



SANDY SPRINGS

GEORGIA

CITY COUNCIL

Rusty Paul, Mayor

John Paulson – District 1

Melody Kelley – District 2

Melissa Mular – District 3

Jody Reichel – District 4

Tibby DeJulio – District 5

Andy Bauman – District 6

Tuesday, January 7, 2025

Work Session

6:00 PM

The City Council Work Session will be held in the Studio Theatre at Sandy Springs City Hall
(1 Galambos Way, Sandy Springs, GA 30328).

Live-stream: www.SandySpringsGA.gov/stream

I. Staff Discussion Items

- A. **2025-001** Proposed Ordinance to Amend the City of Sandy Springs' Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section 38-81 Entitled 'Buffer Zone'; to Provide for an Effective Date; and for Other Purposes
(Presented by Dan Lee, City Attorney & Kenneth DeSimone, Police Chief)

II. City Council Discussion Items

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance.
The City will make reasonable accommodations for those persons.
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SANDY SPRINGS
CITY CLERK'S OFFICE

TO: Honorable Mayor and City Council Members

FROM: Rusty Paul, Mayor

DATE: January 2, 2025 Submission for the January 7, 2025 City Council Work Session

ITEM: Proposed Ordinance to Amend the City of Sandy Springs' Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section 38-81 Entitled 'Buffer Zone'; to Provide for an Effective Date; and for Other Purposes

Recommendation:

The City Attorney and Chief of Police recommend a discussion amending the City Ordinances to clarify boundaries for managing assemblies and providing guidance on disorderly conduct.

Discussion:

This proposal addresses incidents, such as the flyer distribution events from last year and protests at houses of worship or other public venues.

The proposed ordinances aim to balance First Amendment rights with regulations that ensure one individual or group's right to protest does not infringe on another's right to participate in religious or other lawful activities. Key measures include:

- Allowing the distribution of flyers but establishing timeframes to prevent residents from unexpectedly finding disturbing materials on their property
- Ensuring public oversight of police activities while prohibiting interference with officers performing their duties.

Rationale and Benefits:

Managing public gatherings and protecting public safety during crowd-related events can be complex. The Police Department and City Attorney's Office recommend adopting the attached ordinance to provide clear guidelines for law enforcement and the public. Establishing these parameters in advance will help reduce misunderstandings and enhance security while preserving free speech and assembly rights.

The proposed ordinance focuses on public property, offering advance notice about distance requirements for specific situations. Currently, decisions about the use of public property are made by the City Manager or their designee. This ordinance builds on existing protocols by formalizing expectations and clarifying boundaries.

Under current practices, officers are often tasked with determining appropriate parameters for conduct at the scene, which can lead to inconsistent decisions and public confusion. By specifying what constitutes disorderly conduct and setting clear guidelines, this ordinance reduces ambiguity and ensures fair and consistent enforcement.

Financial Impact:

There is no anticipated financial impact.

Review:

Lark Payne, Paralegal

Created/Initiated - 1/3/2025

Toni Carlisle, Chief Financial Officer
Dan Lee, City Attorney
Eden Freeman, City Manager

Approved - 1/3/2025
Approved - 1/3/2025
Final Approval - 1/3/2025

Attachments:

1. Ordinance BUFFER ZONE

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND THE CITY OF SANDY SPRINGS' CODE OF ORDINANCES,
SUBPART A, CHAPTER 38, ARTICLE III, DIVISION I BY CREATING SECTION 38-81
ENTITLED 'BUFFER ZONE'; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER
PURPOSES**

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

WHEREAS, the City amends its Code of Ordinances from time to time to keep abreast of the best public policy practices; and

WHEREAS, the Mayor and City Council identified as a priority the necessity of a required 'buffer zone' as it relates to protection for patrons of educational institutions or facilities, the premises of public facilities, a parking lot serving public facilities, places of worship, and/or parking lots serving places of worship; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that Subpart A, entitled '*General Ordinances*', Chapter 38, entitled '*Offenses and Miscellaneous Provisions*', Article III entitled '*Offenses Involving Public Peace, Order and Safety*', Division I entitled '*Generally*' of the City of Sandy Springs Code of Ordinances is revised to include and create the following:

SECTION I: The City of Sandy Springs Code of Ordinances "Section 38-81. Buffer Zone." is hereby created.

SECTION II: The City of Sandy Springs Code of Ordinances Section 38-81. Buffer Zone is created to read as follows:

Section 38-81. Buffer Zone.

- (a) *Definitions.* Whenever used in this Chapter, the following words and phrases shall have the meanings indicated, unless the context or subject matter otherwise requires:
- (1) *Eight (8) feet* shall be measured from the part of a person's body that is nearest to the closest door or other point of ingress or egress from a public building, where the term "body" includes any natural or artificial extension of a person, including, but not limited to, an outstretched arm or hand-held sign.
 - (2) *Interfere with* shall mean to stop or to restrict a person's lawful freedom of movement, or to stop, obstruct, or prevent, through deceptive means or otherwise.
 - (3) *Person* shall mean an individual, corporation, non-for-profit organization, partnership, association, group, or any other entity.
 - (4) *Place of Worship* shall mean a building or property, including the parking area, wherein persons regularly assemble for religious worship, and which is maintained and controlled by

a religious body organized to sustain public worship, including but not limited to: churches, synagogues, temples, mosques, cemeteries, burial grounds, or other such places of worship.

- (5) *Educational Institution* shall mean any building, structure, or place, or any portion thereof, owned and operated by a school (including a technical, trade or vocational school, junior college, college or university that is; operated or directly supported by the United States; operated or directly supported by any State or local government or subdivision of any state or local government; or approved by a State agency or subdivision of the state, or accredited by a State recognized or nationally recognized accrediting body).
 - (6) *Public Facility* shall mean any building, structure, property or place, or any portion thereof, owned and operated by a public entity.
 - (7) *Premises of a public facility* shall include the driveway, entrance, entryway, parking area or exit of the public facility, the building in which such facility is located, and any parking lot in which the facility has an ownership or leasehold interest.
 - (8) *Nationally recognized accrediting body* shall mean an entity determined to be such as the U.S. Department of Education.
 - (9) *Approval by a State agency or subdivision of the State* includes approval of a school, college, or university as an educational institution or approval of one or more of the courses offered by a school, college, or university.
- (b) *Prohibited Conduct.* A person commits disorderly conduct when he or she knowingly:
- (1) Knowingly approaches another person within eight (8) feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to or engaging in oral protest, education, counseling, or harassment with such other person in the public way within a radius of fifty (50) feet from any entrance or exit door to a building structure or place owned or operated by an educational institution or facility or place of worship or from the edge of a public right-of-way, walkway, or path;
 - (2) Knowingly physically obstructs or blocks another person from entering into or exiting from the premises of a public facility or a place of worship, or a public parking lot serving a public facility or place of worship within; or
 - (3) By force or threat of force, or by physically obstructing or blocking, knowingly injure, or interfere with, or attempt to injure or interfere with, another person in order to discourage such person or any other person or persons from entering or exiting the building, structure, or place owned or operated by an educational institution or facility, the premises of a public facility, a parking lot serving a public facility, a place of worship or a parking lot serving a place of worship.
- (c) *Penalty.*
- (1) Upon the occurrence of a violation of this section, police officers having jurisdiction in the area where the violation takes place may issue a citation or summons for the violation returnable to the Municipal Court of the City of Sandy Springs.

- (2) Any person who violates any provision of this Ordinance shall be subject to a fine for each offense of not more than \$1,000.00 and/or imprisonment for a term not exceeding six (6) months. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (3) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

SECTION III: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION IV: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION V: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VI: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the ____ day of _____, 2025.

Approved:

Attest:

Russell K. Paul, Mayor

Raquel D. González, City Clerk

{Seal}