

AN ORDINANCE

AMENDING City Code Article 4-4-30 to add Section 4-4-30-030, Weapons policy to the Code of Ordinances of the City of Marietta, Georgia.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA THAT:

Section 1. Article 4-4-30 of the City of Marietta, Georgia Code of Ordinances is hereby amended as follows:

4-4-30-030 Weapons policy.

- A. Purpose and Intent. The City/BLW's employees are its most valuable resource and, for that reason, their health and safety is of paramount concern. As such, the purpose and intent of this policy are to promote safe and secure working environments for all City/BLW employees.
- B. Weapon Defined. For purposes of this policy, the term "weapon" means the following: any explosive compounds (including fireworks); firearms (including those designed to fire or expel bullets, pellets, BBs, paintballs, arrows, darts, or other projectiles); Tasers or other electrical stunning devices; knives (with blades longer than 3"); pepper spray, mace, or other noxious chemicals or substances designed to incapacitate; any club, baton, metal or plastic knuckles, or other bludgeon; and any other instrument, device, or item designed, modified, or adapted for use primarily as a weapon. The term "weapon" also includes any of the foregoing instruments, devices, or items that are non-functional, unloaded, or imitation (excluding obvious toys). The term "weapon" does not include any tool provided or approved for an employee's use by the City/BLW; provided, however, that the use or threatened use of any such tool (or any other instrument, device, or item not referenced above or not normally regarded as a weapon) as a weapon shall be considered to be a violation of this policy.
- C. Scope. This policy shall apply to all City/BLW employees other than sworn or unsworn employees of the Police Department or employees who otherwise work under the supervision of the Chief of Police. The Chief of Police shall implement a standard operating procedure regulating and determining the possession, carrying, and transportation of firearms and other weapons by sworn and unsworn employees of the Police Department or who otherwise work under his or her supervision, in accordance and consistent with state and federal law.
- D. Prohibited Conduct; Exception.
 1. No employee of the City/BLW shall carry, possess, or transport a weapon inside any City/BLW government building, on the grounds of any City/BLW property (including

- parking lots or parking facilities as provided below), or in a City/BLW government vehicle, while on-duty or otherwise acting in the course of his or her employment.
2. No employee of the City/BLW, whether on-duty or off-duty or whether or not acting in the course of his or her employment, shall carry, possess, or transport a weapon inside any City/BLW government vehicle.
 3. No employee of the City/BLW who is off-duty or otherwise not acting in the course of his or her employment shall wear any uniform, shirt, jacket, hat, or other visible article of clothing or other item that identifies him or her as an employee of the City/BLW while carrying, possessing, or transporting a weapon. The purpose of this latter prohibition is to prevent misunderstandings or confusion among members of the general public as to the identity, position, authority, duties, or responsibilities of an off-duty employee of the City/BLW and to make clear that such an employee is not carrying, possessing, or transporting the weapon in the course of his or her employment.
 4. Limited exception. Notwithstanding the foregoing, it shall not be a violation of this policy for any City/BLW employee to possess a weapon in his or her personal vehicle in a parking lot or parking facility owned or operated by the City/BLW, provided each of the following requirements is met:
 - a. the weapon is secured in a locked compartment or locked rack of the employee's personal vehicle or in a locked container in the vehicle; and
 - b. the parking lot or parking facility (or the portion thereof in which the employee's vehicle is parked) is unsecured and available to the general public. For purposes of this provision, the term "unsecured" means not controlled by a security station, security officer, or similar means which limit public access to such parking lot or parking facility.

To the extent that this limited exception applies, it shall not be a violation of this policy for an employee to carry a weapon on his or her person or otherwise have a weapon in his or her control while in his or her personal vehicle and entering or exiting the parking lot or parking facility; provided that, if the weapon is one for which State law requires a license, said employee holds such license.

- E. Exemptions. In his or her sole discretion, the City Manager shall be authorized to grant a temporary or limited exemption to an employee, in writing, upon a showing of good cause or other appropriate circumstances.
- F. Construction. This policy shall be construed and applied in a manner fully consistent with the United States Constitution, the Constitution of the State of Georgia, and HB 60 (2014).

Section 3. It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 4. All Ordinance or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

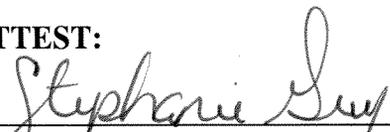
DATE: July 9, 2014

APPROVED:



Steve Tumlin, Mayor

ATTEST:



Stephanie Guy, City Clerk

Approved as to Form:



Douglas R. Haynie, City Attorney