

Proposed Ordinance: #0-14-20
Subject Matter: Marijuana Ordinance
Date First Presented at Council Public Meeting: 08/20/2020
Date of Public Hearing Before City Council: 08/20/2020
Date of Second Reading and Adoption: 11/05/2020

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-14-20
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

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

Whereas, the City of Fayetteville is committed to creating a safer city 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 Fayetteville; and

Whereas, currently there is no ordinance setting the punishment for possession of less than one ounce of marijuana within the corporate limits of the City of Fayetteville as authorized by the State of Georgia, 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 City of Fayetteville to specifically provide that a person convicted of such violation shall be punished by a fine not to exceed \$500.00 and shall not be punished by a term of any imprisonment.

Whereas, the City of Fayetteville is aware that 1 in 6 people under the age of 18 who use marijuana can become addicted, that more teenagers in Georgia enter treatment for addiction to marijuana than all other substances combined, and that quality education about marijuana can help teenagers make good decisions.

Be it ordained by the Mayor and City Council of the City of Fayetteville, Georgia, that the Code of Ordinances of the City of Fayetteville shall be amended as follows:

Part I

A new Article I titled “Possession of Marijuana” shall be created in Chapter 62, “Offenses and Miscellaneous Provisions,” which shall read as follows:

Article I – Possession of Marijuana

Sec: 62-19 Marijuana. It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the City of Fayetteville. Any felony charge for possession of marijuana is illegal as well but will be adjudicated in the appropriate court of jurisdiction.

Sec: 62 – 20 Violations and Penalties for Violation of Sec: 62-19 (Possession of Marijuana)

Any person found guilty or who pleads guilty to violating Sec: 62-19 shall be punished as follows:

- 1) Minor: Under the age of 18: First offense: \$125.00 fine, court date required with a parent or legal guardian present, and requirement to attend a City-approved 8-hour substance abuse prevention/intervention program to be provided by an organization within Fayette County, Georgia. In addition to this program, each individual will receive a clinical assessment to determine if they meet any of the criteria for a cannabis use disorder. Those individuals who do meet such criteria would receive a voluntary referral to a state-certified substance use disorder treatment program. Second and third offenses within 365 days of original offense, 2nd fine \$250.00, 3rd offense \$ 500.00, on the 2nd and 3rd offense \$150.00 will be reduced upon successful completion of a substance abuse program or class with an organization within Fayette County, Georgia. Additional offenses during the 365-day period will result in \$500.00 fine.
- 2) Adult: Under the age of 21: First offense: \$125.00 fine, court date required, and requirement to attend a City-approved 8-hour substance abuse prevention/intervention program to be provided by an organization within Fayette County, Georgia. In addition to this program, each individual will receive a clinical assessment to determine if they meet any of the criteria for a cannabis use

disorder. Those individuals who do meet such criteria would receive a voluntary referral to a state-certified substance use disorder treatment program. Second and third offenses within 365 days of original offense, 2nd fine \$250.00, 3rd offense \$ 500.00, on the 2nd and 3rd offense \$150.00 will be reduced upon successful completion of a substance abuse program or class with an organization within Fayette County, Georgia. Additional offenses during the 365-day period will result in \$500.00 fine.

- 3) Adult: Age 21 or older: First offense: \$125.00 fine, no court date required. Second and third offenses within 365 days of the original offense, 2nd fine \$250.00, 3rd offense \$500.00, on the 2nd and 3rd offense \$150.00 will be reduced upon successful completion of a court-approved substance abuse program or class provided by an organization within Fayette County, Georgia. In addition to this program, each individual will receive a clinical assessment to determine if they meet any of the criteria for a cannabis use disorder. Those individuals who do meet such criteria would receive a voluntary referral to a state-certified substance use disorder treatment program. Additional offenses during the 365-day period will result in a \$500.00 fine.

Any defendant that does not want to go through the program will have their case bound over to the appropriate court of jurisdiction.

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

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville Ordinance.

SO RESOLVED, this 5th Day of November, 2020.

Edward J. Johnson, Jr., Mayor

Attest:

Anne Barksdale, City Clerk

Scott Stacy, Mayor Pro Tem

T. Joe Clark, Councilmember

Richard J. Hoffman, Councilmember

Darryl Langford, Councilmember

Paul C. Oddo, Jr., Councilmember