

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 50 OF THE CITY OF SANDY SPRINGS CODE OF ORDINANCES TO PROHIBIT SOLICITATION FOR EMPLOYMENT IN CERTAIN AREAS.**

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs (the "City") are charged with the protection of the public health, safety, and welfare of citizens of the City; and

**WHEREAS**, the City has determined that the activities surrounding the solicitation for employment at informal gathering sites within the City interfere, when unauthorized, with the use and enjoyment of private property by private property owners, create dangerous road conditions and other traffic hazards to pedestrians and drivers through frequent vehicle stops and turns, and can have adverse consequences to persons seeking employment when dealing with unscrupulous persons seeking to hire from informal gathering sites; and

**WHEREAS**, the Mayor and City Council have determined that it is necessary to develop reasonable regulations to: remove obstructions for the safe passage of motorists and pedestrians on the streets and sidewalks of the City; minimize the interference with the use and enjoyment of private property caused by uninvited solicitation; encourage the use of hiring centers to assist in the placement of persons seeking employment with persons seeking their services in an environment that offers protection for the person hiring and the person hired; and; encourage more formal and orderly alternative means for solicitation to minimize the negative secondary impacts to the public health, safety, and welfare of citizens of the City; and

**WHEREAS**, the Mayor and City Council desire to impose regulations that are content neutral and that impose reasonable time, place and manner regulations on solicitation from public rights-of-way and private property;

**NOW, THEREFORE**, in order to accomplish the foregoing, the Mayor and Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby amend Chapter 50 of the Code of Ordinances of the City of Sandy Springs, Georgia, by adding the following provisions thereto which shall be designated as Chapter 50, Article V, and shall henceforth read as follows:

Chapter 50

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article IV. Solicitation for Employment

Sec. 50-120. Intent and Purpose.

The purpose of this article is to place reasonable regulations on the time, place and manner of solicitation of and solicitation for employment on public rights-of-way and commercial parking lots within the City. This article is not intended to restrict the right of free speech or alternative channels of communication, but to ensure the protection of public health, safety and general welfare.

Sec. 50-121. Definitions.

For purposes of this article, the following definitions shall apply:

*City property* means and includes any city street, highway, sidewalk, easement, right-of-way, or other city property that is not specifically designated for off-site soliciting activities.

*City street* means all portions of a roadway used by motor vehicles for travel or parking, including any medians lying within such roadways.

*Commercial parking lot* means privately owned property that is designed for or primarily used by customers of the property owner for parking, ingress and egress.

*Freeway* means a broad highway designed for high-speed traffic including, but not limited to, Interstate 285 and Georgia 400.

*Hiring center* means an established location, issued a use and occupancy permit, where employment opportunities are coordinated between persons seeking employment and persons seeking to hire persons for employment.

*Property owner* means the fee owner of the property, the property owner's authorized agent, any tenant in lawful possession of the property, and/or the tenant's authorized agent.

*Public right-of-way* means and includes any street, highway, driveway, parkway, or sidewalk within the city limits.

*Solicit or solicitation* means and includes any request, offer, enticement, or similar action by an individual to advertise or announce his availability for employment, to offer employment, to sell or purchase goods, property or services or to seek or make contributions of money or property, that is intended to consummate a physical exchange of money and/or property between a motorist and a pedestrian or entry by a pedestrian into a vehicle. A solicitation shall constitute a violation of this article when made, whether or not an actual employment, sale, purchase or contribution transaction is completed.

*Solicitation for employment* means and includes any action by a person to announce his availability for employment to persons operating motor vehicles or by a person operating a motor vehicle to offer employment to a pedestrian.

**Sec. 50-122. Prohibitions.**

(a) No person shall solicit from any public right-of-way that is immediately adjacent to any city street or highway upon which a motorist cannot stop, stand, or park pursuant to the provisions of O.C.G.A. § 40-6-203(a)(1) and (2), as may be amended from time to time.

(b) No person shall solicit within three hundred (300) feet of a freeway ramp or any part of the public right-of-way that is designated as a “keep moving” lane.

(c) No person shall, while operating a motor vehicle on or along a city street, solicit from the motor vehicle unless the motor vehicle is legally parked.

(d) No person shall, from a location on any private property, solicit without the express written permission of the property owner.

A property owner who does not grant permission for solicitation on his property may:

(1) Post a sign at each entrance to the property not less than eighteen (18) by twenty-four (24) inches in size with lettering not less than one (1) inch in height and not to exceed six (6) square feet, which substantially provides as follows: “It is a misdemeanor to engage in the solicitation for and of employment other than to perform the employment on or for the property owner or occupants of the premises.”

(2) Notify the City’s police department in writing that solicitation is not permitted on the property and provide the location of such property. The written no solicitation notice shall be effective until withdrawn by the property owner in writing.

(e) No person shall remain on any private property for the purpose of engaging in solicitation after he has been requested to leave by the property owner.

(f) No person shall solicit while stopped or standing in any through traffic lane, upon any street median or upon any driveway apron located within the public right-of-way.

(g) No person shall solicit on any city property within one (1) mile of a hiring center. This subsection shall only apply to those hours in which the hiring center is open.

(h) No person shall solicit from any public sidewalk in a manner that impedes pedestrian access to such public sidewalk.

**Sec. 50-123. Exceptions.**

(a) A person may solicit from a commercial parking lot if such person has the express written permission of the property owner.

(b) This article shall not apply to conduct which solely involves the distribution of literature or to private property which is required by law to be open to the public for communicative purposes, such as plaza areas and walkways of shopping centers where the general public is invited to congregate.

**Sec. 50-124. Penalty.**

Any person violating the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) and imprisonment for a term not exceeding three (3) months for the third offense.

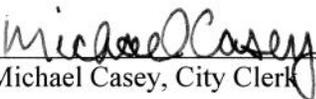
All other provisions of Chapter 50 shall remain unchanged.

**SO ORDAINED**, this the 21<sup>st</sup> day of July, 2009.

Approved:

  
EVA GALAMBOS, Mayor

Attest:

  
Michael Casey, City Clerk

(SEAL)

