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VIA EMAIL lawdepartment@atlantaga.gov
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**Subject: Municipal Ordinance Sec. 142-88
Violation of Express Preemption**

Dear Mr. Norman:

I represent GeorgiaCarry.Org (“GCO”), an organization dedicated to fostering the right of its members to keep and bear arms. I am writing you because the Compliance Unit is tasked with preventing and reducing the potential for municipal liability with regard to the City of Atlanta’s compliance with federal, state, and local laws and regulations. It has come to GCO’s attention that the City of Atlanta is in violation of state law. Atlanta’s Code of Ordinances, Part II, Article IV, Chapter 142, § 142-88(d), states:

It shall be unlawful for any person at any assembly to carry or possess any weapon, as defined below. For purposes of this article, and notwithstanding any other provisions of this Code, "weapon" means any pistol, rifle, shotgun or other firearm of any kind, whether loaded or unloaded, air rifle, air pistol, paintball gun, paintball rifle, explosive,

blasting cap(s), knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, ax handle, chains, crowbar, hammer, or any club, bludgeon or any other instrumentality used, or intended to be used, as a dangerous weapon.

I am writing to bring this ordinance to the attention of the compliance unit and inform you that it is not in compliance with state law. O.C.G.A. § 16-11-173 expressly preempts all local regulation of the carrying or possession of firearms, and O.C.G.A. § 16-11-136 expressly preempts local regulation of the carry and possession of knives. This state's express preemption law has been interpreted very broadly and strictly against local municipalities, as the City of Atlanta is already very well aware. *See Sturm Ruger v. City of Atlanta*, 253 Ga. App. 713, 560 S.E.2d 525 (2002) (Atlanta may not attempt to regulate firearms even by suing manufacturers); *GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga. App. 748, 655 S.E.2d 346 (2007) (preemption statute prohibits banning the carry of firearms in parks and recreation facilities). In addition, the City of Atlanta has previously forced GCO to sue the City of Atlanta over its regulation of firearms in city parks, along with Fulton County, Roswell, John's Creek, Milton, Sandy Springs, and East Point, and GCO has sued or induced ordinance changes in Kennesaw, Gwinnett County, Coweta County, Fayette County, Lee County, Forsyth County, and many others.

The Atlanta ordinance referred to above was passed in 2009. In 2010, the General Assembly passed another law preempting the ordinance. O.C.G.A. § 16-11-127 provides that, with the exception of a short list of specific locations, a person with a Georgia Weapons Carry License "shall be authorized to carry a weapon . . . ***in every location in this state.***" Legislative language does not get much clearer than that.

Atlanta's ordinance directly affects members of GCO who wish to carry peaceably at assemblies without fear of arrest and incarceration. I ask that your office review the ordinance and respond to me promptly that Atlanta will be taking measures to ensure that it is fully in compliance with state law on this important issue. I also ask that you provide me a swift assurance that Atlanta will refrain from prohibiting the possession of weapons at assemblies while it takes a reasonable time to review the law and make a decision regarding the fate of ordinance § 142-88.

Your prompt assistance with this matter is greatly appreciated.

Yours sincerely,

Edward A. Stone