

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

ORD-2021-003

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5
6 **AN ORDINANCE CREATING A NEW CHAPTER 10 UNDER TITLE 16 OF THE CITY**
7 **CODE TO PROHIBIT THE OFFENSE OF INVESTOR HARASSMENT IN THE CITY**
8 **TO PRESERVE THE PUBLIC ORDER THROUGH THE PROTECTION OF CITY**
9 **RESIDENTS AND VISITORS AND FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Councilman Baker)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
17 Council thereof ("City Council");

18
19 **WHEREAS**, as a Home Rule municipality, the City possesses authority to enact
20 this Ordinance pursuant to its general and police powers which define, regulate, and
21 prohibit any act, practice, conduct, or use of property which is detrimental to the health,
22 sanitation, cleanliness, welfare, and safety of the inhabitants of the City;

23
24 **WHEREAS**, the City has an interest in maintaining the public safety and welfare
25 of the residents and visitors of the City;

26
27 **WHEREAS**, homeownership remains the key way for working-class families to
28 build wealth;

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30 **WHEREAS**, selling a home for artificially low amounts can cause residents to miss
31 out on rising values;

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33 **WHEREAS**, many City residents and visitors often feel pressured to engage in
34 investor activities, including selling their homes due to investor harassment;

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36 **WHEREAS**, investor harassment can intimidate residents and offend public order;

37
38 **WHEREAS**, persons and entities who engage in investor harassment persuade,
39 convince, cajole, pressure, force, harass or otherwise coerce residents and visitors to
40 engage in investor activities, including to coerce homeowners into selling their property;

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42 **WHEREAS**, these tactics are so prevalent within the City;

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44 **WHEREAS**, predatory investors who engage in investor harassment are
45 committing "equity theft" as they steal the possible profit the homeowners could make
46 when they sell their property;

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48 **WHEREAS**, the City Council has determined that it is in the best interest of the
49 public safety and welfare of the residents of the City and its visitors to prohibit investor
50 harassment within the City; and

51
52 **WHEREAS**, this Ordinance is in the best interests of the health and general
53 welfare of the City, its residents and general public.

54 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
55 follows:

56
57 **Section 1.** The City of South Fulton Code of Ordinances, Title 15, Criminal
58 Offenses, is hereby amended by adding a new Chapter 10, Investor Harassment, which
59 shall read as follows:
60

61 **TITLE 15 – CRIMINAL OFFENSES**

62 ...

63 **CHAPTER 10. – INVESTOR HARASSMENT**

64 **Sec. 15-10001. – Investor harassment prohibited**

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66 It shall be unlawful for any person or entity within the corporate limits of the City to commit
67 the offense of investor harassment in violation of this Chapter.

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69 **Sec. 15-10002. – Investor harassment defined**

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71 A person or entity commits the offense of investor harassment if such person or entity in
72 furtherance of any transaction which gives rise to an obligation to pay for goods sold or
73 leased, services rendered; or in furtherance of the sale, lease, or rental of goods, services,
74 or property for personal consumption or for use in the conduct of a business or profession;

75
76 (1) Contacts another person or entity for the purpose of harassing, molesting,
77 threatening, coercing or intimidating such person or the family of such person; or

78
79 (2) Threatens bodily harm whether expressly or by implication; or

80
81 (3) Uses predatory tactics. For purposes of this Chapter the term "predatory tactics"
82 shall mean repeated and unsolicited attempts, within any 180-day period, to
83 contact a person or entity including via personal visits, or written material or similar
84 means under circumstances where the person or entity has affirmatively requested
85 the defendant or the defendant's agent to refrain from such activity.

86
87 **Sec. 15-10003. – Commission within City required**
88

The offense of investor harassment shall be considered to have been committed within the City where:

- (1) A person or entity was located in the City when the person or entity committed the act(s) prohibited by this Chapter; or
- (2) The victim was located in the City when the act(s) prohibited by this Chapter were committed by the person or entity in violation of this Chapter.

Sec. 15-10004. – Violations

Any violation of this Chapter shall constitute a separate offense and shall not merge with any other violations of this Chapter. Upon conviction of a violation of this Chapter, a person or entity shall be punished by the City Municipal Court as authorized by law.

Chapter 2. It is hereby declared to be the intention of the City Council that: (a) All Chapters, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every Chapter, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Chapter, paragraph, sentence, clause or phrase of this Ordinance. No Chapter, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Chapter, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or Chapter 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 City 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 Chapters of the Ordinance.

Chapter 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Chapter 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the City Clerk.

Chapter 5. The City Police Chief, and/or his designee, in conjunction with the City Attorney, shall be authorized to make forms for applications and the issuance of permits consistent with the terms of this Ordinance and as permitted by State law.

Chapter 6. The effective date of this Ordinance shall be on the date as set forth under
Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or
federal law.

The foregoing Ordinance No. 2021-003 was moved for approval by Councilmember Baker. The motion was seconded by Councilmember Willis, and being put to a vote, the result was as follows:

"FIRST READING": December 8, 2020

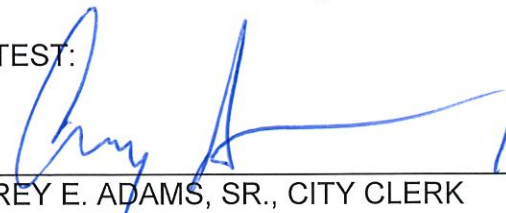
"SECOND READING": January 12, 2021

	AYE	NAY
William "Bill" Edwards, Mayor	<u> X </u>	<u> </u>
Carmalitha Gumbs, Mayor Pro Tem	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> X </u>	<u> </u>
Helen Zenobia Willis	<u> X </u>	<u> </u>
Gertrude Naeema Gilyard	<u> X </u>	<u> </u>
Corey Reeves	<u> X </u>	<u> </u>
khalid kamau	<u> X </u>	<u> </u>
Mark Baker	<u> X </u>	<u> </u>

THIS ORDINANCE so adopted this 12th day of January 2021.

CITY OF SOUTH FULTON, GEORGIA.


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:


EMILIA C. WALKER, CITY ATTORNEY

