

**NOTICE OF PROPOSED ORDINANCE OF THE MAYOR AND COUNCIL OF
THE CITY OF FORSYTH, GEORGIA, PUBLIC HEARING, REGULATION OF
PUBLIC PANHANDLING, BEGGING, AND CHARITABLE OR POLITICAL
SOLICITATION**

The Mayor and Council of the City of Forsyth will consider and the public may be heard as to a proposed ordinance providing the regulation of public panhandling, begging, and charitable or political solicitation, at City Council Chambers at Alderman Hall at 5 West Adams Street in Forsyth, at 6:00 PM on the 5th day of April, or as soon thereafter as the matter may be reached.

A copy of the proposed ordinance is available for inspection by the public at the office of the Clerk of the City of Forsyth during regular business hours.

The proposed ordinance will provide for the regulation of panhandling, begging, and charitable and political solicitation within the City of Forsyth, provide definitions, and provide penalties for violations, and other related matters and issues.

This 1st day of March, 2021.

Mayor and Council of the City of Forsyth

Date: March 2, 2021

To: Monroe County Reporter

Please publish the above legal advertisement in the issues of The Reporter of March 24 and March 31, 2021 and bill the cost of publication to the City of Forsyth.



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Forsyth City Clerk

Judy Edge (via e-mail)
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AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FORSYTH, GEORGIA, ADOPTING A NEW ORDINANCE TO REGULATE PUBLIC PANHANDLING, BEGGING, AND CHARITABLE OR POLITICAL SOLICITATION; TO SET AN EFFECTIVE DATE; AND OTHER LAWFUL PURPOSES.

THE MAYOR AND THE COUNCIL OF THE CITY OF FORSYTH HEREBY ORDAIN and adopt the following regulatory ordinance to add a Section to Chapter 15 of the City Code:

1.

Sec. 15-13. – Panhandling, Begging, and Charitable and Political Solicitation Regulations

(a) Purpose and Findings:

The Mayor and Council do hereby find and declare that:

(1) it is the intent of the Mayor and Council in enacting this ordinance to recognize free speech rights for all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from intimidating conduct, threats, and harassment that stem from certain types of abusive solicitation, or that may give rise to interference with other's activities if they occur in particular settings and contexts; and

(2) there are numerous forms of solicitation that are not in and of themselves inherently threatening or aggressive, including vocal request for a donation; carrying or displaying a sign requesting donations; shaking or jingling a cup of change; and ringing a bell in compliance with the City's noise ordinance; and

(3) there has been an increase in aggressive solicitation in the City, which threatens the security, privacy, and freedom of movement of both residents and visitors; and

(4) the presence of solicitors in certain specific areas (such as near to or adjacent to automatic teller machines, adjacent to outside seating areas, and in public parking lots) create reasonable concerns by citizens objectively worried about their privacy, freedom of movement, and personal security; and

(5) certain forms of solicitation impede the orderly flow of pedestrian and vehicular traffic and leads to concerns regarding traffic and public safety, particularly in congested roadways and sidewalks (as defined below to include highly travelled areas, lines to enter buildings, commercial districts with narrow sidewalks or on small traffic medians of high-speed or high-volume streets and highways); and

(6) it is not the intent of the Mayor and Council or this ordinance to limit an individual's rights to exercise free speech associated with solicitation; rather it aims to impose specific time, place, and manner restrictions on solicitation and associated conduct in certain limited circumstances; namely, limiting aggressive panhandling, panhandling at locations or times deemed particularly threatening and dangerous, and panhandling in places where people are a "captive audience" and there is a wish to avoid or reduce the threat of inescapable confrontations; and

(7) in promulgating this ordinance, the Mayor and Council seek to impose regulations that are narrowly tailored to serve the aforementioned significant governmental interests.

(b) Definitions.

The following terms or phrases when used within this ordinance shall have the meanings set forth below:

(1) "Aggressive begging, panhandling, or solicitation" includes the following forms of conduct:

- a. Confronting someone in a way that would cause a reasonable person to fear bodily harm;
- b. Accosting an individual by approaching or speaking to the individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession;
- c. touching someone without his or her consent;
- d. using obscene, profane, or abusive language toward someone while attempting to panhandle or solicit him or her;
- e. forcing oneself upon the company of another by engaging in any of the following conduct:
 - i. continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication that the individual addressed does not desire to be solicited; or
 - ii. blocking the passage of the individual solicited; or
 - iii. otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation; or
- f. acting with the intent to intimidate someone into giving money;

or

g. other conduct that a reasonable person being solicited would regard as threatening or intimidating in order to solicit a contribution or donation.

(2) "Areas with heightened personal security concerns" include the following locations:

- a. Areas within, or within twenty (20) feet of, a public parking lot between dusk and dawn;
- b. Areas within twenty (20) feet of a public bus stop between dusk and dawn;
- c. Areas within twenty (20) feet of access to building entrances, public event venues, public accommodations or commercial businesses;
- d. Areas within a designated commercial district in which a high volume of pedestrian traffic or narrow sidewalks and streets give a reasonable person a justified, reasonable concern about his or her personal security due to congestion and close proximity to others.
- e. Other areas in which congestion would give a reasonable person a reasonable, justified concern for his or her personal security due to congestion and close proximity to others.

(3) "Areas with heightened personal privacy concerns" include the following:

- a. Locations within twenty (20) feet of an automated teller machine, or financial institution in which an automated teller machine is located, where "financial institution" means any bank, credit union, or finance company.
- b. Locations within twenty (20) feet of a restaurant outdoor seating area during operating hours unless the solicitor's presence is authorized by the proprietor; or
- c. Other locations in which a reasonable person would have a reasonable and justified concern about whether congestion and close proximity to others could compromise his or her interest in privacy.

(4) "Areas with heightened public safety concerns" include the following:

- a. Streets or highways;
- b. Traffic medians where such medians provide less than eight (8) square feet of flat space for standing; or
- c. Traffic medians of whatever size within designated high-traffic roadways or high-speed roadways.

(5) "Begging, panhandling, and charitable or political solicitation" includes the following activities: actions that are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one's self or others. As used in this section, the word "solicit" and its forms, includes requests for funding arising from begging, panhandling, charitable, or political

fundraising initiatives. "Begging, panhandling, and charitable or political solicitation" also includes both "aggressive" and "passive" forms of begging, panhandling, and charitable or political solicitation, but these forms are regulated separately under this section.

(6) "High-traffic roadways" include the following:

- a. Main Street
- b. Lee Street
- c. Johnston Street
- d. Kimbell Street
- e. Chambers Street
- f. Jackson Street

(7) "Regulated traffic medians" means: (a) areas with "medians" situated between traffic lanes running in opposite directions where such medians have less than eight (8) linear feet of flat area between traffic lanes, or; (b) areas with "medians" that are otherwise designated as unsafe for activities by pedestrians, due to associated high-volume or high-speed traffic as identified in this section.

(8) "Passive panhandling, begging, charitable or political solicitation" means conduct that falls within the definition (5) of this section, but only such conduct that involves requests for contributions presented in writing without request for contributions that do not constitute "aggressive panhandling, begging, charitable or political solicitation" and other activities that do not fall within the definition of aggressive begging, panhandling, or solicitation" as in subsection (1) of this section.

(c) Passive begging, panhandling, charitable or political solicitation.

When regulated passive panhandling, begging, charitable or political solicitation permitted except where expressly prohibited.

The Mayor and City Council find that passive panhandling, begging, charitable or political solicitation, as defined in subsection (b)(8) of this section should be treated as speech protected under the First Amendment of the United States Constitution unless other well-grounded governmental concerns are implicated. Accordingly, passive panhandling, begging, charitable or political solicitation is permitted throughout the corporate limits of the City of Forsyth except as prohibited in subsections (e) and (f) of this section.

(d) Aggressive panhandling, begging, charitable and political solicitation prohibited.

(1) No person shall engage in aggressive panhandling, begging, charitable or political solicitation as defined in subsection (b)(1) of this section at any time or at any location within the City of Forsyth.

(2) Any person who violates this section shall be guilty of a misdemeanor punishable by up to 180 days' confinement and one thousand dollars (\$1,000.00) fine.

(e) Regulation of panhandling, begging, charitable and political solicitation in areas with specific personal safety and privacy concerns.

(1) Regulated Locations: Both "passive" and "aggressive" panhandling, begging, charitable and political solicitation activities are regulated in the following areas that give rise to specific personal safety and privacy concerns as defined in subsection (b) of this section:

- a. Areas with heightened personal security concerns as previously defined in subsection (b)(2); and
- b. Areas with heightened personal privacy concerns as previously defined in subsection (b)(3).

(2) Prohibition. Neither "aggressive" nor "passive" panhandling, begging, charitable and political solicitation shall be conducted in areas defined as involving heightened personal security or heightened privacy concerns.

(3) Any person who violates this section shall be guilty of a misdemeanor punishable by up to 180 days' confinement and one thousand dollars (\$1,000.00) fine.

(f) Panhandling, begging, charitable and political solicitation and protection of public access and vehicular safety in public streets and highways and on traffic medians and on high volume and high-speed highways.

(1) Areas regulated. Areas regulated by this section include those defined as areas with heightened public safety concerns as defined in section (b)(4) of this section.

(2) Findings. The Mayor and Council find as follows:

- a. Both aggressive and passive begging, panhandling, charitable or political solicitation within streets and highway rights-of-way, or on small traffic medians (less than eight (8) linear feet between the two (2) lanes of travel), or on traffic medians located on high-speed and high-volume traffic corridors as identified in this section, give rise to an increased risk of injury to solicitors on medians, traffic congestion, and traffic accidents that may affect drivers or solicitors.
- b. This section provides ample alternative sites for passive begging, panhandling, charitable and political solicitation in areas

that do not give rise to enhanced public safety concerns or personal privacy and security concerns; and

c. Evidence. The city manager and city staff have undertaken to consider and identify areas in which small traffic medians may put solicitors or motorists at risk, and high speed and high volume traffic corridors that likewise are especially dangerous, in order to assure that those regulations are grounded in appropriate governmental concerns, are narrowly tailored, and allow alternative avenues for communication and in developing this section.

(3) Prohibitions:

a. Generally. Both passive and aggressive begging, panhandling, charitable or political solicitation shall be prohibited "in areas with heightened public safety concerns" as defined in subsection (b)(4).

b. Exceptions. The Mayor and Council may identify limited periods each year in which these prohibitions as they relate to passive begging, panhandling, charitable or political solicitation should not be enforced as a result of particularly pressing governmental concerns related to such activities.

i. Charitable initiatives. Mayor and Council may designate up to ten (10) days a year as days on which these prohibitions shall not apply in order to allow effective solicitation for designated charities, provided that appropriate safety measures are implemented, and a permit issued by the police chief.

ii. Election activities. The Council may designate up to five (5) days a year on which these prohibitions shall not apply in order to allow effective political communications in connection with local, state, and federal elections, provided that appropriate safety measures are implemented.

iii. Documented public safety plan. In the event that the Mayor and Council designate days as exceptions from this sections' requirements, it shall also adopt a documented public safety plan to reduce risks to public safety that might otherwise arise.

iv. Comparable treatment. To the extent that the Mayor and Council adopt exceptions to the prohibitions set forth in section (f)(3)(a), relating to charitable initiatives and election activities, such exceptions shall extend to all parties otherwise covered by the provisions of this section related to begging, panhandling, charitable, and political solicitation.

(g) Penalties.

Violators shall be subject to the maximum penalties provided by law.

2.

All ordinances and parts of ordinances in conflict herewith are hereby repealed or shall otherwise be construed in conformity with this ordinance.

3.

This ordinance shall become effective upon its adoption by the Mayor and Council of the City of Forsyth or as otherwise provided by law.

APPROVED AND ADOPTED by the Mayor and Council of the City of Forsyth, Georgia, in regular and open session meeting, with a quorum present and voting affirmatively, on the 5th day of April, 2021, and having been advertised in The Monroe County Reporter newspaper in the issues of March 24 and March 31, 2021, and with a final reading and public hearing before City Council on the 5th day of April, 2021.

Mayor, City of Forsyth

Attest:

City Clerk