

1   **STATE OF GEORGIA**  
2   **CITY OF HAPEVILLE**

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4                               **ORDINANCE NO. 2018-16**

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6   **AN ORDINANCE TO AMEND CHAPTER 26 ("OFFENSES AND MISCELLANEOUS**  
7   **PROVISIONS"), ARTICLE 2 ("PERSONAL CONDUCT") TO ADD AN ORDINANCE TO**  
8   **THE CODE OF ORDINANCES, CITY OF HAPEVILLE, GEORGIA TO PROVIDE FOR**  
9   **THE COMPLIANCE WITH STATE HUMAN TRAFFICKING NOTICE**  
10   **REQUIREMENTS; TO ENHANCE PUBLIC SAFETY; TO PROVIDE FOR**  
11   **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**  
12   **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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14       **WHEREAS**, the duly elected governing authority of the City of Hapeville, Georgia  
15 (hereinafter the "City") is the Mayor and Council thereof; and

16       **WHEREAS**, O.C.G.A. § 16-5-47 requires the posting of human trafficking notices in  
17 certain locations and establishments to enable persons who are subject to human trafficking to  
18 obtain help and services; and

19       **WHEREAS**, those locations and establishments specified in O.C.G.A. § 16-5-47,  
20 including but not limited to, adult entertainment establishments, bars, and hotels, which may be  
21 inspected and regulated for health, safety and other lawful purposes by the City;

22       **WHEREAS**, the governing authority of the City finds it desirable to safeguard and  
23 promote public health, safety, and general welfare for all citizens through the adoption of this  
24 Resolution.

25       **BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
26   **THE CITY OF HAPEVILLE, GEORGIA THAT:**

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28       **SECTION ONE.** The Code of Ordinances of the City of Hapeville is hereby amended by  
29 adding a new Section 26-2-41.

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31   **Section 26-2-41 – Human Trafficking Notice.**

32 (a) Definitions. The following words, terms and phrases, when used in this chapter, shall have  
33 the meanings ascribed to them in this subsection, except where the context clearly indicates a  
34 different meaning:

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36               **(1) *Adult entertainment establishment.*** Any place of business or commercial  
37 establishment wherein:  
38

- 39 (A) the entertainment or activity therein consists of nude or substantially  
40 nude persons dancing with or without music or engaged in  
41 movements of a sexual nature or movements simulating sexual  
42 intercourse, oral copulation, sodomy, or masturbation;  
43 (B) the patron directly or indirectly is charged a fee or required to make  
44 a purchase in order to view entertainment or activity which consists  
45 of persons exhibiting or modeling lingerie or similar undergarments;  
46 or  
47 (C) the patron directly or indirectly is charged a fee to engage in  
48 personal contact by employees, devices, or equipment, or by  
49 personnel provided by the establishment.

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51 Such term shall include, but shall not be limited to, bathhouses,  
52 lingerie modeling studios, and related or similar activities. Such  
53 term shall not include businesses or commercial establishments  
54 which have as their sole purpose the improvement of health and  
55 physical fitness through special equipment and facilities, rather than  
56 entertainment.

57 (2) *Agricultural products.* The raising, growing, harvesting, or storing crops;  
58 feeding, breeding, or managing livestock, equine, or poultry; producing or storing  
59 feed for use in the production of livestock, including, but not limited to, cattle,  
60 calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production  
61 of poultry, including, but not limited to, chickens, hens, ratites, and turkeys;  
62 producing plants, trees, Christmas trees, fowl, equine, or animals; or producing  
63 aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, livestock,  
64 poultry, egg, and apiarian products.

65 (3) *Bar.* An establishment that is devoted to the serving of alcoholic beverages for  
66 consumption by guests on the premises and in which the serving of food is only  
67 incidental to the consumption of those beverages, including, but not limited to,  
68 taverns, nightclubs, cocktail lounges, and cabarets.

69 (4) *Day hauler.* Any person who is employed by a farm labor contractor to  
70 transport, or who for a fee transports, by motor vehicle, workers to render personal  
71 services in connection with the production of any farm products to, for, or under  
72 the direction of a third person; provided, however, that such term shall not include  
73 a person who produces agricultural products.

74 (5) *Farm labor contractor.* Any person who, for a fee, employs workers to render  
75 personal services in connection with the production of any farm products to, for, or  
76 under the direction of a third person, or who recruits, solicits, supplies, or hires  
77 workers on behalf of an employer engaged in the growing or producing of farm  
78 products, and who, for a fee, provides in connection therewith one or more of the  
79 following services: furnishes board, lodging, or transportation for those workers;  
80 supervises, times, checks, counts, weighs, or otherwise directs or measures their

work; or disburses wage payments to such persons; provided, however, that such term shall not include a person who produces agricultural products.

(5.1) *Government building with public access.* A building or portion of a building owned or leased by a government entity.

(5.2) *Government entity.* An office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the executive, legislative, or judicial branch of the state government and any county, municipal corporation, or consolidated government within this state.

(6) *Hotel.* Any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.

(7) *Massage therapist.* A person licensed pursuant to O.C.G.A. § 43-24A.

(8) *Primary airport.* A commercial service airport that has more than 10,000 passenger boardings each year.

(9) *Substantially nude.* means dressed in a manner so as to display any portion of the female breast below the top of the areola or displaying any portion of any person's pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(10) *Truck stop.* means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.

(b) The following businesses and other establishments shall post the notice described in subsection (c) of this Code section, or a substantially similar notice, in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation, in each public restroom for the business or establishment and either in a conspicuous place near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:

(1) Adult entertainment establishments;

(2) Bars;

(3) Primary airports;

(4) Passenger rail or light rail stations;

(5) Bus stations;

(6) Truck stops;

(7) Emergency rooms within general acute care hospitals;

- (8) Urgent care centers;
- (9) Farm labor contractors and day haulers;
- (10) Privately operated job recruitment centers;
- (11) Safety rest areas located along interstate highways in this state;
- (12) Hotels;
- (13) Businesses and establishments that offer massage or bodywork services by a person who is not a massage therapist; and
- (14) Government buildings; provided, however, that in the case of leased property, this paragraph shall only apply to public restrooms that are a part of such lease for exclusive use by the government entity.

(c) The Georgia Bureau of Investigation shall develop a model notice that is available for download from its Internet website. Such notice shall be at least 8 ½ inches by 11 inches in size and printed in a 16 point font in English, Spanish, and any other language deemed appropriate by the director of the Georgia Bureau of Investigation. Such model notice shall provide information giving individuals a method to contact the National Human Trafficking Hotline and the Statewide Georgia Hotline for Domestic Minor Trafficking.

(c.1) Every government entity shall, on the homepage of its website, provide an identified hyperlink to the model notice that is on the Georgia Bureau of Investigation website as provided for in subsection (c) of this Code section.

(d)(1) A law enforcement officer shall notify, in writing, any business or establishment that has failed to comply with this Code section that it has failed to comply with the requirements of this Code section and if it does not correct the violation within 30 days from the date of receipt of the notice, the owner of such business or establishment shall be charged with a violation of this Code section and upon conviction shall be guilty of the misdemeanor offense of failure to post the National Human Trafficking Resource Center hotline number and may be punished by a fine of not more than \$500.00; but the provisions of Chapter 11 of Title 17 and any other provision of law to the contrary notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be assessed against an owner for conviction thereof. Upon a second or subsequent conviction, the owner shall be guilty of a high and aggravated misdemeanor and shall be punished by a fine not to exceed \$5,000.00. The notice required by this subsection may be hand delivered to the noncomplying business or establishment or mailed to it at the address of such business or establishment.

(2) This subsection shall not apply to government entities.

170       **SECTION TWO. Preamble Incorporated.** The preamble of this Ordinance shall be  
171 considered to be and is hereby incorporated by reference as if fully set out herein.

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173       **SECTION THREE. Codification.** This Ordinance shall be codified in a manner consistent  
174 with the laws of the State of Georgia and the City.

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176       **SECTION FOUR. Severability.**

177       (a) It is hereby declared to be the intention of the Mayor and Council that all sections,  
178 paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment,  
179 believed by the Mayor and Council to be fully valid, enforceable and constitutional.

180       (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest  
181 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this  
182 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this  
183 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the  
184 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance  
185 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this  
186 Ordinance.

187       (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
188 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable  
189 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of  
190 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
191 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
192 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to  
193 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
194 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
195 effect.

196       **SECTION FIVE. Repeal of Conflicting Ordinances.** All ordinances and parts of  
197 ordinances in conflict herewith are hereby expressly repealed.

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199       **SECTION SIX. Effective Date.** The effective date of this Ordinance shall be the date of  
200 adoption unless otherwise stated herein.

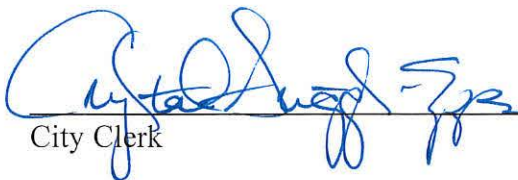


ORDAINED this 6<sup>th</sup> day of November, 2018.

CITY OF HAPEVILLE, GEORGIA

  
\_\_\_\_\_  
Alan H. Hallman, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED BY:

  
\_\_\_\_\_  
City Attorney