

## TITLE IX

### Chapter 42

#### POSSESSION OF CONTROLLED SUBSTANCES

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#### 42.01 POLICY.

We live in a chemical society. Proper utilization of drugs and various chemicals can accomplish a great deal for our society. Improper usage and abuse could destroy an individual and the quality of life in the Blair area. Therefore, it shall be the policy of the City to encourage, foster and develop positive steps toward proper utilization and take a firm stance to arrest, intervene and prevent abuse.

#### 42.02 ADOPTION OF WISCONSIN STATUTES.

- (1) It shall be unlawful for any person to knowingly possess, keep or maintain any narcotic drug, marijuana, stimulant, depressant, hallucinogenic drug or any substance defined as a controlled substance in Chapter 961, Wis. Stat., commonly known as the "Uniform Controlled Substance Act".
- (2) It shall be unlawful for any person to use, or possess with the primary intent to use, drug paraphernalia as defined in Section 961.571 WI STAT.
- (3) The prohibitions set forth above are exempt if the controlled substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional capacity, be it a physician, pharmacist or other authorized person, and except as otherwise authorized by Chapter 961, Wis. Stat.

#### 42.025 PROHIBIT PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY UNDERAGE PERSONS.

- (1) Public policy of the State of Wisconsin and the City of Blair is to prohibit tobacco possession and use by persons under the age of eighteen (18).
- (2) It shall be unlawful for persons under the age of eighteen (18) to purchase or possess cigarettes or other tobacco products. A minor shall not do any of the following:
  - (A) Purchase or attempt to purchase a tobacco product or vapor product.
  - (B) Possess or attempt to possess a tobacco product or vapor product.
  - (C) Use a tobacco product or vapor product in a public place.
  - (D) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her proof of age for the purpose of

purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

- (3) An individual who violates subsection two (2) shall be subject to the following penalties:
  - (A) For the first violation, the person is responsible for a civil infraction punishable by a civil fine of fifty dollars (\$50.00).
  - (B) Second and subsequent violations within a year period, the person is responsible for a civil infraction punishable by a civil fine of seventy-five dollars (\$75.00).
- (4) Furnishing to minors.
  - (A) A person shall not sell, give or furnish any vapor product to a minor, including, but not limited to, through a vending machine. A person who violates this subsection or subsections is subject to a fine of not more than one hundred dollars (\$100.00) for each violation.
  - (B) Subsection (a) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of the minor's employment.
    - 1.) Before selling, offering for sale, giving, or furnishing a vapor product to an individual, a person shall verify that the individual is at least eighteen (18) years of age.
- (5) The provisions of §§254.92(1) and §§254.92(2) Wis. Stat. are adopted and incorporated by reference.

42.03

PENALTY.

Any person violating this ordinance shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00) for each offense, together with the costs of prosecution, Failure to pay the fine, upon conviction, will result in the issuance of a Civil Commitment Order.

This penalty section does not apply to Section 42.025 which has separate penalty provisions.

September 11, 2011 – create Section 42.025

August 12, 2013 – repeal and recreate Section 42.03

November 14, 2016 – repeal and recreate Section 42.02(2) and 42.03