

Buffalo County Ordinance

Drafted By: T. Clark

County Department: Sheriff

Presented Month/Year: 04/10

Fiscal Impact: YES / NO

Involved Committees: Law Enforcement

AC Approved: YES / NO

ORDINANCE 10-04-01

POSSESSION OF MARIJUANA AND POSSESSION OF DRUG PARAPHERNALIA

**AN ORDINANCE PROHIBITING CERTAIN ACTIVITIES MADE CRIMES UNDER
WISCONSIN STATUTES.**

The Board of Supervisors of Buffalo County do 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 14 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, tetrahydrocannabinol 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 agency in every municipality within Buffalo County.

VI. STATUTES APPLICABLE

This ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of State Statutes 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 Statutes.

VII. REPEAL OF CONFLICTING ORDINANCES

All Ordinances, or parts of Ordinances, previously enacted by the Buffalo County Board of Supervisors, Buffalo County, Wisconsin, which are in conflict with this Ordinance are hereby repealed.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication.

Duly adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the _____ day of _____, 2010.

Robert M. Halverson
Buffalo County Clerk

ATTEST:

[Signature]
Buffalo County Board Chairperson

Respectfully Submitted:

Law Enforcement Committee

Corey Lewis
Corey Lewis

Ronald Helwig
Ronald Helwig

John Bauer
John Bauer

Steven Weiss
Steven Weiss

John Kriesel
John Kriesel

ANTICIPATED FINANCIAL IMPACT STATEMENT

Current Year:	Projected Revenue:	Unknown
	Wages and Benefits:	None
	All Other Costs:	None
Future Years:	Projected Revenue:	Unknown
	Wages and Benefits:	None
	All Other Costs:	None

