

Ordinance 08-03-15-01
An Ordinance Creating Sec. 42-121 of the Municipal Code of the
Village of Fontana on Geneva Lake regarding synthetic marijuana.

The Board of Trustees for the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

Section 1. Section 42-121 of the Municipal Code of the Village of Fontana on Geneva Lake is hereby amended as follows:

Sec. 42-121. - Possession of controlled substances prohibited.

- a. No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 161.01(14), subject to the exceptions in Wis. Stats. § 161.41(3r), except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state, shall not be prosecuted under this subsection.
- b. Any person who violates subsections (a) and (c) shall, upon conviction, forfeit not less than \$100.00, nor more than \$1,000.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail unless full payment is made, but not to exceed 60 days.
 1. Any person who violates subsections (a) and (c) shall, upon a second or subsequent conviction, forfeit not less than \$200.00, nor more than \$2,000.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail unless full payment is made, but not to exceed 60 days.
- c. Possession, purchase, display, sale and use of synthetic marijuana is prohibited. No person or entity shall possess, purchase, display for sale, attempt to sell, give, barter or use any chemical derivative of marijuana or any other substance designed to mimic the physical, psychological, intoxicating, narcotic, or other effects of marijuana. There is an exception for Medical and Dental Use. Acts prohibited under this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided such use is permitted under state and federal laws. If any part of this section is found to be unconstitutional or otherwise invalid, the validity of the remaining parts shall not be affected.

Section 2. Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 3rd day of August, 2015.

Village of Fontana on Geneva Lake

By: _____
Patrick Kenny, President

Attest: _____
Theresa Linneman, Clerk