

AN ORDINANCE BY

COUNCILMEMBER ANNE FAUVER

AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE XI (LITTER CONTROL), SECTION 74-607 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, TO REMOVE THE CURRENT REQUIREMENT THAT THE OWNER OR PERSON IN CHARGE OF A VEHICLE UPON WHICH HANDBILLS OR UNSOLICITED NEWSPAPERS HAVE BEEN PLACED MUST EITHER TESTIFY UNDER OATH OR OTHERWISE FORMALLY AFFIRM THAT SUCH MATERIALS WERE PLACED ON SAID VEHICLE WITHOUT SAID OWNER'S CONSENT, TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 74-607 (d) of the City of Atlanta Code of Ordinances currently provides that it is unlawful for any person to leave handbills or unsolicited newspapers on any parked vehicle within the City of Atlanta without the consent of the owner or person in charge of the vehicle.; and

WHEREAS, the City of Atlanta Municipal Court has, in certain instances, and in compliance with the law as written, required that the owner or person in charge of a vehicle on which handbills or unsolicited newspapers have been placed, must either testify under oath, or affirm under oath in writing, that such owner or person in charge has not consented to the placement of such materials on the vehicle; and

WHEREAS, this testimonial requirement makes said code section, in practical effect, unenforceable in a court of law.

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

Section 1: That Section 74-607 (d) which currently reads as follows:

(d) It shall be unlawful for any person or persons to deposit or leave, or to cause the depositing or placing of any commercial or noncommercial handbill or unsolicited newspaper on any parked vehicle within the City of Atlanta without consent of the owner or person in charge of the vehicle.

Is hereby amended as follows (with deleted language signified by strikeout):

(d) It shall be unlawful for any person or persons to deposit or leave, or to cause the depositing or placing of any commercial or noncommercial handbill or unsolicited newspaper on any parked vehicle within the City of Atlanta ~~without consent of the owner or person in charge of the vehicle.~~

Section 2: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.