

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR17-425

AN ORDINANCE TO PROHIBIT SMOKING IN VEHICLES WHILE CHILDREN ARE PRESENT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

**WHEREAS**, the governing authority of the City of Stockbridge, Georgia desires to adopt an ordinance that would prohibit smoking in motor vehicles while children are present; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

**Section 1.** That Chapter 11.04 of the Stockbridge Municipal Code is hereby amended by adding a new Section 11.04.130 attached hereto as Exhibit A.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

**Section 5.** Penalties in effect for violations of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** The effective date of this Ordinance shall be January 10, 2017.

ORDAINED this 9th day of Jan., 2017.

**CITY OF STOCKBRIDGE, GEORGIA**

Judy Neal  
Judy Neal, Mayor

ATTEST:

Vanessa Holiday  
Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams  
Michael Williams, City Attorney

Date Presented to Mayor: 1-12-2017

Date Received from Mayor: 1-12-2017

## EXHIBIT "A"

### 11.04.130 - Smoking in motor vehicles —Prohibited

- (a) As used in this ordinance, the term 'smoke' means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible substance.
- (b) A person who is the driver of or is in control of a motor vehicle that is required to be registered under state law, whether or not such motor vehicle is being driven on the public ways or is stopped on a public or private way, commits the offense of smoking in a motor vehicle if the person smokes or permits another occupant of the motor vehicle to smoke in such motor vehicle while a person under 15 years of age is in the motor vehicle.
- (c) A violation of this ordinance shall not be a misdemeanor but shall be punishable by a civil fine not to exceed \$500.00.
- (d) The odor of burned tobacco alone shall not be sufficient to prove a violation of this ordinance.