

STATE OF GEORGIA

CITY OF UNION CITY

ORDINANCE

NO. 2017-05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF UNION CITY, GEORGIA; TO REVISE PROVISIONS PERTAINING TO LOITERING FOR PROSTITUTION PURPOSES; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council for the City of Union City (the “City”) is the duly elected governing authority for the City; and

WHEREAS, the Mayor and Council are committed to ensuring the health, safety and welfare of the citizens of the City through the enforcement of laws that target those who loiter for the purpose of procuring others to engage in sexual acts for hire; and

WHEREAS, the Mayor and Council has authority pursuant to Section 1-103(29) of the City’s Charter to “define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards”; and

WHEREAS, sex acts for hire are inherently exploitative and usually include a power imbalance between those seeking to purchase the sexual services and those being exploited to perform the sex acts; and

WHEREAS, the Mayor and Council has an obligation to exercise due diligence to prevent sex acts for hire and to provide the health protection of the citizens of the City; and

WHEREAS, the Mayor and Council is committed to safeguarding the economic vitality of the City and preserving peace and order in public places to enable them to be used for their intended purpose; and

WHEREAS, amending Section 10-25 as set out herein will accomplish these worthy goals.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF UNION CITY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF UNION CITY AS IT PERTAINS TO OFFENSES AND MISCELLANEOUS PROVISIONS (CHAPTER 10) BE AMENDED AS FOLLOWS:

Section 1. By deleting Section 10-25, pertaining to “Loitering for prostitution purposes”, from Article I of Section 10, in its entirety, and by replacing it with a new Section 10-25 in Article I of Section 10, to be numbered and read as follows:

Sec. 10-25. Loitering for purpose of procuring others to engage in sexual acts for hire.

(a) Legislative findings and intent.

(1) The Mayor and Council finds that sex acts for hire are inherently exploitative, endanger the health, safety and welfare of the participants and citizens in general, affect property values, and are an affront to the dignity of our citizens. These exploitative acts adversely affect a property or area in which they occur and lead to the avoidance of such places by law-abiding citizens, increased opportunity for unlawful criminal

activities, and further decay of neighborhoods.

- (2) The City has a strong interest: (i) in ensuring that citizens feel safe in their neighborhoods; (ii) in protecting the health of its citizens; (iii) in safeguarding the economic vitality of its business districts; and (iv) in preserving peace and order in public places to enable them to be used for their intended purpose.
 - (3) The Mayor and Council find that loitering for the purpose of procuring others to engage in sex acts for hire usually includes a power imbalance between those seeking to purchase the sexual services and those being exploited to perform the sex acts, with the persons procuring the sexual services tending to be more economically and socially advantaged than the people who would provide the sex acts. A person seeking to purchase the sexual services bears a greater responsibility for the transaction than does the person being prostituted. Furthermore, it is widely acknowledged by criminal justice experts that holding purchasers, or “johns”, principally accountable for these sex acts for hire is the most effective method available to reduce the incidence of prostitution in an area.
 - (4) This section is not intended to limit any person from exercising the right to assemble or engage in any constitutionally protected activity. This section applies to all persons with the requisite intent to induce another to engage in sex acts for hire.
- (b) It shall be unlawful for any person to loiter, as defined in Section 10-64, in or near any thoroughfare or place open to the public in a manner and under circumstances

manifesting the purpose of inducing, enticing, soliciting, pandering or procuring another to commit a sexual act for hire.

(c) A law enforcement officer who observes a person loitering under circumstances that provide the officer with an articulable suspicion to believe a sexual act for hire has occurred or is occurring may detain the individual for the purpose of investigating whether the person is in violation of this section.

(d) A law enforcement officer may detain an individual under this section if an element from subsection (1) and an element from subsection (2) or both elements from subsection (3) below are satisfied:

(1) The person engages in one or more of the following behaviors:

- a. Repeatedly circling the block in a motor vehicle;
- b. Stopping a motor vehicle in a public roadway to beckon to, stop, or engage with persons on the side of the road;
- c. Repeatedly stopping or attempting to stop motor vehicle operators by hailing, waiving of arms or any bodily gesture; or
- d. Driving around or sitting in a parked car in a parking lot or vacant lot.

(2) One of the following factors applies:

- a. The officer has knowledge of a specific reliable tip concerning unlawful prostitution-related activity at a specific location, and the person who is found loitering is doing so at a time, in a place or in a manner that is otherwise consistent with the details provided in the tip;

- b. The person is loitering in an area that is known to be a common location for prostitution-related activity;
 - c. The person is on the premises of a hotel or other business that is associated with an advertisement for prostitution-related activity;
 - d. The person is a non-resident of the area and is present in the area outside of normal business hours and without legitimate business in the area;
 - e. The officer knows that the person has been previously convicted of loitering with the intention of procuring others to engage in sexual acts for hire under this section; or
 - f. Any vehicle the person has approached or communicated through is registered to an individual who has been convicted of an unlawful prostitution-related activity in the previous three years, and the officer is aware of that fact.
- (3)
- a. The person enters or is present in a hotel room that is not registered to said person; and
 - b. The person is on the premises of a hotel that is associated with an advertisement for prostitution-related activity.

(e) For purposes of this section “sexual act for hire” means conduct which constitutes an offense defined in O.C.G.A. Title 16, Chapter 6, as amended; conduct which constitutes complicity to commit such an offense; or conduct which constitutes conspiracy to commit such an offense.

(f) Any person in violation of this section shall be guilty of the offense of loitering

for the purpose of committing a sexual act for hire.

Section 2. This ordinance shall become effective immediately upon its adoption by the Mayor and Council for the City of Union City.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Council hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this 18th day of April, 2017.

MAYOR AND COUNCIL OF THE
CITY OF UNION CITY

By: 

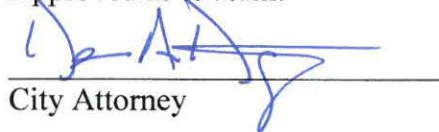
Vince R. Williams, Mayor

(SEAL)

ATTEST:


Interim City Clerk

Approved as to form:


City Attorney