

**Agenda**  
**Special Meeting**  
**Public Safety & Welfare Committee**

**Wednesday, September 6, 2023**  
**6:00 PM**

Chairperson:	Jan Michalski	Vice Chairperson:	Rocco J. LaMacchia, Sr
Aldersperson:	Eric Haugaard	Aldersperson:	Kelly MacKay
Aldersperson:	Rollin Pizzala		

Call to Order  
Roll Call

1. Ordinance by Principal Sponsor Aldersperson David Mau – To Amend Section 11.145 (of the Code of General Ordinances for the City of Kenosha) Regarding Drug Paraphernalia. (deferred from the 8/14/23 and 8/28/23 meetings)
2. Resolution by Principal Sponsor Aldersperson David Mau – Amendment to City of Kenosha Bond Schedule for City of Kenosha Municipal Court Approved by Common Council Resolution NO. 6-14 Dated January 8, 2014. (deferred from the 8/14/23 and 8/28/23 meetings)

ALDERPERSONS' COMMENTS

*IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4020 BY NOON BEFORE THIS MEETING TO MAKE ARRANGEMENTS FOR REASONABLE ON-SITE ACCOMMODATIONS.*

ORDINANCE NO.

PRINCIPAL SPONSOR: ALDERPERSON DAVID MAU

TO AMEND SECTION 11.145 OF THE CODE OF  
GENERAL ORDINANCES FOR THE CITY OF  
KENOSHA REGARDING DRUG PARAPHERNALIA

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

**Section One:** Section 11.145 of the Code of General Ordinances for the City of Kenosha is hereby amended as follows:

**11.145. – ~~Possession of Marijuana~~ Drug Paraphernalia.**

**A. Definitions.** The definitions set forth in Wis. Stats. § 961.571~~;~~ are hereby adopted by reference and made a part hereof. Marijuana is defined as in Wis. Stat. § 961.01(14), subject to the exceptions in Wis. Stat. § 961.41(3g)(intro.).

**B. Determination.** The factors set forth in Wis. Stats. § 961.572~~;~~ are hereby adopted by reference and made a part hereof as factors a court or other authority shall consider in making the determinations referred to in Wis. Stats. § 961.572.

**C. Possession of Drug Paraphernalia.** 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 ~~in violation of this subsection~~ Chapter 961 of the Wisconsin Statutes.

**D. Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used 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 ~~in violation of this subsection~~ Chapter 961 of the Wisconsin Statutes.

**E. Penalty.**

1. General Forfeiture. Any person, ~~firm, party or corporation~~ convicted for a violation of the above Ordinance shall forfeit from ten dollars (\$10.00) to seven hundred fifty dollars (\$750.00) for each offense, plus the cost of prosecution, assessments, and surcharges, and in default thereof shall be imprisoned to the County Jail or House of Correction for a period not to exceed ~~ninety-thirty (390)~~ thirty (30) days.

2. Forfeiture for Marijuana Paraphernalia. Where the type of controlled substance within the definition of drug paraphernalia is marijuana, any person convicted for a violation of the above Ordinance shall forfeit one dollar (\$1.00) for each offense, plus the cost of prosecution, assessments, and surcharges, and in default thereof shall be imprisoned to the County Jail or House of Correction for a period not to exceed thirty (30) days. Notwithstanding the foregoing, instead of Paragraph 11.145.E.2., Paragraph 11.145.E.1. will apply in the following circumstances:

a. Where the violation occurred in a school zone, as defined in Section 11.146 of the Code of General Ordinances for the City of Kenosha.

b. Where the violation was committed by a person under the age of eighteen at the time of the violation.

c. Where the violation was committed by a person that, at the same time, consumed marijuana at a designated location. The words “consumed” and “designated location” have the meanings given in Section 11.146 of the Code of General Ordinances for the City of Kenosha.

23. Any drug paraphernalia used in violation of this section shall be forfeited and seized by the City. Any drug paraphernalia forfeited and seized shall be destroyed in accordance with the standard operating procedures established by the Kenosha Police Department.

**Section Two:** This ordinance will go into effect on September 1, 2023.

ATTEST: \_\_\_\_\_, City Clerk/Treasurer  
MICHELLE L. NELSON

APPROVED: \_\_\_\_\_, Mayor  
JOHN M. ANTARAMIAN

Date: \_\_\_\_\_

Passed:

Published:

Drafted By:  
CITY ATTORNEY’S OFFICE

**RESOLUTION NO. \_\_\_\_\_**

**PRINCIPAL SPONSOR: ALDERPERSON DAVID MAU**

**AMENDMENT TO CITY OF KENOSHA BOND SCHEDULE FOR CITY OF KENOSHA MUNICIPAL COURT APPROVED BY COMMON COUNCIL RESOLUTION NO. 6-14 DATED JANUARY 8, 2014**

**WHEREAS**, the City of Kenosha, Wisconsin, has established a Bond Schedule for the City's Ordinances, entitled the "City of Kenosha, Wisconsin, Bond Schedule for Municipal Court" (herein "Bond Schedule"); and,

**WHEREAS**, pursuant to the City of Kenosha Code of General Ordinances Paragraph 1.055 7.b. and Wisconsin Statute § 800.037, City of Kenosha Municipal Court, with the approval of the Common Council for the City of Kenosha, shall set the deposit schedule for all cases other than traffic cases and boating cases; and

**WHEREAS**, pursuant to the City of Kenosha Code of General Ordinances Paragraph 1.055 7.b. and Wisconsin Statute § 800.037, the City Attorney's Office drafted an amendment to its Bond Schedule (herein "Amendment"), which is attached to this Resolution; and,

**WHEREAS**, pursuant to the City of Kenosha Code of General Ordinances Paragraph 1.055 7.b. and Wisconsin Statute § 800.037, prior to coming before the Common Council and its Committees, this Amendment was submitted to the City of Kenosha Municipal Court.

**WHEREAS**, if the Common Council chooses to amend Section 11.145 of the Code of General Ordinances, the Municipal Court has agreed to sign this Amendment to the Bond Schedule to reflect those changes.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Kenosha, Wisconsin, that the Bond Schedule is hereby amended as reflected in the attached Amendment. This Amendment is effective upon passage and publication, and after receiving the signature of the Municipal Court.

**BE IT FURTHER RESOLVED** that the City Attorney's Office will submit this Amendment to the Municipal Court for its review and signature.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST: \_\_\_\_\_ City Clerk

APPROVED: \_\_\_\_\_ Mayor

Drafted By:

CITY ATTORNEY'S OFFICE

**AMENDMENT TO CITY OF KENOSHA BOND SCHEDULE  
FOR CITY OF KENOSHA MUNICIPAL COURT  
APPROVED BY COMMON COUNCIL  
RESOLUTION NO. 6-14 DATED JANUARY 8, 2014**

The bond amount for the following violation of City of Kenosha Code of General Ordinances is amended as follows:

**CHAPTER XI – OFFENSES AGAINST GOOD ORDER AND CONDUCT**

**Former**

11.145 [10-750] \$313.00

**Amendment**

11.145.C. Possession of Drug Paraphernalia Forfeitures pursuant to  
11.145.D. Manufacture of Delivery of Drug Paraphernalia 11.145.E.

11.145.E.1. General Forfeiture \$313.00


11.146.E.2. Forfeiture for Marijuana Paraphernalia \$62.26

The Bond Schedule's section entitled "All Non-Traffic Juvenile Offenses [16 Years and Under]" will not be applicable to forfeitures determined by Section 11.145.E.2.

The Bond Schedule's section entitled "All Non-Traffic Juvenile Offenses [16 Years and Under]" will apply to forfeitures determined by Section 11.145.E.1., and will have expanded applicability to forfeitures thereunder. The Bond Schedule's section entitled "All Non-Traffic Juvenile Offenses [16 Years and Under]" will apply to each person that is under 18 years old and whose forfeiture is determined by Section 11.146.E.1.

Unless specifically amended as above, all other bonds approved by Common Council Resolution No. 6-14 dated January 8, 2014, and any other subsequent amendments that have taken place, remain unchanged and in effect as previously approved.

Amendment Approved By:

  
\_\_\_\_\_  
The Honorable Michael M. Easton  
Municipal Court,  
City of Kenosha, Wisconsin  
Dated: August 10, 2023

Amendment Approved By  
Common Council Resolution No. \_\_\_\_ - \_\_\_\_,  
Dated: \_\_\_\_\_, 20\_\_