

AN ORDINANCE
BY COMMITTEE ON COUNCIL

08-O-

AN ORDINANCE TO ABOLISH THE BOARD OF ASTROLOGY EXAMINERS ESTABLISHED IN SECTION 30-487 OF THE CITY OF ATLANTA CODE OF ORDINANCES; TO THEN REPEAL CHAPTER 30, ARTICLE IV, "ASTROLOGY", OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO EXPAND CHAPTER 30, ARTICLE X, "HANDWRITING ANALYSIS OR FORTUNE TELLING", TO INCLUDE THE LICENSING OF ASTROLOGISTS, AND FOR OTHER PURPOSES.

WHEREAS, Article IV of Chapter 30 (Code Sections 30-486 through 30-506) of the Code of Ordinances ("Code") of the City of Atlanta ("City") establishes the Board of Astrology Examiners; and

WHEREAS, Section 30-501 of Article IV of Chapter 30 requires that all persons practicing astrology in the City obtain a license to be issued by the City to practice astrology within the corporate limits of the City; and

WHEREAS, as a part of the application process set out in Section 30-502(5) of Article IV of Chapter 30 requires that applicants for astrology licenses take a written "astrology examination" to be administered by the Board of Astrology Examiners; and

WHEREAS, the Board has not been populated and has not functioned since the date that it was created; and

WHEREAS, astrology examinations are not being administered to applicants for astrology licenses; and

WHEREAS, the Board, serving no useful purpose, should be abolished; and

WHEREAS, the licensing of astrology applicants can properly be included as an additional profession under Article X of Chapter 30 of the Code which is now entitled "Handwriting Analysis or Fortune Telling".

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Code Sections 30-486 through 30-506 which comprise Article IV of Chapter 30 of the Code of Ordinances of the City of Atlanta, pertaining to the establishment of processes and requirements for the issuance and reissuance of licenses to practice astrology, and further providing for the creation of a Board of Astrology

Examiners to oversee the issuance of astrology licenses, are hereby repealed in their entirety and causing the abolishment of said Board, with said sections to be hereby redesignated as "Reserved".

SECTION 2: That the Board of Astrology Examiners is hereby abolished.

SECTION 3: That Article X of Chapter 30 of the Code of Ordinances of the City of Atlanta presently reads as follows:

ARTICLE X. HANDWRITING ANALYSIS OR FORTUNETELLING

DIVISION 1. GENERALLY

Sec. 30-716. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fortunetelling means the prediction of the future for a fee, gift or donation.

Handwriting analysis means the interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift or donation.

DIVISION 2. LICENSE

Sec. 30-726. Required.

It shall be unlawful for any person to practice handwriting analysis or fortunetelling unless that person holds a valid unexpired and unrevoked license to engage in the practice of handwriting analysis or fortunetelling issued by the city.

Sec. 30-727. Application and license fees.

(a) Any person desiring to practice handwriting analysis or fortunetelling shall make application for a license to the department of police on forms to be prepared and approved by the mayor or the mayor's designee. The applicant, prior to being licensed to practice handwriting analysis or fortunetelling shall:

(1) Be 18 years of age or more;

(2) Not have been convicted of a crime of any grade or ordinance violation involving the following categories of criminal conduct: larceny, embezzlement, fraudulent conveyancing, perjury or false swearing or subrogation of either, gambling, deceitful means, artful practices, lottery,

felonies or other group I crimes, as defined in the Uniform Crime Reporting Manual, Federal Bureau of Investigation, U.S. Department of Justice, which are reasonably related to the activities regulated in this article, within three years of the date of the application;

(3) Allow fingerprints to be made by the department of police at the time of application; and

(4) Furnish the department of police two photographs showing a front and side picture of the full face of the applicant, size 2 1/2 inches by 2 3/4 inches.

(5) Provide a \$100.00 application at the time of application.

(b) Annual/renewal fees for handwriting analysis or fortunetelling licenses shall be \$500.00.

Sec. 30-728. Revocation, suspension.

Any person failing to comply with any section of this article or such other laws and regulations as may be passed by the council for the conduct of the business of handwriting analysis or fortunetelling shall be subject to having the license to conduct the business revoked or suspended upon appropriate notice of hearing.

Secs. 30-729--30-750. Reserved.

SECTION 4: That Article X of Chapter 30 of the Code of Ordinances of the City of Atlanta is hereby amended (with revisions and additions in bold) to read as follows:

ARTICLE X. HANDWRITING ANALYSIS, FORTUNETELLING, AND ASTROLOGY

DIVISION 1. GENERALLY

Sec. 30-716. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Astrology* means the interpretation of human experience based upon an examination and correlation to celestial activity for fee, gift or donation.**

***Fortunetelling* means the prediction of the future for a fee, gift or donation.**

Handwriting analysis means the interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift or donation.

DIVISION 2. LICENSE

Sec. 30-726. Required.

It shall be unlawful for any person to practice handwriting analysis, fortunetelling **or astrology** unless that person holds a valid unexpired and unrevoked license to engage in the practice of handwriting analysis, fortunetelling or astrology issued by the city.

Sec. 30-727. Application and license fees.

(a) Any person desiring to practice handwriting analysis, fortunetelling, **or astrology** shall make application for a license to the department of police on forms to be prepared and approved by the mayor or the mayor's designee. The applicant, prior to being licensed to practice handwriting analysis, fortunetelling **or astrology** shall:

- (1) Be 18 years of age or more;
- (2) Not have been convicted of a crime of any grade or ordinance violation involving the following categories of criminal conduct: larceny, embezzlement, fraudulent conveyancing, perjury or false swearing or subrogation of either, gambling, deceitful means, artful practices, lottery, felonies or other group I crimes, as defined in the Uniform Crime Reporting Manual, Federal Bureau of Investigation, U.S. Department of Justice, which are reasonably related to the activities regulated in this article, within three years of the date of the application;
- (3) Allow fingerprints to be made by the department of police at the time of application; and
- (4) Furnish the department of police two photographs showing a front and side picture of the full face of the applicant, size 2 1/2 inches by 2 3/4 inches.
- (5) Provide a \$100.00 application **fee** at the time of application.

(b) Annual/renewal fees for handwriting analysis, fortunetelling **or astrology** licenses shall be \$500.00.

(c) After investigation by the department of police, the department's findings shall be presented to the license review board at a public hearing on the application. The license review board shall recommend its findings to the mayor who shall approve or deny the application.

(d) If the mayor does not make a decision to grant or deny an application within 90 calendar days after the license review board makes its recommendation, the application shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

Sec. 30-728. Grounds for Denial.

(a) No license shall be issued if the application contains a material omission, untrue or misleading information.

(b) No license shall be issued where the person applying has had a license to conduct a similar type business denied or revoked within a period of five years. The license review board may waive this prohibition if a period of two years has passed since the prior denial or revocation.

Sec. 30-729. Revocation, suspension.

Any person failing to comply with any section of this article or such other laws and regulations as may be passed by the council for the conduct of the business of handwriting analysis, fortunetelling, **or astrology** shall be subject to having the license to conduct the business revoked or suspended upon appropriate notice of hearing.

Secs. 30-730--30-750. Reserved.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.