

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE AGENDA
Monday, September 12, 2016 – 7:15 P.M.
(or immediately following previously scheduled meeting)
Lincoln Center, 1519 Water Street**

[A quorum of the City Council may attend this meeting]

Discussion and Possible Action on the Following:

1. License List:
 - A. New Operator's (Bartender's) Licenses.
 - B. Temporary Class "B" / "Class B" License (Picnic): St. Joseph's Holy Name Society, 1709 Wyatt Ave, Stevens Point, for St. Joseph's Holy Name Pig Roast on October 8, 2016 at 1709 Wyatt Ave. Licensed operator on premise: David Ligman. (Beer only)
 - C. Temporary Extension of Licensed Premises: Partner's Pub and Grill Inc., 2600 Stanley Street for Partner's Pub and Grill, request for temporary extension of licensed premise to include a fenced in area in their parking lot for 39th annual Homecoming celebration on Saturday, October 15, 2016.
 - D. Pawnbroker/Secondhand Dealer: E-Way Sales LLC, 3296 Church Street, Stevens Point, Jonathan Ruder, owner.
2. Request to Hold Event/Street Closings:
 - A. Alzheimer's Assoc. – Walk to End Alzheimer's on September 24, 2016.
3. Presentation by Tori Jennings regarding possible road lane striping options and discussion.
4. Discussion and possible action on Vision Zero safety policy for transportation systems.
5. Discussion of a proposal to amend the marijuana possession ordinance and creation of ascending citation structure.
6. Committee members' ideas for future agenda items. (Topics introduced under this item will not be discussed at this meeting.)
7. Adjournment.

RMC – Revised Municipal Code

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

City of Stevens Point
1515 Strongs Avenue
Stevens Point, WI 54481-3594
www.stevenspoint.com



John Moe
City Clerk
Phone: 715-346-1569
Fax: 715-346-1498

To: Common Council
From: John Moe, City Clerk
Date: September 7, 2016
Re: Public Protection Committee Agenda Items

1. All new Operator's license requests meet the requirements to hold a license and have been approved by the Police Department. St. Joseph's Holy Name Pig Roast is an annual event. Partners Pub and Grill's Homecoming celebration is also an annual event. Both have been approved by the Police Department. The last item is the request for a pawnbroker license for E-Way Sales LLC. Their request was reviewed by the Police Department. No issues have been brought to our attention regarding this request.
2. We have one new event this month. The Alzheimer's Association's Walk to End Alzheimer's is on Saturday, September 24, 2016. Their route is attached. The Police Department has reviewed the request and has approved it.
3. Tori Jennings will expand on her presentation presented to the Council last month followed by a question/answer period.
4. Please see the memo attached from Chairperson Johnson.
5. Ald. Kneebone requested this item to start a conversation on the citation structure.
6. Members of the Committee may suggest ideas for upcoming meetings.

LICENSE LIST
PUBLIC PROTECTION COMMITTEE
Monday, September 12, 2016

****PROVISIONAL OPERATOR LICENSE:**

- | | | |
|-----|-------------------------|--|
| 1. | KAHL, DIRK L. C. | 1626 NORTH FIG AVE APT 205, MARSHFIELD, WI 54449 |
| 2. | PHELPS, ANDREW JAMES | 4048 SIMONIS STREET, STEVENS POINT, WI 54481 |
| 3. | WISINSKI, KYLE J | 1640 WILLOW SPRINGS DRIVE, STEVENS POINT, WI 54482 |
| 4. | HERNANDEZ, JULIA A | 708 FRONTENAC AVE, STEVENS POINT, WI 54481 |
| 5. | LALUZERNE, ALEXANDRIA D | 3917 SIMONIS STREET, STEVENS POINT, WI 54481 |
| 6. | HENTGES, CHARITY F | 2024 COLLEGE AVE APT A, STEVENS POINT, WI 54481 |
| 7. | JAWORSKI, JADA L | 4627 NORWAY PINE DR, STEVENS POINT, WI 54482 |
| 8. | LOKEN, SETH D | 2524 FIFTH AVE APT 3, STEVENS POINT, WI 54481 |
| 9. | MILLER-KYLES, KAIJA M | 2700 FIFTH AVE APT 11, STEVENS POINT, WI 54481 |
| 10. | LUCE, TAYLOR C | 1932 PRAIRIE STREET, STEVENS POINT, WI 54481 |
| 11. | LEE, JOSHUA D | 1600 FOURTH AVE, STEVENS POINT, WI 54481 |
| 12. | DOWNEY, CHRISTOPHER G | 810 MEADOW STREET, STEVENS POINT, WI 54481 |
| 13. | MECHLING, AMI R | 124 MINNESOTA AVE #6, STEVENS POINT, WI 54481 |
| 14. | RADLINGER, ANNA C | 327 MICHIGAN AVE APT 6, STEVENS POINT, WI 54481 |
| 15. | SCHROEDER, ADAM J | 814 WEST 6TH STREET, MARSHFIELD, WI 54449 |
| 16. | LAEDTKE, JOHN S | E2163 LARSON RD, WAUPACA, WI 54981 |
| 17. | GUMM, JAMIE C | 600 PORTAGE STREET, STEVENS POINT, WI 54481 |
| 18. | LOBERGER, MARISSA E | 1709 CLARK STREET, STEVENS POINT, WI 54481 |
| 19. | THOME, MOLLY ANN | 956A MAIN STREET, STEVENS POINT, WI 54481 |
| 20. | SCHLENDER, JACOB K | 307 MICHIGAN AVE, STEVENS POINT, WI 54481 |
| 21. | DEMUTH, CODY M | 1540 CLARK STREET, STEVENS POINT, WI 54481 |
| 22. | GHILONI, ZACHARY D | 271 OAKWOOD AVE APT 9, PLOVER, WI 54467 |
| 23. | SWANSON, CHELSEA A | 1224 NORTH POINT DRIVE, STEVENS POINT, WI 54481 |

TEMPORARY CLASS "B" / "CLASS B" LICENSE (PICNIC):

1. **St. Joseph's Holy Name Society**, 1709 Wyatt Ave, Stevens Point, for St. Joseph's Holy Name Pig Roast on October 8, 2016 at 1709 Wyatt Ave. Licensed operator on premise: David Ligman. (Beer only)

TEMPORARY EXTENSION OF LICENSED PREMISE:

Partner's Pub and Grill Inc., 2600 Stanley Street for Partner's Pub and Grill, request for temporary extension of licensed premise to include a fenced in area in their parking lot for 39th annual Homecoming celebration on Saturday, October 15, 2016.

PAWNBROKER/SECONDHAND DEALER:

1. **E-Way Sales LLC**, 3296 Church Street, Stevens Point, Jonathan Ruder, owner.

****ISSUANCE OF ANY LICENSE IS CONTINGENT UPON APPLICANTS COMPLIANCE WITH THE TRAINING REQUIREMENTS OF SEC. 125.17(16), WISCONSIN STATUTES.**

www.alz.org
800 272 3900

Greater Wisconsin Chapter
3313 S Packerland Dr. Ste. E
De Pere, WI 54115
920 469 2110 **p**
920 469 2131 **f**

Chippewa Falls Office
404 ½ N. Bridge Street
Chippewa Falls, WI 54729
715 720 7611 **p**
715 720 4860 **f**

Fox Valley Office
1535 Lyon Drive
Neenah, WI 54956
920 727 5541 **p**
920 727 5552 **f**

Rhineland Office
8A W. Davenport Street, Suite 224
Rhineland, WI 54501
715 362 7779 **p**
715 362 1879 **f**

Wausau Office
300 N. 3rd Street, Suite L04
Wausau, WI 54403
715 845 7000 **p**
715 845 7440 **p**
715 845 7400 **f**

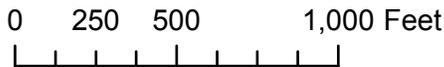
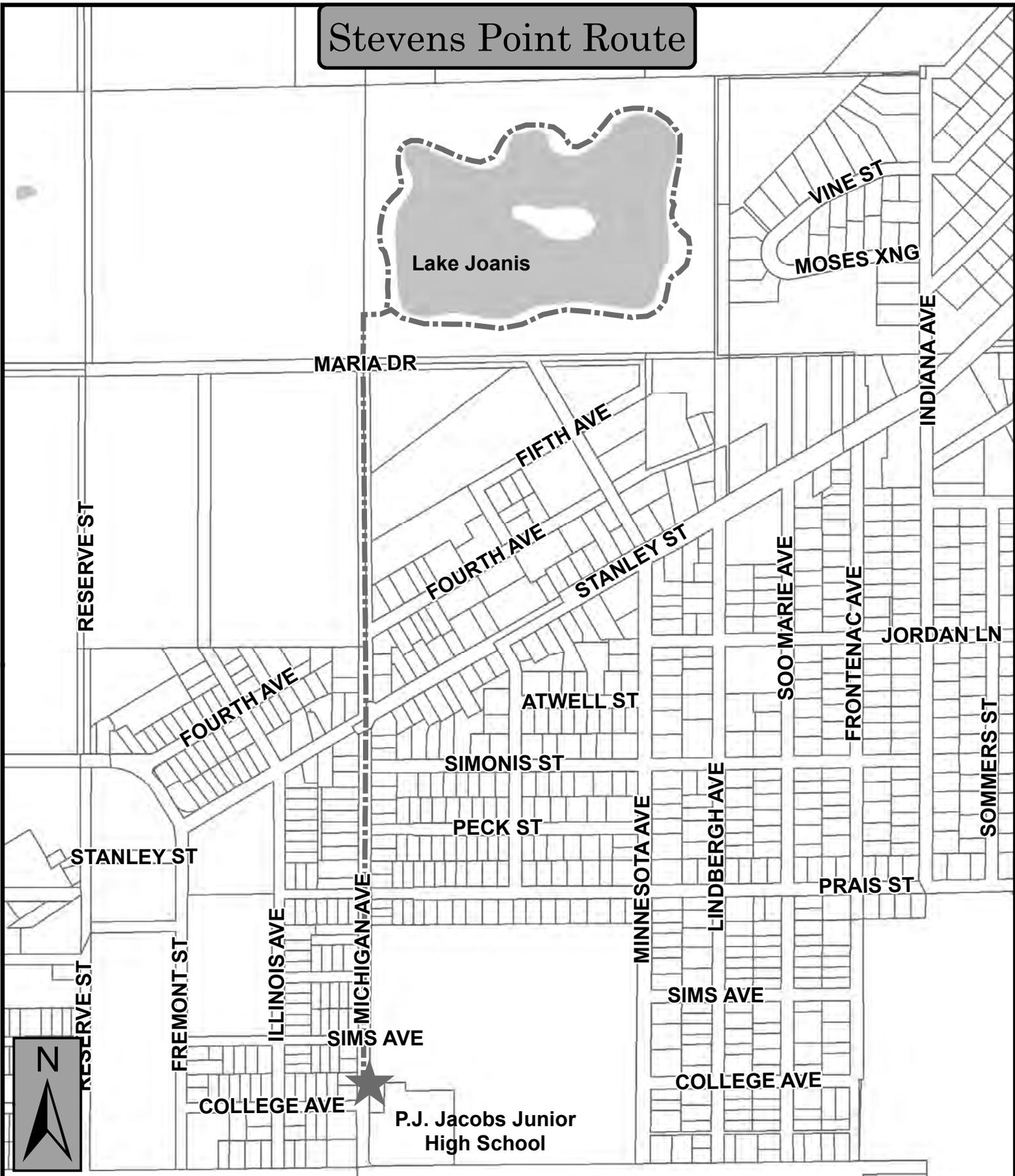
To whom it Concerns:

The Alzheimer's Association is hosting an event called the Walk to End Alzheimer's on Saturday, September 24, 2016 in Stevens Point. The proceeds of the Walk go to benefit Alzheimer's care, support, research, awareness and advocacy. We are requesting the use of the City sidewalks along Michigan Ave and the trail around Lake Joanis. The Walk will begin around 10:15am at P.J. Jacobs Junior High School and conclude before 12:00pm at P.J. Jacobs Junior High School. We will be putting signage along the Walk route starting at 8:30am day of event and taking them down once walkers are off the route. We are hoping to work with the City of Stevens Point to receive the proper permits and approvals to create a safe route for all of our walkers, as safety is a top priority. We appreciate your collaboration in making the Walk to End Alzheimer's a success.

Sincerely,

Greater Wisconsin Chapter, Alzheimer's Association Staff

Stevens Point Route



City of Stevens Point
Community Development Department

This map was compiled by the City of Stevens Point's Community Development Department for reference purposes only. The accuracy of this map is not guaranteed and the City makes no express or implied warranties of any type regarding this map. Furthermore, the City is not liable for any direct or indirect damages suffered related to the use of this map.

Vision Zero Policy Proposal

Meleesa Johnson- 5th District Alder

Background:

Vision Zero is a road safety concept, developed by the Swedish, with a simple idea, “No loss of life is acceptable”. The Vision Zero was originally implemented in Europe, but now a growing number of American communities are adopting Vision Zero as part of their multi-modal transportation infrastructure planning.

The concept assumes that because we are human, mistakes are made on our roads. While road systems are indeed systems to efficiently move people and goods, Vision Zero assumes that they can be designed to keep safe users of the roadways and enhance the character of neighborhoods.

Principles of Vision Zero

- Traffic deaths and injuries are a preventable, public health issue. Any death is too many.
- People will make mistakes; the transportation system should be designed so those mistakes aren't fatal.
- Safety is the primary consideration in transportation decision-making.
- Traffic safety solutions must be addressed holistically, through:
 - Engineering and street design,
 - Education and culture change,
 - Enforcement,
 - Evaluation, and
 - Policy

In 2015, Secretary Anthony Foxx (USDOT) challenged mayors across the country to take actionable steps to improve safety for bicyclists and pedestrians. As a part of that challenge, cities across the country began adopting policies in support bike and pedestrian safety, including adopting Vision Zero as the foundation for these endeavor. And in Stevens Point the Bike & Pedestrian Advisory Committee works diligently to provide Council recommendations to address this challenge.

A typical evaluative metric for the development or redesign of transportation corridors includes both the financial resources needed and engineering studies. Vision Zero adds a third variable to the metric...safety for all users of transportation corridors. The reality of budgets and decay of existing infrastructure keep our attention, especially with levy caps and dwindling transportation aids. However, Vision Zero supports these limitations through ensuring money invested in roads has a long-lasting benefit to the community and public health.

Policy:

The City of Stevens Point will incorporate the principles of Vision Zero, along with financial and engineering evaluations, into its decision making for the development and redesign of its transportation corridors and for related traffic policies.

Resources used for this paper:

<http://www.visionzeroinitiative.com>

<https://austintexas.gov/visionzero>

<https://www.sanjoseca.gov/DocumentCenter/View/42849>

Source References for packet inclusions

Page 13 titled State of Wisconsin Policy Context is from: Report Brief, Marijuana in Milwaukee, May 2015.

<http://publicpolicyforum.org/sites/default/files/MarijuanaInMilwaukee-Brief.pdf>

City of Milwaukee Municipal Ordinances: Chapter 106-37 link:

<http://city.milwaukee.gov/ImageLibrary/Groups/ccClerk/Ordinances/Volume-1/CH106.pdf>

Link to City of Madison Ordinances:

<http://library.municode.com/index.aspx?clientID=50000&stateID=49&statename=Wisconsin>

Wisconsin Act 293 link:

<https://docs.legis.wisconsin.gov/2013/related/acts/293.pdf>

Milwaukee County Chapter 24 link:

https://www.municode.com/library/wi/milwaukee_county/codes/code_of_ordinances

STATE OF WISCONSIN POLICY CONTEXT

Chapter 961 of the Wisconsin Statutes – the Uniform Controlled Substances Act – regulates marijuana possession and other drug-related crimes in Wisconsin. Under the statute, individuals with no previous drug offenses who are convicted of possessing marijuana for the first time can be fined up to \$1,000 and/or sentenced to up to six months in jail.¹¹

While the language in the state statutes refers to “first offenses,” it is important to understand that state law only applies to *criminal* cases. Individuals typically have broken a municipal marijuana possession ordinance at least once before a criminal charge would be brought by a district attorney, so in this context, a “first offense” actually refers to the second time a person has been cited for marijuana possession.

First-time *criminal* marijuana possession charges are treated as misdemeanors under state law, but second and subsequent criminal offenses can be charged as Class I felony crimes, which carry a fine of up to \$10,000 and/or imprisonment for up to 3.5 years.¹²

Until recently, Wisconsin law only allowed municipalities to regulate marijuana possession for the first time in which an individual is cited, and only for cases involving less than 25 grams. In April 2014, the State passed Act 293, which allows cities, towns, and villages to impose municipal ordinances regulating possession of marijuana in excess of 25 grams, and regulating second and subsequent offenses, “*provided the district attorney’s office declines to prosecute.*”¹³

This change in state law affords municipalities the opportunity to pursue civil forfeitures from individuals whose marijuana possession cases otherwise would not have been prosecuted by the district attorney’s office. It is possible this will result in the D.A. taking fewer second and subsequent marijuana possession cases, thus potentially establishing lower risk of incarceration but greater risk of municipal fines for some offenders. Some municipalities, such as the City of West Allis, have modified their ordinances to reflect the change in State policy. Most have not, however, including the City of Milwaukee.

POLICY IN PRACTICE: FIRST OFFENSES

This section lays out how first-time noncriminal marijuana possession offenses typically are handled in the City of Milwaukee based on extensive conversations with officials from the City Attorney’s office and Municipal Court.

When individuals are ticketed for first-time marijuana possession offenses, they are given an arraignment date when they must appear in municipal court. In most cases, if they do not appear at the arraignment, they are found guilty by default, a fine is determined, and they are given 60 days to pay and are sent a default judgment notice. The individual also is sent a reminder if the payment has not been made 10 days before the due date.

¹¹ Wisconsin Legislative Reference Bureau: <http://legis.wisconsin.gov/lrb/pubs/wb/14wb8.pdf>

¹² *Ibid.*

Wisconsin State Legislature: <https://docs.legis.wisconsin.gov/statutes/statutes/939/IV/50>

¹³ Wisconsin Act 293. Wisconsin State Legislature: <http://docs.legis.wisconsin.gov/2013/related/acts/293>
Wisconsin 66.0107: <https://docs.legis.wisconsin.gov/statutes/statutes/66/I/Q107>



106-37 Morals and Welfare

e. Exemptions. e-1. This subsection does not apply to hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body in accordance with ch. 961, Wis. Stats.

e-2. This subsection does not apply to any items, including pipes, papers and accessories, which are designed for use or primarily intended for use with tobacco products.

4. PENALTIES. a. Any drug paraphernalia used in violation of this section shall be seized and forfeited to the city.

b. Any person who violates sub. 3-a or d shall, upon conviction, be subject to a forfeiture of not more than \$500, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 30 days.

c. Any person who violates sub. 3-b shall, upon conviction, be subject to a forfeiture of not more than \$1,000, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 90 days.

d. Any person who violates sub. 3-c shall, upon conviction, be subject to a forfeiture of not more than \$10,000, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction until the costs are paid, but not to exceed 90 days.

106-37. Frequenting an Illegal Drug House.

1. DEFINITIONS. In this section, "illegal drug house" means any building, place or room not generally open to the public in which there is substantial evidence of violations occurring of the Uniform Controlled Substances Act in Wis. Stats. ch. 961.

2. PROHIBITED ACTIVITIES. It shall be unlawful for any person to knowingly be an inmate of, frequent or patronize any illegal drug house.

3. PENALTY. Upon conviction, any person found to be in violation of this section shall be subject to a forfeiture of not less than \$500 nor more than \$5000, and in default of payment thereof, be imprisoned in the county jail or house of correction not to exceed 90 days. Each day during which a violation is occurring shall constitute a separate offense.

106-38. Possession of Marijuana.

1. DEFINITIONS. In this section, "marijuana" and "practitioner" shall be defined as in s. 961.01(14) and (19), Wis. Stats., respectively.

2. PROHIBITED. No person may possess marijuana unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice or except as authorized by ch. 961, Wis. Stats.; except that in accordance with s. 66.0107(1)(bm), Wis. Stats., if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or possession of any amount of marijuana following a conviction in this state for possession of marijuana, the subject of the complaint may not be prosecuted under this section for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.

3. PENALTY. Any person violating this section shall upon conviction:

a-1. Forfeit not less than \$0 nor more than \$50, or, in default of payment, may be imprisoned as provided by law.

a-2. Forfeit not less than \$250 nor more than \$500, or, in default of payment may be imprisoned as provided by law if a person is convicted of smoking marijuana in a public place.

b. Be permitted to perform community service work and attend substance abuse education and counseling in lieu of paying the forfeiture under par. a.

106-41. Fraud On Residential Landlords Prohibited. 1. FRAUD PROHIBITED. No person shall, with intent to defraud, do either of the following:

a. Intentionally abscond without paying rent that has been contractually agreed upon in a written lease or written rental agreement with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premises by the tenant, the nonpayment of the rent continues for a period of 5 days after vacation of the premises, and the tenant fails to provide the landlord with a complete and accurate forwarding address.

b. Issue any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails within 5 days of a written demand by the landlord or agent to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.

Madison, WI Ordinance 23.20
23.20 Regulations Concerning
Marijuana and Cannabis

Section 23.20 Cr. by Ord. 5833, 4-18-77

(1) Purpose. The people of Madison specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the citizens of this community and to preserve the respect of such citizens for law, its process, and its administration.

(2) Definitions. In this section:

Cannabis. The resin extracted from any part of the plant Cannabis Sativa L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

Casually possess. The possession of not more than twenty-eight (28) grams of cannabis, or one hundred and twelve (112) grams of marijuana.

Marijuana. All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Practitioner.

1. A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

2. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

Public place. A place which is in public ownership or a place to which the public has access; distinguished from a private place.

(3) A person may casually possess marijuana or cannabis in a private place. Such casual possession is not a crime and is not subject to forfeiture.

- (4) No person shall casually possess marijuana or cannabis in a public place unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of her, his, or its professional practice.
- (5) A violation of Subsection (4) of this ordinance shall be subject to a forfeiture of up to one hundred dollars (\$100). (Am. by Ord. 9244, 8-14-87).
- (6) A violation of this ordinance is not a crime and shall not subject a person found in violation thereof to loss of civil rights or to other disabilities imposed upon a person convicted of a crime. No entry or other record may be made which indicates that a person alleged or found to have violated this ordinance has been arrested for, charged with, prosecuted for, or convicted of a crime.
- (7) Separability Clause. If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Section 23.20 Cr. by Ord. 5833, 4-18-77)

Link to City of Madison Ordinances:

<http://library.municode.com/index.aspx?clientID=50000&stateID=49&statename=Wisconsin>

State of Wisconsin



2013 Senate Bill 150

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 293

AN ACT to renumber and amend 59.54 (25) and 59.54 (25g); to amend 66.0107 (1) (bm) and 66.0107 (1) (bn); and to create 59.54 (25) (a) 1. and 2. and 59.54 (25g) (a) 1. and 2. of the statutes; relating to: local ordinances regarding possession of marijuana or a synthetic cannabinoid.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.54 (25) of the statutes is renumbered 59.54 (25) (a) (intro.) and amended to read:

59.54 (25) (a) (intro.) The board may enact and enforce an ordinance to prohibit the possession of ~~25 grams or less of~~ marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction in this state for possession of marijuana, in this state shall not the subject of the complaint may not be prosecuted under this subsection. for the same action that is the subject of the complaint unless all of the following occur:

(b) Any ordinance enacted under this subsection par. (a) applies in every municipality within the county.

SECTION 2. 59.54 (25) (a) 1. and 2. of the statutes are created to read:

59.54 (25) (a) 1. The charges for violating the state statute are dismissed or the district attorney declines to prosecute the case.

2. Either the city, village, or town with jurisdiction over the action has no ordinance enacted under s. 66.0107

(1) (bm) in effect or the city, village, or town with jurisdiction over the action has declined to prosecute or has dismissed the charges for the violation of the ordinance enacted under s. 66.0107 (1) (bm).

SECTION 3. 59.54 (25g) of the statutes is renumbered 59.54 (25g) (a) (intro.) and amended to read:

59.54 (25g) (a) (intro.) The board may enact and enforce an ordinance to prohibit the possession of any controlled substance specified in s. 961.14 (4) (tb) to (ty), and provide a forfeiture for a violation of the ordinance, except that any person who is charged with if a complaint is issued regarding an allegation of possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction in this state for possession of a controlled substance in this state shall not, the subject of the complaint may not be prosecuted under this subsection. for the same action that is the subject of the complaint unless all of the following occur:

(b) Any ordinance enacted under this subsection par. (a) applies in every municipality within the county.

SECTION 4. 59.54 (25g) (a) 1. and 2. of the statutes are created to read:

59.54 (25g) (a) 1. The charges for violating the state statute are dismissed or the district attorney declines to prosecute the case.

2. Either the city, village, or town with jurisdiction over the action has no ordinance enacted under s. 66.0107

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(1) (bn) in effect or the city, village, or town with jurisdiction over the action has declined to prosecute or has dismissed the charges for the violation of the ordinance enacted under s. 66.0107 (1) (bn).

SECTION 5. 66.0107 (1) (bn) of the statutes is amended to read:

66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that ~~any person who is charged with if a complaint is issued regarding an allegation of possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction in this state for possession of marijuana, in this state shall not the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the~~

~~charges are dismissed or the district attorney declines to prosecute the case.~~

SECTION 6. 66.0107 (1) (bn) of the statutes is amended to read:

66.0107 (1) (bn) Enact and enforce an ordinance to prohibit the possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) and provide a forfeiture for a violation of the ordinance, except that ~~any person who is charged with if a complaint is issued regarding an allegation of possession of a controlled substance specified in s. 961.14 (4) (tb) to (ty) following a conviction in this state for possession of a controlled substance in this state shall not, the subject of the complaint may not be prosecuted under this paragraph for the same action that is the subject of the complaint unless the charges are dismissed or the district attorney declines to prosecute the case.~~

Chapter 24 - POSSESSION AND USE OF MARIJUANA

24.01. - Possession of marijuana.

No person within the county shall possess or use marijuana in amounts of twenty-five (25) grams or less unless the marijuana was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his/her professional practice or except as authorized by ch. 961, Wis. Stats.

24.015. - Possession and delivery of drug paraphernalia.

- (1) In this section, "drug paraphernalia" has the meaning given in Wis. Stat. § 961.571.
- (2) 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 a controlled substance or controlled substance analog in violation of Wis. Stat. ch. 961.
- (3) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used 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 a controlled substance or controlled substance analog in violation of Wis. Stat. ch. 961.

24.02. - Penalty.

Any person violating the provisions of this chapter may be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

24.03. - Definitions.

'Marijuana' and 'practitioner' as used in this chapter shall be defined according to s. 961.01 (14) and (19)(a), Wis. Stats., respectively.

LEGISLATIVE HISTORY

All sections effective upon passage and publication unless otherwise indicated.

Ch. 24. Created - July 15, 1975, J. Proc. p. 1358, 1367 [as printed June 17, 1975, p. 1153—54], published July 31, 1975.

24.01. Amended - Dec. 13, 1990, J. Proc. p. 2860—61, published Jan. 16, 1991; May 22, 1997, J. Proc. p. 816—18, 823—24, published June 23, 1997.

24.015. Created - Jan. 12, 2005, J. Proc.

24.02. Amended - May 22, 1997, J. Proc. p. 816—18, 823—24, published June 23, 1997.

24.03. Repealed 24.03, renumbered 24.04 as 24.03 and amended 24.03 - May 22, 1997, J. Proc. p. 816—18, 823—24, published June 23, 1997.