

**COUNTY OF DADE
STATE OF GEORGIA**

ORDINANCE NO. 05 – 05 – 22

**SECOND AMENDMENT ORDINANCE; PROHIBITING USE OF COUNTY
RESOURCES TO ENFORCE GUN RESTRICTIONS OR GUN ACCESSORY LAWS IN
VIOLATION OF STATE LAWS; AND FOR OTHER SUCH PURPOSES.**

WHEREAS, Dade County (the “County”) is a political subdivision duly created and validly existing under the laws of the State of Georgia (the “State”);

WHEREAS, the Board of Commissioners of Dade County, Georgia, is the county governing authority for Dade County, Georgia;

WHEREAS, as a subdivision of the State of Georgia, counties are under the direct control of the State to carry out State policies and enforce State laws;

WHEREAS, the United States Supreme Court has affirmed an individual’s right to possess firearms, unconnected with service in the militia, for traditionally lawful purposes, such as self-defense within the home (District of Columbia v. Heller, 2008);

WHEREAS, the United States Supreme Court has affirmed that the right of an individual to “keep and bear arms” is protected under the Second Amendment and is incorporated by the Due Process Clause of the Fourteenth Amendment (McDonald v. Chicago, 2010);

WHEREAS, Article I, Section I, Paragraph VIII of the Constitution of the State of Georgia, entitled “Arms, right to keep and bear,” provides that “[t]he right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne”;

WHEREAS, O.C.G.A § 1-2-6(a)(9) lists the right to keep and bear arms among the rights of the citizens of the State of Georgia;

WHEREAS, the United States Supreme Court has affirmed (Prinz v. United States, 1997) that the federal government of the United States cannot compel state law enforcement officers to enforce federal laws, including federal gun control laws and regulations;

WHEREAS, the Tenth Amendment to the United States Constitution provides that the powers not delegated to the federal government, nor prohibited by it to the States, are reserved to the States; and

WHEREAS, the County Sheriff, Clerk of Superior Court, Tax Commissioner, and Probate Judge are constitutional officers created and established by the Constitution of the State of Georgia, and are provided substantial discretion in the manner of carrying out their legal responsibilities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of Dade County, Georgia, and in support of the Second Amendment rights of Dade County citizens, no county resources shall be used to enforce gun restrictions or gun accessory laws that are in violation of the laws of the State of Georgia.

- (a) This ordinance shall not limit the authority of any State, County, or other governmental agency to enforce any other applicable laws, rules, regulations, or ordinances.
- (b) In the event any section, subsection, sentence, clause, or phrase of this ordinance is declared or adjudged to be unconstitutional, or otherwise contrary to law, such adjudication shall in no manner affect any other section, subsection, sentence, clause or phrase, and shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part hereof.
- (c) This ordinance shall become effective immediately upon its adoption, and all ordinances in conflict with this ordinance are repealed to the extent of the conflict

PROPOSED AND FIRST READING took place on the ___ day of _____ 2022.

SECOND READING, ADOPTION and SO ORDAINED this ___ day of _____ 2022.

**BOARD OF COMMISSIONERS
DADE COUNTY, GEORGIA**



BY: _____
TED RUMLEY
Chairperson/County Executive

ATTEST:

BY: _____
DON TOWNSEND
County Clerk
Dade County, Georgia