

ORDINANCE #165

**POSSESSION OF MARIJUANA AND POSSESSION OF DRUG
PARAPHERNALIA**

AN ORDINANCE PROHIBITING CERTAIN ACTIVITIES MADE CRIMES UNDER WISCONSIN STATUTES.

The Common Council of the City of Alma does ordain the Possession of Marijuana Ordinance as follows:

I. POSSESSION OF MARIJUANA PROHIBITED.

It is unlawful for any person to possess 14 grams or less of marijuana as defined in s. 961.01 (14), Wis. Stats., unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice as provided in s. 961.41(3g)(intro.), Wis. Stats. Or unless the person is otherwise authorized by Chapter 961, Wis. Stats., to possession marijuana.

II. EXCEPTIONS

Any person who is charged with possession of more than 14m grams of marijuana shall not be charged under this section. Any person who was previously or is currently charged with the possession of any amount of marijuana or drug paraphernalia in the State of Wisconsin or any other jurisdiction that prohibits the possession of marijuana, tetrahydrocaunabinol or drug paraphernalia shall not be charged under this section. Any person convicted of any offense under Chapter 961 of the Wisconsin Statutes or in any other jurisdiction relating to controlled substances, including marijuana or any local ordinances regarding possession of controlled substances shall not be charged under this section.

III. POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body marijuana. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body marijuana.

IV. PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be required to forfeit not more than \$500.00, together with the costs of the action.

V. ENFORCEABILITY

This Ordinance may be enforced by citation by any law enforcement officer employed by the City of Alma.

VI. STATUTES APPLICABLE

This ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of State Stats. Relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable Wisconsin State Stats.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication.

Duly adopted at a duly called and noticed meeting of the Common Council of the City of Alma on the 6th day of June, 2013.

Linda

Alma City Clerk

ATTEST:

Rob MScow

Mayor