

## **ORDINANCE NO. 11-04**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 15, ARTICLE IV PERTAINING TO SMOKING PROHIBITED IN CERTAIN AREAS WITHIN BUILDINGS AND INDOOR FACILITIES OF THE CITY; TO PROHIBIT SMOKING IN MOTOR VEHICLES OWNED OR LEASED BY THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Commission of the City of Waycross, Georgia desires to change certain provisions of the Waycross City Code with respect to Smoking Prohibited in Certain Buildings and Facilities of the City of Waycross; and

**WHEREAS**, the Commission of the City of Waycross, Georgia specifically desires to prohibit smoking in city owned or leased vehicles; and

**WHEREAS**, the issue has been duly considered by the Commission of the City of Waycross, Georgia;

**NOW THEREFORE, BE IT ORDAINED** by the Commission of the City of Waycross, Georgia and it is hereby ordained by the authority of the same as follows:

**SECTION 1.** The City of Waycross Code of Ordinances, Chapter 15, Article IV, Section 15-51, Section 15-52, and Section 15-54 are hereby amended, and shall be replaced with the following text:

### **Sec. 15-51. - Title.**

This article shall be known as “Smoking Prohibited in Certain Areas within Buildings and Facilities and within city owned or leased vehicles of the City of Waycross, Georgia Ordinance.”

### **Sec. 15-52. – Legislative Intent.**

The commission of the city finds that the effects of secondary, tertiary and side-stream smoke generated by the smoking of cigars, cigarettes, pipes and similar articles poses a threat to the health, safety and well-being of the citizens of the city who do not smoke. The commission of the city further finds that the Surgeon General’s reports on smoking hazards, linking high levels of involuntary smoke exposure buttresses the need to provide more protection to non-smokers in public settings. Therefore, the purpose of this article is to place reasonable

limitations on smoking within buildings and indoor facilities and city owned or leased vehicles of the City, while striking a balance between the health needs of all non-smoking individuals and the rights of smokers. The Commission of the City further finds that it is in the interest of public health, safety, and general welfare of the employees, residents and visitors of the city to protect them from the impacts of breathing secondary, tertiary or side-stream smoke in buildings and indoor facilities and vehicles owned, leased, managed and operated by the City of Waycross.

**Sec. 15-54. – Prohibitions on Smoking.**

Except as otherwise provided in this article, within all buildings, structures and indoor facilities, city vehicles, owned, operated, leased or managed by the City, and which are used by or open to the public, including, without limitation, City Hall, 417 Pendleton Street, Waycross, Ware County, Georgia, Waycross Police Department, 512 Oak Street, Waycross, Ware County, Georgia, Waycross Police Department, 407 Pendleton Street, Waycross, Ware County, Georgia, Waycross Fire Department, 1700 Riverside Drive, Waycross Ware County, Georgia, Waycross Fire Department, 125 Havanna Avenue and Harrison Street, Waycross, Ware County, Georgia, Waycross Fire Department, 1820 Mary Street, Waycross, Ware County, Georgia, Public Transportation Compound, 417 Pendleton Street, Waycross, Ware County, Georgia, Water Plant, 512 Alice Street, Waycross, Ware County, Georgia, Waste Water Treatment Plant, 2900 Lakeview Drive, Waycross, Ware County, Georgia, including therein, private offices, hallways, restrooms, escalators, elevators, stairways, lobbies, reception and waiting rooms, classrooms, meeting or conference rooms, auditoriums, lounges, all smoking is prohibited.

**SECTION 2.** This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

**SECTION 3.** If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

**SO ORDAINED**, this the 4th day of April, 2011.

**CITY OF WAYCROSS, GEORGIA**

**BY:** \_\_\_\_\_  
**CLARENCE E. BILLUPS**, Mayor

**ATTEST:**

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**JULIE DINKINS**, Clerk

Read First Time: 3-22-2011

Read Second Time: 4-04-2011

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