



To: Honorable Mayor and City Council Members
From: Wendell K. Willard
Date: For submission onto the November 6, 2012 City Council Regular Meeting Agenda
Agenda Item: Amendment to Chapter 42, Article II, Section 42-41 of the City of Sandy Springs Code of Ordinances ("Code") relating to firearms in public parks.

City Attorney's Recommendation:

The City Attorney's Office recommends that City Council approve the attached ordinance amendment.

Background and Discussion:

Subsequent to the City's enactment of the current ordinance regarding firearms in public parks, as referenced above ("Ordinance"), on June 4, 2010, Georgia Governor Sonny Perdue signed Senate Bill 308 into law, greatly expanding the areas in which individuals may lawfully carry weapons. Specifically, O.C.G.A. §§ 16-11-127 was amended to increase individuals' rights to carry guns and other weapons and to provide that a person shall be guilty of carrying a weapon in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon while:

1. In a government building;
2. In a courthouse;
3. In a jail or prison;
4. In a place of worship;
5. In a state mental health facility;
6. In a bar, unless allowed by the owner of the bar;
7. On the premises of a nuclear power facility;
8. Within 150 feet of any polling place.

Section 42-41 of the Ordinance currently provides in subparagraph (b) that "it shall be unlawful for any person to discharge any firearm within city parks unless expressly authorized by the mayor and city council. *Pursuant to O.C.G.A. § 16-11-127, it is unlawful to carry a firearm to a public gathering, as defined in O.C.G.A. § 16-11-127, within the city.*" (Emphasis added.)

The amendment to O.C.G.A. §§ 16-11-127 removed the definition of "public gathering," as referenced in the Ordinance, and now allows license holders to carry weapons in "every location in this state" that is not one of the locations listed above. The City has been informed by a gun owners association that the Ordinance is not currently in compliance with Georgia law. The attached amendment would revise the Ordinance to comply with the revised provisions of Georgia law regarding locations in which it is lawful or unlawful to carry weapons, by deleting in its entirety the second sentence of subparagraph (b), which is italicized above.

Alternatives:

The City must adopt this ordinance to comply with current Georgia law.

Attachment:

Proposed Ordinance amendment.

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, SECTION 42-41 OF THE CITY OF SANDY SPRINGS CODE OF ORDINANCES REGARDING FIREARMS IN PUBLIC PARKS

WHEREAS, the City of Sandy Springs (“City”) has heretofore adopted an ordinance for Parks and Recreation (“Ordinance”), codified as Chapter 42 of the City of Sandy Springs Code of Ordinances (“Code”); and

WHEREAS, Section 42-41 of the Ordinance provides for the regulation of firearms in City parks; and

WHEREAS, since the adoption of the Ordinance, Georgia law has been revised in such a way as to make a certain provision in Section 42-41, subsection (b) of the Ordinance inapplicable; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to amend the Ordinance to make it consistent with changes in Georgia law;

NOW, THEREFORE, the Mayor and City Council of the City of Sandy Springs hereby ordain that the Parks and Recreation ordinance, Chapter 42, Article II, Section 42-41 of the City of Sandy Springs Code of Ordinances, is hereby amended as follows:

1. The last sentence of Section 42-41(b) is hereby deleted. Hereafter, Section 42-41(b) shall read as follows:

“(b) It shall be unlawful for any person to discharge any firearm within city parks unless expressly authorized by the mayor and city council.”

2. All remaining provisions of Section 42-41 shall remain unchanged.

This _____ day of _____, 2012.

Approved:

Eva Galambos, Mayor

ATTEST:

Approved as to Form and Content:

Michael Casey, City Clerk
(Seal)

Wendell Willard, City Attorney