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Kwanza Hall

AN ORDINANCE

BY

AN ORDINANCE AMENDING THE ATLANTA CODE OF ORDINANCES, CHAPTER 30 (BUSINESS), ARTICLE XX (SIDEWALK PHOTOGRAPHERS), TO REPEAL SECTION 30-1316 ENTITLED PROHIBITED ACTS; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 30 of the Atlanta Code of Ordinances ("**Code**") establishes certain regulations for businesses operating within the City of Atlanta (the "**City**"); and

WHEREAS, Chapter 30 of the Code, section 30-1316, regulates sidewalk photographers, and prohibits them from photographing individuals in front of a business, for commercial purposes, without written consent from the business owner; and

WHEREAS, photography may be deemed a form of "expression" that is subject to constitutional protection pursuant to the United States Constitution's First Amendment; and

WHEREAS, on June 18, 2015, the United States Supreme Court issued a ruling in *Reed v. Town of Gilbert* ("**Gilbert**") that substantially changes the First Amendment analysis applied to laws which regulate expression (*Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015)); and

WHEREAS, the City is re-evaluating its ordinances that affect expression, applying the *Gilbert* analysis, to determine if any ordinances should be repealed; and

WHEREAS, the City has determined that Code section 30-1316 should be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. Atlanta Code of Ordinances, Chapter 30 (Business), Article XX (Sidewalk Photographers), section 30-1316 (Prohibited Acts), which reads:

Sec. 30-1316. - Prohibited acts.

It shall be unlawful for any person to engage in the business of taking photographs, intended to be offered for sale, of persons on the streets and sidewalks of the city in front of any place of business other than the person's own, unless the person shall have secured and have with such person at the time the written consent of the owner or manager of that place of business. The taking of photographs of persons on the streets in

front of the place of business of another without the written consent of the other shall be deemed an offense under this section, whether or not a charge is made at the time of taking the photographs, if the photographs are taken for the purpose of sale.

is hereby **REPEALED**, and shall be deleted in its entirety from the Code of Ordinances.

SECTION 2. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.