

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

4  
5 **ORDINANCE No. 2018-0XX**  
6

7 **AMENDMENT TO TITLE 15 OF THE CITY OF SOUTH FULTON CODE TO**  
8 **ESTABLISH A CIVIL VIOLATION FOR THE POSSESSION OF ONE OUNCE**  
9 **OR LESS OF MARIJUANA, TO ISSUE CITATIONS FOR SUCH OFFENSE IN**  
10 **LIEU OF EFFECTUATING ARREST AND FOR OTHER PURPOSES**  
11 **ALLOWED BY LAW**  
12

13 The following amendment is offered by MAYOR PRO TEM BAKER to include an  
14 additional provision as follows:

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  
34 to 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**  
38 as follows:

39 **Section 1:** The City of South Fulton Code of Ordinances, Chapter 1, Title 15, Offenses, is  
40 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 if  
54 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  
60 this section shall be a civil infraction, and shall not constitute a criminal infraction  
61 and/or offense 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 *Rehabilitation and Prevention.* Fifty percent of the fines collected under this section  
69 shall be used by the City towards alcohol/drug rehabilitation and prevention programs,  
70 as approved by the City Council, which benefit City residents.

71  
72 **Section 2.** It is hereby declared to be the intention of the Mayor and Council  
73 that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are  
74 or were, upon their enactment, believed by the City Council to be fully valid, enforceable  
75 and constitutional.

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

81 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
82 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
83 otherwise unenforceable by the valid judgment or decree of any court of competent  
84 jurisdiction, it is the express intent of the City Council that such invalidity,  
85 unconstitutionality 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  
89 hereby 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 The foregoing Ordinance No. \_\_\_\_\_ was offered by Mayor Pro Tem  
94 Baker, who moved its approval. The motion was seconded by Councilmember  
95 \_\_\_\_\_, and being put to a vote, the result was as  
96 follows:

	AYE	NAY
97		
98		
99 William "Bill" Edwards, Mayor	_____	_____
100 Catherine Foster Rowell	_____	_____
101 Carmalitha Lizandra Gumbs	_____	_____
102 Helen Zenobia Willis	_____	_____
103 Gertrude Naeema Gilyard	_____	_____
104 Rosie Jackson	_____	_____
105 khalid kamau	_____	_____
106 Mark Baker	_____	_____
107 Mayor Pro Tem		
108		

109 THIS ORDINANCE adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2018. **CITY OF**  
110 **SOUTH FULTON, GEORGIA**

111  
112  
113

114  
115 \_\_\_\_\_  
116 WILLIAM "BILL" EDWARDS, MAYOR

117  
118

119 ATTEST:  
120  
121  
122 \_\_\_\_\_

123  
124 MARK MASSEY, CITY CLERK

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126

127 APPROVED AS TO FORM:  
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129  
130 \_\_\_\_\_

131  
132 EMILIA C. WALKER, CITY ATTORNEY

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