

Chapter 22

An Ordinance Prohibiting the Possession, Sale and Use of Toxic Inhalants (Inhaling Toxic Vapors For Effect)

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22.01 Authority. This Ordinance is enacted under the authority granted by Wisconsin Statute Section 59.54(22) and Section 66.0113.

22.02 Definitions.

- (1) “Abuse” means to ingest, inhale, or otherwise introduce into the human body a hazardous substance in a manner that does not comply with any cautionary labeling that is required for the hazardous substance under § 100.37 or under federal law, or in a manner that is not intended by the manufacture of the hazardous substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or the change the human audio, visual, or mental processes.
- (2) “Distribute” means to transfer a hazardous substance from one person to another.
- (3) “Hazardous substance” has the meaning given in § 100.37(1)(c) and includes any substance or mixture of substances that has the capacity to produce personal injury or illness to a person who abuses the substance.

22.03 Prohibited Acts.

- (1) It shall be a violation of this ordinance for any person to:
 - (a) Possess a hazardous substance with the intent to abuse the hazardous substance.
 - (b) Intentionally abuse a hazardous substance.
 - (c) Distribute or possess with intent to distribute, a hazardous substance, knowing or having reason to know that the hazardous substance will be abused.
- (2) Sections 22.03(a)(1) and (2) above do not apply to a person who possesses or uses the hazardous substance if the substance is obtained from or

pursuant to a valid prescription or order of a practitioner, as defined in § 961.01(19), while acting in the course of professional practice.

- (3) Section 22.03(a)(3) above does not apply to a person who distributes a hazardous substance in the ordinary course of business.

22.04 Penalties. 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 \$1000.00 dollars, together with court costs and costs of prosecution. Failure to make a 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.

22.05 Procedure. Issuance of a citation shall be by law enforcement officers of Kewaunee County. The form of the citation shall be as prescribed in Wis. Stat. Section 66.0113(1)(b). The alleged violator's options and procedures on default shall be as set forth in Wis. Stat. Section 66.0113(3).

22.06 Schedule of Deposits.

- (1) The alleged violator may elect to make a deposit, in cash, money order or certified check of the specified amount to the Kewaunee County Clerk of Court.
- (2) Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Wis. Stat. Section 66.0113(1)(c), in accordance with the schedule of cash deposits. Receipts shall be given for deposits made.
- (3) Any person, firm, or corporation violating any subsection of this Ordinance may stipulate to the guilt or no contest and may pay to the Sheriff or to the Clerk of Court a bond according to the schedule prescribed by the Circuit Court of Kewaunee County, which is presently set forth above in this Ordinance. 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. §66.0114.
- (4) Adoption of this Ordinance does not preclude the Kewaunee County Board of Supervisors from adopting any other ordinance relating to the same or other matter. An issuance of a forfeiture hereunder, shall not preclude the County 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.