

1 **ORDINANCE AMENDING SECTION 50-38 OF THE FULTON COUNTY**
2 **CODE OF ORDINANCES TO PROHIBIT THE DISCHARGE OF WEAPONS**
3 **WITHIN ANY FULTON COUNTY PARK OR RECREATION FACILIY**

4 **WHEREAS**, several decades ago, the Fulton County Board of Commissioners adopted
5 an ordinance now codified as Fulton County Code of Ordinances Section 50-38, prohibiting the
6 use or possession of any rifle, pistol, shot gun, bow and arrow, slingshot, BB gun, pellet gun, or
7 any other device capable of throwing any projectile of any sort, within any Fulton County park
8 or recreational facility; and

9 **WHEREAS**, in 1995, the State of Georgia enacted a statute now known as O.C.G.A.
10 Section 16-11-173, subsection (b)(1) of which prohibits counties and municipal corporations
11 from regulating in any manner the possession, ownership, transport, carrying, transfer, sale,
12 purchase, licensing, or registration of firearms or components of firearms; and

13 **WHEREAS**, O.C.G.A. Section 16-11-173(e) specifically and expressly allows a county
14 or municipality to regulate the discharge of firearms within the borders of such county or
15 municipality; and

16 **WHEREAS**, on December 4, 2007, the Georgia Court of Appeals issued its decision in
17 the case of *GeorgiaCarry.org, et al. v. Coweta County, Georgia*, 288 Ga. App. 748 (2007),
18 holding that the terms of O.C.G.A. Section 16-11-173(b)(1) preempted a Coweta County
19 ordinance that was substantially similar in language and purpose to Section 50-38 of the Fulton
20 County Code of Ordinances; and

21 **WHEREAS**, the Board of Commissioners finds that Section 50-38 of the Fulton County
22 Code of Ordinances should be amended in light of the recent Court decision referenced above,

1 while maintaining the prohibition against discharge of weapons within County parks and
2 recreation facilities;

3 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Fulton
4 County, Georgia, that Section 50-38 of the Fulton County Code of Ordinances is hereby
5 amended to read as follows:

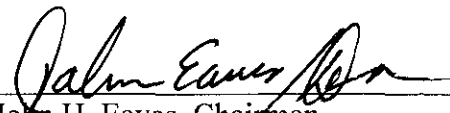
6 Section 50-38- Discharge of Firearms and Possession of Other Weapons Prohibited

7 No person shall discharge within any Fulton County park or recreational facility
8 any firearm as defined by O.C.G.A. § 16-11-171, including but not limited to
9 rifles, pistols, shotguns, BB guns, or pellet guns. No person shall use or possess
10 within any Fulton County park or recreational facility any ~~rifle, pistol, shotgun,~~
11 bow and arrow, slingshot, ~~BB gun, pellet gun,~~ or any other device (other than a
12 firearm as defined above) capable of throwing any projectile of any sort,
13 including the hand throwing of rocks or stones intended to be used as weapons.
14 This section shall not be operative in any specific area now designated or to be
15 designated in the future as a rifle range, archery range, or any other specific area
16 whose purpose is to allow the activities otherwise prohibited by this section.

17 **BE IT FURTHER ORDAINED**, that, except as provided in this Ordinance, all
18 provisions of Chapter 50 Article II of the Fulton County Code of Ordinances shall remain in full
19 force and effect.

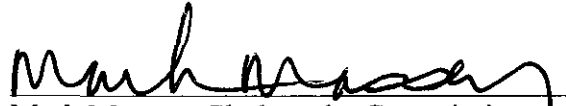
20 **ENACTED** by the Board of Commissioners of Fulton County, Georgia, this the _____
21 day of March, 2008.

22 **FULTON COUNTY**
23 **BOARD OF COMMISSIONERS**

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25
26 By: 
27 John H. Eaves, Chairman
28 District 1, At-Large
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1 ATTEST:

APPROVED AS TO FORM:

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3 
4 Mark Massey, Clerk to the Commission


Larry Ramsey, Interim County Attorney

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6 P:\CA1egislation\PrksRec\Ordinances\Weapon discharge ordinance 3 12 08 doc

ITEM # 08-0300 RCS 3, 19, 08
RECESS MEETING