

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. DR16-418

AN ORDINANCE TO PROVIDE FOR RESPONSIBLE SOLICITATION BY NON-PROFIT ORGANIZATIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to provide a responsible mechanism for non-profit organizations to utilize for solicitation within the City of Stockbridge; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Title 9 of the Stockbridge Municipal Code is hereby amended by adding a new Chapter 9.13 attached hereto as Exhibit A.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** The effective date of this Ordinance shall be November 1, 2016.

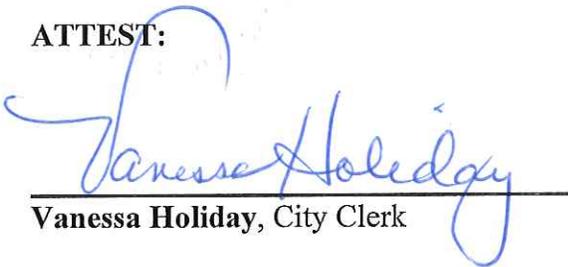
ORDAINED this 14th day of Nov., 2016.

**CITY OF STOCKBRIDGE, GEORGIA**



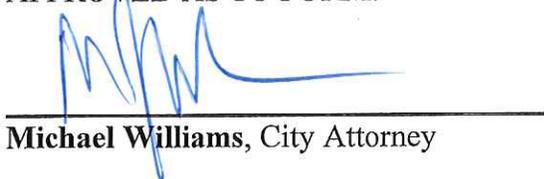
**Anthony S. Ford**, Mayor Pro Tem

**ATTEST:**



**Vanessa Holiday**, City Clerk

APPROVED AS TO FORM:



**Michael Williams**, City Attorney

Date Presented to Mayor: 11-17-2016

Date Received from Mayor: 11-21-2016

## EXHIBIT "A"

### Chapter 9.13 -- Nonprofit activities.

Section 9.13.010 Any person desiring to conduct nonprofit activities in the city shall register with and obtain a written permit to conduct nonprofit activities from the city clerk. Permits for nonprofit activities shall be issued without charge.

Section 9.13.010 Any person desiring a permit to conduct nonprofit activities in the city shall file, on a form to be supplied by the city clerk, an application containing the following:

- (1) Name of the applicant;
- (2) Permanent home address of the applicant;
- (3) Name and address of nonprofit organization or organizations to be represented;
- (4) Names and addresses of any persons conducting or assisting in the conduct of nonprofit activities on behalf of applicant;
- (5) Nature of any merchandise, wares, goods or any similar items to be sold or offered for sale or given away in conjunction with the nonprofit activities;
- (6) Proof of tax-exempt status;
- (7) Location or locations where nonprofit activities will be conducted.

Section 9.13.010 Upon proper registration with the city clerk, a written permit shall be issued to be valid for a period of sixty (60) days from the date of issuance; provided however that no permit for the conduct of non-profit activities on within fifteen (15) feet of any public right-of-way for a period greater than seven (7) days from the date of issuance. In addition, identity cards shall be issued which must be carried by all persons while engaged in nonprofit activities.

Section 9.13.010 Nonprofit activities shall be subject to the following regulations:

- (1) They shall only occur between 7:00 a.m. and 7:00 p.m.
- (2) Immediately prior to soliciting any person within the city, each representative shall present his or her identity card, issued by the city clerk, to each person solicited. Further, each representative must inform each person solicited as to any minimum donation required for the acceptance of any merchandise, wares, goods, or any similar items given by each representative prior to such acceptance by each person solicited.

- (3) The city clerk shall not issue a written permit to the same applicant for the conduct of nonprofit activities on or within fifteen (15) feet of any public right-of-way more than five (5) times in any calendar year.
- (4) The city clerk shall not issue a written permit for the conduct of nonprofit activities to any person who is not at least eighteen (18) years of age. Persons who are not at least eighteen (18) years of age may participate in nonprofit activities provided there is at least one person permitted under this chapter for every four (4) persons who are not at least eighteen (18) years of age.
- (5) The city clerk shall not issue permits for the conduct of nonprofit activities on or within fifteen (15) feet of any public right-of-way to more than five (5) applicants from the same nonprofit organization at any given time for the same location or locations where such nonprofit activities will be conducted.
- (6) Only one nonprofit organization may conduct nonprofit activities at the same location or locations at the same time.

Section 9.13.010 It shall be unlawful for a representative of a nonprofit organization to:

- (1) Falsely represent, directly or by implication, that funds are being solicited on behalf of any nonprofit organization other than the one registered with the city clerk.
- (2) Without the express prior permission of any occupant or property owner, solicit at any residence, apartment complex, or shopping mall, other than areas open to public parking, where there is posted any sign forbidding any solicitation.
- (3) Remain on private premises after being asked to leave the premises or continue solicitation after being refused upon the public streets, areas or parks; such action shall constitute harassment.
- (4) Solicit at any residence where there is posted in plain view a sign reading as follows: "No Solicitors" or "No Peddlers."
- (5) With respect to any person conducting nonprofit activities on or within fifteen (15) feet of any public right-of-way, to conduct its business in such a manner that the flow of vehicular traffic is impeded. Specifically, conduct of nonprofit activities from travel lanes shall not be permitted; provided however, that walking alongside a line of cars may only be permitted if the person conducting nonprofit activities stays out of the travel lanes. No sales or gifts to vehicle occupants shall be permitted. Additionally, no persons under the age of eighteen (18) may be permitted to participate in nonprofit activities on or within fifteen (15) feet of any public right-of-way.

Section 9.13.010 Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to punishment as provided in Section 1.04.080 of the Stockbridge Municipal for each offense.