

STATE OF GEORGIA

CITY OF LITHONIA

ORDINANCE NO. 2021-07-19

1 **AN ORDINANCE TO AMEND THE CITY OF LITHONIA CODE OF ORDINANCES BY**
2 **ADDING A NEW CHAPTER, ARTICLE AND SECTION RELATING TO THE**
3 **POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA; TO PROSCRIBE THE**
4 **MAXIMUM PENALTY TO BE IMPOSED BY THE MUNICIPAL COURT OF LITHONIA**
5 **FOR A VIOLATION THEREOF; TO DECLARE THAT A VIOLATION THEREOF**
6 **SHALL NOT BE PUNISHABLE BY ANY TERM OF IMPRISONMENT; TO PROVIDE**
7 **AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.**

8 **WHEREAS**, the duly elected governing authority of the City of Lithonia, Georgia (the
9 “City”) is the Mayor and Council thereof; and

10 **WHEREAS**, pursuant O.C.G.A. § 36-32-6 the Municipal Court of the City of Lithonia is
11 granted concurrent jurisdiction to try and dispose of cases where a person is charged with
12 possession of one (1) ounce or less of marijuana within the corporate limits of the City, and any
13 fines and bond forfeitures arising from the prosecution of such cases shall be retained by the City;
14 and

15 **WHEREAS**, there currently is no City ordinance regulating to the offense of possessing
16 one (1) ounce or less of marijuana within the corporate limits of the City;

17 **WHEREAS**, the governing authority desires to enact an ordinance to regulate such offense
18 and to impose related punishment and fines; and

19 **WHEREAS**, the proposed ordinance does not legalize or decriminalize the possession of
20 marijuana; and

21 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals
22 and welfare of the citizens of the City of Lithonia.

23 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
24 **THE CITY OF LITHONIA, GEORGIA**, and be the authority thereof:

25 **Section 1:** The City’s Code of Ordinances is hereby amended by creating and adding the
26 following Chapter, Article and Section to read and be codified as follows:

27 **Chapter 50 – OFFENSES AND MISCELLANOUS PROVISIONS**

28 **ARTICLE I - GENERAL PROVISIONS**

29

30 **Section 50-1 - Possession of Marijuana.**

31

32 (a) It shall be unlawful for any person to possess one (1) ounce or less of marijuana
33 within the corporate limits of the City.

34

35 **Section 50 -2 - Violations and penalties.**

36

37 (a) Any person found guilty of violating Section 50-1 shall be punished by a fine not
38 exceeding \$75.00.

39 (b) Pursuant to O.C.G.A. § 36-32-6 (c) any defendant shall be entitled, upon request, to
40 have their case transferred to the court having general misdemeanor jurisdiction in the
41 county wherein the alleged offense occurred.

42 (c) In no event shall any person convicted of marijuana possession pursuant to this section
43 be punished by imprisonment for any term. All ordinances and portions of ordinances
44 in conflict with the terms of this article are hereby repealed as to the subject matter in
45 this article.

46

47 **Section 3:** (a) It is hereby declared to be the intention of the Mayor and Council that all

48 sections, paragraphs, sentences, clauses and phrases of this ordinance are and were, upon their

49 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to the

51 greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of

52 this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this
53 ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
54 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this ordinance
55 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
56 ordinance.

57 (c) In the event that any phrase, clause, sentence, paragraph or section of this ordinance
58 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
59 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
60 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
61 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
62 of the remaining phrases, clauses, sentences, paragraphs or sections of the ordinance and that, to
63 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
64 sections of the ordinance shall remain valid, constitutional, enforceable, and of full force and
65 effect.

66 **Section 4:** The preamble of this ordinance shall be considered to be and is hereby
67 incorporated by reference as if fully set out herein.

68 **Section 5:** This ordinance shall be codified in a manner consistent with the laws of the
69 State of Georgia and the City.

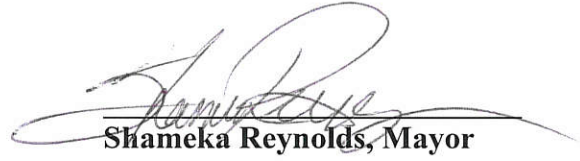
70 **Section 6:** All ordinances and parts of ordinance in conflict herewith are hereby
71 expressly repealed.

72 **Section 7:** The effective date of this ordinance shall be the date of adoption unless
73 otherwise stated herein.

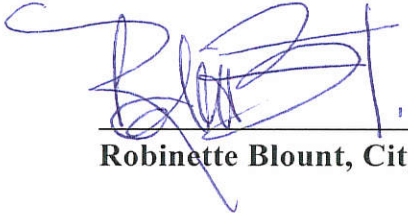
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ORDAINED this 20TH day of September, 2021.

CITY OF LITHONIA, GEORGIA

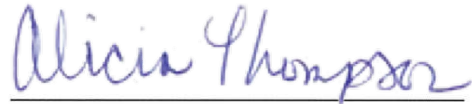

Shameka Reynolds, Mayor

ATTEST:


Robinette Blount, City Clerk



APPROVED AS TO FORM:


Alicia Thompson
City Attorney