

**CITY COUNCIL
ATLANTA, GEORGIA**

H.1

14-O-1170

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 106, ARTICLE II, SECTION 106-52 (ENTITLED EVADING PAYMENT OF FARE FOR TRANSPORTATION SERVICE); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Workflow List:

George Turner	Completed	03/19/2014 10:07 AM
Amber Robinson	Completed	03/19/2014 11:06 AM
Mayor's Office	Completed	03/19/2014 12:21 PM
Office of Research and Policy Analysis	Completed	03/19/2014 3:39 PM
Public Safety & Legal Administration Committee	Completed	03/26/2014 1:01 PM
Atlanta City Council	Completed	04/23/2014 7:46 PM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

HISTORY:

03/25/14	Public Safety & Legal Administration Committee	
04/21/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [11 TO 0]	Next: 4/29/2014 3:00 PM
AYES:	Bond, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Adrean, Martin, Bottoms	
AWAY:	Mary Norwood, Howard Shook, Felicia A. Moore, Joyce Sheperd	

RESULT:	REFERRED TO COMMITTEE [11 TO 0]	Next: 4/29/2014 3:00 PM
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AWAY:	Mary Norwood, Howard Shook, Felicia A. Moore, Joyce Sheperd	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY - BLUE BACK

AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 106, ARTICLE II, SECTION 106-52 (ENTITLED EVADING PAYMENT OF FARE FOR TRANSPORTATION SERVICE); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project ("Project"), which is a modern electric streetcar system the first phase of which will span 2.7 miles in downtown area of the City of Atlanta ("City"); and

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

WHEREAS, the City has an interest in regulating, through the lawful exercise of its police powers, the use of the Project; and

WHEREAS, the City of Atlanta is authorized to regulate the use of the Project; and

WHEREAS, the City has determined that it is necessary for the City to enact laws preventing persons from evading payment of the fare for the use of the Project; and

WHEREAS, the Commissioner of Public Works recommends that the City Council modify the Code of Ordinances of the City of Atlanta ("Code") to prevent persons from evading payment of the fare charged for using the Project; and

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

SECTION 1: Chapter 106 (Offenses and Miscellaneous Provisions), Article II (Offenses Against Property Rights), Section 106-52 (Evading Payment of Fare for Transportation Service) of the Code of Ordinances of the City of Atlanta, Georgia, currently provides as follows:

Sec. 106-52. Evading payment of fare for transportation service.

It shall be unlawful, within the corporate limits of the city, for any person to evade or attempt to evade payment of the fare for transportation service upon the Metropolitan Atlanta Rapid Transit Authority (MARTA) rapid rail system or public transit bus. As used in this section, "evasion of payment of the fare" shall include the following acts, activities or conduct:

- (1) Entry into or upon a rapid rail car or public transit bus without payment of the fare charged for transportation service.

- (2) Misuse of a transfer, TransCard, pass, ticket, token or other evidence of payment of or prepayment of a fare issued by MARTA with the intent to avoid or to assist another in avoiding payment of the fare charged for transportation service.
- (3) Use or attempted use of a signed MARTA TransCard for the payment of the fare charged for transportation service by a person who is not the person whose signature appears on the TransCard.

Is hereby amended and modified as follows in order to prohibit individuals from evading payment of the established fare for the City's streetcar transportation service, so that when amended, said new Section 106-52 shall provide as follows:

Sec. 106-52. Evading payment of fare for transportation service.

It shall be unlawful, within the corporate limits of the city, for any person to evade or attempt to evade payment of the fare for transportation service upon a ~~the Metropolitan Atlanta Rapid Transit Authority (MARTA)~~ rapid rail system, ~~or~~ public transit bus, or upon city's streetcar transit system. As used in this section, the "evasion of payment of the fare" shall include the following acts, activities or conduct:

- (1) Entry into or upon a rapid rail car, public transit bus, or streetcar vehicle without payment of the fare charged for transportation service.
- (2) Misuse of a transfer, TransCard, pass, ticket, token, Metropolitan Atlanta Rapid Transit Authority (MARTA) Breeze Card, MARTA University Pass Program Card or other evidence of payment of or prepayment of a fare issued by the city or MARTA with the intent to avoid or to assist another in avoiding payment of the fare charged for transportation service.
- (3) Use or attempted use of a signed city or MARTA TransCard pass or ticket, MARTA Breeze Card or MARTA University Pass Program Card for the payment of the fare charged for transportation service by a person who is not the person whose signature appears on the TransCard who is not the owner of the city or MARTA pass or ticket or a MARTA Breeze Card.

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.

SECTION 3: That this ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Investigator Kurt Braunsroth

Contact Number: 404-546-4266

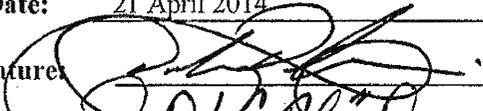
Originating Department: Police

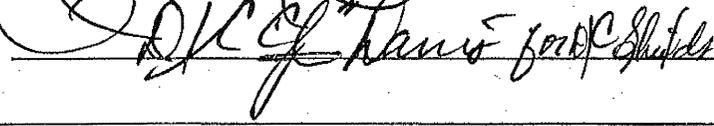
Committee(s) of Purview: Public Safety and Legal Administration

Chief of Staff Deadline: 7 March 2014

Anticipated Committee Meeting Date(s): 25 - 26 March 2014

Anticipated Full Council Date: 21 April 2014

Legislative Counsel's Signature: 

Commissioner's Signature: 

Chief Financial Officer: _____

Chief Information Officer Signature (for IT Procurements) _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 106, ARTICLE II, SECTION 106-52 (ENTITLED EVADING PAYMENT OF FARE FOR TRANSPORTATION SERVICE); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

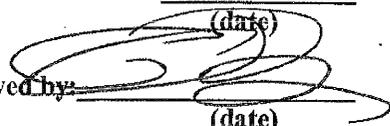
FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: Janice Osei 3/7/14
(date)

Reviewed by: 
(date)

Submitted to Council: _____ (date)

Attachment: street car fare evasion ordinance with signed transmittal (14-O-1170 : ordinance to amend Chapter 106, Article II, Section 106-52)

AN ORDINANCE

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 106, ARTICLE II, SECTION 106-52 (ENTITLED EVADING PAYMENT OF FARE FOR TRANSPORTATION SERVICE); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

WHEREAS, the City has an interest in regulating, through the lawful exercise of its police powers, the use of the Project; and

WHEREAS, the City of Atlanta is authorized to regulate the use of the Project; and

WHEREAS, the City has determined that it is necessary for the City to enact laws preventing persons from evading payment of the fare for the use of the Project; and

WHEREAS, the Commissioner of Public Works recommends that the City Council modify the Code of Ordinances of the City of Atlanta (“Code”) to prevent persons from evading payment of the fare charged for using the Project; and

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

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- (1) Entry into or upon a rapid rail car, public transit bus, **or streetcar vehicle** without payment of the fare charged for transportation service.
- (2) Misuse of a transfer, TransCard, pass, ticket, token, **Metropolitan Atlanta Rapid Transit Authority (MARTA) Breeze Card, MARTA University Pass Program Card** or other evidence of payment of or prepayment of a fare issued by **the city or MARTA** with the intent to avoid or to assist another in avoiding payment of the fare charged for transportation service.
- (3) Use or attempted use of a signed **city or MARTA TransCard pass or ticket, MARTA Breeze Card or MARTA University Pass Program Card** for the payment of the fare charged for transportation service by a person who is not the person whose signature appears on the TransCard **who is not the owner of the city or MARTA pass or ticket or a MARTA Breeze Card.**

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.

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Legislative White Paper

Committee of Purview: Public Safety and Legal Administration

Caption: AN ORDINANCE

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 106, ARTICLE II, SECTION 106-52 (ENTITLED EVADING PAYMENT OF FARE FOR TRANSPORTATION SERVICE); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Council Meeting Date: 21 April 2014

Legislation Title: Resolution amending Chapter 106, Article II, Section 106-52 of the City of Atlanta, Georgia Code of Ordinances

Requesting Dept.: Police

Contract Type: NA

Source Selection: NA

Bids/Proposals Due: NA

Invitations Issued: NA

**Number of Bids/
Proposals Received:** NA

PROPONENTS: NA

Contractor: NA

Estimated Value: NA

Scope Summary: NA

BACKGROUND: This is an ordinance to amend City Code to enact laws preventing persons from evading payment of the fare for the use of the new Street Car Project.

**EVALUATION TEAM
COMPOSITION:** NA

Attachment: street car fare evasion ordinance with signed transmittal (14-O-1170 : ordinance to amend Chapter 106, Article II, Section 106-52)

TERM OF CONTRACT: NA
FUND ACCOUNT CENTERS: NA
PREPARED BY: Amber Robinson
CONTACT NUMBER: 404-330-6494

Attachment: street car fare evasion ordinance with signed transmittal (14-O-1170 : ordinance to amend Chapter 106, Article II, Section 106-52)