

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NUMBER 2009 - 85

AN ORDINANCE TO AMEND *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY CHAPTER 66, PARKS AND RECREATION, SECTION 66-18 "ALCOHOLIC BEVERAGES" SO AS TO DELETE SECTION 66-18 IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 66-18 ENTITLED "ALCOHOLIC BEVERAGES AND TOBACCO PRODUCTS", TO INCLUDE LANGUAGE PROHIBITING ALCOHOLIC BEVERAGES, SMOKING AND THE USE OF TOBACCO PRODUCTS IN ALL PUBLIC PARKS; AMEND CHAPTER 70, PERSONNEL, ARTICLE III, SMOKING POLICY, SECTION 70-103 "AREAS WHERE SMOKING IS PROHIBITED" SO AS TO ADD LANGUAGE PROHIBITING SMOKING IN ALL PUBLIC PARKS; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

Section 1. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Chapter 66, Parks and Recreation, Section 66-18 "Alcoholic beverages.", by deleting it in its entirety and substituting in lieu thereof a new Section 66-18 entitled "Alcoholic beverages and tobacco products.", that includes language prohibiting alcoholic beverages, smoking and the use of tobacco products in all public parks, which shall read as follows:

“(a) It shall be unlawful for any person to sell, possess or consume alcoholic beverages within a park unless a special permit for alcoholic consumption of beer and/or wine has been issued by the department.

(b) It shall be unlawful for any person to smoke or use tobacco products, including, but not limited to, snuff and chewing tobacco, within a park. The department shall conspicuously post signs prohibiting smoking and use of tobacco products in all parks. Smoking in a park that has clearly been designated by a no smoking sign shall, in addition to a violation of this section, be a violation of O.C.G.A. § 16-12-2, which prohibits smoking in designated public places.”

Section 2. The *CODE OF CLAYTON COUNTY, GEORGIA*, as amended, is hereby further amended by amending Chapter 70, Personnel, Article III, Smoking policy, Section 70-103 “Areas where smoking is prohibited.”, by adding to the first sentence of the first paragraph the following language, “[i]n all parks and all facilities located thereon, owned, leased and/or controlled by the county and operated under the jurisdiction of the county parks and recreation department, and”, which sentence in its entirety shall read as follows:

“Smoking shall be prohibited in all parks and all facilities located thereon, owned, leased and/or controlled by the county and operated under the jurisdiction of the county parks and recreation department, and in all enclosed facilities, including buildings owned, leased, or operated by, the State of Georgia, its agencies and authorities, and any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or Special Act of the General Assembly or by ordinance or resolution of the governing body of a county or municipal corporation individually or jointly with other political subdivisions or municipalities of the state.”

Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any part of this Ordinance shall be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

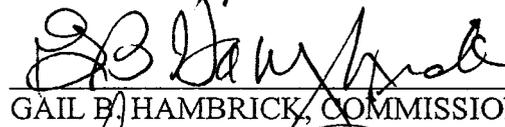
Section 5. This Ordinance shall become effective upon its approval by the Board of Commissioners.

**SO ORDAINED**, this the 2<sup>nd</sup> day of June, 2009.

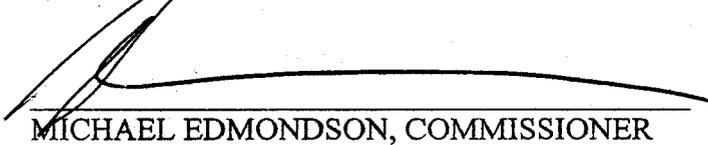
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

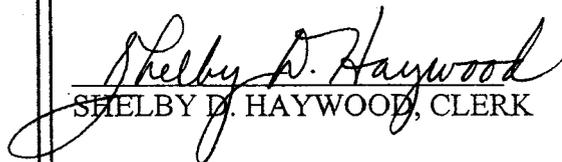
  
WOLE RALPH, VICE CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK