

INITIATIVE PETITION

NOTICE.

Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.

Enacting new Section 513.20 entitled “Marijuana laws and penalties” to the Village of Windham Codified Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed or invalid.

To the Village Clerk of the Village of Windham, Portage County, Ohio:

We, the undersigned qualified electors of the Village of Windham, Portage County, Ohio, hereby present by initiative petition, a request that there be submitted for consideration of the people and electors of the Village of Windham, Ohio for their approval or rejection, at an election in accordance with the laws of the State of Ohio, the following Ordinance. A full and correct copy of the title and text of said Ordinance is as follows:

THE SENSIBLE MARIHUANA ORDINANCE

Be it ordained by the people of the Village of Windham that:

The new Windham Village Code Section 513.20 be enacted to read as follows:

513.20 . MARIHUANA LAWS AND PENALTIES.

(a) No person shall knowingly obtain, possess, or use marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than two hundred grams, possession of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00

(b) No person shall knowingly obtain, possess, or use hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(1) If the amount of the drug involved is less than ten grams of solid hashish or less than two grams of liquid hashish, possession of hashish is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(c) No person shall knowingly cultivate or manufacture marihuana. The penalty for the offense shall be as follows:

(1) If the amount of the drug involved is less than two hundred grams, illegal cultivation of marihuana is a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(d) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana. The penalty for the offense shall be determined as follows:

(1) Whoever violates this section, anywhere inside village limits, is guilty of trafficking in marihuana, a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(e) No person shall possess, sell, manufacture or use marihuana or hashish paraphernalia. The penalty for the offense shall be as follows:

(1) Whoever violates this section shall be guilty of a minor misdemeanor drug abuse offense. Persons convicted of violating this section shall be fined \$0.00.

(f) All court costs shall be \$0.00 for violations of sections herein.

(g) Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections. Invalid sections shall be revised to the minimum extent necessary to maintain validity and enforceability.

(h) Definitions

(1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; except that it does not include hashish.

(2) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

The form of the ballot by which this ordinance shall be submitted to the electors of the Village of Windham at the next regular election shall be substantially as follows:

“Shall the Village of Windham adopt the sensible marihuana ordinance, which lowers the penalty for misdemeanor marijuana offenses to the lowest penalty allowed by State Law.

	For the Ordinance
	Against the Ordinance

This Ordinance shall become effective on the fifth day after the day on which the board of elections certifies the official vote on such question

Each of the undersigned electors hereby request that said ordinance hereinbefore set forth be certified to the proper election authorities and submitted to the electors of the Village of Windham, Ohio for approval or rejection, and the proper notices be published, all as required by law and the provisions of the State of Ohio.

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AFFIDAVIT OF CIRCULATOR

The State of Ohio, Portage County, ss,

I, _____, being duly sworn, deposes and say that
(Printed name of Circulator)

I reside at the address appearing below my signature hereto: that I am the circulator of the forgoing paper containing _____ signatures: that I witnessed the affixing of each signature, that that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

Signed _____

Address _____

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE