



## City of Atlanta Georgia

Returned as HELD  
Sep 5, 2017 1:00 PM

### Ordinance 17-O-1152

**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.**

#### Information

<b>Department:</b>	Office of the Municipal Clerk	<b>Sponsors:</b>	Councilmember, District 2 Kwanza Hall
<b>Category:</b>	Personal Paper		

#### Attachments

[Printout](#)  
[35 AMEND SECTION 106-182 POSESSION OF MARIJUANA CFV 17-O-1152 as Substituted and Amended by PSLA on 3-28-17](#)  
[17-O-1152 Committee Amendment Form](#)  
[17-O-1152 Committee Amendment Form - Additional Condition](#)  
[Condition Form for 17-O-1152](#)

#### Item Discussion

**(Referred back to Public Safety and Legal Administration Committee by Atlanta City Council on 4/17/17)(Held on 4/25/17)**

#### Body

**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.

Meeting History

<b>Mar 20, 2017 1:00 PM Video</b>	<b>Atlanta City Council</b>	<b>Regular Meeting</b>	 <b>Draft</b>
REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION			
<b>RESULT: REFERRED WITHOUT OBJECTION</b>			

<b>Mar 28, 2017 3:00 PM Video</b>	<b>Public Safety &amp; Legal Administration Committee</b>	<b>Regular Committee Meeting</b>	 <b>Draft</b>
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]  
**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, Clela Winslow

**Apr 17, 2017 1:00 PM Video** **Atlanta City Council** **Regular Meeting**  **Draft**

Vice-Chairperson Young sounded the caption to Ordinance 17-O-1152 and stated the recommendation from committee was Favorable on Subsitute 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:** Michael Julian Bond, Carla Smith, Ivory Lee Young Jr., Clela Winslow, Natalyn Mosby Archibong, Howard Shook, Yolanda Adrean, Clarence "C. T." Martin, Keisha Lance Bottoms, Joyce Sheperd  
**NAYS:** Andre Dickens, Kwanza Hall, Alex Wan, Felicia A. Moore  
**ABSENT:** Mary Norwood

**Apr 25, 2017 3:00 PM Video** **Public Safety & Legal Administration Committee** **Regular Committee Meeting**  **Draft**

**RESULT:** HELD IN COMMITTEE [6 TO 0]  
**MOVER:** Yolanda Adrean, Councilmember, District 8  
**SECONDER:** Michael Julian Bond, Councilmember, Post 1 At-Large  
**AYES:** Andre Dickens, Michael Julian Bond, Clela Winslow, Clarence "C. T." Martin, Yolanda Adrean, Ivory Lee Young Jr.  
**ABSTAIN:** Felicia A. Moore

**May 1, 2017 1:00 PM Video** **Atlanta City Council** **Regular Meeting**  **Draft**

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

**RESULT:** RETURNED AS HELD

**May 9, 2017 3:00 PM Video** **Public Safety & Legal Administration Committee** **Regular Committee Meeting**  **Draft**

**RESULT:** HELD IN COMMITTEE

**May 15, 2017 1:00 PM** **Atlanta City Council** **Regular Meeting**  **Draft**

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

**RESULT:** RETURNED AS HELD

**May 23, 2017 3:00 PM Video** **Public Safety & Legal Administration Committee** **Regular Committee Meeting**  **Draft**

RESULT: HELD IN COMMITTEE

[Jun 5, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

[Jun 19, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

[Jun 27, 2017 3:00 PM Video](#)

**Public Safety & Legal Administration Committee**

**Regular Committee Meeting**

 **Draft**

RESULT: HELD IN COMMITTEE

[Jul 5, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

[Jul 11, 2017 3:00 PM Video](#)

**Public Safety & Legal Administration Committee**

**Regular Committee Meeting**

 **Draft**

RESULT: HELD IN COMMITTEE

[Jul 17, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

[Aug 21, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

[Sep 5, 2017 1:00 PM Video](#)

**Atlanta City Council**

**Regular Meeting**

 **Draft**

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

RESULT: RETURNED AS HELD

Click here for the [Legislation Amendment Form](#)