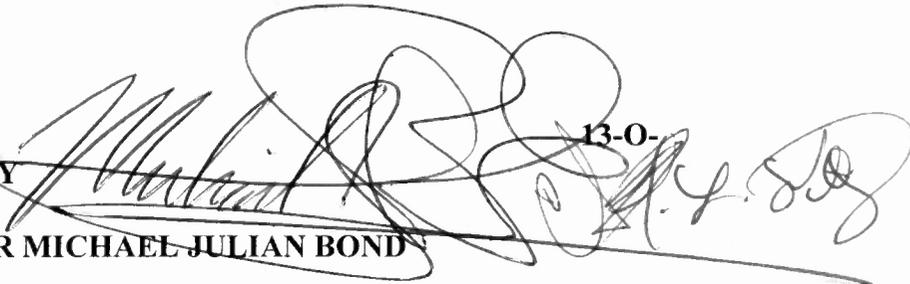


AN ORDINANCE BY

COUNCILMEMBER MICHAEL JULIAN BOND

13-0-  


**AN ORDINANCE TO AMEND CHAPTER 106, (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III, (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION) SUBSECTION (B)(6) TO SPECIFY THAT THE PROHIBITION ON MONITARY SOLICIATION WITHIN FIFTEEN FEET OF THE ENTRANCE OR EXIT OF A BUILDING SHALL NOT, IN AND OF ITSELF, DISALLOW MONITARY SOLICIATION WITHIN FIFTEEN FEET OF OTHER PORTIONS OF THE BUILDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, monetary solicitation is the act of making an in-person request of another individual, either orally or by gesture, 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 (the “City”); and

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

**WHEREAS**, the City’s history is rich with a tradition of honoring the First Amendment rights of all people; and

**WHEREAS**, because monetary solicitation may result in an individual reaching for a wallet, searching for money or handling currency, solicitation in certain locations and in certain manners can slow pedestrian traffic, disrupt patron access to buildings and lead to public safety risks; and

**WHEREAS**, in 2012, the City passed an ordinance (Atlanta Code of Ordinances section 106-85, hereinafter the “Monetary Solicitation Law” or the “Law”) regulating the time, place and manner of monetary solicitation. The Law allows non-aggressive monetary solicitation to occur throughout the City except in certain specifically-defined locations; and

**WHEREAS**, one of the locations where monetary solicitation is prohibited is within fifteen feet of the entrance or exit of a building, including residences, businesses, event venues and athletic facilities; and

**WHEREAS**, in order to minimize impact upon First Amendment activity, the City desires to amend the Monetary Solicitation Law to specify that the prohibition on soliciting within fifteen feet of a building’s entrance and/or exit does not, in and of itself, prohibit solicitation within fifteen feet of any other portion of a building.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** that Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Monetary Solicitation), subsection (b)(6) which currently reads:

(b) *Monetary solicitation in certain areas.*

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

- (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; ...

is hereby amended by adding the following sentence at the end of subsection (b)(6): “Nothing in this subsection (6) shall prohibit monetary solicitation within fifteen feet of any other portion of a building other than its exit(s) and entrance(s);”

Subsection 106-85(b)(6) shall hereinafter read as follows:

(b) *Monetary solicitation in certain areas.*

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

- (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. Nothing in this subsection (6) shall prohibit monetary solicitation within fifteen feet of any other portion of a building other than its exit(s) and entrance(s); ...