

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CITY OF CHAMBLEE, GEORGIA, BY ADOPTING A NEW ARTICLE VII, "POSSESSION OF MARIJUANA" IN CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS" AND FOR ALL OTHER LAWFUL PURPOSES**

Whereas, the City of Chamblee has an interest in maintaining the public safety and general welfare of the City of Chamblee and its visitors; and

Whereas, the City is committed to creating a safer Chamblee by reducing crime, working to ensure the safety of its citizens and fostering a relationship of trust and partnership within the community; and

Whereas, O.C.G.A 36-32-6 grants municipal courts concurrent jurisdiction to try and dispose of cases where a person is charged with possession of one ounce or less of marijuana when the offense occurs within the corporate limits of the City of Chamblee; and

Whereas, currently there is no ordinance setting punishment for possession of less than one ounce of marijuana within the corporate limits of the City as authorized by the state; and

Whereas, enactment of an ordinance concerning the offense of simple marijuana possession within the City limits is intended to enhance public safety and eliminate costs by reducing the amount of time police officers spend in connection with the arrest, processing and transportation of those accused of simple marijuana possession; and

Whereas, enactment of an ordinance concerning the offense of simple marijuana possession is further intended to prevent people from entering the criminal justice system and avoiding the enduring stigma associated therewith; and

Whereas, it is the desire of the Chamblee City Council to specifically provide that a person convicted of such violation shall be punished by a fine not to exceed \$325, and shall not be punished by a term of any imprisonment.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA, that the Code of Ordinances of the City of Chamblee shall be amended as follows:

**PART I**

A new Article VII titled "Possession of Marijuana" shall be created in Chapter 58, "Offenses and Miscellaneous Provisions", which shall read as follows:

**ARTICLE VII - POSSESSION OF MARIJUANA**

**SEC: 58-145 Marijuana.** It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city of Chamblee.

ORDINANCE NO. 769

SEC. 58-146 Violations and Penalties

Any person found guilty of violating this section shall be punished by:

- 1) Minor: Under the age of 18: First Offense: \$75 fine, court date required with parent or guardian present. Second and Third offenses within 365 days of original offense, \$225 fine, \$150 refundable upon successful completion of a court approved substance abuse class. Additional offenses within 365 days, \$325 fine, non-refundable.
- 2) Adult: Over the age of 18: First Offense: \$75 fine, payable online, no court date required. Second and Third offenses within 365 days of original offense, \$225 fine, \$150 refundable upon successful completion of a court approved substance abuse class. Additional offenses within 365 days, \$325 fine, non-refundable.

In no event shall any person convicted of marijuana possession pursuant to this section be punished by imprisonment for any term. All ordinances and portions of ordinances in conflict with the terms of this ordinance are hereby repealed as to the subject matter in this ordinance.

This ordinance shall become effective upon its approval by the City Council and signature of the Mayor.

PART II

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, or paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sentences of this ordinance.


The foregoing was proposed by Council member Mock with a motion that the same be adopted. Said motion was seconded by Council member Robson. Same was then put to a vote and 4 Council members voted in favor of the ordinance, and 0 Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this 17 day of September, 2019.

Emmie D. Niethammer

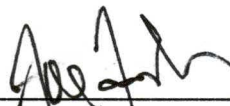
Emmie D. Niethammer  
City Clerk, City of Chamblee, Georgia

ORDINANCE NO. 769

Approved this 17th day of September, 2019.

  
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The Honorable R. Eric Clarkson  
City Clerk, City of Chamblee, Georgia

Approved as to form:

  
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Joe Fowler, City Attorney

First Reading:

Second Reading: