

First Read: July 26, 2021  
Second Read: \_\_\_\_\_

**Ord. No.**

AN ORDINANCE OF THE CITY COUNCIL OF MOUNTAIN PARK, GEORGIA, FOR THE PURPOSE OF **ADOPTING RESTRICTIONS ON SMOKING ON PUBLIC PROPERTY**, FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE CITY COUNCIL HELD ON THE \_ DAY OF \_\_\_\_\_, 2021.

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**WHEREAS**, the Mayor and City Council wish to amend the ordinances of the City to better protect the public welfare by regulating smoking in public areas of the City, which is within the authority of the governing authority to regulate public property, and which is determined to be in the best interest of the public health safety and welfare;

**THEREFORE**, the Council of the City of Mountain Park hereby ordains:

**SECTION ONE**

A new section 11 of Chapter 42 of the Code of Mountain Park, Georgia shall be adopted, which shall state as follows:

**Section 42-11. Smoking in Public Places.**

- (a) Smoking shall be prohibited on public property within the City, except as provided herein. Smoking shall be defined to include, but not be limited to, smoking cigarettes, pipes and cigars, and shall also include the use of vapor products. Public property shall include City parks, City buildings, City parking areas, the City pool and any other City property expressly designated as a non-smoking area.
- (b) The City administrator shall be authorized to designate and post smoking areas in public areas where smoking can be conducted without being a nuisance to other citizens. In such areas, smoking shall be permitted.
- (c) Any person found smoking in public areas outside of designated smoking areas may be warned, and upon further failure to comply with this ordinance, may be issued citation. The minimum fine for a first offense upon a finding of guilt for violation of this ordinance shall be \$50, plus applicable surcharges.

**SECTION TWO**

- a. All other Ordinances and Resolutions, or parts of said Ordinances or Resolutions, in conflict herewith are hereby repealed, except to the extent said Ordinances are more restrictive than this Ordinance.

b. This Ordinance amendment shall take effect immediately upon adoption, the public welfare demanding.

c. The provisions of this Ordinance are severable; in the event that a court of competent jurisdiction finds that any provision of this Ordinance is unlawful or unconstitutional, it is the express intent of the City Council that such provision be severed and the remaining provisions of this Ordinance remain in force as if adopted separately from the severed portion.

SO ORDAINED BY THE COUNCIL OF THE CITY OF MOUNTAIN PARK, GEORGIA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

**MOUNTAIN PARK, GEORGIA**

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Jim Still, Mayor

ATTEST:

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Karen Segars, City Clerk