

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL AS SUBSTITUTED AND AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AMENDING CHAPTER 106, (OFFENSES AND MISCELLANEOUS PROVISIONS), SECTION 182, (MARIJUANA) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PRESCRIBE THE MAXIMUM PENALTY TO BE IMPOSED BY THE MUNICIPAL COURT OF ATLANTA FOR A VIOLATION THEREOF; TO DECLARE THAT A VIOLATION THEREOF SHALL NOT BE PUNISHABLE BY ANY TERM OF IMPRISONMENT; AND FOR OTHER PURPOSES.(REFERRED BACK TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY ATLANTA CITY COUNCIL ON 4/17/17)(HELD ON 4/25/17)

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and general welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, Chapter 106 (Offenses and Miscellaneous Provisions) of the City of Atlanta Code of Ordinances contains quasi-criminal offenses adopted in accordance with the City's police powers;

WHEREAS, the Municipal Court of the City of Atlanta is granted jurisdiction to try and dispose of cases where a person is charged with the possession of one ounce or less of marijuana if the offense occurred within the corporate limits of such municipality. The jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases (OCGA § 36-32-6(a)); and

WHEREAS, any fines and bond forfeitures arising from the prosecution of such cases shall be retained by the City (OCGA § 36-32-6(b)); and

WHEREAS, currently there is no specific punishment prescribed for violation of City of Atlanta Code 106-182 which prohibits the possession of one ounce or less of marijuana; and

WHEREAS, instead a violation of this section is punishable in accordance with Section 1-8 of the City of Atlanta Code of Ordinances which provides that a person convicted of a violation thereof shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months; and

WHEREAS, it is the desire of the Atlanta City Council to specifically provide that a person convicted of a violation of Section 106-182 shall be punished by a fine not exceeding \$75.00, and shall not be punishable by a term of any imprisonment.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

SECTION 1: That Chapter 106, Article IV, Division 3, Section 182 of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent additions underlined in bold font and permanent deletions in strikeout font):

Sec. 106-182. - Marijuana.

It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city. Any person found guilty of violating this section shall be punished by a fine not exceeding \$75.00, and shall not be punished by imprisonment for any term; ~~subject to the penalty provided in section 1-8;~~ provided that any defendant charged with possession of one ounce or less of marijuana shall be entitled on request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.


SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 3: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 106, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

**CITY COUNCIL
ATLANTA, GEORGIA**

17-O-1152

SPONSOR SIGNATURES


Kwana Hall, Councilmember, District 2

**CITY COUNCIL
ATLANTA, GEORGIA**

17-O-1152

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Workflow List:

Clerk of Council	Completed	03/21/2017 12:51 PM
Atlanta City Council	Completed	03/20/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	03/28/2017 3:00 PM
Atlanta City Council	Completed	04/17/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	04/25/2017 3:00 PM
Atlanta City Council	Completed	05/01/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	05/09/2017 3:00 PM
Atlanta City Council	Completed	05/15/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	05/23/2017 3:00 PM
Atlanta City Council	Completed	06/05/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	06/13/2017 3:00 PM
Atlanta City Council	Completed	06/19/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	06/27/2017 3:00 PM
Atlanta City Council	Completed	07/05/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	07/11/2017 3:00 PM
Atlanta City Council	Completed	07/17/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	07/25/2017 3:00 PM
Atlanta City Council	Completed	08/21/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	08/29/2017 3:00 PM
Atlanta City Council	Completed	09/05/2017 1:00 PM
Atlanta City Council	Completed	09/18/2017 1:00 PM
Public Safety & Legal Administration Committee	Completed	09/26/2017 3:00 PM
Atlanta City Council	Pending	10/02/2017 1:00 PM
Mayor's Office	Pending	

HISTORY:

03/20/17 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 3/28/2017 3:00 PM
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03/28/17 Public Safety & Legal Administration Committee
FAVORABLE/SUB/AMND/COND

Katrina Taylor Parks

Emil Runge
 Che Johnson Long
 B.T. Smith
 Dean Steed
 Steven Chapman
 Lynn Morrison
 Henri Jordan
 Doug Hanson
 Ted Metz
 Camile Walton

RESULT:	FAVORABLE/SUB/AMND/COND [4 TO 0]	Next: 4/17/2017 1:00 PM
MOVER:	Ivory Lee Young Jr., Councilmember, District 3	
SECONDER:	Yolanda Adrean, Councilmember, District 8	
AYES:	Clarence "C. T." Martin, Yolanda Adrean, Ivory Lee Young Jr., Felicia A. Moore	
ABSTAIN:	Michael Julian Bond	
ABSENT:	Andre Dickens, Cleta Winslow	

04/17/17 Atlanta City Council REFERRED TO COMMITTEE

Vice-Chairperson Young sounded the caption to Ordinance 17-O-1152 and stated the recommendation from committee was Favorable on Substitute as Amended on Condition. A discussion ensued, in which, Councilmember Hall offered an Amendment for the legislation to become effective July 21, 2017 and other conditions provided. However, Councilmember Sheperd made a Motion to Refer 17-O-1152 back to the Public Safety and Legal Administration Committee. It was Seconded by Councilmember Bond and an extensive discussion ensued, after which, Councilmember Shook Called the Question. It was Seconded by Councilmember Bond and CARRIED by a roll call vote of 11 yeas; 3 nays. Subsequently, the Motion to Refer Ordinance 17-O-1152 back to the Public Safety and Legal Administration Committee CARRIED by a roll call vote of 10 yeas; 4 nays.

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 10 YEAS; 4 NAYS.

RESULT:	REFERRED TO COMMITTEE [10 TO 4]
AYES:	Bond, Smith, Young Jr., Winslow, Archibong, Shook, Adrean, Martin, Bottoms, Sheperd
NAYS:	Andre Dickens, Kwanza Hall, Alex Wan, Felicia A. Moore
ABSENT:	Mary Norwood

04/25/17 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [6 TO 0]	Next: 5/1/2017 1:00 PM
MOVER:	Yolanda Adrean, Councilmember, District 8	
SECONDER:	Michael Julian Bond, Councilmember, Post 1 At-Large	
AYES:	Dickens, Bond, Winslow, Martin, Adrean, Young Jr.	
ABSTAIN:	Felicia A. Moore	

05/01/17 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 5/9/2017 3:00 PM
05/09/17	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 5/15/2017 1:00 PM
05/15/17	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 5/23/2017 3:00 PM
05/23/17	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/5/2017 1:00 PM
06/05/17	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 6/13/2017 3:00 PM
06/13/17	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 6/19/2017 1:00 PM
06/19/17	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 6/27/2017 3:00 PM
06/27/17	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 7/5/2017 1:00 PM
07/05/17	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 7/11/2017 3:00 PM
07/11/17	Public Safety & Legal Administration Committee	HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 7/17/2017 1:00 PM
07/17/17	Atlanta City Council	RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 7/25/2017 3:00 PM
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07/25/17 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 8/21/2017 1:00 PM
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08/21/17 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 8/29/2017 3:00 PM
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08/29/17 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 9/5/2017 1:00 PM
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09/05/17 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 9/18/2017 1:00 PM
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09/18/17 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT:	RETURNED AS HELD	Next: 9/26/2017 3:00 PM
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09/26/17 Public Safety & Legal Administration Committee FAVORABLE

Councilmember Kwanza Hall
Chief Splane, Georgia State University Police

RESULT:	FAVORABLE [3 TO 1]	Next: 10/2/2017 1:00 PM
MOVER:	Ivory Lee Young Jr., Councilmember, District 3	
SECONDER:	Felicia A. Moore, Councilmember, District 9	
AYES:	Andre Dickens, Ivory Lee Young Jr., Felicia A. Moore	
NAYS:	Clarence "C. T." Martin	
ABSTAIN:	Yolanda Adrean	
AWAY:	Michael Julian Bond, Cleta Winslow	

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Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	