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March 6, 2018

VIA EMAIL

Ms. Lisa E. Kelly, City Clerk
CITY OF HOGANSVILLE
400 E. Main Street
Hogansville, Georgia 30230
lisa.kelly@cityofhogansville.org

RE: Marijuana, Shoplifting & Parental Responsibility Ordinance

Dear Lisa:

Enclosed herewith please find a clean version of the Misdemeanor Marijuana, Shoplifting and Parental Responsibility Ordinance, as first read on March 5, 2018. We made one spelling correction and also modified the Ordinance number, but if you notice any other problems with the Ordinance, please let me know.

I look forward to hearing from you should this leave you with any questions.

With best regards, I am

Very truly yours,

LEWIS, TAYLOR & TODD, P.C.


Jeffrey M. Todd

JT/mcj
Enclosure
cc: David Milliron (*via email*)

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE SO AS TO INCORPORATE THE OFFENSES OF POSSESSION OF ONE (1) OUNCE OR LESS OF MARIJUANA AND MISDEMEANOR SHOPLIFTING; TO DEFINE THE RESPONSIBILITIES OF PARENT, LEGAL GUARDIANS OR PERSONS HAVING LEGAL CUSTODY OF MINORS; TO PROVIDE CERTAIN FAILURES OF SAID RESPONSIBILITIES TO BE A MISDEMEANOR OFFENSE; TO REQUIRE A MANDATORY NOTICE OF SAME PRIOR TO CITATION; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That the Code of Ordinances of the City of Hogansville be amended by creating therein a new Section 54-16, to read as follows:

“Sec. 54-16. – Responsibility of parents, legal guardians or persons having legal custody of minors to supervise and control.

(a) No parent, legal guardian or person legally in loco parentis or other person having legal custody or control of or responsibility for a minor child between six (6) and through and including sixteen (16) years of age shall at any time, through insufficient control or supervision, allow any such child to engage in any status offense or delinquent action as defined within O.C.G.A. section 15-11-2. This prohibition shall apply to such acts at those locations identified within section 54-9 of this Code. Responsibility for the prevention of such status offenses and/or delinquent acts by any minor child shall be attached to the parent or other such person having legal custody or control of the child upon proof of prior notification of said child's potential to so offend. Such prior notification shall be established through confirmation by local law enforcement agency records or other evidence that the parent or other such person having legal custody or control of the child was notified, within the immediately preceding twelve (12) months, of at least two (2) previous warnings or juvenile petition initiations against said child for a status offense or delinquent act at any location identified within section 54-9 of this Code.

(b) Any person who shall violate the provisions of this section shall, after trial and upon conviction, be penalized as provided in section 1-7 of this Code. The municipal court judge may, in his discretion, consider alternate sentencing, including parenting classes, for first offenders or in other appropriate circumstances.”

SECTION 2:

That the Code of Ordinances of the City of Hogansville be amended by inserting therein new Section 54-17 to read as follows:

“Sec. 54-17. – Marijuana Possession.

(a) It shall be unlawful for any person to possess or have under his or her control within the City one (1) ounce or less of marijuana.

(b) For the purposes of this section, the term “marijuana” means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include samples as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination.

(c) Any person charged with a violation of this section shall be entitled, upon request, to have the case against him or her transferred to the State Court of Troup County, to be prosecuted and tried as a misdemeanor in that Court.”

SECTION 3:

That the Code of Ordinances of the City of Hogansville be amended by inserting therein new Section 54-18 to read as follows:

“Sec. 54-18. – Shoplifting.

The municipal court of the city is authorized to prosecute and dispose of shoplifting cases in accordance with state law. The municipal court shall have jurisdiction over cases in which a person is charged with a first, second or third offense of theft by shoplifting when the property which was the subject of the theft was valued at \$500 or less and the offense occurs within the city limits. Any person charged in municipal court under this code section shall be entitled to have the case transferred to the State Court of Troup County upon request.”

SECTION 4:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 5:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk