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## *Vending Machines*

### **Sec. 1. Purpose**

- 1) The purpose of this division is to establish standards for outdoor vending machines, promote safe and healthy practices for outdoor vending machines, minimize adverse effects of outdoor vending machines on surrounding properties and the community, and preserve the character of historic districts and residential areas.

### **Sec. 2. Applicability**

- 1) The requirements of this section shall only pertain to those vending machines that are located outside of the principal building(s).
- 2) It shall be unlawful for any owner or any occupant of any property within the City Limits of Ball Ground to place a vending machine thereon, contrary to the procedures and regulations established in this division, other provisions of the Ball Ground Code or Ordinances, or any applicable state law.
- 3) A permit shall be required to lawfully establish and maintain a vending machine. Properties receiving a permit shall comply with all applicable requirements of this division.
- 4) The allowance of vending machines pursuant to this division shall not prevent private enforcement of additional private restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. Ball Ground shall not be responsible for enforcement of such private restrictive covenants, agreements or arrangements.
- 5) The term "Vending Machine" is defined as: any self-service device offered for public use which, either offered to the public for free or upon insertion of a coin, coins, currency or token, or by other means of exchange, dispenses unit servings of food, beverages, articles, services or other products such as merchandise, lottery tickets and similar, either in bulk or package, without the necessity of replenishing the device between each vending operation.
  - a) In these regulations, the term "machine" shall be used to mean a "vending machine."
  - b) Common forms of a vending machine that are subject to the rules and requirements herein may include, but are not limited to, canned drink vending machines, bulk or bagged ice vending machines, packaged snack vending machines, real estate brochure boxes, and similar.
  - c) Not subject to the rules and requirements herein are the following: gasoline pumps, electric vehicle charging stations, convenience store coolers and/or cages, ATM's, non-profit or governmental uses, uses that are necessary to the primary use on the parcel, machines inside of the principal structure, and any other, similar uses that may be deemed exempt by the administrator or designee.

### **Sec. 3. General Requirements**

- 1) Location
  - a) All machines shall only be allowed within the Ball Ground/Canton Highway corridor.
    - i) The Ball Ground/Canton Highway corridor shall be defined as that area within 200', as measured by a straight-line distance, outward from the limits of the public right-of-way.
  - b) All machines shall be set back a minimum of 100 feet from the property line of any parcel of land with an occupied residence.

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- c) All machines shall only be allowed on a private parcel occupied by another principal building.
    - i) Such machines shall be located immediately adjacent to the other principal building as allowed by applicable building codes and ordinances.
  - d) All machines shall not be allowed within the boundaries of any local historic district.
  - e) All machines shall not impede pedestrian or vehicular traffic, or occupy parking spaces, drive aisles, greenspace, buffers or landscaped areas required for the principal building.
    - i) At least four (4) feet of walkway free of obstruction to allow for pedestrian movement shall be provided around such use.
  - f) All machines shall not be placed in locations that interfere with sight distance.
    - i) A sight distance diagram may be required at staff discretion to ensure that all precautions are made in the interest of pedestrian and vehicle safety.
  - g) Ice vending machines
    - i) An ice vending unit shall not be located within a 300-foot radius of an existing ice vending unit
    - ii) Only one (1) ice vending unit shall be allowed on any single parcel.
- 2) Size of Machine
- a) All machines shall occupy no more than 25 square feet of ground area per machine
  - b) All machines shall be no more than eleven (11) feet in height.
    - i) Machines more than four (4) feet tall shall not block any window.
  - c) The total width of all machines along a façade shall not be more than 10% of the length of such façade or 15 linear feet, whichever is less.
- 3) Signage
- a) Commercial, business-related or promotional signage on outdoor vending machines shall be limited to four (4) square feet on each side.
  - b) Official signage shall be provided in a conspicuous location on the machine
    - i) Official signage shall include the date of the most recent health/safety inspection, results of the most recent health/safety inspection, the City's issued permit approval number, and contact information for the party responsible for the maintenance, upkeep, healthy and safety of the machine.
    - ii) Official signage is no subject to sign dimension requirements as given herein
- 4) Security and Safety
- a) All machines shall be located in a well-lit location
    - i) If site and/or building lighting is to be added, a lighting plan shall be submitted at the time of application for review and approval by City staff.
      - (1) Lighting from machines or accompanying site/building lighting shall be provided in a manner that is typical to commercial lighting and not create a public nuisance by flashing, strobing or similar.
      - (2) No light trespass onto adjacent parcels shall be permitted
      - (3) A lighting plan shall include the locations of lights and photometric calculations.
  - b) Additional security measures such as cameras, posted notices, alarms and similar may be required at staff discretion.
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- i) Machines that experience recurrent, unaddressed security issues such as damage, theft, nuisances and/or any matters that require law enforcement attention are subject to revocation of the issued vending machine permit and/or possible citations
  - c) All relevant health and safety information, notices, scores, results, etc. must be placed on or immediately near the machine in a conspicuous location for public view.
- 5) Maintenance and Upkeep
- a) All machines shall be maintained in a clean and litter-free condition.
    - i) Staff has full discretion to require the placement of trash receptacle(s) in conjunction with the approval of a vending machine permit.
      - (1) Staff may also require the placement of trash receptacles after the issuance of a permit if it has been determined that the vending machine has directly contributed to litter issues in the immediate area.
  - b) All machines shall be constructed and maintained with durable sunproof, waterproof and rustproof material.
  - c) All machines shall be maintained in accordance with manufacturer's suggested guidelines
- 6) Development Standards
- a) A site plan shall be submitted for review at the time of application for vending machine permit
  - b) Such use shall provide a minimum of one (1) off-street parking space, in addition to the minimum amount of required parking spaces for the principal use and other uses requiring parking on the same parcel as the proposed vending machine.
    - i) Visitors to the machine, such as customers, maintenance workers and similar, may not park vehicles in the public right-of-way, on sidewalks or any other unapproved location to access the machine.
      - (1) The owner may be required to place "no parking" signage or other means to achieve compliance.

#### **Sec. 4. Permit Required**

- 1) *Vending machine permit required.* No person shall place or erect a vending machine, as defined in this division, without first obtaining a vending machine permit pursuant to the regulations contained herein. No permit issued under this division may be transferred or assigned or used by any person other than the person to whom it is issued, or at any location other than the location for which it is issued.
- 2) *Application for vending machine permit.*
  - a) *Application.* An owner of a property where a vending machine is proposed shall apply for a vending machine permit to the City of Ball Ground. Any false statements or information provided in the application are grounds for denial or revocation of a permit, including the denial of future applications. The application shall be furnished on a form specified by the City, accompanied by a non-refundable permit fee as established in the City's Fee Schedule. Such application shall include and meet the following requirements:
    - a. The name, address, telephone and email address of the owner(s) of record of the property. If such owner is not a natural person, the application shall identify all partners, officers and/or directors that hold more than 20 percent ownership of the property for which a permit is sought, including contact information to include address, telephone, and email address;
    - b. The address of the property where the vending machine is to be located;
    - c. The name, address, telephone number and email address of the 24-hour local contact person;

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- d. The owner's sworn acknowledgement they have reviewed all regulations of the City pertaining to the operation of a vending machine and understand the requirements for vending machines;
  - e. The number and location of parking spaces allotted to the property to be used for the vending machine. Required parking spaces must be located on the same property as the vending machine as off-site parking not owned by the vending machine owner/operator shall not be used to meet this requirement;
  - f. The owner's agreement to use his or her best efforts to assure that use of the property and the vending machine will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
  - g. Any other information that this division requires the owner to provide to the City as part of an application for a vending machine permit;
- b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:
- i) The vending machine owner(s)' agreement to abide by all of the requirements of this division, any other City ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
  - ii) A site plan showing the location of the machine, distances from the Ball Ground/Canton Highway right of way and from property lines, adjacent residential uses, parking, and other information as required to verify that the requirements of this section have been met.
  - iii) A copy of the applicant's valid and current drivers license or government ID card.
  - iv) A copy of the applicant's valid and current business license, if determined to be required by the City's Business License Administrator.
  - v) Payment of all fees
- c) *Review process.* The application for an initial permit shall be reviewed by the City of Ball Ground and issued or denied within seven business days.
- i) Any approval of an application and issuance of the vending machine permit shall include a unique identification number.
    - (1) The application or renewal may be denied if:
      - (a) The applicant has had any other vending machine permit within the unincorporated area of the City revoked or suspended within any 12-month period;
      - (b) The Property is not current on its property taxes;
      - (c) There is a history of complaints regarding the property or the owner or operator of the facility, as determined in the discretion of the director;
      - (d) The health department notifies the City of health concerns;
      - (e) The county marshal's office, the county sheriff's office, Cherokee County Fire Marshal, City of Ball Ground Police Department or The City of Ball Ground Building Official notify the City of code violations on the property;
      - (f) Private agreements prevent vending machines for the property; and/or
      - (g) Any other requirement of this division is not met.
    - (2) A decision to deny the permit shall be issued in writing. The denial decision may be appealed to the Ball Ground City Council by submitting a written appeal that details the grounds for the appeal to the director within 30 days of the date of the decision to deny the permit. A hearing on

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the appeal of the denial shall be conducted before the City Council, in accordance with the procedures set forth herein.

3) *Fees*

- a) The vending machine permit application shall be accompanied by an initial administration fee as adopted in the City of Ball Ground Fee Schedule
- b) The vending machine permit is not transferrable and should ownership of a property change or should the machine be moved to a new location, a new permit application shall be required.

4) *Penalties*

- a) Failure to comply with the rules and requirements herein may result in the denial of an application for a vending machine permit, revocation of an issued vending machine permit and/or possible citations for applicable code violations

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