

12-0-0358

(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCILMEMBERS H. LAMAR WILLIS AND C.T. MARTIN

AN ORDINANCE TO AMEND CHAPTER 142 OF THE ATLANTA CODE OF ORDINANCES BY CREATING ARTICLE IX WHICH ESTABLISHES RULES FOR THE SHARED USE OF PUBLIC PROPERTY DURING PERMITTED OUTDOOR EVENTS; AND FOR OTHER PURPOSES.

substitute

ADOPTED BY

MAR 19 2012

COUNCIL

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

Date Referred 3/8/12

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee CD/HR

Date 3/19/12

Chair Raymond Stepan

Action

Fav, Adv, Hold (see rev. side) sub
 Other _____

Members

[Signatures]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other _____

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To:

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED

MAR 19 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAR 19 2012

Rachel Campbell
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 28 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



**CITY COUNCIL
ATLANTA, GEORGIA**

AN ORDINANCE

12-O-0358

BY: COUNCILMEMBERS H. LAMAR WILLIS AND C.T. MARTIN

**AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 142 OF THE ATLANTA CODE OF ORDINANCES BY CREATING ARTICLE IX WHICH ESTABLISHES RULES FOR THE SHARED USE OF PUBLIC PROPERTY DURING PERMITTED OUTDOOR EVENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) Code of Ordinances Chapter 142 regulates permitting of Outdoor Events (“Outdoor Events”) including Large Gatherings, Assemblies such as parades and marches, and Outdoor Festivals; and

WHEREAS, Chapter 142 requires that certain Outdoor Events receive a City-issued Permit before they can occur, and sets forth objective criteria that must be met in order to receive a Permit; and

WHEREAS, an Outdoor Event permitted by the City pursuant to Chapter 142 (“Permitted Outdoor Event”) contains speech and other forms of expression that are protected by the Constitution’s First Amendment (the “First Amendment”). A person hosting a Permitted Outdoor Event has a constitutionally protected right to effectively convey the event’s message in a lawful manner that allows the audience to understand it; and

WHEREAS, where a Permitted Outdoor Event occurs on City-owned property that is outdoors and open to the public (“Public Property”) such as a park or sidewalk, people who are not participating also have a protected First Amendment right to speak or express themselves lawfully at the Event; and

WHEREAS, under the First Amendment, the City may place certain restrictions on speech or other expression occurring on Public Property; and

WHEREAS, the City has an interest in ensuring that when a person receives a Permit to host an Outdoor Event, s/he can use the Permit for the intended purpose. The City has a simultaneous interest in protecting the First Amendment rights of people using Public Property who are not associated with the Outdoor Event; and

WHEREAS, it is in the best interest of the City to establish rules for the shared use of Public Property during Permitted Outdoor Events in order to protect the First Amendment rights of everyone present.



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

Atlanta Code of Ordinances Chapter 142 is hereby amended by adding a new Article IX entitled "Shared Use of Public Property during Outdoor Events" which shall read as follows:

"Article IX. Shared Use of Public Property during Outdoor Events."

Section 142-116. Definition.

In addition to the words, terms and phrases set forth in the previous Articles of this Chapter 142, for purposes of this Article IX only, "Permitted Public Property Event" or "PPPE" shall mean an Outdoor Event, other than an Assembly, located on Public Property, authorized by Permit pursuant to this Chapter 142. This Article shall not apply to any portion of an Outdoor Event that occurs on Public Property that is not open to the general public during the event.

Section 142-117. Prohibited Conduct.

In addition to any other rules set forth in this Chapter 142 and other applicable laws, it is unlawful for any person to engage in any of the following at any Permitted Public Property Event:

- (a) Conduct that substantially prevents any person who is attempting to view, hear or meaningfully participate in a PPPE from doing so.
- (b) Conduct, including creation of a physical obstacle, which substantially impedes access to a PPPE stage, vendor, speaker, or PPPE entertainment or other programming.
- (c) Conduct that substantially hinders the ability to access, enter or exit the PPPE venue.
- (d) Conduct that substantially interferes with the ability of the Host to set-up the PPPE or Assembly in the manner and locations indicated on the approved Site Plan, or to take-down the PPPE or Assembly.
- (e) Entrance of a PPPE venue that requires passage through a security checkpoint without consenting to personal inspection by a magnetometer or wand, and without consenting to inspection of personal belongings. For purposes of this Subsection 142-117(f), "personal belongings" includes backpacks, duffel bags, sleeping bags, purses, coolers, bulky apparel items and other personal items large enough to conceal or contain items that are prohibited in the venue.
- (f) Possession or consumption of alcohol in a park during a permitted Outdoor Festival where the Permit includes prohibition of alcohol, and where signs regarding the prohibition are posted at the park during the PPPE.
- (g) Possession or consumption of alcohol in a park during a permitted Outdoor Festival where the alcohol was not purchased or obtained from an official Outdoor Festival vendor, where the limitation on obtaining alcohol is included



- in the Outdoor Festival Permit, and where signs regarding the limitation are posted at the park during the PPPE.
- (h) Failure to discontinue participation in an Assembly after being instructed to do so by the Assembly Host or her/his designee.

Section 142-118. Warning.

No person may be arrested for violating Code section 142-117 until s/he has received an oral or written warning to cease the prohibited conduct from an on-duty member of the Atlanta Police Department or from an off-duty Post-certified security officer performing security services at the PPPE or Assembly. If the violator fails to comply with the warning issued, s/he shall be subject to arrest for violation of this Article.”

A true copy,

A handwritten signature in black ink, appearing to be "L. J. [unclear]", written over a horizontal line.

Deputy Municipal Clerk

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

MAR. 19, 2012
MAR. 28, 2012

RCS# 1843
3/19/12
6:11 PM

Atlanta City Council

MULTIPLE

12-O-0358, 12-O-0361

ADOPT

YEAS: 9
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	N Moore	NV Bond
Y Hall	Y Wan	B Martin	NV Watson
NV Young	Y Shook	Y Bottoms	Y Willis
E Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE