

CITY OF STATESBORO

COUNCIL

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Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: November 27, 2018

RE: December 4, 2018 City Council Agenda Items Ordinance 2018-14

Policy Issue: *Statesboro Code of Ordinances: Chapter 58 (Offenses and Miscellaneous Provisions) subsection regarding misdemeanor possession of marijuana within the corporate limits of the City of Statesboro as follows:*

Sec. 58-12– Marijuana. It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the City of Statesboro. Any person found guilty of violating this section shall be punished by a fine not to exceed \$500.00. Where the Court finds that a defendant is without the financial means to pay a fine, the Court may direct the defendant to perform community service commensurate with the fine that would otherwise be imposed. In no event shall any person convicted of marijuana possession pursuant to this section be punished by imprisonment for any term. Any defendant charged hereunder with possession of one ounce or less of marijuana shall be entitled on request to have the case against the defendant transferred to the court having general misdemeanor jurisdiction in Bulloch County.

Recommendation: Second reading

Background: Several other local governments in the state of Georgia have passed ordinances regarding misdemeanor possession of marijuana.

Budget Impact: None

Council Person and District: All

Attachments: Proposed Ordinance Revision

ORDINANCE
2018-14

AN ORDINANCE TO AMEND CHAPTER 58, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF THE CITY OF STATESBORO, GEORGIA TO PROVIDE PENALTIES FOR POSSESSION OF MARIJUANA; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

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

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

WHEREAS, pursuant to O.C.G.A. § 36-32-6(a) and (c), Statesboro Municipal Court is vested with 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 Statesboro; and

WHEREAS, any fines and bond forfeitures arising from the prosecution of such cases shall be retained by the City pursuant to O.C.G.A. § 36-32-6(b); 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 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 young people from entering the criminal justice system and avoiding the enduring stigma associated therewith; and

WHEREAS, it is not the intent of the City Council to legalize or otherwise decriminalize the possession of marijuana within the corporate limits of the City; and

WHEREAS, it is the desire of Mayor and City Council to specifically provide that a person convicted of a violation of Section 58-12 shall be punished by a fine not to exceed \$500.00, or community service should the Court find financial circumstances so-dictate, and shall not be punished by a term of any imprisonment.

BE IT ORDAINED by the Mayor and Council of the City of Statesboro, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Chapter 58, Offenses and Miscellaneous Provisions, , of the Code of the City of Statesboro, Georgia be amended by inserting Section 58-12 entitled “Marijuana” as follows:

Sec. 58-12– Marijuana. It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the City of Statesboro. Any person found guilty of violating this section shall be punished by a fine not to exceed \$500.00. Where the Court finds that a defendant is without the financial means to pay a fine, the Court may direct the defendant to perform community service commensurate with the fine that would otherwise be imposed. In no event shall any person convicted of marijuana possession pursuant to this section be punished by imprisonment for any term. Any defendant charged hereunder with possession of one ounce or less of marijuana shall be entitled on request to have the case against the defendant transferred to the court having general misdemeanor jurisdiction in Bulloch County.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be effective January 1, 2019.

ADOPTED AND APPROVED: _____, 2018

First Reading: November 20, 2018

Second Reading: December 04, 2018

Jonathan McCollar, Mayor

Sue Starling, City Clerk