

AN ORDINANCE

To provide for . . .

BE IT ORDAINED BY THE MAYOR AND. COUNCIL OF THE CITY OF MARIETTA, GEORGIA THAT:

Section 1. The Code of Marietta, Georgia, is hereby amended to add section _____, which shall read as follows:

"DRUG FREE COMMERCIAL ZONE ESTABLISHED"
UNDER O.C.G.A. 16-13-32.6

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARIETTA, GEORGIA, PART 10, GENERAL OFFENSES; TO ESTABLISH A DRUG—FREE COMMERCIAL ZONE; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of City of Marietta, Georgia is the City Council thereof; and

WHEREAS, the amendments contained herein would benefit the health, safety, morals and welfare of the citizens of the City of Marietta, Georgia.

BE IT AND IT IS HEREBY ORDAINED by the City Council of City of Marietta, Georgia, and by the authority thereof:

Section 1. That Part 10 General Offenses is hereby amended by inserting Article VI Drug-Free Commercial Zone which will read as follows:

(a) Statement of findings.

WHEREAS, the City Council of the City of Marietta, Georgia desire to combat drug related crime in and around the commercial areas of the City of Marietta; to provide a safe environment for citizens and businesses alike, including residential properties within one-half contiguous mile of this drug free zone; and

WHEREAS, O.C.G.A. §16-13-32.6 authorizes establishment of a "Drug Free Commercial Zone", allowing for enhanced penalties for conviction of drug offenses under this Chapter; and

WHEREAS, City of Marietta law enforcement has documented, as reported in Exhibit "B", a high rate of criminal drug activity around the contiguous area described in detail in Exhibit "A" and, which law enforcement believes will be curtailed by the enhanced punishment provided by O.C.G.A §16-13-32.6 related to manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substances or marijuana within a drug-free commercial zone; and

WHEREAS the City of Marietta now desires to enact said "Drug Free Commercial Zone" pursuant to O.C.G.A. §16-13-32.6 within the boundaries set forth in Exhibit "A";

Section 2.

(b) Drug-Free Commercial Zone established. Criteria of state met.

NOW, THEREFORE BE IT ORDAINED that the City of Marietta hereby creates, pursuant to O.C.G.A. §16-13-32.6, a "Drug Free Commercial Zone" to be located within the city limits of the City of Marietta, Georgia, with said zone being fully described and shown in Exhibit "A", excluding all non-commercially zoned areas within said boundaries which are not residential in nature, and excluding all areas that are not within 1/2 mile of commercially zoned areas. Exhibit "A" is hereby incorporated by reference as if fully set forth herein and includes all previously zoned commercial property with the marked boundaries and all residential property within the marked boundaries contiguous to such commercially zoned area and within one half mile from any portion of the commercially zoned areas; and

BE IT FURTHER ORDAINED, that the City of Marietta is hereby authorized to do everything necessary to ensure the posting of signage designating the area as a "Drug Free Commercial Zone" in prominent and conspicuous places on the boundaries of and throughout the established zone; and

BE IT FURTHER ORDAINED, that the City of Marietta is hereby authorized to do everything necessary to file the required documentation of the "Drug Free Commercial Zone" with the State of Georgia Department of Community Affairs; to obtain the required adoption of the aforementioned zone by the Georgia General Assembly; to provide the Department of Community Affairs with a copy of this ordinance, Exhibit "B" (Initial crime reports), Exhibit "A" (map), and follow-up annual reports; to maintain said records in a permanent register; to publish the required three weekly notices of designation in the legal organ of the City of Marietta; and, to permit enforcement under O.C.G.A. §16-13-32.6 commencing thirty days after adoption by the Georgia General Assembly.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and City of Marietta, Georgia.

Section 5. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Marietta, Georgia and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

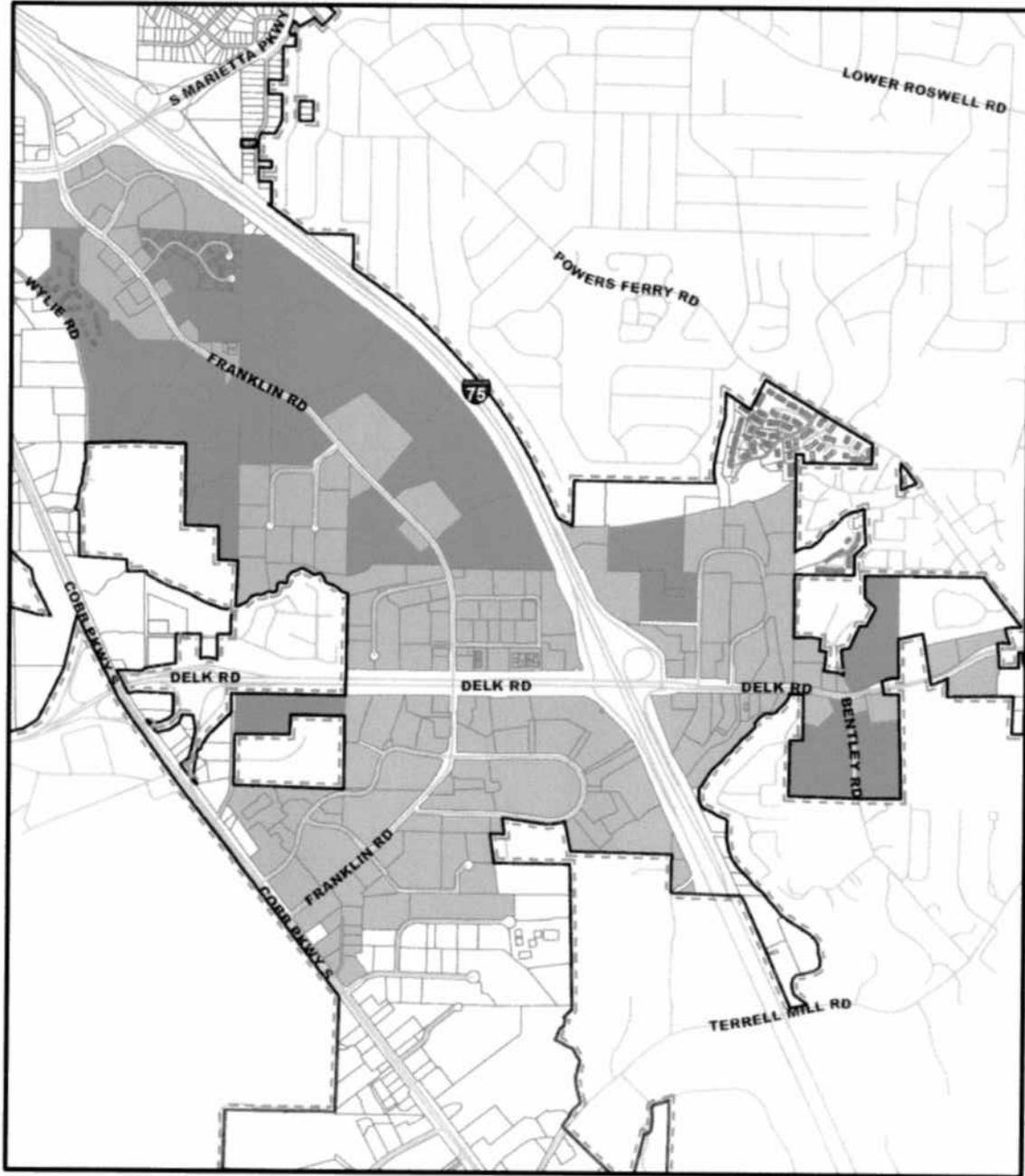
Section 6.

- a. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 8. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.”

EXHIBIT "A"



Drug Free Commercial Zone

-  City Limits
-  Streets
-  Residential Areas
-  Commercial Areas

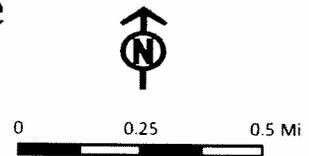


Exhibit "B"

REPORT ON ILLEGAL DRUG ACTIVITY FOR FRANKLIN ROAD AND DELK ROAD
CITY OF MARIETTA, GEORGIA
CITY OF MARIETTA POLICE DEPARTMENT
MARIETTA, GEORGIA, 30060

November 1, 2012 – October 31, 2013

INTRODUCTION

This report is compiled by the City of Marietta, Georgia Police Department in support of a City of Marietta ordinance which establishes a "Drug Free Commercial Zone" within the city limits. The report lists and illustrates occurrences of drug arrests in the City of Marietta for the past one year period, demonstrating the locations of these arrests as well as the nature of the charges.

The City of Marietta, Georgia Police Department has compiled records on all arrests in the City of Marietta. From these records, all arrests for illicit drug use, possession, distribution, manufacture, etc., are listed and documented. The vast majority of these cases have been made and brought by the patrol division. Some of the higher level cases have been developed with the cooperation of the Special Operations Division.

The City of Marietta, Georgia does not have a dedicated Drug/Narcotics unit and rely on uniform officers, the Crime Interdiction Unit (Street Crimes Unit) for narcotics enforcement.

	# of Drug Involved Arrest	Total Arrest	% of Drug Arrest
Zone 1	307	1127	27%
Zone 2	80	465	17%
Zone 3 *	157	1774	9%
Zone 3 (-240 Lemon St)	148	917	16%
Zone 4	77	497	15%

*Arrests in Zone 3 at 240 Lemon Street police headquarters containing court arrests data in arrest totals as well as a result of secondary investigations originating in other zones.

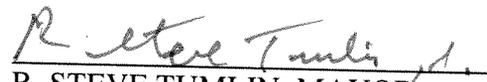
Section 2. It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 3. All Ordinance or parts of Ordinances in conflict with this Ordinance are hereby repealed.

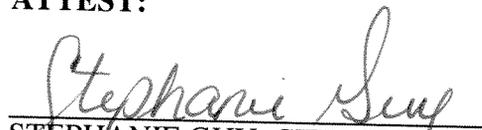
Section 4. This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: June 11, 2014

APPROVED:


R. STEVE TUMLIN, MAYOR

ATTEST:


STEPHANIE GUY, CITY CLERK