



CITY COUNCIL
ATLANTA, GEORGIA

19 O 1288

AN ORDINANCE BY
COUNCILMEMBER MICHAEL JULIAN BOND

AN ORDINANCE TO REPEAL CITY OF ATLANTA CODE OF ORDINANCES, PART II (GENERAL ORDINANCES), CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-88 (MOVING HOUSEHOLD GOODS AT NIGHT); TO RE-DESIGNATE SECTION 106-88 AS “RESERVED”; AND FOR OTHER PURPOSES.

WHEREAS, for the last few years the City Council and the Public Safety/Legal Administration Committee have been engaged in a conversation about criminal justice reform; and

WHEREAS, in November 2016, one Councilmember sought to revisit the entire Chapter 106 (“Offenses and Miscellaneous Provisions”) of Part II of the Code of Ordinances of the City of Atlanta; and

WHEREAS, in March 2017, the City Council adopted 17-O-1130, which struck several provisions of Chapter 106 at the recommendation of the Law Department due to state preemption issues, constitutionality issues, and other legal issues; and

WHEREAS, in October 2017, the City Council removed the possibility of jail time for minor cannabis possession from Chapter 106; and

WHEREAS, in May 2019, the City Council amended Chapter 106 to a repeal a stated crime of merely being physically present in a known drug area; and

WHEREAS, the moving of household goods at night, Sec. 106-88, is a victimless crime; and

WHEREAS, O.C.G.A. 40-6-390 already prohibits any reckless transporting of furniture, whether day or night, that might comprise reckless driving; and

WHEREAS, per O.C.G.A. 40-1-57, the Georgia Department of Public Safety already regulates all household goods moved intrastate by licensed carriers in Georgia; and

WHEREAS, the municipal criminalization of moving household goods at night--by targeting household goods but not other goods based on size, weight, or bulkiness--clearly targets working families who are residential tenants; and

WHEREAS, by targeting residential origins and residential destinations, the prohibition on moving household goods at night clearly targets working families who are residential tenants; and

WHEREAS, many income-earners who comprise the breadwinners of Atlanta’s working families are not available to move household goods during daytime hours because they are, in fact, working during those times; and

2019-33(19-O-1288)

PAGE 1 OF 2



WHEREAS, O.C.G.A. 44-7-1 et seq. already provides for adequate civil remedies for residential lessors who have unresolved civil disputes with tenants when they move out; and

WHEREAS, it is not the job of the municipal police to make it easier for residential lessors to surveil their tenants; and

WHEREAS, between 2009 and 2017, APD has arrested twelve people for moving household goods at night, according to APD statistics; and

WHEREAS, the section is enforced so infrequently, and is currently written so broadly as to raise the likelihood of selective enforcement,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:


SECTION 1: That Part II (“General Ordinances”), Chapter 106 (“Offenses and Miscellaneous Provisions”), Article III (“Offenses against Public Order”), Section 106-88 (“Moving Household Goods at Night”), which currently reads as follows:

“It shall be unlawful for any person to move or transport household goods and furnishings from one place of residence to another between the hours of sunset and sunrise without first having obtained a permit to do so from the police chief. All applications for permits shall be filed more than 24 hours prior to the time of actual moving.”

is hereby repealed and designated as “Reserved.”

SECTION 2: Except as otherwise provided, the provisions of Section 1 are effective as of the date of adoption of this legislation.

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

A true copy,

Municipal Clerk

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

**JUN 03, 2019
JUN 12, 2019**

2019-33(19-O-1288)
PAGE 2 OF 2