

12-0-1324

(Do Not Write Above This Line)

AN ORDINANCE BY  
COUNCIL MEMBER

TO REPEAL CHAPTER 43,  
(COMMERCIAL SOLICITATION), IN  
ITS ENTIRETY, AND TO AMEND  
CHAPTER 106, (OFFENSES AND  
MISCELLANEOUS PROVISIONS),  
ARTICLE II, (OFFENSES AGAINST  
PUBLIC ORDER), SECTION 106-85,  
TO RE-ADOPT THE ORDINANCE  
RELATED TO BEGGING AND  
SOLICITING ALMS SUCCESSFULLY  
ENFORCED BETWEEN 1996 AND  
2005; TO REPEAL CONFLICTING  
ORDINANCES; AND FOR OTHER  
PURPOSES.

ADOPTED BY

OCT 0 1 2012

Approved By:

COUNCIL

substitute

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

Date Referred 9/17/12

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

PSLR Committee

Date 9/17/12

Chair [Signature]

Action Fav/Adv/ Hold (see rev. side) [Signature]

Other ON Substitute

Members 5 years

1 year/monthly

Refer To [Signature]

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Action Fav, Adv, Hold (see rev. side) [Signature]  
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  
OCT 0 1 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED  
OCT 0 1 2012

[Signature]  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
OCT 0 8 2012

[Signature]  
MAYOR



CITY COUNCIL  
ATLANTA, GEORGIA

12-O-1324

**AN ORDINANCE BY  
COUNCILMEMBER KEISHA LANCE BOTTOMS AND MICHAEL JULIAN BOND  
AS SUBSTITUTED BY  
THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO REPEAL CHAPTER 43, (COMMERCIAL SOLICITATION) IN ITS ENTIRETY, AND TO AMEND CHAPTER 106, (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III, (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85, TO OUTLAW MONETARY SOLICITATION IN CERTAIN LOCATIONS AND MANNERS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, monetary solicitation is the act of making an in-person request of another individual for an immediate distribution of money or anything of monetary value, where such act occurs on property owned or leased by the City of Atlanta; and

**WHEREAS**, monetary solicitation requires that the person being solicited decide whether to contribute, and may involve a person reaching for a wallet, searching for money, writing a check, or producing a credit card; and

**WHEREAS**, monetary solicitation in the immediate vicinity of building entrances/exits and other congested locations can slow pedestrian traffic and disrupt the ability of patrons to access the buildings; and

**WHEREAS**, monetary solicitation can intimidate and lead to public safety risks when occurring in locations where an individual is stationary, such as at an automatic teller machine, at a parking lot pay box or in a stopped vehicle; and

**WHEREAS**, monetary solicitation is speech or expression protected by the First Amendment of the United States Constitution; and

**WHEREAS**, the Constitution allows the City to place certain time, place and manner restrictions on monetary solicitation to alleviate the public safety, inconvenience, disruption and intimidation concerns; and

**WHEREAS**, the City of Atlanta has determined that it is in the best interest of the public safety and welfare of the citizens and visitors of the City of Atlanta to regulate the manner and location of monetary solicitation that occurs on public property. Monetary solicitation that occurs on private property is already addressed through the State of Georgia's Criminal Trespass laws; and

**WHEREAS**, to the extent that this legislation prohibits monetary solicitation within fifteen feet of a specific location, the prohibition applies only to that portion of the fifteen feet located on public property; and



**WHEREAS**, an ordinance regulating monetary solicitation may be enforced based upon the observations of the victim. Pursuant to laws already in existence, enforcement may also occur based upon the observations of a witness to the prohibited conduct even where the victim is unwilling to press charges, except where the prohibited conduct is based upon the reasonable perception of the victim; and

**WHEREAS**, the City of Atlanta remains committed to a program of community outreach services for individuals in need of such support, including, without limitation, individuals who are homeless, have mental health diagnoses and/or addiction diagnoses. Such programming is implemented administratively. A monetary solicitation law applies uniformly to all citizens and is separate from services tailored to specific individuals.

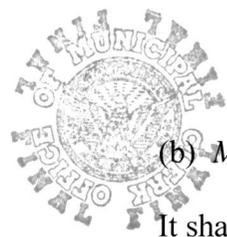
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**SECTION 1:** Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Reserved), is hereby amended so that it shall read as follows:

**Sec. 106-85. - Monetary solicitation.**

(a) *“Monetary solicitation” defined:*

- (1) “Monetary solicitation” or to “monetarily solicit” is an act or action performed by an individual that meets the following three criteria:
  - (i) is an in-person request of another individual, either orally or by gesture; and
  - (ii) the request is for an immediate distribution of money or anything of monetary value; and
  - (iii) the request occurs on public property, including, without limitation, City streets, sidewalks and parks.
- (2) “Monetary solicitation” and “monetarily solicit” shall not include:
  - (i) requests for signatures on a petition or other document; or
  - (ii) distribution of written material that requests individuals to send contributions by mail or make donations in some other manner at a later time; or
  - (iii) distribution of pre-addressed envelopes along with a verbal plea to contribute money, provided that no request for an immediate contribution is made; or
  - (iv) sale of literature or other merchandise or food where payment occurs at a separate time and location, including through mail order; or
  - (v) public vending lawfully permitted in accordance with Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1400 et seq.



(b) *Monetary solicitation in certain areas.*

It shall be unlawful for any person to monetarily solicit in any of the following places:

- (1) Within 15 feet of the entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet);
- (2) Within 15 feet of an automated teller machine (ATM), provided that when an ATM is located within an ATM facility, such distance shall be measured from the entrance or exit of the ATM facility;
- (3) Within 15 feet of any parking lot pay box;
- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) In any public transportation vehicle, or in any bus, rail or subway station or taxi stand, or within 15 feet of any bus, rail or subway station or taxi stand;
- (6) Within 15 feet of the entrance or exit of a building, whether publicly or privately owned, including without limitation any residence, business, event venue or athletic facility;
- (7) Within 15 feet of or within a line for entry to any building, whether the building is publicly or privately owned, including without limitation any residence, business, event venue or athletic facility;
- (8) In a parking lot or garage owned or operated by the City of Atlanta, including entryways or exits and pay stations connected therewith;
- (9) Within 15 feet of any public property “vending site” where a “vending business” is in operation, as defined in the Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1401; or
- (10) Within 15 feet of any private property “valid vendor location” where a “vending business” is in operation, as defined in the Atlanta City Code, Article XXIV, Division 1, Section 30-1461.

(c) *Aggressive monetary solicitation.*

It shall be unlawful for any person to monetarily solicit in any of the following manners:

- (1) Blocking the path or passage of the person solicited;



- (2) Not allowing the person solicited to leave the presence of the solicitor, by following immediately behind or walking alongside the person solicited;
- (3) Using profane or abusive language, either during the solicitation or following refusal;
- (4) Continuing to monetarily solicit a person after that person has refused the solicitation verbally or by gesture;
- (5) Continuing to monetarily solicit a person located in or on a motor vehicle after that person has refused the solicitation verbally or by gesture;
- (6) Making any statement, gesture or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat that is intended to compel or force the person solicited to accede to the demands of the solicitor; and/or
- (7) Touching the person solicited.

(d) *Penalties*

- (1) Upon conviction under Section 106-85 (b) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days.
- (2) Upon the first conviction under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days.
- (3) Upon the second conviction under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of thirty (30) days imprisonment.
- (4) Upon the third and future convictions under Section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to thirty (30) days community service; a monetary fine not to exceed \$1,000; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of ninety (90) days imprisonment.



**SECTION 2. Chapter 43, Section 43-1 (Commercial solicitation) of the City of Atlanta Code of Ordinances is hereby repealed in its entirety. The contents of the repealed section are as follows:**

*Sec. 43-1. - Commercial solicitation.*

(a) *Definitions:*

*"Commercial solicitation" or "to commercially solicit" is any request made in person on a street, sidewalk, or public place, without a permit, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Commercial solicitation shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.*

*"Outreach team evaluator" shall mean an individual counselor or group of counselors authorized and designated by the mayor to provide access to community outreach services for individuals with mental health diagnoses and/or drug and alcohol complications, or other medical or social services needs. The outreach team evaluator shall make recommendations that an individual receive community outreach services, and may take reasonable steps toward directing the person to the appropriate community outreach program service provider, including but not limited to offering transportation to such provider. An outreach team evaluator shall not have the authority to compel an individual to receive community outreach services.*

*"Community outreach services" means a public or private services provider that offers residential and/or rehabilitative medical or social services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance services for individuals in need thereof. The mayor shall determine what service providers constitute an eligible community outreach service provider for purposes of this section.*

*"Evaluation" means the written assessment of an individual's mental health, the presence of drug and alcohol complications, or other medical or social service needs by visual analysis and/or by verbal communication with the individual. Evaluation may be performed by either an outreach team evaluator or a law enforcement officer. An evaluation shall not serve to compel an individual to receive community outreach services nor shall an evaluation serve to increase the penalty assessed as provided for in section 43-6.*

*The "tourist triangle" means the area defined by the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets: Martin Luther King Jr. Drive SW from Courtland Street SE to Peachtree Street SW; Peachtree Street SW from Martin Luther King Jr. Drive SE to Alabama Street SW; Alabama Street SW from Peachtree Street SW to Forsyth Street SW; Forsyth Street SW from Alabama Street SW to Marietta Street NW; Marietta Street NW from Forsyth Street SW to Jones Avenue NW (Ivan Allen Boulevard NW); Jones Avenue NW (Ivan Allen Boulevard NW) from Marietta Street NW to Alexander Street NW; Alexander Street NW from Jones Avenue NW to Ralph McGill Boulevard NE; Ralph McGill Boulevard NE to Peachtree Street NE; Peachtree Street NE from Ralph McGill Boulevard NE to Peachtree Center Avenue NE; Peachtree Center Avenue NE from Peachtree Street NE to Baker Street NE; Baker Street NE from Peachtree Center Avenue NE to Piedmont Avenue NE; Piedmont Avenue NE from Baker Street NE to Edgewood Avenue SE;*



*Edgewood Avenue SE from Piedmont Avenue NE to Courtland Street SE; Courtland Street SE from Edgewood Avenue SE to Martin Luther King Jr. Drive SW.*

*The "King Center Tourist Area" means the area defined by the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets: Irwin Street, NE from Jackson Street, NE to Boulevard NE; Boulevard NE from Irwin Street, NE to Auburn Avenue, NE; Auburn Avenue, NE from Boulevard NE to Jackson Street, NE; Jackson Street, NE from Auburn Avenue, NE to Irwin Street, NE.*

*(b) Commercial solicitation in certain areas. It shall be unlawful for any person to commercially solicit when the person solicited is in any of the following places within the City of Atlanta, unless otherwise provided for in section 43-2(1)(c):*

- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;*
- (2) Within 15 feet of the entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet);*
- (3) Within 15 feet of an automatic teller machine (ATM), provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;*
- (4) Within 15 feet of any parking lot pay box;*
- (5) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;*
- (6) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxi stand;*
- (7) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;*
- (8) In a parking lot or garage owned or operated by the City of Atlanta, including entryways or exits and pay stations connected therewith;*
- (9) Within 15 feet of any valid vendor location, as defined in the Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1401 and Article XXIV, Division 1, Section 30-1461*
- (10) Within the "tourist triangle" area as defined in section 43-1(1)(d).*
- (11) Within the "King Center Tourist Area" area as defined in section 43-1(1)(f).*

*(c) Nighttime commercial solicitation. It shall be unlawful for any person to commercially solicit after sunset and before sunrise.*

*(d) Aggressive solicitation. It shall be unlawful for any person to commercially solicit in any of the following manners:*

- (1) By blocking the path of the person solicited; or*
- (2) By following or walking alongside the person solicited; or*
- (3) By using profane or abusive language, either during the solicitation or following refusal; or*
- (4) By accosting or forcing oneself upon the company of another, as is defined in section 106-85; or*



- (5) *By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat; or*
- (e) *False or misleading solicitation. It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:*
- (1) *Stating that the solicitor is from out of town and stranded when such is not true;*
  - (2) *Stating or suggesting falsely that the solicitor is either a present or former member of the armed service indicated;*
  - (3) *Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;*
  - (4) *Use of any makeup or device to simulate a deformity; or*
  - (5) *Stating that the solicitor is homeless, when he or she is not.*
- (f) *Penalties. Penalties for violations of this section, shall be as follows:*
- (1) *First violation: Upon a first violation, the person accused of violating this section shall be issued a warning ticket, which shall not include a summons to appear before a court of proper jurisdiction or shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case and the law enforcement officer issuing the citation shall request an outreach team evaluator to make an onsite evaluation of the violator.*
    - a. *The outreach team evaluator shall make an evaluation of the person issued a warning ticket or citation under this section, wherein such evaluation shall be forwarded to the prosecutor prosecuting the violation.*
    - b. *The outreach team evaluator shall offer immediate referral and direction to an appropriate community outreach services program to each and every person issued a citation under this section.*
    - c. *In the event an outreach team evaluator is not available for any reason, the citation shall note the time of contact with the outreach team evaluator and the law enforcement officer issuing the citation shall include an evaluation.*
  - (2) *Second violation:*
    - a. *Upon a second violation, the person accused of violating this section shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case, and the law enforcement officer issuing the citation shall request an outreach team evaluator to make an onsite evaluation of the violator.*
      1. *The outreach team evaluator shall make a written evaluation of the person issued a citation under this section, wherein such written evaluation shall be forwarded to the accused and to the prosecutor prosecuting the violation.*
      2. *The outreach team evaluator shall offer immediate referral and direction to an appropriate community outreach services program to each and every person issued a citation under this section.*
      3. *In the event an outreach team evaluator is not available for any reason, the citation shall note the time of contact with the outreach team*



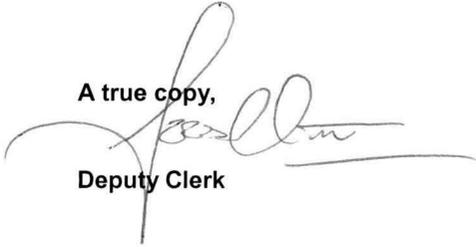
- evaluator and the law enforcement officer shall include an evaluation on the citation.*
- b. *Upon conviction for a second violation, the violator may be sentenced to perform up to 30 days of community service.*
1. *The prosecutor shall have discretion to consider the outreach team evaluator's report or the law enforcement officer's evaluation in determining whether to maintain charges against a violator, and the court may consider this report in determining the appropriate sentence.*
  2. *The court should consider completion of a community outreach services program in determining the appropriate sentence.*
- (3) *Third violation, and subsequent violations:*
- a. *Upon a third violation, and subsequent violation, the person accused of violating this section shall be issued a written citation, including a summons to appear before a court of proper jurisdiction for disposition of the case, and the law enforcement officer issuing the citation shall request an outreach team evaluator to make an onsite evaluation of the violator.*
1. *The outreach team evaluator shall make a written evaluation of the person issued a citation under this section, wherein such written*
  2. *The outreach team evaluator shall offer immediate referral and direction to an appropriate community outreach services program to each and every person issued a citation under this section.*
  3. *In the event an outreach team evaluator is not available for any reason, the citation shall note the time of contact with the outreach team evaluator and the law enforcement officer shall include an evaluation on the citation.*
- b. *Upon conviction for a third offense, and subsequent offenses, the violator may be sentenced to one or more of the following: direction to a community outreach services program; the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 30 days.*
1. *The prosecutor shall have discretion to consider the outreach team evaluator's report or the law enforcement officer's evaluation in determining whether to maintain charges against a violator, and the court may consider this report in determining the appropriate sentence.*
  2. *The court should consider completion of a community outreach services program in determining the appropriate sentence.*
- (4) *To the extent permitted by state law, information regarding citations issued pursuant to this chapter shall only be kept in City of Atlanta files and databases.*
- (5) *To the extent permitted by state law, records related to persons to whom a citation has been issued pursuant to this chapter shall be automatically expunged one year after the issuance of said citation.*

**Chapter 43 of the City of Atlanta Code of Ordinances shall hereafter be “Reserved.”**



**SECTION 3.** This ordinance shall become effective thirty (30) days following signature of the Mayor or approval by operation of law.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,  
  
Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

OCT 01, 2012  
OCT 08, 2012

FINAL

AN ORDINANCE

BY COUNCILMEMBERS SAMPLES, PITTS, MORRIS, MÜLLER, BOND, MADDOX, STARNES and McCARTY;

*Mary Davis, D. J. Hutchins, C. A. Henderson, ...*

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE III, SECTION 106-85 OF THE CITY OF ATLANTA CODE OF ORDINANCES RELATED TO BEGGING AND SOLICITING ALMS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in the public health, safety, privacy and welfare of its citizens and visitors; and

WHEREAS, the City of Atlanta may promote this interest by regulating the place and manner in which one may ask, beg, or solicit alms on its public streets and on private property; and

WHEREAS, it is a crime in the State of Georgia to assault another; and

WHEREAS, citizens and visitors of the City of Atlanta become more vulnerable targets of crimes against person and property in certain situations; and

WHEREAS, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens of the City of Atlanta to prohibit begging and soliciting alms in certain limited locations within the City of Atlanta; and

WHEREAS, the City of Atlanta has difficulty prosecuting persons who violate its current Ordinance prohibiting begging and soliciting alms by forcing oneself upon the company of another because many victims are visitors who reside outside the City of Atlanta and, therefore, are not available to testify; and

WHEREAS, the City of Atlanta has determined that it would be in the best interest of the public safety and welfare of the citizens and visitors of the City of Atlanta to utilize Atlanta Ambassadors and any other witnesses when prosecuting persons under Chapter 106, Article III, Section 106-85 of the Atlanta City Code.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY  
ORDAINS THAT

Section 1. Chapter 106, Article III, Section 106-85, Subsection (a) be deleted in its entirety and the following language be inserted in lieu thereof to read as follows:

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

*Ask, beg or solicit,* for purposes of this section, shall include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

*Accosting* for purposes of this section, shall be defined as approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person, or upon property in his/her immediate possession.

*Forcing oneself upon the company of another,* for purposes of this section, shall be defined as continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

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Section 2. Chapter 106, Article III, Section 106-85, Subsection (b) be deleted in its entirety and the following language be inserted in lieu thereof to read as follows:

(b) *Exceptions.* Except when performed in the manner and locations set forth in subsections (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), (c)(8), (c)(9), (d)(1) and (d)(2) of this section, it shall not be unlawful to ask, beg or solicit money or other things of value.

Section 3. Chapter 106, Article III, Section 106-85, Subsection (c) be deleted in its entirety and the following language be inserted in lieu thereof to read as follows:

(c) *Location.* It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
- (2) Within 15 feet of the entrance to or exit from any public toilet facility; or
- (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or

FINAL

- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility; or
- (5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxi stand; or
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle; or
- (7) Within 15 feet of any valid vendor location, as defined in the Atlanta City Code, Chapter 30, Article XXIII, Division 1, Section 30-1401 and Article XXIV, Division 1, Section 30-1461; or
- (8) From any person(s) who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
- (9) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.

Section 4. A new Chapter 106, Article III, Section 106-85, Subsection (d) shall be added to read as follows:

(d) *Manner.* It shall be unlawful for any person to solicit money or other things of value:

- (1) By accosting another; or
- (2) By forcing oneself upon the company of another.

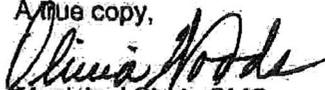
Section 5. A new Chapter 106, Article III, Section 106-85, Subsection (e) shall be added to read as follows:

(e) *Who May Press Charges.* Persons who may press charges under this Code section include not only the victim of the prohibited solicitation, but also any person who witnesses such conduct, including, but not limited to, police officers, Atlanta Ambassadors, security officers, hotel personnel, and bystanders. Evidence to support conviction for violation of this code section may include, but is not limited to, the testimony of such witness or witnesses, videotape evidence of the violation, and/or other admissible evidence.

Section 6. Severability is intended throughout and within the provisions of the Ordinance. If any section, subpart, sentence, clause or phrase of this Ordinance shall be declared by any court of competent jurisdiction or subsequent rule of law to be invalid, unconstitutional, or unenforceable, then such judgment or law shall in no way impair or affect the enforceability of the remainder of this Ordinance.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

A true copy,

  
Municipal Clerk, CMC

ADOPTED

RETURNED WITHOUT SIGNATURE BY MAYOR

APPROVED as per Section 2-403 of the 1996 Charter

November 04, 1996

RCS# 2335  
10/01/12  
3:56 PM

Atlanta City Council



12-O-1324

REPEAL CH. 43 COMMERCIAL SOLICITATION  
IN ITS ENTIRETY; AMEND CH 106; SEC 85  
ADOPT ON SUB

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

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