



**A SUBSTITUTE ORDINANCE BY
THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III, (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION), TO ADD LOCATIONS WHERE MONETARY SOLICITATION IS PROHIBITED; AND FOR OTHER PURPOSES.

WHEREAS, monetary solicitation is the act of making an in-person request of another individual for an immediate distribution of money or anything of monetary value, where such act occurs on property owned or leased by the City of Atlanta (hereinafter, "**Monetary Solicitation**") which shall have the exact definition set forth in Atlanta Code of Ordinances Section 106-85(a)); and

WHEREAS, Monetary Solicitation requires that the person being solicited decide whether to contribute, and may involve a person reaching for a wallet, searching for money, writing a check, or producing a credit card; and

WHEREAS, Monetary Solicitation in the immediate vicinity of building entrances/exits and other congested locations can slow pedestrian traffic and disrupt the ability of patrons to access the buildings; and

WHEREAS, Monetary Solicitation can intimidate the person being solicited and lead to public safety risks when occurring in locations where an individual is stationary, including but not limited to at an automatic teller machine, at a parking lot pay box, at a parking pay station or kiosk, at a public transit platform or station, or in a stopped vehicle; and

WHEREAS, Monetary Solicitation is speech or expression protected by the First Amendment of the United States Constitution; and

WHEREAS, Federal law provides that, even in a public forum, the City of Atlanta (hereinafter, the "**City**") may enforce regulations of the time, place, and manner of expression, if the regulations 1) are content-neutral, 2) are narrowly tailored to serve a significant government interest, and 3) leave open ample alternative channels of communication, *see Smith v. City of Fort Lauderdale, Florida*, 177 F.3d 954, 956 (11th Cir. 1999); and

WHEREAS, Federal law provides specifically that the City may enforce such time, place and manner regulations on Monetary Solicitation to alleviate public safety, disruption and intimidation concerns; and

WHEREAS, an area located in Downtown Atlanta (hereinafter, the "**Tourist Triangle**" or the "**Restricted Monetary Solicitation Zone**", a map of which is attached hereto as **Exhibit A**) is an essential part of the Atlanta tourism experience as it includes many of the City's hotels and major attractions such as the College Football Hall of Fame, the Georgia Aquarium, the World of Coca Cola and the National Center



for Civil and Human Rights; and

WHEREAS, tourists frequently stop to review maps, observe sights and take pictures. Because they are often stationary, and because they are unfamiliar with their environment, tourists are more vulnerable to feeling intimidated by Monetary Solicitation, and safety risks in the Tourist Triangle are of particular concern to the City; and

WHEREAS, the City has determined that Monetary Solicitation within the Tourist Triangle adversely impacts tourism; and

WHEREAS, the City's interest in providing a safe and pleasant environment within the Tourist Triangle is a significant government interest; and

WHEREAS, it is the desire of the City of Atlanta to prohibit Monetary Solicitation within the Tourist Triangle in order to serve the City's interest in providing a safe and pleasant environment and alleviating disruptive and intimidating activity therein; and

WHEREAS, Monetary Solicitation that occurs on private property is already addressed through the State of Georgia's Criminal Trespass laws; and

WHEREAS, to the extent that this legislation prohibits Monetary Solicitation within a certain distance of a specific location, the prohibition applies only to that portion of the specified distance located on public property; and

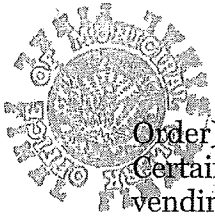
WHEREAS, the City has determined that it is in the best interest of the public safety and welfare of the citizens and visitors of the City of Atlanta to regulate the manner and location of Monetary Solicitation that occurs on public property; and

WHEREAS, an ordinance regulating Monetary Solicitation may be enforced based upon the observations of the victim. Pursuant to laws already in existence, enforcement may also occur based upon the observations of a witness to the prohibited conduct even where the victim is unwilling to press charges, except where the prohibited conduct is based upon the reasonable perception of the victim; and

WHEREAS, the City of Atlanta remains committed to a program of community outreach services for individuals in need of such support, including, without limitation, individuals who are homeless, have mental health diagnoses and/or addiction diagnoses. Such programming is implemented administratively. A Monetary Solicitation law applies uniformly to all citizens and is separate from services tailored to specific individuals.

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

SECTION 1. The Atlanta Code of Ordinances (hereinafter "**Code**") Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public



Order), Section 106-85 (Monetary Solicitation) subsection (b) (Monetary Solicitation in Certain Areas) number (9), which prohibits vending within 15 feet of a public property vending location, shall be amended to replace the words "vending site" and "vending business" with the terms "valid vendor location" and "vendor" respectively, pursuant to the amendments to Code Section 13-1401 implemented in November 2013 pursuant to Ordinance number 13-O-1339.

Code Section 106-85(b)(9) shall hereinafter read:

"Within 15 feet of any public property **"valid vendor location** vending site" where a **"vendor** ~~vending business~~" is operating in operation, as defined in the Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1401; or"

SECTION 2. Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Monetary Solicitation) subsection (b) (Monetary Solicitation in Certain Areas) of the Code shall be amended to add locations where Monetary Solicitation is prohibited, and specifically:

- 1) Subsection (b)(3) shall be modified to add a prohibition of Monetary Solicitation within 15 feet of an on-street parking pay station or kiosk;
- 2) Subsection (b)(5) shall be modified to add a prohibition of Monetary Solicitation in or on an Atlanta Streetcar vehicle, platform or station;
- 3) Subsection (b)(5) shall be modified to add a prohibition of Monetary Solicitation within 15 feet of the entrance or exit of a public transportation station located in an enclosed building; and
- 4) Subsection (b)(11) shall be added to prohibit Monetary Solicitation within the Restricted Monetary Solicitation Zone, a map of which is attached hereto as Exhibit A.

Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Monetary Solicitation) of the Code is hereby amended so that it shall read as follows:

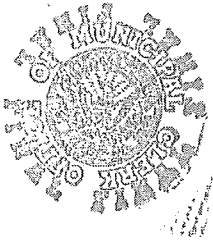
Sec. 106-85. – Monetary solicitation.

(a) *"Monetary solicitation" defined:*

- (1) "Monetary solicitation" or to "monetarily solicit" is an act or action performed by an individual that meets the following three criteria:
 - a. is an in-person request of another individual, either orally or by gesture; and

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b. the request is for an immediate distribution of money or anything of monetary value; and

c. the request occurs on public property, including, without limitation, City streets, sidewalks, transit stations or platforms, and parks.

(2) "Monetary solicitation" and "monetarily solicit" shall not include:

a. requests for signatures on a petition or other document; or

b. distribution of written material that requests individuals to send contributions by mail or make donations in some other manner at a later time; or

c. distribution of pre-addressed envelopes along with a verbal plea to contribute money, provided that no request for an immediate contribution is made; or

d. sale of literature or other merchandise or food where payment occurs at a separate time and location, including through mail order; or

e. public vending lawfully permitted in accordance with Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1400 et seq.

(b) *Monetary solicitation in certain areas.* It shall be unlawful for any person to monetarily solicit in any of the following places:

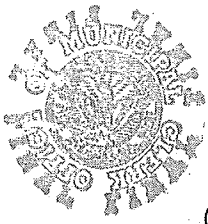
(1) Within 15 feet of the entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet);

(2) Within 15 feet of an automated teller machine (ATM), provided that when an ATM is located within an ATM facility, such distance shall be measured from the entrance or exit of the ATM facility;

(3) Within 15 feet of any parking lot pay box, **on-street parking pay station or kiosk**;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) In any public transportation vehicle; in **or on** any bus, rail, subway **or Atlanta Streetcar platform or** station or taxi stand, **including without limitation entryways, exits, queuing areas and pay stations connected therewith**; within 15 feet of any bus, rail, subway **or Atlanta Streetcar platform or outdoor** station or taxi stand;



and within 15 feet of the entrance or exit of a station located in an enclosed building;

- (6) Within 15 feet of the entrance or exit of a building, whether publicly or privately owned, including without limitation any residence, business, event venue or athletic facility. Nothing in this subsection (6) shall prohibit monetary solicitation within 15 feet of any other portion of a building other than its exit(s) and entrance(s);
- (7) Within 15 feet of or within a line for entry to any building, whether the building is publicly or privately owned, including without limitation any residence, business, event venue or athletic facility;
- (8) In a parking lot or garage owned or operated by the City of Atlanta, including entryways or exits and pay stations connected therewith;
- (9) Within 15 feet of any public property "**valid vendor location**" where a "**vendor**" is **operating**, as defined in the Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1401; or
- (10) Within 15 feet of any private property "valid vendor location" where a "vending business" is in operation, as defined in the Atlanta City Code, Article XXIV, Division 1, Section 30-1461.
- (11) **Within the Restricted Monetary Solicitation Zone, defined as the area between the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets:**

Martin Luther King Jr. Drive SW from Courtland Street SE to Peachtree Street SW; Peachtree Street SW from Martin Luther King Jr. Drive SW to Alabama Street SW; Alabama Street SW from Peachtree Street SW to Forsyth Street SW; Forsyth Street SW from Alabama Street SW to Marietta Street NW; Marietta Street NW from Forsyth Street NW to Ivan Allen Jr. Boulevard; Ivan Allen Jr. Boulevard from Marietta Street NW to Peachtree Street NE; Peachtree Street NE from Ivan Allen Jr. Boulevard to Peachtree Center Avenue NE; Peachtree Center Avenue NE from Peachtree Street NE to Baker Street NE; Baker Street NE from Peachtree Center Avenue NE to Piedmont Avenue NE; Piedmont Avenue NE from Baker Street NE to Edgewood Avenue NE; Edgewood Avenue NE from Piedmont Avenue NE to Courtland Street SE; Courtland Street SE from Edgewood Avenue NE to Martin Luther King Jr. Drive SW; and

Auburn Avenue NE from Boulevard NE to Jackson Street NE;



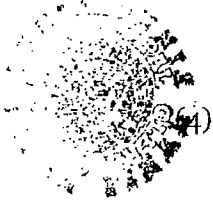
**Jackson Street NE from Auburn Avenue NE to Irwin Street NE;
Irwin Street NE from Jackson Street NE to Boulevard NE;
Boulevard NE from Irwin Street NE to Auburn Avenue NE.**

(c) *Aggressive monetary solicitation.* It shall be unlawful for any person to monetarily solicit in any of the following manners:

- (1) Blocking the path or passage of the person solicited;
- (2) Not allowing the person solicited to leave the presence of the solicitor, by following immediately behind or walking alongside the person solicited;
- (3) Using profane or abusive language, either during the solicitation or following refusal;
- (4) Continuing to monetarily solicit a person after that person has refused the solicitation verbally or by gesture;
- (5) Continuing to monetarily solicit a person located in or on a motor vehicle after that person has refused the solicitation verbally or by gesture;
- (6) Making any statement, gesture or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat that is intended to compel or force the person solicited to accede to the demands of the solicitor; and/or
- (7) Touching the person solicited.

(d) *Penalties.*

- (1) Upon conviction under Section 106-85 (b) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days.
- (2) Upon the first conviction under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days.
- (3) Upon the second conviction under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of thirty (30) days imprisonment.



24) Upon the third and future convictions under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of ninety (90) days imprisonment.

SECTION 3. This ordinance shall become effective immediately upon the signature of the Mayor or approval by operation of law.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

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

MAY 18, 2015
MAY 27, 2015

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