

TOWN OF BUCHANAN

ORDINANCE NO. 2011-05

POSSESSION OF DRUG PARAPHERNALIA PROHIBITED

The Town Board of the Town of Buchanan does hereby ordain as follows:

Section 420-5 of the Municipal Code of the Town of Buchanan is hereby created to provide:

“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 this ordinance. For purpose of this ordinance, the term “Drug Paraphernalia” shall be defined as provide in Sec. 961. 571 of the Wisconsin Statutes. This ordinance is adopted pursuant to Sec. 66.0107(1)(bp) of the Wisconsin Statutes.

Exemption: This Ordinance does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Chapter 961 of the Wisconsin Statutes. This Ordinance does not prohibit the possession, manufacture or use of hypodermics in accordance with Chapter 961 of the Wisconsin Statutes.

Penalty: For a violation of this Ordinance the offender, upon conviction, be required to forfeit not less than fifty dollars (\$50.00) no more than five hundred dollars (\$500.00) together with the costs of prosecution.”

Severability: The sentences, clauses, and phrases in this Ordinance are severable and if any phrase, clause or sentence of this Ordinance shall be declared unconstitutional by any judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sentences, clauses, or phrases of this Ordinance.

This Ordinance shall take effect upon passage and publication.

Adopted this 16th day of August, 2011.

TOWN OF BUCHANAN:

Mark McAndrews
Town Chairperson

Attest:

Angela Gorall
Town Administrator/Clerk