



Mayor & City Council

Workshop Session

~ Agenda ~

City of College Park
3667 Main Street
College Park, GA 30337

<http://www.collegeparkga.com>
404-669-3756 (Main)

Experience College Park
Georgia's Global City

Monday, March 15, 2021

6:00 PM

Council Chambers

1. Presentation on an Employee Ethics Hotline by NAVEX Global Account Executive Logan Drew. See memorandum dated March 9, 2021 from Director of Human Resources & Risk Management Dwight Baker. Also, see attached supporting documentation. (15 minutes presentation/Q&A.)
2. Discussion on interpretation of several City of College Park Zoning Code items. See memorandum dated March 9, 2021 from Planner Nikki Washington. Also, see attached staff report with details on each item and supporting documentation. (30 minutes presentation/Q&A.)



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 8693

DATE: March 9, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Dwight Baker, Director of Human Resources & Risk Management

RE: Employee Ethics Hotline

An Employee Ethics Hotline promotes an ethical culture by offering employees a convenient, anonymous way to report wrongdoing.

A committee consisting of Director of Human Resources and Risk Management Dr. Dwight Baker, Director of Information Technology Michael Hicks, and Purchasing and Fleet Administrator Willis Moody was created to identify an Employee Ethics Hotline service for City of College Park employees.

The committee conducted product and functionality demonstrations with Ethics Advocate, Safe Hotline, and NAVEX Global and determined that NAVEX Global provided the best product and functionality for the employees.

ATTACHMENTS:

- City of College Park - EP (PDF)
- City of College Park EOQ Discount Proposal 2021-236775 (PDF)

Review:

- Dwight L. Baker Completed 03/08/2021 11:17 AM
- Information Technology Completed 03/08/2021 11:32 AM
- Purchasing Completed 03/08/2021 12:42 PM
- Rosylne Robinson Completed 03/08/2021 1:05 PM
- Mercedes Miller Completed 03/09/2021 4:18 PM
- Mayor & City Council Pending 03/15/2021 6:00 PM



NAVEX Global Intake & Incident Management

Prepared for: Palmetto Clean Technologies

Presented by: Logan Drew



City of College Park

Georgia's Global City



What we've heard from the City of College Park leading up to today:

- 400 Employees
- Reported concerns are handled by HR
- Collection of information after a reported incident is a hassle
- Want anonymous reporting options to solve for fear of retaliation
- Initiative from the mayor



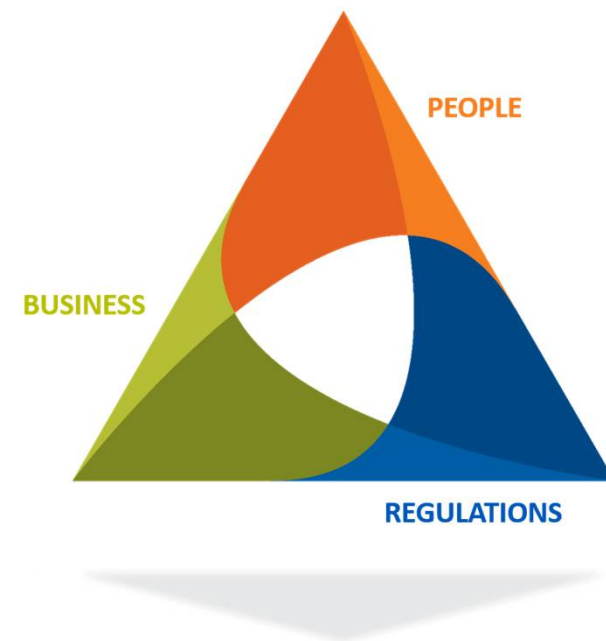
Agenda

- Introduction
- Research-backed Benefits
- NAVEX Global Intake & Incident Management
- Demo
- Q&A / Next Steps



Introduction

- **Collect:** Intake methods create a consistent approach to data collection
- **Manage:** Incident management provides an enterprise-wide solution to manage multiple complaints programs
- **Learn:** Analytics enable users to easily identify actionable trends and insights
- **Act:** Mitigate risk and strengthen your organization



Are Your Employees Reporting Misconduct?

41% of all employees have personally witnessed misconduct that violates their company's ethics standards, or local, state or national law.

Of the individuals that have witnessed misconduct, the majority report through "open door" conversations – leaving a small percentage to be captured by phone.

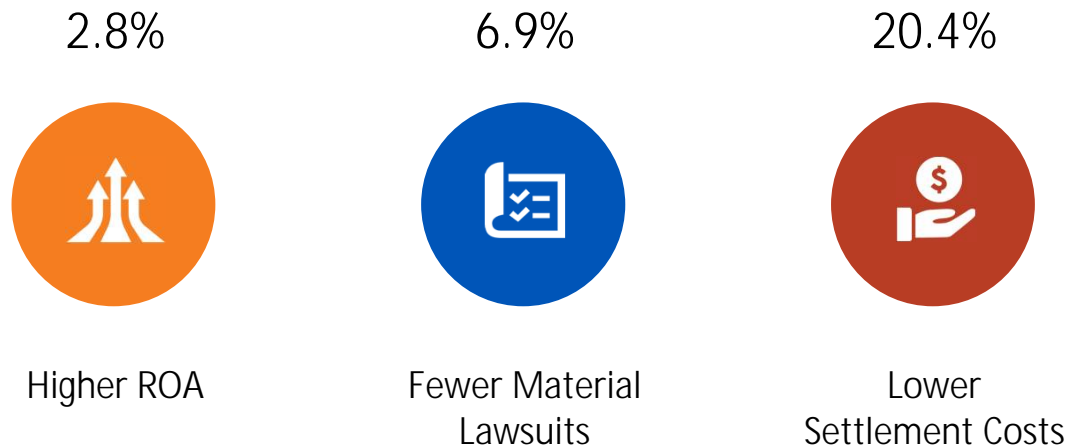
The good news is that according to the 2018 NAVEX Global Hotline Benchmark Report, **overall reporting has increased by 56% since 2010.**



Key Benefits

George Washington University's Hotline Research

- The ROI of Compliance is real and for the first time, statistically validated
- Increased usage of internal reporting systems has a measurable impact on business results
- The more a company uses their hotline – the more reports – the greater the impact on results

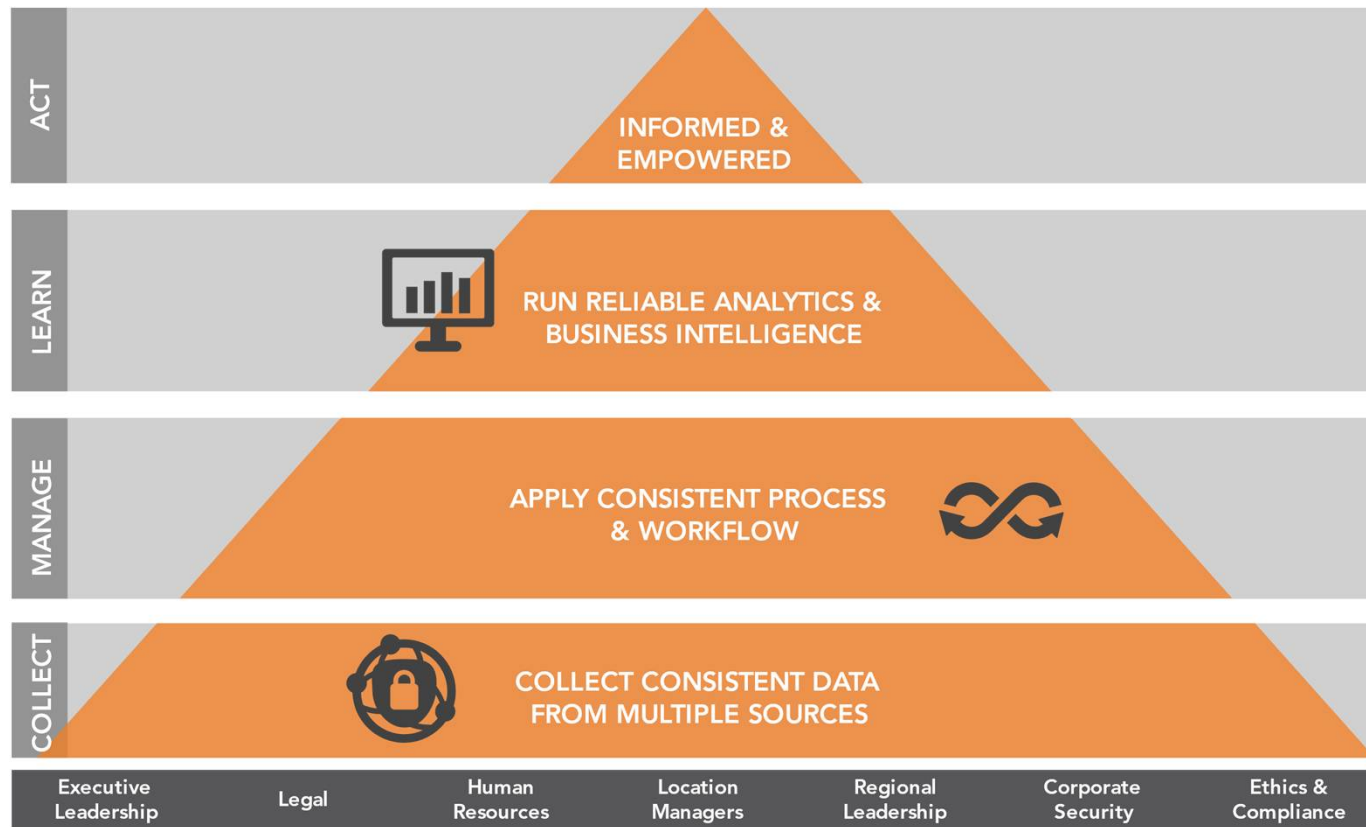


Evidence on the Use and Efficacy of Internal Whistleblowing Systems by: Kyle Welch https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3273589

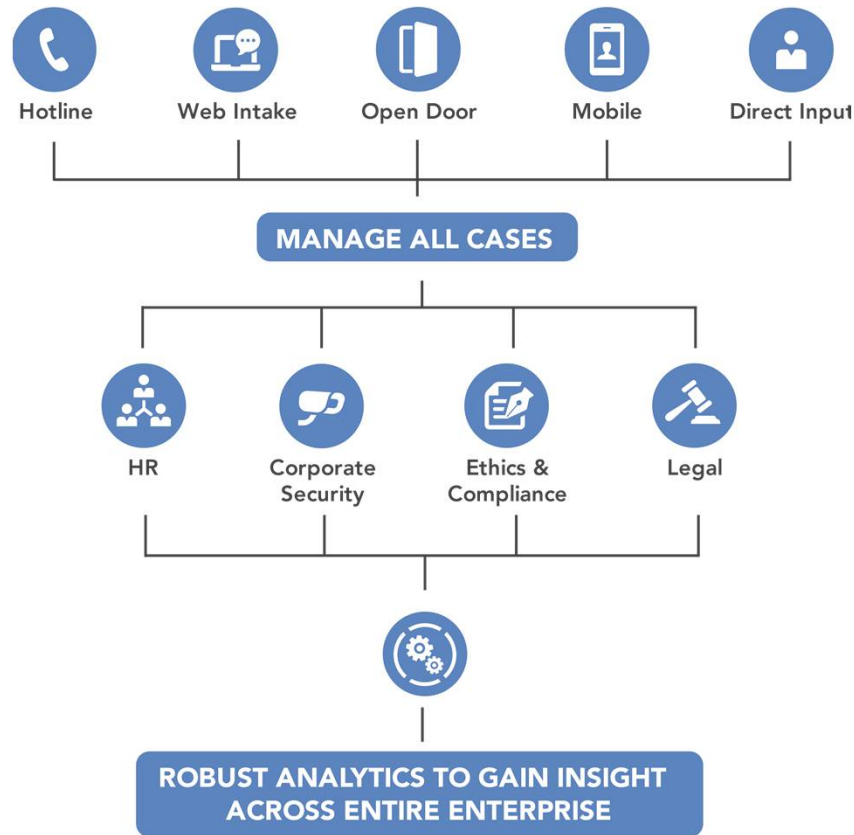
Eliminate Data Silos & Fragmented Oversight



Consistently Collect, Manage and Learn



The EthicsPoint Incident Management Solution



NAVEX Global's Intake & Incident Management Features



Our contact centers operate 24x7x365



Our communication specialists speak a collective 200+ languages



Reports can be logged through hotline, mobile, web forms or your managers after an open-door conversation



Report data is collected and analyzed in one centralized system as the single source of truth





Robust Analytics Options



Preformatted Reports – available with all EthicsPoint Incident Management systems for program reporting



Advanced Analytics – empowers stronger program reporting through the ability to build ad hoc reports



Premium Analytics – allows you to schedule and share reports when and where they are needed



GRC Insights – dashboards built to provide at-a-glance insights into key performance indicators



Industry-Level Benchmarking – powerful peer-to-peer comparisons to analyze your hotline program





EthicsPoint® Demo



NAVEX GLOBAL®

Copyright NAVEX Global, Inc. All Rights Reserved. | Page 12

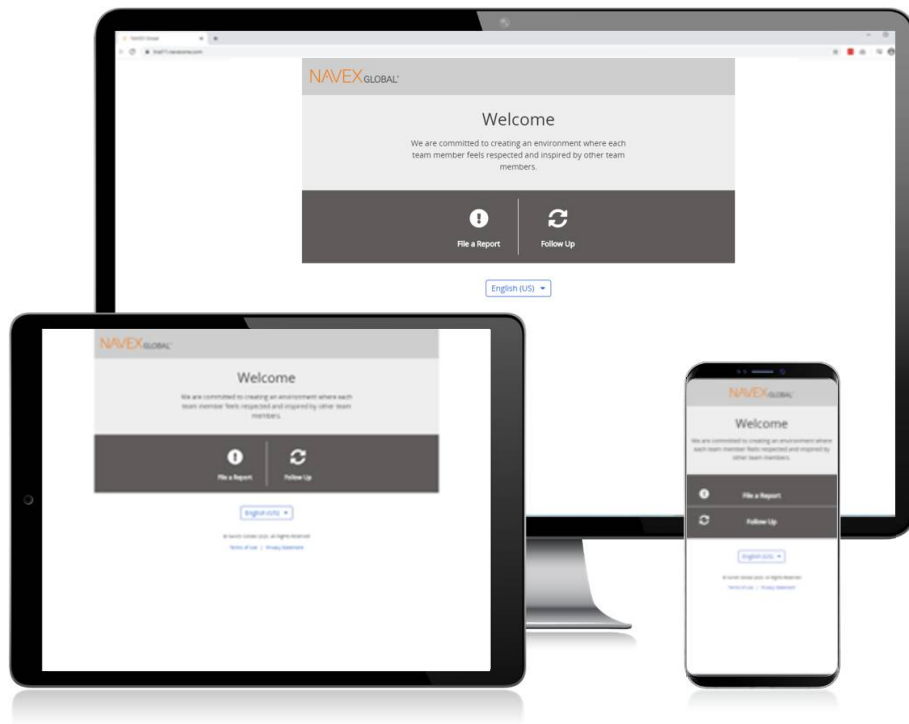




Thank You!



Mobile Intake



Key Capabilities to Fit Your Needs

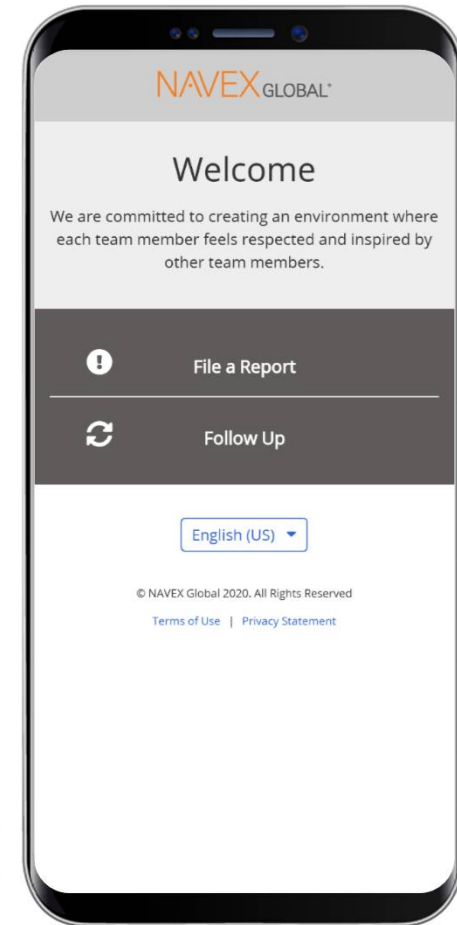
- Easy adoption
- Responsive design
- Simplified reporting
- Easily accessible for in the moment reporting
- Configurable to reflect your organization's branding needs



Mobile Intake

Reporter Experience

- Very **simple experience** for reporters to access the mobile web site and report an incident
- Reporters can **submit from QR Code** or **enter custom URL in Browser**



NAVEX Global Community

Product training & self-help resources to improve administrators' expertise



Ongoing Product Education

Learn At Your Own Pace

- How-To Articles
- How-To Videos
- OnDemand Training



Customer Support

If You Need Technical Assistance

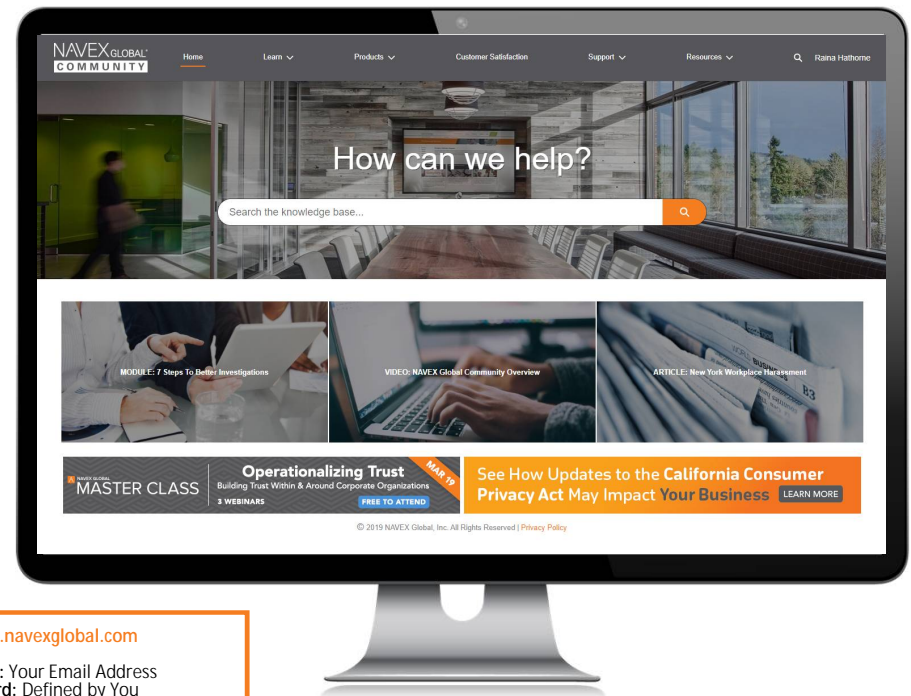
- Submit New Tickets
- Track Prior Tickets
- Enhancement Requests



NAVEX Global News

Keeping You Informed

- Industry Resources
- Upcoming Events



support.navexglobal.com
 Username: Your Email Address
 Password: Defined by You





EthicsPoint® Mobile Intake Demo



NAVEX GLOBAL®

Copyright NAVEX Global, Inc. All Rights Reserved. | Page 17



NAVEX GLOBAL®



GRC SOLUTION PROPOSAL FOR
City of College Park
PRICING VALID UNTIL
Friday, March 26, 2021

Presented by Logan Drew
logan.drew@navexglobal.com

March 04, 2021

Dear Willis,

Thank you for the opportunity to provide City of College Park with a proposal to address your ethics and compliance program requirements.

NAVEX Global helps protect your people, reputation and bottom line through a comprehensive platform of ethics and compliance communications, software, training and services. As the trusted global expert for more than 13,000 customers, our solutions are informed by the largest ethics and compliance community in the world. Built on a foundation of best practices developed by launching similar programs for many organizations, we bring:

- **Award-winning communications:** an organization's code of conduct is the foundation of its ethics and compliance program. We can partner with you to develop code and awareness collateral that not only addresses key compliance risk areas but also reinforces your values, reflects your brand and resonates with your employees.
- **Superior Software:** our industry-leading software solutions meet your discrete ethics and compliance needs and are designed to grow with you as your needs evolve. Combined, they provide greater visibility across your full program and enable you to identify and address risks as they develop. Our flexible, scalable solutions make E&C programs more efficient, effective and easier to manage and measure.
- **Engaging Training Content:** we deliver relevant training content that drives employee understanding and retention of key regulatory and cultural expectations. NAVEX Global ethics and compliance training content is rapidly refreshed, universally accessible, multi-length and vetted by Baker McKenzie, one of the leading employment and compliance law firms around the world. It is also exclusively endorsed by the Society for Human Resources Management (SHRM) and the Association of Corporate Counsel (ACC).
- **Best-in-class Services:** our Implementation Services team gets our customers up and running on our solutions quickly by collaborating with your teams to address the right questions, involve the right people and leverage proven processes to ensure successful customer setups and launches. Our Professional Services team guides customers through tested methodology and change-management processes that reduce technical issues and shorten ramp time. Our Customer Support team—whose customer satisfaction scores show that we deliver on our commitment—provides your team with ongoing support. Finally, our Product Training team offers live and on-demand training videos and tutorials that provide answers to frequently-asked questions, a searchable knowledge base and support-request tracking through our Customer Resource Center.

As the largest technology and services organization in the ethics and compliance market, we are confident that we can work with you to meet the unique needs of your program. Our customer retention rate of more than 95 percent is a testament to the trust those organizations place in us. We are happy to put you in touch with a number of customers who can share their perspectives and experiences.

Please note that we consider the information contained in this document proprietary and/or confidential, and as such, we respectfully request that the contents be held in the strictest confidence by your organization.

On behalf of NAVEX Global, we thank you for your interest and we look forward to partnering with you to achieve your ethics and compliance goals.

Sincerely,

Logan Drew
Account Executive I
NAVEX Global

Pricing Summary

Services	Qty	Annual Fees	One-Time Fees	Fees Due
Awareness				
Compliance Awareness Package 1	1	\$1,000.00 \$800.00	-	\$800.00
Compliance Awareness Setup	1	-	\$0.00	\$0.00
Hotline				
Hotline - Small Business Subscription	400	\$2,369.00 \$1,895.20	-	\$1,895.20
Incident Management				
Hotline - Web Intake Site Setup - Small Business	1	-	\$475.00 \$380.00	\$380.00
EP Incident Management - Foundation Setup	1	-	\$0.00	\$0.00
EP Incident Management - Foundation Subscription	400	\$0.00	-	\$0.00
Telephony				
Small Business Telephony Setup	1	-	\$475.00 \$380.00	\$380.00
Small Business Telephony Subscription	1	\$0.00	-	\$0.00

TOTAL DISCOUNTS:	\$673.80	\$190.00	\$863.80
------------------	----------	----------	----------

	Annual Fees	One-Time Fees	Fees Due
SUB-TOTALS:	\$2,695.20	\$760.00	\$3,455.20

TOTAL FEES DUE NOW:	\$3,455.20
---------------------	------------

Additional Terms

1. The Term shall begin on the Order Form Effective Date and run for 4 years (the "Initial Term").
2. All Fees detailed herein will be invoiced upon execution of this Order Form and Customer shall remit payment within 30 days of said invoice's date.

3. All Fees for subsequent years will be invoiced to Customer at least 30 days prior to the start of the upcoming year and will be due by the start of such year.
4. Annual Fees will be fixed for a period of 12 months from the Order Form Effective Date. Thereafter, / may increase Annual Fees not more than once per year by providing 60 days prior written notification of the increase. Any increase in Annual Fees shall not be more than 4% annually.
5. Each subscription will automatically renew for the same period as the Initial Term (each a "Renewal Term"). However, either party may elect to not renew by providing written notification to the other party at least 30 days prior to the start of a Renewal Term.
6. All prices are in U.S. Dollars.
7. Global
8. If not executed through appropriate ordering documents, this quote will expire on Friday, March 26, 2021

Description of Services

Awareness

Compliance Awareness Package 1

The Compliance Awareness Subscription grants customer digital access to corresponding products associated with each level package.

The NAVEX Global Compliance Awareness products are to be used by your organization to describe the basic points of the hotline program and to communicate the various ways that an employee can contact the hotline service to take advantage of the programs benefits. These products are template-based designs, and some products allow for limited customization as outlined herein.

Digital Template Options are available for review on the NAVEX Global website at:
<https://www.navexglobal.com/en-us/products/report-resolve/awareness-solutions/gallery>

All materials in the subscription are in English only. Additional languages may be purchased for an additional fee.

Hotline Rollout Email Template:

Customer shall receive one (1) Hotline Rollout Email template in Word format.

Manager's Toolkit

PowerPoint Presentation - A PowerPoint presentation for implementers to introduce the program and help deliver the message throughout the organization. PowerPoint design shall match selected hotline poster template design.

FAQ document – Familiarizes implementers with program and answers any questions they may have as they introduce the program to employees. FAQ document to be in Word format and shall match selected hotline template design.

Hotline Reporting Poster

Customer shall select one (1) 11 x 17 poster design from the Hotline Awareness Template Library.

Standard customizations to include: hotline number, web intake site URL, mobile intake URL, logo and QR Code.

Customer will review proof(s) for accuracy of input information. Any other requested changes are considered non-standard customizations, and additional fees will apply. Deliverable is high-resolution, print-ready PDF file.

Topical Posters

Customer may choose one (1) 11 x 17 topical poster from our Topical Library per Term. Customer shall choose to have Standard Customizations included on the poster or may opt for posters without the customizations.

If no customization option is chosen, Customer will receive one poster of choice.

Standard customizations to include: hotline number, web intake site URL, mobile intake URL, logo and QR Code.

Customer will review proof(s) for accuracy of input information. Any other requested changes are considered non-standard customizations, and additional fees will apply. Deliverable is high-resolution, print-ready PDF file.

Micro Learning Course

Customer has access to L1 Micro Learning Course Library and may select one (1) course per Term.

The Micro Learning Course is awareness learning level courses designed for all employees. Courses are 90 seconds of animation with no interactive questions or text screens.

Micro Learning Course will be provided in MP4 format.

Subsequent Terms

Within 30 days of the start of subsequent terms (after the Initial Term), the Customer will be contacted to order new products for that Term.

During the subsequent terms, Customer may select a new theme for the hotline materials. New topical and Micro Learning course may also be chosen.

Compliance Awareness Setup

Setup of Compliance Awareness materials based on the theme selected by the Customer. Included with setup are the following standard customizations: hotline number, web intake site URL, mobile intake URL,

logo and QR Code.

Hotline

Hotline - Small Business Subscription

NAVEX Global's Hotline has been designed to enable your employees to easily and confidentially report any issue or instance of misconduct. The Contact Center is accessible 24/7/365 with system availability ensured by end-to-end network redundancy, scalability, and reliability. The annual subscription supports unlimited reports via web, telephone, or internal to the case management software.

Live telephone language interpretation is available in 200+ languages at no additional cost. Translation of web reports will incur additional fees which will be invoiced monthly in arrears at \$0.35/word with a minimum of \$120 per report (fees for translation of Web Intake Pages and Report Forms are priced separately).

While the majority of non-English language calls are serviced with greater than 98% interpreter availability, global demand for specific languages can occasionally peak beyond interpreter supply. If an interpreter cannot be obtained, callers will be given the option to report their concern in English.

Customer may provide covered employees with access to the reporting features of the Hotline. The number of covered employees is represented by the quantity of the Hotline – Small Business Subscription set forth in the table above.

If EU hosted:

Calls will be serviced by NAVEX Global's EU-based Contact Center.

Incident Management

Hotline - Web Intake Site Setup - Small Business

Development service to support the creation of a template Web Intake Site includes:

- A single English Web Intake Site (translated pages are priced separately)
- Assignment to an industry-specific issue package with the option to modify issue titles and descriptions
- Standard interview questions per issue type (customization of interview questions priced separately)
- One round of edits to Web Intake Site text and layout, and attachments
- QA and configuration of the Web Intake Site to make live for reporting

EP Incident Management - Foundation Setup

EthicsPoint Incident Management Foundation setup includes:

- Initial timeline providing an overview of expectations, documentation, and customer responsibilities for a successful implementation
- Kick-off call to establish key stakeholders, implementation goals, and timelines
- Customized issue types
- Mapping of the Hotline and Web Intake Site intake methods to the EthicsPoint Incident Management Foundation system
- System structure configuration to support key business and reporting needs
- NAVEX Global Administrator / User training available via the web, through regularly scheduled webinars
- Platform Authentication setup includes Customer's implementation on the NAVEX Global Platform Authentication and setup of Customer's Administrators.
 - Customers are able to setup their own SSO integration, assistance is available for an additional fee
- Included one-time delivery of Mobile Awareness Digital Poster:
 - Customer shall receive one non-customizable (1) 11 x 17 digital poster per language, delivered as a high-resolution, print-ready, non-editable PDF file.
 - Will include mobile intake URL, QR code and web intake site URL as applicable.
 - Available languages: Chinese (simplified), Dutch, English, French (CA), French (EU), German, Italian, Japanese, Korean, Portuguese (Brazilian), Russian, Spanish (LA), Spanish (EU).
- Six (6) week implementation timeline starting at the kick-off call to complete configuration items included above. Additional changes or requests made after this period will be scoped and priced separately. If purchased in conjunction with a Professional Services engagement, the Professional Services timeline will supersede this one.

EP Incident Management - Foundation Subscription

EthicsPoint Incident Management - Foundation is delivered as a baseline single configuration incident management system including foundational case components. Comprised of Standard Web Intake and Mobile Intake for report intake purposes; (2) Dedicated Seat Licenses and (3) Concurrent Seat Licenses; system-level user management; built-in analysis tools including baseline reporting and standard analytics; and (1) GB storage for files attached to cases.

Includes access via NAVEX Global's Platform authentication which provides seamless access to the customer's supported NAVEX Global solutions. These include EthicsPoint[®] Incident Management, PolicyTech[®] Policy & Procedure Management, RiskRate[®] Enterprise Due Diligence, Disclosures: Disclosure Management, and GRC Insights.

Telephony

Small Business Telephony Setup

NAVEX Global's pre-configured telephony solution which includes:

- Unique U.S. toll-free number with hotline access from the U.S.
- Standard pre-configured language bundles for language prompts
- Non-branded greeting and notice statement with a pre-configured menu of hotline services
- Requires all international countries to share a single Direct Access Line with Worldwide Connect (WWC) service or a collect line option (if WWC is not available)

Small Business Telephony Subscription

Annual maintenance for configuration of line(s). Including pre-configured language prompts, menus and greetings.

Telephony by Country:

- United States
Call Plan: US Dialing Plan. Greetings: English;Spanish (Latin American)



CITY OF COLLEGE PARK

P.O. BOX 87137 · COLLEGE PARK, GA 30337 · 404.767.1537

WORKSHOP AGENDA ITEM

DOC ID: 8683

DATE: March 9, 2021

TO: The Honorable Mayor and Members of City Council

THROUGH: Mercedes Miller, Interim City Manager

FROM: Nikki Washington, Planner

RE: Discussion on Zoning Code Matters

PURPOSE: Discussion on interpretation of two zoning regulation items: Accessory Structures and Dwellings and Hookah and Cigar Lounges.

REASON: Discussion on several zoning items.

1. Accessory Structures vs. Accessory Dwelling Units
2. Hookah and Cigar Bars/Lounges

RECOMMENDATION: Staff Recommends the Discussion of the above items and interpretation of Mayor and Council.

BACKGROUND: These are matters that are consistently discussed and would benefit from Council interpretation. See the attached staff report with details on each item.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: March 15th, 2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Zoning Code

REQUIRED CHANGES TO WORK PROGRAMS: N/A

STAFF: Michelle Alexander and Nikki Washington, Planning Department

ATTACHMENTS:

- AccessoryUse_ZoningWorkshopItem3.15.21 (PDF)
- 6.7__Accessory_Use_Structures_Standards (PDF)
- HookahandCigar_ZoningWorkshopItem3.15.21 (PDF)
- 8_10.__Smoking_prohibited_in_buildings_owned_by_the_city (PDF)
- AtlantaSmokingOrd (PDF)
- SmokeFree Act_Booklet (2) (PDF)

Review:

- Nikki Washington Completed 03/08/2021 11:00 AM
- Rosylene Robinson Completed 03/05/2021 6:51 PM
- Ferman Williford Pending
- Oscar Hudson Completed 03/08/2021 9:26 AM
- Mayor & City Council Pending 03/15/2021 6:00 PM
- Mercedes Miller Completed 03/09/2021 4:17 PM



Evaluation Prepared by: Michelle M. Alexander, City Planner
Council Meeting: March 1st, 2021
Council meeting Workshop: March 15th, 2021

Accessory Structures vs. Accessory Dwelling Units

Due to the COVID-19 pandemic, many people are working from home and some plan to permanently. As a result, the City has been receiving a significant increase in requests for accessory structures to be used as office space, workshop space, or other accessory uses. However, accessory dwellings are prohibited in the City as defined below and the definition of “used for residential occupancy” has created some confusion on the accessory structures that should be allowed and what should not.

Accessory Dwelling: *A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.*

Accessory Structure: *A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.*

In the past, staff has determined whether an accessory structure is considered an accessory dwelling unit on an individual basis. This was typically based on the layout of the structure, the presence of a bathroom, the amount of heated area, and other aspects of residential building code. When staff was unable to determine if an accessory structure should be considered a dwelling, the case was brought to the Zoning Board of Appeals as a Public Hearing for a decision to be made. In order to provide a clearer process, staff is seeking further direction from Council on the intent of the code and the determination of accessory dwellings versus accessory structures.

The code section for requirements for accessory structures is attached for review.

POLICY QUESTIONS SUMMARY:

- Does the Council agree with the below example of the interpretation of the current code?
- These are the questions addressed:
 - What designates an accessory dwelling unit?
 - Is there anywhere that accessory dwelling units should be allowed?
 - Should pool houses, green houses, workshops be designated as accessory structures?
 - How should these be separated from an accessory dwelling?
 - Can there be a bathroom in an accessory structure? Kitchen?
 - What counts as attached? Adjoining wall? Breezeway? Doorway?

EXAMPLE INTERPRETATION FOR THE CURRENT CODE:

Accessory Structures FAQ

- 1. What is considered an accessory structure?**
 - Detached garages or carports.
 - Detached decks, patios, gazebos or similar structure.
 - Sheds, Greenhouses, or other storage buildings.
 - Workshop or office space detached from the home.
 - Pools, pool house, pool equipment storage areas.
 - Chicken coops or animal pens that exceed 32 sq ft in size.
- 2. What is not considered an accessory structure?**
 - Dog or pet houses, Mailboxes, standalone Grills or BBQs.
 - Attached decks, porches, patios, screened in porch.
 - Chicken coops or animal pens that exceed 32 sq ft in size.
- 3. Can I have an accessory dwelling unit as an accessory structure?**
 - No – College Park prohibits accessory dwelling units. Any residential living space must be a part of the primary structure.
- 4. How large can my accessory structure be? How tall can it be?**
 - The max size of any single accessory structure is 800 square feet.
 - The combined size of all accessory structures cannot be larger than fifty (50) percent of the total square footage of the house.
 - The max height of an accessory structure is 25 feet. However, an accessory structure cannot be taller than the primary structure on the lot (main house).
- 5. How many accessory structures can I have?**
 - The max number of accessory structures on a single lot is 3.
- 6. What are the setback requirements for accessory structures?**
 - Accessory structures cannot be in the front yard.
 - Accessory structures must be at least five (5) feet from any property line.
- 7. Can I have a bathroom in my accessory structure?**
 - Yes – with the exception that the bathroom must be in a structure that is not intended or approved for residential occupancy as a dwelling unit.
- 8. Can I have a kitchen in my accessory structure?**
 - No – installation of kitchen or cooking facilities denotes an accessory dwelling.
- 9. Can I have an accessory mother-in law suite?**
 - All residential occupancy on the lot must be a part of the primary structure on the lot. They must share an adjoin wall.
 - Basement or attached living areas are permitted.
 - Detached dwelling units are **NOT** permitted.

6.7 - Accessory Use/Structures Standards (AS).

AS-01: This Accessory Use/Structure Standards section applies to all districts.

All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure.

- A. No accessory structures shall be placed in any front yard nor less than five (5) feet from any lot line and shall otherwise comply with all Development Standards for the zoning district in which they are located.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Code.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Code.
- D. The following accessory structures are permitted, subject to all applicable requirements of this Code:
 1. Antennas and satellite dishes,
 2. Attached and detached decks and patios,
 3. Gazebos,
 4. Mini-barns, sheds, and other storage buildings,
 5. Dumpsters, and
 6. Similar structures related to the primary use.
- E. Accessory uses and structures shall be consistent with the following requirements:
 1. No more than three (3) accessory structures may be placed on any one (1) lot; and
 2. The combined size of accessory structures on any one (1) lot may not exceed an amount equal to fifty (50) percent of the finished floor area of the primary structure on that lot.
- F. Accessory structures shall comply with the following location requirements:
 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 2. No accessory structures shall be placed in any operable septic fields.
 3. A minimum separation of ten (10) feet shall be provided between an accessory structure and any primary structure or other accessory structure.
 4. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- G. No vehicle may be used as an accessory structure in any district.
- H. Barns and other similar agricultural buildings shall be considered primary structures on property used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures.



Evaluation Prepared by: Michelle M. Alexander, City Planner
Council Meeting: March 1st, 2021
Council meeting Workshop: March 15th, 2021

Hookah/Cigar Bars and Lounges

A hookah, also known as shisha and nargile, is a waterpipe used for smoking flavored tobacco. The tobacco used in hookahs is typically shredded tobacco leaf flavored with molasses, honey or dried fruit. This sweetened tobacco product is generally called shisha in the United States. The popularity of hookah establishments (often referred to as “bars” or “lounges”) has grown in the United States, particularly in cities with large Middle-Eastern communities and in areas with significant young adult populations, such as near college campuses.

Hookah Lounges are currently prohibited in the City and also specifically in the TOD District, which encompasses Main Street. Due to the recent increase in the number of requests for Hookah as an accessory use in Bars and Restaurants, the Planning Department is seeking further direction. In addition, there are several businesses in the City that have the use of Hookah with grandfather status. However, these are not only Hookah Lounges but rather bars and restaurants with Hookah as an added service. The current code is slightly unclear on this subject.

Currently, the City Planners interpretation was to treat Cigar Bars/Lounges and Hookah Bars/Lounges as both prohibited considering they both involve the **smoking of tobacco on site**. Another use to consider in this realm is private clubs that allow the smoking of cigars, which appears to be permitted by the current code. In addition, federal and state law often include private clubs and associations as an exemption when considering tobacco laws.

Definition from the Code - *Hookah Lounge:* *Establishment where a Hookah (water pipe) is used to smoke shisha, a flavored tobacco or herbal product.*

NOTE: The City has recently approved a cigar shop as a “tobacco retail store” – there is no smoking of tobacco products on site and they are required to meet all federal, state, and county regulations.

Here are a few examples of Cigar/Hookah Bars and Lounges in the City of Atlanta that are permitted as exemptions (Ordinance attached):

- <https://www.burnbyrockypatel.com/atlanta>
- <http://www.cigarcityclub.com/>
- <https://www.burnloungeatl.com/>



Current Laws

Tobacco Use is regulated at the Federal, State, and County level. The following apply to Hookah operations for City of College Park:

Federal and State Laws

- Federal law prohibits the sale of tobacco products to anyone under the age of 21.
- The State of Georgia prohibits indoor smoking except for bars and restaurants that deny access to any person under the age of 18 and that do not employ individuals under the age of 18.

County Laws

- Fulton County has adopted all state laws and also prohibits smoking of tobacco products in any County Park or other building owned or cooperated by the County.
- Clayton County has also adopted all state laws and prohibits smoking in all parks and all facilities located thereon, owned, leased and/or controlled by the county and operated under the jurisdiction of the county parks and recreation department.

Local Jurisdiction Laws

- The City of College Park prohibits smoking in any building owned by the City.
- The City of Atlanta recently adopted a law that prohibits smoking and vaping indoors in most public places, including bars and restaurants, while exempting cigar bars and hookah lounges. See attached ordinance for reference.
- Hookah is not referenced in the City of East Point or Union City Code, but both appear to have Hookah Lounges currently.

POLICY QUESTIONS SUMMARY

- Should Hookah and Cigar Bars/Lounges be considered the same use and regulated the same because both are smoking of tobacco on site?
- Does the City intend to prohibit all Hookah/Cigar uses?
- Or prohibit Hookah Lounges where the smoking of Hookah is the primary use and accounts for more than 50% of sales? (This would allow Hookah as an accessory use at bars/restaurants).
- Or should the smoking of Hookah and Cigars be permitted only in a designated area? outdoor/open air area?
- **See the outlined Policy Interpretation Options of the Current Code below.**



EXAMPLE POLICIES TO CONSIDER AS INTERPRETATION OF THE CURRENT CODE

In all of the following policies: Hookah Lounges are prohibited as defined by the current code as an establishment where a Hookah (water pipe) is used to smoke shisha, a flavored tobacco or herbal product **as the primary use.**

1. The selling and on-site smoking of Hookah and Cigars is permitted as **an accessory use** to any business that is 21 and up.
2. The selling and on-site smoking of Hookah and Cigars is permitted as an accessory use only to a **“retail tobacco store”** (must be 21 and up, cannot sell food or alcohol, retail only) or a **“bar”** (must be 21 and up, must have more than 50% of total sales from alcohol).
3. The selling and on-site smoking of Hookah and Cigars is permitted in a **designated area** as an accessory use to a **“retail tobacco store”** (must be 21 and up, cannot sell food or alcohol, retail only) or a **“bar”** (must be 21 and up, must have more than 50% of sales from alcohol).
4. The selling and on-site smoking of Hookah and Cigars is permitted in a **designated outside or open-air area** as an accessory use to a **“retail tobacco store”** (must be 21 and up, cannot sell food or alcohol, retail only) or a **“bar”** (must be 21 and up, must have more than 50% of sales from alcohol).
5. **Current Interpretation:** The selling and on-site smoking of Hookah and Cigars is **only** permitted as an accessory use to a **“private club or association”** in which members of the public are not permitted without prior arrangement. The on-site smoking of Hookah and Cigars is prohibited in all establishments open to the public.



EXAMPLE – DeKalb County Interpretation

Hookah, Smoke, or Cigar Lounges are permitted in DeKalb County only as an accessory use to either a “retail tobacco store” or a “freestanding bar”.

- Retail Tobacco Store
 - Allows the sale and smoking of tobacco products on site.
 - Cannot sell food or alcohol.
 - Cannot sell tobacco products to anyone under the age of 21.
- Freestanding Bar
 - Allows the smoking of tobacco products.
 - Cannot be a “restaurant” as defined by the City Zoning Ordinance - must meet alcohol sales requirement of a free-standing bar (50% or more of sales).
 - Cannot employ or admit anyone under the age of 18.

NOTE: DeKalb County has a “clean air ordinance” in place that prohibits the smoking of tobacco in all enclosed places that are open to the public. The ordinance specifically includes “restaurants” as a type of establishment where smoking is prohibited. However, the ordinance has exemptions including, but not limited to, “freestanding bars” and “retail tobacco stores” so the smoking of tobacco is allowed in these types of establishments. Fulton County and Clayton County do NOT have anything like this in place. They have only adopted the State Regulations.

Sec. 8-10. - Smoking prohibited in buildings owned by the city.

- (a) No person shall smoke or burn any tobacco product or tobacco substitute product, whether in the form of a cigarette, cigar, pipe or other device, in any building owned by the city.
- (b) The prohibition of subsection (a) shall apply to all areas of enclosed buildings, but shall not apply to outdoor patio areas, sidewalks or parking areas.
- (c) City officers, employees and guests at the Georgia International Convention and Trade Center shall be prohibited from smoking or burning any tobacco product or tobacco substitute product, whether in the form of a cigarette, cigar, pipe or other device, in those areas of the Convention and Trade Center which are devoted to office use, food preparation, storage, or other areas which are generally not open and/or accessible to members of the general public.
- (d) The city hereby designates all buildings owned by it and areas of the International Convention and Trade Center which are not open to, or accessible to, members of the public as smoke-free buildings and areas, and shall post at or near the entrances to each such building or area signs advising city officers, employees and members of the public that smoking is prohibited in such building or area.
- (e) Any person, firm or corporation violating any provision of this section shall, upon conviction or entry of a plea of guilty or nolo contendere, be fined not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00) for each such offense. Any city employee or appointed officer violating any provision of this section may, in addition to such fine, be subject to disciplinary action for violation of city ordinances.

(Ord. No. 92-12, § 1, 8-3-92; Ord. No. 2006-28, § 2, 9-18-06)

Editor's note— Formerly numbered as § 8-13.

******AN ORDINANCE BY COUNCILMEMBERS MATT WESTMORELAND, ANDRE DICKENS, CARLA SMITH, AMIR R. FAROKHI, DUSTIN HILLIS, NATALYN M. ARCHIBONG, AND JENNIFER N. IDE TO PROHIBIT SMOKING IN HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, IN ALL CITY FACILITIES, AND IN SPECIFIED PUBLIC PLACES TO PROTECT AGAINST EXPOSURE TO SECONDHAND SMOKE; AND FOR OTHER PURPOSES.(THIS LEGISLATION IS A DUAL REFERRED ITEM AND WILL BE FORWARDED TO TRANSPORTATION COMMITTEE PENDING A PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE RECOMMENDATION) ►(HELD 4/23/19 FOR WORK SESSION)**

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, in exercise of this power, prior to 1977, the City of Atlanta adopted the Atlanta Indoor Air Ordinance which regulated smoking in public places and places of employment; and

WHEREAS, in 2004, the Atlanta City Council determined that the Atlanta Indoor Air Ordinance was inadequate to prohibit smoking in public places and places of employment, and adopted 04-O-0435 which more strictly regulated smoking in such places prohibiting it in most instances with certain exceptions; and

WHEREAS, in 2005, the Georgia General Assembly passed the Smokefree Air Act of 2005 for the purpose of providing comprehensive changes and additions to the prohibition on smoking in the state of Georgia; and

WHEREAS, the Smokefree Air Act, prohibits smoking in all enclosed public places in the state with the exception of those places specifically excepted therein as well as in all enclosed areas within places of employment, including, but not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities, (See §§ 31-12A-4, 31-12A-5); and

WHEREAS, the Smokefree Air Act generally prohibits smoking in City of Atlanta buildings and facilities, (See OCGA § 31-12A-3); and

WHEREAS, smoking areas in international airports, as designated by the airport operator are exempt from the prohibitions contained in the Smokefree Air Act, (See OCGA § 31-12A-6(a)(6)); and

WHEREAS, despite the comprehensive nature of the Smokefree Air Act's prohibition on smoking in the state of Georgia, the Georgia General Assembly specifically provided that the Act's provisions are 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 the Smokefree Air Act or are not in direct conflict with the Act, (See OCGA § 31-12A-12); and

WHEREAS, thus, the passage of the Smokefree Air Act negated the application of the Atlanta Indoor Air Ordinance, though the City is not preempted from adopting more restrictive ordinances on this subject; and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 22, Article III, Division 1, Section 22-68, (Smoking), attached hereto as Exhibit A, shall be repealed in its entirety and replaced so that it shall read as follows:

Sec. 22-68. - Smoking.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking devices which creates an aerosol or vapor, in any manner or in any form.

(b) No person shall smoke in Hartsfield-Jackson Atlanta International Airport or in buildings and facilities owned or operated by the city department of aviation.

(c) The aviation general manager shall cause to have posted at all entrances to the terminal buildings and at the entrances of all city employee occupied buildings, signs stating: "Smoking is Prohibited".

(d) The Aviation General Manager shall be responsible for implementing this section.

(e) Appropriate signage shall be installed throughout the public areas of the airport by the department of aviation, except that employers or tenants whose businesses are located in exclusively leased areas not ordinarily accessible by the general public may utilize their own design or signs so long as the signs are clearly visible and are not inconsistent with other department of aviation regulations or policies.

SECTION 2: That Chapter 86, Article II, (Indoor Air), attached hereto as Exhibit B, shall be repealed in its entirety and replaced so that it shall read as follows:

ARTICLE II. - INDOOR AIR

Sec. 86-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

Dining area means any enclosed area containing a counter or tables upon which food is served.

Electronic Smoking Device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Employer means any person who employs one or more persons, including the legislative, executive and judicial branches of city government.

Enclosed Area means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

Food service establishment means any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes restaurants, coffee shops, cafeterias, short-order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, both public and private, food carts, industrial cafeterias, both public and private, food carts, industrial cafeterias, catering establishments, food vending vehicles and operations connected therewith, and similar facilities by whatever name called. The term "food service establishment" shall not mean an establishment which does not provide seating or facilities for consumption of food on premises or a "food sales establishment" shall not include any dining area located within a health care, educational or child care facility. Food courts within enclosed shopping malls shall be treated as food service establishments under this article. When determining food service establishment seating capacity, outdoor seating will not be included in the total number.

Health department means the Fulton County health department.

Place of employment means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, employee lounges, conference and meeting rooms, lobbies and reception areas.

Public place means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, restaurants, bars, hotels, motels and guest rooms, stores, offices, waiting rooms, lobbies, public transit, restrooms, enclosed shopping malls, educational, recreational and health care facilities, child care facilities, auditoriums, theaters, sports arenas, service lines, airports, meeting rooms, aquariums, galleries, museums, banks, laundromats, children's day care facilities, convention facilities, parking structures. A private residence is not a "public place" unless it is used as a child care facility or a healthcare facility.

Restaurant means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term shall include a bar area within any restaurant.

Retail tobacco store means a retail store in which the sale of tobacco products designed for smoking comprises more than 50 percent of its receipts.

Service line means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking devices which creates an aerosol or vapor, in any manner or in any form.

Sports arena means enclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

Work area means an area in a place of employment where one or more employees are routinely assigned and perform services for their employer.

Section 86-32. - Regulation of smoking.

(a) *Smoking is prohibited in public places.* Except as otherwise provided in this article, smoking is prohibited in all public places within the City of Atlanta.

(b) *Smoking is prohibited in places of employment.* Except as otherwise provided in this article, smoking is prohibited in all enclosed places of employment, including, but not limited to, auditoriums, gymnasiums, restrooms, elevators, classrooms, hallways, employee medical facilities, common work areas, cafeterias, employee lounges, stairs, vehicles, and all other enclosed facilities.

(c) *Smoking is prohibited within five feet of outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.*

Sec. 86-33 - Places where smoking is not regulated.

The regulations of smoking pursuant to this article shall not apply in the following areas:

(1) Private homes, private residences, and private vehicles, unless such private residence is used at any time as a childcare or health care facility.

(2) Long-term care facilities, as that terms is defined by state law, so long as smoke from such rooms or apartments does not infiltrate into areas where smoking is prohibited under this provisions of this article.

(3) **An establishment authorized to sell or serve alcohol for consumption on the premises under Chapter 10, Article II, Division 2 of the City of Atlanta Code of Ordinances; generate 30 percent or more of their annual gross revenue from the sale of tobacco products; and which deny access to any person under the age of 18 and do not employ any individual under the age of 18.**

(i) Such establishments must secure a certificate of exemption to be provided by the city's police department, licenses and permits unit at the time of the issuance of the initial alcohol license, or at the time of the issuance of the alcohol license upon renewal thereof, and which shall be displayed conspicuously in the manner of the alcohol license.

(4) Retail tobacco stores.

Sec. 86-34. - Declaration of smoke-free environment.

Notwithstanding any provisions of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place.

Sec. 86-35. - Posting of signs.

The owner, operator, manager, or other person in control of a place where smoking is prohibited by this Article shall:

a) Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, in that place.

b) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited or, in the case of outdoor places where smoking is prohibited, clearly and conspicuously post "No Smoking" signs in appropriate locations as determined by an authorized designee.

Sec. 86-36. - Enforcement.

(a) This article shall be enforced by the department of police.

(b) The city solicitor may initiate any action seeking enforcement of this article on the solicitor's own motion or upon information provided by any citizen. Any officer of the city police department also may initiate an action for violation of this article if a violation occurs in such officer's presence. Any other police officer whose jurisdiction is located within the city may initiate an action for violation of this article if a violation occurs in such officer's presence provided that the violation occurs within that officer's jurisdiction.

(c) Any owner, operator or manager of any establishment regulated by this article shall inform persons violating this article of this article's provisions.

(d) In any dispute arising under this article, the need to breathe smoke-free air shall be given precedence over the need to smoke.

Sec. 86-37. - Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws, regulations or policies.

Sec. 86-38. - Violations and penalties.

Every person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

- i. A fine not exceeding one hundred dollars (\$100) for a first violation.
- ii. A fine not exceeding two hundred dollars (\$200) for each additional violation within one (1) year.

Sec. 86-39 - Governmental Agency Cooperation.

The Mayor of the City of Atlanta shall request other governmental and educational agencies having facilities within the City of Atlanta to establish local operating procedures in cooperation and compliance with this ordinance. This includes urging all Federal, State, County and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

SECTION 3: That Chapter 10, Article II, Division 2, Subdivision I, of the City of Atlanta Code of Ordinances, is hereby amended to create a new Section 10-76 which shall read as follows:

Sec. 10-76. - Indoor Air Certificate of Exemption.

Pursuant to Chapter 86, Article II, Section 86-33 of the City of Atlanta Code, certain establishments authorized for sale or service of alcohol for consumption on the premises are exempt from the prohibition of smoking contained therein as follows:

(a) Establishments authorized to sell or serve alcohol for consumption on the premises under this division which certify that they generate 30 percent or more of their annual gross sales from the sale of tobacco products; and which deny access to any person under the age of 18 and do not employ any individual under the age of 18 shall be provided a certificate of exemption by the licenses and permits unit at the time of the issuance of the initial alcohol license, or at the time of the issuance of the alcohol license upon renewal thereof.

(b) The certificate of exemption shall be displayed conspicuously in the manner of the alcohol license.

SECTION 4: That Chapter 10, Article II, Division 2, Subdivision III, Section 10-106, (Annual renewal; forms), of the City of Atlanta Code of Ordinances, so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in bold underlined font):

Sec. 10-106. - Annual renewal; forms.

(a) All licensees under this division shall be required to renew their licenses annually on forms prescribed by the license review board on or before January 1 of the calendar year in which the licensee proposes to operate.

(b) All licensees who are dependent upon some contractual agreement or special exception to meet the minimum parking requirements set forth by the Zoning Code must provide, on an annual basis, proof that they will continue to have a contractual or legal interest in those spaces throughout the upcoming year.

(1) The failure of an applicant for renewal to provide such proof shall result in the denial of the application.

(2) All lessees located within any licensed premises shall be subject to this requirement, by submitting a renewal application contemporaneously with the primary renewal submitted by the licensee.

(c) Each applicant for renewal of an alcohol license at an establishment, which pursuant to section 10-88(e) is exempted from certain distance requirements contained in section 10-88, shall report at the time of renewal, sales in even dollars and as a percent of the total, gross food sales in even dollars and as a percent of the total, and gross alcoholic beverage sales in even dollars and as a percent of a total.

(1) The applicant for renewal shall report sales as described herein for the 52-week period preceding renewal, or for the period time following the initial issuance of the license, whichever is greater.

(2) The failure of an applicant for renewal to report sales as required by this subsection shall result in the denial of a renewed license.

(d) Each applicant for renewal of an alcohol license at an establishment, which pursuant to section 10-76 is exempted from certain requirements contained in section 86-33, shall report at the time of renewal, sales in even dollars and as a percent of the total, gross sales of tobacco products including cigarettes, cigars, and pipe tobacco, in even dollars and as a percent of the total.

(e) The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that a location derived less than the percentage established by ordinance of gross receipts from the sale of alcoholic beverages, shall result in the denial of a renewed license.

(f) The failure of an applicant for renewal to provide the police department with a statement from a certified public accountant evidencing that a location derived the percentage established by ordinance or higher percentage of gross receipts from the sale of tobacco products including cigarettes, cigars, and pipe tobacco, shall result in the denial of a renewed certificate of exemption.

SECTION 5: That Chapter 106, Article I, Section 106-9 of the City of Atlanta Code of Ordinances, (Smoking in certain areas within city buildings and facilities), attached hereto as Exhibit C, shall be repealed in its entirety, and replaced so that it shall read as follows:

Sec. 106-9. - Smoking in certain areas within city buildings and facilities

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking devices which creates an aerosol or vapor, in any manner or in any form.

(b) No person shall smoke in or upon buildings and facilities owned or operated by the City of Atlanta.

(c) The Commissioner of the Department of Enterprise Assets Management shall cause to have posted at the entrances of all city employee occupied buildings, signs stating: "Smoking is Prohibited".

(d) The Commissioner of the Department of Enterprise Assets Management shall be responsible for implementing this section.

(e) Appropriate signage shall be installed throughout the public areas of city buildings and facilities.

SECTION 6: That Chapter 110, Article III, Division 1, Section 110-55 (Definitions), of the City of Atlanta Code of Ordinances, is hereby amended so that subsection (b) shall read as follows:

(b) The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigarette, cigar, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking devices which creates an aerosol or vapor, in any manner or in any form.

SECTION 7: That Chapter 110, Article III, Division 1, Section 110-59 (i) (Park Rules), of the City of Atlanta Code of Ordinances, is hereby amended so that it shall read as follows:

(i) *Smoking prohibited in parks.* It shall be unlawful for any reason to smoke or vape in outdoor parks and recreational facilities located within the City of Atlanta, including but not limited to, the parks, athletic fields, aquatic areas, golf courses, tennis courses, hiking/walking/biking trails, playgrounds, off-leash areas, and spectator and concession areas.

SECTION 8: That the amendments reflected in this Ordinance shall become effective on September 1, 2019. Establishments eligible for an indoor air certificate of exemption pursuant to Section 3 herein on the effective date of this ordinance, may apply for such certificates on or following the effective date of this ordinance.

SECTION 9: That all ordinances or parts thereof in conflict with this ordinance are hereby waived to the extent of the conflict.

SECTION 10: The provisions of this Ordinance shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance.

SECTION 11: That the Municipal Clerk is instructed to retain all legislative history references in the codified versions of Chapter 10, Chapter 22 and Chapter 86, including Editor’s notes, and shall not delete any such references, but shall amend them to include this ordinance.

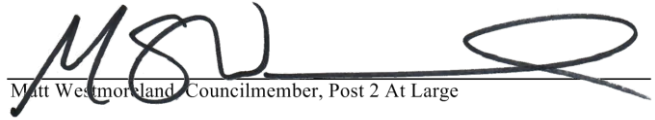
CITY COUNCIL
ATLANTA, GEORGIA

19-O-1205

SPONSOR SIGNATURES



Andre Dickens, Councilmember Post 3 At Large



Matt Westmoreland, Councilmember, Post 2 At Large

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 5/14/2019 3:00 PM
05/14/19	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 5/20/2019 1:00 PM
05/15/19	Transportation Committee	
05/20/19	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 5/28/2019 3:00 PM
05/28/19	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/3/2019 1:00 PM
05/29/19	Transportation Committee	
06/03/19	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 6/11/2019 3:00 PM
06/11/19	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/17/2019 1:00 PM
06/12/19	Transportation Committee	
06/17/19	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 6/25/2019 3:45 PM
----------------	-------------------------	--------------------------------

19-O-1205

****AN ORDINANCE BY COUNCILMEMBERS MATT WESTMORELAND, ANDRE DICKENS, CARLA SMITH, AMIR R. FAROKHI, DUSTIN HILLIS, NATALYN M. ARCHIBONG, AND JENNIFER N. IDE TO PROHIBIT SMOKING IN HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, IN ALL CITY FACILITIES, AND IN SPECIFIED PUBLIC PLACES TO PROTECT AGAINST EXPOSURE TO SECONDHAND SMOKE; AND FOR OTHER PURPOSES.

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action <i>See Authentication Page Attachment</i></p>	

A Guide for Business Owners and Employees

GEORGIA SMOKEFREE AIR ACT of 2005



A Guide for Business Owners and Employees

GEORGIA SMOKEFREE AIR ACT of 2005

Dear Members of the Georgia Business Community:

In May 2005, Governor Sonny Perdue signed the Georgia Smokefree Air Act of 2005 into law (O.C.G.A. 31-12A-1 et seq.) effective July 1, 2005. The law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. This legislation is aligned with the mission of the Georgia Department of Public Health (DPH) of protecting the health of Georgians.

Please review the Georgia Smokefree Air Act of 2005: A Guide for Business Owners and Employers. This guide will provide suggestions on how to:

- Educate your employees and customers on the law.
- Comply with the law.
- Offer cessation resources to employees who want to quit smoking.

In addition, the Georgia Department of Public Health has information on how a business/workplace can adopt and implement a tobacco-free policy: dph.georgia.gov/workplaces.

You may also wish to visit <http://dph.georgia.gov/tobacco-free-places> to learn more about the Act and to download signs and other materials.

We hope that you find this guide helpful in making the environment smokefree. I look forward to working with you to create a healthier Georgia.

Sincerely,

Jean O'Connor
Chronic Disease Prevention Director
Georgia Department of Public Health



What is the Georgia Smokefree Air Act of 2005?

In May 2005, Governor Sonny Perdue signed the Georgia Smokefree Air Act into law effective July 1, 2005. The law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. However, the Act does allow for more restrictive local laws, rules and regulations that are currently in place or may be passed in the future.

All worksites covered by the law are strongly encouraged to post their smoking policy along with signs that designate smoking and non-smoking areas as required by law.

Why is this law helpful to me as a business owner?

By complying with the law, businesses and employers will reduce the burden of tobacco on their employees and patrons. Tobacco use, particularly smoking is the leading preventable cause of death in the United States in users and non-users. It is responsible for \$1.8 billion in healthcare costs and \$3.2 billion in lost productivity annually in Georgia. Reducing secondhand smoke exposure for employees and patrons, particularly children makes restaurants and public establishments safer, cleaner and more enjoyable. Ultimately, it can also reduce associated healthcare costs.

What is secondhand smoke?

Secondhand smoke is a mixture of the smoke exhaled from the lungs of smokers and the smoke from the burning end of a cigarette, pipe or cigar. Secondhand smoke is a class A carcinogen that can cause cancer in any part of the body. This mixture contains more than 4,000 chemicals and at least 60 carcinogens that are known to cause cancer in humans or animals.

Exposure to secondhand smoke can contribute to or cause severe health problems in both smokers and non-smokers, including cancer, respiratory diseases, emphysema, heart disease, sudden infant death syndrome (SIDS) and asthma. Children and pregnant women are especially vulnerable to the effects of secondhand smoke. The longer the exposure to secondhand smoke, the more harmful it can be to your health.



Where is smoking NOT allowed by the law?

- Smoking is prohibited in all enclosed facilities, including buildings owned, leased or operated by the state or local governing authorities.
- Smoking is prohibited in all enclosed public places except as indicated in code section 31-12A-6.
- Smoking is prohibited in all enclosed areas within places of employment unless authorized in code section 31-12A-6. Examples include:
 - Restaurants and bars, except as noted in exemptions
 - Common work areas
 - Medical facilities
 - Auditoriums
 - Cafeterias
 - Classrooms
 - Stairs
 - Private offices
 - Restrooms
 - Elevators
 - Hallways
 - Employee lounges
 - Conference rooms
 - Meeting rooms
 - All other enclosed facilities

Tobacco use, particularly smoking is the leading preventable cause of death in the United States in users and non-users.

- An owner, operator, manager or other person in control of an establishment, facility or outdoor area may declare an entire area as a non-smoking area.
- The owner, operator, manager or other person in control of any area in which smoking is prohibited must remove all ashtrays.
- Smoking is prohibited wherever a no-smoking sign is posted.

Where is smoking allowed?

The following areas are exempt from the general rule that smoking is prohibited on the condition that a sign indicating that smoking is permitted must be posted conspicuously at every entrance:

- Bars and restaurants, as follows:

All bars and restaurants that deny access to any person under the age of 18 and that do not employ individuals under the age of 18; or

Private rooms in restaurants and bars if the rooms are enclosed and have an air handling system independent from the main air system that serves all other areas of the building and all air within the private room is exhausted directly to the outside by an exhaust fan of sufficient size.

- Hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- Long-term care facilities as defined in the law.
- Private and semiprivate rooms in health care facilities licensed under code section 31-8-81 that are occupied by one or more persons. Written authorization is required from the treating physician to smoke.
- Outdoor areas of places of employment.
- Designated smoking areas in international airports.
- All workplaces of any manufacturer, importer or wholesaler of tobacco products, of any tobacco leaf dealer or processor of tobacco products, all tobacco storage facilities and other facilities listed in code section 10-13A-2.
- Retail tobacco stores, provided that secondhand smoke does not infiltrate to areas where smoking is prohibited.
- Smoking areas designated by an employer. The designated smoking area must be for employees only, must be located in a non-work area and must have an independent air handling system. This exemption does not apply to restaurants and bars.
- Convention facility meeting rooms and public and private assembly rooms within a convention facility that is not leased or operated by the state or local governing authority while used for private functions. Individuals under age 18 are prohibited from attending or working as an employee during the function.
- Common work areas, conference rooms, meeting rooms and private offices in private places of employment, other than medical facilities that open to the general public by appointment only. However, smoking is still prohibited in any public reception area of such place of employment.

- Private clubs, military officer clubs and noncommis officer clubs.

Private residences are exempt from the general rule that smoking is prohibited except when used as a licensed child care, adult daycare or healthcare facility.

To comply with the law:

- Update your workplace smoking policy based on the law.
- Talk with your customers and employees about the law.
- Discuss the law with employees including what they should do to comply with the law. Information about the law must be communicated to all employees, included in the employee handbook and to each prospective employee upon application for employment.
- Post the appropriate sign ("no smoking" or "smoking is allowed") at all entrances including bathrooms, stairwells on each floor, bulletin boards, and other prominent places. Visit dph.georgia.gov/tobacco-free-places to view and download signs.
- Request any person smoking to refrain from smoking inside the workplace.
- Refer to the law and to workplace policy when dealing with employees who smoke in the workplace. Remind employees that they may be assessed a criminal fine for infractions.
- Ask employees to report problems directly to the manager or owner of the business or to the building's management.
- Remove all ashtrays from the premises.



What are the penalties?

A person smoking in violation of the law will be guilty of a misdemeanor and fined not less than \$100 and not more than \$500.

A business that allows smoking in violation of the law can be fined through the process of injunctive relief where the amount of the fine will be determined by the court.

dph.georgia.gov/smoke-free-enforcement

What about ordinances that existed before July 1, 2005?

Effective July 1, 2005, the law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and around establishments that serve the public. However, the Act does allow for more restrictive local laws, rules, and regulations that are currently in place or may be passed in the future.

How can I support my employees who want to quit smoking?

The Georgia Tobacco Quit Line provides free counseling, support and referral services for tobacco users. Quit Line services are available for Georgia residents ages 13 and older who want to quit. Visit dph.georgia.gov/ready-quit for cessation resources. Make cessation resources available to your employees. You may also want to consider including coverage in your employee health plan for tobacco cessation counseling and pharmacotherapy (e.g., nicotine replacement therapy).

How can I get more information about the Georgia Smokefree Air Act?

There are several ways to get more information about the Georgia Smokefree Air Act.

dph.georgia.gov/smoke-free-enforcement
1-877-343-3340 (toll-free)
404-657-3378 (metro Atlanta area)
chronic.disease@dph.ga.gov



What you can do at your workplace

Review state and local no-smoking laws. Be aware that the Act does allow for more restrictive local laws, rules and regulations that are currently in place or may be passed in the future

Notify everyone in the workplace about the state no smoking law:

- Include the law in the employee handbook
- Announce the law at regular meetings.
- Include information in the company's newsletter.
- Post flyers on bulletin boards and other locations frequented by employees.
- Distribute payroll enclosures to publicize the new law. Include information on cessation resources such as the Georgia Tobacco Quit Line.
- Focus on the health aspects and the benefits of going smokefree.

Remove ashtrays from tables, counters, breakrooms, hallways and restrooms to be in compliance with the law.

Place smoking receptacles outside of entrances and doorways. Consider establishing a 25-foot smokefree zone from entrances and doorways.

Plan how you will respond to complaints and violations as you do with other employee rules and guidelines.

For workplaces that serve customers:

- Advise staff to take reasonable steps toward implementation but to avoid confrontations that may result in physical harm.
- Designate and prepare specific outdoor smoking sites utilizing signage and provide safe containers for discarded cigarettes.



Georgia Smokefree Air Act of 2005

A Guide for Business Owners and Employees

Revised July 7, 2015