

TOWN OF GIBRALTAR
ORDINANCE 2022-01
POSSESSION OF MARIJUANA

Ordinance 2022-01 Identified in the code of ordinances as 10.17 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The primary purpose of this ordinance is to prohibit the use and possession of Marijuana.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

Definitions

a. "Marijuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinol. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

b. "Practitioner" means:

1. A physician, advanced practice nurse, dentist, veterinarian, podiatrist, optometrist, scientific investigator, or other person licensed, registered, certified 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.

General Provisions

a. This ordinance shall apply to individuals possessing less than one ounce of marijuana.

b. It shall be a violation of this ordinance for any person to possess and or use 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 otherwise authorized by Chapter 161, Wisconsin Statutes.

Penalty

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00, nor more than \$500.00, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

Enforcement

a. Enforcement shall be by citation.

b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.

c. Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.

d. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.