

ORDINANCE NO. 9-2-12

**AN ORDINANCE REPEALING AND RECREATING 9-2-10 PROHIBITING
POSSESSION OF DRUG
PARAPHERNALIA AND MARIJUANA WITHIN THE
VILLAGE OF ALMA CENTER, JACKSON COUNTY,
WISCONSIN**

The Village Board of the Village of Alma Center, Jackson County, Wisconsin, do ordain as follows:

SECTION 1. AUTHORITY. Pursuant to Sections 66.115, 66.051, 961.577 and 938.344(2e) of the Wisconsin Statutes which are hereby incorporated by reference, this ordinance is hereby created to prohibit within the Village of Alma Center, the possession of drug paraphernalia and marijuana, punishable as civil forfeiture.

**SECTION 2. POSSESSION OF DRUG PARAPHERNALIA AND
MARIJUANA PROHIBITED.**

- (a) **Drug Paraphernalia.** The statutory provisions in Section 961.571 through 961.575 of the Wisconsin Statutes describing and defining regulations with respect to Drug Paraphernalia, exclusive of any provisions therein for which the statutory penalty is imprisonment, are hereby adopted and made a part of this ordinance as if set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this ordinance.
- (b) **Marijuana possession:**
- (1) It is unlawful for any person to possess any material, compound, mixture or preparation which contains 25 grams or less of tetrahydrocannabinols ("THC") or marijuana or its salts, isomers or salts of isomers, unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner within the meaning of Section 961.41(3g)(e), Wisconsin Statutes, while acting in the course of his professional practice, or except as otherwise authorized by Chapter 961, Wisconsin Statutes.
 - (2) A positive Dequenois/Levine test for tetrahydrocannabinols, or other test of comparable validity, shall be prima facie evidence that the substance is or contains tetrahydrocannabinols.

SECTION 3. PENALTY.

- (a) Any person violating any of the provisions of this ordinance shall, upon conviction, pay a forfeiture of not more than \$500.
- (b) Any person under 18 years of age who violates this ordinance shall be subject to a disposition under Section 938.344(2e) of the Wisconsin Statutes.
- (c) Penalty Enhancer. In the event a violation of Section 2 of this ordinance takes place within one thousand (1,000) feet of any private or public school, church, park, playground, or on or within a school bus, the forfeiture prescribed by this ordinance shall be doubled.

SECTION 4. CONFLICTING ORDINANCES. All other ordinances or parts of Ordinances of the Village of Alma Center inconsistent or in conflict herewith are hereby repealed.

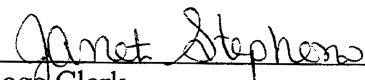
SECTION 5. SEVERABILITY. If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 6. CODE OF ORDINANCES. After the effective date of this Ordinance, same be known of Section 8.62 of the Code of Ordinances of the Village of Alma Center.

SECTION 7. EFFECTIVE DATE. Upon passage and publication, this Ordinance shall take effect and be in force as provided by law.


Dennis Hardwick, Village President

ATTEST:


Village Clerk

DATED: May 19 2003
PASSED: May 19 2003
PUBLISHED: 5/28/03