00-O-1065

(Do Not Write Above This Line)

AN ORDINANCE

BY:

ORDINANCE TO AMEND CHAPTER 30, ARTICLE XIII, DIVISION 1, SECTION 30-1401 AND DIVISION 2, SECTION 30-1426 TO EXEMPT STEET MUSICIANS FROM THE ATLANTA VENDING ORDINANCE; TO RESCIND CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

ADOPTED BY

AUG 07 2000

COUNCIL

- ☑ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 7-17-00

Referred To: PS & LA

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Public Safety Committee

Date 7/11/2000

Chair C. Fitten

Referred to

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☑ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED AUG 7 2000 ATLANTA CITY COUNCIL

CERTIFIED AUG 07 2000 Rhonda Dauphin Johnson MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 16 2000

WITHOUT SIGNATURE BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY : _____

00- O -1065

ORDINANCE TO AMEND CHAPTER 30, ARTICLE XIII, DIVISION 1, SECTION 30-1401 AND DIVISION 2, SECTION 30-1426 TO EXEMPT STREET MUSICIANS FROM THE ATLANTA VENDING ORDINANCE; TO RESCIND CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta Vending Ordinance prohibits vending of articles, merchandise, produce, food, or services on a public space in the city of Atlanta without a permit; and

WHEREAS, the Vending Ordinance currently includes "street music" within the list of services that require a vending permit to be obtained prior to performing such service; and

WHEREAS, the City Council finds that requiring street musicians who perform music in public without requiring money to do so constitutes an impermissible restriction on free expression in a traditional public forum and thus violates Constitutional rights of certain musicians; and

WHEREAS, Section 30-1401 ("Definitions") does not currently include any definition for "street music"; and

WHEREAS, the City Council desires to clarify the ordinance by defining "street music" to only apply to performers who require payment for performing.

Now Therefore, the Council of the City of Atlanta, Georgia Hereby Ordains as follows:

Section 1: That Chapter 30, Article XXIII, Division 1, Section 30-1401 be amended to insert the following paragraph in alphabetical order after the definition of "street furniture zone":

> "*Street Music* means a music performance for which the musician or musical group requires payment by the audience or business owner as a precondition for performing. The act of accepting donations from listeners while performing music in public is excluded from regulation under this code section."

Section 2: That Chapter 30, Article XXIII, Division 2, Section 30-1426 be amended to add the following sentence at the end of subsection (a):

"No permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing."

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby rescind.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council AUG 07, 2000
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 AUG 16, 2000

RCS# 2153
8/07/00
4:06 PM

Atlanta City Council

Regular Session

CONSENT 1

Pages 1-15 KP

Adopt

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
00-O-1102
00-R-1197
00-R-1106
00-R-1123
00-R-0721

	08/07/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADOPTED ON CONSENT AGENDA**	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 00-O-1009 2. 00-O-1010 3. 00-O-1011 4. 00-O-1012 5. 00-O-1079 6. 00-O-0834 7. 00-O-1065 8. 00-O-1004 9. 00-O-1112 10. 00-R-1139 11. 00-R-1140 12. 00-R-1141 13. 00-R-1142 14. 00-R-1144 15. 00-R-1204 16. 00-R-1208 17. 00-R-1209 18. 00-R-1210 19. 00-R-1106 20. 00-R-1146 21. 00-R-1147 22. 00-R-1194 23. 00-R-1203 24. 00-R-1205 25. 00-R-1212 26. 00-R-1213 27. 99-R-1145 28. 99-R-1932 29. 00-R-1108 30. 00-R-1110 31. 00-R-1129 32. 00-R-1130 33. 00-R-1131 34. 00-R-1134 35. 00-R-1206 36. 00-R-1121 37. 00-R-0329 38. 00-R-1136 39. 00-R-1137 40. 00-R-1138	41. 00-R-1175 42. 00-R-1176 43. 00-R-1177 44. 00-R-1178 45. 00-R-1179 46. 00-R-1180 47. 00-R-1181 48. 00-R-1182 49. 00-R-1183 50. 00-R-1184 51. 00-R-1185 52. 00-R-1186 53. 00-R-1187 54. 00-R-1188 55. 00-R-1189 56. 00-R-1190 57. 00-R-1191 58. 00-R-1192 59. 00-R-1193 60. 00-R-1199 61. 00-R-1200 62. 00-R-1201 63. 00-R-1202	64. 00-R-1148 65. 00-R-1149 66. 00-R-1150 67. 00-R-1151 68. 00-R-1152 69. 00-R-1153 70. 00-R-1154 71. 00-R-1155 72. 00-R-1156 73. 00-R-1157 74. 00-R-1158 75. 00-R-1159 76. 00-R-1160 77. 00-R-1161 78. 00-R-1162 79. 00-R-1163 80. 00-R-1164 81. 00-R-1165 82. 00-R-1166 83. 00-R-1167 84. 00-R-1168 85. 00-R-1169 86. 00-R-1170 87. 00-R-1171 88. 00-R-1172 89. 00-R-1173 90. 00-R-1174