AN ORDINANCE

03-O -1188

BY: COUNCILMEMBER H. LAMAR WILLIS

AN ORDINANCE PROHIBITING PANHANDLING WITHIN THE DOWNTOWN ATLANTA AREA AND IN CONFINED AREAS SUCH AS: AUTOMATED TELLER MACHINES, BANKS, METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (MARTA) STATIONS, BUS DEPOTS, SPORTS ARENAS AND HARTSFIELD ATLANTA INTERNATIONAL AIRPORT.

WHEREAS, the City of Atlanta wants to protect and enhance the City's attractions to citizens, tourists and visitors; and

WHEREAS, panhandling in Downtown Atlanta impacts tourism and retail and causes a decrease in generated revenues to the City and its business community; and

WHEREAS, an increased panhandling in Downtown Atlanta contributes to the negative perceptions of the City of Atlanta, which discourages tourism and retail and contributes to the lack of enjoyment of public places; and

WHEREAS, Downtown Atlanta is bordered by the following streets: from Piedmont Avenue to Alexander Street to Jones Avenue to Northside Drive to Fair Street to Memorial Drive; and

WHEREAS, sitting or lying on the streets or sidewalks of Downtown Atlanta is prohibited except for medical emergencies; and

WHEREAS, panhandling throughout Downtown Atlanta and near confined areas such as: automated teller machines, banks, Metropolitan Atlanta Rapid Transit Authority (MARTA) stations, bus depots, sports arenas and Hartsfield Atlanta International Airport, is a common presence and disturbance to residents and businesses; and

WHEREAS, panhandling drives customers away from businesses in Downtown Atlanta, therefore, affecting business transactions and threatens potential economic growth; and

WHEREAS, panhandling causes a sense of fear and intimidation through repetitive solicitation despite refusals, obscene behavior and language, unwanted physical contact or obstruction of traffic; and

WHEREAS, non-profit organizations who solicit funds to support their efforts provide important social services; and

WHEREAS, the solicitation of money or items of monetary value by panhandlers, increases potential criminal activity in confined environments/areas such as: at or near automated teller machines, banks, Metropolitan Atlanta Rapid Transit Authority (MARTA) stations, bus depots, sports coliseums and Hartsfield Atlanta International Airport.

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

Section 1: Definition. "Panhandling" is defined as any solicitation made in person in which a request is made for an immediate donation of money or other gratuity from another person.

"Downtown Atlanta" is defined as the area bordered by the following streets: from Piedmont Avenue to Alexander Street to Jones Avenue to Northside Drive to Fair Street to Memorial Drive.

"Sports arena" is defined according to City of Atlanta Code Section 86-31 as "enclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events."

Section 2: Prohibited Acts.

(a) It shall be unlawful for any person(s) to solicit funds or any item of monetary value within the parameters of Downtown Atlanta.

(b) It shall be unlawful for any person(s) to request a donation of money from another person while being within fifteen (15) feet of an automated teller machine, Metropolitan Atlanta Rapid Transit Authority (MARTA) station, bus depots, sports coliseums or Hartsfield Atlanta International Airport.

(c) It shall be unlawful for any person(s) to fundraise, within the Downtown Area and other designated locations throughout the City.

Section 3: Panhandling by Minors

Persons with children under the age of eighteen (18) who solicit funds in Downtown Atlanta without a permit obtained from the City of Atlanta, will be held responsible for the child's actions and penalized as outlined in Section 5 of this ordinance.

Section 4: Penalties.

Any person caught soliciting money or items of monetary value will receive a citation upon it being the first offense. If a second offense is reported, the solicitor will perform community service. Upon the third offense, the solicitor will perform community service and/or become subject to imprisonment not to exceed six (6) months.

Section 5: Reporting Panhandling. The City of Atlanta Police Department shall be charged with the enforcement of this ordinance.

Section 6: This Ordinance shall become effective immediately.

Section 7: All Ordinances, or parts of Ordinances, in conflict herewith are repealed.