

10-R-0315
(Do Not Write Above This Line)

A RESOLUTION BY
COUNCILMEMBER MICHAEL
JULIAN BOND

A RESOLUTION TO AMEND
THE CITY OF ATLANTA 2010
GEORGIA GENERAL
ASSEMBLY LEGISLATIVE
PACKAGE SO AS TO CALL FOR
THE REPEAL O.C.G.A. 16-11-
173 (b) (1); AND FOR OTHER
PURPOSES.

ADOPTED BY
FEB 15 2010
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 2/11/10
 Referred To: Finance / GCC
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee: Finance / Member
 Date: 2/10/10
 Chair: [Signature]
 Action: Fav, Adv, Hold (see rev. side)
 Other: [Signature]
 Members: [Signature]
 Refer To: [Signature]

Committee _____
 Date _____
 Chair _____
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members: _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members: _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members: _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 FEB 15 2010

RECEIVED
 FEB 15 2010
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

WITHOUT SIGNATURE
 BY OPERATION OF LAW
 FEB 24 2010



A RESOLUTION

BY COUNCILMEMBER MICHAEL JULIAN BOND

A RESOLUTION TO AMEND THE CITY OF ATLANTA 2010 GEORGIA GENERAL ASSEMBLY LEGISLATIVE PACKAGE SO AS TO CALL FOR THE REPEAL O.C.G.A. 16-11-173 (b) (1); AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly enacted legislation prohibiting local governments from regulating gun sales and purchases, among other actions; and

WHEREAS, it is stipulated in the State of Georgia Constitution that counties and municipal governments have conferred upon them zoning powers; and

WHEREAS, O.C.G.A. 16-11-173 (b) (1) prohibits county and municipal corporations from adopting zoning ordinances that regulate the location of gun shops, or other establishments, that sell or purchase firearms; and

WHEREAS, in order to protect the public health, safety and welfare and to appropriately address the specific zoning needs and issues that are unique to each county and/or municipal corporation; and

WHEREAS, O.C.G.A, 16-11-173 (b) (1) limits the ability of local governments to enforce their constitutionally conferred zoning powers.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES and amends the 2010 City of Atlanta Georgia General Assembly Legislative Package so as to call for the repeal O.C.G.A. 16-11-173 (b) (1).

BE IT FINALLY RESOLVED, that all resolutions, or parts of resolutions, in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

FEB 15, 2010
FEB 24, 2010

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O.C.G.A. § 16-11-173 ([Copy w/ Cite](#))

Pages: 2



O.C.G.A. § 16-11-173

GEORGIA CODE
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*** Current through the 2009 Regular Session ***

TITLE 16. CRIMES AND OFFENSES
CHAPTER 11. OFFENSES AGAINST PUBLIC ORDER AND SAFETY
ARTICLE 4. DANGEROUS INSTRUMENTALITIES AND PRACTICES
PART 5. BRADY LAW REGULATIONS

O.C.G.A. § 16-11-173 (2009)

§ 16-11-173. Legislative findings; preemption of local regulation and lawsuits; exceptions

(a)(1) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition to the public is not unreasonably dangerous activity and does not constitute a nuisance per se.

(b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, shall regulate in any manner gun shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or components of firearms; firearms dealers; or dealers in firearms components.

(2) The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or express warranty as to firearms or ammunition purchased by the political subdivision or local government authority.

(c) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government.

(d) Nothing contained in this Code section shall prohibit municipalities or counties by ordinance, resolution, or other enactment, from requiring the ownership of guns by heads of households within the political subdivision.

(e) Nothing contained in this Code section shall prohibit municipalities or counties, by



ordinance, resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the municipal corporation or county.

HISTORY: Code 1981, § 16-11-173, enacted by Ga. L. 1995, p. 139, § 2; Ga. L. 2005, p. 613, § 1/SB 175.

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2/15/10
3:25 PM

Atlanta City Council

REGULAR SESSION

10-R-0315

AMEND CITY OF ATLANTA 2010GA GENERAL
ASSEM.LEGISLATIVE PACKAGE
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

10-R-0315