

ORDINANCE NO.: 23-01

ORDINANCE OF THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY, GEORGIA AMENDING THE CODE OF ORDINANCES COLUMBIA COUNTY GEORGIA; AMENDING CHAPTER 58; OFFENSES AND MISCELLANEOUS PROVISIONS; BY ADOPTING SECTION 58-10 TO ADD DEFINITIONS FOR SOLICIT, PANHANDLING, PUBLIC AREA, OUTDOOR DINING AREA, AGGRESSIVE PANHANDLING, AND AT NIGHT; TO RESTRICT PANHANDLING AND AGGRESSIVE PANHANDLING; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL ANY CONFLICTING ORDINANCES.

THIS ORDINANCE adopted by the Board of Commissioners of Columbia County, Georgia (the “Board”).

WHEREAS, the Board desires to amend the Code of Ordinances Columbia County, Georgia;

WHEREAS, the Board have reviewed and considered implementing an ordinance to regulate the practice of panhandling for the benefits of the citizens of Columbia County, Georgia.

NOW, THEREFORE, BE IT ORDAINED by the Board, and it is hereby ordained by the authority of the same as follows:

Section 1. Amendment of Chapter 58. Chapter 58, Offenses and Miscellaneous Provisions is hereby amended by the adoption of the following Section 58-10 to be entitled “Panhandling,” to read as follows:

Sec. 58-10. – Panhandling.

- (a) Purpose. This ordinance regulates the time, place, and manner of solicitations and panhandling in the unincorporated areas of the county and shall not apply to anyone exercising their rights to constitutionally-protected activity.
- (b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) Solicit or Panhandle shall mean to request an immediate donation of money or other thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value, including a request for employment, business, or contributions, or to request the sale of goods or services. This definition shall include all methods of solicitation including, but not limited to, spoken, written, or printed words, or by other means of communication including, but not limited to, bodily gestures.

- (2) Public Area shall mean an area to which the public or a substantial group of persons has access, including, but not limited to, streets, highways, roadways (including shoulders and medians), bridges, the area above and below any bridge, sidewalks, alleys, parking lots and decks, plazas, parks, public greenspace areas, playgrounds, schools, transportation facilities, within a public-transportation vehicle, an area owned in whole or in part by, operated by, for, or under the custody and control of Columbia County, Georgia, and any other property where public gatherings occur on a regular basis, and any other property where public meetings are conducted.
 - (3) Outdoor Dining Area shall mean an outdoor dining area of a restaurant or other establishment serving food or drink for immediate consumption.
 - (4) Aggressive Panhandling shall mean Panhandling, as defined in this section, in any one or more of the following manners in a public area or on private property without having first obtained the permission of the owner or other person legally in possession of the property:
 - a. Intentionally or recklessly making any physical contact with another person or vehicle in the course of soliciting without that person's express consent;
 - b. Continuing to solicit from a person after that person has given a negative response to an initial solicitation;
 - c. Approaching, speaking to, or following the person being solicited, if that manner of conduct is intended to, or is reasonably likely to cause a reasonable person to fear imminent bodily harm to that person or others in the area or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - d. Intentionally or recklessly blocking the safe or free passage of the person being solicited, or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
 - e. Intentionally or recklessly using violent, threatening, obscene, or abusive language or gestures that is intended to, or is reasonably likely to cause a reasonable person to fear imminent bodily harm to that person or others in the area or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; and
 - f. Soliciting a person at night.
 - (5) At Night shall mean the time period between 30 minutes after sunset to 30 minutes before sunrise.
- (c) Prohibited Acts. It shall be unlawful for any person within the unincorporated areas of the county to commit any of the following acts.
- (1) No person shall engage in aggressive panhandling within the unincorporated areas of the county;

- (2) No person shall solicit or panhandle on private property without first having obtained the permission of the owner or other person legally in possession of the property.
- (3) No person shall solicit or panhandle on private property if the owner or other person legally in possession of the property has notified the person, by signage or otherwise, that they are not allowed to solicit on the property.
- (4) No person shall solicit or panhandle within 30 feet of any automated teller machine or any bank, financial institution, or check-cashing facility.
- (5) No person shall solicit or panhandle while under the influence of alcohol or a controlled substance, as defined by Georgia or federal law.
- (6) No person shall solicit or panhandle within ten feet of the entrance or exit of a building.
- (7) No person shall solicit or panhandle within 30 feet of an outdoor dining area.
- (8) No person shall solicit an operator or passenger of a motor vehicle while such person is operating or occupying a motor vehicle; provided, however, that this section shall not apply to services rendered in connection with the provision of emergency repairs requested by the operator or passengers of such vehicle.

Section 2. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances previously adopted by the Board of Commissioners of Columbia County, Georgia which are in conflict with this ordinance are hereby repealed to the extent necessary to eliminate such conflict.

Section 3. Effective Date. This Ordinance shall become effective upon the date of its adoption.

ADOPTED, this 7th day of March, 2023, following approval on a first and second reading.

**Board of Commissioners of Columbia
County, Georgia**

By: _____
Douglas R. Duncan
Its Chairman

Attest: _____
Patrice R. Crawley
Its Clerk

CLERK'S CERTIFICATE

I, Patrice R. Crawley, County Clerk of the Board of Commissioners of Columbia County, Georgia, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of an Ordinance adopted by the Board of Commissioners on its second and final reading at a regular meeting of the Board of Commissioners duly held on March 07, 2023 at 6:00 p.m. the first reading having been at a regular meeting of the Board of Commissioners duly held on February 21, 2023 at 6:00 p.m. both of which meetings were open to the public and at which a quorum was present and acting throughout, and that the original of said document appears of record in the Ordinance Book of the Board.

Given under my hand and seal of the Board, this 7th day of March, 2023.

PATRICE R. CRAWLEY
COUNTY CLERK,
BOARD OF COMMISSIONERS
OF COLUMBIA COUNTY, GEORGIA