

On motion by **Councilman Rau** and seconded by **Councilman Hinyub**, the following ordinance was introduced:

ORDINANCE NO. 4946

An ordinance revising the penalty in the Gretna Code of Ordinances for possession of small amounts of marijuana in order to comply with state law.

WHEREAS, there is a general concern for the health, safety, and welfare of the citizens of Gretna as it pertains to the possession of small amounts of marijuana; and

WHEREAS, under Gretna Code of Ordinances, Sec. 16-127.- Possession of marijuana, whoever commits the crime of possession of marijuana shall be punished as provided in La. R.S. 40:966(E); and

WHEREAS, there was recent reform to La. R.S. 40:966 under House Bill No. 652 (which became Act No. 247 when signed by the Governor on June 14, 2021), pertaining to the penalties for possession of marijuana; and

WHEREAS, Act No. 247 became effective on August 1, 2021; and

WHEREAS, newly revised La. R.S. 40:966(C)(2)(a)(i) provides that, “on a first conviction or any subsequent conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than one hundred dollars; and

WHEREAS, this new provision removes imprisonment as a penalty for possession of marijuana in an amount of fourteen grams or less for any first conviction or subsequent conviction; and

WHEREAS, City of Gretna seeks to amend the Gretna Code of Ordinances as it pertains to the penalty for marijuana possession in small amounts in order to comply with state law.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna that:

The Gretna Code of Ordinances, Sec. 16-127, penalty provision is hereby amended as follows:

On a first conviction or any subsequent conviction, any offender in possession of marijuana in any amount of fourteen (14) grams or less shall be subject to the penalty of a fine of no more than \$100.00.

Provided that a majority of the City Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of same to the mayor, in accordance with Louisiana Revised Statute 33:406(c)(2), unless the mayor returns same, unsigned, to the clerk during that ten-day period.

This ordinance having been submitted to a vote; the vote thereon was as follows:

Yeas: **Councilmen Smith, Rau, Hinyub, Miller and Berthelot**

Nays: None

Absent: None

Abstain: None

ADOPTED: SEPTEMBER 15, 2021.

APPROVED: SEPTEMBER 16, 2021.

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance presented to the mayor
on September 16, 2021.

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance returned from the mayor
on September 16, 2021.

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ, CMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA