

..Number

051691

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. ZIELINSKI

..Title

A substitute ordinance relating to frequenting of illegal drug houses.

..Sections

106-37 cr

..Analysis

This ordinance makes it unlawful for any person to knowingly be an inmate of, frequent, patronize or be found within any illegal drug house.

Upon conviction, any person found to be in violation shall be subject to a forfeiture not less than \$500 nor more than \$5000.

..Body

Whereas, The Common Council finds that the abuse, manufacture, distribution, delivery and possession of controlled substances for other than legitimate purposes have a substantial and detrimental effect on the health and general welfare of the people of the City of Milwaukee; and

Whereas, Drug use and drug-related crime constitute a serious problem for society, and their proliferation in the City of Milwaukee is a consistent and increasing threat to public health and safety; and

Whereas, The City of Milwaukee is committed to the prevention and enforcement of illegal drug activity, but has no provisions providing a penalty for persons who frequent drug houses, except for those who are criminally charged; and

Whereas, Persons who violate the prohibition on illegal drug activity have little reason to fear being punished for their actions since police officers cannot issue citations to persons who are not criminally charged; and

Whereas, An enforceable ordinance prohibiting persons from frequenting, patronizing or being found within any illegal drug house will be a useful tool in containing the proliferation of illegal drug activity and will deter individuals from engaging in unlawful behavior; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:
Part 1. Section 106-37 of the code is created to read:

106-37. Frequenting an Illegal Drug House.

1.DEFINITIONS. In this section, “illegal drug house” means any building, place or room not generally open to the public in which there is substantial evidence of violations occurring of the Uniform Controlled Substances Act in Wis. Stats. ch. 961.

2.PROHIBITED ACTIVITIES. It shall be unlawful for any person to knowingly be an inmate of, frequent, patronize or be found within any illegal drug house.

3.PENALTY. Upon conviction, any person found to be in violation of this section shall be subject to a forfeiture not less than \$500 nor more than \$5000, and in default of payment thereof, be imprisoned in the county jail or house of correction not to exceed 90 days. Each day during which a violation is occurring shall constitute a separate offense.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requestor

..Drafter

LRB06163-2

LCS

5/16/06