

(1) PURPOSE. The people of Milwaukee specifically determine that the regulations herein contained concerning marijuana and cannabis are necessary to serve the ethical purpose of providing just and equitable legal treatment of the citizens of this community; to preserve the respect of such citizens for law, its process, and its administration; and to free up police and criminal justice resources to more readily deal with crimes of greater significance to public safety.

(2) DEFINITIONS. In this section:

Cannabis. The resin extracted from any part of the plant Cannabis Sativa L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

Casually possess. The possession of not more than twenty-eight (28) grams of cannabis, or one hundred and twelve (112) grams of marijuana.

Marijuana. All parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Public place. A place which is in public ownership or a place to which the public has access; distinguished from a private place.

In plain sight. Clearly visible to the naked eye; not confined wholly within an opaque container

Explicitly prohibited. Clearly posted signage stating prohibition

(3) PRIVATE POSSESSION A person may casually possess marijuana or cannabis in a private place. Such casual possession is not a crime and is not subject to forfeiture.

(4) PUBLIC POSSESSION A person may casually possess marijuana or cannabis in a public place.

(a) Ex ceptions. A person may not possess marijuana or cannabis in a public place if it is:

(i) visible in plain sight or;

(ii) explicitly prohibited by the property owner in the case of privately owned places with public access.

(b) if the casually possessed marijuana or cannabis is brought into plain sight due to a search or as an unavoidable consequence of following the order of a law enforcement officer, such marijuana or cannabis shall not be considered in violation of Subsection (4)(a)(i) so long as it is removed from plain sight once the police encounter has concluded.

(c) Casually possessing marijuana or cannabis in a public place without violating Subsection (4)(a) is not a crime and is not subject to forfeiture.

(d) A violation of Subsection (4)(a) of this ordinance shall be subject to a forfeiture of up to one hundred dollars (\$100).

(5) SEARCH AND ENFORCEMENT. Since the private or concealed casual possession of marijuana and cannabis is allowed under this ordinance, law enforcement officers should not conduct any search solely for casually possessed marijuana.

(a) In addition, the smell of marijuana is not grounds for a search since it is no longer necessarily indicative of a crime or ordinance violation.

(6) VIOLATIONS ARE NOT A CRIME, A violation of this ordinance is not a crime and shall not subject a person found in violation thereof to loss of civil rights or to other disabilities imposed upon a person convicted of a crime. No entry or other record may be made which indicates that a person alleged or found to have violated this ordinance has been arrested for, charged with, prosecuted for, or convicted of a crime.

(7) SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.