

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON

4  
5 **ORDINANCE No. 2018-013**  
6

7 **AN ORDINANCE AMENDING TITLE 15, CRIMINAL OFFENSES, CHAPTER 1, IN**  
8 **GENERAL, OF THE CITY CODE TO ESTABLISH A CIVIL VIOLATION FOR THE**  
9 **POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA, TO ISSUE CITATIONS**  
10 **FOR SUCH OFFENSE IN LIEU OF EFFECTUATING ARREST AND FOR OTHER**  
11 **PURPOSES ALLOWED BY LAW**

12  
13 **(Sponsored by Mayor Pro Tem Baker)**  
14

15  
16 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly  
17 organized and existing under the laws of the State of Georgia;

18  
19 **WHEREAS**, the City is charged with preserving the health, safety, and welfare of  
20 its citizens;

21  
22 **WHEREAS**, the City Council finds that enforcement of the State law prohibiting  
23 possession of less than one ounce of marijuana has been inequitable and has fallen  
24 disproportionately on certain subsets of the population;

25  
26 **WHEREAS**, arrest and/or conviction for the State law offense of possession of  
27 less than one ounce of marijuana presents employment obstacles which marginalize  
28 broad swaths of the population;

29  
30 **WHEREAS**, the City Council desires to facilitate equity in the administration of  
31 criminal justice; and

32  
33 **WHEREAS**, O.C.G.A. § 36-32-6 grants municipal courts concurrent jurisdiction to  
34 try to dispose of cases wherein a person is charged with possession of one ounce or  
35 less of marijuana when such conduct occurs inside a municipality.  
36

37 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as  
38 follows:

39 **Section 1:** The City of South Fulton Code of Ordinances, Chapter 1, Title 15, Offenses,  
40 is hereby established and enacted as follows:

41  
42 **TITLE 15: CRIMINAL OFFENSES**

43  
44 **CHAPTER 1. – IN GENERAL**  
45

46

47 **Sec. 15-1006. Civil possession offense.**

48

49 (a) *Civil Offense.* It shall be unlawful for any person to possess one ounce or less of  
50 marijuana within the corporate limits of the city.

51

52 (b) *Jurisdiction.* The municipal court is granted jurisdiction to try and dispose of  
53 cases where a person is charged with the possession of one ounce or less of marijuana  
54 if the offense occurred within the corporate limits of the city. The jurisdiction of the  
55 municipal court shall be concurrent with the jurisdiction of any other courts within the  
56 county having jurisdiction to try and dispose of such cases.

57

58 (c) *Penalty.* A civil fine, not exceeding \$150.00, shall be assessed against any  
59 person found to be in violation of this code section. The finding of a violation under this  
60 section shall be a civil infraction, and shall not constitute a criminal infraction or offense  
61 for any purpose.

62

63 (d) *Transfer as a right.* Any person charged with possession of an ounce or less of  
64 marijuana under this section shall be entitled, on request, to have their case transferred  
65 to the court within the county having general misdemeanor jurisdiction over the alleged  
66 offense.

67

68 (e) *Rehabilitation and Prevention.* Fifty percent of the fines collected under this  
69 section shall be used by the City towards City Council approved alcohol/drug  
70 rehabilitation and prevention programs which benefit City residents.

71

72 **Section 2.** It is hereby declared to be the intention of the Mayor and Council that:  
73 (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or  
74 were, upon their enactment, believed by the City Council to be fully valid, enforceable  
75 and constitutional.

76

77 (b) To the greatest extent allowed by law, each and every section, paragraph,  
78 sentence, clause or phrase of this Ordinance is severable from every other section,  
79 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,  
80 sentence, clause or phrase of this Ordinance is mutually dependent upon any other  
section, paragraph, sentence, clause or phrase of this Ordinance.

81

82 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
83 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
84 otherwise unenforceable by the valid judgment or decree of any court of competent  
85 jurisdiction, it is the express intent of the City Council that such invalidity,  
unenconstitutionality or unenforceability shall, to the greatest extent allowed by law, not

86 render invalid, unconstitutional or otherwise unenforceable any of the remaining  
87 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

88 **Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby  
89 expressly repealed.

90 **Section 4.** The effective date of this Ordinance shall be the date of adoption  
91 unless provided otherwise by the City Charter or state and/or federal law.

92  
93  
94

\*\*\*\*\*

95 The foregoing Ordinance No. **Ord2018-013** was adopted on **March 20, 2018** was  
96 offered by **Mayor Pro Tem Baker**, who moved its approval. The motion was seconded  
97 by Councilmember **Jackson**, and being put to a vote, the result was as follows:  
98

99  
100 **“SECOND READING”**  
101


	AYE	NAY
102		
103		
104		
105 William “Bill” Edwards, Mayor	_____	_____
106 Mark Baker, Mayor Pro Tem	_____√_____	_____
107 Catherine Foster Rowell	_____	_____√_____
108 Carmalitha Lizandra Gumbs	_____√_____	_____
109 Helen Zenobia Willis	_____	_____√_____
110 Gertrude Naeema Gilyard	_____√_____	_____
111 Rosie Jackson	_____√_____	_____
112 khalid kamau	_____√_____	_____


113  
114  
115  
116

117 THIS ORDINANCE adopted this 20<sup>th</sup> day of  
118 SOUTH FULTON, GEORGIA

March 2018. CITY OF


119  
120  
121 "SECOND READING"

122  
123  
124  
125  
126   
127 WILLIAM "BILL" EDWARDS, MAYOR

128  
129  
130  
131 ATTEST:  
132  
133  
134   
135 MARK MASSEY, CITY CLERK



136  
137 ITEM# ord 2018-013 DATE 3/20/2018

138  
139  
140  
141 APPROVED AS TO FORM:  
142  
143   
144  
145 EMILIA C. WALKER, CITY ATTORNEY

146  
147  
148