

FORSYTH COUNTY, GEORGIA

ORDINANCE NUMBER 120

AN ORDINANCE AMENDING CHAPTER 50 (“OFFENSES AND MISCELLANEOUS PROVISIONS”) OF THE CODE OF FORSYTH COUNTY, GEORGIA BY ADDING A NEW SECTION REGULATING THE SALE OF NON-TRADITIONAL TOBACCO PARAPHERNALIA

WHEREAS, hundreds of thousands of people die in the United States from tobacco-related diseases every year; and

WHEREAS, the Forsyth County Sheriff’s Office has indicated that non-traditional tobacco paraphernalia are frequently found at locations involving search warrants and arrests for the possession of illegal narcotics; and

WHEREAS, the Forsyth County Board of Commissioners thus desires, for the preservation of the health, safety and welfare of the public, to regulate the sale of non-traditional tobacco paraphernalia.

NOW THEREFORE, be it resolved and ordained by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of same as follows:

Section One.

That Chapter 50 (“Offenses and Miscellaneous Provisions”), Article I of the Code of Forsyth County, Georgia is hereby amended by adding the following new Section:

“Sec. 50-6. Regulation of the Sale of Non-Traditional Tobacco Paraphernalia.

- (a) *Definitions.* For the purposes of this Section, the term ‘non-traditional tobacco paraphernalia’ shall mean non-traditional instruments (such as bong and hookah pipes) designed so as to facilitate the smoking, consumption or ingestion of tobacco leaf in any form, provided that the term ‘non-traditional tobacco paraphernalia’ shall exclude cigarette papers or wrappers, blunt wraps, traditional tobacco pipes (such as brand names Briar and Meerschaum), holders, cigarette rolling machines, or other products, devices, or substances used for the purpose of making cigarettes or tobacco in any form whatsoever. For the purposes of this Section, the term ‘person’ shall have the same meaning as set forth in Sec. 50-5(a)(5) above.
- (b) Any person who offers for sale any item of non-traditional tobacco paraphernalia shall, no later than December 1, 2013 and by December 1 of each year thereafter, apply to the Forsyth County Planning and Community Development Department for a Non-Traditional Tobacco Paraphernalia License and shall pay an annual license fee of \$1,000.00 For the purposes of this Section, every person who obtains such a license shall be referred to as a ‘Licensee.’

(c) Each Licensee shall maintain their entire inventory of non-traditional tobacco paraphernalia in a location completely screened from view by the public. It shall be unlawful for a Licensee to allow any item of non-traditional tobacco paraphernalia to be in view of the public, except during actual sales of such items of non-tobacco paraphernalia to customers.”

Section Two, Repealer.

All ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are repealed.

Section Three, Severability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. Should any section, paragraph, sentence, clause or phrase of this ordinance be rendered invalid by any court of law, the remaining sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by action of the governing authority of Forsyth County.

Section Four, Effective Date.

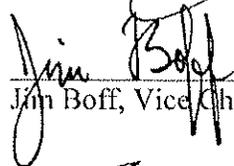
This ordinance shall go into effect on the date of adoption.

SO RESOLVED this 2nd day of July, 2013.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Ralph J. Amos, Chairman



Jim Boff, Vice Chairman



Brian R. Tam, Secretary



Todd Levent, Member

Cindy Jones Mills
Cindy Jones Mills, Member

Attested to:

Smya Bush
County Clerk