

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND CHAPTER 12 OF THE CITY CODE; TO ESTABLISH THE PUNISHMENT FOR THE MUNICIPAL CODE VIOLATION OF POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA; TO ENCOURAGE LAW ENFORCEMENT OFFICERS TO ISSUE CITATIONS FOR SUCH OFFENSE RATHER THAN EFFECTUATING ARREST; AND TO REPEAL CONFLICTING ORDINANCES

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

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

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

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

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston, as follows:

Section 1. City of Clarkston law enforcement officers are hereby encouraged by the City Council to issue citations for violation of City Code to individuals possessing one ounce or less of marijuana rather than arresting such individuals, when possession of marijuana is the sole non-traffic offense by the individual observed by the officer.

Section 2. City Code Section 12-26 is hereby amended to read as follows:

“(a) It shall be unlawful for any person to possess one (1) ounce or less of marijuana within the corporate limits of the City.

(b) Conviction for violation of this ordinance shall be punished by a fine of \$_____.

(c) No person convicted of violating this ordinance shall be punished by confinement for any period of time.”

Section 3. The various clauses and subsections of this ordinance are intended to be severable. Should any of the provisions of this ordinance be deemed invalid by a court of competent jurisdiction, it is the intent of the City Council that the remaining provisions remain in full force and effect.

Section 4. All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter of this ordinance.

Section 5. This ordinance shall become effective upon its approval by the City Council, signature by the Mayor and approval as to form by the City Attorney.

ADOPTED this _____ day of _____, 2016.

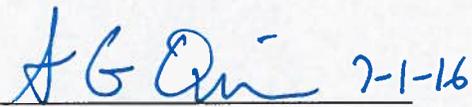
ATTEST:

CITY COUNCIL OF
CITY OF CLARKSTON, GEORGIA

Tracy Ashby, City Clerk
(SEAL)

Mayor Ted Terry

Approved as to Form:



Stephen G. Quinn, City Attorney