

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO AMEND PART 9, OFFENSES, CHAPTER
1, PERSONAL CONDUCT, OF THE CODE OF THE CITY OF
SAVANNAH, GEORGIA (2003), TO PROVIDE PENALTIES FOR
POSSESSION OF MARIJUANA; TO REPEAL ALL ORDINANCES
IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

WHEREAS, the City is committed to creating a safer Savannah 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), the Recorder's Court of Chatham County 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 Savannah; 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 the Savannah City Council to specifically provide that a person convicted of a violation of Section 9-2026 shall be punished by a fine not to exceed \$150.00, 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 Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Chapter 1, Personal Conduct, of Part 9, Offenses, of the Code of the City of Savannah, Georgia (2003) be amended by inserting Section 9-2026 entitled “Marijuana” as follows:

Sec. 9-2026. – Marijuana. It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the City of Savannah. Any person found guilty of violating this section shall be punished by a fine not to exceed \$150.00. 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 Chatham County.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be effective once signed by the Mayor.

ADOPTED AND APPROVED: _____

Eddie W. DeLoach, Mayor

Clerk of Council