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1985

12-0-1138

(Do Not Write Above This Line)

AN ORDINANCE
BY COUNCILMAN KWANZA HALL

AN ORDINANCE TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY "RESERVED") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED "LOITERING OR PROWLING" SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

AUTOMATICALLY TERMINATED
AND
FILED BY CLERK
PER CHARTER SECTION 2-407
DEC 02 2013

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

Date Referred 8/20/12
 Referred To: Public Safety
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

PSLA Committee

8/28/12 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

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

FINAL COUNCIL ACTION

- 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 DEC 02 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 DEC 02 2013
 Rhonda Daughine Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

12-0-1138
[Handwritten signature]

**AN ORDINANCE
BY COUNCILMAN KWANZA HALL**

AN ORDINANCE TO ACTIVATE SECTION 106-13 (WHICH CODE SECTION IS CURRENTLY "RESERVED") OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA TO BE ENTITLED "LOITERING OR PROWLING" SO AS TO MAKE UNLAWFUL THE ACTIVITY DESCRIBED THEREIN AND TO PROVIDE FOR THE PENALTY TO BE IMPOSED UPON PERSONS CONVICTED FOR THE VIOLATION OF SAID ORDINANCE AND CODE SECTION; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.

WHEREAS, certain personal behavior and activities threaten the safety of persons or property within the City of Atlanta; and

WHEREAS, that behavior and activity is best described as loitering or prowling; and

WHEREAS, in addition to threatening the safety of persons and property in the City, such behavior and activity has a deleterious effect on the quality of life and the fabric and decorum of the City; and

WHEREAS, in 1980, the Georgia General Assembly enacted a law (O.C.G.A. § 16-11-36) that provides that a person committing the offense of loitering or prowling shall be guilty of a misdemeanor; and

WHEREAS, that law also provided, in subsection (d) thereof that "This Code section shall not be deemed or construed to affect or limit the powers of counties or municipal corporations to adopt ordinances or resolutions prohibiting loitering or prowling within their respective limits."; and

WHEREAS, such an ordinance is needed in the City of Atlanta.

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

Section 1: Section 106-13 (which Code section is currently "Reserved") of the Code of Ordinances of the City of Atlanta, Georgia, is hereby activated and entitled "Loitering or prowling" and shall provide as follows:

Section 106-13. - Loitering or prowling.

(a) A person commits the offense of loitering or prowling when he or she is in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted, is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself, or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this code section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself, and explain his or her presence and conduct. No person shall be convicted of an offense under this code section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(c) A person committing the offense of loitering or prowling shall, upon conviction, be punished as provided in Section 1-8 of this Code.

Section 2: All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.