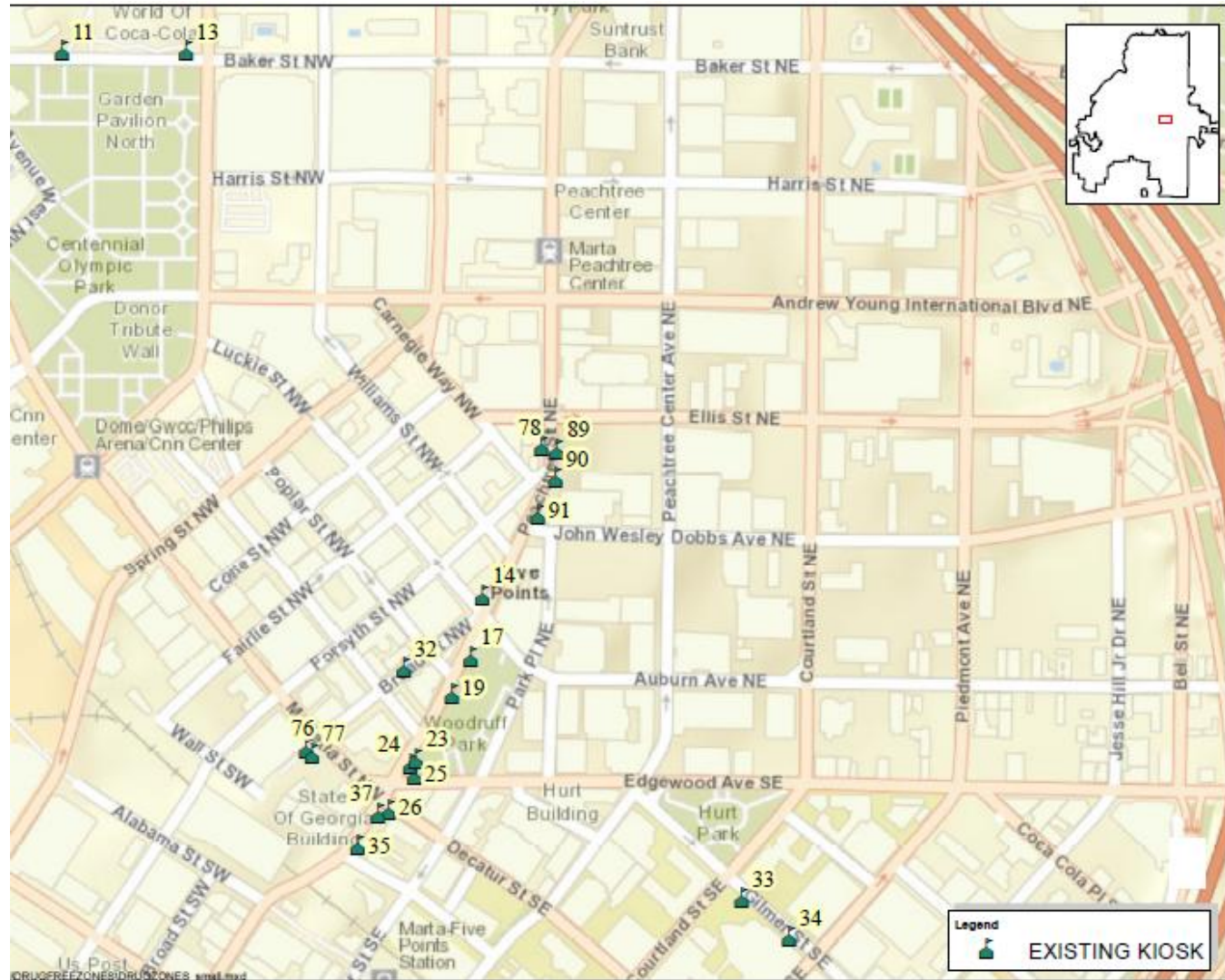
Phase I Location Details



Detailed list of *proposed* street vending locations Phase I: Kiosk locations (19)

19 Kiosk Locations

#	Location
11	World of Coke/Aquarium
13	World of Coke/Aquarium
14	Peachtree Street @Lucky
17	Woodruff Park
19	Woodruff Park
23	Woodruff Park
24	Woodruff Park
25	Woodruff Park
26	Peachtree & Decatur
32	Broad Street
33	GSU
34	GSU
35	Peachtree
37	Peachtree @ Decatur
76	Broad Street Plaza
77	Broad Street Plaza
78	Peachtree Center
90	GA Pacific
91	GA Pacific





Detailed list of possible street vending locations

Phase I: Downtown Vending Cart locations (10)

General Right of Way Locations: (10 locations)

West End:

Locations 7-1, 7-2, 7-3, 7-4 and 7-5. The east side of Lee Street south of Ralph David Abernathy Boulevard

Government Walk:

Location 8-3. The southwest side of Washington Street and Mitchell Street (one location).

Location 8-4. The west side of Washington Street between Mitchell Street and Trinity Avenue

Locations 8-5 and 8-6. The east side of Peachtree Street between Martin Luther King, Jr. Drive and Mitchell Street (two locations).

Location 8-9. Broad Street SW (between MLK Jr. Drive to Trinity Ave.)



Possible street vending locations pending City Council and public feedback



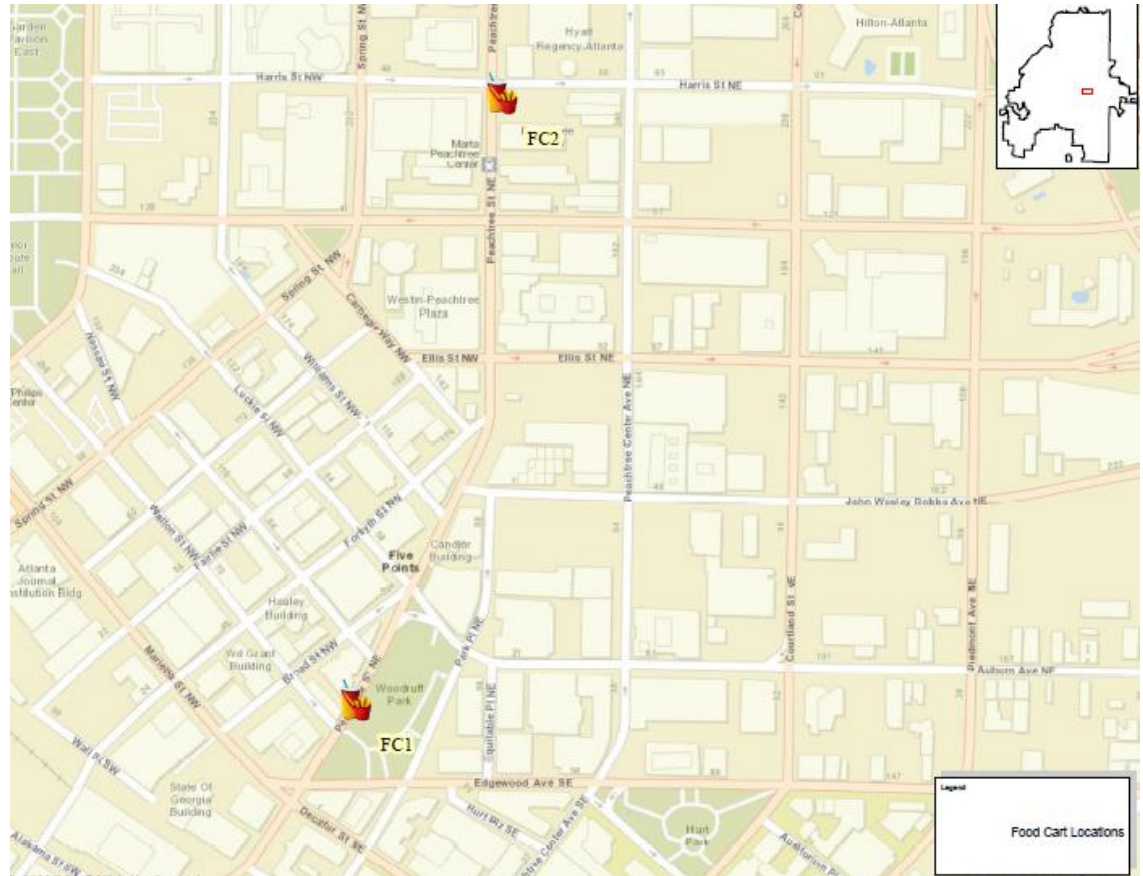
Detailed list of possible street vending locations

Phase I: Downtown Food Cart locations (2)

Food Cart/Hot Dog Locations: (2 locations)

Location FC1: Woodruff Park on the east side of Peachtree Street from Auburn Avenue to Edgewood Avenue

Location FC2: 240 Peachtree St at the Peachtree Center



Possible food cart or hot dog vending locations pending City Council and public feedback



Vending Cart Details



Known Cart Manufacturers

The City of Atlanta requires that permitted vendors operating in the public right of way vend from either official kiosks, or from vending carts. There are a number of cart manufacturers that are known to produce carts that fit the City's size and design requirements. They include:

ALL A CART Manufacturing, Inc.

2001 Courtright Road
Columbus, Ohio 43232
Nationwide: (800) 695-2278 x203
Mobile: (614) 832-2552
Fax: (614) 443-4248
Email: jjmorris@allacart.com
Web: <http://www.allacart.com>

Cart-King International Ltd

Phone: 1-877-986-7771
Email: info@cart-king.com
Web: <http://cart-king.com/>

Midway Stainless Fabricators

25 Montgomery St.
Hillside, NJ 07205
Phone: 908-624-9660
Fax: 908-624-9666
Web: www.midwaystainless.com
E-Mail: mikecurci@midwaystainless.com

FC Dadson in Partnership with GST Manufacturing, LTD*

4201 Janada Street
Haltom City, TX 76117
Phone: 817-520-2423 or 817-520-2320
Cell: 682-429-4014
Fax: 817-520-2323
Email: tmcgough@gstmanufacturing.com

** FC Dadson contracts with GST Manufacturing, LTD on all metal cart fabrication. To contact FC Dadson directly, please use the following details:*

Phone: 920-757-1486 Ext. 123
920-757-1493

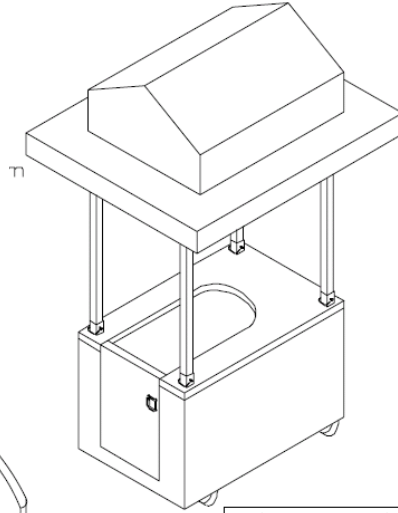
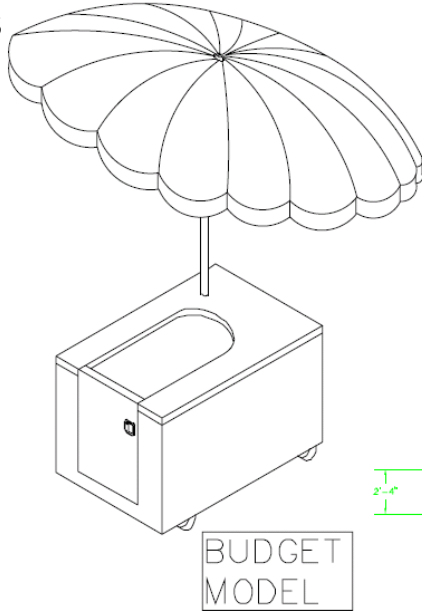


Selection of Pre-approved Vending Drawings

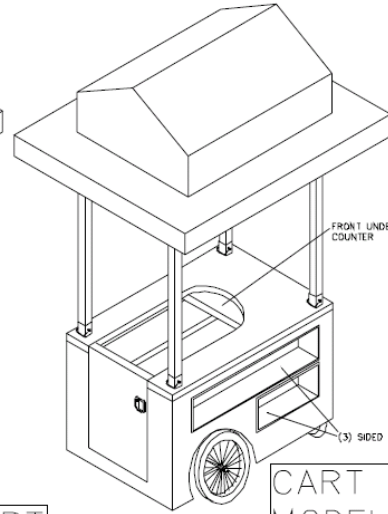
Option 1 of 2

Cart Details:

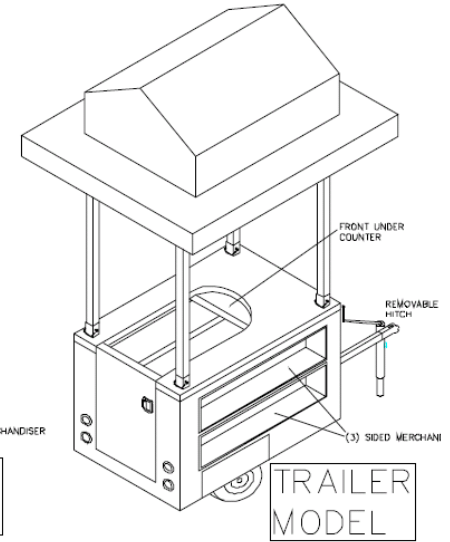
- All metal construction made of 304 stainless steel
- Retractable aluminum awning
- Non-corrosive materials
- Powder coat using standard colors



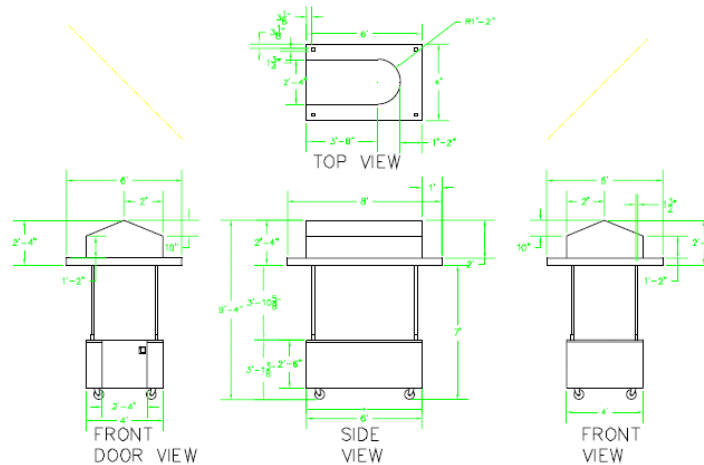
BASIC CART MODEL



CART MODEL



TRAILER MODEL



Cart Pricing:

- \$5400-7900 depending on model
- ~35% discount if carts are produced in China
- 1-2 month lead time for US produced carts
- 2-4 month lead time for China produced carts



Detailed Pricing for Option 1

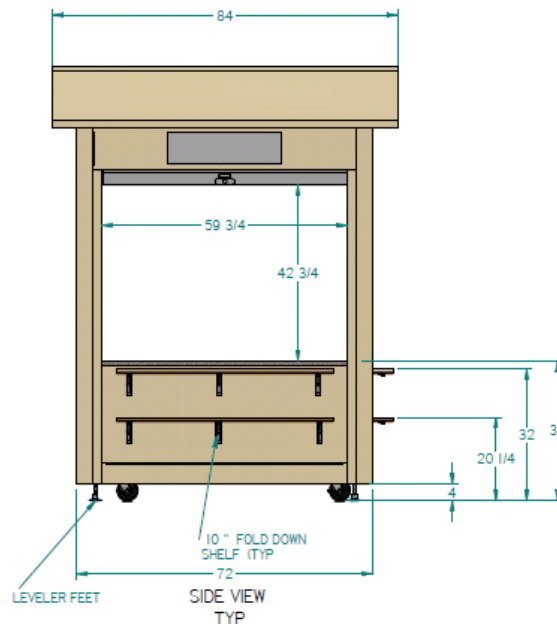
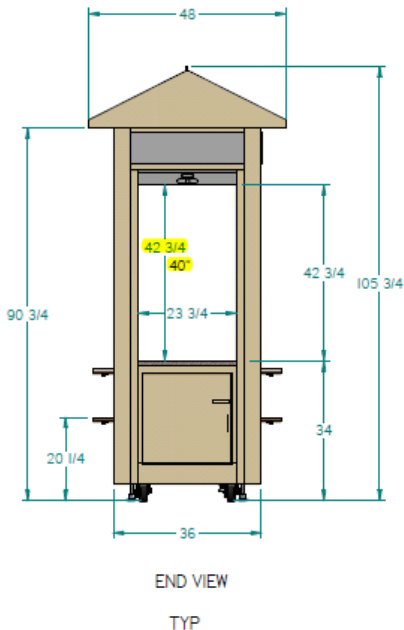
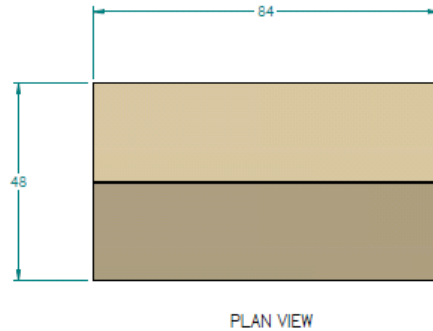
	Budget Model	Basic Model	Cart Model	Trailer Model
US Pricing	\$5,440	\$5,700	\$7,200	\$7,920
US Lead Time	1-2 months			
China Pricing	\$3,400	\$3,700	\$4,500	\$4,950
China Lead Time	2-4 months			



Selection of Pre-approved Vending Drawings

Option 2 of 2

PRELIMINARY CONCEPT
RENDERING



Cart Details:

- All metal construction including aluminum roof, stainless steel base, galvanized body with metal counter top
- Powder coat using standard colors
- Includes flip up shelves
- Casters

Pricing:

- \$6,400/cart for 10+ carts
- ~\$10,000/cart if individual carts purchased
- Shipping costs are \$3,500/trip; each trip can accommodate 7 carts
Single cart delivery based on individually negotiated price
- 2 Month Lead Time



Invest Atlanta Loan Program

Pending input from Invest
Atlanta

What is it?

The City of Atlanta (the “City”) and Invest Atlanta (Atlanta’s Development Authority) sponsor the Atlanta Street Vendor Loan Fund (ASVLF) Program. The ASVLF is designed to assist permitted street vendors in the City of Atlanta.

Details

Loans can be made for the purchase of vending carts for permitted vendors in the City of Atlanta.

Direct Loans:

The City may provide a direct loan to assist in the purchase of an applicable vending cart for permitted vendors in the City of Atlanta. The interest rate will be at 0% with a six month deferment, and the loan must be repaid on a monthly basis over a term not to exceed two years.

Direct loans to cover up to half of the cost of a vending cart are available.

Eligible Applicants


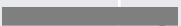
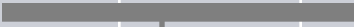



- Vendors with a valid City of Atlanta vendors permit
- Vendors who have no outstanding debts with the city
- Vendors matching portion must be at least a 1:1 ratio. Proof of expenses required.
- Vendors must complete an application

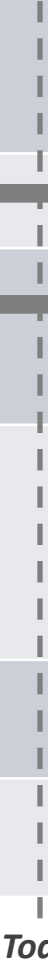
The Atlanta Street Vendor Loan Fund Program is made possible by the City through its General Funds. Loans will be provided until the funds have been depleted.

For more information, contact Invest Atlanta at 404 880-4100



Next Steps & Timeline

Task	Nov 4-8	Nov 11-15	Nov 18-22	Nov 25-29	Dec 2-6	Dec 9-13
Finalize ordinance and legislative requirements		Legislation signed by Mayor (11/4)				
Launch public-facing website	 Launched: www.atlantaga.gov/vending					
Structure the revolving loan fund to allow vendors to apply for cart financing						
Initial meeting with vendors explaining program, timing of permitting & new requirements (including cart mfgs and loan program details)		 Meeting scheduled for 11/14				
Finalize application process for kiosk vendors					 Kiosk 30 Day Deadline 12/4	
Lottery for remaining kiosks & vending locations					 Target 12/9	



Today