

**AN ORDINANCE BY
COUNCILMEMBER CLETA WINSLOW**

AN ORDINANCE TO AMEND CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III, (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION), SO AS TO ADD SPI-21 (SPECIAL PUBLIC INTEREST DISTRICT: HISTORIC WEST END/ADAIR PARK) AS A LOCATION WHERE MONETARY SOLICITATION IS PROHIBITED; 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 (hereinafter, “**Monetary Solicitation**”); 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 the person being solicited and lead to public safety risks when occurring in locations where an individual is stationary, including but not limited to at an automatic teller machine, at a parking lot pay box, at a parking pay station or kiosk, at a public transit platform or station, 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, Federal law provides that, even in a public forum, the City of Atlanta may enforce regulations of the time, place, and manner of expression, if the regulations 1) are content-neutral, 2) are narrowly tailored to serve a significant government interest, and 3) leave open ample alternative channels of communication, *see Smith v. City of Fort Lauderdale, Florida*, 177 F.3d 954, 956 (11th Cir. 1999); and

WHEREAS, Federal law provides specifically that the City may enforce such time, place and manner regulations on Monetary Solicitation to alleviate public safety, disruption and intimidation concerns; and

WHEREAS, Historic West End/Adair Park is nestled in Atlanta’s southwestern section of the city, at the crossroads of the Atlanta Beltline, MARTA, and the Peachtree Streetcar corridor; and

WHEREAS, due to the recent adoption of 15-O-1267 (adopted by Atlanta City Council on June 15, 2015) which prohibits Monetary Solicitation in the Auburn Avenue Corridor and the Midtown Theatre District, certain areas of the City have seen an increase in persons being solicited; and

WHEREAS, it is the desire of the City of Atlanta to prohibit Monetary Solicitation within SPI-21 (Special Public Interest District: Historic West End/Adair Park) in order to serve the City's interest in providing a safe and pleasant environment and alleviating disruptive and intimidating activity therein.

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

SECTION 1: That Chapter 106, (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 (Monetary Solicitation) subsection (b) (Monetary Solicitation in Certain Areas) of the Code shall be amended by:

- (i) Adding a subsection (b)(13) that prohibits Monetary Solicitation in SPI-21 (Special Public Interest District: Historic West End/Adair Park).

Specifically, Atlanta Code of Ordinances Chapter 106 (Offenses and Miscellaneous Provisions), Article III, (Offenses Against Public Order), Section 106-85 Monetary Solicitation) subsection (b) (Monetary Solicitation in Certain Areas), shall be amended to read as follows:

Sec. 106-85 – Monetary solicitation.

- (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, on-street parking pay station or kiosk;
 - (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; in or on any bus, rail, subway or Atlanta Streetcar platform or station or taxi stand, including without limitation entryways, exits, queuing areas and pay stations connected therewith; within 15 feet of any bus, rail, subway or Atlanta Streetcar platform or outdoor station or taxi stand; and within 15 feet of the entrance or exit of a station located in an enclosed building;
 - (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 15 feet of any other portion of a building other than its exit(s) and entrance(s);

- (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 "valid vendor location" where a "vendor" is operating, 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.
- (11) Within the Restricted Monetary Solicitation Zone, defined as the area between 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 SW 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 NW to Ivan Allen Jr. Boulevard; Ivan Allen Jr. Boulevard from Marietta Street NW to Peachtree Street NE; Peachtree Street NE from Ivan Allen Jr. Boulevard 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 NE; Edgewood Avenue NE from Piedmont Avenue NE to Courtland Street SE; Courtland Street SE from Edgewood Avenue NE to Martin Luther King Jr. Drive SW; and

Piedmont Avenue NE from John Wesley Dobbs Avenue NE to Edgewood Avenue SE; Edgewood Avenue SE from Piedmont Avenue NE to Boulevard NE; Boulevard NE from Edgewood Avenue SE 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; Irwin Street NE from Jackson Street NE to Fort Street NE; John Wesley Dobbs Avenue NE from Fort Street NE to Piedmont Avenue NE

Auburn Avenue NE from Boulevard NE to Jackson Street NE; Jackson Street NE from Auburn Avenue NE to Irwin Street NE; Irwin Street NE from Jackson Street NE to Boulevard NE; Boulevard NE from Irwin Street NE to Auburn Avenue NE.

- (12) Within the Midtown Theatre District Zone, defined as the area between the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets:

Spring Street NW from 3rd Street NW to Ponce de Leon Avenue NE; Ponce de Leon Avenue from Springs Street to W Peachtree Street NW; W Peachtree Street

NW from Ponce de Leon Avenue NE to North Avenue NE; North Avenue NE from W Peachtree Street NW to Piedmont Avenue NE; Piedmont Avenue NE from North Avenue NE to 4th Street NE; 4th Street NE from Piedmont Avenue NE to W Peachtree Street NW; W Peachtree Street NW from 4th Street NE to 3rd Street NW; 3rd Street NW from W Peachtree Street NW to Spring Street NW.

- (13) **Within SPI-21 (Special Public Interest District: Historic West End/Adair Park), defined as the area between the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets:**

THIS SECTION WILL BE UPDATED

SECTION 2: This ordinance shall become effective immediately upon the signature of the Mayor or approval by operation of law.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

#23

(Do Not Write Above This Line)	First Reading		FINAL COUNCIL ACTION
	Referred To		<input type="checkbox"/> 2 nd <input type="checkbox"/> 1 st & 2 nd <input type="checkbox"/> 3 rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote
<p>AN ORDINANCE BY COUNCILMEMBER CLETA WINSLOW</p> <p>AN ORDINANCE TO AMEND CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III, (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION), SO AS TO ADD SPI-21 (SPECIAL PUBLIC INTEREST DISTRICT: HISTORIC WEST END/ADAIR PARK) AS A LOCATION WHERE MONETARY SOLICITATION IS PROHIBITED; AND FOR OTHER PURPOSES.</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1ST ADOPT 2ND READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred Referred To:</p> <p>Date Referred Referred To:</p> <p>Date Referred:</p> <p>Referred To:</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>MAYOR'S ACTION</p>