

ORDINANCE TO REPEAL CRIMINALIZATION OF MONETARY SOLICITATION IN CERTAIN GEOGRAPHIC AREAS IN THE CITY OF ATLANTA

AN ORDINANCE BY MATTHEW CHARLES CARDINALE

AN ORDINANCE TO AMEND CITY OF ATLANTA CODE OF ORDINANCES, PART II (ORDINANCES), CHAPTER 106 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE III (OFFENSES AGAINST PUBLIC ORDER), SECTION 106-85 (MONETARY SOLICITATION) TO REPEAL SUBSECTIONS (B)(11) and (B)(12), WHICH REFER, RESPECTIVELY TO THE "RESTRICTED MONETARY SOLICITATION ZONE" AND THE "MIDTOWN THEATRE DISTRICT ZONE"; AND FOR OTHER PURPOSES.

WHEREAS, monetary solicitation is speech or expression protected by the First Amendments to the Constitution of the State of Georgia and the Constitution of the U.S.; and

WHEREAS, the City of Atlanta, in Code of Ordinances Section 106-85 (Monetary Solicitation), currently purports to prohibit the exercise of free speech in the form of the solicitation of cash money donations or alms in certain geographic areas within city boundaries, by establishing a so-called "Restricted Monetary Solicitation Zone" and a "Midtown Theatre District Zone"; and

WHEREAS, each of these zones comprise multiple city blocks and are constitutionally suspect; and

WHEREAS, in 2012, the City of Atlanta, upon the advice of then-City Attorney Cathy Hampton, adopted 12-O-1324 and revised its existing legislative scheme regarding monetary solicitation, by removing all geographically-defined restricted areas, which at that time were referred to as the "Tourist Triangle" and the "King Center Tourist Area"; and

WHEREAS, in an effort to protect the First Amendment rights of all Atlantans, the 2012 ordinance provided for narrowly tailored time, place, and manner restrictions on monetary solicitation, such as within ten feet of an egress or ten feet of an automatic teller machine; and

WHEREAS, in 2015, by way of 15-O-1189 and 15-O-1267, the City re-added the geographic area restrictions to the City's existing ordinance, even though such restrictions had been removed in 2012 for constitutional reasons; and

WHEREAS, the City desires to cease infringing upon the First Amendment rights of its most vulnerable residents,

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

SECTION 1: That Part II (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), subsections (11) and (12), which currently reads as follows:

(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.

are hereby repealed.

SECTION 2: Except as otherwise provided, the provisions of Section 1 are effective as of the date of adoption of this legislation.

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