



ORDINANCE BY
COUNCILMEMBER KWANZA HALL

AS SUBSTITUTED BY
THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A SUBSTITUTE ORDINANCE TO AMEND ATLANTA CODE OF ORDINANCES CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION), SO AS 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 can intimidate the person being solicited. Intimidation and public safety risks are enhanced when the individual solicited is an Atlanta visitor, as most visitors are unfamiliar with Atlanta, some are unfamiliar with urban environments and some do not know the English language; and

WHEREAS, Atlanta visitors are particularly vulnerable to being solicited because they frequently stop to observe sights, take pictures and review maps; 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 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**" or "**Atlanta**") 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, the City of Atlanta's time, place and manner regulations regarding Monetary Solicitation are set forth in the Atlanta Code of Ordinances Section 106-85 entitled "Monetary Solicitation", which took effect November 2012; and

WHEREAS, Atlanta Code Section 106-85 was amended in May 2015 (the "**Tourist Triangle Amendment**"), pursuant to Ordinance 15-O-1189, to prohibit Monetary Solicitation in Atlanta's "Tourist Triangle" where many of the City's hotels and major attractions are located, and which includes a non-contiguous portion near the Martin Luther King Jr. National Historic Site. The amendment establishes restrictions that address the heightened vulnerability of Atlanta visitors who are monetarily solicited; and

WHEREAS, two Atlanta locations with a high concentration of Atlanta visitors are not included in the Tourist Triangle Amendment, the Midtown Theatre District and the Auburn Avenue corridor; and

WHEREAS, the Midtown Theatre District, whose exact location is shown on Exhibit A hereto (hereinafter, the "**Midtown Theatre District**"), is Atlanta's corporate hub. An increasing number of national and international companies are opening local offices or relocating their headquarters in Midtown Atlanta. The Hartsfield Jackson Atlanta International Airport is a feature that attracts these companies as it facilitates meeting with geographically diverse clientele and colleagues; and

WHEREAS, the Midtown Theatre District is also home to the Fox Theatre. The Midtown Theatre District, which hosts approximately 250 performances and draws approximately 600,000 guests annually, is critical to Atlanta tourism; and

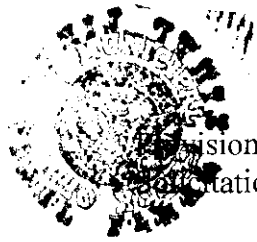
WHEREAS, the Auburn Avenue corridor, located in Downtown Atlanta at the location shown on Exhibit B hereto (hereinafter, the "**Auburn Avenue Corridor**"), is an essential part of the Atlanta tourism experience as it connects the main portion of the "Tourist Triangle" with the portion thereof near the Martin Luther King Jr. National Historic Site; and

WHEREAS, the City has determined that Monetary Solicitation in areas with high concentration of visitors adversely affects Atlanta's tourism and economic development, (See Map of Monetary Solicitation Protection Zones shown on Exhibit C hereto); and

WHEREAS, it is the desire of the City of Atlanta to prohibit Monetary Solicitation within the Midtown Theatre District and Auburn Avenue Corridor in order to serve the City's significant interest in providing a safe and pleasant environment and alleviating disruptive and intimidating activity in locations frequented by Atlanta's visitors.

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

SECTION 1: Atlanta Code of Ordinances Chapter 106, (Offenses and Miscellaneous



Provisions), Article III (Offenses Against Public Order), Section 106-85 (Monetary Solicitation), subsection (b) (Monetary Solicitation in Certain Areas), shall be amended by:

- (i) Modifying subsection (b)(11), which prohibits Monetary Solicitation in the Tourist Triangle, by adding the Auburn Avenue Corridor to the area in which Monetary Solicitation is proscribed; and
- (ii) Adding a subsection (b)(12) that prohibits Monetary Solicitation in the Midtown Theatre District.

Specifically, Atlanta Code of Ordinances Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Monetary Solicitation) subsection (b) (Monetary Solicitation in Certain Areas), shall be amended to read as follows:

Sec. 106-85 – Monetary solicitation.

- (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

Piedmont Avenue NE from John Wesley Dobbs Avenue NE to Edgewood Avenue SE; Edgewood Avenue SE from Piedmont Avenue NE to Boulevard NE; Boulevard NE from Edgewood Avenue SE to Auburn Avenue NE; 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 Fort Street NE; John Wesley Dobbs Avenue NE from Fort Street NE to Piedmont Avenue NE

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.

- (12) **Within the Midtown Theatre District 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:**



Spring Street NW from 3rd Street NW to Ponce de Leon Avenue NE; Ponce de Leon Avenue from Springs Street to W Peachtree Street NW; W Peachtree Street NW from Ponce de Leon Avenue NE to North Avenue NE; North Avenue NE from W Peachtree Street NW to Piedmont Avenue NE; Piedmont Avenue NE from North Avenue NE to 4th Street NE; 4th Street NE from Piedmont Avenue NE to W Peachtree Street NW; W Peachtree Street NW from 4th Street NE to 3rd Street NW; 3rd Street NW from W Peachtree Street NW to Spring Street NW.

SECTION 2. This ordinance shall become effective immediately upon the signature of the Mayor or approval by operation of law.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

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

JUN 15, 2015
JUN 24, 2015

2015-31 (15-O-1267)

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