

12-0-0966

COUNCILMEMBER ALEX WAN  
JOYCE SHEPHERD *Joyce Shepherd*

AN ORDINANCE  
AMENDING CHAPTER  
110, ARTICLE III,  
DIVISION 1, SECTION  
110-55 OF THE CITY OF  
ATLANTA CODE OF  
ORDINANCES TO ADD A  
DEFINITION OF THE  
TERM "SMOKING;" and  
CHAPTER 110, ARTICLE  
III, DIVISION 1, SECTION  
110-59 TO ADD A NEW  
SUBSECTION (H) THAT  
SHALL SET FORTH THE  
PROHIBITION OF  
SMOKING IN ALL CITY  
OF ATLANTA PARKS;  
AND FOR OTHER  
PURPOSES.

ADOPTED BY  
COUNCIL  
JUL 16 2012

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

First Reading

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

Committee *CD/HR*

Date *7/16/12*

Chair *Joyce Shepherd*

Action *On Condition*

Fav, Adv, Hold (see rev. side)

Other

Members *Ken Smith*

*Ken Smith*  
*John Stuck - NAY*  
*John Stuck - NAY*  
*John Stuck - NAY*

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 \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

MAYOR'S ACTION

CERTIFIED  
JUL 16 2012  
ATLANTA CITY COUNCIL PRESIDENT  
*Robert Douglas Johnson*  
MUNICIPAL CLERK

APPROVED

JUL 25 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW

COUNCIL

Substitute

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Date Referred: *7/2/12*

Referred To: *CD/HR*

Date Referred:

Referred To:

Date Referred:

Referred To:



CITY COUNCIL  
ATLANTA, GEORGIA

**12-0-0966**

**AN ORDINANCE BY  
COUNCILMEMBER ALEX WAN & JOYCE SHEPHERD**

**AS SUBSTITUTED BY  
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AS SUBSTITUTED BY FULL COUNCIL**

**AN ORDINANCE AMENDING CHAPTER 110, ARTICLE III, DIVISION 1, SECTION 110-55 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO ADD A DEFINITION OF THE TERM "SMOKING;" and CHAPTER 110, ARTICLE III, DIVISION 1, SECTION 110-59 TO ADD A NEW SUBSECTION (H) THAT SHALL SET FORTH THE PROHIBITION OF SMOKING IN ALL CITY OF ATLANTA PARKS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 110, Article III, Division 1 of the City of Atlanta ("City") Code of Ordinances establishes general rules for prohibited activities for individuals and groups wishing to utilize amenities in public parks managed by the Department of Parks, Recreation and Cultural Affairs; and

**WHEREAS**, City-owned parks are intended for use by the public, including persons of all ages, and should be a health, enjoyable experience; and

**WHEREAS**, in accordance with O.C.G.A. § 31-12A-2, "smoking" means inhaling, exhaling, burning, or carrying any lighted tobacco product including cigarettes, cigars, and pipe tobacco; and

**WHEREAS**, smoking in parks are direct health risks, quality of life, and general cleanliness issues; and

**WHEREAS**, children and nonsmokers may be exposed to secondhand smoke in parks; and

**WHEREAS**, the United States Environmental Protection Agency has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a Group "A" carcinogen, the most dangerous class of carcinogen; and

**WHEREAS**, O.C.G.A. § 31-12A-12, permits counties and municipal corporations of the State of Georgia to enact certain smoking prohibitions; and

**WHEREAS**, multiple Cities in the Metro Atlanta area, including Alpharetta, Decatur, Doraville, Douglasville, Duluth, Gainesville, Marietta, and Roswell, have enacted legislation that prohibits smoking in public parks; and



**WHEREAS**, multiple Counties in the Metro Atlanta area, including Clayton, Douglas, Forsyth, and Henry, as well as the Athens-Clarke County Consolidated Government, have enacted legislation that prohibits smoking in public parks; and

**WHEREAS**, smoking is currently prohibited in certain public establishments throughout the State of Georgia; and

**WHEREAS**, the City desires to extend this regulation to all parks and facilities managed by the Department of Parks, Recreation and Cultural Affairs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**SECTION 1:** City of Atlanta Code of Ordinances Chapter 110 (entitled “Parks and Recreation”), Article III (entitled “Park Rules), Division 1 (entitled “Generally”), Section 110-55 (“Definitions”) shall be amended such that it shall read as follows:

**Sec. 110-55. - Definitions.**

As used in this Article III of Chapter 110:

- (a) the term "park" or "parks" shall mean any public park or camp, including any facilities, bodies of water, or other amenities thereon, owned or leased by the City of Atlanta, but shall not include those portions of Oakland Cemetery that are privately owned.
- (b) **the term “smoking” shall mean inhaling, exhaling, burning, or carrying any lighted tobacco product including cigarettes, cigars, and pipe tobacco.**

**SECTION 2:** City of Atlanta Code of Ordinances Chapter 110 (entitled “Parks and Recreation”), Article III (entitled “Park Rules), Division 1 (entitled “Generally”), Section 110-59 (“Park Rules”) shall be amended by adding a new subsection (h) which shall read as follows:

- “(h) *Smoking Prohibited in Parks.* It shall be unlawful for any person to smoke in outdoor parks and recreational facilities located within the City of Atlanta, including, but not limited to, the parks, athletic fields, aquatic areas, golf courses, tennis courses, hiking/walking/biking trails, playgrounds, off-leash areas, and spectator and concession areas.**
- (i) **The requirements of this chapter shall not apply to any of the following city-owned properties, so long as the properties remain the subject of a lease with a private party: The Chastain Amphitheater; The Lakewood Amphitheater; the Park**



**Tavern Restaurant located in Piedmont Park and designated smoking areas at golf club amenities.**

- (j) The requirements of this section shall not restrict the right of any private lessee to enact a smoking prohibition policy on any portion of the leased properties.”**

**SECTION 3:** The rules set forth in Section 2 above shall be posted within all City Parks, as well as any other rules selected by the Commissioner of the Department of Parks, Recreation, and Cultural Affairs.

**SECTION 4:** This Ordinance shall take effect immediately upon approval.

**SECTION 5:** All ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

July 16, 2012  
July 25, 2012

RCS# 2187  
7/16/12  
6:06 PM

Atlanta City Council

12-O-0966

AMEND COA CODE SEC. 110-59 AND ADD NEW  
SEC. (H)/PROHIBIT SMOKING ALL COA PARKS  
ADOPT ON SUB

YEAS: 12  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

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

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