

**CITY OF THOMSON**  
**ORDINANCE NUMBER 549**

**AN ORDINANCE PROHIBITING SMOKING ON THE PROPERTY OF THE  
THOMSON-MCDUFFIE GOVERNMENT CENTER LOCATED AT 210 RAILROAD  
STREET, THOMSON, GEORGIA AND THE MCDUFFIE COUNTY HISTORIC  
COURTHOUSE LOCATED AT 337 MAIN STREET, THOMSON, GEORGIA**

**WHEREAS**, the State of Georgia has enacted Title 31 chapter 12A, said Chapter being known and may be cited as the "Georgia Smoke free Air Act of 2005", and

**WHEREAS**, said act prohibits defines "smoking" under state law and prohibits smoking in all enclosed facilities of, including buildings owned, leased, or operated by, the State of Georgia, its agencies and authorities, and any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or special Act of the General Assembly or by ordinance or resolution of the governing body of a county or municipal corporation individually or jointly with other political subdivisions or municipalities of the state; and

**WHEREAS**, Section 31-12A-12 of the Official Code of Georgia Annotated states that Chapter 12A of Title 31 shall be cumulative to and shall not prohibit the enactment of any other general or local laws, rules, and regulations of state or local governing authorities or local ordinances prohibiting smoking which are more restrictive than this chapter or are not in direct conflict with this chapter, and

**WHEREAS**, Section 1.02 "Corporate powers" of the Charter of the City of Thomson grants the corporate powers of the city, to be exercised by the mayor and council, include the following:

To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental to the health, morals, safety, security, peace, convenience or general welfare of inhabitants of the city; and

To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the city and its inhabitants; and

**WHEREAS**, numerous studies have produced evidence of the detrimental effects of passive smoke on the health of nonsmokers; and

**WHEREAS**, it is the responsibility of every elected official and department head to make government offices and the judicial facilities within the City of Thomson, Georgia, and the property upon which said offices and judicial facilities are located a safe and healthy

place to work, conduct the business of the public and for members of the public to gather; and

**WHEREAS**, upon the property surrounding the Courthouse (s) public sales are held and the entirety of both of these properties are encouraged to be used for public gathering for both business and pleasure by members of the public as may be permitted by law; and

**WHEREAS**, the purpose of this ordinance is to protect the health, safety, and welfare of city employees and other employees on these sites and members of the public by providing a smoke-free environment;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Thomson, as follows:

### **SECTION 1. DEFINITIONS**

"Smoking" means inhaling, exhaling, burning, holding, or carrying any lighted or heated pipe, cigar, cigarette, or other lighted or heated tobacco product in any manner or form.

"Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing prohibition of smoking.

### **SECTION II. PROHIBITION OF SMOKING**

Smoking shall be prohibited within the Thomson-McDuffie Government Center located at 210 Railroad Street, Thomson, Georgia and at the McDuffie County Historic Courthouse located at 337 Main Street, Thomson, Georgia, including all levels, sections, rooms, hallways, corridors, and any other areas located within the Courthouses and any annexes; and upon the entirety of real property upon which Government Center/Courthouse (s) are located and this prohibition of smoking shall be effective during all hours of the day, including regular and after-business hours.

(could use a reference to a survey, a bounded on the north, east, south and west description or could leave as is because the area will be posted at each entrance and boundary lines are already clearly delineated)

### **SECTION III. POSTING OF SIGNS**

Signs providing notice to employees and the public at large that smoking is prohibited on the premises shall be posted at each entrance to the McDuffie County Courthouses and any annexes thereto at each sidewalk entering the property and each automobile entrance into the property; and, notwithstanding the provisions of this Section, smoking is prohibited on said property and within said buildings, whether posted or not. Further, all ashtrays shall be removed from all areas in and around the McDuffie County Courthouses.

### **SECTION IV. NONRETALIATION; NONWAIVER OF RIGHTS**

No administrator, supervisor, or official of the City of Thomson government shall discharge, refuse to hire, or retaliate against any employee, applicant for employment, citizen, or any other person who exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance and, an employee, citizen,

or other person who enters the McDuffie County Courthouse properties, where smoking is prohibited, does not surrender his or her rights as a nonsmoker and retains the right to file a complaint in accordance with the applicable provisions of this Ordinance.

#### **SECTION V. ENFORCEMENT AND PENALTY**

This Ordinance shall be enforced in the Municipal Court of the City of Thomson; and any person who violates any provision of this Ordinance may be found guilty of a violation punishable by a fine of not more than \$250.00. Further, each day a violation of this Ordinance occurs shall be considered a separate offense.

#### **SECTION VI. LIBERAL CONSTRUCTION**

This Ordinance shall be liberally constructed so as to effectuate and further its purposes.

#### **SECTION VII. SEVERABILITY**

If any provision, clause, sentence, or paragraph of this Ordinance is, for any reason, held or declared to be void or invalid, that invalidity shall not affect the other provisions, clauses, sentences, or paragraphs of this Ordinance or its application to other persons or circumstances.

#### **SECTION VIII. REPEALER**

All previous ordinances, policies, or resolutions in conflict with this Ordinance are hereby repealed.

Effective upon passage after second reading this 11th day of August, 2011.

By: Kenneth Usry  
Kenneth Usry, Mayor

Attest: Dianne Landers  
Dianne Landers, City Clerk

1<sup>st</sup> Reading on the 14th day of July, 2011

2<sup>nd</sup> Reading and Passed on the 11th day of August, 2011